

2705A Sherman Ave
Monte Vista, CO 81144

April 14, 2023

Keith E. Berger
Field Manager
Royal Gorge Field Office
U S Bureau of Land Management
3028 E. Main Street
Canon City, CO 81212

Re: June, 2023 Trenching Program, Goldpark King No. 2 Unpatented Placer Claim,
Park County, CO (USBLM Case File No. COC-080911)

Dear Mr. Berger:

This memo is in reply to your undated letter, same subject, which I received as an attachment to an e-mail from Sophia Brooks-Randall on April 5, 2023, which I received on April 8th.

Please, I ask you and your staff to alert me in advance by phone of any email correspondence. Please contact me at 719-580-1418.

In response to your questions:

1. Provide a Stormwater Discharge Permit or document stating that a permit isn't required for this operation from the Colorado Division of Public Health and the Environment.

This project is included in SIC Code 10 - Metal mining and milling. According to CDPHE's stormwater program guidance and fact sheet, this project does not meet the requirements for a Rainfall Erosivity Waiver for exclusion from CDPS Stormwater Permitting for small construction projects of less than five acres. However, we are studying CDPHE's further explanations of their Stormwater regulations, requiring that

“...stormwater discharges associated with industrial activity be covered under the permit program. This refers to any point source which is used for collecting and conveying stormwater and which is located at an industrial plant or directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term includes, but is not limited to, stormwater discharges from: industrial plant yards; immediate access roads and rail lines; material handling sites, refuse sites; sites used for the application or disposal of process waters; sites used for storage and maintenance of material handling equipment; sites that are or have been used for residual treatment, storage or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials,

and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. (See 40 CFR 122.26 for a more complete definition.)”

Per Appendix A (a) “For this SIC Code, a stormwater permit is required only if runoff contacts overburden, raw material, intermediate of finished product, or waste products”
Per Appendix A (b) “For most facilities covered by the stormwater regulations SIC codes are used to indicate the **primary** function of the facility. This footnote denotes industries which, in most cases, are covered under the stormwater regulations regardless of what other activities are conducted at the site.”

In order to support our belief that a permit is not required for our project, we have requested guidance from CDPHE’s Industrial Stormwater Quality Control Division (303) 692-3517.

We believe we are excluded by not fitting the above criteria, or it might be that we qualify for some other kind of waiver or exemption. In any case, I assure you that we will proceed under guidance from CDPHE, and, if required, we will apply for a general stormwater permit (Permit no. COR-040000) or whatever other permit is required.

As soon as we have an answer from CDPHE we will proceed accordingly under CDPHE’s stormwater regulations and permitting policies, and we will notify you immediately. We understand from the guidelines that this permit approval process takes about ten days, but we will act quickly anyway.

2. State the source of your determination that it’s likely that groundwater would be encountered during this exploration.

In 2021 I contracted with Ray Burtin, of Cory’s Field Services, to run some 20 or so electromagnetic traverses across the bottom of Park Gulch on our claim. He reported to me that every traverse indicated the presence of shallow ground water below the bottom of the gulch. Mr. Burtin is experienced and well qualified in this type of study so I see no reason to doubt the results of his work.

Mr. Burtin’s results buttress my own observations and experience regarding shallow ground water in unconsolidated sediments gleaned from my work in examining and evaluating placer operations and prospects in Park County (Mgr of Exploration, Alma American Mining Co. 1986-1991,) in Montana (Consulting Geologist & independent prospector ,1983 and 1984,) and as a native of the San Luis Valley and member of the Rio Grande Basin Round Table (2006-2023.)

Further, I believe that, although we are likely to encounter ground water, - and probably use it in a future placer mining operation to separate gold from gravel - it seems unlikely that there would be any appreciable effect on either the quality or quantity of the ground water present, as we undertake our trenching program next June.

3. Provide a map or satellite image with a more detailed depiction of the exploration site, including the road and trenches' proximity to the perennial stream.

The following Google Maps link gives you access to the satellite imagery of the Goldpark King No. 2 claim.

<https://earth.google.com/web/search/como+park+county+colorado/@39.30990564,-105.87998754,2957.05696788a,4123.45661304d,35y,0h,0t,0r/data=CigiJgokCYHxNWE6SDVAEYDxNWE6SDXAGfHmO66hwT9AIWLA2qLx4VHA>

The attached composite map depicts the area of the exploration site, the road, and the trenches' proximity to what you have defined as "the perennial stream." And the two attached photos show topography and vegetation of Park Gulch in the vicinity of the trenching sites.

The USFS office in Fairplay will likely have stereo pairs of aerial photos of Park Gulch available for public viewing, if you desire an additional depiction of the claim and planned trenching sites.

Your request mentions a "perennial" stream on the site. There is no such stream anywhere on Goldpark King No. 2. The drainage crossing the claim from NW to SE perhaps fits the definition of an intermittent stream, as shown on USGS topo maps of the drainage. But I doubt even that designation requires stretching the facts a bit. I've been on the claim some two or three dozen days over the past five summers, and I have yet to see any flowing water in the drainage course. I did observe a small puddle of possible rainwater or melt water once, in 2022. (See attached photo.)

4. List the contents of spill kit(s) that would be kept on site in case of a gasoline or lubricant spill.

I have asked Jacob Wendel, of Cutting Edge Excavating, about this; he stated that he has never been required to have a spill kit on a job; it's been many years since I worked directly in the field with diesel equipment. So, neither Mr. Wendel nor I have an idea what such a kit might contain. Perhaps your staff could list the contents of an appropriate spill kit, keeping in mind that no fuel or lubricant will be stored on site; and the only fueling that would be required would be transferring diesel oil from service truck to hydraulic excavator a few times during the trenching program.

5. State the total volume of lubricants to be kept on the site.

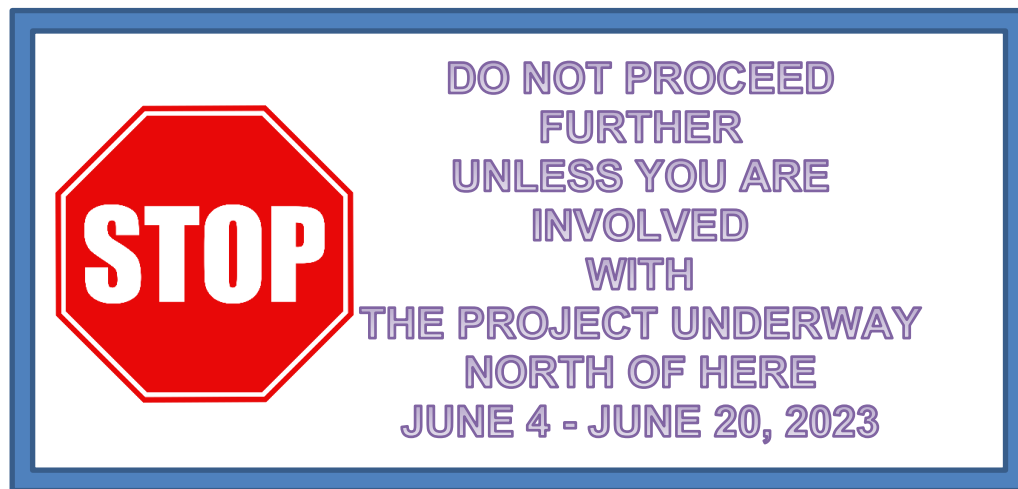
Mr. Wendel has stated that no fuel or lubricants will be stored on site.

6. Describe any signage or other safety features to be used on site.

We will place a 2ft x 3ft sign by the old access road near our temporary trailer, as follows:



We will place another 2ft x 3ft sign by the new access road near its connection with the old access road, as shown below:



Until we learn more regarding the stability of the trench sidewalls, we will advise all involved personnel to stay more than three feet away from the trenches unless wearing an anchored safety harness.

As you may recall from attachments to my memo to you dated March 16, 2023, I have asked that the USBLM direct the grazing lessee to refrain from placing his cattle on the claim before June 20, 2023. Additionally, If we find it necessary to leave an open trench overnight, we will place equipment, tools, or fencing around the opening, to keep a curious antelope from falling into the open trench.

7. State the source of the pre-existing road.

If by source, you mean the cause of, or reason for, its existence, my best guess is this: it is a typical, mostly ungraded, two-rut track, probably caused by the passage over time of ranch personnel, occasional hunters, prospectors, or casual wanderers. It is apparently very lightly used; during the times I've spent on or near Goldpark King No. 2, I've never seen a vehicle on it, except those associated with our efforts. It starts from Park County Rd 15, as shown on my map of Goldpark King No. 2; where it terminates is unknown to me; I haven't followed it beyond Section 3.

8. State the maximum number of days that the camp trailer would be on site.

We plan to place the trailer on site on June 3, 2023, and remove it by June 20, 2023. That would mean it could be on our claim a total of 18 days. It will probably not be occupied before the nights of June 4th or after June 19th.

9. Explain where and how any waste, including the proposed port-a-potty, would be disposed of off-site.

As I've stated, the small camp trailer is a self-contained unit. Following its use on Goldpark King No. 2, the waste/sewage reservoirs will be dumped at a commercial dump station, likely in Fairplay. I expect that the contract portapotty will also be a self-contained unit. It's been my experience that portapotty contractors have access to, or own, a commercial waste dump site. I expect that to be the case for our contractor, as well.

Small amounts of personal waste, such as paper sandwich wrappers will be carried to our respective residential sites and disposed of. We will attempt to leave no waste products on the claim upon completion of our project.

I believe this letter, in total, constitutes the current status of my response to your questions and requests, as contained in your recent letter to me, which I received by e-mail on April 5, 2023.

Regards,



Charles Spielman

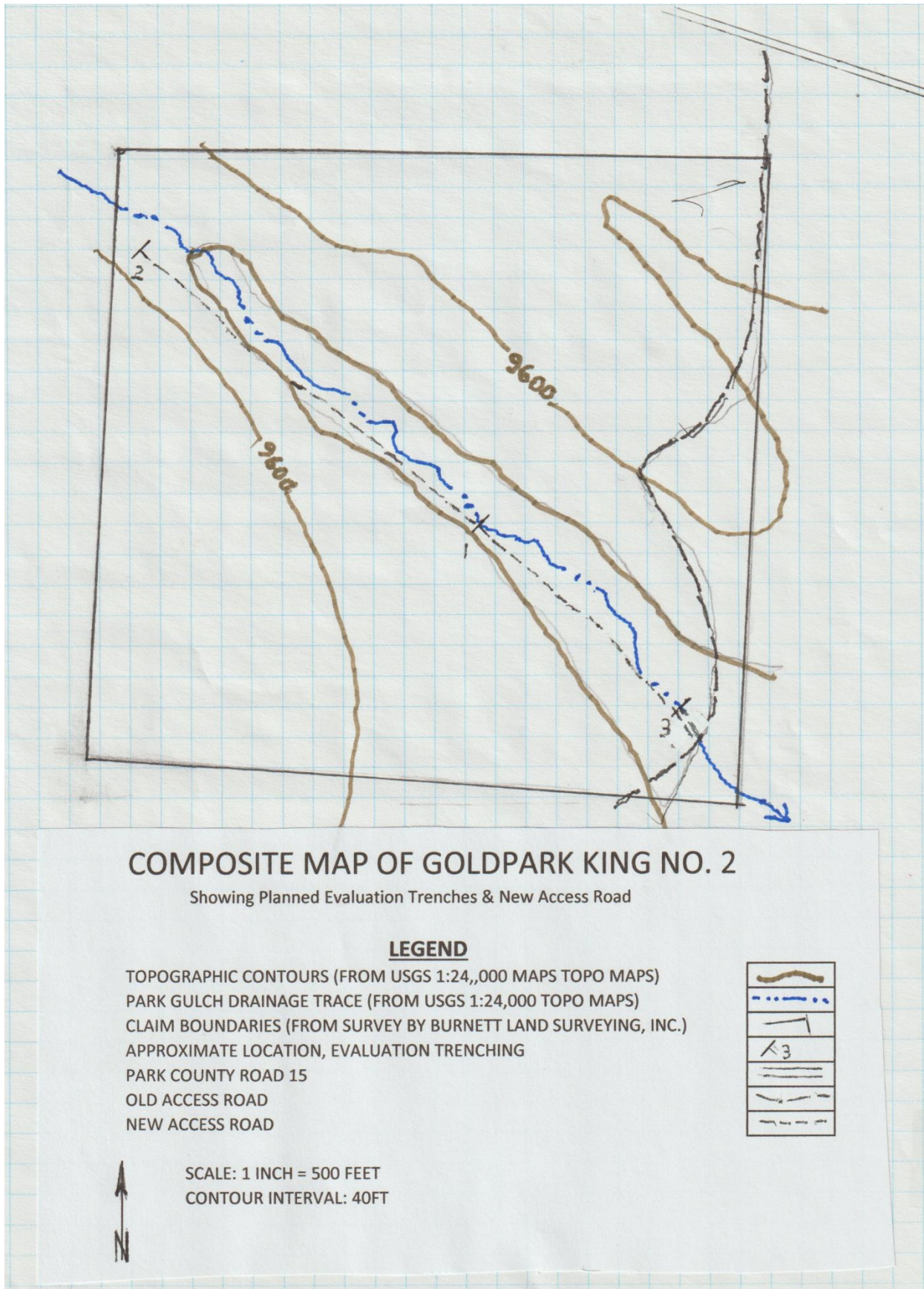
- Encl:
1. Printed image and link to Google Earth Image
 2. Map of Goldpark No. 2 at a scale of 1"=500 ft showing approximate location of planned trenches
 3. Two photos of Park Gulch on Goldpark King No. 2, showing topography and vegetation in the vicinity of our proposed trenching sites

Cc: Elliott Russell, CDRMS
Sophia Brooks-Randall, USBLMFO

Google Earth Link:

<https://earth.google.com/web/search/como+park+county+colorado/@39.30990564,-105.87998754,2957.05696788a,4123.45661304d,35y,0h,0t,0r/data=CigiJgokCYHxNWE6SDVAEYDxNWE6SDXAGfHmO66hwT9AIWLA2qLx4VHA>







June, 2018 – Photo looking northwesterly along bottom of Park Gulch. Drainage trace in right center. Mt. Silverheels on skyline, just above And left of center. Town of Como in left center, just below dark timber.



May, 2022 – Photo looking northeasterly from near middle of Goldpark No. 2. Small pond in Park Gulch drainage trace. 4x4 post is Discovery Monument.



Response to Berger Ltr att. SBR e-mail Rec'd 4/8/23

CHARLES GWYN SPIELMAN <COGSPIEL@msn.com>
To: "Brooks-Randall, Sophia N" <sbrooksrandall@blm.gov>
Cc: "elliott.russell@state.co.us" <elliott.russell@state.co.us>

Sat, Apr 15, 2023 at 12:41 PM

Dear Ms Brooks-Randall:

Attached is my reply to the subject letter from Mr Berger.

Charles Spielman

Sent from [Mail](#) for Windows



BLM response COS & NVL[18319].pdf
1517K