



**File Code:** 2810

**Date:** August 10, 2021

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

Dear Mr. Taylor,

I am writing regarding the 5<sup>th</sup> Regimental Mine Plan of Operations (MPO) (#2810-021210-MPO-2020-004) for lode exploration and mining related activities on the South Park Ranger District of the Pike National Forest. In my August 9, 2021 letter to you, I informed you that I had signed the 5<sup>th</sup> Regimental Decision Notice (DN) on August 6, 2021 and instructed you on the final two steps necessary for MPO approval.

On August 9, 2021, I received via email your signed Design Criteria that incorporated into Section IV-A the changes and additions that were identified in the DN. 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, in the amount of \$21,000, was paid to the DRMS in June of 2020 and 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. Therefore, I have conditionally approved your 5<sup>th</sup> Regimental MPO with my signature in Section IX (attached). Operations are authorized to begin on August 11, 2021, and are authorized for 5 years, with completion of all activities including reclamation by December 31, 2026.

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 groundbreaking 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 amy.j.titterington@usda.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Josh Voorhis". The signature is fluid and cursive, with the first name "Josh" and last name "Voorhis" clearly distinguishable.

JOSH VOORHIS  
District Ranger

Enclosures:

- 1) Approved 5<sup>th</sup> Regimental Mine Plan of Operations, signed August 9, 2021
- 2) Sufficiency Review for 5<sup>th</sup> Regimental 2017 Decision Notice, signed August 6, 2021
- 3) Decision Notice for 5<sup>th</sup> Regimental, signed November 29, 2017
- 4) Design Criteria for 5<sup>th</sup> Regimental, signed August 9, 2021

cc: DRMS – Elliott Russell; Teller County Planning Department



**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:

TJ SS  
Signature

Project Manager  
Title

7-8-21  
Date  
(mm/dd/yy)

Signature

Title

Date  
(mm/dd/yy)

Plan Received by:

Amy Titterington  
Signature

Geologist  
Title

07/08/2021  
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:

07/04/2021

**PLAN OF OPERATIONS FOR MINING ACTIVITIES  
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Submitted by: \_\_\_\_\_  
Signature Title Date  
(mm/dd/yy)

\_\_\_\_\_  
Signature Title Date  
(mm/dd/yy)

Plan Received by: \_\_\_\_\_  
Signature Title Date  
(mm/dd/yy)

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**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: 07/04/2021

E. Expected total duration of this operation: 12/1/2026

F. If seasonal, expected date (mm/dd/yy) of annual reclamation/stabilization close  
out: 11/01/21

G. Expected date (mm/dd/yy) for completion of all required reclamation: 11/1/27

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**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

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(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

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**III. PROPERTY OR AREA**

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

<b>MC#</b>	<b>Name</b>	<b>Section</b>	<b>Township</b>	<b>Range</b>
<b>276253</b>	<b>THE FIFTH REGIMENTAL</b>	<b>12</b>	<b>12S</b>	<b>71W</b>

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**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, UTV's, a 3.7-ton excavator, and a 3.9-ton skid steer from FSR 755. The claim can be accessed from FSR 201 to FSR 755 onto non-system routes (Road A). Road A will start on the NE side of FSR 755 and ends at Road B (See map). Road A is 3,435' long and 8' wide (0.63 acres) with a maximum grade of 17.7%. Road B is an existing non-system route that connects Roads A & C. It will provide access to Area #2. Road B is 322' long by 8' wide (0.06 acres) with a maximum grade of 16.3%. Access to Area #1 will require one new section of road (Road C) totaling 147' long x 8' wide. (~0.03 acres). Road C connects Road B with Area #1. It will be 147' long by 8' wide with a maximum grade of 7.9%. Total disturbance for access is 8' wide x 3,904' long (0.72 acres).

Roads A, B & C will be used to move equipment, fuel, and miners, as needed. All roads will be maintained on an as needed basis, to Forest Service standards, during the operating season to minimize erosion and maintain adequate drainage. Maintenance will also include filling potholes and the removal of downed trees. Upon completion of the project, all roads will be decommissioned and graded to pre-mining slope and planted with approved seed mix. 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.

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

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**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 two exploration areas.

Area #1 includes one excavation with maximum dimensions of 220' x 270' x 30' (up to 150,866 LCY over 5 years) and a total bonded area of 300' x 310' (2.13 acres) including all stockpiles.

Area #2 includes one excavation with maximum dimensions of 200' x 325' x 30' (up to 105,444 LCY over 5 years) and a total bonded area of 275' x 344' (2.17 acres) including stockpiles.

These areas will be prospected/mined by excavating pits or trenches in locations of known pegmatites. No more than 1 acre will be open at one time (total between both sites). During the first year, only one portion of Area #1 and Area #2 will be prospected. We start mining at the north end of the excavation area and move our uphill toward the south.

The first step will be to remove all topsoil up to 12". It will be piled at a maximum of 10 feet in designated areas on each site. All stockpiles (see map) will have log cribbing in addition to being covered with hay mulch and seeded to prevent erosion. We will then cut a head wall on the down slope side to expose the pegmatite. During this process, all overburden will be piled in designated areas (see maps) and used for backfill material as we go (contemporaneous) and also upon final reclamation. Once a head wall is cut, we will excavate upslope until reaching a cavity. Benches will be cut into the head wall 8' high by 15' wide, for safety. Once a cavity is found, we will stabilize the wall by removing any loose dirt and extending benches, if needed. At this point, we dig by hand using picks, hammers, chisels and prybars to remove the crystals. Once extracted, all crystals will be wrapped in newspaper and taken off site for cleaning. All excavations will have a maximum depth of 30 feet. As we move forward, the mined ground will be contemporaneously reclaimed. Excavations will be backfilled and graded continuously as new ground is opened. We will have less than 10,000 cy opened total between both pits at any one time. Minimal clearing of live trees is required due to a majority of the trees on the claim are dead. We will try not to cut trees larger than 8 inches, if possible. Clearing will be done with a chainsaw. No milling will be required. All work will be performed by a 2-5 person crews up to 4 days a week or around 10 days per month: May - October between 8:00am - 6:00pm. The crew will stay on site when working multiple days in a week. The required equipment consists 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 3,500 to 6,500 cy monthly or 20,000 to 40,000 cy yearly depending upon ease of digging and weather (approx 20 cy/ hr - 35 cy/hr).

I, Taylor Conway, will abide by all federal rules and regulations, including but not limited to the Mine Safety and Health Act and its rules (MSHA). All miners and operators will follow all MSHA safety procedures and wear MSHA approved PPE, including but not limited to Hard Hats, Hi-Visibility Vest or Jackets, Hearing and Vision Protection, along with approved footwear

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**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.*

light duty 4x4 trucks, UTV's, a 3.7-ton excavator, and a 3.9-ton skid steer

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**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.*

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

A 16' tow behind camper will be brought on site, to a designated location during operating months. It contains a sleeping space for workers, tool storage and a restroom. Waste and trash will be hauled off site. No fixed structures will be required. No fuel will be stored on site. The site will be kept clean.

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## 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.*

Impact will be minimal. No slash will be burned, it will be hauled off site and turned to mulch. No hauling will occur. There is no crushing or milling. As a result inimal dust is generated and is below mitigation requirements. We will also bring in a water truck to wet the area and prevent dust if needed. Decomposing granite retains sufficient moisture and once the first couple inches has been removed the material is damp and produces no dust.

All vehicles will used will meet emissions requirments and travel at low speeds to prevent dust. Vehicle traffic will be limited to 10 days per month.

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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.*

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



All rock removed will be used as backfill and there will not be any other solid waste produced. All garbage and refuse will be hauled off site daily and disposed of in a landfill. This includes trash, food waste, equipment parts, etc. The trailer will be taken off site to be serviced and dumped as needed.

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

Well active mining sites will temporarily not be scenically appealing. Upon reclamation we will recontouring reshape the area to match its previous grade and contours. We have pictures of the area pre-mining and will reconstruct it to the same condition, if not better. The mines location is relatively remote and not visited by many people. There is no way to access it except on foot. Open excavations will be backfilled as we go to minimize visual impact. Our goal is to protect the scenic values as much as possible in return the land to its previous condition as soon 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. Will follow all recommendations given by the division of wildlife. Reclamation will be completed as soon as possible in order to get the land back to a productive wildlife habitat quickly.

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- F. Cultural Resources.** *Describe measures for protecting known historic and archeological values, or new sites in the project area.*

**No known areas of historical value or archeological sites have been discovered or are known to exist in this area of operations. If a previously unknown archaeological site is discovered by either the operator or the Forest Service, mining operations will stop immediately until the site is evaluated by the Forest Service Archaeological, and any needed mitigation measures are developed.**

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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.*

No hazardous substances will be used or produced by the operation. Diesel and gasoline will be brought in up to 20 gallons at a time. It will remain on the truck until used. All refueling will be done over 100 feet away from any natural water source and. No fuel will be stored on site. Spill blankets will be used during refueling operations and kept onsite incase needed along with oil degrading bacteria.

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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.

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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.*

No fuel will be stored on site. Spill blankets will be used during refueling operations and kept onsite incase needed along with oil degrading bacteria. In addition we will follow the spill reporting rule as outlined by the Division of Minerals and Geology, dated August 2nd, 2005. This includes notifying DRMS (303) 866-3567, the South Park Ranger District (719) 836-2031 and the Teller County Sheriff (719) 687 6652. After that the area will be aerated and oil degrading bacteria will be applied.

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- 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 1st of each of year, all affected areas and stockpiles will be covered with 2 tons/per acre of hay mulch until mining resumes in the spring. All stockpiles and reclaimed areas will constantly be monitored for noxious weeds. If any noxious weeds are found, they will be pulled by hand, bagged, and taken off site to be disposed of at an approved facility. Each excavation site is closed and reclaimed as soon as possible after operations have completed. Work will be done using the excavator and skid steer on site. We will also do contemporaneous reclamation as new ground is opened. Excavation sites will be constantly backfilled and graded with stockpiled waste rock as we dig up hill. Upon completion of a site, all excavations will be refilled with waste rock, graded to their pre-mining slope to match the topography, covered with salvaged topsoil, seeded, and covered with hay mulch. None of the excavation sites will produce leftover waste rock. It will all be used as backfill, minimizing the impact on the land. All stockpiles are stabilized by limiting the height and cribbing the aprons with timbers. Roads will be graded to their pre-mining slope upon completion of mining using a combination of the excavator blade and the bucket on the skid steer. Once restored to pre-mining slope, we will return some large rocks to improve the natural look, place logs cross slope for erosion, and reseed to permanently close all new roads. This will also be done to both excavation sites. All topsoil/mulch will be drill seeded with a Teller-Park Restoration Native Mix that contains 30% Slender Wheatgrass, 25% Western Wheatgrass, 15% Thick spike Wheatgrass, 10% Arizona Fescue, 5% Blue Gamma, 5% Prairie June grass at a rate of 15lbs per acre. This is done in the fall after final backfill and all affected areas have been re-contoured to match the topography, and while the soil is loose. Giving it its best chance of Success. All roads will also be covered and drill-seeded with same ratio. Once reseeded, we will immediately plant Douglas Fir and Lodgepole Pine at a rate of 129 per acre. These saplings will be planted by hand. We will dig a hole 3 times the size of the root ball, then cover with topsoil followed by a layer of mulch. Additionally, all pre-existing hand dug pits, trenches and excavations within the immediate area of operations will also be reclaimed. Once reseeded and trees are planted, we'll monitor and photograph all sites annually for growth. This will be included in our annual reclamation report to the South Park Ranger District and DRMS. If reclamation should not succeed at any given site, the process will be repeated until 80% coverage or better is achieved in the habitat has been returned to productive and healthy status.

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## **VI. FOREST SERVICE EVALUATION OF PLAN OF OPERATIONS**

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

See Design Criteria.

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



**B. Bond.** Reclamation of all disturbances connected with this plan of operations is covered by Reclamation Performance Bond No. \_\_\_\_\_, dated (mm/dd/yy) 04/10/2020, signed by Project PJ Site (Principal) and \_\_\_\_\_ (Surety), for the penal sum of \$21,000. 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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*(If more space is needed to fill out a block of information, use additional sheets and attach form)*



## 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 5 years or until (mm/dd/yy) 12/31/2026. 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.

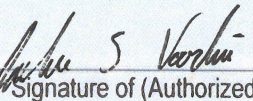
  
Signature of ☒ Operator (or ☐ Authorized Representative)

8-9-21  
(Date)  
(mm/dd/yy)

## IX. OPERATING PLAN APPROVAL

Joshua Voorhis  
(Name)

District Ranger  
(Title)

  
Signature of (Authorized Officer)

8/9/21  
(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.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

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 can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

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





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**File Code:** 1950; 2810  
**Date:** August 6, 2021

**To: 2810 5th Regimental MPO File 2019-005**

**DECISION:**

Mr. Conway's original Decision Notice and Finding of No Significant Impact (DN/ FONSI), and Mine Plan of Operations (MPO) were authorized on November 29, 2017, and March 15, 2018, respectively. No operations have occurred on the ground since the original DN/ FONSI were signed. Based upon the best available scientific information, my review of the proposed 5<sup>th</sup> Regimental Mine Plan of Operations (MPO), and comments from the following internal agency district specialists: wildlife biologist, range and botany specialist, recreation specialist, silviculturist, archaeologist, geologist, engineer, realty specialist, hydrologist, and fire management officer, I have decided that the original DN/ FONSI is sufficient for the 5<sup>th</sup> Regimental project, which includes exploration and mining activities as described below:

1. Allow the operation of an excavator for prospecting and/or mining; this would include overburden removal and vein exploration.
2. Allow the installation of hazard fencing and signing around the perimeter of the active mining area.
3. The use and storage of a skidsteer and excavator for reclamation of mining – related disturbances including backfilling, re-contouring previous bench areas, obliteration of non-system roads and distribution of topsoil. The equipment will be removed at the end of the mining season.
4. Allow the use of a portable restroom/ backpacking toilet during the mining season. The restroom will be removed at the end of the mining season.
5. Allow removal of trees only as necessary to access vein exploration.
6. Use of one existing non-system road (two-track) for access and parking vehicles and equipment. The access route is temporary and will be fully reclaimed at the end of the project. A gate will be installed on the non-system road to prevent motorized access from the public.
7. Create a hardened creek crossing, which limits impacts to riparian vegetation using wetland matting or rock riprap.
8. Limit travel through the creek to one time in and one time out with heavy equipment and limit the numbers of daily trips in lighter vehicles across the creek.
9. Ensure that equipment is cleaned and disinfected before making contact with the water.
10. Construct water bars as needed along the steep access road to avoid sediment washing down the road into the creek.





11. Annual reclamation activities will be completed by December 1 of each season and all final reclamation activities will be completed by December 1, five years from the date of this authorization (12/31/2026).

12. All required Federal, State and local permits are in place, prior to operations.

The operator will be required to (1) incorporate the design features (criteria) into the final MPO, and (2) post an appropriate reclamation bond as approved by the FS.

Operations approved by this decision will be in compliance with the rules and regulations for operations on NFS lands (36 CFR 228 Subpart A). All operations will be conducted in accordance with the design features to minimize and/ or eliminate environmental impacts on NFS surface resources (36 CFR 228.8). Approval of this MPO is consistent with 36 CFR 228.5.

Implementation will commence once the Plan of Operations is authorized. The Plan of Operations will be authorized for a five (5) year period, which will end on December 31<sup>st</sup> five (5) years after the Plan of Operations is signed. Once the Plan of Operations period of authorization has expired, a new NEPA analysis will be required.

### **BACKGROUND:**

Taylor Conway (the Operator) of Erie, CO submitted a Plan to explore for and mine pegmatite gemstones on the 5<sup>th</sup> Regimental unpatented mining claim in the Crystal Creek Mining Area (CCMA), located approximately 5 miles northeast of Lake George, Colorado. The project would occur on National Forest System lands managed by the South Park Ranger District, Pike National Forest, on lands open to mineral entry under the 1872 Mining Law, as amended. The area proposed for exploration and mining is 5.0 acres in size and is located in portions of T.12S, R.71W, Section 12, 6th Principal Meridian; Teller County, Colorado.

Primary access to the site is through National Forest System Routes (NFSR) 201 to NFSR 755 to the non-system access routes with cumulative dimensions of approximately 8' wide x 3,904' long (0.72 acres). New road construction will total 8' wide x 3,435' long (0.63 acres) on the 5<sup>th</sup> Regimental claim. All access routes are temporary and will be fully reclaimed at the end of the project.

This proposal entails the use of mechanized equipment and hand tools to mine approximately five (5.0) total acres of National Forest System lands over a period of 5 years. Mining equipment will include one 3.7-ton Bobcat E42 mini-excavator, and one 3.9-ton Skid Steer, which will be used to open three separate excavations over a five-year period. Work conducted will consist of 2 work areas. Mining activities will be compliant with all other local, State and Federal regulations. Mechanized operations will occur on an intermittent basis, for a maximum of 140 days per season. If the operator requires more working days, the Forest Service will be notified prior to the continuation of operations.

#### **Mining on NFS lands:**

The project will consist of two exploration areas:

- Area #1 has an excavation site of up to 300' x 310' and a total bonded area of 2.13 acres, including all stockpiles.
- Area #2 has an excavation site of up to 275' x 344' and a total bonded area of 2.17 acres, including all stockpiles.

These areas will be prospected by excavating pits or trenches depending on size and direction of the vein. During excavation, the first 12" of topsoil will be piled in designated areas and covered with certified weed-free hay mulch. Stockpiles will be no larger than 10 feet in height to minimize erosion. Topsoil will be reused during final reclamation. All waste rock will be piled in designated areas and used for backfilling upon completion of excavations. All excavations will have a maximum depth of 30 feet. Minimal vegetation and tree clearing are required and will be done with a chainsaw. Equipment use is estimated for up to 10 hours per day, up to 5 days per week (140 days per season). A small drill seeder will be used for final reclamation.

Active trenches and pits will be fully fenced with high visibility fencing and will include an easily accessible exit ramp.

At the close of each mining season, before winter precipitation prevents site access, pits would be refilled, graded and re-contoured, and reseeded to Forest Service reclamation standards with erosion control measures being implemented, as needed, prior to moving to the next exploration area. Human waste and garbage would be removed from National Forest. The site would be monitored annually for weed infestation with implementation of weed control as recommended by the South Park Ranger District staff.

Reclamation:

The primary goal of the final reclamation is to return the site to a stable, self-sustaining native vegetative mode, where appropriate, which will support wildlife habitat and recreation use with minimal risk to the health and safety of the public and a minimum of maintenance demand. The USFS will inspect and monitor the earthwork and revegetation process to ensure it is successful. Reclamation is ongoing, and complete reclamation will be conducted within one year of the completion of the project.

Timing and duration:

The operator does not desire nor have the ability to operate during months of snow. This limits operation to approximately late April or early May through approximately November of any year. Variations would occur depending on snow loads and operating periods may be longer or shorter than described above but generally are confined to the spring, summer and fall seasons. Two to five miners would be operating during these months only during daylight hours. No nighttime operations have been requested or approved. Proposed beginning date is August 2021 with anticipation of operating 5 years, with reclamation completed by 2026.

JOSHUA  
VOORHIS

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JOSHUA VOORHIS  
Date: 2021.08.09  
09:58:29 -06'00'

JOSHUA S. VOORHIS  
District Ranger

Enclosures:

- 1) 5<sup>th</sup> Regimental Plan of Operations signature page
- 2) Design Criteria for 5<sup>th</sup> Regimental Mine
- 3) Original DN and FONSI for 5<sup>th</sup> Regimental Mine, dated November 29, 2017

cc: DRMS - Elliott Russell; Teller County Planning Department



**Design Criteria for the 5<sup>th</sup> Regimental Plan of Operations**  
**August 2021**

## **DESIGN CRITERIA**

Forest Service wildlife biologist, aquatic biologist, botanist, hydrologist, archaeologist, fuels and fire specialist, and geologist 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 operator will establish a reclamation bond or acceptable surety as a guarantee of faithful performance with the terms and conditions identified in the reclamation requirements (36 CFR 228.13). Bond calculations will be based on local and Davis-Bacon wage and equipment rates. Bonds will be updated as necessary throughout the life of the project to reflect the actual cost of reclamation.
2. 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.
3. 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.
4. The Operator will dispose of camper holding tank contents (if applicable) at an offsite facility or provide a temporary self-contained portable toilet.
5. 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.
6. 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.
7. 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.

8. Upon completion of the project, a partial bond can be refunded withholding funds for re-vegetation, monitoring, and portions of indirect costs for a minimum of three (3) years pending attainment of acceptable ground cover as determined by the Authorized Officer.
9. If the design or location of this project changes in ways that differ from the approved MPO, the project work will stop, and the PSICC Geologist will be notified immediately. The new information will be evaluated prior to the recommencement of work, which may require additional analyses under the National Environmental Policy Act (NEPA).
10. The operator will contact the FS prior to the start of operations, during operations if operating conditions or requirements deviate from those analyzed, and once operations have been completed, to schedule a visit to the site as a final inspection of the operations.
11. All project-related materials and trash, including flagging, fencing, stakes, sample bags, and other items, must be removed from the site after project completion.
12. This plan has been **approved for a period of 5 years, or until December 31, 2026.**

### **Camping**

13. Overnight stays and leaving vehicles on the Forest are limited to a maximum of 14 consecutive days and no more than 28 days in a 60-day continuous period.
14. Forest Service Motor Vehicle Use Map (MVUM) related regulations require vehicles to park only in areas immediately adjacent to National Forest System roads.
15. All foodstuffs will be properly contained and located to minimize conflicts with wildlife, especially bears. Food items should be stored in a bear proof container away from any tenting or camping sites.
16. All trash and garbage will be removed from National Forest Lands.
17. Human waste shall be removed from National Forest Lands.

### **Access**

18. Access routes will be confined to the existing non-system road unless otherwise approved by the Forest Service Minerals Specialist. These routes will be decommissioned during final reclamation.
19. Create water bars along the steep access road to avoid sediment washing down the road into the creek.

### **Noxious Weeds**

20. Apply Forest Service approved native seed mix for reclamation practices.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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/ Vegetation**

26. Minimal vegetation clearing will occur. When clearing vegetation, straight clearing limits are voided; a natural appearance is maintained. Natural features such as large boulders, rock outcrops, and significant vegetation will remain intact, unless otherwise approved by the South Park District Ranger.
27. Topsoil will be removed and stockpiled on site for use in reclamation.
28. 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.
29. 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.
4. 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**

30. Create a hardened creek crossing, which limits impacts to riparian vegetation using wetland matting or rock riprap.
31. Limit travel through the creek to one time in and one time out with heavy equipment and limit the numbers of daily trips in lighter vehicles across the creek.
32. Ensure that equipment is cleaned and disinfected before making contact with the water.
33. Avoid, minimize, or mitigate adverse effects to soil, water quality, and riparian resources caused by physical and chemical pollutants during minerals exploration activities.
34. Monitor restored ground to ensure no rills or gullies are forming and that no invasive plant species are present.
35. 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.
36. 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.
37. 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.
38. 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.

39. 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.
40. 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.
41. Clearly delineate the geographic limits of the area to be cleared.
42. 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.
43. The operator will ensure that all employees involved in the use, storage, transportation, and disposal of hazardous materials receive proper training to reduce the risk of an incident on NFS lands.
44. The operator will manage the use, storage, discharge, or disposal of pollutants and hazardous or toxic substances generated in compliance with applicable regulations and requirements.
45. In the event of a petroleum spill or other hazardous material spill, immediately notify the National Response Center at 1 800 424-8802 and Park or Teller county sheriff. If hazardous substances are spilled on federal, state, or county roadway contact the Colorado State Patrol.
46. All hazardous material spills will be disposed of according to Colorado Sate Hazmat disposal guidelines.
47. The Operator will follow standard protocol established by Colorado Parks and Wildlife 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/chytrid fungus 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.

### **Wildlife - Terrestrial**

48. 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.
49. Trees removed should be limited and would be approved by the Forest Service prior to their removal to ensure tree conservation.
50. Trees should not be removed May 15 – July 15 to protect sensitive and migratory birds.
51. 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.

52. 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.
53. 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.
54. 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.
55. 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.
56. Appropriate reclamation practices and erosion protection measures would be carried out in order to limit the impacts to soil, water and amphibian species.
57. 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:

58. Within the one-year expiration of this authorization, the operator will commence final reclamation.
59. Remove all materials and return the mining area to the original natural contours. This includes all excavation cuts.
60. Silt fences or other erosion control will be utilized to prevent off-site sediment transport.
61. Straw waddles must be certified weed-free (shredded aspen fill recommended).
62. Water bars may be required on slopes and access road to control erosion.
63. Slash should be scattered and/ or piled or used in erosion control on slopes.
64. Any erosion control blankets must be 100% natural fiber (i.e. no monofilament) and certified weed-free.
65. Reclamation will be monitored by the operator, USFS personnel, and State of Colorado (DRMS) inspectors on an as needed basis.
66. All non-system access roads will be ripped, re-contoured, graded, and seeded at the end of operations.
67. The road and site will be seeded with USFS-approved seed mixtures, as needed.
68. Re-vegetation will not be complete until at least 50% plant re-growth has been established, when compared to adjacent undisturbed areas.



69. Topsoil must be saved and used to cover all disturbed areas.
70. Return large rocks, boulders, and logs to their original (general) position.
71. The U.S. Forest Service may require additional reclamation measures if needed.
72. Remove all trash from Forest Service Lands.
73. Remove all structures (fences, signs) from Forest Service Lands.
74. Complete all reclamation within one year of the end of the operating plan.
75. Refund of any reclamation bond is contingent upon the success of reclamation.

**Monitoring**

76. 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 and agree to adopt them into my mine Plan of Operations.

TS      8-9-21  
Operator's Signature      Date

John S. Vachon      8/9/21  
District Ranger      Date