



July 11, 2022

Joseph Forster  
Jack D. Tabb, LLC  
1615 Saratoga St  
Antigo, WI 54409

**RE: Gunnell Mine, M-2021-068**  
**Permit Application**  
**Incomplete Application – 2<sup>nd</sup> Notice**

Dear Mr. Forster:

As of this letter, the Division has not received the required information requested in its April 29, 2022 Incomplete Application Notice.

On June 28, 2022, you sent an email explaining that the additional items were mailed by UPS. The email contained a UPS receipt with a tracking number. As of this letter, the package status according to the UPS website is: *label created - delivery date will be provided as soon as possible*.

The Colorado Mined Land Reclamation Board Order, dated March 18, 2022, stated that the operator shall, within 30 days of the effective date of this order, submit a new 110d permit application with all materials approvable form within statutory timeframes (a copy is attached for your reference).

On April 20, 2022, the Permit Application package for the Gunnell Mine, located in Gilpin County was received within the statutory timeframe.

In a letter dated April 29, 2022, the Division sent a preliminary review of the application which determined that the following additional information must be received before the Division can consider your application complete and technical review can begin.

- 1) Item 1, Company Name- the applicant/operator Jack D Tabb, LLC is not listed on the Colorado Secretary of State website as a registered business. The applicant will need to be in compliance with the Colorado Secretary of State before the Division can accept and approve a financial warranty.
- 2) Item 7, Correspondence Information- The permitting and inspection contact information was not included in the application. Please update page 2 and fill in this information or write in 'same as applicant' in the space provided.
- 3) Responsibilities as a Permittee, page 5-6- Item 10 on page 6 was initialed, indicating that this operation will have a partner with the power to sign documents on behalf of the operator. A power of attorney is needed to be part of the application for this to become effective. Please provide a



- power of attorney with the appropriate party signature or re-submit page 6 with the initial line next to item 10 blank.
- 4) Certification page 7- The certification page was not signed by the applicant/operator and was not signed by a notary. Please sign the certification page in blue ink and have it notarized and re-submit.

As per Rule 1.4.1(8), sixty (60) days was allotted to submit all the necessary documents that the Division needs for the application to be considered filed. The additional 60 day period ended on June 28, 2022.

The Division will grant you an additional 30 days from the date of this letter (August 10, 2022) to submit all necessary documents for the application to be considered filed/complete. If all the above listed items are not received by August 10, 2022, additional enforcement actions will be initiated, including but not limited to appearing before the Mined Land Reclamation Board.

As a reminder, the Board Order (attached) stated that the portion of the civil penalty not suspended, \$500, shall be due and payable within 30 days of the effective date of the order. The civil penalty was due on April 17, 2022

This letter shall not be construed to mean that there are no other technical deficiencies in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act after submittal of all required items.

If you have any questions, please contact me at (720) 774-0040 or [brock.bowles@state.co.us](mailto:brock.bowles@state.co.us).

Sincerely,



Brock Bowles  
Environmental Protection Specialist