

PO Box 219 320 US Highway 285 Fairplay, CO 80440 719-836-2031 Fax: 719-836-3875

 File Code:
 2810

 Date:
 February 21, 2023

Mr. Scott West Operator 802 3rd Street Colorado Springs, CO 80907

Dear Mr. West,

After a review of the administrative records at the South Park Ranger District Office, I have determined that your Steel Rose mine plan of operations (MPO) expired on December 31, 2021. Pursuant to 36 CFR § 228.8(g), you had one calendar year to complete all reclamation activities on site to Forest Service standards. During a site visit on February 10, 2023, Geologist Amy Titterington observed that reclamation efforts have not occurred.

The reclamation of mined sites on National Forest System (NFS) lands is a requirement of Federal law and USDA Forest Service regulations. The Forest Service is legally responsible for ensuring that operators perform reclamation to a standard that allows the land to be productive again. The Forest Service will inspect and approve reclamation work performed by the operator. This will be in addition to any inspection which the State of Colorado might conduct on any mining claim. Operators should be aware that until reclamation is approved by the Forest Service it is not considered complete.

Please contact my office <u>within 30 days of receipt</u> of this letter to discuss your reclamation plans on the Steel Rose unpatented mining claim. If you choose not to contact my office, and you continue to occupy National Forest System lands without an approved Plan of Operations, your operations will be in trespass and your bond may be forfeited to complete the required reclamation.

You may reach me at joshua.voorhis@usda.gov or 719-836-2031, or Geologist Amy Titterington at amy.j.titterington@usda.gov or 719-838-0699.

Sincerely,

JOSHUA VOORHIS Digitally signed by JOSHUA VOORHIS Date: 2023.02.21 16:00:39 -07'00'

JOSHUA VOORHIS District Ranger

Enclosure:

1) Expired Steel Rose Mine Plan of Operations

cc: DRMS - Elliott Russell;



Forest Service United States Department of Agriculture **Pike and San Isabel National Forest** South Park Ranger District Forest Phone: 719-836-2031



MINE PLAN OF OPERATIONS								
MINE NAME:			CLAIM N	UMBER(S):	INSPECT	OR(S):		
Steel Rose			CMC285386		A. Titterington			
TOWNSHIP:	RANGE:		SECTION	(S):	COUNTY: TYPE OF OPERATION:		<b>OPERATION:</b>	
0110S	073	0W		21	Park		Mine Plan of Operations	
<b>OPERATOR(S):</b>			<b>OPERATOR(S) PRESE</b>		ENT:	INSP. DA	TE:	INSP. TIME:
Scot	t West				February 10, 2023		12:00	
			·					
REASON FOR INSPECTION:			DATE OF LAST INSPECTION:			JOINT INSP. AGENCY:		
Close Out			Thursday, October 15, 2020			N/A		
STATUS: PLAN EXPIRATION			DATE: MINERAL:			BOND AMOUNT:		
Expired 12/31/202		Loo		Lode	e		DRMS: \$19,500.00	
DRMS PERMIT NUMBER:			COUNTY SUP (Y/N):			PALS NUMBER:		
M-2006-031			N/A			2810-021210-MPO-2016-003		
ACREAGE PERMITTED: ACREAG		E DISTURBED:		NEPA DATE:		CONTACT:		
4.30 (DM 5/23/16)		4.74		CE: 5/23/16		N/A		
FOLLOW UP REQUIRED: INSPECT		Digitally signed by AMY			SIGNATURE DATE:			
No			TITTERINGTON TITTERINGTON -0700					

# **GENERAL INSPECTION FOCUS**

The following chart outlines the focus of the inspection and evaluates each area based on their status.

ROADS/ACCESS MAINTAINED?	NA	BACKFILL & GRADING COMPLETE?	РС	FOLLOWING PLAN?	РС
ANY NON-SYSTEM USE?	РС	REVEGETATION COMPLETE?	РС	TRASH PRESENT?	Y
MACHINERY ON SITE?	Y	OVERALL RECLAMATION ADEQUATE?	РС	STRUCTURES ONSITE?	Y
OCCUPANCY (POST 14 DAYS)?	NA	BOND ADEQUATE	Y	OLD DIG SITES RECLA IMED?	РС

Y = Inspected and is satisfactory / NA = Not applicable / PC = Problem Cited

## **BACKGROUND**

The Steel Rose mine, which is found the southeast portion of Section 21, T11S, R73W, 6<sup>th</sup> Principal Meridian, approximately 13.0-miles west-northwest of Hartsel, Colorado, has a 25-year history encompassing multiple owners, claims, and Mine Plan of Operations (MPOs). A brief summary detailing this history follows:

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## **Brueggeman – 1997 to 2022**

BLM MLRS records show that the earliest Steel Rose unpatented mining claim (CMC249721) registered to Phillip Brueggeman was located on September 16, 1997. No documentation exists regarding the change in ownership of the operation, and that claim was closed in July the following year.

Philip Brueggeman located another unpatented mining claim named Steel Rose (CMC251125) on February 25, 2000 and submitted his first MPO to work the claim on August 18, 2000 in search of "high grade specimen". The operator proposed to continue digging the 40' deep pit using mechanized equipment and did so under several different MPOs over the years (see Fig. 1). It is of note that after the 2000 MPO submittal, the operations' target is only specified as "known rock" until the lastest MPO submittal (i.e. the 2016 submittal, 2810-021210-MPO-2016-003), which simply states "minerals within the existing hole".

According to a phone call with Rick Carvill on June 16, 2022, claim owner Philipp Brueggeman passed away. Scott West remains the contact for the operation.

The 2016 MPO expired on December 31, 2021. Pursuant to 36 CFR § 228.8(g), the operator had one calendar year to complete all reclamation activities on site to Forest Service standards.

# **OBSERVATIONS**

I conducted a compliance and close-out inspection on the Steel Rose unpatented mining claim on February 10, 2023. I accessed the operation from Harstel, CO via US Hwy 24, CR 23, CR 23A, CR 44, FSR 44.2A, and FSR 226 (see Fig. 2).

In the vicinity of the Steel Rose unpatented mining claim (see Fig. 2 & 3), I observed the largescale pit described in the MPO (Photos 1-4), and two large stockpile areas (photos 5-7). No reclamation has occurred to date.

# PROBLEMS CITED

Several problems were identified during this inspection:

- 1) Non-system use?
  - The only access permitted is the use of FSR 226. Non-system access across the meadow and through the gate on the southwest side of the operation, is not permitted. The gates need to be removed from NFS lands.
- 2) Following Plan

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- The MPO expired on December 31, 2021, and the operators had one year to complete final reclamation. To date, no site reclamation has occurred.
- **3)** Backfill and grading
  - No backfilling or grading efforts have occurred on site.
- **4)** *Revegetation* 
  - No revegetation efforts have occurred. Seeding and planting need to occur for site reclamation to be complete.
- **5)** Reclamation Adequate
  - The MPO expired on December 31, 2021, and the operators had one year to complete final reclamation. No site reclamation has occurred.

# **RECOMMENDATIONS**

Pursuant to 36 C.F.R. § 228(g), the operators had one calendar year to complete all reclamation. Failure to do so may affect, in part or in full, the release of the reclamation bond. To date, site reclamation has not occurred. Unless the operator completes all reclamation within the next 60 days, the USFS will pursue the forfeiture of the reclamation bond with DRMS to complete final reclamation activities.

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# MAPS AND FIGURES



Fig. 1. Forest Visitor Map showing the general location of the Steel Rose operation.

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Fig. 2. Topographic imagery showing the Steel Rose claim. Points of interest include the largescale pit described in the MPO (Photos 1-4), and the stockpiles shown in red and yellow. Imagery from NAIP 2021.

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*Fig. 3. Satellite imagery showing the Steel Rose claim. Points of interest include the large-scale pit described in the MPO (Photos 1-4), and the stockpiles shown in red and yellow. Imagery from NAIP 2021.* 

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**PHOTOS** 



Photo 1. An overview photo of the main pit as seen from the north end of the pit. Access road is shown in orange. Main pit is shown in red on Figures 2 and 3.



Photo 2 – Rocky outrcrops on the eastern side of the pit.

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Photo 3. Rocky outrcrops on the western side of the pit. Access road is shown in orange.



Photo 4. An overview photo looking at the north end of the pit showing the access in orange.

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Photo 5. An overview photo of the stockpiles present around the south end of the site. Shown in red on Figures 2 and 3.



Photo 6. Another overview photo of the stockpiles present in the southeastern portion of the site. Shown in yellow on Figures 2 and 3.

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Photo 7. Overview of all stockpiles from the southeast corner of the site, looking northwest.

USDA, Forest Service

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

FS-2800-5 (Rev. 12/11) OMB NO. 0596-0022

	USE OF THIS FORM IS OPTIONAL! 1st TIME USERS SHOULD DIRECT QUESTIO REGULATIONS (36 CFR 228A) TO THE FOREST SERVICE DISTRICT OFFICE NEA	NS REGARDING THIS FORM OR REST YOUR AREA OF INTEREST.
Subr	mitted by: <u>Act B. West</u> Vice Pr Signature	esident 4-12-16 Title Date (mm/dd/yy)
	Signature	Title Date (mm/dd/yy)
Plan	Received by: Any Signature Geolog	Title H/15/16 Date (mm/dd/yy)
	I. GENERAL INFORMATION	
A.	Name of Mine/Project: Steel Rose	
B.	Type of Operation: lode - exploration and development (lode, placer, mill, exploration, de	2
C. D.	Is this a (□new/⊠continuing) operation? (check one). If continuing a previous operation, this plan (□replaces/□modifies/⊠ operations. (check one) Proposed start-up date (mm/dd/yy) of operation: June 1, 2016	supplements) a previous plan of
E.	Expected total duration of this operation: 5 years	
F.	If seasonal, expected date (mm/dd/yy) of annual reclamation/stabilizat	ion close out: December 31
G	Expected date (mm/dd/yy) for completion of all required reclamation:	December 31, 2021
a	II. PRINCIPALS	
Α.	Name, address and phone number of operator: Philipp Brueggeman 5521 Majestic Drive Colorado Springs, CO 80919 (719) 464-0638 Scott West 802 3 <sup>rd</sup> Street	APR 1 5 2016 South Park Ranger District
	Colorado Springs, CO 80907 (719) 505-4037	
	Name, address, and phone number of authorized field representative ( Attach authorization to act on behalf of operator.	if other than the operator).

C. Name, address and phone number of owners of the claims (if different than the operator):

(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:

	III. PROPE	RTY OR AREA		
	(Name of claim, if applicable, and the legal la	nd description where the op	peration will be located.)	
MC# CMC 251125	Name Steel Rose I	Section 21	Township 11S	Range 73W
				2

#### 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.

Park County Road 23A (Turner Gulch Rd) to Rd 7, not marked, to FSR 44 to FSR 442A to FSR 226. Road repairs and reinforcement will be made with a small (bobcat) to medium (2 to 4 yard bucket) front loader, throughout the year as needed. Rock will be put down to repair, reinforce, and smooth-out mud holes and wash-outs as needed.

All equipment and vehicle drivers will be instructed to not use cattle guard, but use gate next to cattle guard at Forest Boundary.

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 attachments

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

-3-

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.

Project will include continued excavation of the existing operation within the existing site and have NO new construction. We will only dig in prairie grass with a trackhoe, and use dump trucks to transport ore off-site for processing. We will be exploring and mining for minerals within the existing hole, previously authorized in 2007 Plan of Operations. All other material will be moved to edge of pit for reclamation. We will be backfilling as we go having only one pit open at any time. The pit and any rockpiles will be flagged with caution tape. Topsoil will be stockpiled separately. Seeding stopckpiles with native species listed in the Forest Service approved seed mix, and/or monitoring stockpiles for erosion problems.

Annual reclamation will be completed by December 31 of each year or as directed by the Forest Service.

Work crew will include a maximum of 8 and they will be working for no more than 10 days of the month, for a total of 120 days per year. Hours of digging will range from 7am until dusk for no more than 5 hours per day. The pit dimensions are currently 300 feet long by 40 feet wide by 25 feet deep. The entire area of disturbance is approximately 4.3 acres.

Future operations will stay within the current foot print. Maximum dimensions of the excavation will be 300 feet long by 40 feet wide by 50 feet deep.

- 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.
  - 1 Front End loader with an 8-yard bucket
  - 1 Track Hoe with 3 to 4-yard bucket
  - 1 Skid loader with 1/2-yard bucket
  - 1 Dump Trailer (6 ton) will load up ore and leave site the same day TGW 14,000 lbs.
  - 1 Dump Truck 8 ton single axle TGW 33,000
  - 1 Dump Truck 10 to 12 ton TGW 45,000 to 50,000 lbs. average

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.

No structures planned.

## 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.

We will only be doing excavation. No burning will occur. No impact to air quality. Working with all standards of EPA and USFS and BLM.

- 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.
  - 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.
  - 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.

No water on site. No production on site. Excavation only. No water used in operation. Only drinking water for workers

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. No production on site. Excavation only. Everytime we are working at the mine site we will have a privacy tent with wooden shipping pallet and port-a-potty that will be removed and cleaned at a dump station, to follow "Leave No Trace" principles, at the end of each day.

D. Scenic Values. Describe protection of scenic values such as screening, slash disposal, or timely reclamation. Pits will be reclaimed annually to protect scenic values. Continual backfilling will minimize the size of total site disturbance.

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 impact to fish and wildlife. Excavation will be fenced and slopes will be graded to 3:1 to minimize hazards to wildlife.

F. Cultural Resources. Describe measures for protecting known historic and archeological values, or new sites in the project area. No impact to cultural resources

## G. Hazardous Substances.

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.
 4 - 5 gallon gasoline containers will be stored in the bed of the truck, there will be no other hazardous materials. Gas containers will be held in a secondary storage containment system in the truck bed. We will have spill pads for refueling, but should a gas spill occur we will remove all affected areas with shovels and remove dirt off-site for

disposal. We will use catholes for all human waste and "leave no trace" guidelines. All trash will be removed and disposed of off-site. There will be no power or water requirements.

 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.

Dump Trucks will transport ore off-site two times per week, 3-4 hours per day. Corner post flags and caution tape will be used to mark the pit boundaries.

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. Spill pads will be used during refueling. No hazardous materials or toxic substances other than gasoline. Gas cans will be held in a secondary storage containment system. We will have spill pads for refueling, but should a gas spill occur, we will remove all affected areas with shovels and remove dirt off-site for disposal. If fuel spill of more than 5 gallons does occur, Forest Service will be notified immediately. 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. Reclamation will be ongoing. We plan to reclaim the current excavation from the north end of the pit moving south and will remain within the permitted site boundary. We do not plan on having any seasonal closures, weather permitting. Safety fencing will be installed and maintained around all open excavations. Stockpiles will be stabilized with netting and/ or silt fencing and USFS-approved grasses and seed mix. Stockpiles will be stored on the east, west, and south sides of the pit, see map.

Annual reclamation will include:

- 1) Refilling all pits and trenches;
- 2) Recountouring slopes to match the surrounding landscape;
- Topsoil will be stockpiled separately and secured with silt fencing to minimize erosion;
- Stockpiles will be seeded with approved Forest Service seed mix;
- Stockpiles will be monitored for erosion and runoff;
- 6) Isolation, removal or control of toxic materials (GAS)

Annual reclamation will be completed by December 31 of each year or as directed by USFS.

Final reclamation will include the following general practices;

1) Removing all equipment, vehicles, supplies, construction materials and debris from the claim and properly disposed of off of National Forest lands;

- 2) All trenches and pits will be refilled;
- 3) Slopes will be recontoured to match surrounding landscape;
- 4) All available topsoil will be replaced;
- 5) All non-system access roads will be closed, scarified, and reseeded. Any necessary water diversions will be constructed as directed by Forest Service;
- 6) All disturbed areas (including campsites) will be reseeded with USFS-approved seed mix.

The timeframe for backfilling the main excavation completely and reclaiming the entire site will take place after mining activities are over with, which is still undetermined. We are still removing ore, but should take about 1 to 2 months after viable resources are removed.

Reclaming the current excavation from north to south will start this spring (2016) and continue through the winter on a yearly basis.

## 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. <u>DRMS M-2006-031</u>, dated (mm/dd/yy) \_\_\_\_\_, signed by \_\_\_\_\_ (Principal) and \_\_\_\_\_ (Surety), for the penal sum of \$12,600.00. 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.

#### VII. TERMS AND CONDITIONS

- If a bond is required, it must be furnished before approval of the plan of operations. Α.
- Information provided with this plan marked confidential will be treated in accordance with the agency's B. 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.
- If previously undiscovered cultural resources (historic or prehistoric objects, artifacts, or sites) are exposed E. 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) 12/31/21. 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

W/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)

4-12-16 (Date) (mm/dd/yy)

IX. OPERATING PLAN APPROVAL

Joshua Voorhis (Name)

Signature of (Authorized Officer)

# District Ranger (Title)

6-1-16 (Date) (mm/dd/vv)

#### **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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# **Steel Rose MPO Expired**

**Titterington, Amy - FS, CO** <amy.j.titterington@usda.gov> To: "Elliott.russell@state.co.us" <elliott.russell@state.co.us> Wed, Feb 22, 2023 at 12:10 PM

Hey Elliott,

Attached are a USFS MPO expired letter to Scott West of Steel Rose, recent inspection report, and a copy of the expired plan.

If you have any questions, let me know.

Amy



Amy Titterington, PG, CMA I Geologist/ AML Program Manager

**Forest Service** 

**PSICC, South Park Ranger District** 

p: 719-836-2031

c: 719-838-0699 f: 719-836-3875

amy.j.titterington@usda.gov

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#### 3 attachments

- 20230221\_FS\_West\_MPOExpired.pdf
- 20230210\_FS\_SteelRose\_InspectionReport.pdf 4983K
- BiteelRose\_MPO\_Final\_060116.pdf