



United States  
Department of  
Agriculture

Forest  
Service

South Park Ranger District

320 Highway 285  
Fairplay, CO 80440  
719-836-2031  
Fax: 719-836-3875

File Code: 2810  
Date: March 15, 2018

**CERTIFIED MAIL – RETURN  
RECEIPT REQUESTED  
NUMBER: 7016 0910 0002 0319 8014**

Mr. Taylor Conway  
Claimant/ Operator  
1936 Alpine Drive  
Erie, CO 80516

**RECEIVED**

APR 04 2018

DIVISION OF RECLAMATION  
MINING AND SAFETY

Dear Mr. Conway,

I am writing in regards to the 5<sup>th</sup> Regimental Mine Plan of Operations (MPO) (~~#2810-021210~~ **MPO-2017-005**) for lode exploration on the South Park Ranger District of the Pike National Forest. In my December 4, 2017 letter to you, I informed you that I had signed the 5<sup>th</sup> Regimental Mine Decision Notice (DN) and Finding of No Significant Impact (FONSI) on November 29, 2017 and also instructed you on the final two steps necessary for MPO approval.

On February 14, 2018, I received your signed Design Criteria that incorporated into Section IV-A, the changes and additions that were identified in the DN/ FONSI. As per the Memorandum of Understanding (MOU) between the Forest Service and the State of Colorado, Division of Reclamation, Mining, and Safety (DRMS), the DRMS is the lead bond authority and will be responsible for calculating your reclamation bond. This bond will need to be submitted to and approved by DRMS and the Forest Service in accordance with 36 CFR 228.13, prior to the authorization of your MPO. This bond will be used as a guarantee of faithful performance with the terms and conditions listed in the MPO. As a reminder, the bond can be adjusted during the term of the MPO in response to changes in the operations or to changes in the economy. Also, you may request a partial bond release following completion of the ground disturbing activities (i.e. all but monitoring).

These last two steps conclude the stipulations listed in the DN/ FONSI. Therefore, I have conditionally approved your 5<sup>th</sup> Regimental Mine MPO with my signature in Section IX (Attachment 1). Operations are authorized to begin on May 1, 2018, and are authorized for 2 years, with completion of all activities including reclamation by December 1, 2020.

Please be aware, this approval does not constitute permission to conduct activities that require other agency permits. You are responsible for obtaining all other necessary permits prior to operation. Furthermore, approval of this operating plan in no way authorizes, or in any way permits, a release or threat of a release of hazardous substances or pollutants into the environment that will require a response action or result in the incurrence of response costs.

All designs, monitoring plans, and analyses required by the MPO are subject to the requirement of 36 CFR 228.8 that mining operations be conducted so as, where feasible, to minimize adverse environmental impacts on National Forest surface resources. The operator's compliance with this requirement in no way insulates or releases them from any liability or obligations that may arise



with respect to its operations under any applicable environmental law, including but not limited to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601 et seq. The United States reserves its rights and claims under CERCLA to seek performance of response actions and/or reimbursement of response costs that may be incurred as a result of any release or threat of a release of a hazardous substance from the project, or any ancillary operation for the mining activity.

Prior to ground breaking activities, please contact Geologist Amy Titterington to arrange a field meeting to review the final MPO on site. If you have any questions and/or need clarification regarding the above information, please contact Geologist Amy Titterington at the South Park Ranger District office, by phone at 719-836-2031, and/or by email at amyjtitterington@fs.fed.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Joshua S. Voorhis".

JOSHUA S. VOORHIS  
District Ranger

Enclosures:

- 1) Copy of Signed Mine Plan of Operations dated 3/15/2018
- 2) Copy of Signed Design Criteria dated 2/14/2018

cc: elliott.russell@state.co.us; williamsd@co.teller.co.us

# PLAN OF OPERATIONS FOR MINING ACTIVITIES ON NATIONAL FOREST SYSTEM LANDS

USE OF THIS FORM IS OPTIONAL! 1<sup>st</sup> TIME USERS SHOULD DIRECT QUESTIONS REGARDING THIS FORM OR REGULATIONS (36 CFR 228A) TO THE FOREST SERVICE DISTRICT OFFICE NEAREST YOUR AREA OF INTEREST.

Submitted by:

T S S  
Signature

operator  
Title

4-16-17  
Date  
(mm/dd/yy)

Signature

Title

Date  
(mm/dd/yy)

Plan Received by:

John S. Vocher  
Signature

District Ranger  
Title

4/20/17  
Date  
(mm/dd/yy)

## I. GENERAL INFORMATION

- A. Name of Mine/Project: THE FIFTH REGIMENTAL
- B. Type of Operation: Exploration  
(lode, placer, mill, exploration, development, production, other)
- C. Is this a (☒new/☐continuing) operation? (check one).  
If continuing a previous operation, this plan (☐replaces/☐modifies/☐supplements) a previous plan of operations. (check one)
- D. Proposed start-up date (mm/dd/yy) of operation: 05/01/18
- E. Expected total duration of this operation: 12/1/2020
- F. If seasonal, expected date (mm/dd/yy) of annual reclamation/stabilization close out: 12/01/18
- G. Expected date (mm/dd/yy) for completion of all required reclamation: 12/1/19

## II. PRINCIPALS

- A. Name, address and phone number of operator:  
Taylor Conway 1936 Alpine dr. Erie, CO 80516 (720) 431-0461
- B. Name, address, and phone number of authorized field representative (if other than the operator).  
Attach authorization to act on behalf of operator.  
Same as above
- C. Name, address and phone number of owners of the claims (if different than the operator):  
Same as above

(If more space is needed to fill out a block of information, use additional sheets and attach form)

- D. Name, address and phone number of any other lessees, assigns, agents, etc., and briefly describe their involvement with the operation, if applicable:

none

### III. PROPERTY OR AREA

(Name of claim, if applicable, and the legal land description where the operation will be located.)

MC#	Name	Section	Township	Range
276253	THE FIFTH REGIMENTAL	12	12S	71W

### IV. DESCRIPTION OF THE OPERATION

- A. **Access.** Show on a map (USGS quadrangle map or a National Forest map, for example) the claim boundaries, if applicable, and all access needs such as roads and trails, on and off the claim. Specify which Forest Service roads will be used, where maintenance or reconstruction is proposed, and where new construction is necessary. For new construction, include construction specifications such as widths, grades, etc., location and size of culverts, describe maintenance plans, and the type and size of vehicles and equipment that will use the access routes.

The claim will be accessed by light duty 4x4 trucks and UTV's from Ceder Mountain rd. The project will require 522' x 8' of new road (~0.1 acres). This will require very minimal clearing. In addition, 3670' x 8' of existing road (0.67 acres) will be bonded. All roads will be graded and watered as needed for dust control regularly during operating season. See attached map.

- B. **Map, Sketch or Drawing.** Show location and layout of the area of operation. Identify any streams, creeks or springs if known. Show the size and kind of all surface disturbances such as trenches, pits, settling ponds, stream channels and run-off diversions, waste dumps, drill pads, timber disposal or clearance, etc. Include sizes, capacities, acreage, amounts, locations, materials involved, etc.

See attached map.

(If more space is needed to fill out a block of information, use additional sheets and attach form)

- C. Project Description.** *Describe all aspects of the operation including mining, milling, and exploration methods, materials, equipment, workforce, construction and operation schedule, power requirements, how clearing will be accomplished, topsoil stockpile, waste rock placement, tailings disposal, proposed number of drillholes and depth, depth of proposed suction dredging, and how gravels will be replaced, etc. Calculate production rates of ore. Include justification and calculations for settling pond capacities, and the size of runoff diversion channels.*

The project will consist of three exploration areas.

Area #1 has excavation site of up to 175' x 250' and a total bonded area of 2.05 acres including all stock piles.

Area #2 has a excavation site of up to 160' x 250' and a total bonded area of 1.88 acres including stock piles.

Area #3 has a excavation site of up to 125' x 130' and a total bonded area of 1.06 acres including stock piles.

These areas will be prospected by excavating pits or trenches depending on size and direction of the vein. During excavation, the first 24" of top soil will be piled in designated areas (see map) and covered with hay mulch at a maximum height of 10 feet to prevent erosion until used for final reclamation. All waste rock will be piled in designated areas (see map) and used for backfill upon completion. All excavations will have a maximum depth of 30 feet. Minimal clearing is required and will be done with a chainsaw. All work will be performed by a 2-5 person crews up to 5 days a week; May - October between 8:00am - 6:00pm. The required equipment consist of hammers, picks, pry bars, shovels, 5000w portable generator, a 1 1/2" hammer drill, chainsaw, 3.7 ton Bobcat E42 mini excavator, 3.9 ton Skid Steer and a 16' tow behind trailer. We estimate that we will excavate from 7,000 to 15,000 cy monthly depending upon ease of digging and weather (appx 35 cy/hr - 75 cy/hr).

- D. Equipment and Vehicles.** *Describe that which is proposed for use in your operation (Examples: drill, dozer, wash plant, mill, etc.). Include: sizes, capacity, frequency of use, etc.*

3.7 ton excavator with 1/2 ton trenching bucket and a 3.9 ton skid steer.

Equipment use is estimated for up to 4 hours a day, up to 5 days a week. Up to two 4 x 4 passenger vehicles will be used for worker transport. Estimated use is up to three round trips, up to five times a week. A Ford F-350 water truck will be used for dust control when doing road work and as needed. Small drill seeder will be used for final reclamation.

- E. Structures.** *Include information about fixed or portable structures or facilities planned for the operation. Show locations on the map. Include such things as living quarters, storage sheds, mill buildings, thickener tanks, fuel storage, powder magazines, pipelines, water diversions, trailers, sanitation facilities including sewage disposal, etc. Include engineering design and geotechnical information for project facilities, justification and calculations for sizing of tanks, pipelines and water diversions, etc.*

A 16' tow behind camper will be brought on site during operating months. It contains a sleeping space, tool storage and a restroom. No fixed structures will be required.

## **V. ENVIRONMENTAL PROTECTION MEASURES (SEE 36 CFR 228.8)**

- A. Air Quality.** *Describe measures proposed to minimize impacts on air quality such as obtaining a burning permit for slash disposal or dust abatement on roads.*

(If more space is needed to fill out a block of information, use additional sheets and attach form)

Slash piles will be hauled offsite and turned into mulch, no burning will be required. A water truck will be brought from off site during road work and as needed to control dust issues. All vehicles will used will meet emissions requirments.

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**B. Water Quality.** - State how applicable state and federal water quality standards will be met. Describe measures or management practices to be used to minimize water quality impacts and meet applicable standards.

1. State whether water is to be used in the operation, and describe the quantity, source, methods and design of diversions, storage, use, disposal, and treatment facilities. Include assumptions for sizing water conveyance or storage facilities.
2. Describe methods to control erosion and surface water runoff from all disturbed areas, including waste and tailings dumps.
3. Describe proposed surface water and groundwater quality monitoring, if required, to demonstrate compliance with federal or state water quality standards.
4. Describe the measures to be used to minimize potential water quality impacts during seasonal closures, or for a temporary cessation of operations.
5. If land application is proposed for waste water disposal, the location and operation of the land application system must be described. Also describe how vegetation, soil, and surface and groundwater quality will be protected if land application is used.

- 1.No water will be required for milling or mining efforts.
- 2 Any existing drainage adjacent to the exsisting road will be maintained and new ones will be build where needed..
- 3.No ground or surface water quality will be affected.
4. See number 3
- 5.There is no waste water disposal as no water will be used for the mining or milling process. There is no land application.

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**C. Solid Wastes.** Describe the quantity and the physical and chemical characteristics of solid waste produced by the operation. Describe how the wastes will be disposed of including location and design of facilities, or treated so as to minimize adverse impacts. All rock removed will be used as backfill and there will not be any other soild waste produced.

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**D. Scenic Values.** Describe protection of scenic values such as screening, slash disposal, or timely reclamation.

(If more space is needed to fill out a block of information, use additional sheets and attach form)

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Upon completion of each area, pits and/or trenches will be refilled and reclaimed in a timely manner. Slash will be hauled off weekly and all active areas and roads will be kept clean. Clearing will be kept as minimal as possible.

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*(If more space is needed to fill out a block of information, use additional sheets and attach form)*

- E. **Fish and Wildlife.** *Describe measures to maintain and protect fisheries and wildlife, and their habitat (includes threatened, endangered, and sensitive species) affected by the operations.*  
No water ways will be affected. Any active pits or trenches will be fully fenced with high visibility fencing, along with an easily accessible exit ramp. No threatened, endangered or sensitive animals are present.

- 
- F. **Cultural Resources.** *Describe measures for protecting known historic and archeological values, or new sites in the project area.*  
None present.

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G. **Hazardous Substances.**

1. *Identify the type and volume of all hazardous materials and toxic substances which will be used or generated in the operations including cyanide, solvents, petroleum products, mill, process and laboratory reagents.*  
Diesel and gasoline will be brought in up to 20 gallons at a time.

- 
2. *For each material or substance, describe the methods, volume, and frequency of transport (include type of containers and vehicles), procedures for use of materials or substances, methods, volume, and containers for disposal of materials and substances, security (fencing), identification (signing/labeling), or other special operations requirements necessary to conduct the proposed operations.*

Diesel and gasoline for equipment will be transported in ether DOT approved plastic cans or a metal fuel drum on a company, light duty truck as needed, up to once daily.

- 
3. *Describe the measures to be taken for release of a reportable quantity of a hazardous material or the release of a toxic substance. This includes plans for spill prevention, containment, notification, and cleanup.*  
Absorbent pads will be kept on site in case of leak or spill.

- H. **Reclamation.** Describe the annual and final reclamation standards based on the anticipated schedule for construction, operations, and project closure. Include such items as the removal of structures and facilities including bridges and culverts, a revegetation plan, permanent containment of mine tailings, waste, or sludges which pose a threat of a release into the environment, closing ponds and eliminating standing water, a final surface shaping plan, and post operations monitoring and maintenance plans. By November 1<sup>st</sup> each of year all effected areas and stockpiles will be covered with 2 tons/per acre of hay mulch until mining resumes in the spring. Upon completion, all bonded areas will be refilled with waste rock, covered in 2 tons/per acre of hay mulch and covered with salvaged topsoil. The topsoil/mulch will be drill seeded with a Teller-Park Restoration Native Mix that contains 30% Slender Wheatgrass, 25% Western Wheatgrass, 15% Thickspike Wheatgrass, 10% Arizona Fescue, 5% Blue Gamma, 5% Praire Junegrass at a rate of 15lbs per acer. All roads will also be covered and drill-seeded with same ratio.

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## VI. FOREST SERVICE EVALUATION OF PLAN OF OPERATIONS

- A. Required changes/modifications/special mitigation for plan of operations:

- B. **Bond.** Reclamation of all disturbances connected with this plan of operations is covered by Reclamation Performance Bond No. \_\_\_\_\_, dated (mm/dd/yy) \_\_\_\_\_, signed by \_\_\_\_\_ (Principal) and \_\_\_\_\_ (Surety), for the penal sum of \_\_\_\_\_. This Reclamation Performance Bond is a guarantee of faithful performance with the terms and conditions listed below, and with the reclamation requirements agreed upon in the plan of operations. This Reclamation Performance Bond also extends to and includes any unauthorized activities conducted in connection with this operation.

*The bond amount for this Reclamation Performance Bond was based on a bond calculation worksheet. The bond amount may be adjusted during the term of this proposed plan of operations in response to changes in the operations or to changes in the economy. Both the Reclamation Performance Bond and the bond calculation worksheet are attached to and made part of this plan of operations. Acceptable bond securities (subject to change) include:*

1. Negotiable Treasury bills and notes which are unconditionally guaranteed as to both principle and interest in an amount equal at their par value to the penal sum of the bond; or
2. Certified or cashier's check, bank draft, Post Office money order, cash, assigned certificate of deposit, assigned savings account, blanket bond, or an irrevocable letter of credit equal to the penal sum of the bond.

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## VII. TERMS AND CONDITIONS

- A. If a bond is required, it must be furnished before approval of the plan of operations.
- B. Information provided with this plan marked confidential will be treated in accordance with the agency's laws, rules, and regulations.
- C. Approval of this plan does not constitute certification of ownership to any person named herein and/or recognition of the validity of any mining claim named herein.
- D. Approval of this plan does not relieve me of my responsibility to comply with other applicable state or federal laws, rules, or regulations.
- E. If previously undiscovered cultural resources (historic or prehistoric objects, artifacts, or sites) are exposed as a result of operations, those operations will not proceed until notification is received from the Authorized Officer that provisions for mitigating unforeseen impacts as required by 36 CFR 228.4(e) and 36 CFR 800 have been complied with.
- F. This plan of operations has been approved for a period of 2 years or until (mm/dd/yy) 12/1/2020 A new or revised plan must be submitted in accordance with 36 CFR part 228, subpart A, if operations are to be continued after that time period.

## VIII. OPERATING PLAN ACCEPTANCE

☒ ☐ We have reviewed and agreed to comply with all conditions in this plan of operations including the required changes, modifications, special mitigation, and reclamation requirements.

☒ ☐ We understand that the bond will not be released until the Authorized Officer in charge gives written approval.

Tes SS  
Signature of ☒ Operator (or ☐ Authorized Representative)

4-16-17  
(Date)  
(mm/dd/yy)

## IX. OPERATING PLAN APPROVAL

Joshua Voorhis  
(Name)

District Ranger  
(Title)

John S Voorhis  
Signature of (Authorized Officer)

3/15/2018  
(Date)  
(mm/dd/yy)

### Burden and Non-Discrimination Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0022. The time required to complete this information collection is estimated to average 12 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users

(If more space is needed to fill out a block of information, use additional sheets and attach form)

**Design Criteria for 5<sup>th</sup> Regimental Mine Plan of Operations**  
**November 2017**

**DESIGN CRITERIA**

Forest Service wildlife biologist, botanist, archaeologist, geologist, hydrologist, recreation, lands, timber, wilderness, fuels, and fire specialists have reviewed the proposed project. Measures necessary to protect threatened or endangered species, Region 2 sensitive species, their habitat, or potential habitat from the effects of the proposed management actions are addressed through the development of project design criteria. Design criteria are intended to minimize the project's effects to the environment. The FS has created the following design criteria that will be required of the Operator to be incorporated into the final MPO prior to MPO approval. Specific design criteria include:

**Administration and General Site Requirements**

1. The bond for this operation must be posted prior to commencing any exploration activities. The amount of bond would be calculated to ensure full reclamation and revegetation of areas disturbed by the exploration activity.
2. The Operator shall arrange for the FS to inspect any mining-related equipment, prior to it entering NFS lands at the beginning of each operational period, in order to prevent the spread of noxious weeds and their seeds.
3. The Operator will dispose of camper holding tank contents (if applicable) at an offsite facility or provide a temporary self-contained portable toilet.
4. In the event previously unidentified cultural or paleontological materials are discovered during project implementation, all work will cease until a qualified archaeologist is contacted and the need for further investigation and consultation determined.
5. Operations may be suspended and/or changed if the FS administrator determines that they are not compliant with this decision, the approved Plan, applicable laws or regulations, or that resource conditions have changed. Operations may resume after compliance items have been resolved between the Forest Service, the Operator, and appropriate regulatory agencies.
6. The operator is required to be consistent with Teller County building and sanitation code requirements, with CDRMS permitting requirements, and with the Colorado Department of Public Health and Environment requirements.

These requirements include, but are not limited to state water rights permit, state water discharge permit, county conditional use permit and all necessary building permits. These conditions are included in the approved Plan of Operations. If the operator does not comply with these conditions, he/she will be in noncompliance with the USFS regulations and appropriate action would be taken at that time.

**Access**

7. Access routes will be confined to the existing non-system road unless otherwise approved by the Forest Service Minerals Specialist. This road will be decommissioned during final reclamation.

## **Noxious Weeds**

8. Apply Forest Service approved native seed mix for reclamation practices.
9. Protocols for noxious weed management should include the monitoring and treatment of noxious weeds every year during the life of the mine. Treatment should occur along roads and access roads to reduce the threat of inadvertent distribution.
10. As a standard operating procedure, the Operator should treat noxious weed occurrences as soon as they are identified, and cooperate with the Forest Service to inventory, monitor, and control noxious weeds/undesirable plants within areas of disturbance until release of all bond monies.
11. Establish effective ground cover on disturbed sites to prevent accelerated on-site soil loss. Restore ground cover using certified native plants as practicable to meet revegetation requirements. Avoid persistent or invasive exotic plants.
12. To further minimize the spread of noxious weeds and their seeds, equipment should be washed thoroughly, especially the undercarriage, to eliminate undesirable or noxious weed seeds potentially carried from previous jobs. Washing should occur at the closest facility available, prior to entry onto NFS lands.
13. At the end of the mine life during the mine reclamation period, revegetated areas should be monitored for the presence of plants on the Colorado State Noxious Weed list for a period of five years. A and B list species from the Colorado State Noxious Weed list (Appendix A) will be eradicated prior to bond release.

## **Timber**

14. To the best ability of the Operator, reclaim site to pre-disturbance conditions as listed in the reclamation plan and bond. If at any time deleterious effects occur to multiple trees or larger swathes of existing vegetation please contact Silviculture / Timber management for further consultation.
15. In regards for timber removal, if necessary, all trees to be removed will need to be identified by the Claimant and agreed upon by a USFS Minerals Specialist. Timber specialists will be notified of the agreed upon trees for removal and an inventory will be made. This will allow the Timber Program of Work to account for the volume removed. According to FS handbook / manual the Claimant has the right to free use of timber:

### *2813.13b - Claims Validated Subsequent to Act of 1955*

Such claims which otherwise come under Title 30, United States Code, Section 612 (30 U.S.C. 612) carry the same surface rights as those described in section 2812, except for the following modifications:

1. Right to occupancy and use necessary for prospecting, mining, and processing, but not the exclusive right to the surface. Lands containing such claims are subject to the rights of the United States to manage and dispose of the vegetative resources, to manage other resources except locatable minerals, and to the right of the United States, its permittees and licensees, to use so much of the surface area necessary for such purposes and for access to

adjacent lands.

2. Right to cut timber on the claim for mining uses and for necessary clearing, except that timber cut in the process of necessary clearing cannot be sold by the claimant. The United States has the right to dispose of timber and other vegetative resources.

3. Right to additional timber required for mining purposes, if timber was removed from the claim by the Forest Service after claim location. The quantity and kind of timber to be provided, free of charge from the nearest available source which is ready for harvesting, will be substantially equivalent to that previously removed from the claim.

The Claimant must gather a 2400-1 permit from the South Park Ranger District and follow aforementioned protocol to use the identified timber for removal. Please contact Pike National Forest Timber Staff, if any further questions arise.

### **Water Quality/ Soils**

16. Avoid, minimize, or mitigate adverse effects to soil, water quality, and riparian resources caused by physical and chemical pollutants during minerals exploration activities.

17. Monitor restored ground to ensure no rills or gullies are forming and that no invasive plant species are present.

18. Install contour berms and trenches around vehicle service and refueling areas, chemical storage and use areas, and waste dumps to fully contain spills. Use liners as needed to prevent seepage to groundwater.

19. Reclaim each mining area when its use ends, using certified local native plants as available; avoid persistent or invasive exotic species. Stabilize waste dumps and tailings in non-use periods to prevent wind and water erosion.

20. Reclaim and stabilize facilities, disturbed areas, surface water diversion structures, and transport and storage areas before the end of seasonal shutdown so that they will function as designed to prevent adverse impacts to surface water from erosion and sedimentation.

21. Back-fill and re-contour disturbed areas, including exploratory trenches, pits, or holes to the original contour, where practicable, or to an acceptable post-mining contour that blends with the surrounding topography to re-establish surface and subsurface hydrologic pathways to the extent practicable.

22. Report spills and take appropriate clean-up actions in accordance with applicable state and federal laws, rules and regulations. Contaminated soil and other material shall be removed from NFS lands and disposed of in a manner according to state and federal laws, rules, and regulations.

23. Limit the amount of exposed or disturbed soil at any one time to the minimum necessary for efficient operations during minerals production activities. Stabilize mined areas and surface disturbance activities as soon as practicable before moving and opening new areas.

24. Clearly delineate the geographic limits of the area to be cleared.

25. Conduct extraction activities in such a manner as to minimize the potential for slope failures, limit slope steepness and length, limit disturbed areas to those actively used for extraction, retain existing vegetation as long as possible, and allow for progressive reclamation of the site where practicable.

## **Wildlife - Terrestrial**

26. Existing roads would be used for most operations, and if new roads are determined to be necessary for operations in the MPO, they would be required to be obliterated and reseeded (final reclamation) according to USFS standards.
27. Trees removed should be limited and would be approved by the Forest Service prior to their removal to ensure tree conservation.
28. Trees should not be removed May 15 – July 15 to protect sensitive and migratory birds.
29. Mining activities would not occur in historic mine shafts or adits. If mining activities are proposed in adits or shafts, they would have to first be surveyed for the presence of bats by qualified personnel.
30. Biological surveys should be carried out, using standard protocols recommended by the USFS, for northern goshawk, bald eagle, golden eagle, peregrine falcon and other raptor species prior to project activities.
31. If mining operations are planned in wetland or riparian areas, another BAE would be required and surveys for amphibian species would need to be completed prior to project implementation.
32. Where goshawk or other raptor nests are present, no heavy equipment operations would take place between March 1 and September 30 within a 0.5 mile radius of the nest.
33. Within 650-foot radius of an identified active goshawk nest, no mining activity (including the use of hand tools and occupancy) or vegetation removal would occur at any time.
34. Appropriate reclamation practices and erosion protection measures would be carried out in order to limit the impacts to soil, water and amphibian species.
35. If any nest or den site or migratory bird, threatened, endangered or sensitive (TES) species is located or observed during implementation of the project, the wildlife biologist will be notified and any appropriate conservation measures (for example, timing restrictions or buffer zones) will be put in place

## **Reclamation**

The operator'(s) agree to complete the following reclamation measures:

36. Within the one year expiration of this authorization, the operator will commence final reclamation.
37. Remove all materials and return the mining area to the original natural contours. This includes all excavation cuts.
38. Silt fences or other erosion control will be utilized to prevent off-site sediment transport.
39. Straw waddles must be certified weed-free (shredded aspen fill recommended).
40. Water bars may be required on slopes and access road to control erosion.
41. Slash should be scattered and/ or piled, or used in erosion control on slopes.
42. Any erosion control blankets must be 100% natural fiber (i.e. no monofilament) and

certified weed-free.

43. Reclamation will be monitored by the operator, USFS personnel, and State of Colorado (DRMS) inspectors on an as needed basis.
44. All non-system access roads will be ripped, re-contoured, graded, and seeded at the end of operations.
45. The road and site will be seeded with USFS-approved seed mixtures, as needed.
46. Re-vegetation will not be complete until at least 50% plant re-growth has been established; when compared to adjacent undisturbed areas.
47. Top soil must be saved and used to cover all disturbed areas.
48. Return large rocks, boulders, and logs to their original (general) position.
49. The U.S. Forest Service may require additional reclamation measures if needed.
50. Remove all trash off of Forest Service Lands.
51. Remove all structures (fences, signs) from Forest Service Lands.
52. Complete all reclamation within one year of the end of the operating plan.
53. Refund of any reclamation bond is contingent upon the success of reclamation.

## **MONITORING**

- The Forest Service will monitor and assess the progress of reclamation activities, including re-vegetation and erosion control, for a minimum of three years. Dependent on the success of the second phase of reclamation, additional seeding, weed treatment, or installation of erosion control structures may occur.

## ***THE FOLLOWING STANDARD TERMS AND CONDITIONS ARE TAKEN FROM FOREST SERVICE FORM FS -2800-5 AND ARE REQUIRED FOR THIS PLAN OF OPERATIONS:***

- Information provided within this plan that is marked confidential will be treated in accordance with the agency's laws, rules, and regulations.
- Approval of this plan does not relieve me of my responsibility to comply with other applicable state or federal laws, rules, or regulations.
- Approval of this plan does not constitute recognition or certification of ownership to any person named as owner herein.
- Approval of this operating plan does not constitute, now or in the future, recognition or certification of the validity of any mining claim to which it may relate or to the mineral character of the land on which it lies.

I acknowledge and understand these modifications and mitigation measures. I agree to adopt them into my mining Plan of Operations and abide by them through the life of my mining operation.

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Operator's Signature

Date

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District Ranger

Date