



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

PERMIT INFORMATION

Permit Number: C-1981-041 Mine Name: Roadside Portals Operator: Snowcap Coal Company, Inc. Operator Address: Ms. Tonya Hammond P.O. Box 1430 Palisade, CO 81526	County: Mesa Operation Type: Underground Permit Status: Active Ownership: Private
	Operator Representative Present: Tonya Hammond / Brett Fontanari
Operator Representative Signature: (Field Issuance Only) 	

INSPECTION INFORMATION

Inspection Start Date: July 21, 2020 Inspection Start Time: 08:20 Inspection End Date: July 21, 2020 Inspection End Time: 09:40		Inspection Type: Coal Partial Inspection Inspection Reason: Normal I&E Program Weather: Clear	
Joint Inspection Agency: None		Joint Inspection Contacts: None	
Post Inspection Agency: None		Post Inspection Contacts: None	
Inspector(s): Clayton Wein Amy Yeldell	Inspector's Signature: <i>Clayton Wein</i>		Signature Date: 8/3/2020

Inspection Topic Summary

NOTE: Y=Inspected N=Not Inspected R=Comments Noted V=Violation Issued NA=Not Applicable

N - Air Resource Protection

N - Availability of Records

N - Backfill & Grading

N - Excess Spoil and Dev. Waste

N - Explosives

N - Fish & Wildlife

R - Hydrologic Balance

Y - Gen. Compliance With Mine Plan

N - Other

N - Processing Waste

R - Roads

N - Reclamation Success

N - Revegetation

N - Subsidence

N - Slides and Other Damage

N - Support Facilities On-site

Y - Signs and Markers

N - Support Facilities Not On-site

N - Special Categories Of Mining

N - Topsoil

COMMENTS

This was a partial inspection of the Roadside Portals Mine and the Western Slope Flagstone Quarry No. 2, conducted on July 21, 2020. The Division was represented by Clayton Wein and Amy Yeldell of the Active Mines Program of the Division. Tonya Hammond represented Snowcap Coal Company, Inc. and Bret Fontanari represented the operator Rudolph Fontanari. Brett Fontanari is the son of the operator. The weather was clear with a temperature of 75 degrees F and the ground conditions were dry.

The permit boundary of the Western Slope Flagstone Quarry No. 2 (WSFQ) lies within the permit boundary of the Roadside Portals Mine; thus, both permits were inspected by the Division. The inspection began at the northern entrance to the Roadside Mine. A short conversation about where the inspection would start took place between the Division inspectors, Brett Fontanari and Tonya Hammond. Separate vehicles were taken for each member of the inspection party; Amy Yeldell, Tonya Hammond, Brett Fontanari and Clayton Wein. The first stop was made at the base of the access road leading up to the top of the Tract 70 Mesa. This access road had been recently widened by the Operator of the Western Slope Flagstone Quarry No. 2 (Rudolph Fontanari). Amy and Clayton exited their respective vehicles to take Photographs of the access road. There was no conversation with Brett Fontanari at this location.

The site inspection then continued to the next stop at the two pits located on the tract 70 mesa owned by Rudolph Fontanari. At this pit location Amy Yeldell asked Bret if he knew if the Halogeten had been sprayed at the site. Brett turned the discussion over Halogeten into a verbal confrontation with Amy and Clayton Wein. The Division sought to deescalate Brett, noted the site observations, and moved on with the inspection by returning to their respective vehicles. While heading back to the vehicles, Brett asked Clayton for his business card. At the time he did not have one on him. Once back at his vehicle Clayton searched for a pen to write down his name, email and phone number for Brett, information that would have been on a business card. During this time Brett moved very close to Clayton Wein's open vehicle door while he was sitting inside, writing down his contact information. This lasted about 5 minutes.

The next stop was just to the south of the Tract 70 Pits. There had been a spill at this location. Observations were made from the road and then the inspection continued to the top of the Tract 70 Mesa (Photo 1). This area had

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been contentious in the past. A series of irrigation trenches that were created in 2019 still remained at the site. At the top of the Track 70 Mesa Brett requested that the Division observe and document any new site features. After Clayton determined that the feature the Operator was describing had already been previously documented, Brett again became verbally confrontational. Brett walked closer to Clayton Wein while raising the tone of his voice. He was Talking about his and his father's belief that water was entering the Roadside Mine Workings from Rappid Creek, several miles upstream from the current mine boundary. Clayton Wein informed him that that issue was looked at during the SL-8 Bond Release process. The Division at that time concluded there was no water entering the mine from Rapid Creek. The Division told Brett that only new features would be observed by the Division during the current inspection and that the features previously documented had been repaired and released from the Roadside Portals Permit during bond release SL-11. Brett remained verbally confrontational about the released area of Bond Release SL-11. The Division sought to deescalate the continued confrontational manner of Brett and decided that the inspection would continue to the next site area instead of continuing to belabor the repaired feature issue. The Division returned to their respective vehicles.

The site inspection continued to a field that lies approximately 2/3 within the Construction Materials permit boundary. Per permit violation MV-2019-023 and the Board Order dated September 26, 2019, this field is located in an area that is not allowed to have water applied to it, unless its for the purposes of dust suppression. Everyone exited their respective vehicles and the Division documented the observations at the site location (photo 2). Before continuing to the next part of the inspection, the Division inspectors, Tonya Hammond and Brett Fontanari were standing next to the field on the edge of the access road. The inspection group began discussing portions of released reclamation from the Roadside Mine, such as the Cameo Shooting Range. The discussion then shifted to how the crop on Mr. Fontanari's field seemed to be doing well. Amy Yeldell asked Brett if he thought they were going to harvest the crop. Amy stated that she thought they may only be able to cut the crop once this year. The discussion then shifted to the recent weather, Brett Fontanari pulled a closed pocket knife out of his pocket and waived it around in his left hand while talking several times. He continued to do this for several minutes. Brett at this time was not acting agitated or confrontational. Amy Yeldell Noticed the knife and backed up to gain enough distance to be out of reach of Brett. She moved back next to Tonya Hammond approximately 6-8 feet away from Brett. Clayton Wein was standing approximately 8 feet to Brett's left side. Brett then put his left hand in his pocket (along with the pocket knife) and pulled his right hand out of his pants pocket. In Brett's right hand, he was now holding a firearm in a light tan colored holster and proceeded to waive the firearm around in the same fashion as he did with his pocket knife while talking. At this point, Amy Yeldell told Brett to put his firearm away and that the inspection was over. Brett Fontanari rapidly put his right hand back in his pocket with the firearm and then immediately pulled his left hand back out of the other pocket holding his closed pocket knife. Brett then told the inspectors that he just had a knife. Brett Fontanari never removed his right hand from the pocket containing the firearm as the Division and Tonya carefully returned to their vehicles.

The inspectors and Tonya Hammond agreed that they would drive down the road to discuss the next course of action that should be taken. When the inspectors and Ms. Hammond were pulled over on the side of the access road located on the south side of Tract 71, They were discussing what to do next while remaining in their vehicles. Brett Fontanari followed the group in his White Dodge pickup and pulled up behind the group. Amy Yeldell, Tonya Hammond and Clayton Wein did not exit their vehicles at this location. When Mr. Fontanari exited his vehicle the inspection group agreed to leave the site and go to Mesa County Sheriff Deputy Matt King's house, located on Rapid Creek Road. Brett Fontanari did not follow the inspection party to this location. Once at the

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base of Deputy Matt King's house, Amy Yeldell and myself called our seniors Travis Marshall and Jason Musick. At that time, Rudy Fontanari could be seen standing in his driveway looking at the inspection party on Rapid Creek Road.

Due to the actions of Brett Fontanari during the announced Division site inspection of having a firearm in a tan holster, in his right hand, which he waived around and pointed over Amy's left shoulder while talking, the Division made the decision to file a report with the Mesa County Sherriffs Office. Amy Yeldell called the S Mesa County Sherriffs Office dispatch while the inspection party was parked on Rapid Creek Road near Matt King's house. Amy was told by dispatch that a deputy would call back to file a report. During this time members of the inspection made several calls to their management and families. Due to the Department being busy with urgent calls, and waiting for two hours for a response from the sherriffs office, the inspection party made the decision to go to the Mesa County Sheriffs office in Grand Junction, CO to file the report. At the Sheriffs office, Amy, Tonya Hammond, and Clayton Wein filed a police report, which included individual statements with Deputy Andrew Baca. The report is filed as Case # 20-20834. We were told by Deputy Baca that if the Sheriff's office had additional questions that they would call us. At the time there was no indication to us of what the next steps would be if any additional action would be needed on our end.

HYDROLOGIC BALANCE - Rule 4.05

Drainage Control 4.05.1, 4.05.2, 4.05.3; Siltation Structures 4.05.5, 4.05.6; Discharge Structures 4.05.7, 4.05.10; Diversions 4.05.4; Effluent Limits 4.05.2; Ground Water Monitoring 4.05.13; Surface Water Monitoring 4.05.13; Drainage – Acid and Toxic Materials 4.05.8; Impoundments 4.05.6, 4.05.9; Stream Buffer Zones 4.05.18:

During the inspection of the widened Construction Materials site access road on the east side of the Tract 70 Mesa, water was seen seeping out of the fresh cut-slope. There were a couple of locations along the cut-slope that had visible water trickling out of the hillside. The Division noted these areas of seepage in previous inspection reports.

The trenches on top of the Tract 70 mesa were dry (Photo 1). There was no evidence of recent water application to the area. Several trenches trend west-east on the mesa and can be found all along the top of the mesa.

The irrigated field to the south of the Tract 70 Mesa had no water being applied to it (Photo 2 and 3). There was no evidence of recent flows.

ROADS – Rule 4.03

Construction 4.03.1(3)/4.03.2(3), Drainage 4.03.1(4)/4.03.2(4), Surfacing and Maintenance 4.03.1(5) and (6)/4.03.2(5) and (6), Reclamation 4.03.1(7)/4.03.2(7):

The access road on the east side of the Tract 70 Mesa was stable. The road had been recently widened by WSFQ to make the road safer. There were no indications of erosional features. Water was identified seeping out of the cut-slope.

DOCUMENTS RECEIVED: None

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OTHER (SPECIFY): None

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ENFORCEMENT ACTIONS/COMPLIANCE

No enforcement actions were initiated as a result of this inspection, nor are any pending.

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PHOTOGRAPHS



Photo 1: One of the dry trenches on top of the Tract 70 Mesa. The ditch trends west-east. Several ditches like the one in the photo can be found on top of the mesa.

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Photo 2: The northwestern portion of the WSFQ irrigated field.



Photo 3: The southern portion of the WSFQ irrigated field.

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