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**File Code:** 2810  
**Date:** April 7, 2021

James and Rochelle Lundy  
Claimants/ Operators  
24154 K 30  
Merrill, IA 51038

Dear Mr. and Mrs. Lundy,

I received your Notice of Intent (NOI) on April 2, 2021, to conduct prospecting and exploration – level activities on your Mosquito Creek 1 unpatented mining claim administered by the South Park Ranger District in portions of Section 8, T. 9 S., R. 78 W., 6<sup>th</sup> Principal Meridian, Park County, Colorado. Your Mosquito Creek 1 NOI has been assigned an identification number of **2810-021210-NOI-2021-007**. Please use this number in all future correspondence.

Although a Plan of Operations (POO) is not needed at this time, there are concerns with your proposed dredging activities on Mosquito Creek. As such, our fisheries and wildlife biologists have created mitigation measures we are requesting for all dredging activities in Mosquito Creek. They are as follows:

### **Riparian, Water and Soil Conservation Measures**

For all in-stream suction dredging or similar activities:

- Materials too large in size to be moved by hand or hand-held implements shall remain undisturbed.
- Anchorage systems for suction dredging operations shall not span the stream or interfere with the passage of watercraft.
- Avoid creating dams or diversions, including inadvertent damming caused by tailing placement.
- Conduct dredging and excavation operation only within the existing wetted perimeter (water line) in the active stream channel and avoid mining or otherwise disturbing streambanks.
- Schedule dredging or excavation to avoid periods of fish spawning and rearing from October 1st through June 1st.
- Provide for fish passage around and through the mining area.
- Provide space between current and recent dredging operations.
- Conduct dredging operations in a way that avoids significant increases in downstream turbidity.
- Use fish screens with woven wire mesh or perforations that do not exceed 0.1 inch on water intake of the dredging equipment.
- If water depletions in the stream are anticipated, report the estimated amount to the Forest Service. If possible, try to avoid water depletions and use a closed loop system.



For all onshore high banking or similar activities:

- Water being used for this operation needs to be returned to the same part of the waterway, immediately following processing, and settling.
- The only disturbance authorized within the stream area is the placement of water pumps.
- Construction of diversion ditches, road building, or significant earthwork is not authorized.
- Onshore work areas are limited to those areas at least 100 feet from the stream and outside of any riparian zones (stream side or wetland vegetation). Riparian vegetation shall not be damaged by operations.

Measures in U.S. Forest Service Handbook 2509.25, Region 2 Watershed Conservation Handbook (U.S. Forest Service 2006) and identified in the Forest Land and Resource Management Plan (LRMP) (1984) for the PSICC, shall be used to protect water resources, minimize sediment input into the stream, and limit impacts to riparian habitat due to mining activities.

- No digging in the creek, or along the edge of the creek that would cause the bank to be undercut and unstable.
- If willows must be removed, re-planting will need to be part of the reclamation.
- No trees along the stream shall be removed or compromised as they are providing bank stability.
- Beavers will not be removed, and their dams will not be taken down.
- High banking may destabilize and erode or undercut the banks. It may also introduce sediment into the creek. Bank destabilization and undercutting will be avoided during high banking.
- To minimize sediment entering Mosquito Creek, a stilling basin (e.g., a small plastic or inflatable pool) will be used to catch and settle out sediment before re-introducing water back into Mosquito Creek or re-used for further dredging.
- The operator shall avoid putting equipment into the stream that may leak petroleum products into the stream. No parking in the creek.
- Human waste shall be packed out of the Forest and disposed of appropriately. No waste or portable toilets will be left behind.
- Stream and access will take place in only a few designated locations that would limit impacts on vegetation and soils. *Please show your access locations on your maps.*
- Mining waste, hazardous materials, all fuel and equipment and excess excavated materials will be stored away from drainages and wet areas to avoid contaminating water. These materials will need to be stored according to standards (i.e., > 100' away from the creek on top of a container that would trap any possible spills). Fueling of equipment will take place outside of the stream (<100 feet).
- Construction equipment entering or leaving from the stream or lake will be pressure washed or steam cleaned to remove any mud, soil, or vegetative material to avoid the spread of invasive species.
- The Operator will follow standard protocol established by Colorado Parks and Wildlife (CPW) and the USFS for preventing the spread of aquatic invasive species, including washing waders and equipment to avoid the spread of invasive species. Any equipment brought into the creek will require whirling disease cleaning and will undergo inspection

for noxious weeds consistent with Forest Service requirements and standards (Attachment 1). The USFS may request inspection of equipment prior to being placed into service.

The key phrase determining whether a mining operation will need an authorized Plan of Operations and reclamation performance bond may be found in 36 CFR 228.4(3), which is, "significant disturbance of surface resources." In following the above measures, you should be able to avoid creating significant disturbance to surface resources, and therefore, avoid the need for a Plan of Operations and a reclamation performance bond.

Other activities that will require a Plan of Operations and reclamation performance bond include:

1. Failing to backfill any holes, pits or trenches.
2. Cutting any trees.
3. Using mechanized equipment.
4. Using roads that are not National Forest System (NFS) roads with mechanized vehicles (including Off Highway Vehicles).
5. Creating new access routes or roads.
6. Constructing any structures or facilities.
7. Placing signage other than mine claim corner post identification.
8. Do anything that might cause a significant disturbance.

No deviation from this NOI is authorized without my prior written approval. Your notice of intent is valid for 2021 or until December 31, 2021. You will need to submit a new NOI for any activities after December 31, 2021.

Please note that where not otherwise restricted, it is prohibited to camp more than 28 days within a continuous 60-day period, and/or occupy any campsite for more than 14 days during this 60-day continuous period within three miles of the previous campsite. In addition, Forest Service Motor Vehicle Use Map (MVUM) requires vehicles to park in areas immediately adjacent to NFS roads.

Finally, as a reminder, you are required to follow all State and Federal mining and water quality rules and regulations.

If you have questions, please contact Geologist Amy Titterington at 719-836-2031 or email her at [amy.j.titterington@usda.gov](mailto:amy.j.titterington@usda.gov).

Sincerely,

**JOSHUA  
VOORHIS**

JOSHUA VOORHIS  
District Ranger

Digitally signed by  
JOSHUA VOORHIS  
Date: 2021.04.07 15:09:38  
-06'00'

Enclosures:

- 1) CPW Quaternary Ammonia Disinfection Protocols
- 2) South Park Ranger District Reclamation Standards – Riparian Stipulations
- 3) NOI Instructions and Form

cc: DRMS - Elliott Russell; Park County Planning Dept - Sheila Cross; CPW - Tyler Swarr



**NOTICE OF INTENT  
FOR MINING ACTIVITIES**  
Pursuant to 36 CFR §228  
(Use of this form is optional)

USFS SOUTH PARK RANGER DISTRICT

Received By: AJT  
Date Received: 04/02/2021  
15-day Response Date: 04/17/2021

I/We, James L. Lundy & Rachelle R. Lundy  
declare my/our intent to conduct mining operations on unpatented National Forest System Lands within the South Park Ranger District of the Pike National Forest. This mining activity will be in the form(s) of:

Graspecting & Work to Clear Rocks & Tree Limbs that have fallen  
Prospecting, Exploration, Development, or Production out of the way.

Name: James & Rachelle Lundy Phone Number: 712-253-0576  
712-253-7051

Mailing Address: 24154 K30

City: Merrill State: IA Zip Code: 51038

Email: rlundyhomes@aol.com

Claim #	Claim Name	Township (North or South)	Range (East or West)	Section(s)	Quarter Section (NE, SE, SW, NW)
<u>294004</u>					
<u>EMC A</u>	<u>Mosquito Creek 1</u>	<u>9S</u>	<u>78W</u>	<u>8</u>	<u>SE 1/4</u>

Surface disturbance resulting from this mining activity will be in the form of: Piling up rock, fallen  
branches, prospecting bar soil, dredging creek bed with 3" hose, metal  
Cuts, pits, trenches, drilling, shafts, tunneling, tree cutting, road/trail construction, tailings deposit, etc. detecting.

Reclamation Plan: Any holes will be filled to Natural State.

Estimated Acres of Disturbance: Less than 10 ft Area Each, Very minimal, using  
hand tools for prospecting, shallow digging.

Work will be implemented by: Back labor, hand tools such as shovel, dredge 2-3" hose.  
Specify handwork, type of tool and/or machinery, etc.

Travel to the operation(s) will be by: Suburban pulling small trailer  
Specify type of vehicle, foot travel, animal, etc.

Owners of claims other than operator: No other Owners

James L. Lundy & Rachelle R. Lundy 24154 K30  
Merrill, IA. 51038  
List names and addresses of individuals, companies, etc.

Proposed start-up date and duration of mining activities (mm/dd/yy): Between 6/5 and 8/30/21 for about  
10 Days when ever we can make it out  
there, due to work schedule.

SIGNATURE OF OPERATOR(S):

[Signature]  
Rachelle R. Lundy

3/12/2021  
(mm/dd/yy)  
3/12/2021  
(mm/dd/yy)

**\*\*A Plan of Operations (form FS-2800-5) will be required for all activities that involve machinery, tree felling, road construction, and other activities that cause significant disturbance (36 CFR 228.4)**

**ATTACH MAP TO NOTICE:** Map must show mining claim, both road and off-road access to work site. Road access is shown in **BLACK**, off-road access is shown in **BLUE**, and proposed road and/or trail construction is shown in **RED**.



## **Notice of Intent Instructions**

### **36 CFR 228.4(a) - Locatable Minerals**

**If you have a question about the NOI process or mining regulations, contact the Forest Service office that administers the lands involved with your proposed mining operation.**

**The purpose of submitting a Notice of Intent (NOI) for a proposed mining operation is to provide the Forest Service District Ranger with sufficient information to determine if the level of proposed disturbance will require a Plan of Operations and a detailed environmental analysis. The District Ranger will, within 15 days of receipt of the NOI, evaluate the NOI and notify the operator whether or not a Plan of Operations is required.**

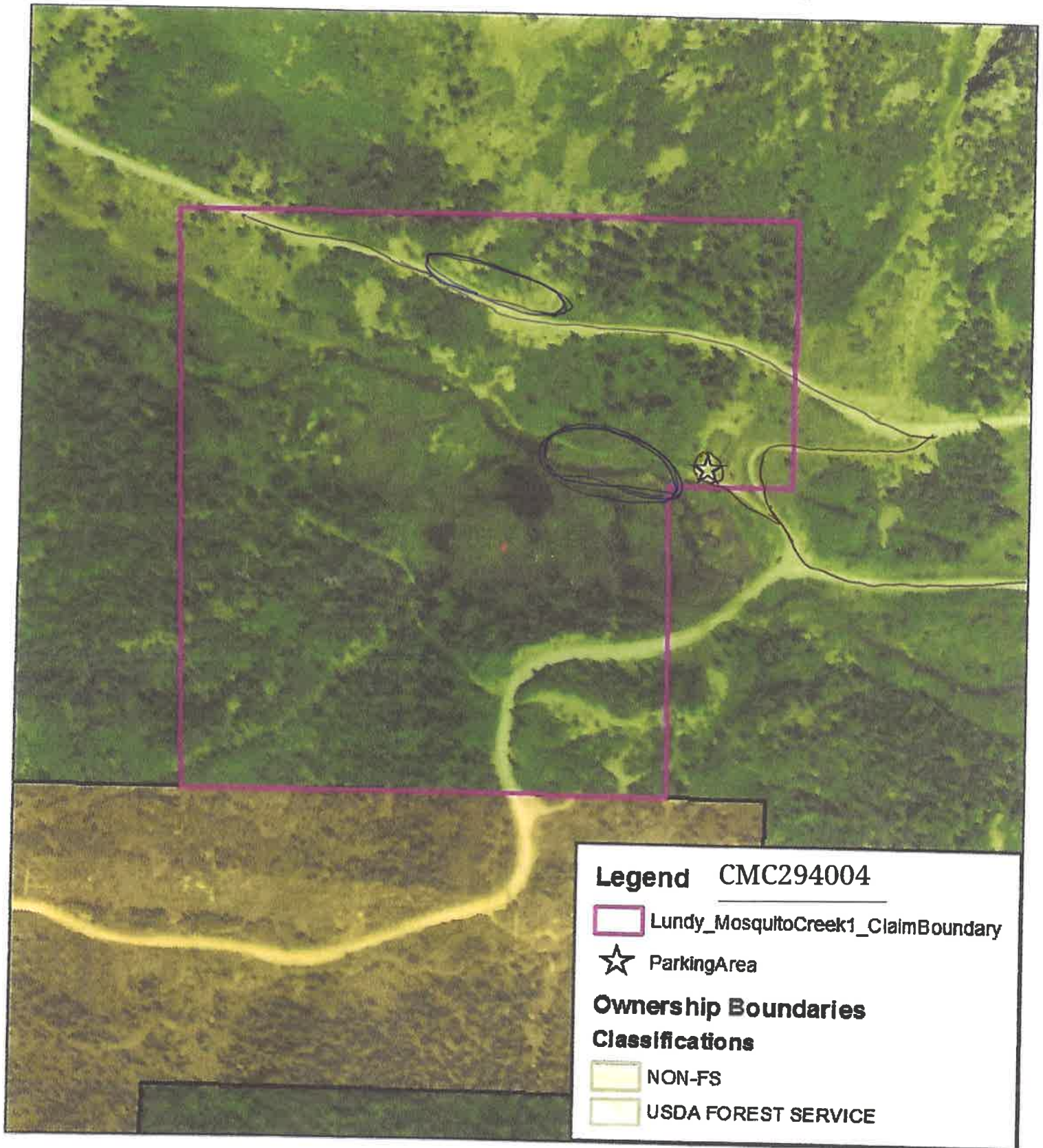
**A NOI is required from any person proposing to conduct operations which might cause a significant disturbance of surface resources. If you are uncertain whether your operation falls within this category, we recommend you file a NOI. It can be included as part of a letter to the District Ranger and should address the five items listed below.**

- 1. The name, address, and telephone number of the operator.** The NOI should be signed and dated by the operator.
- 2. The area involved.** The description should include the township, range, and  $\frac{1}{4}$  section of where your proposal will occur and with enough detail to locate the area on the ground. We recommend you enclose a map of suitable scale (U.S. Geological Survey map scale 1: 24,000) with your NOI and indicate on the map where your operations would be located on the ground.
- 3. The nature of the proposed operations.** Describe what you plan to do. Include when and how you will be operating, the proposed start-up date, and the expected duration of the activities. List other details such as the number of people involved in the operation, equipment you intend to use (sizes, capacity, frequency of use), depth of proposed suction dredging or excavation, how waste material will be handled, what vegetation will be removed, the size of area to be disturbed, quantity of material to be removed, housing or camping facilities to be used, and the method for sewage and waste disposal.
- 4. The route of access to the area of operations.** Describe the route of access or display it on your enclosed map, and identify individual roads and trails you intend to use.
- 5. The method of transport.** Describe the vehicles or other transport used to carry people, equipment, supplies, and living quarters to and from the work site. Describe if transport will be by foot, stock (horses, mules, etc.), trucks, helicopters, motorcycles, cars, etc.

***Completed forms may be mailed to:***

*USFS South Park Ranger District  
P.O. Box 219  
Fairplay, CO 80440*

# Lundy - Location and Parking Map



Date: 4 19 2018  
Coordinate System: NAD 1983 UTM Zone 13N

T. 9 S., R. 78 W., Section 8



9

Alma

S Main St



Mosquito Pass

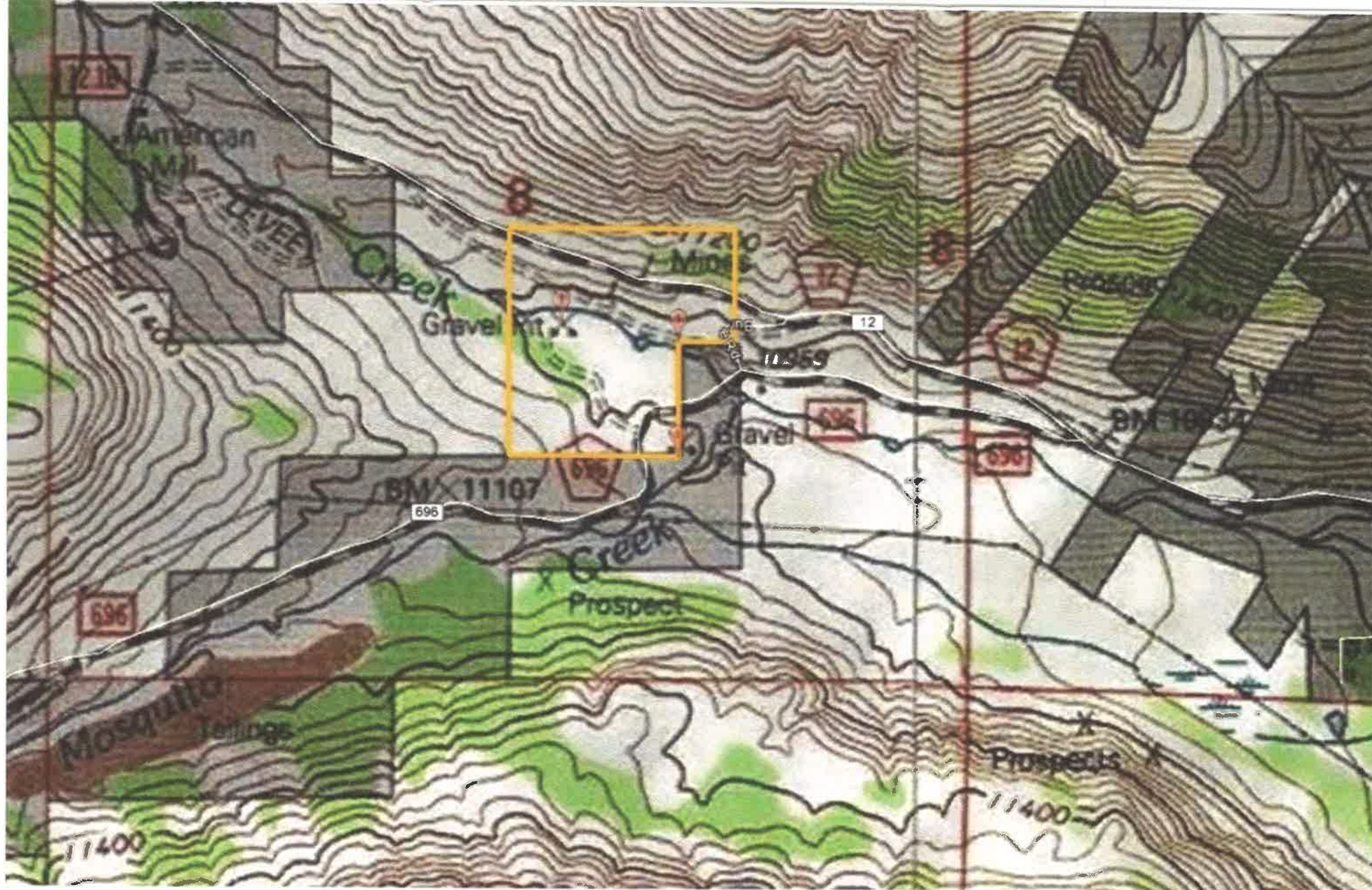
Claim Boundaries

Exit GPS 39.270453° - 106.047496°

Fairpl

28





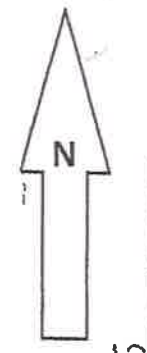
# Mosquito Creek Location Map

## 35 Acres Total

CMC294004



# Mosquito Creek 1 Location Map "Exhibit 1"



U.S. DEPT OF INTERIOR  
BUREAU OF LAND MGMT  
COLORADO STATE OFFICE DENVER  
2019 NOV - 1 PM 3: 08

Tie point

6	5
7	8

SE 134.27° 3,716.98'

E 90° 1,320'

N 0° 1,320'

S 180° 645'

W 270° 330'

S 180° 675'

W 270° 990'

Point B

Point A

NW

NE

SW

SE

Not to Scale

Legend - ○ Corner

CMC 294004

- (D) Discovery Mount



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## Recent NOI submittals in Park County

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**Titterington, Amy -FS** <amy.j.titterington@usda.gov>

Thu, Apr 8, 2021 at 1:37 PM

To: "Russell - DNR, Elliott" <elliott.russell@state.co.us>, Sheila Cross <SCross@parkco.us>

Hi Elliott and Sheila,

The FS recently acknowledged the attached Notices of Intent.

Any questions, let me know.



**Amy Titterington, PG, CMA I**  
**Geologist/ AML Coordinator**

**Forest Service**

**PSICC, South Park Ranger District**

**p: 719-836-3871**

**c: 719-838-0699**

**f: 719-836-3875**

**[amy.j.titterington@usda.gov](mailto:amy.j.titterington@usda.gov)**

**[320 Highway 285/ P.O. Box 219](#)**

**Fairplay, CO 80440**

**[www.fs.fed.us](http://www.fs.fed.us)**



**Caring for the land and serving  
people**

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### 6 attachments

**FS\_Lundy\_NOIResponse\_040721.pdf**  
311K

**FS\_Bilsky\_NOIResponse\_BR\_040721.pdf**  
274K

**FS\_Bilsky\_NOIResponse\_BobbieRae\_040721.pdf**  
290K

**Lundy\_FS\_NOISubmittal\_040221.pdf**  
802K

**Bilsky\_FS\_NOISubmittal\_B&R\_040221.pdf**  
600K

**FS\_Bilsky\_NOIResponse\_BobbieRae\_040721.pdf**  
290K