

Robin Reilley M.S. GISP  
DRMS  
1313 Sherman Street, Room 215  
Denver, CO 80203

31 March 2020

Ms Miranda Kawcak  
Environmental Manager Seneca Yeast Properties LLC.  
29515 Routt County Rd #27  
Oak Creek, CO 80467

RE: Yoast Mine, Permit No. C1994082  
DRMS Review of Rules Related to Permit Renewal 5(RN5): Preliminary Adequacy

Dear Ms. Kawcak:

The Division has completed its review of Yoast Mine (SPL), submission of Permit Renewal. The application was received by the Division on 5 February 2020. An AVS check was conducted 5 March 2020 and no issues were detected at the time

DRMS's reviewed the application against SPL's permit with regards to the Colorado Surface Coal Mining Reclamation Act (Act), the Regulations of the Colorado Mined Land Reclamation Board for Coal Mining (Regulations; Rules), and the following specific rules during DRMS's preliminary adequacy review.

The decision due date for DRMS to meet its statutory requirements is 28 August 2020. DRMS requests that your response to this initial review of the permit arrive in DRMS's office with ample time to review SPL's response and reply if necessary.

Best Regards



R. Reilley M.S. GISP  
Environmental Protection Specialist II



|                          |                      |           |
|--------------------------|----------------------|-----------|
| 2.03.4                   | 2.03.5               | 2.03.6    |
| 2.03.7                   | 2.03.8               | 2.03.9    |
| 2.03.10                  | 2.03.11              | 2.03.12   |
| 2.04.3                   | 2.04.4               | 2.04.5    |
| 2.04.6                   | 2.04.7 (1), (2), (3) | 2.04.8    |
| 2.04.9                   | 2.04.10              | 2.04.11   |
| 2.04.12                  | 2.05.3(1), (2)       | 2.05.3(3) |
| 2.05.3(4), (5), (6)      | 2.05.4(2)            | 2.05.5(1) |
| 2.05.6(1), (2), (3), (4) |                      |           |

All Rules referenced within this document are contained within the Regulations.

**Rule: 2.03.4 Identification of Interests**

**2020 March DRMS:** The information required by this Rule is located in Volume 1, Tab 3 portions of this information were updated in SO2 (2015), and RN4 (2017). DRMS finds this section of the permit adequate **with the exception of the following:**

1. Applicant Operator contact information requires updating on pg 1.
2. Please confirm to DRMS that the Resident Agent is correct.
3. Please confirm that the lists of Surface, Coal and Minerals Ownership etc, are up to date (pages 3 through 11).

**Rule: 2.03.5 Compliance Information**

**2020 March DRMS:** The information required by this Rule is located in Volume 1, Tab 3 Appendix 3-6 of the Permit Application Package. DRMS finds this section of the permit adequate **with the exception of the following:**

4. Please update page 3-6.1 to address the current permit term.

Compliance information was revised as per Permit Renewal 4 (RN4) in September 2017. No violations have been issued since September 2017.

**Rule: 2.03.6 Right of Entry**

The information required by this Rule is located in Volume 1, Tab 3. The information required by this Rule is located in Volume 1, Tab 3. Appendix 3-4 of the Permit Application Package and comprises information regarding lease agreements, property deeds and right of way agreements. The permit area legal description is found in Appendix 3-1. Right of entry information was updated as per SO2 in December of 2015.

**2020 March DRMS:** DRMS finds this section of the permit adequate.

**Rule: 2.03.7 Relationship to Areas Designated Unsuitable for Mining**

**2020 March DRMS:** DRMS finds this section of the permit adequate. The information required by this Rule is located in Volume 1, Tab 3.

**Rule: 2.03.8 Permit Term Information**

**2020 March DRMS:** DRMS finds this section of the permit adequate. The information required by this Rule is located in Tab 12 and Exhibit 12-1. This section was updated as per permitting action PR2 in 2005.

**Rule: 2.03.9 Insurance Information**

**2020 March DRMS:** DRMS finds this section of the permit adequate. The information required by this Rule is located in Volume 1, Tab 3, Attachment 3-3. The DRMS document storage system stores annual insurance certificates for the site.

**Rule: 2.03.10 Identification of Liscenses and Permits**

**2020 March DRMS:** DRMS finds this section of the permit adequate however over time things may have changed. The information required by this Rule is located in Volume 1, Tab 3 page 14. This was updated as per RN4 in 2017.

5. Please check for any changes to this information and update with revised pages if necessary.

**Rule: 2.03.11 Identification of Public Office for Filling**

**2020 March DRMS:** DRMS finds this section of the permit adequate. The information required by this Rule is located in Volume 1, Tab 3 page 14. This was updated as per RN4 in 2017.

**Rule: 2.03.12 Proof of Publication**

**2020 March DRMS:** DRMS finds this section of the permit adequate. Attachement 3.4 presents the proof of publication of the original Yoast Mine permit. Other public notices and proof of publications are filed with The Division and at mine site (Twenty Mile). Proof of publication for this permitting action (RN5), occurred 1, 8, 15 and 22 March 2020, according to the Public Notice Colorado Website: <https://www.publicnoticecolorado.com/> At the time of this writing, DRMS has not yet received the affidavit of publication.

**Rule: 2.04.3 General Requirements: Site Description and Land Use Information**

**2020 March DRMS:** DRMS finds this section of the permit adequate. The information required by this Rule is located in Volume 1, Tab 4 of the Permit Application Package.

**Rule: 2.04.4 Cultural and Historic Resource Information**

**2020 March DRMS:** DRMS finds this section of the permit adequate. The information required by this Rule is located in Volume 1, Tab 5 of the Permit Application Package.

**Rule: 2.04.5 General Description of Hydrology and Geology**

**2020 March DRMS:** DRMS finds this section of the permit adequate. The information required by this Rule is located in Volumes 2, 3 and 4, Tabs 6 and 7 of the Permit Application Package.

**Rule: 2.04.5 General Geology**

**2020 March DRMS:** DRMS finds this section of the permit adequate. The information required by this Rule is located in Volumes 2, Tab 6 of the Permit Application Package.

**Rule: 2.04.7(1) Ground Water Information**

**2020 March DRMS:** DRMS finds this section of the permit adequate. **with the exception of the following:**

6. Tab 7 - Appendix 7-7 Surface Water Quality Data Tabulations and Plots Part 1, Pages 7-7-82 and 7-7-108 were omitted in the appendix. Please provide the missing pages for Tab 7 - Appendix 7-7.

**Rule: 2.04.7(2) Surface Water Information**

**2020 March DRMS:** DRMS finds this section of the permit adequate. The information required by this Rule is located in Volumes 3 Tab 7 of the Permit Application Package.

#### **Rule: 2.04.7(3) Alternative Water Supply Information**

**2020 March DRMS:** DRMS finds this section of the permit adequate. **with the exception of the following:**

7. Tab 16 - Exhibit 16-2, Sheet 2 of 3 should be labeled “Figure 2” for consistency with the labels for Exhibit 16-2 - Figure 1 - Sheet 1 of 3 and, Exhibit 16-2 - Figure 3 - Sheet 3 of 3.
8. Tab 16 - Exhibit 16-3, Sheet 2 of 2 should be labeled “Figure 2” to be consistent with the label for Exhibit 16-3 Figure 1 - Sheet 1 of 2.

#### **Rule: 2.04.8 Climatological Information**

**2020 March DRMS:** DRMS finds this section of the permit adequate. Supporting documentation can be found in Tab 08.

#### **Rule: 2.04.9(1)-(3) Soils Information**

**2020 March DRMS:** DRMS finds this section of the permit adequate. The information required by this rule is discussed in section 2.04.9 of the permit and the supporting data and maps are located in Tab 09 Exhibit 9-1 and Tab 09 addendum’s 1-7.

#### **Rule: 2.04.10(1)-(5) Vegetation Information**

**2020 March DRMS:** DRMS finds this section of the permit adequate. Supporting maps and data are located in Tab 10, and Tab 10 Exhibit 10-1 through 10-3.

#### **Rule: 2.04.11 (1)-(4) Fish and Wildlife Information**

**2020 March DRMS:** DRMS finds this section of the permit adequate. The Threatened and Endangered species discussed in the permit are accurate and up to date. Supporting documentation and data can be found in Tab 11.

#### **Rule: 2.04.12 Prime Farmland Investigation**

**2020 March DRMS:** DRMS finds this section of the permit adequate. Supporting documentation can be found in Tab 04.

#### **Rule: 2.05.3(1) Production Methods**

**2020 March DRMS:** DRMS finds this section of the permit adequate. Supporting documentation can be found in Tab 04.

### **Rule: 2.05.3(2) Operation Description**

**2020 March DRMS:** DRMS finds this section of the permit adequate. The information regarding this rule is available in Tab 12, entitled Coal Resource Recovery Plan and exhibits 12-1 and 12-1A, Tables 12-1 and 12-2, Figure 12-1, and Attachments 12-1 through 12-4.

### **Rule: 2.05.3(3) Mine Facilities**

**2020 March DRMS:** DRMS finds this section of the permit adequate. **with the exception of the following:**

9. The pagination of Tab 13 Facilities omits Page 4a with the labeling of pages Page 4 and Page 4b. Other sections of the Tab are labeled with a numbered page followed by the number with an “a” (Example Page 11 and Page 11a). Please revise the pagination of Page 4b to Page 4a.
10. The Table of Contents for Tab 13 - Attachment 13-1 General Hydrology Design Methods lists Addendum 2 as Dodson and Associates Hydraulic Programs. The cover sheet for the Dodson report is labeled as “Addendum 3”. Please revise the cover sheet to reference the correct addendum, “Addendum 2”.
11. Tab 13 Attachment 13-10 650 Dragline Deadhead Route the last page of the text portion of the report and Figure 1 are both labeled as Page 13-10-8. Please revise the pagination to label Figure 1 with the next sequential page number.
12. Tab 13 - Exhibit 13-2 contains two maps, the first map is labeled Sheet 1 of 2. The second map is not labeled as Sheet 2 of 2. Please provide a copy of the second “Field Measurements and Photogeologic Estimates Map” labeled as Sheet 2 of 2.

### **Rule: 2.05.3(4) Ponds**

**2020 March DRMS:** : DRMS finds this section of the permit adequate. Information related to this rule is found in Tab 13, Facilities, and associated exhibits, Attachments 13-1 through 13-20 Hydrology Design Methods. DRMS finds the SEDCad modeling and the As Built reports adequate.

### **Rule: 2.05.3(5) Topsoil**

**2020 March DRMS:** DRMS finds this section of the permit adequate. Information related to this rule is found in Tab 12, Coal Resource Recovery Plan and in Exhibit 12-1A and in Tab 19 Reclamation Timetable.

### **Rule: 2.05.3(6) Overburden**

**2020 March DRMS:** DRMS finds this section of the permit adequate. Information related to this rule is found in Tab 6, Volume 2 Geology and Overburden Assessment and in Appendices 6-1 and 6-2 associated exhibits..

### **Rule: 2.05.4(2) Reclamation Plan**

**2020 March DRMS:** DRMS finds this section of the permit adequate. Information related to this rule is found in Tab 12 and Tab 12 Exhibit 12-1A Topsoil Removal Plan, Tab 19 Reclamation Timetable and in Tab 22 Revegetation Plan.

### **2.05.4 (2)(b) – Reclamation Cost Estimate**

DRMS conducted a reclamation cost estimate for the site and found that the liability to reclaim the Yoast Mine to be \$1,367,665.00. The required surety and currently held surety is \$1,379,988.51. Given this, the bond held is adequate at this time. Attached is a copy of the reclamation cost estimate conducted, it includes a Cost Summary, Task Summary and CIRCES task sheets.

### **Rule: 2.05. 6(2) Fish and Wildlife Plan**

**2020 March DRMS:** DRMS finds this section of the permit adequate. **with the exception of the following:**

13. Please ensure the Threatened and Endangered Species listed in Tab 11 - Fish and Wildlife Resources Information is up to date with the current list issued by Federal and State agencies in accordance with Rule 2.04.11(4).

### **Rule 2.05.5(1) Post Mining Land Uses**

**2020 March DRMS:** DRMS finds this section of the permit adequate. Supporting documents and data can be found in Tab 4, Tab 7, Tab 9, Tab 10, Tab 11, and Tab 22.

### **Rule 2.05.6(1) Mitigation of the Impacts of Mining Operations- Air Pollution Control Plan**

**2020 March DRMS:** DRMS finds this section of the permit adequate. Supporting Documentation can be found in Tab 24.

### **Rule 2.05.6(4) Mitigation of the Impacts of Mining Operations- Protection of Public Parks and Historic Places.**

**2020 March DRMS:** DRMS finds this section of the permit adequate.