



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

April 21, 2023

Charles O. Spielman
cogspiel@msn.com
2705A Sherman Ave
Monte Vista, CO 81144

Re: Notice of Deficiencies, Goldpark King No. 2, File No. P-2023-004

Dear Charles O. Spielman:

On March 24, 2023, the Division of Reclamation, Mining and Safety (Division) received your Notice of Intent to Conduct Prospecting Operations (NOI) application for the Goldpark King No. 2 and assigned it File No. P-2023-004. The Division's review indicates the NOI application contains deficiencies which need to be addressed before the Division can approve the NOI application. Please title your response to the following items as "Response to Deficiencies, P-2023-004". You can respond to each item by the respective number below in a cover letter and then include attachments as necessary.

1. Your Notice of Intent was accompanied by a \$4,000 financial warranty check. Please execute and submit the enclosed One Site Prospecting Financial Warranty on Bureau of Land Management Land Check for Deposit in State Treasury form and the enclosed Affidavit of Authority form.
2. Under Section I. General Information, Question 7, you have identified that you are the Claimant of the Goldpark King No. 2. In accordance with Rule 5.1.2(d)(vi), please provide documentation demonstrating you are the Claimant of the Goldpark King No. 2.
3. Under Section III. Project Description, Question 6(F), you have indicated that diesel fuel and lubricants may be stored temporarily on site in barrels or canisters. Upon review of your April 15, 2023 responses to the Additional Information Needed letter from the Bureau of Land Management (BLM), you have revised your plan to state that no fuel or lubricants will be stored on site. Please confirm you are also revising the details of your NOI to the Division to exclude the storage of fuel and lubricants on site.
4. Within your April 15, 2023 responses to the BLM, you have indicated that you will proceed under guidance from the Colorado Department of Public Health and Environment (CDPHE) if you are required to obtain a stormwater discharge permit. Please commit to providing a copy of the approved permit or documentation from CDPHE demonstrating that a permit is not needed for your proposed activities.
5. Under Section III. Project Description, Questions 5 and 6(K), you have indicated groundwater may be intersected above the anticipated total depth of the trenches. You have also indicated that the gravels may be analyzed by panning and/or small prospecting sluices (highbankers) and the encountered groundwater in the trenches could be pumped and used for these operations before being



returned to the trenches. Pursuant to Rule 3.1.6, disturbances to the prevailing hydrologic balance must be minimized by compliance with applicable Colorado water laws and regulations governing injury to existing water rights. In order to expose groundwater and to use groundwater for prospecting processing, you must obtain permission from the Division of Water Resources (DWR) to do so, usually in the form of a well permit or temporary Substitute Water Supply Plan (SWSP). Please provide a copy of the approval from DWR for your proposed activities or make a commitment to obtain their authorization prior to exposing and utilizing groundwater. If you do not intend to obtain a well permit or SWSP, then you must provide a commitment not to expose groundwater and in the event that groundwater is encountered, you will commit to immediately backfilling to two feet above the static groundwater level. Within this commitment you will also commit to not using groundwater as a source of water needed for prospecting processing.

6. Please describe how you will safeguard the open trenches to prevent unauthorized entry at all times as necessary to provide public safety and for the protection of livestock and wildlife, until such time as the trenches are reclaimed.
7. Under Section III. Operation and Reclamation Measures, Questions 3, you have indicated 15-20 feet of organic, clayey material is considered to be topsoil and that you anticipate to place 2-8 feet of topsoil back into the excavations. The Web Soil Survey database that is available on the Natural Resource Conservation Service (NRCS) website (<https://websoilsurvey.nrcs.usda.gov/app/>) identifies the area along Park Gulch where trenching activities will occur consists of Monahan Gravelly Loam. This soil unit shows a typical profile of an A horizon from 0-8 inches. As topsoil is usually defined by O and A horizons, please commit to salvaging the top 8 inches of soil and stockpiling it separately from the remaining material that will be excavated from the trenches. The top 8 inches will then to be replaced as topsoil after backfilling is completed.
8. Within your application materials you have indicated because of soil swell, there may be excess topsoil after backfilling and that you will flatten the remaining topsoil with gentle side slopes 2H:1V. The Division's standard maximum slope gradient for backfilled areas is typically 3H:1V as this slope is less likely to erode. Please commit to flattening the side slopes of the excess topsoil to no steeper than 3H:1V or provide additional details on how you intend to stabilize the surface until the disturbance is appropriately revegetated. Additionally, the plan does not discuss where this excess topsoil will be located. Placing this material on top of the backfilled trench would help ensure a depression is not created after future settling of the backfill occurs. Please clarify where this excess material will be placed.
9. Under Section III. Operation and Reclamation Measures, Questions 7, you have provided a seed mixture that was recommended by a local NRCS office. The Division places an emphasis on using native species during reclamation. The proposed seed mix includes the following non-native species: crested wheatgrass, hard fescue, and Canada bluegrass. The Division requests these species be removed from the proposed seed mix or replaced with similar, native species.
10. The NOI did not contain proof that the local Board of County Commissioners were notified, however, on April 18, 2023, the Division received a comment regarding your application from John

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Deagan, Senior Planner for Park County, demonstrating they had been noticed of your NOI. *No response needed.*

11. As discussed above, the Division received a comment regarding your application Park County on April 18, 2023. Enclosed is a copy of the comment for your review. Please acknowledge and address any issues noted in the letters and make changes to the application as necessary.
12. The Division will determine the amount of the required financial warranty once all of the adequacy issues have been resolved. *No response needed.*

This concludes the Division's review of this NOI application. This letter shall not be interpreted to mean that there are no other technical deficiencies in the NOI application as other issues may arise when additional information is supplied. **Be advised that if these items have not been addressed within 60 days of the date of this letter, due on or before June 20, 2023, the Division may terminate the NOI application.**

If you have any questions, please contact me at 303-866-3567 x8132 or elliott.russell@state.co.us.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist

Enclosures

Cc: Michael Cunningham, Division of Reclamation, Mining & Safety
Sophia Brooks-Randall, Bureau of Land Management