

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

Mine Company Name: **New Horizon North Mine**

Date: **March 23, 2022**

Permit Number: **C-2010-089**

Revision Description: **RN-02 Permit Renewal**

Volume Number	Page, Map or other Permit Entry to be	Page, Map or other Permit Entry to be	Description of Change
	REMOVED	ADDED	
1	Page 2.03-1 (1 page)	Page 2.03-1 (1 page)	Section 2.03 Table of Contents has been updated.
1	Pages 2.03-4 through 2.03-15 (11 pages)	Pages 2.03-4 through 2.03-15 (11 pages)	Section 2.03.4(3)(a) has been updated.
2			No Change
3			No Change
4			No Change

**SECTION 2.03**  
**LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION**

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**2.03.4(2)(b) Applicant's Resident Agent**

Ken Reif, Senior Vice President, General Counsel  
Tri-State Generation and Transmission Association, Inc.  
P.O. Box 33695  
Denver, CO 80233  
(303) 452-6111  
Employer I.D. 84-0464189

**2.03.4(2)(c) Person who will pay abandoned mine reclamation fee:**

New Horizon North Mine  
P.O. Box 628  
Nucla, CO 81424  
(970) 864-2165  
Employer I.D. 84-1195998

**2.03.4(3)(a) Person controlling the Applicant**

Owner of Applicant: Tri-State Generation and Transmission Association, Inc. -100%

Tri-State Generation and Transmission Association, Inc. (Tri-State) is the sole owner and single member of Elk Ridge Mining and Reclamation, LLC (Elk Ridge). Effective as of December 2018, Elk Ridge became a member-managed limited liability company by Tri-State. The management of operations and affairs of Elk Ridge, commencing in December 2018, are determined by Tri-State's Board of Directors. As of December 1, 2021, the following are the current officers and directors of Tri-State and the date such director began on the Tri-State's Board of Directors:

**President & Chairman:**

Tim Rabon  
9 Piedra Road  
Alamogordo, NM 88310  
Begin Date: April 2, 2014

**Vice Chairman:**

Don Keairns  
P.O. Box 1189  
La Veta, CO 81055  
Begin Date: April 4, 2012

**Secretary:**

Julie Kilty  
P.O. Box 40  
La Grange, WY 82221  
Begin Date: November 26, 2012

**Treasurer:**

Stuart Morgan  
9720 Road 54  
Dalton, NE 69131  
Begin Date: May 1, 2007

**Assistant Secretary:**

Scott Wolfe  
6628 County Road 101 N  
Monte Vista, CO 81144  
Begin Date: July 8, 2008

**Assistant Secretary:**

Matt Brown  
1287 Owl Creek Road  
Thermopolis, WY 82443  
Begin Date: April 7, 2010

Wayne Connell  
Star Route 1, Box 30  
Mountainair, NM 87036  
Begin Date: July 6, 2000

Jack Finnerty  
P.O. Box 186  
Wheatland, WY 82201  
Begin Date: April 7, 1988

Robert Bledsoe  
P.O. Box 435  
Hugo, CO 80821  
Begin Date: July 7, 1998

Leo Brekel  
Route 1, 9373 County Rd. 81  
Fleming, CO 80728  
Begin Date: March 11, 2003

Phillip Zochol  
1552 County Road 54  
Alliance, NE 69301  
Begin Date: December 3, 2013

Darryl Sullivan  
HC 30 Box 20  
Monticello, NM 87939  
Begin Date: December 20, 2013

Peggy Ruble  
P.O. Box 123  
Cody, WY 82414  
Begin Date: April 5, 2017

Leroy Anaya  
905 Liles Street  
Socorro, NM 87801  
Begin Date: April 28, 2018

Roger Schenk  
26237 Highway 63  
Akron, CO 80720  
Begin Date: April 16, 2019

William Wilson  
P.O. Box 476  
Harrison, NE 69346  
Begin Date: October 1, 2019

Shawn Turner  
76465 Highway 61  
Grant, NE 69140  
Begin Date: April 28, 2015

Rick Gordon  
P.O. Box 518  
Simla, CO 80835  
Begin Date: November 1, 1994

Claudio Romero  
HC 77, Box 62  
Seboyeta, NM 87014  
Begin Date: June 5, 2001

Carl Trick II  
P.O. Box 15  
Cowdrey, CO 80434  
Begin Date: September 13, 2012

Ron Hilkey  
200 County Road 43  
Meeker, CO 81641  
Begin Date: February 19, 2014

Stan Propp  
290017 Main Road  
Minatare, NE 69356  
Begin Date: April 13, 2015

Kohler McInnis  
343 Lower Road  
Durango, CO 81303  
Begin Date: May 21, 2020

Mark Daily  
1388 County Road 8  
Gunnison, CO 81230  
Begin Date: May 30, 2018

Charles Abel II  
12510 W County Road 270  
Nathrop, CO 81236  
Begin Date: April 3, 2019

Brian McCormick  
5128 Mt. St. Vrain Ave.  
Frederick, CO 80504  
Begin Date: January 23, 2020

Thaine Michie  
4164 Arrowhead Road  
La Porte, CO 80535  
Begin Date: April 7, 2009

Hal Keeler  
4555 Solana Drive SE  
Deming, NM 88030  
Begin Date: July 6, 2000

Ralph Hilyard  
60870 County Road 13  
Mitchell, NE 69357  
Begin Date: April 30, 2002

Jerry Burnett  
P.O. Box 4  
Hereford, CO 80732  
Begin Date: November 9, 2013

Lawrence Brase  
P.O. Box 671  
Lamar, CO 81052  
Begin Date: April 5, 2018

Robert Baca  
HC 74 Box 451  
Pecos, NM 87552  
Begin Date: June 25, 2016

Steve Rendon  
P.O. Box 354  
Chama, NM 87520  
Begin Date: September 28, 2017

Joel Gilbert  
P.O. Box 369  
Clayton, NM 88415  
Begin Date: August 21, 2018

Gary Shaw  
HC 74, Box 25  
Mills, NM 87730  
Begin Date: July 1, 2019

Randy Graff  
46 Sunset Lane  
Fort Morgan, CO 80701  
Begin Date: April 20, 2020

William Bridges  
P.O. Box 671  
Cowley, WY 82420  
Begin Date: June 24, 2020

Kevin Cooney  
P.O. Box 4132  
Telluride, CO 81435  
Begin Date: June 23, 2020

Clay Thompson  
1742 State Highway 230  
Laramie, WY 82070  
Begin Date: July 28, 2020

Lucas Bear  
32770 Pioneer Road  
Merriman, NE 63218  
Begin Date: August 10, 2020

Jerry Fetterman  
P.O. Box 253  
Yellow Jacket, CO 81335  
Begin Date: October 9, 2020

Bruce Duran  
59 County Road 84B  
Santa Fe, NM 87506  
Begin Date: August 29, 2021

As of December 1, 2021, the following are the past directors of Tri-State during the time that Elk Ridge was a member-managed limited liability company by Tri-State (effective as of December 2018) and the date such director began and ended on the Tri-State's Board of Directors:

Rick Newman  
4711 Gamble Gulch Road  
Blackhawk, CO 80422  
Begin Date: January 30, 2012  
Date Ended: April 3, 2019

Charles Soehner  
38566 County Road 13  
Wray, CO 80758  
Begin Date: April 2, 1991  
Date Ended: April 16, 2019

Don Schutz  
P.O. Box 280  
Wagon Mound, NM 87752  
Begin Date: August 1, 2015  
Date Ended: July 1, 2019

Jack Hammond  
P.O. Box 26  
Lance Creek, WY 82222  
Begin Date: January 4, 2005  
Date Ended: October 1, 2019

James Vigessaa  
14505 Watkins Mile Road  
Brighton, CO 80603  
Begin Date: April 3, 2019  
Date Ended: November 25, 2019

Tim Erickson  
742 Canyon Lane  
Lochbuie, CO 80603  
Begin Date: November 25, 2019  
Date Ended: January 23, 2020

Richard Kildow  
10691 Road 73  
Bayard, NE 69334  
Begin Date: January 2, 2020  
Date Ended: January 24, 2020

Brian Schlagel  
15645 Headlight Road  
Strasburg, CO 80136  
Begin Date: April 5, 2005  
Date Ended: April 20, 2020

Kirsten Skeehan  
119 Meadowbrook Pl.  
Pagosa Springs, CO 81147  
Begin Date: May 16, 2018  
Date Ended: May 20, 2020

Jack Sibold  
50 Ridgview Lane  
Ridgway, CO 81432  
Begin Date: June 24, 2014  
Date Ended: June 23, 2020

Don Russell  
P.O. Box 349  
Basin, WY 82410  
Begin Date: April 3, 2012  
Date Ended: June 24, 2020

Kyle Martinez  
11925 6300 Road  
Montrose, CO 81401  
Begin Date: June 19, 2017  
Date Ended: June 30, 2020

Gary Fuchser  
2253 610<sup>th</sup> Road  
Gordon, NE 69343  
Begin Date: August 9, 2013  
Date Ended: July 23, 2020

Richard Clifton  
P.O. Box 174  
Centennial, WY 82055  
Begin Date: July 7, 2009  
Date Ended: July 28, 2020

Chance Briscoe  
1300 Maple Street  
Chadron, NE 69337  
Begin Date: July 23, 2020  
Date Ended: August 10, 2020

William Mollenkopf	Lucas Cordova	Donald Kaufman
13840 Road 29	P.O. Box 11	P.O. Box 569
Dolores, CO 81323	Espanola, NM 87532	Westcliffe, CO 81252
Begin Date: June 19, 2009	Begin Date: August 23, 2013	Begin Date: June 24, 2015
Date Ended: October 9, 2020	Date Ended: August 29, 2021	Date Ended: April 3, 2019

Prior to Elk Ridge becoming a member-managed limited liability company by Tri-State (effective as of December 2018), Elk Ridge was a manager-managed limited liability company by a Board of Managers. The Board of Managers of Elk Ridge from 2016 through December 2018 were:

<b>President</b>	<b>Vice President</b>	<b>Treasurer</b>
Jack Finnerty	Rick Gordon	Wayne Connell
P.O. Box 186	P.O. Box 518	Star Route 1, Box 30
Wheatland, WY 82201	Simla, CO 80835	Mountainair, NM 87036
Begin Date: May 11, 2016	Begin Date: May 11, 2016	Begin Date: May 11, 2016
Date Ended: December 5, 2018	Date Ended: December 5, 2018	Date Ended: December 5, 2018
<b>Secretary</b>	<b>Assistant Secretary</b>	
Charles Soehner	Thaine Michie	
38566 County Road 13	4164 Arrowhead Road	
Wray, CO 80758	La Porte, CO 80535	
Begin Date: May 11, 2016	Begin Date: May 11, 2016	
Date Ended: December 5, 2018	Date Ended: December 5, 2018	

**2.03.4(3)(b) Relationship of the controlling persons to the applicant:**

Tri-State Generation and Transmission Association (Tri-State) is the sole owner Elk Ridge Mining and Reclamation, LLC, New Horizon North Mine.

**2.03.4(3)(c) The title of the person's position and the date position was assumed**

Refer to Section 2.03.4(3)(a)

**2.03.4(3)(d) Not Applicable**

**2.03.4(3)(e) Not Applicable**

**2.03.4(4)(a) Other mining operations controlled by persons associated with Applicant:**

Western Fuels - Wyoming, Inc.  
12050 N. Pecos Street  
Westminster, CO 80234  
(303) 255-5807

Name of Operation - Dry Fork Mine  
Employer ID 52-1619390  
Wyoming DEQ Permit No. 599-T6  
MSHA No.: 48-01429

Elk Ridge Mining and Reclamation, LLC  
P.O. Box 628  
Nucla, CO 81424  
(970) 864-2165  
Name of Operation - New Horizon Mine  
Employer I.D. 84-1195998  
Colorado DRMS Permit Number C-1981-008  
MSHA No.: 05-00299

Colowyo Coal Company L.P.  
5731 State Highway 13  
Meeker, CO 81641  
(970) 824-1532  
Name of Operation - Colowyo Mine  
Employer I.D. 84-0705078  
Colorado DRMS Permit Number C-1981-019  
MSHA No.: 05-02962

Trapper Mine  
25910 S Highway 13  
P.O. Box 187  
Craig, CO 81625  
Employer I.D. 94-2785879  
Colorado DRMS Permit Number C-1981-010  
MSHA No.: 05-02838

**2.03.4(4)(b) Not applicable**

**2.03.4(5)** Information provided under 2.03.4(1) through (4) will be reviewed and updated or corrected as necessary.

**2.03.4(6)(a) Legal or Equitable Owners of Record of Surface Coal to be Mined**

**Surface Ownership (Numbers correspond to designations on Map 2.03.4-1)**

- 6. Garvey & Co. LLC  
P.O. Box 555  
Nucla, Colorado 81424
- 12. Elk Ridge Mining & Reclamation, LLC  
New Horizon Mine  
P.O. Box 628  
Nucla, CO 81424

**Coal Ownership (Numbers correspond to designations on Map 2.03.4-2)**

- 6. Elk Ridge Mining & Reclamation, LLC  
New Horizon Mine  
P.O. Box 628  
Nucla, CO 81424  
  
With overriding royalty to:  
Don & Marianna Rice  
1601 Doe Run Drive  
Craig, CO 81625
- 12. Elk Ridge Mining and Reclamation, LLC  
New Horizon Mine  
P.O. Box 628  
Nucla, CO 81424

**2.03.4(6)(b) Holders of Record of any Leasehold**

**Surface Leaseholder (See nos. 6 and 56 in Map 2.03.4-1)**

Elk Ridge Mining and Reclamation, LLC  
P.O. Box 33695  
Denver, Colorado 80233

**Coal (Minerals, Oil & Gas Leaseholders (See no. 56 in Map 2.03.4-2)**

Elk Ridge Mining and Reclamation, LLC  
P.O. Box 33695  
Denver, Colorado 80233



#### **2.03.4(6)(c) Real Estate Contract**

Elk Ridge purchased the surface and coal held by Joe and Peggy Meehan. A copy of the Meehan deed can be found in Appendix 2.03.6-1(d).

#### **2.03.4(7) Names and Addresses of Contiguous Owners to the Permit Boundary for the Surface, Coal, Oil and Gas.**

See Maps 2.03.4-1 and 2.03.4-2 (numbers correspond those on Maps)

##### **Surface Ownership**

2. Montrose County  
161 South Townsend Avenue  
Montrose, CO 81401
6. Garvey & Co., LLC  
P.O. Box 555  
Nucla, Colorado 81424
7. Garvey Bros. Land & Cattle, LLC  
P.O. Box 555  
Nucla, Colorado 81424
11. Donna Nygren  
P.O. Box 102  
Nucla, Colorado 81424
12. Elk Ridge Mining & Reclamation, LLC  
New Horizon Mine  
P.O. Box 628  
Nucla, CO 81424
14. Stanley & Tommy Garvey  
P.O. Box 555  
Nucla, Colorado 81424
47. Marla Fritzlen  
P.O. Box 82  
Nucla, CO 81424
48. Patsy Tucker Family Revocable Trust  
P.O. Box 826  
Nucla, Colorado 81424
51. Roger Borchardt Separate Property Trust  
710 Bair Island Road #410  
Redwood City, CA 94063

- 53. Roger & Tina Carver  
P.O. Box 293  
Nucla, Colorado 81424
- 56. George & Kathy Glasier  
P.O. Box 98  
Nucla, Colorado 81424
- 58. Richards & Richards, LLC  
P.O. Box 608  
Nucla, Colorado 81424
- 59. Michael Burke  
P.O. Box 917  
Nucla, CO 81424
- 64. Charles & Katherine Zunich  
P.O. Box 73  
Nucla, CO 81424
- 65. Kenneth Bortles  
P.O. Box 97  
Nucla, CO 81424
- 67. D.H. & S.C. Chiles Trust  
P.O. Box 340  
Nucla, CO 81424

**Oil, Gas and Minerals Ownership (see owners above for addresses not listed)**

- 7. Garvey Bros Land & Cattle, LLC
- 10. Donald & Marinna Rice and Jacqueline Blinn
- 11. Donna Nygren
- 12. Elk Ridge Mining & Reclamation, LLC
- 13. San Miguel Power Association
- 14. Puderbaugh (1/2 Interest), Piel (1/2 Interest)
- 47. Marla Fritzlen
- 48. Donald & Marinna Rice (1/2 Interest)
- 51. Roger Borchardt Separate Property Trust
- 53. Roger & Tina Carver
- 56. George & Kathy Glasier
- 58. Richards & Richards, LLC
- 59. Michael Burke
- 64. Charles & Katherine Zunich

- 65. Bortles (2/3 Interest), Ubel (1/3 Interest)
- 67. David & Sylvia Chiles

**2.03.4(8) Name of Mine. MSHA ID.**

The name of the mine is New Horizon North Mine. The MSHA ID is 05-00299.

**2.03.4(9) Interest in contiguous Lands**

Maps 2.03.4-1 and 2.03.4-2 show the areas contiguous to the permit boundary owned by the applicant.

**2.03.5 Compliance Information**

The applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant have not had a Federal or State mining permit suspended or revoked in the last five years or forfeited a mining bond or similar security. Neither the New Horizon North Mine nor any other operations identified in Section 2.03.4(4)(a) have received violations in the past three years.

**2.03.6 Right of Entry and Operation Information**

The area to be mined consists of three parcels located in the W ½ of Section 25, bounded by Montrose County Roads 2600, 2650, and AA. The permit area also includes corridors for a pond flume, water pump and light use road.

**2.03.6-1** Appendix 2.03.6-1(a) through 2.03.6-1(f) at the end of this section gives the following information to evidence right of entry for mining:

1. Appendix 2.03.6-1(a). Memorandum of Surface Lease and Purchase Agreement dated August 7, 2009 between Garvey & Co., a Colorado General Partnership and Western Fuels-Colorado, a Limited Liability Company. The lease pertains to the surface at SW1/4, Section 25, T47N, R16W, NMPM. The lease gives WFC right to enter and mine the property. Garvey & Co. has subsequently changed the name to Garvey & Co. LLC. A letter informing of the change is attached behind the lease agreement.
2. Appendix 2.03.6-1(b). This Appendix includes two documents; (1) Memorandum of Escrow Purchase Agreement dated June 27, 1978 between Donald J. Rice and Marianna Rice (“Sellers”) and Peabody Coal Company

(“Buyer”). Under this agreement Sellers sold to Buyer their rights to coal under W1/2SW1/4, Section 25, T47N, R16W, NMPM and (2) Addendum to Escrow Purchase Agreement between Donald J. Rice and Marianna Rice (“Sellers”) and Peabody Coal Company (“Buyer”) dated 10<sup>th</sup> day of February, 1992 where Peabody, with Sellers’ consent, transferred its rights to the assets to Western Fuels-Colorado, A Limited Liability Company.

3. Appendix 2.03.6-1(c). Correction Special Warranty Deed dated November 8, 1995 from San Miguel Power Association to WFC for the property at E1/2SW1/4, Section 25, T47N, R16W, NMPM.
4. Appendix 2.03.6-1(d). Warranty Deed between Thomas M. Meehan & Peggy Jo Meehan and Western Fuels-Colorado, LLC
5. Appendix 2.03.6-1(f). Quitclaim Deed dated 16<sup>th</sup> day of October, 2002 between San Miguel Power Association, Inc. (SMPA) and Western Fuels-Colorado. Under this agreement SMPA sold to WFC the property in NW1/4 and W1/2NE1/4, Section 36, T47N, R16W, NMPM.

None of the above referenced rights is the subject of pending litigation.

## **2.03.6-2 Severance of Minerals Estate**

The surface and the minerals are owned separately in SW1/4 of Section 25, Garvey & Co. LLC owns the surface. NHN right of entry for this surface is given in Appendix 2.03.6-1(a). The coal under this surface is owned by NHN as evidenced in Appendix 2.03.6-1(b) and 2.03.6-1(c).

## **2.03.7 Relationship to Areas Designated Unsuitable for Mining**

### **2.03.7(1) Unsuitable Designation Status**

A determination was made under the criteria set forth in Section 7.05 that no lands be designated unsuitable for mining at NHN. Furthermore, no Alluvial Valley Floors exists in the mine area or the potentially affected area associated with NHN. NHN is unaware of the availability of any information which indicates that any portion of NHN property has been or is under consideration or study for designation as land unsuitable for mining.

**2.03.7(2) Legal and Financial Commitments**

Not applicable.

**2.03.7(3) Ownership Waivers**

Mining activities are proposed to occur within 300 feet of a dwelling west of the permit boundary on the Garvey Bros. Land & Cattle Co. property. However, since this is an unoccupied dwelling, no waiver is required.

**2.03.8 Permit Term Information**

NHN began mine development in 2012. Mining of coal began in mid-2013 and mining concluded in 2017. The total area within the mine permit is 234.6 acres.

**2.03.9 Personal Injury and Property Damage Insurance Information**

This information is included as Appendix 2.03.9-1.

**2.03.10 Identification of Other Licenses & Permits Pertinent to Surface Coal Mining**

**FEDERAL**

**Mine Safety and Health Administration (MSHA)**

2<sup>nd</sup> Street, Building 25, E-18, Denver, CO 80225

Mine I.D. Number: 05-00299

Effective: May 17, 1993

**U.S. Army Corps of Engineers (USACOE)**

West Regulatory Branch, 400 Rood Ave., Room 224, Grand Junction, CO 81501

Nationwide Permit Number: NWP 21 Surface Mining Activities

Effective: February 27, 2014

**Federal Communications Commission (FCC)**

1270 Fairfield Road, Gettysburg, PA 17325

NHN has a frequency of 151.775 MHz and a call sign of WPGP927.

Effective: February 22, 1995

**STATE**

**Colorado Division of Reclamation, Mining and Safety (DRMS)**

1313 Sherman Street, Room 215, Denver, CO 80203

Mining and Reclamation Permit No. C-2010-089

Effective: June 20, 2012

**CO Dept. of Public Health and Environment-Air Pollution Control Division**

4300 Cherry Creek Drive South, Denver, CO 80246

Air Pollution Permit No. 10MO2275F

Effective: February 11, 2015

**CO Dept. of Public Health and Environment-Water Quality Control Division**

4300 Cherry Creek Drive South, Denver, CO 80246

NPDES Permit No. COG-850062

Effective: May 10, 2011

**CO Division of Water Resources-State Engineer's Office (SEO)**

1313 Sherman Street, Room 821, Denver, CO 80203

Water Augmentation Plan Case No. 10CW208

Effective: August 6, 2013

Water Well Permit No. 76890-F

Effective: December 10, 2012

**COUNTY**

**Montrose County Board of County Commissioners**

317 South 2<sup>nd</sup> Street, Montrose, CO 81401

Special Use Permit No. SU-10-0020

Effective: April 4, 2011

**2.03.11 Locations of Public Offices for filing of Application**

1. Colorado Division of Reclamation, Mining and Safety  
1313 Sherman Street, Room 215  
Denver, Colorado 80203
2. Montrose County Courthouse Annex  
300 Main Street  
Nucla, Colorado 81424

**2.03.12 Newspaper Advertisement and Proof of Publication**

A copy of the newspaper advertisement can be found in Appendix 2.03.12-1.