



August 29, 2022

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

**RE: Gunnell Mine (Permit No. M-2021-068)**  
**New Permit Application**  
**Adequacy Review #1**

Dear Mr. Forster:

On July 13, 2022, the Division of Reclamation, Mining and Safety received your amendment application package for the Gunnell Mine, File No. M-2021-068. The following questions address adequacy issues and missing information that is needed to complete the application. This information needs to be addressed and/or received before the Division can approve the application.

Rule 1.6.2(1)(d) and 1.6.5(2) – Proof of Publication – Adequate as submitted.

Rule 1.6.2.(e) Notice of Land Owners –

1. Please submit proof of notice to owners of record for all land surface within 200 feet of the boundary of the affected land.

Rule 6.2.1(2) Maps and Exhibits – Maps need to be updated as described below

Rule 6.4 - Specific Exhibit Requirements - 110 Reclamation Operation

6.3.1 EXHIBIT A - Legal Description -

2. The text states that the mine is located in T:35. Please update the text to show the township as 3 South.
3. Exhibit A3 shows a primary and secondary staging area outside the proposed permit area. Areas that will be utilized for work, parking and storage are considered affected land (Rule 1.1(4)). The proposed storage areas need to be included in the permit area. Please update all appropriate maps to show the staging areas and connecting roads as being in the permit boundary.
4. Exhibit A2 shows that the route to haul ore is a Gilpin County Road. According to the attached Central City letter, this road is not a public roadway. The proposed haul road and staging areas (see #3 above) cross several parcels of private land. Right of entry agreements for each land owner needs to be submitted before the application can be approved.

6.3.2 EXHIBIT B – Site Description -



5. Under permanent man-made structures, the building on the Grand Army 178 needs to be described and listed.
6. Under permanent man-made structures, the building on Bonanza Land, LLC- Hydrant & M.S., MS 123 needs to be described and listed.
7. The operator has committed to submitting a stormwater application. Please notify DRMS when a stormwater permit is obtained.
8. Please identify on Map E1- Adjacent Property Owners any ground water wells located within 600 feet of the proposed permit boundary.

#### 6.3.3 EXHIBIT C – Mining Plan

9. The application was silent if any buildings, offices or maintenance facilities will be constructed on site. Please clarify.
10. On page 2 it states a small loader and 5 ton trucks will be used to remove the ore and covered Super Sack Containers on pallets.
  - a. What is the process used to fill the Super Sacks?
  - b. How many Super Sacks will be stored on site at any one-time?
  - c. Where will the Super Sacks be stored?
  - d. Describe the storage containment structures for the Super Sacks.
  - e. How long will the Super Sacks (containing ore) be stored on-site?
  - f. A shipping log of where and when of where the ore was shipped needs to be kept. Please commit to maintaining an ore shipping log.
11. Is any waste projected to be generated from this mining operation? If so, a waste log needs to be maintained. The log needs to keep track of: quantity of waste, the shipping container type, how the waste was shipped, when the waste was shipped and the disposal location. The disposal location needs to be approved to receive such waste.
12. It states on page 2 the trucks will be loaded off Nevadaville Road, impacts on local traffic will be minimal and that warning signs and traffic control will be used as necessary.
  - a. Has the county/city who has the authority of Nevadaville Road made this determination?
  - b. Submit any permit or letter from the local authority making this determination and that you have permission to use signs and control traffic.
13. It states on page 2 that dust will be monitored and suppressed as necessary for county ordinance compliance.
  - a. Please submit a copy of the county special use permit which address dust monitoring and dust control for inclusion into the permit
  - b. Air pollution (dust) is controlled by CO Div. of Public Health and Environment. Does this operation need an APEN? Please submit a copy of the APEN permit or a letter from CDPHE determining that an APEN is not needed.
14. The application states that all MSHA regulations for fluid and material storage will be followed.
  - a. What designated fluids and/or materials are proposed to be on-site?
  - b. What are the MSHA containment requirements for each proposed liquid/material?
  - c. Identify the location of each hazardous material containment structure on Map E.
15. The application states that a raised water tank will be on-site to store water for dust control.
  - a. Where will the water tank be located (note location on Map E)?
  - b. What is the source of the water?
  - c. How will the water be applied?
  - d. Will water be applied to the roads for dust control?
  - e. Will water be applied to ore/dump materials that may be acid generating?
16. Ground water is not anticipated to be encountered. In the event that groundwater is encountered,

- please commit to covering the groundwater with at least 24" of material.
17. It states on page 3 that operators will be trained on how to handle spills.
    - a. What is the spill prevention, control and countermeasure (SPCC) plan?
    - b. What are the expected materials that may be spilled?
    - c. What are the material handling plans and spill cleanup procedures for each expected material?
    - d. Please forward a copy of the SPCC plan for inclusion into the permit.
  18. Waste rock dumps in the Gilpin County and the Gunnell Mine areas are known to leach toxic materials when exposed to rain and the atmosphere.
    - a. Has the waste dump material been tested/analyzed for possible leachates?
    - b. Are there any expected leachates when the material is redisturbed?
    - c. What material handling procedures will be implemented?
    - d. What containment structures will be used to contain any possible leachates?
  19. It states on page 3 that roads will be maintained as part of the operation, and on page 4 it states that portions of the road will be filled in. Any road that is being improved or maintained in support of the mining operation must be part of the permitted area (Rule 6.3.3(1)(g)). See question 4 above.
  20. It states that if excessive seepage is identified, seepage control technologies will be installed. The permit area is quite small (1.38 acres) and by the time any seepage is detected it is most likely impacting areas beyond the permit boundary. Seepage control technologies need to be installed before any potential seepage occurs.
    - a. Please update the text and appropriate maps showing where the seepage control devices will be installed before mining begins.
    - b. Where will the mentioned dike be installed? What low-permeability material is proposed to be used in the trench and how will it be installed?
  21. The operator has committed to working closely with Colorado Water Quality Control Division to maintain standards and prevent seepage. Please commit to submitting a copy of the WQCD permit to DRMS for inclusion into the permit.
  22. The operator has committed to pile two feet of slash in a row parallel to the road to trap sediment. Slash piles are not known to be an effective tool for controlling erosion. Please commit to installing structures designed erosion control devices such as erosion wattles or silt fence. Update the mining plan maps to show where these control structures will be installed.

#### 6.3.4 EXHIBIT D – Reclamation Plan

23. The proposed gradient of reclaimed slopes is to match the natural gradient of 1:1 to 1:3. According to Rule 6.3.4(1)(b), a justification is needed for proposed slopes steeper than 3:1.
  - a. Submit a justification for the 1:1 slopes.
  - b. Identify on Map E3 the final proposed slopes of the reclaimed area.
24. On page 2, it states that the second phase of this operation is to construct a 200 ton/day mill. A mill is not being considered as part of this application. If the operator determines at a future date that they would like to add a mill, a permit amendment which address the addition of a mill needs to be submitted and approved by the Division.
25. On page 4 it states that hydrated lime will be broadcasted at a rate of 50 lbs/1000 ft<sup>2</sup>.
  - a. How was this rate determined?
  - b. Has a soil test been conducted?
  - c. Please submit any soil test, justification or professional analysis justifying the use of hydrated lime at this rate.
  - d. Adding too much lime to a soil profile can be detrimental to the surrounding landscape. Please commit to soil testing at the time of reclamation and having the soil results analyzed

to determine the correct amount (if any) of lime needed.

26. On page 5 it states that if any steep narrow channels of natural runoff corridors present themselves, they will be rip-rapped with Type L riprap sized with a median diameter of D50+9 inches and hand placed at 12-18 inches. Please submit the hydrologic analysis for peak flows and the hydraulic analysis for riprap sizing which supports this design.
27. The Appendix to Exhibit D which includes the Reclamation Cost Schedule and Letter from River Bend Contracting was not included with the application. Please submit these documents for review.

#### 6.3.5 EXHIBIT E - Maps

28. The proposed haul road is a private road that crosses several private properties. These properties and all properties within 200 feet of the permit boundary need to be identified on map E2.
29. Map E3 does not show the gradient of reclaimed slopes. Please show the proposed reclaimed slopes.

#### 6.3.6 EXHIBIT F – List of Other Permit and Licenses Required - Adequate as submitted.

30. The letter received from Central City (attached) indicated that a Conditional Use Permit may be needed. Please address this issue with Central City and add this permit to the list.

#### 6.3.7 EXHIBIT G – Source of Legal Right to Enter -

31. Exhibit G1 was not included with the application. Please submit Exhibit G1.

#### 6.3.8 EXHIBIT H – Municipalities within a Two-Mile Radius

32. A list of mailing addresses and telephone numbers of the governing body of Central City was not provided.

#### 6.3.9 EXHIBIT I – Proof of Filing with County Clerk

33. Proof of filing with County Clerk was not provided. A certified mailed receipt or a stamped receipt is required.

#### 6.3.10 EXHIBIT J – Proof of Mailing Notices to Board of County Commissioners and Conservation District

34. Proof of filing with County Commissioners was not provided. A certified mailed receipt or a stamped receipt is required.
35. Proof of filing with the Soil Conservation District was not provided. Gilpin County is not assigned to a specific district. Please direct correspondence to the next closest district, Jefferson County. A certified mailed receipt or a stamped receipt is required.

#### 6.3.12 EXHIBIT L – Permanent Man-Made Structures

36. A structure agreement for the structure on the Grand Army 178 needs to be submitted. The structure agreement needs to be signed by all parties who own the Grand Army 178 property.

37. A structure agreement for the structure on the Bonanza Land, LLC- Hydrant & M.S., MS 123 needs to be submitted.

6.4.12 EXHIBIT U – Designated Mining Operation Environmental Protection Plan

38. An analysis of the waste dump material was not submitted with the application.
- The applicant has committed to testing the waste material by the EPA's Toxicity Characteristic Leaching Procedure (TCLP) study for waste classification and submitting the results to DRMS.
  - The TCLP results need to be analyzed to determine if the dump material has any toxic generating potential and the results need to be submitted to DRMS.
  - The TCLP test results and analysis will be utilized to create an Environmental Protection Plan. The EPP will address all issues outlined in Rule 6.4.21- Exhibit U.

The Division of Water Resources, History Colorado, Central City and Mr. Schembri submitted comments for this application. The comment letters are attached. Please address all the concerns raised in these letters in your adequacy response letter.

Please note that the decision date for this application is October 11, 2022. If you are unable to provide satisfactory responses to any inadequacies prior to this date, it will be your responsibility to request an extension of time to allow for continued review of this application.

All corrected pages must also be provided to Gilpin County Clerk & Recorder.

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