

STATE OF  
COLORADO

Simmons - DNR, Leigh &lt;leigh.simmons@state.co.us&gt;

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**FW: Smuggler Gold Mine/Gilpin County**

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**Simmons - DNR, Leigh** <leigh.simmons@state.co.us>

Wed, Dec 4, 2024 at 2:54 PM

To: "Fognani, John" &lt;John.Fognani@haynesboone.com&gt;

Cc: "jeff.fugate@coag.gov" &lt;jeff.fugate@coag.gov&gt;, Shannon Murphy &lt;shannonpmurphy@icloud.com&gt;, Russ Means - DNR &lt;russ.means@state.co.us&gt;, Amy Eschberger - DNR &lt;amy.eschberger@state.co.us&gt;

John,

I received your voicemail as well as the email below. Thank you for reaching out before the December 8th due date.

We discussed the situation with Smuggler Gold Mine internally. Given Mr. Murphy's difficult circumstances the Division will extend the corrective action due dates for problems 1, 3 and 4 to 6/30/2025, per your request.

With respect to problem 2 (that is, the inadequate financial warranty), there is less flexibility. The Division must ensure that all sites are adequately bonded. I can wait until the corrective action due date has passed in case you have any further comments, but I'll plan to initiate a Surety Increase on Monday. This will give Mr Murphy 60 days from 12/9/2024 to post the additional bond for the site.

Leigh Simmons  
Environmental Protection Specialist

**COLORADO**  
Division of Reclamation,  
Mining and Safety  
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On Wed, Dec 4, 2024 at 11:59 AM Fognani, John <[John.Fognani@haynesboone.com](mailto:John.Fognani@haynesboone.com)> wrote:

Sorry for the incorrect email address, Leigh. I cannot type!

**HAYNES BOONE****John Fognani** | Partner[john.fognani@haynesboone.com](mailto:john.fognani@haynesboone.com) | (t) +1 303.382.6207

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**From:** Fognani, John**Sent:** Wednesday, December 4, 2024 11:49 AM**To:** [jeff.fugate@coag.gov](mailto:jeff.fugate@coag.gov)**Cc:** [leigh.simmons@stated.co.us](mailto:leigh.simmons@stated.co.us); Shannon Murphy <[shannonpmurphy@icloud.com](mailto:shannonpmurphy@icloud.com)>; Mosley, Jacqueline <[Jacqueline.Mosley@haynesboone.com](mailto:Jacqueline.Mosley@haynesboone.com)>; Bernal, Jessica <[Jessica.Bernal@haynesboone.com](mailto:Jessica.Bernal@haynesboone.com)>**Subject:** Smuggler Gold Mine/Gilpin County

Jeff – I just called and left a message on your office phone. My call and this email communication are made on behalf of the Smuggler Gold Mine ("Mine") located in Gilpin County and in regard to the attached Mineral Program Inspection Report ("Report") that was initiated by Inspector Leigh Simmons (DRMS), who is also copied on this note. I also called Leigh and left a phone message today. The attached Report, which was provided by the Mine's principal, Shannon Murphy, memorializes certain issues at the Mine that require corrective actions and certain measures to be addressed regarding financial warranty. The noticed corrective action date identified in the Report is December 8, 2024, with a reference for further action to be taken if that date is not met.

The unfortunate fact is that Mr. Muphy is unable presently to meet the corrective action deadline date and requests a reasonable extension of time to a date during the late Spring of this next year to perform any physical work at the Mine site when weather is more conducive to work being undertaken and completed. There has been an extraordinary amount of snowfall and accumulation in the area making access to the mine portal extremely difficult for workers retained to assist with site matters. Even more unfortunately, Mr. Muphy is simply not at present in any condition to be able to conduct the work or even to contract for and oversee the work. He is suffering from colorectal cancer, having had a number of surgeries and currently undergoing active treatment. On behalf of the Mine and Mr. Shannon a request for an extension of time regarding the corrective action deadline is respectfully sought from the current date of December 8, 2024, to June 30, 2025, once the weather is more conducive to physical work at the site and Mr. Murphy is past the most critical period of his cancer treatment. His expectation is that his treatment will successfully enable him to address the matters identified in the Report at that time and retain the engineering and technical assistance to perform the necessary work.

Please advise if this reasonable extension of time of the corrective action deadline date can be granted. I did try to reach Russ Means last week to request the extension as well and left a message on Tuesday November 26. I expect Russ may have been out for the Thanksgiving holiday like many of us. I also now know that contact via email is a more effective means of communicating so I am sorry I also did not send an email note at that time.

Please let me know what you, Leigh and the DRMS can do to accommodate this reasonable extension request. I very much appreciate your time and would be happy to talk by phone if you would like to do so. Best regards. John

## HAYNES BOONE

### John Fognani

Partner

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