

# Law Offices of John R. Henderson, P.C.

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February 18, 2021

Amy Yeldell

Environmental Protection Specialist

Division of Reclamation, Mining and Safety

1313 Sherman Street, Room 215

Denver, CO 80203

Scott Schultz

Assistant Attorney General

Natural Resources Section

Ralph L. Carr Colorado Judicial Center

1300 Broadway, 10<sup>th</sup> Floor

Denver, CO 80203

Re: Fontanari Further Extension Request/Request for Bifurcation; M-1996-076;  
AR-1

Dear Amy and Scott:

On January 21, 2021, Fontanari made his third submission of adequacy materials including multiple, full-size maps requested by Amy in prior adequacy review. As these could not be submitted by Monday, January 25, 2021 due to extreme time constraints. By letter of January 21, 2021, Scott Schultz approved a further extension on behalf of Division until February 22, 2021 (for submittals of revised materials) with a March 2 decision date.

Fontanari immediately established contact with his surveyor, Walt Eldridge, to make further changes to the base maps in line with Amy's 3<sup>rd</sup> Adequacy Letter. Mr. Eldridge worked with Mr. Fontanari since the conversion permit application was filed in 2002. Mr. Eldridge created and maintains the electronic files which are the key to the base maps regarding mining, reclamation and water related matters.

After nearly 3 weeks of struggling to get the new requests met, Mr. Eldridge has instructed Mr. Fontanari that his is no longer capable of undertaking new projects, and that he has decided to close his practice. I am not at liberty to go into the medical and other reasons why Mr. Eldridge has made this decision given age and other factors.

Mr. Fontanari is engaged in a search for a new qualified surveyor who can undertake the work and who can utilize the existing electronic files to undertake modifications as requested by Amy in the 3<sup>rd</sup> Adequacy Letter. This is not an easy or quick search, and quick replacement of the qualified professional with the ability to act immediately has proven not possible.

Given the extenuating circumstances of locating a new, qualified professional, we are requesting an additional 30 days to submit amended materials.

In the alternative, Fontanari would request that Division approve AR-1 given that Fontanari has submitted the legal description of the acreage removed, the plat map of the removed acreage, and base mining plan and reclamation plan maps showing the removed acreage. We would request 60 days to provide further amended (and combined) full scale mining plan, reclamation plan and water maps as requested by Amy as these are largely ancillary to the narrower issue of the acreage removal.

We are anticipating your prompt reply to this inquiry.

With regards,

  
John R. Henderson

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Cc: Jeff Fugate (Has requested no mailed copy)

Kendra Beckwith and Darren Alberti, Messner Reeves LLP

Rudolph Fontanari