

**STATE OF  
COLORADO****Musick - DNR, Jason** <jason.musick@state.co.us>**Re: C1981038 RN7**

1 message

**Musick - DNR, Jason** <jason.musick@state.co.us>

Fri, Mar 23, 2018 at 12:57 PM

To: Judy Martin &lt;judykohlermartin@gmail.com&gt;

Cc: Clayton Wein - DNR &lt;clayton.wein@state.co.us&gt;, Lee Bradley &lt;leeb@orchardvalleyfarms.com&gt;, Steve Harper &lt;hotchlaw@gmail.com&gt;, Tim Austin &lt;TAustin80@hotmail.com&gt;, Cassandra Shenk &lt;shenkca@gmail.com&gt;

Ms. Martin,

The Permit Renewal No. 7 (RN7) associated with the Bowie No. 1 Mine, permit no. C-1981-038, continues to be under review by the Division. To date, the Division completed three adequacy reviews in which the operator, Bowie Resources, LLC., has provided three responses. The Division is currently reviewing the third adequacy response. The review process for RN7 is a dynamic review, if the Division requests information and the information provided is not adequate, the review continues. No significant changes to the permit can occur with a Permit Renewal. If significant changes to the operation or reclamation plan are proposed, these changes will require a Revision to the permit. Responses to your specific comments are below:

The reclamation of the Farmers Ditch was a part of the initial adequacy review and remained a Division adequacy question with the second adequacy review, as the operator's response remained inadequate. The reclamation of the Farmers Ditch was addressed with the operator's second adequacy response, which included a description of the reclamation of the Farmers Ditch. The proposed reclamation included removing the culvert and returning the ditch to its original configuration.

The Division agrees that the operator can not unilaterally determine the reclamation of a county road. However, the reclamation of the Black Bridge Road has not been revised. This reclamation is as it was initially approved. The Bowie No. 1 Mine permit has been renewed six times since issuance and a change in the reclamation plan of the Black Ridge Road has never been requested for additional review.

The 46K volt power line reclamation (including the metering point) continues to be an adequacy item for the operator. You are correct in that the Division has no line item task in the RCE for the power line or metering point. As stated before, the RN7 review is dynamic. As such, the Division's on-going RCE for RN7 is dynamic. If the Division needs additional information concerning the reclamation of a disturbance before a RCE can be completed, a request to the operator is made. This is the case with the power line and associated facilities and remains on-going.

Unfortunately, per Rule 2.07.3(6)(c), the Division must hold the Informal Conference within 60 days of the last publication. The first Informal Conference was held within the 60 days of the last completeness publication. The last publication was December 13, 2017. The 60th day fell on Sunday, February 11, 2018. As such, there is no further opportunity for an informal conference. However, please understand that the Division continues to view your comments as vital to the permitting process and have, in a number of instances, included the comments of all interested parties in the adequacy process.

Please do not hesitate to let either myself or Clayton know if you have any additional questions, comments, or concerns. Again, we can't thank you enough for your participation in the permitting process.

Sincerely,  
Jason

Jason Musick  
Senior Environmental Protection Specialist  
Coal Regulatory Program

**COLORADO**  
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On Thu, Mar 22, 2018 at 6:17 PM, Judy Martin <[judykohlermartin@gmail.com](mailto:judykohlermartin@gmail.com)> wrote:

I reviewed the documents and responses of Bowie to your adequacy letter #1.

Bowie must address the reclamation of Farmers Ditch --the original reclamation was silent except for the general promise to restore the land to "its original contours" and to protect any possible diminishment of water flows. The Farmer's Ditch must be restored to its original configuration--an open ditch with easements for maintenance.

Additionally, the situation of Black Bridge Road can not unilaterally be decided by Bowie--the County owns the road which Bowie caused to be changed to suit their business needs. The County, and the neighboring property owners (especially Lee Bradley) need to agree to what Bowies' revised reclamation proposes.

Last, I want to see both the plan, and the cost for the removal of the 46K volt power line and metering point --neither a plan nor a cost is in the revised RCE.

The second adequacy review letter sent last week does not address the Black Bridge Road or the power line costs.

Please take this as a request for another informal hearing --since the previous one did not address any of our concerns, and the response to your first adequacy letter was not adequate.

Thank you

Judy Martin

Judy Martin

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