



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

May 5, 2017

Chris Gilbreath
Tri-State Generation and Transmission Association
12050 North Pecos St. Suite 100
Westminster, CO 80234

**Re: New Horizon North Mine (Permit No. C-2010-089)
Permit Renewal No. 1 (RN-1)
Stipulation Removal**

Dear Mr. Gilbreath:

During the review of the New Horizon North permit document, the Division noticed two stipulations attached to the original permit. Both of these stipulations are long term commitments required by DRMS but do not affect the requirements of permit issuance.

- 1) *If new information becomes available for threatened or endangered species, if a new species becomes listed, if incidental take occurs, if the total average annual amount of water depleted by the New Horizon North Mine changes, or if any other project element changes which alters the operation of the project from what is approved in the initial permit and which may affect any endangered or threatened species in a manner or to an extent not considered in the April 9, 2012 U.S. Fish and Wildlife biological opinion, formal section 7 consultation must be reinitiated.*
- 2) *Prior to initiating any disturbance of the proposed Equipment Corridor, the application must be revised to satisfactorily address the performance standards of Rule 4.03.3 - Light Use Roads. Additionally, no work may proceed related to the crossing of Tuttle Draw until a 404 permit issued by the U.S. Army Corps of Engineers has been provided to the Division.*

The Division is requesting that ERM submit a minor revision (MR) to incorporate the language for both of these stipulations into the text of the permit application package. The stipulations will then be removed from the permit document before the issuance of RN-1. Also, please send an extension request for the RN-1 decision date, which is currently May 5, 2017.

If you have any questions or need additional information, please contact me at (303) 866-3567 ext. 8142.



Page 2
May 5, 2017

Sincerely,

A handwritten signature in blue ink that reads "Brock Bowles". The signature is fluid and cursive, with the first name "Brock" and last name "Bowles" clearly distinguishable.

Brock Bowles
Environmental Protection Specialist
brock.bowles@state.co.us

cc: