

2705A Sherman Ave.
Monte Vista, CO 81144

April 27, 2023

Elliott R. Russell
Environmental Protection Specialist
Colo. Div. of Reclamation, Mining, and Safety
1313 Sherman Street Room 215
Denver, CO 80203

Re: Your Letter of April 21, 2023 - Notice of Deficiencies, NOI to Conduct
Prospecting Operations on Goldpark King No. 2 Placer Claim, Park County.
CDRMS File No. P-2023-004

Dear Elliott:

Following is my reply to your letter of April 21, 2023. To assist you in reviewing and analyzing my responses, I have repeated each numbered paragraph of your letter, followed by my response, or current state of efforts to respond.

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.

Response 1. The two requested forms, filled out and notarized as required, are attached.

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 Goldpark King No. 2.

Response 2. I am one of *eight* claimants of Goldpark King No. 2. Under current Federal mining laws and regulations, placer claims must be aligned with standard land boundaries, such as Sections or divisions thereof, and may include up to 20 acres for each claimant, up to 160 acres in size (Goldpark King No. 2 contains 157.34 acres, according to survey, which requires eight claimants.) For Goldpark King No. 2, the other seven claimants are either relatives or close friends with whom I have worked before.

Attached is a USBLM form, Maintenance Fee Waiver Certification, for the assessment year 9/1/2022 – 9/1/2023 that lists all of our eight claimants/owners. The claim was located at my instigation, and I have paid, and will pay, most of the cost of exploring and developing it. In addition, I have experience with obtaining government approval of exploration/mining projects that the other claimants don't have, As a result, I have assumed a lead role in responding to government requirements to obtain approval for

our NOI. I have, incidentally, polled the other claimants to obtain authorization for me to sign the DRMS form: Affidavit of Authority to Execute Financial Warranty Documents.

3. Under Section III. Project Description, Question 7, 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 BLM,, you have revised your plan to state that no fuel or lubricants will be stored on site. Please confirm that you are also revising the details of your NOI to the Division to exclude the storage of fuel and lubricants on site.

Response 3. My apology for the confusion. No plan revision was involved. My first response was: fuel and lubricants *may* be stored on site; then afterward, in discussion with our excavation contractor, I learned that he would not do this, and I forwarded that information to the USBLM. The bottom line is this: both CDRMS and USBLM can rest assured that fuel and lube won't be stored on site, per the contractor's statement.

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.

Response 4. Claimant Nicole Langley has worked diligently to address the issue of a stormwater discharge permit. She has been successful in locating a CDPHE employee who has been most helpful in providing guidelines for determining the need for, and type of, permitting necessary. I have attached a copy of an e-mail from him that I have used in responding on this issue. I have concluded that, considering trenches will be open only a relatively short time, and our prospecting is planned for early June, usually a time of minimum to no rainfall in our mountains, there is no reasonable expectation of runoff from open trenches due to heavy rainstorms.

Last Monday I toured the trenching sites with Jacob Wendel, the excavation contractor. After some discussion, we concluded that the proposed new access road would not be needed for moving the hydraulic excavator onto, or between, the sites. And it certainly is not a necessity for accessing them with our personnel field vehicles. We will continue to traverse the claim without the necessity of roads, as in past years.

You have asked us to save 8 inches of topsoil in a separate pile and place it back on the top of our backfilled and regraded trenches. We can't be that precise with the planned hydraulic excavator, but we can commit/plan to save the upper 6"-12" of topsoil and place it back over the trench excavations. Altogether, without a remaining

unreclaimed access road, this will result in virtually no "unreclaimed" exposed ground at the end of the program. Reseeding will be held to a minimum. Moreover, our plan anticipates that backfilling and reclaiming each trench segment will be done within 4-5 days at most, thereby limiting the exposure to a potential stormwater discharge event.

So after polling the other claimants, I am proposing a major revision in our prospecting plan: not constructing the proposed "new access road." The result of this is to minimize the possibility of stormwater discharges from unreclaimed ground on the project site – to the extent that there is no reasonable expectation that a stormwater discharge event will occur during our trenching program that would require us to obtain such a permit.

5. Under Section III. Project Description, Questions 5 and 6(K), you have indicated groundwater may be intersected above the 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 hydraulic 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 the 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 back filling to two feet above the static groundwater level. Within the commitment you will also commit to not using groundwater as a source of water for prospecting processing.

Response 5. Since we anticipate encountering groundwater in the trenches, and since we may find it beneficial to our program to use this water in highbankers, I discussed the situation and our plan yesterday with my friend Pat McDermott, Staff Engineer, Water Division 3 (Rio Grande Basin.) He was extremely helpful; he has recommended we need to first acquire decreed water from an organization such as a water conservancy district to supply "makeup" water to replace the theoretical evaporative water loss in our trenches, even during the short time they're open. If we are successful in doing this - if I understand Pat's instructions correctly - we should then apply to the State Water Engineer for a SWSP in Water District 1(including the South Platte Drainage,) Water Division 23 (South Park.) This I plan to do.

6. Please describe how you will safeguard the open trenches to provide 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.

Response 6. As partially listed earlier, our efforts toward these objectives, will include:

- a. Putting up signs as previously described to restrict access by curious visitors;
- b. Occupying a trailer along the old access road at night to discourage casual visitors and trespassers;
- c. Instructing our panners to keep away from trench edges, and not work or move so as to place themselves under the swinging boom of the excavator;
- d. At each trenching site, keeping individual trench segments open (not backfilled) for minimum time periods, not more than four days, usually only a day or two;
- e. Using T-posts and clothesline rope to construct a fence around each trench segment left open overnight to keep curious antelope from stumbling into an open trench;;
- f. Asking the BLMFO to require the grazing lessee to refrain from putting his cattle on the claim before June 20th.

7. Under Section III. Operation and Reclamation Measures, Question 3, you have indicated 15-20 feet of organic, clayey material is indicated to be topsoil and that you anticipate [being able] to place only 2-8 feet of [that material] back into the excavations [due to gravel swelling as excavated]. The Web Soil Survey database that is available in the.....NRCS website 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 top8 inches will thwn be replaced as topsoil after backfilling is completed.

Response 7. As stated earlier, in Response 4, we will plan to salvage and stockpile separately the top 6-12 inches of topsoil in the trenched areas, and replace it as the topsoil layer after backfilling is completed.

8. Within your application materials you have indicated because of [gravel] 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 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.

Response 8. The general plan is to dig the trenches in the shape of a 'T' with the two arms oriented SW-NE and the standard oriented NW-SE. The digging process will begin with the SW arm of the T, placing the 5-ft increment samples in an arcuate row above the arm. Then the hydraulic excavator will move to, and dig, the NE arm of the T, placing the NE arm samples, again, in an arcuate row while the panners work on the SW arm samples. Third, the excavator will move to, and dig, the NW-SE standard of the T, placing the samples in an arcuate row while the panners work on the samples from the NE arm of the T. Lastly, the excavator will backfill the first two trenches while the panners work on the samples from the standard of the T, placed in an arcuate row SW of the Standard trench. Finally, the Standard trench will be backfilled, and topsoil spread over all of the backfill by the excavator; the panners will temporarily trade in their pans for rakes, and finish the reclamation groundwork. The temporary location of the two topsoil piles will be to the NE of the T standard

That's the plan – five days to a trenching site. And If you look closely at the typical trenching site plan (scale: 1"=20') I provided earlier, you will see very light images of the sample rows and topsoil placement area, in an idealized situation.

But much will depend on the digging rate of the excavator, trench depths, the panning rate of the panners, the topography; and as explained later, working around the "wetland" in the drainage trace in the bottom of Park Gulch. For starters, the planned 'T' may more closely resemble an upside-down 'L'. or we might have to split the arms into two separate pieces, one on either side of the "wetland."

9. Under Section III. Operation and Reclamation Measures, Question7, 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 ptoposed seed mix includes the following non-native species: crested wheatgrass, hard fescue, and Canada bluegrass. The Division requests these species be removed from the prposed seed mix and replaced with similar, native species.

Response 9. We will plan to work with the USBLMFO to compile a seed mix that meets both USBLM and CDRMS requirements, per CDRMS' request.

10. No response needed.

11. As discussed above, the Division received a comment regarding your application [from] 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 [letter] and make changes to the application as needed.

Response 11. I have discussed the mapped wetland with Jennifer Mio(sp), principal and owner of 285 Engineers in Conifer. She is a recognized wetlands delineator, and I have indicated my interest in having her study the 'wetland' designated and mapped by USFWS (I'm told this was done without having anyone visit the area on the ground.) Unfortunately, Jennifer says she can't study the drainage trace in the bottom of the gulch until the vegetation "greens up" and resumes growth in late May-early June. To resolve this probable time conflict, we will adjust the location of our trenching sites to avoid the mapped 'wetland.' At trenching sites 1 and 2 this should not be a difficult problem, as the 'wetland' is indicated to be only about 25 feet wide. At site 3, it is indicated to be 100-125 feet wide, but by the time we reach this site, Jennifer should have been able to determine whether it is, in fact, a wetland.

I am doubtful the USFWS wetland designation is correct. We have dug down in the bottom of the drainage trace and found damp, not saturated, soil. And, on general inspection, the plants appear not to be the plants usually growing in Park County wetlands – usually scrub willows. Additionally, there are no indications of a flood hazard zone, as also mentioned in Deagan's memo.

So, bottom line, we will deal with the "wetland" in our 2023 trenching program, and will, I believe, be able to acquire an ACOE 404 Permit to open a placer mine on Goldpark King No. 2 in 2024, if warranted by this year's results.

12. The Division will determine the amount of the required financial warranty once all of the adequacy issues have been resolved.

Response 12. I hope that settling the amount of warranty needed will take into account that the plan revision proposed herein in **Response 4.** removes about one acre from the expected disturbed area, leaving only about 0.4 acre total disturbed area in the three trenching sites.

Regards,



Charles Spielman

Elliott Russell
April 27, 2023
Page 7

Attach: One Site Prospecting Financial Warranty on Bureau of Land Management Land
Affidavit of Authority to Execute Financial Warranty Documents
USBLM Maintenance fee Waiver Certification
Memo from Alex Powell, CDPHE

Cc: Sophia Brooks-Randall, USBLM

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3567

FAX: (303) 832-8106



ONE SITE PROSPECTING FINANCIAL WARRANTY

ON BUREAU OF LAND MANAGEMENT LAND

CHECK FOR DEPOSIT IN STATE TREASURY

Prospecting Financial Warranty No. _____

Notice of Intent No. FILE NO. P-2023-004

This form has been approved by the Mined Land Reclamation Board ("Board") pursuant to section 34-32-117, C.R.S., of the Colorado Land Reclamation Act. Any alteration or modification of this form, without approval by the Board shall result in the financial warranty being invalid and result in the voiding of any permit issued in conjunction with such invalid financial warranty and subject the Prospector to cease and desist orders and civil penalties for prospecting without a permit pursuant to section 34-32-123, C.R.S., of the Colorado Land Reclamation Act.

KNOW ALL MEN BY THESE PRESENTS, that ~~we~~ (I), CHARLES O. SPIELMAN, of the County of RIO GRANDE, in the State of COLORADO, as Principal ~~we~~ ~~am~~ (am) held hereby and firmly bound unto the State of Colorado, acting through the Mined Land Reclamation Board in the sum of FOUR THOUSAND Dollars (\$ 4,000) for the payment of which sum, well and truly to be made, ~~we~~ (I) hereby bind ourselves ~~and~~, and each of ~~us~~ (my) legal representatives, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has filed a Notice of Intent to Conduct Prospecting Operations with the Board on the following premises, indicated on the Notice of Intent filed with the Board, which is attached hereto and thereby incorporated by reference, to wit:

GOLDPARK KING No. 2 PLACER CLAIM,
WHICH CONSISTS OF THE NE 1/4 SECTION 3, T9S, R76W, 6TH P.M.

NOW, THEREFORE, the conditions of this obligation as such that if the above-bounded Principal shall, in conducting such prospecting operations, faithfully perform the provisions of the Notice of Intent to Conduct Prospecting Operations filed with the Board and the requirements of the plan to implement reclamation measures to reclaim all lands affected by the prospecting operations approved and modified by the Board, relating to the Colorado Land Reclamation Act as amended, and the Rules and Regulations adopted pursuant thereto; upon the Board making a finding that the lands described above have been satisfactorily reclaimed, and approving the Prospector's request for a financial warranty release on such lands, then this obligation shall be exonerated and discharged and become null and void; otherwise to remain in full force and effect.

If this financial warranty applies to National Forest System lands, and if this financial warranty is accepted by the United States Forest Service ("U.S.F.S.") as the bond required under 36 C.F.R. 228.13, then the Prospector, having requested that the Board and the U.S.F.S. accept this single financial warranty in lieu of the separate bonds which would otherwise be required by applicable law, hereby agrees that, notwithstanding any other provision hereof, or of law, this financial warranty shall remain in full force and effect until U.S.F.S. has advised the Board by written notice that the Prospector's obligations to U.S.F.S., for which this warranty is executed, have been satisfied, and until the financial warranty has been released by the Board.

If this financial warranty applies to lands under the jurisdiction of the State Board of Land Commissioners("Land Board"), and if this financial warranty, in whole or in part, is accepted by the Land Board as the bond required under its applicable law and procedures, then the Prospector, having requested that the State accept this financial warranty in lieu of the separate bonds which would otherwise be required by the Board or Division of Reclamation, Mining and Safety and by the Land Board, hereby agrees that, notwithstanding any other provision hereof, or of law, this financial warranty shall remain in full force and effect until the Board is notified in writing by the Land Board that the Prospector's obligations to the Land Board, for which this warranty is executed, have been satisfied, and until the financial warranty has been released by the Board.

If all or any part of the affected lands are under the jurisdiction of the Bureau of Land Management, United States Department of the Interior (the "BLM"), and if, at the request of the Prospector on this financial warranty, the BLM has, pursuant to 43 C.F.R., 3809.570, accepted this financial warranty then, notwithstanding any other provision of this financial warranty, or of law, the Prospector hereby agrees that this financial warranty shall not be released until the Board is advised in writing by the BLM that the Prospector's obligations to the BLM, for which this warranty is executed, have been satisfied, and until the financial warranty has been released by the Board. The Prospector agrees that this warranty shall also be redeemable by the Colorado State Director, U.S. Bureau of Land Management.

PROVIDED, however, the Warrantor shall not be liable under this financial warranty for an amount greater in the aggregate than the sum designated in the first paragraph hereof, unless increased by a later amendment, and shall not be liable as respects any obligation related to prospecting and reclamation operations performed after the effective date of a cancellation of this financial warranty pursuant to the terms of Section 34-32-117(5), C.R.S. , as amended. This financial warranty shall remain in force and effect as respects all obligations for all prospecting and reclamation operations performed prior to the effective date of such cancellation unless the Principal files a substitute financial warranty which: 1) assumes liability for all obligations for all prospecting and reclamation operations performed during the effective date of this financial warranty; and 2) is acceptable to the Board; or unless the Board otherwise releases this financial warranty.

The Warrantor reserves the right to cancel this financial warranty, effective only upon an anniversary date, and only by giving written notice to that effect, mailed by Certified Mail, at least ninety (90) days prior to such anniversary date, addressed to both the Prospector at its address herein stated, and to the Board at the address herein stated. In the event of such cancellation, this financial warranty shall nevertheless remain in full force and effect as respects the reclamation of all areas disturbed prior to the effective date of such cancellation, unless and until the Prospector shall file a substitute financial warranty which: (1) assumes liability for all reclamation obligations which shall have arisen at any time while this financial warranty is in force; and (2) is accepted in writing by the Board.

Signed, sealed, and dated this 24TH day of APRIL, 2023.

Charles O. Spieh
Principal

Principal

By

By

CLAIMANT / OWNER
Title

Title

2705A SHERMAN AVE
Mailing Address

Mailing Address

MONTE VISTA, CO 81144

APPROVED:

Division Director

Date

Affidavit of Authority to Execute Financial Warranty Documents

Before me this day, the undersigned CHARLES O. SPIELMAN [name of authorized person], in his/her capacity as CLAIMANT/OWNER [title of authorized person] ("Affiant"), personally appeared and, being first duly sworn upon oath said:

1. This affidavit is being executed and submitted on behalf of EIGHT CLAIMANTS/OWNERS [name of business organization], a(n) _____ [legal form of business organization, e.g., corporation, partnership, limited liability company, etc.], in good standing in the State of Colorado (the "Company").
2. It is in the interest of the ~~Company~~ CLAIMANTS/OWNERS to execute certain financial warranty documents associated with file number P-2023-004 (DRMS file number), which are required by the Colorado Mined Land Reclamation Board and Division of Reclamation Mining and Safety pursuant to Colorado law ("Financial Warranty Documents").
3. Affiant is duly authorized to sign such Financial Warranty Documents on behalf of the Company and to bind the Company to the same.
4. Affiant is not prohibited or limited by the Company's governing documents or by any applicable law from executing the Financial Warranty Documents.
5. Affiant will inform the Division of Reclamation Mining and Safety within thirty (30) days in the event that his/her authorization to execute Financial Warranty Documents on the Company's behalf is terminated.

Further, Affiant sayeth not.

CHARLES O. SPIELMAN
Affiant's Name

Charles O. Spiehn
Signature

STATE OF Colorado)
) ss.:

COUNTY OF Rio Grande

TALAYA CAITLIN LOPEZ
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20224040660
MY COMMISSION EXPIRES OCTOBER 20, 2026

The foregoing instrument was acknowledged before me this 25 day of April, 2023
by Talaya Lopez as Notary Public of Colorado.

Notary Public Jalaya Cantlin
My Commission Expires October 20, 2026 ^{Ken}

LT # C010183147

Form 3830-2
(October 2013)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MAINTENANCE FEE WAIVER CERTIFICATION

FORM APPROVED
OMB NO. 1004-0114
Expires: October 31, 2016

SEE INSTRUCTIONS ON PAGE 2

1. This small miner waiver is filed for the assessment year beginning on September 1, 2022 and ending on September 1, 2023.
2. The undersigned and all related parties owned ten or fewer mining claims, mill, or tunnel sites located and maintained on Federal lands in the United States of America on September 1, 2022.
3. The undersigned have performed the assessment work required by law for each mining claim listed prior to filing this waiver and understand that by filing this form, the undersigned must file an affidavit of assessment work with the Bureau of Land Management (BLM) by the December 30th following the filing of this waiver.
4. The undersigned understand that if the assessment work obligation has not yet come due under 30 U.S.C. 28 (for those claims in their first assessment year only), a notice of intent to hold reciting this condition must be recorded by the December 30th following the filing of this waiver.
5. The undersigned understand that mill and tunnel sites may also be listed on this waiver and be waived from payment of the maintenance fee, and that a notice of intent to hold for these sites is required to be filed with the BLM by the December 30th following the filing of this waiver.
6. The undersigned understand and acknowledge that pursuant to 43 U.S.C. 1212 and 18 U.S.C. 1001, the filing or recording of a false, fictitious, or fraudulent document with the BLM may result in a fine of up to \$250,000, a prison term not to exceed five years, or both.
7. The mining claims, mill or tunnel sites for which this waiver from payment of the maintenance fees is requested are:

CLAIM OR SITE NAME	BLM RECORDATION SERIAL NUMBER
1. <u>GOLDPARK KING No. 2</u>	<u>CMC 290362</u>
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

RECORDS UPDATED
Action Code(s) Accepted 483
For 2023 Assessment Year
OCT 20 2022
11/10/22

THANK YOU FOR YOUR RECENT
MINING CLAIM FILING

THIS IS A COPY FOR YOUR RECORDS

The owner(s) (claimants) of the above mining claims and sites are:

CHARLES O. SPIELMAN
(Owner's Name - Please Print)
2705A SHERMAN AVE
(Owner's Mailing Address)

Charles O. Spiel
(Owner's Signature)
MONTE VISTA CO 81144
(City) (State) (Zip Code)

NICOLE V. LANGLEY
(Owner's Name - Please Print)
PO BOX 521
(Owner's Mailing Address)

Nicole V. Langley
(Owner's Signature)
FT GARLAND CO 81133
(City) (State) (Zip Code)

PHILIP TRILL
(Owner's Name - Please Print)
2055 DAHLIA ST
(Owner's Mailing Address)

Philip Trill
(Owner's Signature)
DENVER CO 80207
(City) (State) (Zip Code)

SHARLYN TRILL
(Owner's Name - Please Print)
2055 DAHLIA ST
(Owner's Mailing Address)

Sharlyn Trill
(Owner's Signature)
DENVER CO 80207
(City) (State) (Zip Code)

(Continued on page 2)

ALEXANDER TRILL

(Owner's Name - Please Print)

2055 DAHLIA ST

(Owner's Mailing Address)

LARRY WEILNAU

(Owner's Name - Please Print)

340 N PINAL DR

(Owner's Mailing Address)

SHIRLEY WEILNAU

(Owner's Name - Please Print)

340 N PINAL DR

(Owner's Mailing Address)

P. CHRISTOPHER TRILL

(Owner's Name - Please Print)

17145 CARLSON DR APT 112

(Owner's Mailing Address)

anston

(Owner's Signature)

DENVER

(City)

CO

(State)

80207

(Zip Code)

Larry Weilnau

(Owner's Signature)

APACHE JUNCTION

(City)

AZ

(State)

85120

(Zip Code)

Shirley Weilnau

(Owner's Signature)

APACHE JUNCTION

(City)

AZ

(State)

85120

(Zip Code)

P. Christopher Trill

(Owner's Signature)

PARKER

(City)

CO

(State)

80134

(Zip Code)

18 U.S.C. 1001 and 43 U.S.C. 1212 make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

INSTRUCTIONS

1. This certification is made under the provisions of 43 U.S.C. § 1744 and 30 U.S.C. §28-28k and the regulations thereunder (43 CFR Part 3830).
2. The claimant(s) must fill in the dates in paragraph 1 for the beginning and ending of the assessment year for which this waiver is sought.
3. The claimant(s) must fill in the date in paragraph 2 for the beginning of the assessment year for which this waiver is sought.
4. All claim and site names and BLM serial numbers must be listed for the mining claims, mill sites, and tunnel sites for which the waiver is sought.
5. All owners of the mining claims, mill sites, and tunnel sites and their addresses must be given.
6. This waiver form must be signed by all the claimants or their designated agent, in original form. If an agent is designated, a notarized designation of agent, signed by all of the claimants with proper address given, must be submitted with this waiver.
7. This form must be filed no later than September 1st for the upcoming assessment year in the BLM State Office where the mining claims or sites are recorded, or the waiver cannot be granted by the BLM. (Example: To obtain a waiver for the assessment year 2012, which begins on September 1, 2011, you must qualify for and file for a waiver no later than September 1, 2011, in the proper BLM State Office.)
8. For all mining claims which require assessment work, you must record an affidavit of labor on or before the December 30th immediately following the filing of this waiver. For all other mining claims or sites waived, you must record a notice of intent to hold on or before the December 30th immediately following the filing of this waiver.
9. Mill and tunnel sites may also be listed on this waiver and be waived from payment of the maintenance fee. A notice of intent to hold for these sites is required to be filed by the December 30th following the filing of this waiver.

CO (k) 483

2023 Assessment Year

SPC #

JMS

11/10/22

2022 SEP - 1 A 11:41

U.S. DEPT OF INTERIOR
BUREAU OF LAND MGMT
COLORADO STATE OFFICE DENVER

FOR OFFICIAL USE ONLY

From: nicole@nvlangley.net
Sent: Friday, April 21, 2023 9:56 AM
To: Powell - CDPHE, Alex
Cc: cogspiel@msn.com
Subject: Re: Stormwater discharge permit

Hello, Alex -- this is excellent help. Thank you so much!

Nicole - For Charlie Spielman

----- Original Message -----
Subject: Stormwater discharge permit
From: "Powell - CDPHE, Alex" <alex.powell@state.co.us>
Date: Fri, April 21, 2023 3:27 pm
To: nicole@nvlangley.net

> Hello Nicole,

>

> My name is Alex Powell and I was forwarded your inquiry about proper permit
> coverage for your site. I have included some information below that
> hopefully will help you to determine if your site requires a permit and if
> so, what type of permit.

>

> -Whether the nearby drainage is perennial or ephemeral it is defined as a
> state water as described in the Reg. 61.2.(102) and therefore a
> stormwater or process water discharge would require permit coverage.

>

> -For a metal mine facility (SIC code 10), which includes placer mining and
> exploration activities, stormwater discharge permit coverage is required
> for stormwater runoff that contacts overburden, raw material, intermediate
> or finished product, by product or waste products located at the
> facility. *Please
> note that this description includes stormwater runoff from immediate access
> roads and rail lines used or traveled by carriers of raw materials,
> manufactured products, waste material, or by-products used or created by
> the facility, among other pollutant sources such as the out-slopes of any
> unstabilized berms on the perimeter of the facility*. Also, if any
> pre-mine law material is disturbed and results in a discharge as described
> above, a CDPS discharge permit is required.

>

> - A construction permit is only appropriate for constructing roads,
> laydown areas, and detention ponds. It does not provide coverage for metal
> mining or exploration at any scale although it may be used to provide

- > coverage for the above activities prior to mining taking place.
- > -Stormwater discharges from the metal mining drilling and/or trenching
- > activities and associated pollutant sources must be covered under an
- > individual permit. HERE
- > <<https://cdphe.colorado.gov/wq-commerce-and-industry-permitting>> is a link
- > if you would like to review the application
- >
- > -If there are *no* stormwater-only discharges (i.e., no potential to
- > discharge stormwater) from the metal mining drilling activities and
- > associated pollutant sources to surface water (or beyond the permit
- > boundary), the division does not require a discharge permit.
- >
- >
- > The following discussion provides the division's expectations with respect
- > to 'no potential to discharge stormwater from industrial activities'.
- >
- >
- >
- > In accordance with the Colorado Water Quality Control Act (the CWQCA) and 5
- > CCR 1002-61 (Regulation No. 61 - Colorado Discharge Permit System
- > Regulations), the requirement to obtain stormwater discharge permit
- > coverage applies to stormwater discharges from specific industrial
- > activities, to surface waters of the State.
- >
- >
- > If all runoff from the mine site (including all disturbed areas, roads,
- > road ditch lines, etc) is retained on site, stormwater discharge permit
- > coverage is not required. The CWQCA does not establish a threshold to aid
- > the facility owner/operator in making the determination that stormwater
- > does not discharge from the facility (e.g., a 100-year storm event);
- > therefore, the facility owner/operator must make this determination.
- > *Typically,
- > the appropriateness of a 'no potential to discharge' claim is based on such
- > factors as site topography and hydrology, and the implementation of
- > engineered structures to direct and retain stormwater on the facility. *Note
- > that the division does not review or approve any engineered structures
- > implemented to prevent a discharge from the facility to surface water. It
- > is up to the applicant to make the 'no discharge' determination.
- >
- >
- >
- > Note that discharging stormwater from the facility once industrial activity
- > has started, without the required stormwater discharge permit coverage, is
- > a violation of the CWQCA and may be subject to enforcement action by the
- > Division. If conditions at the facility change such that a stormwater
- > discharge permit is required, the owner/operator must apply for stormwater
- > discharge permit coverage at least 30 days prior to any discharge.
- >

- >
- > Please reach out if you have any questions or need additional information
- > on the topics covered above.
- >
- > Thank you,
- >
- > *Alex Powell *
- > Environmental Protection Specialist
- > Industrial & Natural Resource Extraction Permitting Unit - Permits Section
- > *(he, him, his) *
- >
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- > 4300 Cherry Creek Drive South, Denver, CO 80246
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- >



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COS to E. Russell 4/27/23

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Fri, Apr 28, 2023 at 1:52 PM

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