

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

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John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta E. Piñeda
Director

September 26, 2013

Mr. Rudolph Fontanari, Jr.
3316 E ¾ Road
Clifton, CO 81520

**Re: Follow-up Correspondence regarding Roadside Portals (Permit No. C-1981-041)
Bond Release Application SL-8**

Dear Mr. Fontanari:

The purpose of this letter is to follow-up on our telephone conversation yesterday regarding our site visit on September 18, 2013 to your property located within the Roadside Mine permit area. You provided a letter dated September 9, 2013 to Tonya Hammond of J.E. Stover & Associates, Inc stating that you are not in agreement that reclamation has been completed at the Roadside Mine and you inquired about possibly scheduling a walkthrough of the affected properties. As a result, I invited you to attend a regularly scheduled complete inspection of the Roadside Mine on September 18th to look at and address your areas of concern, which you chose to attend. Tonya Hammond of Snowcap Coal Company (SCC) and Jim Stover of J.E. Stover & Associates, Inc were also present for the site inspection. During the site visit you indicated to me that you have several additional concerns regarding the final reclamation status at the Roadside Portals Mine that were not identified in your September 9th letter to J.E. Stover & Associates. Yesterday during our phone conversation you inquired about the process for filing a complaint with the Division of Reclamation, Mining and Safety (DRMS).

I am providing this letter to advise you of your options with regard to formally requesting an inspection of the said property using the citizen complaint process or providing objection or comment to the bond release action SL-8 submitted by SCC. These processes are briefly summarized and paraphrased below. Please refer to the Regulations of the Colorado Mined Land Reclamation Board for Coal Mining for more detailed information, which is available on our website at www.mining.state.co.us.

Section Rule 3.03.2 (3) Objections to Requested Release.

“Any person with a valid legal interest which might be adversely affected by release of the bond, ..., shall have the right to file written objections to or comments upon the requested release from bond and file a request for an informal conference with the Division within thirty (30) days of

the last publication of the notice required in (1) (b) above, or within thirty (30) days of the completed inspection, whichever is later.”

Section 5.02.5 Inspections Based Upon Citizen’s Requests.

“(1) Any person who believes there is a violation of the Act, these Rules, or permit conditions required by the Act or that any imminent danger or harm exists, may request the Division to conduct an inspection for violations.

(a) The Division shall conduct the inspection if the citizen request is a signed written request or an oral request followed by a signed written request, which gives the Division sufficient basis to believe that a violation of the Act, these Rules, or any permit or exploration approval has occurred. The Division shall conduct the inspection within 10 days of receipt of the written request. If the request gives the Division sufficient basis to believe that imminent danger or harm exists, the inspection shall be conducted no later than the next day, following receipt of such request.”

If you choose to notify the DRMS in writing objecting to or commenting on the bond release action or requesting an inspection of the site or your property please provide a detailed list with sufficient information that may be used to adequately address each of your concerns.

If you have any questions or require additional information, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Michael P. Boulay". The signature is written in a cursive, flowing style.

Michael P. Boulay
Environmental Protection Specialist
Mike.boulay@state.co.us

cc: DRMS/Denver Project File