USDA, Forest Service

# PLAN OF OPERATIONS FOR MINING ACTIVITIES ON NATIONAL FOREST SYSTEM LANDS

FS-2800-5 OMB NO. 0596-0022

# <u>USE OF THIS FORM IS OPTIONAL!</u> 1<sup>st</sup> TIME USERS SHOULD DIRECT QUESTIONS REGARDING THIS FORM OR REGULATIONS (36 CFR 228A) TO THE FOREST SERVICE DISTRICT OFFICE NEAREST YOUR AREA OF INTEREST.

Submitted by: Cody Brewer		Owner/Operator	12/16/2022					
	Signature	Title	Date (mm/dd/yy)					
Plan Received by: Cincly Ebert		Lands & Minerals Specialist	12/17/2022					
	Signature	Title	Date (mm/dd/yy)					
I. GENERAL INFORMATION								
A.	Name of Mine/Project: Tony Mine							
В.	3. Type of Operation: Lode							
	(lode, placer, mill, exploration, development, production, other)							
C.	<ul> <li>Is this a (□new/⊠continuing) operation? (check one). If continuing a previous operation, this plan (⊠replaces/□modifies/□supplements) a previous plan of operations. (check one)</li> </ul>							
D.	Proposed start-up date (mm/dd/yy) of operation: 6-	-1-23						
E.	Expected total duration of this operation: $3-5 \text{ y}$	ears						
F.	If seasonal, expected date (mm/dd/yy) of annual reclamation/stabilization close out: Nov. 30 each year							
G	Expected date (mm/dd/yy) for completion of all requ	uired reclamation: 11/30/2028						
II. PRINCIPALS								
A.	Name, address and phone number of operator:	Cody Brewer, P.O. Box 68, Choctaw, O	K 73020, 405-823-8095					
B.	Name, address, and phone number of authorized Attach authorization to act on behalf of operator	1	n the operator).					

C. Name, address and phone number of owners of the claims (if different than the operator): Operator is claim owner.

D.	Name, address and phone number of any other lessees, assigns, agents, etc., and briefly describe
	their involvement with the operation, if applicable:

N/A

# **III. PROPERTY OR AREA**

Name of claim, if applicable, and the legal land description where the operation will be located.

MC#	Name	Section	Township	Range
282142	Ledge Claim	20 of the 6th P.M.	6s	76w
282143	Toledo Claim	20 of the 6th P.M.	6s	76w
282144	Drift Claim	20 of the 6th P.M.	6s	76w
282145	Blackhawk Claim	20 of the 6th P.M.	6s	76w
282146	Toledo Millsite Claim	20 of the 6th P.M.	6s	76w

## **IV. DESCRIPTION OF THE OPERATION**

A. Access. Show on a map (USGS quadrangle map or a National Forest map, for example) the claim boundaries, if applicable, and all access needs such as roads and trails, on and off the claim. Specify which Forest Service roads will be used, where maintenance or reconstruction is proposed, and where new construction is necessary. For new construction, include construction specifications such as widths, grades, etc., location and size of culverts, describe maintenance plans, and the type and size of vehicles and equipment that will use the access routes.

For map, see "attachment A"/ Jeep trail 6.2 along the middle fork of the Swan River will be used to access the Tony Mine. No new construction is planned, but in the instance that new construction is considered, an amended Plan of Operations or "POO" will be submitted. As of now, only one ton trucks with bumper pull trailers will be using the access routes, if larger vehicles are needed, we will consult with our Forest Service Representative.

B. **Map, Sketch or Drawing.** Show location and layout of the area of operation. Identify any streams, creeks or springs if known. Show the size and kind of all surface disturbances such as trenches, pits, settling ponds, stream channels and run-off diversions, waste dumps, drill pads, timber disposal or clearance, etc. Include sizes, capacities, acreage, amounts, locations, materials involved, etc.

See "location map" and "site map." / The middle fork of the Swan River is located on the South side of the Tony Mine, but

will not be used, nor disturbed for any reason during mining. Timber disposal at the Tony mine will occur throughout the life of the mine and will be directed at "beetle kill" trees as to limit fire load. All "beetle kill" trees within reach of the mine and work area will be cut for safety reasons, with all wood stored on site for shoring, heating, and other mining related activities. Any additional surface disturbances will be submitted in an amended "POO."

C. Describe all aspects of the operation including mining, milling, and **Project Description.** exploration methods, materials, equipment, workforce, construction and operation schedule, power requirements, how clearing will be accomplished, topsoil stockpile, waste rock placement, tailings disposal, proposed number of drillholes and depth, depth of proposed suction dredging, and how gravels will be replaced, etc. Calculate production rates of ore. Include justification and calculations for settling pond capacities, and the size of runoff diversion channels. As in the past years, mining activities will be done in a manner as to cause as little surface disturbance as possible. The Tony Mine has a rich history of producing silver, gold, and copper. We plan to continue with that in a way that respects the forest. Our plan is to continue with mining operations while protecting the features associated with the Tony Mine as we have been doing in coordination with the Forest Service since purchasing the mine. Over the past few years we have worked to establish an operable infrastructure in the mine and at the mine site. In late 2020 we validated our information and research to locate a very rich vein of high grade silver ore in the upper mine. Our intention is to continue mining this vein with hand tools along with additional support equipment to include small portable generators and small sump style pumps. All work at this time will continue to be done in the upper adit with all waste rock being dumped in unused portiions of the mine. We will utilize the generators and pumps to empty shafts that are filled with water from snow melt in the spring/early summer. The water that is removed will be used for tool clean up. This volume of water is approximately 800 gallons of water per day and will only be removed from the mine on days we are on site and working in the mine. This water will be dispersed after use onto a rock outcropping near the upper mine site. Attention will be given to this water dispersion as to not cause any erosion. The workforce on site when mining will generally consist of 2-6 personnel with expected days on site to be 30-45 per year. As you know there is a very limited season(June through October at best) due to weather and travel restrictions at/near the mine site. Our goal will be one cubic yard of ore per day with all milling and refining being done off-site as to maximize our time while at the mine.

Note: We do have plans to mine the waste/tailings at both the upper and lower adits at a later date as fire assays have shown this waste rock to be very rich in both silver and gold. An amended or new plan of operations will be submitted before moving to that phase of mining at the Tony Mine Site.

D. **Equipment and Vehicles.** Describe that which is proposed for use in your operation (Examples: drill, dozer, wash plant, mill, etc.). Include: sizes, capacity, frequency of use, etc.

Trucks will be used to access the Tony Mine Site and will be parked by the cabin. At that point all equipment used will be small and cause little to no surface disturbance. Generators, pumps, small sluice, wheel barrows, hand tools, and chain saws will be used predominantly. All milling, bulk crushing, refining will be done off-site.

E. **Structures.** Include information about fixed or portable structures or facilities planned for the operation. Show locations on the map. Include such things as living quarters, storage sheds, mill buildings, thickener tanks, fuel storage, powder magazines, pipelines, water diversions, trailers, sanitation facilities including sewage disposal, etc. Include engineering design and geotechnical information for project facilities, justification and calculations for sizing of tanks, pipelines and water diversions, etc.

Please see attached "Tony Mine Site" for map... Due to the remote location, short work season and unsustainable long term lodging rates in Summit County, it is vital that we stay on site while mining as well as have securable tool storage while both on site and off-site. We plan to utilize a 20' conex/container box as a non-permanent solution for both on site tool storage and bunkhouse. This conex will cause little to no surface disturbance and will be removed at the completion of mining operations at the mine site. We will place this conex on the pad of the lower mine near the tailings(F2) and compressor shed(F6). This will provide "insulation" from forest trail 6.2 traffic as well as place us closer to both the lower and upper adits. We will utilize an existing water diversion from a very small snowmelt channel that comes down to the east of the lower adit. This water supply flows approximately 100 gallons per day and has been used on site since the late 1970's with no known negitive effects. All used and unused water from this diversion will be dispersed on a rock outcropping as to not cause erosion. We will utilize a temporary privy near the conex that will be out of site for both forest aesthetic purposes and sanitary needs. There will be no permanent fuel storage on site. All temporary fuel storage will be in approved containers.

# V. ENVIRONMENTAL PROTECTION MEASURES (SEE 36 CFR 228.8)

A. Air Quality. Describe measures proposed to minimize impacts on air quality such as obtaining a burning permit for slash disposal or dust abatement on roads.

At this time, there will be minimal impact to air quality due to our mining operation. In the event that slash will be burned, we will abide by all fire guidelines and restrictions that are in place at that time. We ill be staying on site, so dust abatement from heavy traffic is not anticipated.

All small engines(generators, pumps, chain saws, etc...) will be equipped with approved spark arrestors, mufflers, catalytic converters, etc...

B. **Water Quality.** State how applicable state and federal water quality standards will be met. Describe measures or management practices to be used to minimize water quality impacts and meet applicable standards.

1. State whether water is to be used in the operation, and describe the quantity, source, methods and design of diversions, storage, use, disposal, and treatment facilities. Include assumptions for sizing water conveyance or storage facilities.

2. Describe methods to control erosion and surface water runoff from all disturbed areas, including waste and tailings dumps.

3. Describe proposed surface water and groundwater quality monitoring, if required, to demonstrate compliance with federal or state water quality standards.

4. Describe the measures to be used to minimize potential water quality impacts during seasonal closures, or for a temporary cessation of operations.

5. If land application is proposed for waste water disposal, the location and operation of the land application system must be described. Also describe how vegetation, soil, and surface and groundwater quality will be protected if land application is used.

No creeks, streams, etc... will be crossed or used for the mining operation and no large runoff is anticipated. When water from the upper adit is used for sluicing and sanitation, the runoff will be distributed over a rock basin as not to cause any erosion. This runoff water will be very minimal and no chemicals will be used during mining.

C. **Solid Wastes.** Describe the quantity and the physical and chemical characteristics of solid waste produced by the operation. Describe how the wastes will be disposed of including location and design of facilities, or treated so as to minimize adverse impacts.

All trash, garbage, etc... generated at the mine site and bunkhouse will be removed daily and kept inside the bunkhouse. Every

week all garbage will be taken off Forest Service land and disposed of properly. Any other wastes will be removed following all local protocols.

D. Scenic Values. Describe protection of scenic values such as screening, slash disposal, or timely reclamation.

The Tony Mine Site is off the main Jeep trail in the area and should not interrupt any scenic features. We also will work to keep the site clean, secure, and presentable at all times. Reclamation of mining areas will be done as soon as possible when all mining activities are completed.

E. Fish and Wildlife. Describe measures to maintain and protect fisheries and wildlife, and their habitat (includes threatened, endangered, and sensitive species) affected by the operations.
As stated before, this mining operation will have minimal impact to the forest. We will not be working in or near any streams and therefore not impacting any fisheries. Due to the fact that most all work will be done with hand tools over a long period of time, very minimal impact to wildlife will occur. As stated in the "Tony Mine Decision Memo," section 3....biological inventories were conducted in 2010 and 2012 and found no threatened or endangered species or their critical habitats to be adversely affected by work done in this size and scope at the Tony Mine.

F. Cultural Resources. Describe measures for protecting known historic and archeological values, or new sites in the project area.

There are no known archeological sites in the mining area and according to the "Tony Mine Decision Memo," section 3... the Colorado State Historical Preservation Office concurred with the findings of a Level III cultural resource survey done in 2004 that the site, cabin, equipment, etc... was not eligible to be on the National Register of Historic Places and that work done in our projected scope and size will not result in historic properties being affected. With that said, I personally recognize the historical value of the Tony Mine and some of its related characteristics to be invaluable as a appreciated historic landmark and we will work to maintain and improve the site so that upon reclamation, a mutual plan between myself and the Forest Service for the site will be implemented.

### G. Hazardous Substances.

1. Identify the type and volume of all hazardous materials and toxic substances which will be used or generated in the operations including cyanide, solvents, petroleum products, mill, process and laboratory reagents.

No hazardous materials will be on site or used other than petroleum products such as gas, diesel, and motor oil. These petroleum fuels will be of minimal volume(less than 20 gallons) and only be used to fuel vehicles and small engines. No chemical processes will be used in mining operations.

2. For each material or substance, describe the methods, volume, and frequency of transport (include type of containers and vehicles), procedures for use of materials or substances, methods, volume, and containers for disposal of materials and substances, security (fencing), identification (signing/labeling), or other special operations requirements necessary to conduct the proposed operations.

The petroleum fuels will be stored/transported in approved containers and will be kept in the bunkhouse while we are on site. NO fuels will be kept on site while we are absent from the mine site. All fuels will be labeled and secured while not being used.

3. Describe the measures to be taken for release of a reportable quantity of a hazardous material or the release of a toxic substance. This includes plans for spill prevention, containment, notification, and cleanup.

We do not anticipate ever having a reportable quantity(20 gallons) of any type fuel on site at any time. If that were to happen, diking and damming of the substance will be done immediately to prevent any further grounds to be affected. We will also keep absorbent diapers and sphag sorb on site at all times to help with clean up at the time a spill might occur. We will not be conducting any mining operations near a creek, river, etc... so water supply contamination is not an issue. In the event of a larger spill, we will contact an approved State of Colorado Haz-Mat clean up company for assistance and mitigation as well as notify the USFS of the incident. I, myself am IFSAC Haz-Mat operations level certified.

H. **Reclamation.** Describe the annual and final reclamation standards based on the anticipated schedule for construction, operations, and project closure. Include such items as the removal of structures and facilities including bridges and culverts, a revegetation plan, permanent containment of mine tailings, waste, or sludges which pose a threat of a release into the environment, closing ponds and eliminating standing water, a final surface shaping plan, and post operations monitoring and maintenance plans.

Annually, at the end of the work season, all equipment, adits, cabin, etc... will be secured and stored for the winter. At final reclamation, both adits will be closed, all equipment will be removed, the temporary conex and privy will be removed, and all work areas will be re-vegetated with native grasses via seed mix.

Proposed schedule for this "POO" is 3-5 years. We will monitor in coordination with the Forest Service for a period of 3 years after reclamation.

Note: We don't feel that a bond is necessary since all structures will be temporary and surface disturbance will be minimal during our mining operations. If the forest service deems a bond necessary then we will abide by that request and produce a bond.

# VI. FOREST SERVICE EVALUATION OF PLAN OF OPERATIONS

A. Required changes/modifications/special mitigation for plan of operations:

See attached "Mitigation Measures".

To: Adam Bianchi

From: Cody Brewer

Date: 1/23/2023

Re: Tony Mine POO

Adam, please let this serve as an addendum to the previously submitted POO dated 12/17/2022 with additional information and clarification on requested items you addressed in your 1/13/2023 letter.

#### IV. Description of operation

C. Project Description:

- The upper adit has approximately 400' of tunnel/adit with over 150' of that being unused. As we work the mine we will recover the high grade silver ore while discarding the waste rock/tailings in the unused area of the mine. This will keep current surface disturbance and future reclamation to a minimum. See "Upper Adit Map" below for location.
- See the "Tony Mine Site/Claims" map below for exact location to scale for the upper and lower adits. I had taken Mr Paul Semmer to the upper adit years ago but for the most part it is off the beaten path and is a short but very tough hike to find.
- The rock outcropping location is shown on the "Upper Adit Map" below. We will disperse the used water over a
  rock basin so that we don't cause an surface erosion issue. This dispersal area will be just to the west of the
  existing tailings pile for the upper adit as shown on the map. This water currently(assumingly since the 1950's)
  works its way out of the adit and through the tailings pile. We are just going to utilize the water on its way
  through the mine and then disperse it in a controlled manner.
- D. Equipment & Vehicles
  - It is understood that vehicles used to access the mine site need to be parked north of the gate.
  - It is understood that the gate currently located off of Forest Service Rd 6.2 must continue to have both a Forest Service lock and our personal lock.

#### E. Structures

- I have included an example photo below of the 20' conex/container to be used as tool storage and a bunkhouse. This onsite tool storage and bunkhouse will be very simple in nature yet is vital to a successful mining operation in such a remote location. The container will be "low key" as to not draw any un-needed attention and will be secured at all times.
- I have included an actual photo of the water diversion used for operations at the perennial spring fed water course. This current system has been successfully used on the mine site since the early 1980's. It is a very primitive, yet effective system as you can see in the photo below.

#### V. Environmental Protection Measures

B. Water Quality

It is understood that the text about "no streams, creeks, etc. will be crossed" shall be omitted and updated to
read: We are utilizing a perennial spring fed water course to divert a small amount of water(no more that 100
gallons per day) for operational purposes only. As shown in the photo below, we are utilizing(only when on site)
a very simple diversion system that does not hinder the natural flow/course of the spring nor does it
contaminate in any way the spring system.

In response to your questions/concerns in the closing paragraphs about the attractive nuisance at the upper adit:

The upper adit is clearly marked as a working mine and is posted with "Danger" signs that I was given by Mr. Paul Semmer. The upper adit is very much so off the beaten path and I have never seen any evidence of traffic in, at, or near the adit. We will continue to place notice of the adit and its inherit dangers near the entrance along with installing a barrier fence as to give additional warning to not enter.

I am looking forward to hearing back from you on this and I am excited to get back on site! The price of silver keeps creeping up!

Cody Brewer

# Section VI-A Mitigation Measures for Tony Mine Plan of Operations February 2025

The following list of design features were developed by Forest Service specialists to address potential resource concerns associated with the mining-related activities outlined by the Tony Mine Plan of Operations, as amended. These design features are deemed reasonable and necessary modifications to the operator's Plan of Operations to minimize the potential for adverse environmental impacts that may result from implementation of the planned mining-related operations, pursuant to 36 CFR 228.2.

Formal incorporation of these mitigation measures to the Tony Mine Plan of Operations would be required of the operator as a condition of Forest Service approval.

### TABLE 1. PLAN DESIGN FEATURES

Consult with the State of Colorado to ensure the proposed action is adhering to relevant water rights and regulations and to Colorado State Water Quality Standards for surface water and groundwater (including general and specific permitting requirements) 5 CCR 1002-31

If the State of Colorado does not require any testing or monitoring of the water to be discharged from the mine, then the operator must submit a Water Monitoring Plan to the Forest Service for review and approval.

Adherence to Colorado State Department of Reclamation, Mine and Safety protocols and standards (including general and specific permitting requirements) Title 34, Article 32

The distribution of the water when pumped from the upper adit onto the surface will need to be completed using a 'soaker hose' or an agreed upon method between the operator and Forest Service to ensure no erosion or channel development occurs. In addition, erosion control devices such as wattles or logs will be required to slow water flow and erosion.

Adhere to USFS guidelines for maintaining or improving hydrologic resources on Forest land: White River National Forest Land and Resource Management Plan section (1, 2-6) and Watershed Conservation Practice handbook (FSH 2509.25 – Chapter 10, Section 12, pg. 7-18, Section 15, pg. 27 – 29)

Refuel on established roads or with the use of containment devices/pads to avoid fuel spills on soils.

Contain and clean all fuel spills promptly and in compliance with state and federal regulations.

Remove and properly dispose of all trash off National Forest System lands.

Establish one access path from the parking area and metal storage box to the upper adit to minimize excess user created trails.

Access path to the mine adit shall have erosion control features (dips, waterbars, etc) at varied spacing according to steepness of slope in order to minimize surface erosion of the access path.

Periodic site inspections by the Forest Service shall be conducted to ensure operations remain compliant with the approved Plan of Operations and regulations at 36 CFR 228, Subpart A.

After operations have been completed, a reclamation plan will need to be submitted to the Forest Service for approval. A reclamation performance bond shall be required to account for acceptable reclamation of all project-related surface disturbance, equipment removal, revegetation, and any elements ancillary to the mining operation. Insufficient reclamation may result in partial or full forfeiture.

Equipment must be removed at the final close of operations and no equipment may remain onsite during seasonal cessation of operations without written authorization from the Forest Service.

Snow removal is not authorized.

Any changes to the approved Plan of Operations must be reviewed and approved in writing by the responsible official (Dillon District Ranger).

The operator is responsible for contacting the appropriate state and/or federal agencies to determine the need for any additional permits. Should further permitting by agencies other than the Forest Service be necessary, project-related work would not commence until all required permitting processes have been completed.

For public safety, a safety closure must be installed on the upper adit after mining operations have been completed.

For public safety, the operator is required to place notice at the upper adit of its inherent dangers and install a barrier fence.

For public safety, the gate on the access spur road off FSR 6.2 that goes to Tony Mine will be kept closed to not allow motor vehicle use by the public into the area of operations.

All trash, food or other animal attractants (cooking equipment, personal care products, and coolers) must be stored inside a securable container or vehicle constructed of solid, non-pliable material, without any cracks, openings, lids, hinges or open windows that would allow any animals to gain entry.

If undocumented historic and/or prehistoric properties are located during mining activities, all operations in the immediate vicinity shall cease and be treated as specified in 36 CFR §800.11. In addition, if there are resources determined eligible to the NRHP, the WRNF shall consult with the State Historic Preservation Officer (SHPO) and Tribal entities regarding mitigation of adverse effects to historic properties as outlined in 36 CFR 800.4 and 36 CFR 800.5.

I acknowledge and understand these mitigation measures and agree to adopt them into my mining Plan of Operations:

ody Brewer

CODY BREWER Operator

Cedu Branchi

ADAM BIANCHI Dillon District Ranger

4/7/25 DATE

DATE

B. Bond. Reclamation of all disturbances connected with this plan of operations is covered by Reclamation Performance Bond No. 1806418278, dated 5/13/2025, signed by Cody Brewer (Principal) and (Surety), for the penal sum of <u>\$2,975.00</u>. This Reclamation Performance Bond is a guarantee of faithful performance with the terms and conditions listed below, and with the reclamation requirements agreed upon in the plan of operations. This Reclamation Performance Bond also extends to and includes any unauthorized activities conducted in connection with this operation.

The bond amount for this Reclamation Performance Bond was based on a bond calculation worksheet. The bond amount may be adjusted during the term of this proposed plan of operations in response to changes in the operations or to changes in the economy. Both the Reclamation Performance Bond and the bond calculation worksheet are attached to and made part of this plan of operations.

Acceptable bond securities (subject to change) include:

1. Negotiable Treasury bills and notes which are unconditionally guaranteed as to both principle and interest in an amount equal at their par value to the penal sum of the bond; or

2. Certified or cashier's check, bank draft, Post Office money order, cash, assigned certificate of deposit, assigned savings account, blanket bond, or an irrevocable letter of credit equal to the penal sum of the bond.

# VII. TERMS AND CONDITIONS

- A. If a bond is required, it must be furnished before approval of the plan of operations.
- B. Information provided with this plan marked confidential will be treated in accordance with the agency's laws, rules, and regulations.
- C. Approval of this plan does not constitute certification of ownership to any person named herein and/or recognition of the validity of any mining claim named herein.
- D. Approval of this plan does not relieve me of my responsibility to comply with other applicable state or federal laws, rules, or regulations.
- E. If previously undiscovered cultural resources (historic or prehistoric objects, artifacts, or sites) are exposed as a result of operations, those operations will not proceed until notification is received from the Authorized Officer that provisions for mitigating unforeseen impacts as required by 36 CFR 228.4(e) and 36 CFR 800 have been complied with.
- F. This plan of operations has been approved for a period of <u>5 years</u> or until <u>12/31/2031</u>. A new or revised plan must be submitted in accordance with 36 CFR part 228, subpart A, if operations are to be continued after that time period.

### VIII. OPERATING PLAN ACCEPTANCE

XI/ We have reviewed and agreed to comply with all conditions in this plan of operations including the required changes, modifications, special mitigation, and reclamation requirements.

We understand that the bond will not be released until the Authorized Officer in charge gives written approval.

**Operator** (or **Authorized** Representative)

(Date)

ŧ

(mm/dd/wy)

### **IX. OPERATING PLAN APPROVAL**

(Name) Ceder Branch

(Authorized Officer)

(Title)

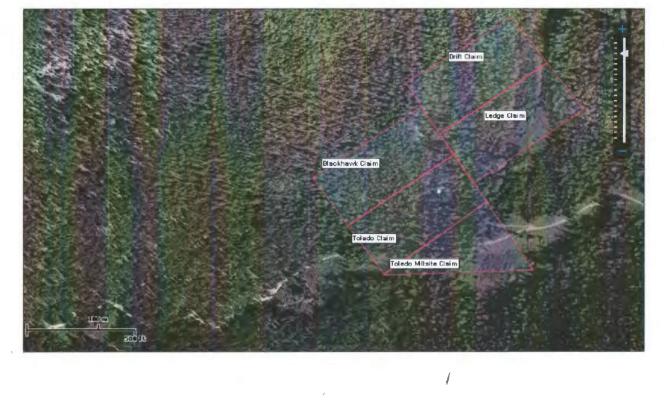
(Date) (mm/dd/vv)

"According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB number. The valid OMB number for this information collection is 0596-0022. The time required to complete this information collection is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information."

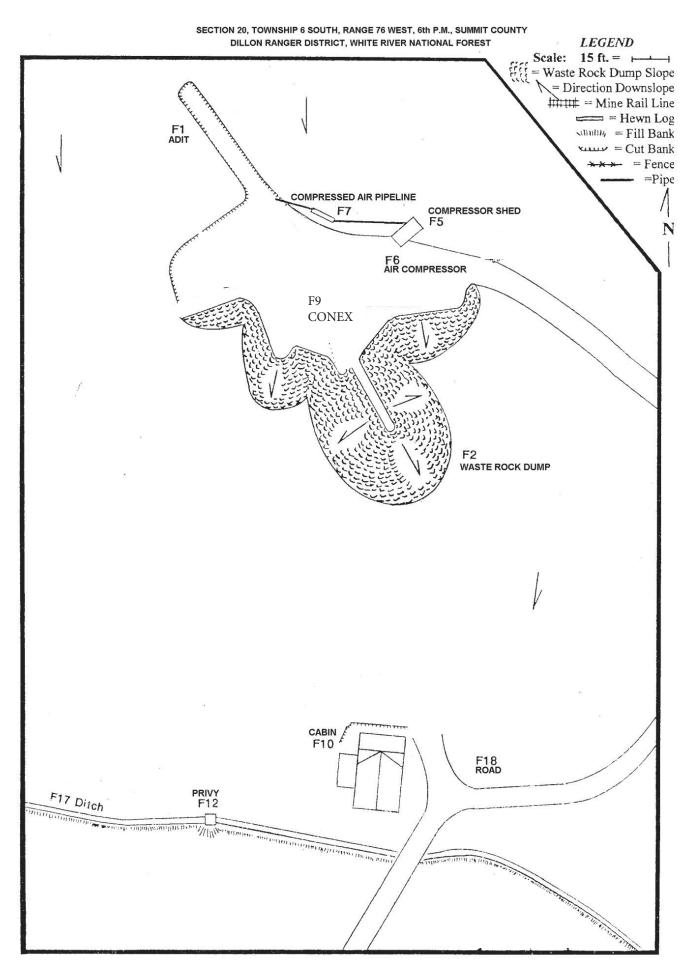
Attachment A

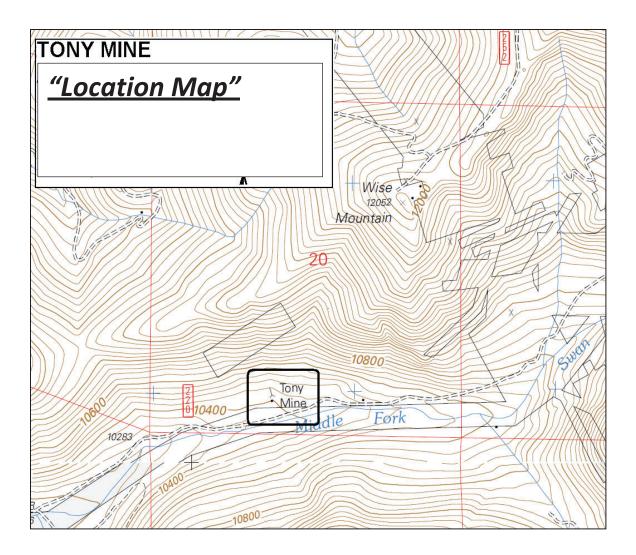
Tony Mine - Site Plan Cody Brewer

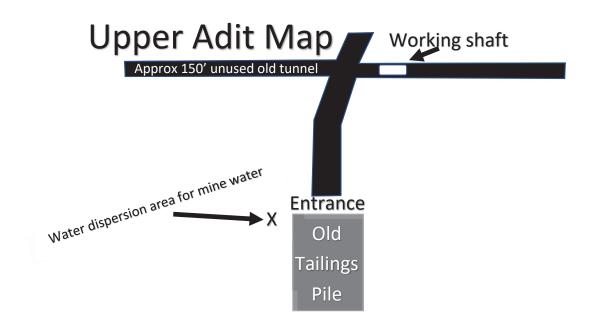


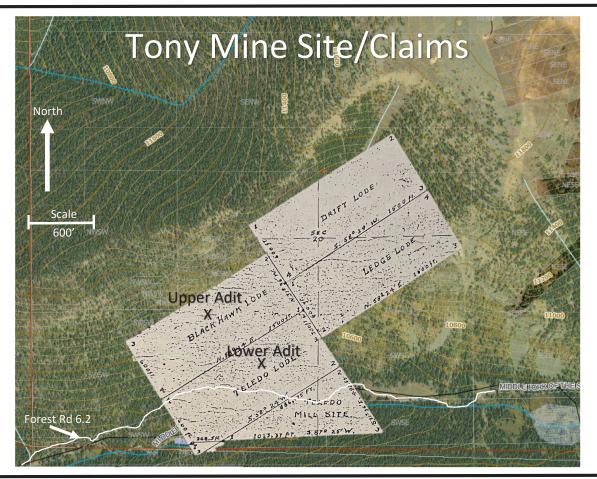


### TONY MINE SITE











20' conex example...The conex will be very simple in nature but will be vital to a successful mining operation. This is a surror

This is a current photo of the water diversion from the spring fed water course. Minimal water is ran(only when needed) through a poly well pipe(1") to the point of usage. This current setup has been in use since 1981. The stream continues to run unfettered along its natural course.

