


TRI-STATE

April 14, 2021

Mrs. Janet Binns
Environmental Protection Specialist
Colorado Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

**RE: New Horizon Mine (Permit No. C-1981-008)
Technical Revision No. 102 (TR-102)
Adequacy Response**

Dear Mrs. Binns:

Tri-State Generation and Transmission Association Inc. (Tri-State), is the parent company to Elk Ridge Mining and Reclamation, LCC (ERMR), which owns and operates New Horizon Mine. The New Horizon Mine operates under the Division of Reclamation, Mining and Safety (DRMS) Permit No. C-1981-008. Therefore, Tri-State on behalf of ERMR is submitting this adequacy response for TR-102.

Tri-State received the Division's TR-102 adequacy letter dated April 13, 2021, and has the following response to the Division's concerns.

1. *Attachment 2.03.8-1 page 2 and 3: Metes and bounds description of Parcel 2, following the direction and distance values and additional "to a" has been added. This is not the usual way the metes and bounds descriptions are written. This addition doesn't really change the description but it is a little confusing and may be a typo. ERMR may wish to clean up this text to minimize confusion.*

Response: All the "to a" have been removed from the Parcel 2 description. A spacing and font issue was also corrected on page 2 which caused a pagination shift.

2. *Section 4.05.18 pages 2 and 3; the discussion of Pond 009 has been removed from Stream Buffer Zone section. This is acceptable since Pond 009 has been reconfigured as SP2. However, the description of SP2 should remain in this section. SP2 is still contained within the permit area boundary, and is still depicted on Map 4.05.18-1. Please include a brief description of SP2 in this section.*

Response: Section 4.05.18 has been updated with SP2 even though a very limited portion of the outside embankment is barely inside the stream buffer zone.

3. *Map 2.05.3(3)-1 Surface Water Hydrology, dated 2/22/2021. The permit area boundary, drawn as a red line, is incorrect on this submitted map. The permit area boundary must include all of the disturbed area boundary that remains within the permit area. Please revise this map to include the remaining property (Slash M, LLC*

**TRI-STATE**

April 14, 2021

Page 2

property) in Section 1, The SE 1/4 of Section 36, the small parcel in the NE 1/4 NW 1/4 of Section 6 (GW46 property), and the parcel in the SE 1/4 section 6 (Office and facilities area) within the permit area boundary. Also, the post-mine ditches in SE 1/4 of Section 36 are shown as permanent features. The demonstration to keep these features as permanent structures has not yet been approved by the Division. Please re-label these ditches as temporary tailwater ditch and post-mining channel below tailwater ditch (temporary) in agreement with the previously approved Map 2.05.3(3)-1 (TR90 dated 5/24/2019).

Response: The permit boundary and post mine topography were found to not be referencing correctly on Map 2.05.3(3)-1, and that issue has been corrected. The tailwater ditches and post-mining channel below the tailwater ditch were last approved under TR-98 dated 3/13/20, which supercedes TR-90 (5/24/2019) approval. It appears the Division is not using the currently approved version of the Map 2.05.3(3)-1 as approved last under TR-98 dated 3/13/20. Further, the Division cannot compel an operator to go back and change an item that was already reviewed, approved, and is part of the approved permit.

Also included with this adequacy response is a change of index sheet to ease incorporation of the revised technical revision materials into the permit document. If you should have any further questions please contact Tony Tennyson at (970) 326-3560 or tennyson@tristategt.org.

Sincerely,

DocuSigned by:
A stylized signature of Daniel Casiraro in black ink.
B70D69F114324DE...

Daniel J. Casiraro
Senior Manager
Environmental Services

DJC:TT:der

Enclosures

cc: Frank Ferris (via email)
Chris Gilbreath (via email)
Tony Tennyson (via email)/
File: G474-11.3(21)b-4

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

Mine Company Name: New Horizon Mine

Date: **April 13, 2021**

Permit Number: **C-1981-008**

Revision Description: **TR-102 Incidental
Boundary Revision**

Volume Number	Page, Map or other Permit Entry to be REMOVED	Page, Map or other Permit Entry to be ADDED	Description of Change
1	Attachment 2.03.8-1 Pages 2 through 4 (3 pages)	Attachment 2.03.8-1 Pages 2 through 4 (3 pages)	Attachment 2.03.8-1 has been updated.
2			No changes
3			No changes
4			No changes
5	Map 2.05.3(3)-1	Map 2.05.3(3)-1	Map 2.05.3(3)-1 has been updated.
6			No changes
7			No changes
8			No changes
9	Section 4.05.18 Pages 2 and 3 (2 pages)	Section 4.05.18 Pages 2 and 3 (2 pages)	Section 4.05.18 has been updated.
10			No changes

thence S 01°38'41" E a distance of 44.87';
thence S 07°49'56" E a distance of 59.81';
thence S 04°17'44" E a distance of 34.89';
thence S 01°25'37" E a distance of 49.51';
thence S 26°13'24" W a distance of 16.73';
thence S 08°22'30" E a distance of 22.70';
thence S 09°05'10" E a distance of 31.66';
thence S 00°05'58" W a distance of 32.24';
thence S 03°45'03" W a distance of 28.07';
thence S 17°44'23" W a distance of 40.91';
thence S 26°36'25" W a distance of 27.48';
thence S 41°33'07" W a distance of 10.85';
thence N 60°00'14" W a distance of 31.57';
thence S 48°42'38" W a distance of 30.06';
thence S 38°43'07" W a distance of 103.25';
thence S 54°21'22" E a distance of 570.97';
thence S 83°11'40" E a distance of 667.94';
thence N 03°01'47" E a distance of 149.28';
thence N 83°52'17" W a distance of 300.59';
thence N 01°57'25" E a distance of 1108.20';
which is the point of beginning, having an area of 26.2 acres more or less

Parcel 2, lays in the N/2 of Section 6, Township 46 North, Range 15 West of the New Mexico Principal Meridian, Montrose County, CO, or described specifically as follows:

Commencing at the Northwest corner of said Section 6, said beginning point is S82°14'03" E, a distance of 228.12 feet;

thence N 88°14'49" W a distance of 1373.12';
thence N 02°37'19" E a distance of 297.72 ;
thence S 88°15'49" E a distance of 378.73' ;
thence S 01°48'41" W a distance of 31.48';
thence S 62°14'33" E a distance of 43.06';
thence S 78°45'36" E a distance of 57.13';
thence S 81°53'40" E a distance of 53.36';
thence S 59°51'26" E a distance of 48.06';
thence S 34°39'12" E a distance of 21.96' ;
thence S 00°22'27" E a distance of 24.96';
thence S 87°58'30" E a distance of 75.92' ;
thence N 82°31'39" E a distance of 39.15';
thence S 82°09'40" E a distance of 83.52';
thence N 87°18'01" E a distance of 75.05';
thence N 88°21'21" E a distance of 90.55';

thence S 86°45'56" E a distance of 61.15';
thence N 88°54'56" E a distance of 41.37';
thence S 85°45'59" E a distance of 78.17';
thence S 86°19'10" E a distance of 90.63';
thence N 86°23'28" E a distance of 82.99';
thence N 78°46'38" E a distance of 56.90';
thence S 81°02'01" E a distance of 16.41';
thence S 02°35'08" W a distance of 106.00';
thence S 02°35'08" W a distance of 81.43';
which is the point of beginning, having an area of 6.82 acres, more or less.

Parcel 3, lays in the S/2 of Section 36, Township 47 North, Range 16 West of the New Mexico Principal Meridian, Montrose County, CO, or described specifically as follows.

Commencing at the Southeast corner of Section 36, said beginning point is N 86°59'17" W, a distance of 2639.38';
thence S 87°26'20" E a distance of 1314.97';
thence S 87°24'13" E a distance of 1294.12';
thence N 02°07'01" E a distance of 1032.66';
thence N 02°07'28" E a distance of 300.00';
thence N 02°06'54" E a distance of 1273.95';
thence N 87°21'24" W a distance of 629.22';
thence N 87°21'24" W a distance of 658.87';
thence N 87°21'24" W a distance of 1318.03';
thence S 02°11'30" W a distance of 645.06';
thence N 88°11'03" W a distance of 1294.81';
thence N 02°06'28" E a distance of 50.01';
thence N 88°13'16" W a distance of 1341.82';
thence S 02°15'28" W a distance of 1658.26';
thence N 59°51'27" E a distance of 335.51';
thence N 69°18'22" E a distance of 689.74';
thence S 58°36'06" E a distance of 698.32';
thence S 36°52'38" E a distance of 566.93';
thence S 87°26'24" E a distance of 753.20';
which is the point of beginning, having an area of 253.30 acres, more or less.

Parcel 4, lays in the N/2 of Section 1, Township 46 North, Range 16 West of the New Mexico Principal Meridian, Montrose County, CO, or described specifically as follows.

Commencing at the Northeast corner of Section 1, said beginning point is S 61°20'06" W, a distance of 3595.49';
thence S 43°31'33" W a distance of 192.16';

thence N 61°35'11" W a distance of 182.25';
thence N 61°35'11" W a distance of 51.19';
thence N 04°44'27" E a distance of 137.29';
thence N 88°10'01" W a distance of 298.14';
thence with a curve turning to the right with an arc length of 363.55', with a radius of 230.00',
with a chord bearing of N 42°53'07" W, with a chord length of 326.86';
thence N 02°23'39" E a distance of 1505.33';
thence S 87°26'19" E a distance of 1301.57';
thence S 87°26'20" E a distance of 1314.93';
thence S 87°24'14" E a distance of 1294.70';
thence S 01°59'04" W a distance of 734.80';
thence N 88°46'54" W a distance of 1441.96';
thence S 47°10'12" W a distance of 1246.34';
thence N 88°09'43" W a distance of 348.89';
thence S 01°50'17" W a distance of 128.86';
thence S 87°26'01" W a distance of 389.83';
which is the point of beginning, having an area of 114.01 acres, more or less.

the disturbed and reclaimed areas and conveys surface runoff to an approved sediment control structure (Pond 013).

Pond 012

A portion of Pond 012, the embankment, pool area, and associated outfall was constructed inside the stream buffer zone for Tuttle Draw. During construction and to date, this has not created any adverse impacts to Tuttle Draw. The embankment and areas directly adjacent to the pond are very well vegetated and do not exhibit any visual impacts from the presence of the pond and associated structures inside the stream buffer zone. In accordance with Rule 4.05.18, the pond location within the buffer zone has not caused or contributed to a violation of applicable water quality standards. As built, the pond is capturing all surface water runoff from mining operations and discharging them through an approved outfall location which is in compliance with New Horizon's mine current water quality discharge permit. Moreover, during and after mining, the Pond 012 location will not impact water quantity or quality as it will be removed post mining and reclaimed. Finally, Pond 012 does not create a temporary or permanent stream channel diversion.

SP2

A very small portion of the SP2 stock pond was constructed inside the stream buffer zone for Tuttle Draw. Previously a sediment pond was in this location, and to support the post mine land use for the area a smaller stock pond was constructed. SP2 does not created any adverse impacts to Tuttle Draw and retains beneficial water to support the post mine land use. The embankment and areas directly adjacent to SP2 are very well vegetated and do not exhibit any visual impacts from the presence of the outer embankment of the stock pond inside the stream buffer zone. In accordance with Rule 4.05.18, the SP2 location within the buffer zone will not cause or contribute to a violation of applicable water quality standards. As built, SP2 is capturing all surface water runoff from Phase III released reclamation areas inside and outside the permit boundary. SP2 does not create a temporary or permanent stream channel diversion.

Portable Pump

A portable wheel mounted water pump will be placed in various locations within the stream buffer zone for Tuttle Draw to pump water ERMR's decreed water rights from Tuttle Draw. Impacts to the stream buffer zone will not occur as the pump will be moved in and out of the stream buffer zone during dry conditions, and the pump will have secondary containment placed under it to capture any leaks or spills that may occur while the pump is located within the stream buffer zone. The pump will only be placed in the stream buffer zone when necessary to exercise valid existing water rights, and will be removed as soon as practical when it is not needed.

Enstrom Draw

Pond 015

A portion of Pond 015 and the embankment was constructed inside the stream buffer zone for Enstrom Draw. During construction and to date, this has not created any adverse impacts to Enstrom Draw. The pond embankment and areas directly adjacent to the pond have been vegetated and do not exhibit any visual impacts from the presence of the pond and associated structures inside the stream buffer zone. In accordance with Rule 4.05.18, the pond location within the buffer zone has not caused or contributed to a violation of applicable water quality standards. As built, the pond is capturing all surface water runoff from disturbed areas. Likewise, during and after mining, the Pond 015 location will not impact water quantity or quality as it will be removed post mining and reclaimed. Finally, Pond 015 does not create a temporary or permanent stream channel diversion.

Ditch C-29

Multiple portions of Ditch C-29 were constructed inside the stream buffer zone for Enstrom Draw. During construction and to date, this has not created any adverse impacts to Enstrom Draw. As constructed, Ditch C-29 functions as a collection ditch which captures surface water runoff from the disturbed and reclaimed areas and conveys surface runoff to an approved sediment control structure (Pond 015).