



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

1313 Sherman Street, Room 215
Denver, CO 80203

February 22, 2021

Rudolph Fontanari
3316 E ¾ Road
Clifton, CO 81520

RE: Western Slope Flagstone Quarry No. 2, Permit No. M-1996-076, AR-1 Decision Due Date 30-Day Extension Request, Approval-3

Dear Mr. Fontanari:

On February 18, 2021, the Division of Reclamation Mining and Safety (Division) received a request from your counsel, John Henderson, to extend the decision due date of AR-1. The request is attached. The Division is approving a 30-day extension request. The decision due date for acreage release request AR-1 has now been set for April 2, 2021.

As a courtesy the Division has also attached a list of Consulting Firms for the Minerals Regulatory Process. This list may be useful in finding a qualified surveyor to produce the required maps. Please note that the Division does not "specifically" endorse any of the companies listed but has had experience working with each one.

Please submit responses to the adequacy review #3 by Friday, March 26, 2021, in order to allow the Division sufficient time for review. If any adequacy issues still remain by the decision due date, the Division may deny your request.

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

Sincerely,

/s/ Scott Schultz
Scott Schultz

Enclosure:
February 18, 2021 Extension Request
DRMS List of Consulting Firms for Minerals and Prospecting Processes

Ec:
Travis Marshall, Senior EPS, Grand Junction DRMS
Amy Yeldell, EPS DRMS
John Henderson, Counsel



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

308 E. Simpson St. Suite 103
Lafayette, CO 80026
jrhc law@comcast.net

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, 10th 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 3rd 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 3rd 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

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

Cc: Jeff Fugate (Has requested no mailed copy)

Kendra Beckwith and Darren Alberti, Messner Reeves LLP

Rudolph Fontanari

Consulting Firms - Minerals and Prospecting Processes

| | | | |
|--|---|---|---|
| <p>Aquionix, Inc. 5545 W. 56th Ave, Unit E Arvada, CO 80002 303-289-7520 tmcardwell@aquionix.com www.aquionix.com</p> | <p>Bishop-Brogden Associates, Inc. 333 W Hampden Ave, Ste 1050 Englewood CO 80110 303-806-8952 jgeorge@bbawater.com www.bbawater.com</p> | <p>Civil Resources, LLC 323 5th Street PO Box 680 Frederick CO 80530 303-833-1416 brad@civilresources.com www.civilresources.com</p> | <p>Ecosphere Environmental Services 776 E. 2nd Avenue Durango CO 81301 970-382-7256 / 970-759-4830 fitz@ecosphere-services.com www.ecosphere-services.com</p> |
| <p>Environment, Inc. 7985 Vance Dr. #205 Arvada CO 80003 303-423-7297 environment-inc@outdrs.net</p> | <p>Environmental Alternatives Inc. PO. Box 326 Cañon City CO 81215 719-275-8951 eai@bresnan.net www.envalternatives.com</p> | <p>ICF Consulting 3665 JFK Parkway, Building 1, Suite 300 Fort Collins CO 80525 970-372-3903 scott.duincan@icf.com andrew.newman@icf.com www.icf.com</p> | <p>Greg Lewicki and Associates, PLLC 3375 W Powers Circle Littleton CO 80123 303-346-5196 / 720-842-5321 info@lewicki.biz www.lewicki.biz</p> |
| <p>River City Consultants 744 Horizon Ct., Ste 110 Grand Junction CO 81506 970-241-4722 info@rccwest.com https://rccwest.com/contact/</p> | <p>Stantec 2000 South Colorado Blvd, Ste 2-300 Denver CO 80222-7933 720-889-6122 paul.kos@stantec.com https://www.stantec.com/en/markets/mining</p> | <p>JE Stover & Associates, Inc. 2352 N 7th St, Unit B Grand Junction CO 81501 970-245-4101 jestover@bresnan.net www.jestover.com</p> | <p>Telesto Solutions, Inc. 3801 Automation Way, Ste 201 Fort Collins CO 80525 970-484-7704 ttigges@telesto-inc.com wniccoli@telesto-inc.com www.telesto-inc.com</p> |
| <p>Tetra Tech, Inc. 350 Indiana Street, Ste 500 Golden CO 80401 303-217-5700 janette.hagaman@tetrattech.com www.tetrattech.com</p> | <p>Vibra-Tech Engineers, Inc. 4818 East Ben White Blvd., Suite 202 Austin TX 78741 512-442-6464 www.geosonicsvibratech.com texas@vibratechinc.com</p> | <p>Western Water & Land, Inc. 743 Horizon Ct. Suite 330 Grand Junction CO 81506 970-242-0170/970-270-6216 www.westernwaterandland.com bsmith@westernwaterandland.com</p> | |

This list is provided solely as a service to the regulated community, and in no way constitutes any endorsement of any of the listed firms or individuals. If you are a consulting firm that would like to be added to this list, please send your contact information to dnr_drms_permitadmin@state.co.us.