



April 13, 2023

Mr. Clayton Wein  
Environmental Protection Specialist  
Colorado Division of Reclamation, Mining and Safety  
1313 Sherman Street, Room 215  
Denver, CO 80203

**RE: New Horizon North Mine (Permit No. C-2010-089)  
Minor Revision No. 33 (MR-33)  
Permanent Features Retention Request**

Dear Mr. Wein:

Tri-State Generation and Transmission Association (Tri-State), is the parent company to Elk Ridge Mining and Reclamation, LLC (ERMR) New Horizon North Mine. Therefore, Tri-State on the behalf of the ERMR is submitting MR-33 to Permit No. C-2010-089. MR-33 provides a letter documenting items that the surface landowner wants to retain as permanent features on their property post mining.

If you should have any additional questions pertaining to this minor revision, please feel free to contact Tony Tennyson at (970) 824-1232 or [tennyson@tristategt.org](mailto:tennyson@tristategt.org).

Sincerely,

DocuSigned by:

A blue ink handwritten signature of Chris Gilbreath, enclosed in a blue DocuSign signature box.

D250C711D0BF450...

Chris Gilbreath  
Senior Manager,  
Remediation and Reclamation

CG:TT:der

Enclosures

cc: Tony Tennyson (via email)  
File: G474-11.3(21)b-5

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

Mine Company Name: New Horizon North Mine

Date: **April 13, 2023**

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

Revision Description: **MR-33 Permanent  
Feature Retention Request**

Volume Number	Page, Map or other Permit Entry to be	Page, Map or other Permit Entry to be	Description of Change
	REMOVED	ADDED	
1			No Change
2			No Change
3	Section 2.05.3(3), pages 2 and 3 (2 pages)	Section 2.05.3(3), pages 2 and 3 (2 pages)	Support Facilities and Utility Installations section has been updated with permanent features.
3	Appendix 2.05.5-1 All pages (12 pages)	Appendix 2.05.5-1 All pages (8 pages)	Appendix 2.05.5-1 has been updated.
4			No Change

## **MINE FACILITIES**

### **Introduction**

This section contains a description of the structures current used at the New Horizon North Mine (NHN) to facilitate final reclamation activities.

### **Support Facilities**

#### Buildings

There are no longer any buildings located at the NHN Mine Facilities area. Map 2.05.3(3)-1 Facilities Map shows the location of the remaining structures.

#### Domestic Water:

A well has been installed at the NHN Mine as shown on Map 2.05.3(3)-1. The surface landowner (Garvey & Co.) has requested the well be retained as a permanent structure. A copy of this request has been included in Appendix 2.05.5-1.

#### Support Facilities and Utility Installations

The surface landowner (Garvey & Co.) has requested the power poles with lights located within the Facilities Area, the emergency discharge structure from Pond 001, a small stock pond within the reclaimed Pond 001 footprint, gravel taken from the East and West Pond 001 ditches, and other various material containing rock to remain as permanent structures on their property. At the request of the landowner the gravel and various other material containing rock will be stockpiled west of the stock pond that will be constructed when Pond 001 is reclaimed. A copy of these requests has been included in Appendix 2.05.5-1.

#### Surface and Subsurface Man-Made Features

Map 2.05.3(3)-2 shows surface and subsurface man-made features within, passing through, or passing over the permit area. Topsoil and overburden stockpiles information is provided in Section 2.05.4. The 2<sup>nd</sup> Park Lateral Irrigation Pipeline location is shown on Map 2.04.7-9.

#### Culverts

Appendix 2.5.3(3)-1 includes culvert designs for culverts C-1 and C-13. The location of C-1 and C-13 are shown on Map 2.05.3(4)-7.

### **Transportation Facilities**

#### Haul Roads

No haul roads exist at NHN.

NHN requested Montrose County for a waiver to disturb within 100 feet of the County right-of-way. Montrose County has given such a waiver limiting the disturbance to within 25 feet of rights-of-way as a part of the Special Use Permit.

#### Access Roads

No access roads exist at NHN.

#### Light-Use Roads

Several light-use roads exist at NHN. These roads were established directly adjacent to reclamation areas and were areas that were disturbed when active mining was occurring at NHN. They are used to maintain access to the primary sediment control structures, and support access to the irrigated pasture reclamation areas to conduct farming activities. These light-use roads will be completely reclaimed and revegetated when the primary sediment control structures are reclaimed. The light-use roads will be used by pick-ups, light-duty service trucks, and farming equipment.

#### County Roads

Reclamation activities will be conducted within 100 feet of the outside right-of-way of current public roads.

## **Appendix 2.05.5-1**

**Letters from Landowner Consenting to Proposed  
Postmining Land Use**

**and**

**Other Landowner Letters**

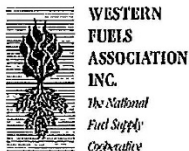
## **Introduction**

Some mining related structures may be determined by Elk Ridge Mining and Reclamation, LLC, or requested by the surface landowner to be retained post mine to support the post mine land use of the property. If this should occur the structure will not be demolished and/or reclaimed and will remain as constructed post mine. Letters from the appropriate surface landowner providing their request or concurrence for a permanent structure are contained within this appendix. Also contained in this appendix are landowner letters providing concurrence with the post mine land use on their respective properties.

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## Garvey Letter Concurrence with Minnig and Reclamation Plans



September 24, 2010

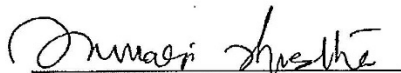
Garvey & Co. LLC  
P.O. Box 555  
Nucla, Colorado 81424  
Attn: Stan Garvey

Re: Reclamation of Land

Dear Mr. Garvey:

As part of the permitting process with the State of Colorado, we are required to obtain your consent to the future use of your land following mining activities and reclamation. Please review the attached map and the highlighted text in page 4 of Section 2.05.5 Postmining Land Use that pertain to the Garvey & Co. LLC property. Please also review the statements below, and then signify your concurrence by executing the signature block that states "I concur with the statements presented in the letter." If you do not concur and wish to comment separately, please execute the alternative signature block provided. In either event, your signature must be notarized. We request that you return an executed original of this letter to us at your earliest convenience.

Sincerely,

  
Murari Shrestha, P.E.  
Western Fuels – Colorado, LLC

**Statements by Landowner:**

Garvey & Co. LLC is the owner of the land (surface only) situated at southwest ¼ of section 25, T47N, R16W, N.M.P.M., constituting about 160 acres of land, more or less in Nucla, Montrose County, Colorado (the "Property"). I have leased this land to Western Fuels-Colorado, LLC ("WFC") for coal mining in accordance with a Surface Lease and Purchase Agreement dated August 7, 2009 (the "Lease"). As required by the Lease, WFC will reclaim the Garvey & Co. LLC property with differing levels of vegetation in accordance with the map and reclamation plan I have been provided. With this letter I am requesting Division of Reclamation, Mining and Safety to approve the post-mining reclamation of my land as WFC has indicated in the attached map.

The Lease provides as follows (Section 2(c), Terms and Conditions):

Irrigation of Pasture. Lessee shall reclaim to irrigated pasture land the same acreage of irrigated pasture lands that are subject to this Agreement as of the Effective Date.

By agreement, WFC and Garvey & Co. LLC have determined that an additional 11.64 acres will be reclaimed as irrigated pasture lands, in addition to the 42.71 acres that were irrigated pasture lands as of the Effective Date of the Lease. The proposed postmining land use plan requests Colorado DRMS to approve the addition of increased irrigated pasture areas and the change of certain grazing land areas to dry land pasture as provided in Map 2.05.5-1 Postmining Land Use map.

Section 4(3), Special Rights of Lessee, provides as follows:

Subject to Section 2.c and Section 5, following the completion of mining activities, Lessee shall have the exclusive right to determine the uses to which the property is to be put after mining, or the crops, if any, to be raised, or the methods to be employed and the costs to be incurred as part of such after-mining uses. To the extent allowed by the Colorado Division of Reclamation, Mining and Safety, Lessor shall have input into such uses. Lessor and Lessee will be bound by the terms of the permit issued by Colorado Division of Reclamation, Mining and Safety, and Lessor hereby grants to Lessee the Rights necessary to comply with such permit.

Section 5 of the Lease, Post-Mining Reclamation, provides as follows:

Within ninety (90) days of the Effective Date, Lessor and Lessee shall agree on the number of irrigated pasture acres existing on the Property as of the Effective Date and Lessee shall reclaim the surface of the Property to the same acreage of irrigated pasture lands that existed as of at the Effective Date. Subject to specific Colorado Division of Reclamation,



Mining and Safety guidelines, Lessee shall rip the surface and pick rocks to the extent a rock picker is possible. The irrigation system used to reclaim the Property shall be transferred to Lessor upon termination of the Agreement. Prior to post mining termination of the Agreement, Lessee agrees to fence perimeter boundaries and cross fences between the irrigated pasture ground and the dry pasture ground. If, during the course of reclamation of the Property Lessee requires grazing or haying of the Property, subject to specific Colorado Division of Reclamation, Mining and Safety guidelines, Lessor will be allowed to hay or graze livestock on the Property without charge.

I have reviewed the mine operation plan, the mine reclamation plan, and postmining management plans provided to me by WFC, along with the map which is attached to this letter. I agree that these plans are consistent with my management plans for the Property and are in accordance with the rights and obligations created by the Lease.

I agree that in the event WFC makes any changes to the mine operation plan, reclamation plan, and postmining management plans, I will review such plans and, if requested, will execute any letters requested reiterating the statements in this letter, as long as such plans are consistent with the above terms of the Lease.

**Landowner Concurrence / Dissent**

I do not concur with the Statements by Landowner presented in the foregoing, and wish to present separate comments regarding the operation plan, reclamation plan, or postmining land use.

GARVEY & CO. LLC

\_\_\_\_\_  
Stan Garvey

I concur with the Statements by Landowner presented in the foregoing.

GARVEY & CO. LLC

  
\_\_\_\_\_  
Stan Garvey

STATE OF COLORADO            )  
  ) ss  
COUNTY OF MONTROSE        )

The foregoing instrument was acknowledged before me this 4 day of October, 2010, by Stan Garvey, who being first duly sworn, stated and deposed to me that he is authorized to act for Garvey & Co. LLC, and that he acknowledged this instrument as the duly authorized and free act of Garvey & Co. LLC.



My Comm. Expires 11/08/2010

Robin R. Scheuerman  
Notary Public  
My Commission Expires: 11/08/2010  
Residing at: 710 Willow Drive  
Natchita, Co. 81424

## Garvey Concurrence with Revised Reclamation Plan

February 2, 2018

Mr. Frank Ferris  
Mine Manager  
New Horizon Mine  
P.O. Box 628  
Nucla, CO 81424

**RE: New Horizon North Mine, Permit No. C-2010-089  
Revised Reclamation Plan – Garvey Property**

Dear Mr. Ferris,

Per our recent discussions in regards to the reclamation of the New Horizon North Mine on our property, this letter is to serve as formal notification that as the surface landowner, I would like to request the following items be part of the reclamation plan for my property:

1. I would like the post-mine land use on my property to be irrigated pasture/cropland and dryland pasture only.
2. I would like the final irrigated pasture/cropland field to contain a center pivot capable of irrigating 88 acres.
3. I would like to have 1.0 feet of Progresso topsoil on top 0.8 of mixed topsoil replaced in my irrigated pasture area, and 1.2 feet of mixed topsoil replaced on my dryland pasture areas.
4. For the permanent seed mixture I would like to plant 18 to 20 pounds per acre of alfalfa.

I also understand it is Elk Ridge's intent to submit the items mentioned above to the Colorado Division of Reclamation Mining and Safety in the near term through a permit revision to the permit. I, Stan Garvey, provide this letter to Elk Ridge, to document my concurrence as the surface landowner for the revised reclamation plan that will be implemented on my property at the New Horizon North Mine.

Sincerely,



Stan Garvey

## Garvey Permanent Structures Retention Request

April 13, 2023

Mr. Tony Tennyson  
Reclamation and Environmental Manager  
Tri-State Generation and Transmission, Inc.  
P.O. Box 628  
Nucla, CO 81424

**RE: New Horizon North Mine  
Permit No. C-2010-089  
Permanent Structure Retention Request**

Dear Mr. Tennyson

As the landowner within the New Horizon North Mine Permit boundary, this letter serves as a formal request that as the surface landowner, I would like to retain the following structures on my property and not have them reclaimed.

1. Pond 001 Emergency Spillway – I would like to retain the emergency spillway as a post-mine structure on my property, and not have it removed when Pond 001 is reclaimed.
2. Stock Pond – When Pond 001 is reclaimed I would like a stock pond constructed on the West Side of Pond 001 to remain as a post-mine feature on my property. The design for the stock pond can be found on Map 2.05.3(4)-6.
3. The 3-inch rock that is removed from the East and West Pond 001 Ditches, I'd like to retain all rock on my property and have it stockpiled on the west side of the stock pond noted in Item 2. Also, any other various rock piles that are location within the mine permit boundary I would like to retain them and stockpile them on the west side of the stock pond also.

As the surface landowner retention of these abovementioned items will be a beneficial item to retain permanently on my property. Therefore, I, Stan Garvey, provide this request to Elk Ridge Mining and Reclamation, LLC, to formally document my request to retain these features permanently on my property.

Sincerely,



Stan Garvey