



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

October 10, 2014

William A. Bear
Bowie Resources, LLC
P.O. Box 483
Paonia, CO 81428

**Re: Bowie No. 2 Mine (Permit No. C-1996-083)
 Proposed Decision
 Permit Revision Application No. 14 (PR-14)**

Dear Mr. Bear:

Enclosed you will find the Division of Reclamation, Mining and Safety's Proposed Decision Package for Permit Revision No. 14 at the Bowie No. 2 Mine. Notice of the proposed decision will be published in the *Delta County Independent* as soon as possible. The first publication will initiate the thirty (30) day public comment period for the Division's decision.

Documentation must be submitted to the Division demonstrating that a copy of the approved revision application was sent to the Office of Surface Mining and the Bureau of Land Management. The material should be sent within 15 days of final approval.

Please be advised that federal mine plan approval may need to be obtained from the Office of Surface Mining Reclamation and Enforcement (OSM). OSM approval, in addition to State permit approval, is required, before operations affecting federal coal may commence.

Please refer to the Performance Bond heading on the enclosed proposed decision form. If the amount of Bond Held equals or exceeds the Revised Liability, you need not submit additional bond. However, if the Revised Liability exceeds the Bond Held, please submit additional bond or rider to your existing bond that equals or exceeds the Revised Liability. This Permit Revision must not be implemented until this proposed decision becomes final and until any required increase in bond is submitted to and approved by the Division.



If there are stipulations attached, please sign and return the proposed decision form to the Division.

If you have any questions, please contact me.

Sincerely,



Susan L. Burgmaier
Environmental Protection Specialist
Susan.burgmaier@state.co.us

Enclosure(s)

cc: James Stover, J.E. Stover & Associates
Tammerin Stover-Bishop, J.E. Stover & Associates

C-PR-08



COAL MINING PERMIT - PERMIT REVISION DECISION

Bowie No. 2 Mine, Bowie Resources, LLC

Permit No. C-1996-083

The Division of Reclamation, Mining and Safety has proposed the decision stated below. Provided there are no objections, the decision will become effective upon the termination of the thirty (30) day public comment period, in accordance with Rule 2.07.4(3)(c).

Permit Revision No. 14

Decision: Approve with conditions

Submittal Date: March 12, 2014

Decision Date: October 10, 2014

Description of Revision: Spruce Stomp Lease

Stipulation(s) attached; Provide authorized signature and return the form to the Division

DIVISION OF RECLAMATION, MINING AND SAFETY PERMITTEE

Authorized Representative - Division

Authorized Representative - Permittee (if applicable)

Date: October 10, 2014

Date:

CHANGE IN ACREAGE	REVISED TOTAL ACREAGE	PERFORMANCE BOND
Disturbed: 0.00	Disturbed: 402.88	Prior Liability: \$11,327,770.50
Affected: 1,356.30	Affected: 7,148.14	Change in Liability: \$0.00
Permit: 1,790.20	Permit: 10,986.70	Revised Liability: \$11,327,770.50
State: 0.00	State: 0.00	Bond Held: \$11,339,730.57
Federal: 1,431.30	Federal: 5,262.90	
Private: 358.90	Private: 5,723.80	
County: 0.00	County: 0.00	

REVISED APPLICATION PAGES

Volume I: Table of Contents page vi, pages 2.03-4 through 2.03-11, 2.03-15 through 2.03-17, 2.03-23 through 2.03-25, 2.04-11, 2.04-11i, 2.04-11ii, 2.04-12, 2.04-27 through 2.04-126, 2.05-2, 2.05-3, 2.05-84 through 2.05-86, 2.05-98 through 2.05-179, 2.06-1 through 2.06-4, 2.10-1 through 2.10-6; Volume III

REVISED MAPS

Volume II Maps 01, 02, 3, 4A, 05, 06, 07, 08, 08A, 09, 10-A, 10-B, 12, 13, 14-B, 23, 23A, 25, 27, 27-B

Tab 1 BLM Lease COC-75916 Document, Volume III
Tab 1 Overland Ditch and Reservoir Company Lease
Memorandum; Volume III Tab 2 Application for
Conditional Water Right and Appropriative Right of
Exchange; Volume III Tab 3 Monitoring Well
Completion Details; Volume III Tab 3 Baseline
Water Monitoring Data; Volume III Tab 9 USFW
Concurrence Letter; Volume III Exhibit 15
Subsidence Prediction; Volume IIIB Tab 23 2013
WWE Study Report; Volume VI Cultural Resource
Report for Spruce Stomp Lease

DELETED APPLICATION PAGES

None

DELETED MAPS

None

Bowie No. 2 Mine (Permit No. C1996083) Permit Revision No. 14

Stipulations

38 - PRIOR TO ANY SURFACE DISTURBANCE OF LANDS WITHIN THE SPRUCE STOMP LEASE AREA (COC-75916), THE BASELINE VEGETATION INFORMATION REQUIRED UNDER RULE 2.04.10 MUST BE SUBMITTED TO AND APPROVED BY THE DIVISION.

39 - PRIOR TO ANY SURFACE DISTURBANCE OF LANDS WITHIN THE SPRUCE STOMP LEASE AREA (COC-75916), THE BASELINE SOILS RESOURCE INFORMATION REQUIRED UNDER RULE 2.04.9 MUST BE SUBMITTED TO AND APPROVED BY THE DIVISION.

40 - PRIOR TO ANY SURFACE DISTURBANCE OF LANDS WITHIN THE SPRUCE STOMP LEASE AREA (COC-75916), BRL WILL NEED TO EVALUATE THE EFFECTS OF THAT DISTURBANCE ON ANY OF THE SITES LISTED AS ELIGIBLE FOR LISTING ON THE NATIONAL REGISTER OF HISTORIC PLACES, AS DOCUMENTED IN THE 2012 CLASS III CULTURAL RESOURCES INVENTORY REPORT FOR THE LEASE AREA.

41 - PRIOR TO COMMENCING ANY MINING ACTIVITIES THAT COULD CAUSE SUBSIDENCE IN THE SPRUCE STOMP LEASE AREA, BRL MUST DEMONSTRATE THAT, SHOULD MINING ACTIVITIES RESULT IN CONTAMINATION, DIMINUTION OR INTERRUPTION OF WATER IN THE WEST FORK OF TERROR CREEK, BRL HAS OBTAINED SUFFICIENT WATER RIGHTS AND AN APPROVED WATER REPLACEMENT PLAN TO RESTORE, REHABILITATE, OR REPLACE THE WATER SUPPLY. BRL MUST SUBMIT A COPY OF A COURT APPROVED ALTERNATIVE WATER SUPPLY OR COURT APPROVED SOURCES OF AUGMENTATION WATER THAT COULD BE DEVELOPED TO REPLACE THE EXISTING SOURCES. THE ALTERNATE OR SUBSTITUTED WATER SHALL BE OF A QUALITY AND QUANTITY SO AS TO MEET THE REQUIREMENTS FOR WHICH THE WATER HAS NORMALLY BEEN USED.

42 - BRL MUST REHABILITATE OR REPLACE GROUNDWATER MONITORING POINTS CWI-DH-58 AND CWI-CH-60 BY DECEMBER 31, 2014. FOLLOWING COMPLETION OF THE WORK, A MINOR REVISION MUST BE SUBMITTED TO UPDATE THE PERMIT APPLICATION PACKAGE TEXT WITH A DISCUSSION OF THE REHABILITATION OR REPLACEMENT OF THE WELLS.

43 - WITHIN SIXTY DAYS FOLLOWING THE COLLECTION OF A YEAR OF VALID BASELINE DATA FROM THE TWO DOWN-GRADIENT MONITORING WELLS TO BE DRILLED IN 2015 (2015-1B AND 2015-1SS), BRL MUST SUBMIT A TECHNICAL REVISION TO UPDATE THE PROBABLE HYDROLOGIC CONSEQUENCES SECTION OF THE PERMIT TO ESTABLISH THOSE WELLS AS GROUNDWATER POINTS OF COMPLIANCE, IN ACCORDANCE WITH RULES 2.05.6(3)(B)(III) AND (IV).

44 - PRIOR TO INITIATING ANY LONGWALL MINING IN THE SPRUCE STOMP LEASE AREA (COC-75916), BRL MUST OBTAIN APPROVAL FOR A PLAN TO MANAGE REFUSE GENERATED AS A RESULT OF MINING ACTIVITIES IN THE SPRUCE STOMP LEASE AREA AND ALL CURRENTLY APPROVED COAL MINING ACTIVITIES. THIS RESTRICTION WILL NOT PRECLUDE DEVELOPMENT MINING ACTIVITIES IN THE SPRUCE STOMP LEASE AREA CONSTRUCTED WITH CONTINUOUS MINING EQUIPMENT. PROPOSED MANAGEMENT PLANS MUST BE PREPARED IN ACCORDANCE WITH RULES 2.05.3(8), 4.10, AND 4.11 AND BE BASED ON CURRENT AND PREDICTED RATES OF PRODUCTION AND REFUSE GENERATION AND INCLUDE REFUSE THAT WILL BE GENERATED FROM ALL CURRENTLY APPROVED MINING PLANS.