



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

May 5, 2023

Charles O. Spielman  
[cogspiel@msn.com](mailto:cogspiel@msn.com)  
2705A Sherman Ave  
Monte Vista, CO 81144

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

Dear Charles O. Spielman:

On April 28, 2023, the Division of Reclamation, Mining and Safety (Division) received your responses to the Division's April 21, 2023 Notice of Deficiencies letter for your Notice of Intent to Conduct Prospecting Operations (NOI) application for the Goldpark King No. 2. Upon review of your responses, the Division has determined that your NOI application still contains deficiencies which need to be addressed before the Division can approve your NOI application. Please title your response to the following items as "Response to Deficiencies 2, 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. *Response adequate.*
2. In response to Item #2, you have provided documentation showing you are one of eight owners of the Goldpark King No. 2. The other seven mineral claim owners are considered Owners of Record of the subsurface in accordance with Rule 1.6.2(1)(e)(i). As required by Rule 5.1.2(d)(vi), please provide a copy of a lease(s) or provide a signed and notarized statement(s) by the other owners stating Charles O. Spielman has legal right to enter to conduct prospecting and reclamation on the Goldpark King No. 2. Furthermore, as the project is located on BLM lands, your surface legal right to enter documentation is the BLM's approval/authorization. Please provide a copy of an approved/accepted (or conditionally approved/accepted) Notice of Intent or Plan of Operations from the BLM.
3. *Response adequate.*
4. In response to Item #4, you have formally revised your plan to remove the proposed construction of the 2,900' access road as you will now access the trench sites without creating a road. The Division has no issue with overland access to your trench sites instead of creating roads, however please confirm this is acceptable to the BLM. As you are aware, the Division holds bond for "worse-case" scenarios based on the approved prospecting details and reclamation plan. For overland travel, the Division's standard process is to hold bond for de-compacting and re-seeding the overland path as accessing your project with equipment and personnel vehicles may disturb the land. If the access paths become overly compact and/or devoid of vegetation, please commit to de-compacting and re-seeding the disturbances.
5. In response to Item #5, you have acknowledged that you plan on acquiring decreed water as make-up for the losses due to evaporation of exposed groundwater and then obtaining a SWSP from DWR.



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Please formally commit to staying 2' above the groundwater table until DWR authorizes the exposure of groundwater. Please also commit to providing the Division with the approved SWSP. Note, if you plan on utilizing groundwater for highbanker processing, this will need to be discussed/authorized in the SWSP.

6. *Response adequate.*

7. *Response adequate.*

8. The response to Item #8 doesn't address the Division's concerns. Please commit to placing any excess material due to swell on top above of the backfilled trenches to account for future settling. Please also commit to grading the side slopes of any excess material to 3H:1V.

9. In response to Item #9, you have stated that you will work with BLM to compile a seed mix. The Division will need a seed mix prior to our approval for the file and the reclamation cost estimate. You may use the mix you originally provided but please remove the 3 non-native species that were noted. If a more suitable seed mix is recommended to you at a later time, you can simply provide it to the Division to update your reclamation plan.

10. *Response adequate.*

11. In response to Item #11, you have stated that the wetlands in question will be delineated by your consultant in late May or early June. As your plan to trench across Park Gulch may be impacted based on the results of this delineation, please submit the results of the delineation and any appropriate revisions to your plan as soon as possible for the Division to review.

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 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](mailto:elliott.russell@state.co.us).

Sincerely,



Elliott R. Russell  
Environmental Protection Specialist

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