



## Outstanding Items for P2023004

**Russell - DNR, Elliott** <elliott.russell@state.co.us>  
To: CHARLES GWYN SPIELMAN <cogspiel@msn.com>  
Cc: rogle@blm.gov

Tue, May 30, 2023 at 12:44 PM

Charlie,

I wanted to send along this email after getting your voicemails and chatting with you regarding what is left on the DRMS side of your trenching project.

The items from the Notice of Filing Deficiencies 2 letter that have not been addressed yet are:

- Item 2: Provide me with a copy of your BLM authorization (approved/conditionally approved NOI or POO) to satisfy "surface" right to enter Rules. "Subsurface" right to enter has been complied with as we have received the affidavits from the other claim holders.
- Item 4: Confirm that overlanding without creating a road is acceptable to the BLM. The Division will hold bond for decompacting and reseeding the trail in the "worse-case" scenario that the ground is heavily disturbed by your activities. Please note, in the event your wetland delineation survey comes back with not ideal results and you have to split your trenching project to each side of the drainage, you will need to discuss access to both sides of the project.
- Item 9: Please either provide a seed mix that the BLM or the Teller-Park Conservation District recommends OR update the seed mix you previously provided with crested wheatgrass, hard fescue, and Canada bluegrass removed or replaced with other similar species that are native to Colorado.
- Item 11: Submit the report/results for your consultant's upcoming wetland survey. If wetlands are identified, you'll need to revise this trenching plan as you have indicated you will not be obtaining a 404 permit from the Corps (at least for this stage in the project). If wetlands are not identified, please submit the JD Letter from the Corps concurring there are no waters of the US in the trenching area.

As discussed, your plan has changed quite a bit from the original submittal. The Division requests, at a minimum, an updated Description of Trenching Program narrative which incorporates the revisions to the plan that you have presented in your two previous responses to the Division's Notice of Filing Deficiency letters (attached for your reference) as well as the recent changes regarding groundwater exposure and water use at the site. The Division will need to know the maximum amount of water you plan on bringing to the site, how it will be stored, and the legal source of this water that will be used with your highbankers. It may be beneficial to provide the update to your plan after your wetland results are back.

Once Items 4 and 9 above have been addressed, the Division will calculate a reclamation cost estimate for your project. You will be provided a draft of this calculation for review after the BLM has concurred with the estimate. However, depending on your wetland survey results, this estimate may change based on revisions to your plan. In the event the calculation is higher than the \$4,000 currently held, you will need to provide the additional financial warranty as this will be considered an additional filing deficiency item.

Once all items have been addressed and, if applicable, you have posted the required additional financial warranty, the Division will proceed with approving your NOI.

Please let me know if you have any questions.

Elliott Russell  
Environmental Protection Specialist  
Minerals Regulatory Program



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

**I am working remotely and can be reached at 303.903.4456**

**\*\*\*Please note the Division's mailing address has changed\*\*\***

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#### 4 attachments



**Response to Notice of Deficiencies 2 P2023004.pdf**  
221K



**Notice of Deficiencies 2 P2023004.pdf**  
305K



**Notice of Deficiencies P2023004..pdf**  
310K



**Response to Notice of Deficiencies P2023004.pdf**  
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