



February 9, 2024

Joseph Forster
Jack D. Tabb, LLC
1650 Saratoga St.
Antigo, WI 54409

RE: Gunnell Mine, File No. M-2021-068, Civil Penalties Due for Violation No. MV-2022-004

Dear Mr. Forster:

On March 18, 2022, the Mined Land Reclamation Board (Board) issued an Order finding Jack D. Tabb, LLC (Operator) in violation of C.R.S. 34-32-109(2) for engaging in a new mining operation without first obtaining a reclamation permit, assigned Violation No. MV-2022-004. In this Order, the Board imposed Corrective Actions requiring the Operator to submit a new 110d permit application to incorporate all affected lands within 30 days of the effective date of the Order, with all materials in an approvable form within statutory timeframes. Additionally, the Board imposed a total Civil Penalty of \$3,500, with all but \$500 of the penalty suspended if the Operator complies with the Corrective Action within the time specified. If the Operator fails to timely complete the Corrective Action stated in the Order, the suspended Civil Penalty, \$3,000, will become due and payable within 30 days of the deadline to complete the Corrective Action. The Operator submitted the unsuspended portion of the Civil Penalty, in the amount of \$500, on June 8, 2023.

While the Operator submitted a 110d permit application on April 20, 2022 for the Gunnell Mine, the application was not submitted in an approvable form. During the application review process, the Operator purchased the adjoining property and wanted to include this property in the proposed permit area, which would exceed the acreage limit for a 110d permit. Therefore, on June 6, 2023, the Operator signed a consent form requesting the Board amend the Corrective Actions to allow the submittal of a 112d permit application. The Board considered the Operator's request during its June 21, 2023 meeting, and issued an amended Board Order on October 16, 2023 for Violation No. MV-2022-004. The amended Order required the Operator to submit an appropriate reclamation permit application to incorporate all affected lands within 90 days of the effective date of the Order, with all materials in an approvable form within statutory timeframes. Given the Order issuance date of October 16, 2023, the required permit application was due by January 14, 2024.

As of the date of this letter, the Operator has not submitted a new application for the Gunnell Mine. This means the Operator has failed to comply with the Corrective Action imposed by the Board within the time specified. Accordingly, the suspended portion of the Civil Penalty, in the amount of \$3,000, is due and payable within 30 days of the Corrective Action deadline, by **February 13, 2024**. The Civil Penalty must be submitted in the form of a check either by mail or by hand delivery to our Office. Please ensure the check includes File No. M-2021-068 and Violation No. MV-2022-004.



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If you have any questions, you may contact me by telephone at 303-866-3567, ext. 8129 or by email at amy.eschberger@state.co.us.

Sincerely,

A handwritten signature in blue ink that reads "Amy Eschberger". The signature is written in a cursive, flowing style.

Amy Eschberger
Senior Environmental Protection Specialist

Cc: Joel Renfro, DRMS
Russ Means, DRMS