



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

April 9, 2024

Brett Fontanari
Western Slope Flagstone Quarry No. 2
3316 E ¾ Rd
Clifton, CO 81520

RE: Western Slope Flagstone Quarry No. 2, Permit M-1996-076, Requirements for Transfer of Mineral Permit and Succession of Operators, Revision SO-01

Dear Mr. Fontanari:

On April 5, 2024 the Division of Reclamation, Mining and Safety spoke with you about the process for a Transfer of Mineral Permit and Succession of Operators for the Western Flagstone Quarry No. 2, Permit M-1996-076. As requested here are the necessary forms and detailed instructions to complete the permit transfer process.

Application Form

1. Complete the application form and submit with the application filing fee of \$144.00. Mail all documentation to:

DRMS, Rm 215
1001 E 62nd Ave
Denver, CO 80216

2. Please note that the Application Form must be fully completed and must bear the original notarized signature of an authorized representative of BOTH the Permittee and the Prospective Successor.

Performance Warranty

3. The party wishing to become Successor ("Prospective Successor") must agree to assume all liability for the reclamation of affected land and must provide a Performance Warranty covering the same. See C.R.S. §§ 34-32-119 and 34-32.5-119. A Performance Warranty Form is included in this Application Packet. The Performance



Warranty Form must bear the original notarized signature of an authorized representative of the Prospective Successor.

Legal Right of Enter

4. All Permittees must provide a description of the basis for legal right of entry to the site and to conduct mining and reclamation. To comply with this requirement, the Prospective Successor must demonstrate that he/she/it has obtained a legal right of entry from any and all surface and mineral rights owners in the affected lands, independent of the current Permittee.
 - a. This may be a copy of an access lease, deed, abstract of title, current tax receipt, or a signed and notarized statement by the property owners stating that the Prospective Successor has a legal right to enter.
5. Updated easements/access agreements from Powderhorn Properties (Snow Cap Coal Company, Inc.). Original Agreement Attached as an example.

Structure Agreement

6. Structure Agreements are required for all permanent man-made structures and utilities within 200 feet of the affected lands. One agreement per structure owner with all features (structures) listed. If an agreement cannot be obtained than a Geo-tech may be provided, see Rules 6.3.12 and 6.4.19. The following agreements will be required:
 - a. Mesa County – Rapid Creek Road
 - b. American Tower, L.P. (Tel-Com) – Radio communication tower / facilities
 - c. Snowcap Coal Company, Inc. – Electric transmission line and below ground supporting structures.
 - d. Ute Water Conservation District – Water pipeline
 - e. Public Service Company of Colorado – gas and electric transmission lines

Financial Warranty

7. You have requested to re-use the existing cash bonds. Please include a letter indicating this information with the application materials.

8. Completed Check for Deposit form (enclosed). The Division will fill out the check numbers and amount currently held by the Divisions.
9. A completed W-9 application (enclosed).
10. An affidavit of authority (enclosed)

* In order to ensure the adequacy of the Financial Warranties, the Division must recalculate the required Financial Warranty whenever it receives an SO Application. Depending upon the state of the operation and the outstanding reclamation work, the Successor may be required to post a higher

Misc.

11. Signature on behalf of the current Permittee is required. Given that the current Operator is unable to sign on their own behalf the executor of estate shall sign on their behalf. Please provide documentation showing the legal ability to do so.

If you have any additional questions, please contact the Division.

Sincerely,



Amy Yeldell
Environmental Protection Specialist

Cc: Sara Stevenson-Benns, Financial Assurance Specialist, DRMS
Travis Marshall, DRMS