


**TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.**
**HEADQUARTERS: P.O. BOX 33695 DENVER, COLORADO 80233-0695 303-452-6111**

January 19, 2021

Mr. Zach Trujillo  
 Environmental Protection Specialist  
 Colorado Division of Reclamation, Mining & Safety  
 Department of Natural Resources  
 1313 Sherman Street, Room 215  
 Denver, CO 80203

**RE: Colowyo Coal Company L.P.**  
**Permit No. C-1981-019**  
**Minor Revision No. 229**  
**Exhibit 5, Item 3 Collom Topsoil Removal - Archeologist**

Dear Mr. Trujillo,

Tri-State Generation and Transmission Association Inc. (Tri-State), is the parent company to Axial Basin Coal Company, which is the general partner to Colowyo Coal Company L.P. (Colowyo). Therefore, Tri-State on behalf of Colowyo is submitting minor revision 229 (MR-229) to Permit No. C-1981-019.

Exhibit 5, Item 3 of Colowyo's permit requires an archeologist to be present onsite during topsoil removal activities within the high potential areas boundary (HPA) associated with the Collom expansion to ensure the protection of buried cultural resources. Exhibit 5, Item 3 currently states, that if no cultural resource discoveries are encountered during the first three years of monitoring that the requirement to have an archeologist onsite during topsoil removal can be released.

During the initial topsoil removal efforts in 2017, several sites were discovered within the HPA near the Collom Haul Road adjacent to Wilson Creek. Since that time, three additional seasons of topsoil removal have occurred without any further discoveries. A large portion of the Collom Pit, Collom facility areas, and Collom out of pit stockpile have had topsoil removed without any discoveries. Future topsoil removal areas for the Collom Pit are moving into Little Collom Gulch and higher elevation areas, which within the HPA boundary (Exhibit 5, Item 5, Figure 25) are medium to low potential areas for buried cultural resources. Expansion of the Collom out of pit stockpile are also moving east and north into Little Collom Gulch, which are also medium potential areas. The high areas in the HPA associated with the Collom out of pit stockpile have mostly had topsoil removal occur.

With this submittal of MR-229, Tri-State is request to relinquish the requirement for an archeologist to be present during topsoil removal activates associate with the Collom area. Tri-State also requests that the Division engage with the State Historical Preservation Office (History Colorado) to evaluate this proposal. Exhibit 5, Item 3 was written under the permit revision 04 application by Colowyo and History Colorado staff, and their expertise on this request is very valuable to Tri-State.



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Included in this minor revision is a change of index sheet to ease incorporation of this minor revision into the permit document. If you should have any additional questions or concerns, please feel free to contact Tony Tennyson at (970) 824-1232 at your convenience.

Sincerely,

DocuSigned by:  
*Daniel Casiraro*  
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Daniel J. Casiraro  
Senior Manager  
Environmental Services

DJC:TT:der

Enclosure

cc: Jennifer Maiolo (BLM-LSFO)  
Chris Gilbreath (via email)  
Tony Tennyson (via email)  
Angela Aalbers (via email)  
File: C. F. 1.1.1.207 - G471-11.3(21)d



## CHANGE SHEET FOR PERMIT REVISIONS, TECHNICAL REVISION, AND MINOR REVISIONS

Mine Company Name: Colowyo Coal Company

Permit Number: **C-1981-019**

Date: **January 18, 2021**

Revision Description: **MR-228 Collom Spoil Grading  
Timing**

Volume Number	Page, Map or other Permit Entry to be REMOVED	Page, Map or other Permit Entry to be ADDED	Description of Change
1			No Change
2A			No Change
2B			No Change
2C			No Change
2D			No Change
2E			No Change
3			No Change
4			No Change
5A			No Change
5B			No Change
6			No Change
7			No Change
8			No Change
9			No Change
10			No Change
12			No Change
13			No Change
14			No Change
15			No Change
16	Pages Exhibit 5, Item 3-2 and Exhibit 5, Item 3-3 (2 pages)	Pages Exhibit 5, Item 3-2 and Exhibit 5, Item 3-3 (2 pages)	Exhibit 5, Item 3 has been updated.
15			No Change
17			No Change
18A			No Change
18B			No Change
18C			No Change

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18D			No Change
19			No Change
20			No Change
21			No Change
22			No Change

24-80-1301. Colowyo will contact the County Sheriff, the County Coroner and the landowner to notify them of the discovery. The Coroner will investigate the discovery within 48 hours and may enlist the assistance of a physical anthropologist, archaeologist, or other specialist to determine if the remains are of forensic interest. If the remains are not of forensic interest, the Coroner will contact the Office of the State Archaeologist (OSAC) at History Colorado. OSAC will then contact the landowner and the Colorado Commission of Indian Affairs (CCIA) to formulate a treatment plan within 10 days of the discovery. OSAC and CCIA will coordinate Native American Tribal notifications and subsequent consultations. Colowyo will comply with the directives of OSAC and CCIA with respect to archaeological treatment of the remains.

For unmarked burials identified on federally managed lands, the requirements of the Native American Graves Protection and Repatriation Act (NAGPRA) will apply in accordance with 43 CFR 10.

### *Culture Resources Baseline Project Plan*

Prior to commencing any ground disturbing activities, Colowyo engaged a Colorado-permitted archaeologist to undertake a baseline assessment of all NRHP eligible and “need data” sites to document current conditions inside the permit boundary. This baseline assessment will include NRHP eligible sites 5MF4008, 5MF6089, and 5MF6128; and sites requiring additional work 5MF969, 5MF4003, 5MF4006, 5MF3996, 5MF1652, 5MF4010, 5MF5417, 5MF5418, 5MF5419, 5MF6116, 5MF6130, and 5MF6098.

During the baseline assessment an investigation occurred which also delineated high potential areas (HPA) for culture resources within the permitted disturbance area. Please refer to Exhibit 5, Item 5, Figure 25, for the HPA boundary. The area defined as the HPA is the location in which subsequent culture resources monitoring will occur.

### *HPA Monitoring*

During the four years of topsoil removal, Colowyo employed a Colorado-permitted archaeologist to monitor the removal of all late-Quaternary aged deposits in the HPA within the disturbance boundary. Several sites were discovered during the initial topsoil removal activities along the Collom Haul Road near Wilson Creek. Please refer to Volume 16, Exhibit 5 Items 7 through 11, for additional information on these discoveries. Colowyo removed topsoil for an additional three years within the HPA boundary without any additional discoveries. As of the end of 2020, the need for a Colorado permitted archaeologist was no longer necessary, as large portion of the high potential areas have had topsoil removed without any discoveries occurring. Colowyo will continue to be vigilant for buried cultural resources should a site be encountered during topsoil removal activities. If this occurs, topsoil removal will cease for 100 feet around the site. Colowyo will promptly report the discovery and follow the procedures of the discovery clause presented above.

### Duration

Upon completion of the baseline evaluation, Colowyo will follow up with field investigations every four years and monitor the sites listed above and other sites subsequently identified within the disturbance boundary. After three consecutive evaluations (12 years), should a no effect determination for impacts to these sites be determined through consultation with the Division, OSM, and SHPO, the requirement to monitor these sites will no longer be required. Colowyo will request in writing to discontinue monitoring from the Division, OSM, and SHPO. However, if project affects are identified, regular interval monitoring (every four years) will continue and be re-evaluated for continued monitoring every four years.

### Reporting

The results from the field evaluations (initial baseline assessment and subsequent monitoring) are compiled into detailed summary reports. The first report included the baseline assessment and HPA delineation (Exhibit 5 Item 5). Subsequent reports will include evaluations of impacts (as compared with) the original baseline assessment and will be submitted to the Division at the end of the construction season, but no later than December 31 of the year the monitoring occurred. Colowyo will not submit reports at the end of the construction season for topsoil removal monitoring, because if a site is discovered, the unanticipated discovery notifications outlined above will have already occurred and will have been documented.