



January 19, 2022

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
2021 Annual Reclamation Report**


Dear Mrs. Binns,

Tri-State Generation and Transmission Association, Inc. (Tri-State), is the parent company to Elk Ridge Mining and Reclamation, LLC New Horizon Mine. The New Horizon Mine operates under the Colorado Division of Reclamation, Mining, and Safety Permit No. C-1981-008.

In accordance with Rule 2.04.13(1), by February 15, or other such date as agreed on, each permittee shall file an annual reclamation report covering the previous calendar years for all areas under bond. New Horizon Mine by permit is required to submit the report annually by March 15. Therefore, enclosed please find the Annual Reclamation Report for the calendar year 2021 as required.

If you should have any additional questions or concerns, please feel free to contact Tony Tennyson at (970) 326-3560 at your convenience.

Sincerely,

DocuSigned by:

D250C711D0BF450...
Chris Gilbreath
Senior Manager
Remediation and Reclamation

CG:TT:dbb

Enclosure

Cc: Tony Tennyson (via email)
C.F. 11.1 - G474-11.3(21)c-9

Elk Ridge Mining and Reclamation, LLC.

PERMIT C-1981-008

NEW HORIZON MINE

2021 ANNUAL RECLAMATION REPORT

JANUARY 1, 2021 to DECEMBER 31, 2021

Table of Contents

I. RULE REQUIREMENTS	1
A. PERMITTEE	1
B. DISTURBED AREAS	1
C. BACKFILLING AND GRADING	1
D. RECLAMATION ACTIVITIES	1
1. Spoil Quality	1
2. Topsoil.....	1
3. Seeding	2
4. Soil Fertility Testing and Fertilizer Application	2
5. Grazing, Irrigation, and Irrigated Pasture Yields	2
6. Irrigation.....	3
7. Irrigated Pasture Yields.....	3
E. WILDLIFE MONITORING	3
F. INTERIM REVEGETATION REPORT	3
G. WEED MANAGEMENT.....	4
H. PEST MANAGMENT	4

List of Tables

Table 1 - Topsoil Stockpiled (End of Year 2021).....	5
Table 2 – New Horizon Reclamation Table	6

List of Figures

Figure 1 –Annual Reclamation Report Form	6
Figure 2 – Seed Tag Documentation	8

List of Maps

Map 1 – Annual Reclamation Report Map	
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I. RULE REQUIREMENTS

Rule 2.04.13(1)(a-f) states, by February 15, or such date agreed on (which is March 15 in Permit No. C-1981-008), each permitted shall file an annual reclamation report covering the previous calendar year for all areas under bond. The report shall include, but is not limited to, text, discussion and maps which address:

- the name and address of the permittee and permit number
- location and number of acres disturbed during that year
- location and number of acres backfilled and graded during that year
- location and number of acres topsoiled during that year
- the species, location and number of acres of vegetation planted during that year, including any augmented seeding or cultural practices
- location, number of acres and date of planting for all previously revegetated areas

A. PERMITTEE

Elk Ridge Mining & Reclamation, LLC
New Horizon Mine
Permit No. C-1981-008
PO Box 628
Nucla, CO 81424

B. DISTURBED AREAS

During 2021, 0.0 acres of additional disturbance occurred onsite. There are currently 31.0 acres in non-permanent long-term facilities at the end of the year 2021 and 7.1 acres of long-term permanent facilities. Please see Figure 1.

C. BACKFILLING AND GRADING

During 2021, 0.0 acres were backfilled and/or graded.

D. RECLAMATION ACTIVITIES

1. Spoil Quality

The spoil sampling and analysis program for the New Horizon Mine is described in Section 2.05.4(2)(d) of the approved permit. The New Horizon Mine did not conduct any spoil quality sampling in 2021.

2. Topsoil

The New Horizon Mine placed topsoil on 0.0 acres in 2021. Please refer to Table 1 for the current volume of topsoil in stockpiles.

3. Seeding

The approved seed mixtures utilized at the New Horizon Mine are located in Section 2.05.4(2)(e) of the approved permit. During 2021, permanent seeding (year 7 in the crop rotation) occurred for reclamation unit IC-1. Water deliveries for irrigated were interrupted in June of 2021 which impacted the overall production for IC-1 as presented in Section 6 below. Additionally, 3.7 acres of dryland pasture were planted in reclamation unit DP-19. Please refer to Map 1 for the locations of the reclamation units planted, and Figure 2 provides seed tag documentation of the seed mixture planted in 2021.

4. Soil Fertility Testing and Fertilizer Application

Soil fertility testing was not performed on any areas in 2021.

Fertilizer was applied to reclamation units IP-1 through IP-8, IC-1, and the reference area. Fertilizer rates that were applied in 2021 are as follows:

IC-1

<u>Fertilizer</u>	<u>Pounds/Acre Applied</u>
Phosphate	200
Elemental Sulfur	1.5

IP-1 through IP-8 & Reference Area

<u>Fertilizer</u>	<u>Pounds/Acre Applied</u>
Phosphate	38
Urea	122

5. Grazing

Data presented below includes properties within the permit boundary that were grazed in 2021.

- ERM - Benson West & Lloyd Property (25 acres):
 - 62 head of cattle grazed from November 15 to December 14, 2021
- GW46 Irrevocable Trust (2.9 acres are reclamation parcel IP-10):
 - 45 head of cattle grazed from December 30, 2020 to February 6, 2021
- Reference Area (6.3 acres):
 - 61 head of cattle grazed from December 23, 2021 to January 18, 2022

6. Irrigation

The CC Ditch Company commenced water deliveries on April 17, 2021, and New Horizon Mine began irrigation operations shortly thereafter. The CC Ditch Company discontinued water delivery for the year on October 9, 2021.

During June of 2021 water deliveries were stopped due to a failure on the High Line Canal which provides water to the New Horizon Mine irrigation system through the West Lateral pipeline. It took approximately a month to repair the High Line Canal failure, and once it was repaired water deliveries recommenced. This loss of water impacted reclamation unit IC-1 significantly, and limited overall production of alfalfa for the year.

7. Irrigated Pasture Yields

- ERM - Benson West Property, IP-8 (12.2 acres)
 - First cutting – 659 bales averaging 63 pounds per bale
 - Second cutting – 426 bales averaging 63 pounds per bale
- ERM - Lloyd Property, IP-9 (12.9 acres)
 - First cutting – 659 bales averaging 63 pounds per bale
 - Second cutting – 426 bales averaging 63 pounds per bale
- ERM - Lloyd Property, IP-11 (14.9 acres)
 - One cutting of Oats – 828 bales averaging 63 pounds per bale
- GW46 Irrevocable Trust Property, IP-10 (2.9 acres)
 - First cutting – 5 round bales averaging 1,426 pounds per bale
 - Second cutting – 8 square bales averaging 840 pounds per bale
- Morgan Property, IC-1 (107.8 acres)
 - Alfalfa/Oats - 823 bales averaging 2,000 pounds per bale
- Reference Area (6.3 acres):
 - 319 bales averaging 63 pounds per bale

E. WILDLIFE MONITORING

No wildlife monitoring occurred in 2021.

F. INTERIM REVEGETATION REPORT

New Horizon conducted vegetation monitoring in support of a Phase II bond release application in 2021 for reclamation units DP-16, DP-17, and IP-10. The bond release

vegetation report is included in this annual reclamation report by reference only. Please refer to the SL-25 Phase II bond release application on file with the Division for revegetation monitoring these reclamation units.

Reclamation Unit IC-1 was scheduled for interim monitoring in 2021 also. As was noted in Section 6, the High Line Canal failure significantly impacted water deliveries to IC-1. The landowner had planted new alfalfa that was very small at the time interim monitoring was scheduled to occur on IC-1. The landowner did not want to damage the crop with any foot traffic and would not allow interim monitoring to occur in 2021. Data that would have been obtained would not have been conducive to provide further information on revegetation success, since IC-1 was heavily impacted with the loss of irrigation water for a significant period in 2021. Year eight bond release monitoring is schedule to occur in 2022, which will provide data for revegetation success for IC-1.

G. WEED MANAGEMENT

During 2021, various areas within the permit boundary were treated for noxious weeds by spot spraying and/or hand removal. The actual treatment sites were generally small and random and thus too small to accurately depict on a map.

Target species for noxious weeds included Knapweed(s), Thistle(s), White Top, Russian-olive, saltceder/tamarisk, burdock, mullein, halogeton, purple loosestrife, and Western whorled milkweed. Other target species are included in the Montrose County (2010) and San Miguel County (2002) Noxious Weed lists.

H. PEST MANAGMENT

The New Horizon Mine did not conducted any pest management in 2021.

Table 1 - Topsoil Stockpiled (End of Year 2021)

Topsoil Pile Name	Type of Topsoil	Volume (CY)
C	Lift B Topsoil	3,705
D	Mixed Topsoil	3,242
H	Lift A Topsoil	2,363
12	Mixed Topsoil	169,570
13	Lift A	1,900
4	Prime Farmland Topsoil	13,266
Sub Total		194,046
11A	Lift A Topsoil (Morgan)	5,550
11B	Lift B Topsoil (Morgan)	4,070
Sub Total		9,620
GRAND TOTAL		203,666

New Horizon Mine

Table 2 – New Horizon Reclamation Table

New Horizon Reclamation Table						
Area	Reclaimed Acres	Year Seeded	Revegetated Years	Bond Release Granted		
				Phase 1	Phase 2	Phase 3
DP-5	12.8	2006	13	Approved	Approved	Approved
DP-6	28.7	2007	12	Approved	Approved	Approved
DP-9	24.1	2009	10	Approved	Approved	Approved
DP-10	8.1	2011	10	Partial	Approved	
DP-11	1.7	2011	10	Partial	Partial	
DP-12	0.7	2012	9			
DP-13	0.4	2013	8			
DP-14	2.0	2013	8	Approved	Partial	
DP-15	2.3	2014	7	Approved	Approved	
DP-16	1.4	2016	5	Approved		
DP-17	3.5	2018	3			
DP-18	7.5	2012	9			
DP-19	3.7	2021	0			
IP-8	12.2	2014	7	Approved	Approved	
IP-9	12.9	2014	7	Approved	Approved	
IP-10	2.9	2016	5	Approved		
IP-11	14.9	2020	1			
IC-1	107.8	2015	6	Approved	Approved	
Grand Total	247.6					

Please see Map 1 for locations of the reclamation units noted above.

Figure 1 - Annual Reclamation Report Form
Colorado Division of Reclamation, Mining and Safety
 Annual Reclamation Report for Calendar Year – 2021

New Horizon Mine	C-1981-008	Elk Ridge Mining & Reclamation, LLC.
Mine Name	Permit Number	Permittee
P.O Box 628 – 27646 W. 5 th Street Nucla, CO 81424		
Address		

This report, required by Rule 2.04.13, is due by February 15 of each year, or other date, as agreed upon by the Division. It should include text, discussion, and maps, at a minimum, in addition to any other reclamation monitoring data as required by the approved permit. The location of the acreage reported under each land status category and year of seeding (if applicable) should be clearly identified on a map included with the report.

Land Category	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
Acreage in Active Mining Areas ¹	0	0	0	=	0

Land Category	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
Acres Disturbed ²	362.6	0	1.0	=	361.6
Acres Backfilled and Graded	362.3	0	1.0	=	361.6
Acres Topsoiled	225.9	0	0	=	225.9

Acreage in Long-term Facilities ³	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
Non-Permanent Facilities	31.8	0	0.8	=	31.0
Permanent Facilities (permitted)	7.1	0	0	=	7.1
Totals	38.9			=	38.1

Acres Seeded (permanent)	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
9 Years and Less	168.5	3.7	0	=	172.2
10 Years and Greater	75.4	0	0	=	75.4
Totals	243.9			=	247.6

Bond Release	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
Phase I Released	222.4	0	1.0	=	221.4
Phase II Released	213.6	0	1.0	=	212.6
Phase III Released	67.8	0	1.0	=	66.8

¹Includes pits, topsoil stripped areas in advance of pits, and spoil not backfilled and graded

New Horizon Mine

²Surface Mine Acres Disturbed = B&G + Long-Term Facilities + Active Mining Areas; Underground Mine Acres Disturbed = B&G + Long-Term Facilities; Separately-permitted Loadouts = B&G + Long-Term Facilities

³Includes haul, access and light-use roads, temporary dams and impoundments; permanent dams and impoundments; diversion and collector ditches, water and air monitoring sites; topsoil stockpiles; overburden stockpiles; repair, storage and construction areas; office area, repair shops, and parking; coal stockpiles, loading, and processing areas; railroads; coal conveyors; refuse piles and coal mine waste impoundments; head-of-hollow fills; valley fills; ventilation shafts and entryways; and non-coal waste disposal area (garbage dumps and coal combustion by-products disposal areas).

*1.6 acres were removed from the permit boundary during 2019. 1.3 acres were removed due to incorrect reporting for an area that was not disturbed by New Horizon Mine for reclamation unit IC-1. This was to correct past reporting for that unit from 109.1 acres to 107.8 acres.

Figure 2 – Seed Tag Documentation

Granite Seed - Denver
490 East 76th Ave., Unit A
Denver, CO 80229

12 of 25

Alfalfa 3-52342
Alfalfa

216649

Pure Common Name	Variety	G + D or H	Origin
ALFALFA	Ladak	75 + 23 = 98	MT
0.00 Other Crop		Date Tested: 15-Jan-21	
0.22 Inert Matter		Hard Seed: 22.99	
0.08 Weed Seed		Noxious Weed: NONE FOUND	
INOCULANT	Alfalfa + Pre-Vail 3000	0.02 Lbs. Bulk	
Net Weight	48.85 Lbs. PLS	50.00 Lbs. Bulk	
Coverage: 50,000 Bulk #			

NOTICE TO BUYER LIMITATIONS OF WARRANTIES AND REMEDIES

Seed quality is dependent upon many factors beyond the control of the labeled seller and NO WARRANTY is made by the seller. The labeled seller warrants that all seed sold has been tested as required by applicable state and federal seed laws and that the seed conforms to the label description with the recognized tolerances. THIS WARRANTY IS IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. THERE ARE NO WARRANTIES WHICH EXTEND BEYOND THE DESCRIPTION ON THE LABEL.

Buyer shall be at fault against the labeled seller unless Buyer reports to the labeled seller within a reasonable period after receipt to expiration date, any condition that might lead to a complaint. BUYER'S EXCLUSIVE REMEDY FOR ANY CLAIM FOR DAMAGES RESULTING FROM BREACH OF WARRANTY, BREACH OF CONTRACT OR NEGLIGENCE (INCLUDING BUT NOT LIMITED TO INCIDENTAL OR CONSEQUENTIAL DAMAGES) SHALL BE LIMITED TO REPAYMENT OF THE PURCHASE PRICE.

Buyer, by purchase of the seed, agrees the terms and conditions stated above are a benefit to the bargain and constitute the entire agreement between Buyer and the labeled seller. Buyer shall return the original unopened seed package to the labeled seller within 90 days of receipt for a refund of the purchase price if not accepted under these terms.

NOTICE REQUIRED ARBITRATION (CONCILIATION - MEDIATION)

Several states including Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Minnesota, Mississippi, Kentucky, North Dakota, South Carolina (Section 47-21-26), South Dakota, Texas and Washington require arbitration, conciliation or mediation of disputes involving alleged defective seed before certain legal actions may be maintained against a seller. North Carolina offers an alternative to court action that allows claims to be investigated and heard before the Special Seed Board. A complaint (form for AR, CO, FL, IL, IN, MI, MS, MT, NC, SC, TX, WA; signed only CA, GA, ID, ND, SD) must be filed with the Department of Agriculture or Seed Commissioner (for State Plant Board (AR) or Commissioner of Agriculture (NC) with such time to permit an inspection of seed crops or plants, by an Arbitration Committee (AR, ID, MS, SC). In NC, failure to follow this procedure will limit the amount of damages recoverable. Certified copy of complaint must be sent by registered mail to the labeled seller as provided in individual state law. Information about these requirements may be obtained from the state Department of Agriculture.

Elk Ridge Mining & Reclamation New Horizon Mine
27843 West 5th Avenue
Niles, CO 81424

New Horizon Mine

From: Granite Seed - Denver
490 East 76th Ave., Unit A
Denver, CO 80229

1 of 2

Mix Name: **SEED MIX # 8**

3-52770

Mix # **217547**

SEED MIX # 8

% Pure	Common Name	Variety	G + O or H	Origin
59.57	TRITICALE	QuickGuard	88 -TZ	WA
11.32	WESTERN WHEATGRASS	Arriba	74 + 22 = 96	ID
8.26	THICKSPIKE WHEATGRASS	Critana	97 + 0 = 97	MT
7.74	WILDRYE, RUSSIAN	Bozoikey	22 + 14 = 36	WT
3.82	ALFALFA	Ladak 65	32 + 8 = 40	CAN
2.56	SALTBUSH, FOURWING	VNS	67 -TZ	NM
2.15	KOCHIA, FORAGE	VNS	80 -TZ	UT
0.19	Other Crop		Date Tested: 12-Aug-20	
4.37	Inert Matter		Hard Seed: 4.48	
0.03	Weed Seed		Noxious Weed: NONE FOUND	

Net Weight: 40.66 Lbs. PLS 43.00 Lbs. Bulk

Coverage: 45,000 Bulk #

NOTICE TO BUYER: LIMITATIONS OF WARRANTIES AND REMEDIES

Crop yield and quality are dependent upon many factors beyond the control of the labeled seller and NO WARRANTY is made for crop yield and quality. The labeled seller warrants that all seed sold has been labeled as required under applicable state and federal seed law and that the seed conforms to the label description, within recognized tolerances. THIS WARRANTY IS IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. THERE ARE NO WARRANTIES WHICH EXTEND BEYOND THE DESCRIPTION ON THE LABEL.

No claim shall be asserted against the labeled seller unless Buyer reports to the labeled seller within a reasonable period after discovery (not to exceed thirty days) any condition that might lead to a complaint. BUYER'S EXCLUSIVE REMEDY FOR ANY CLAIM OR LOSS RESULTING FROM BREACH OF WARRANTY, BREACH OF CONTRACT OR NEGLIGENCE (INCLUDING BUT NOT LIMITED TO INCIDENTAL OR CONSEQUENTIAL DAMAGES) SHALL BE LIMITED TO REPAYMENT OF THE PURCHASE PRICE.

By acceptance of the seed, Buyer agrees the terms and conditions stated above are a part of the purchase and constitute the entire agreement between Buyer and the labeled seller. Buyer shall return the original unopened seed package to the labeled seller within twenty days of receipt for a refund of the purchase price if not accepted under these terms.

NOTICE: REQUIRED: ARBITRATION; CONCILIATION; MEDIATION

The seed laws of several states including Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Minnesota, Mississippi, Montana, North Dakota, South Carolina (Section 46-21-200), South Dakota, Texas and Washington require arbitration, conciliation or mediation of disputes involving alleged defective seed before certain legal actions may be maintained against a seller. North Carolina offers an alternative to court action that allows claims to be investigated and heard before the Special Seed Board. A complaint (sworn for AR, CO, FL, IL, IN, MN, MS, MT, NC, SC, TX, VA; signed only: CA, GA, ID, NC, SD) must be filed with the Department of Agriculture or Seed Commissioner (IN) or State Plant Board (AR) or Commissioner of Agriculture (NC) within such time as to permit an inspection of seed, crops or plants, by an Arbitration Committee (AR, ID, MS, SC). In NC, failure to follow this procedure will limit the amount of damages recoverable. Certified copy of complaint must be sent by registered mail to the labeled seller as provided in individual state law. Information about these requirements may be obtained from the state Department of Agriculture.

Blk Ridge Mining & Reclamation New Horizon Mine
27646 West 5th Avenue
Nude, CO 81424