

2705A Sherman Ave.  
Monte Vista, CO 81144

May 8, 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 May 5, 2023 - Notice of Deficiencies #2, 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 May 5, 2023. To assist you in reviewing and analyzing my responses, I have paraphrased or excerpted the key phrase or sentence of every numbered paragraph you judged inadequate or still requiring a further response from me.

1. Response adequate.

2. .... please provide a copy of a lease or provide a signed and notarized statement 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 [administered] 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

**Response to 2.** I have sent each of the other seven claimant/owners a blank affidavit confirming my legal right to conduct operations under our NOI. A copy of the form is attached for your information. Promptly upon receipt of the signed and notarized affidavits, I will forward them to you. In addition, by copy of this letter to Sophia Brooks-Randall, I will seek approval (or conditional approval) of our NOI or Plan of Operations from the USBLMFO ; and I will promptly forward the document to you after I've received it.

3. Response adequate.

4. ....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....If the access paths become overly compact and/or devoid of vegetation, please commit to de-compacting and reseeding the disturbances.

**Response to 4.** By copy of this letter to Sophia Brooks-Randall, I will seek USBLMFO approval of the change in our NOI removing the planned 2,900-feet of access road from our NOI.

Additionally, I commit to de-compacting and/or reseeding the overland access paths if that appears warranted, and if we do not achieve results from our trenching program that encourage us to continue toward development of a commercial mine on Goldpark King No. 2 in 2024. If, however, the trenching program is successful, and we elect to proceed toward a commercial mine in 2024, it would seem illogical and wasteful to de-compact and/or reseed access paths scheduled for future mining operations.

5. ....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...if you plan on utilizing groundwater for highbanker operation, this will need to be discussed in the SWSP.

**Response to 5.** We will continue our effort to acquire a suitable water right from the appropriate South Park water conservancy district and develop a SWSP which includes use of groundwater for highbanker operations. This will probably be difficult, however, as neither of the two firms I've called has yet answered my call. Until and unless we do acquire the desired water right and develop a SWSP, we will limit our prospect trench depths (by backfilling, if necessary) to two feet above any encountered groundwater table. We will, of course, promptly provide any documents confirming our success and DWR approval to DRMS.

6. Response adequate.

7. Response adequate.

8. ... Please commit to placing any excess material due to swell on top above (sic) of the backfilled trenches to account for future settling. Please also commit to grading the side slopes of any excess material to 3V:1H.

**Response 8.** I will direct the excavation contractor to replace gravel and topsoil in the trenches so a slight hump (say, one foot high) is formed over each trench location. I expect there will still be an appreciable amount of excess topsoil remaining, however. We will flatten the excess topsoil piles to side slopes of 3H:1V wherever the topography permits. If the piles are placed on areas with slopes steeper than 3H:1V that will, of course, only be possible on pile side slopes oriented parallel to topographic contours.

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9. ... You may use the [seed] mix you originally provided but please remove the three non-native species that were noted....

**Response 9.** By copy of this letter to Sophia Brooks-Randall, I'm asking her to work with others in the USBLMFO to recommend native species to replace the non-native species noted. I'm hopeful this can be done without delay, so the revised mix can be included in your considerations before we begin the trenching operation.

10. Response adequate.

11. ... please submit the results of the ["wetland"] delineation and any appropriate revisions in your plan as soon as possible for the Division to review.

**Response 11.** I will again contact Jennifer Migliorato to reinforce my expectation that she will be able to do her field examination and report, at least orally, by the end of May. If her study indicates that the "wetland" as shown on the USFWS photomap, is an actual wetland, our trenching and related affected areas will, with minor revisions, not include the "wetland." If she determines that there is no wetland in our part of Park Gulch. We will ask Jennifer to provide DRMS directly her oral report as soon as she's completed her work. We will then, with your approval, plan to trench across the drainage trace in the bottom of Park Gulch as originally planned.

12. No response needed.

Elliott, I trust this will provide an appropriate response to the Notice of Deficiencies #2 listed in your letter of May 5, 2023. Please call me without delay if you need clarification or have questions regarding any of my responses.

Regards,



Charles Spielman

Attach: Suggested Affidavit form for the other seven claimants/owners to sign

Cc: Sophia Brooks-Randall, USBLMFO

## **AFFIDAVIT**

The undersigned claimant/owner of Goldpark King No. 2 placer claim does hereby confirm that Charles O. Spielman is one of the eight claimants/owners of said claim; and that Mr. Spielman, as a claimant/owner, has a legal right to enter on the claim and to conduct prospecting and reclamation on Goldpark King No. 2.

Further, the undersigned claimant/owner reaffirms that Mr. Spielman, with the approval of the other seven claimants/owners, is authorized to plan, direct, and/or participate in the trenching program described in the NOI, Goldpark King No. 2, CDRMS File No. P-2023-004.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023

By \_\_\_\_\_ as notary Public of \_\_\_\_\_

Notary Public \_\_\_\_\_

My Commission Expires \_\_\_\_\_



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## COS Response to ER Ltr Notice of Deficiencies #2

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**CHARLES GWYN SPIELMAN** <COGSPIEL@msn.com>

Mon, May 8, 2023 at 11:11 AM

To: "elliott.russell@state.co.us" <elliott.russell@state.co.us>, Sophia Brooks-Randall <sbrooksrandall@blm.gov>

Elliott & Sophia:

Attached is my response to Elliot's Notice of Deficiencies #2, NOI re Goldpark King No. 2, CDRMS File No. P-2023-004

Please call me without delay if you have questions or need clarifications.

Regards,

Charlie Spielman

Sent from [Mail](#) for Windows



**Memo COS to CDRMS Russell re CDRM File P-2023-004 Notice of Deficiencies #2 5-8-23.docx**  
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