



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

December 22, 2020

Rudolph Fontanari
3316 E ¾ Road
Clifton, CO 81520

**RE: *Western Slope Flagstone Quarry No. 2, File No. M-1996-076 Acreage Release (AR-1)
Request, Adequacy Review - 2***

Dear Mr. Fontanari:

On December 18, 2020 the Division of Reclamation, Mining and Safety (Division) received additional documentation regarding your Acreage Release (AR-1) Request electronically from Mr. Henderson. The three maps provided (attached) did not meet the minimum requirements of the Act and Rules. The following adequacy items shall be provided prior to the Division considering the request.

Mining Plan Map:

1. Rule 6.2.1(2)(d) – the permit boundary line has not been updated, nor does it depict the entire permit area,
2. Rule 6.4.3(d) – the Division does not have a mining plan map that shows the entire extent of the affected lands,
3. Rule 6.4.3(a) - adjoining owners of record listed are incorrect, land is no longer owned by Powder Mountain Ranch or Powderhorn Properties Co.
4. Rule 6.4.3(b)/(g) - list of structures/utilities has not been updated
5. The anticipated mining phases/dates are inaccurate/misleading. Map(s) should be updated to reflect current progress thus far,

The current map is extremely hard to read, given the amount of information conveyed in a single black and white map. The Operator may wish to use several maps to convey all of the required information of Rule 6.4.3,

Reclamation Plan Map:

6. Rule 6.2.1(2)(d) – the permit boundary line has not been updated, nor does it depict the entire permit area,
7. Rule 6.4.6(a) - topo lines are not representative of anticipated final land configuration. If the removed field will not be mined, adjacent areas would need to be sloped from the edge of the new permit boundary,
8. Water conveyance features are not depicted, meaning they would need to be removed prior to completion of final reclamation,



9. Dates for reclamation phases would need to occur after mining has concluded and are therefore inaccurate,
10. Adjacent landowners need not be included on reclamation maps and are inaccurately listed,
The current map is extremely hard to read, given the amount of information conveyed in a single black and white map. The Operator may wish to use several maps to convey all of the required information of Rule 6.4.6,

Water Map:

11. Does not comply with Rule 6.2.1(2)(a),(b),(c), and possibly (e) no scale provided.
12. Unclear if this is an Exhibit G Map 6.4.7 or just another map showing some of the features on site 6.4.3(f)

Please submit your response(s) to the above listed issue(s) by Monday, January 04, 2021 in order to allow the Division sufficient time for review. This revision has a decision date of January 19, 2021.

If you require additional information, or have questions or concerns, please feel free to contact me.

Sincerely,



Amy Yeldell
Environmental Protection Specialist

Enclosure:

Maps submitted electronically by Mr. Henderson on December 18, 2020

Ec:

Travis Marshall, Senior EPS, Grand Junction DRMS
Scott Schultz, AGO
John Henderson, Operators Counsel



STATE OF
COLORADO

Yeldell - DNR, Amy <amy.yeldell@state.co.us>

Additional Fontanari Maps-Acreage Reduction Request M-1996-076

1 message

John Henderson <jrhcolaw@comcast.net>

Fri, Dec 18, 2020 at 2:17 PM

To: "amy.yeldell@state.co.us" <amy.yeldell@state.co.us>, Scott Schultz <Scott.Schultz@coag.gov>

Amy:

As you know, Fontanari has previously supplied the map and legal description showing the acreage reduction proposal.

You have requested modifications to the Mining Plan Map and Reclamation Plan Map. Mr. Fontanari has prepared drafts of the Maps, being the Modified Mining Plan Map, Modified Reclamation Plan Map, and Addendum A to Modified Reclamation Plan Map "Current and Revised Water Facilities".

If these are satisfactory please let me know.

If any additions are necessary, also let me know and we will prepare the additions.

(By way of note, the initial pit actually began its life as a stock pond, which is why the irrigation ditch was routed to it, and eventually engulfed by mining)

Have a good weekend,

John Henderson

John Richard Henderson
Law Office of John R. Henderson, P.C.
308 E. Simpson Street, Suite 103
Lafayette, CO 80026
Office: 720.512.2953
Cell: 720.971.7063
<https://landwaterlaw.co>
jrhcolaw@comcast.net

3 attachments



Mining Plan with Field Delineated.pdf
4444K

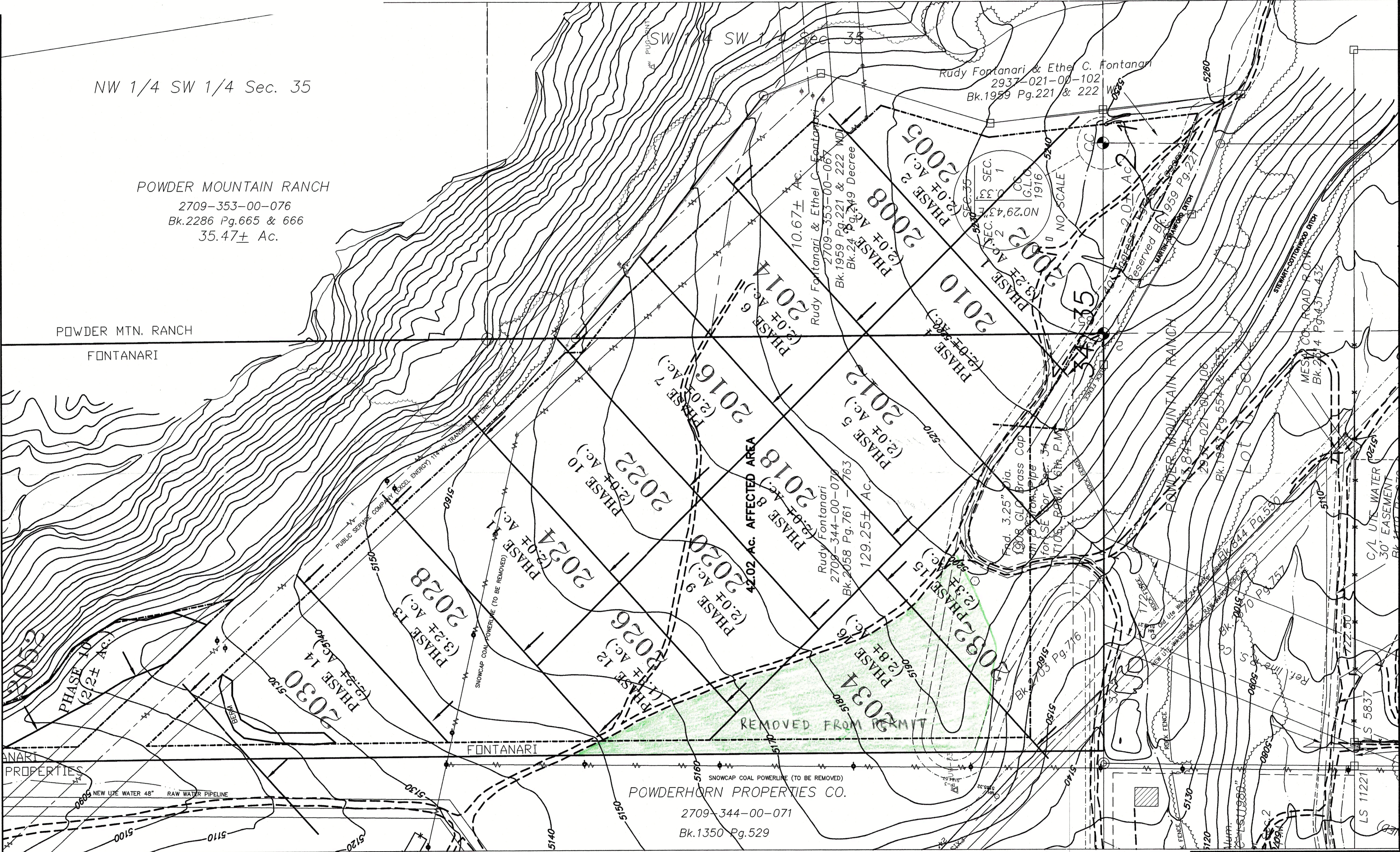


Reclamation with Field Delineated.pdf
6043K



small map of water conveyances larger scale.docx
1093K

(112) PERMIT- MIDDLE AREA MINING & PHASEING PLAN



LEGEND

- FOUND SECTION CONTROL MONUMENT, AS NOTED
- SET NO.5 REBAR W/ ALUM. I.D. CAP "MAP SURVEYS-PLS 11980"
- OVERHEAD POWERLINE OR ELEC. TRANSMISSION LINE
- MINING DIRECTION
- MINING BOUNDARY OF AFFECTED AREA

SURVEYOR'S CERTIFICATE

I, Millard Walter Eldridge, do hereby certify the preparation of this map and plan was done by me, or under my direct supervision, responsibility, and checking, and that the map and plan are correct to the best of my knowledge and belief.

Millard Walter Eldridge 3-31-03
Date of Certification

NOTE:

ALL SOILS WITHIN AFFECTED AREA IS CLASSIFIED AS CLAPPER STONEY LOAM
VEGETATION WITHIN AFFECTED AREA IS RANGE GRASSES AND SALT BRUSH.

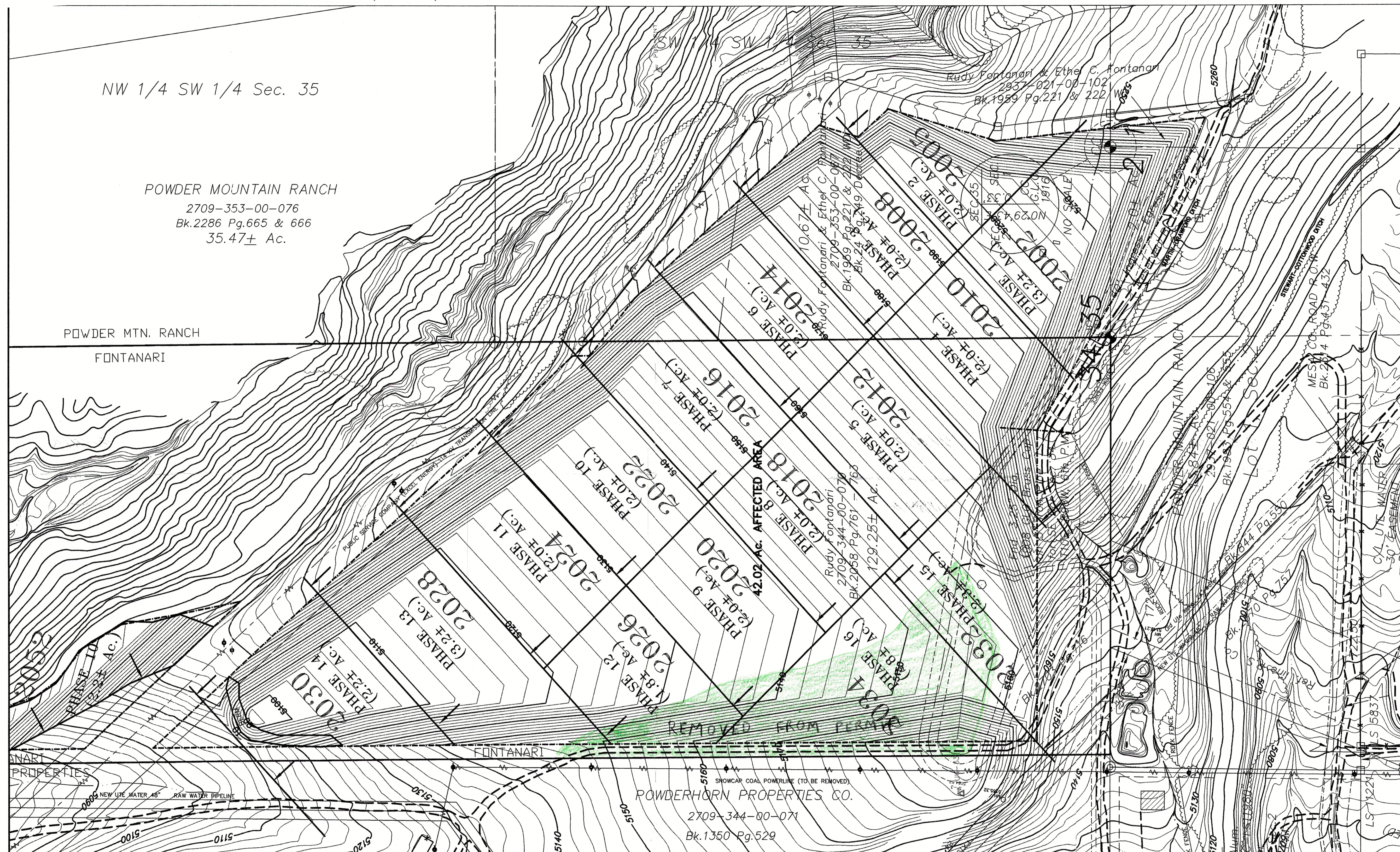
NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

MIDDLE MINE AREA - EXHIBIT C
Sec.34 & 35, T10S, R98W, 6th P.M.

DATE: March 29, 2003 SCALE: 1" = 100'

MAP Surveys, Inc.
MAPPING - PLANNING - SURVEYING
P.O. BOX 290, MESA, COLORADO 81643
(970)268-5851 FAX (970)268-5532

(112) PERMIT- MIDDLE AREA RECLAMATION & PHASEING PLAN



NW 1/4 SW 1/4 Sec. 35

POWDER MOUNTAIN RANCH
2709-353-00-076
Bk.2286 Pg.665 & 666
35.47± Ac.

POWDER MTN. RANCH
FONTANARI

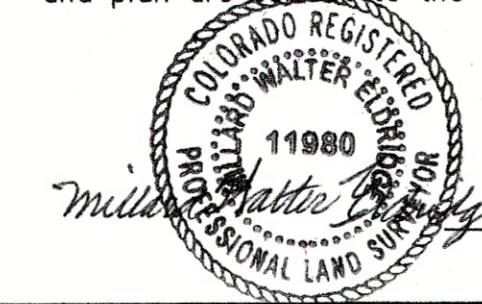
POWDERHORN PROPERTIES CO.
2709-344-00-071
Bk.1350 Pg.529

LEGEND

- FOUND SECTION CONTROL MONUMENT, AS NOTED
- SET NO.5 REBAR W/ ALUM. I.D. CAP "MAP SURVEYS-PLS 11980"
- OVERHEAD POWERLINE OR ELEC. TRANSMISSION LINE
- MINING DIRECTION
- MINING BOUNDARY OF AFFECTED AREA

SURVEYOR'S CERTIFICATE

I, Millard Walter Eldridge, do hereby certify the preparation of this map and plan was done by me, or under my direct supervision, responsibility, and checking, and that the map and plan are correct to the best of my knowledge and belief.

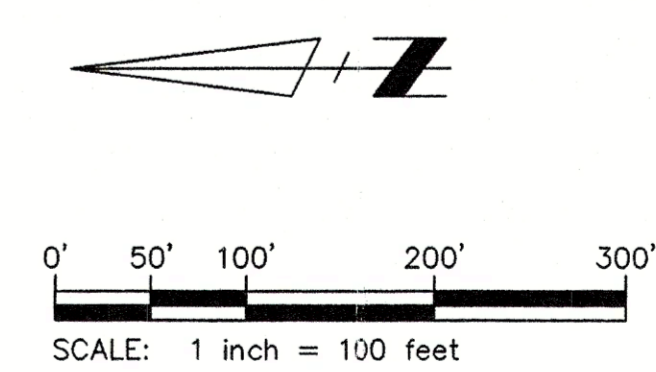


3-31-03
Date of Certification

NOTE:

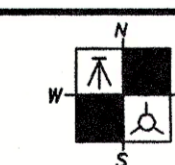
ALL SOILS WITHIN AFFECTED AREA IS CLASSIFIED AS CLAPPER STONEY LOAM
VEGETATION WITHIN AFFECTED AREA IS RANGE GRASSES AND SALT BRUSH.

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.



MIDDLE MINE AREA - EXHIBIT F
Sec.34 & 35, T10S, R98W, 6th P.M.

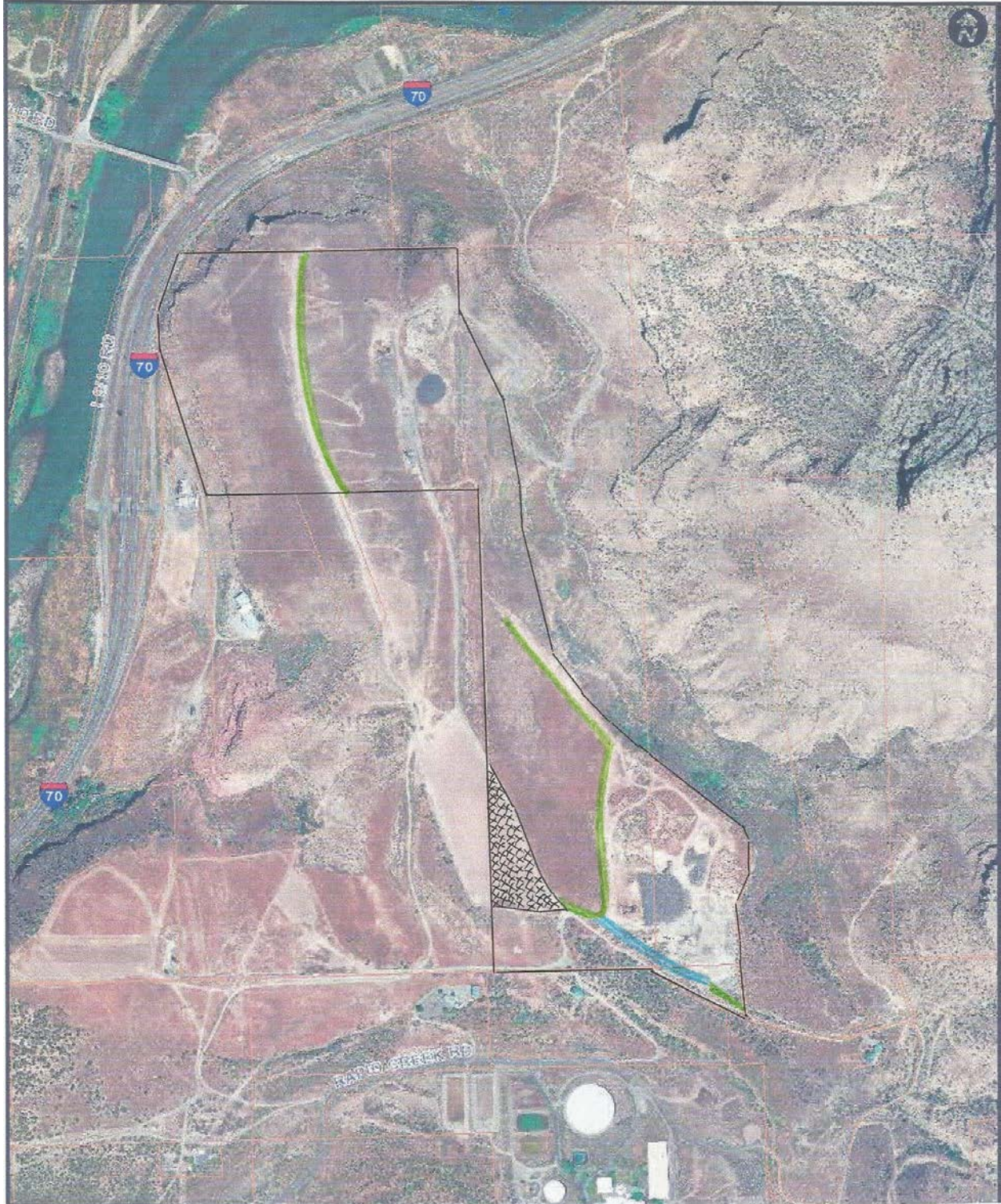
DATE: March 29, 2003 SCALE: 1" = 100'



MAP Surveys, Inc.

MAPPING - PLANNING - SURVEYING
P.O. BOX 290, MESA, COLORADO 81643
(970)268-5851 FAX (970)268-5532

9919PRO2



A black line surrounds the permit area. Black X indicate the field that we wish to exclude from the permit area. Green lines show the owner's underground water conveyances. Blue lines indicate water conveyance via open ditch (not actively used due to availability of piped water nearby).