



29515 Routt County Road 27
Oak Creek, CO 80467
970.879.3800

Hayden Gulch Loadout

May 31, 2023

Hunter Ridley
Colorado Division of Reclamation, Mining, and Safety
1313 Sherman Street, Room 215
Denver, Colorado 80203
(303) 866-3567 x8176

RE: Hayden Gulch Loadout (Permit No. C-92-081) – Permit Renewal (RN06) Adequacy

Dear Ms. Ridley:

Hayden Gulch Terminal, LLC (HGT) has reviewed the Adequacy review dated January 3rd, 2023. HGT is providing the following responses:

1. The Division found the application for RN-6 complete on November 21, 2022. Upon completeness HGT is required to publish a Public Notice for four consecutive weeks which will initiate a 30 day comment period from the date of the last publication. As of the date of this letter, the Division has yet to receive a proof of publication of the public notice for RN-6. Please provide the Division a copy of the public notice to ensure that the Public Notice was published as required.
 - a. The affidavit of publication is attached with this submittal.
2. In accordance with Rule 2.03.3(1), please provide updated information found in Tab 3 of the PAP:
 - a. Section 2.03.10 of Tab 3 notes that the CDPHE CDPES Permit number COG850008 expires on June 30, 2013. Please update this section to provide the current status of the CDPES permit.
 - Tab 3 has been updated to reflect the current term. CDPHE CDPES permit still remains under administrative extension. Updated Tab 3 has been submitted with this submittal.
 - b. Please provide an update to the Ownership and Control information
 - Ownership and Control information has been updated with in Tab 3 attached with this submittal.
 - c. Please assure that any land ownership changes, or mineral ownership changes have been updated in the PAP.
 - Exhibit 3-1 and Appendix 3-2 have been updated to reflect land owner changes over the last permit term. Both are attached with this submittal.
 - d. As per Rule 2.03.6, please assure that all Right of Entry agreements have remained current through the proposed 5-year permit term
 - All necessary agreements remain in place and no updates are needed.
 - e. Please update the Permit Summary in Tab 1 to reflect new technical revisions, minor revisions, midterm reviews, surety reductions, permit revisions, and renewals since its last update after RN-5 in 2017.
 - Tab 1 has been updated to reflect changes over the previous 5 year permit term. Updated Tab 1 is attached with this submittal.



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3. Per Rules 2.04.11(4) and 2.05.6(2), please provide updates to the T&E species information and discuss potential impacts to current state and Federal threatened and endangered plant and animal species lists. The Federal and state listed species of concern may have been updated since the last revision.
 - a. There are no new species of concern to the HGLO permit. No updated to T&E Species information is needed.
4. As per Rule 2.03.10, please ensure that the list which identifies other required licenses and permits is up to date.
 - a. Tab 3 has been updated as necessary to reflect the most current information.
5. As part of the revision process, the Division has reviewed the reclamation cost estimate (RCE) associated with RN-06 and has updated the Division's site-wide RCE. Please find the full summary attached with this review letter. Hayden Gulch Loadout's RN-06 RCE includes the updates from all revisions and bond releases issued since Midterm No. 6 review (SL-02 and PR-02). The new total amount for the updated HGL RCE is \$865,033.00. This amount is \$143,210.00 more than the \$721,823.00 currently held by the Division. This amount is sufficient to assure completion of the remaining reclamation work to the HGL if the work had to be performed by the Division, including the cost of reestablishing vegetation on any revegetated areas, should those areas fail. An update to this bond is required for the approval of RN-06.
 - a. HGT is asking that DRMS does not adjust the current bond requirement until after SL3 is final for the release of the TAHR. SL3 Will be submitted to the division in the upcoming weeks.

Best regards,
Hayden Gulch Terminal, LLC

Miranda Kawcak

Miranda Kawcak, PE
Manager Environmental

cc: Pat Sollars/HGT

PROOF OF PUBLICATION STEAMBOAT PILOT & TODAY

STATE OF COLORADO } SS
COUNTY OF ROUTT }

I, Bonnie Stewart, do solemnly swear that I am Publisher of , says: The Steamboat Pilot & Today, that the same weekly newspaper printed, in whole or in part and published in the County of Routt, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Routt for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as a periodical under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of 1 insertion; and that the first publication of said notice was in the issue of said newspaper dated 1 Dec 2022, 8 Dec 2022, 15 Dec 2022, 22 Dec 2022 in the issue of said newspaper.

Total cost for publication: **\$294.80**

That said newspaper was regularly issued and circulated on those dates.

Bonnie Stewart
Publisher

Subscribed to and sworn to me this date, 12/22/2022

Dennel S Rivera
Notary Public, Routt County, Colorado

My commission expires: August 19, 2024



Advertiser:
Swift Communications
200 Lindbergh Drive
Gypsum, CO 81637
970.777.3126

PUBLIC NOTICE

Hayden Gulch Terminal, LLC (HGT), 701 Market Street, St. Louis, MO 63101, has filed with the Colorado Division of Reclamation, Mining and Safety (CDRMS), an application for renewal (RN06) of the current approved Mining and Reclamation Permit (Permit C-92-081) for the Hayden Gulch Loadout. The requested permit renewal will provide for extension of approved activities under the existing permit for an additional five years. The facility is currently inactive and reclaimed.

The Hayden Gulch Loadout is located approximately 1.5 miles south of the Town of Hayden, Colorado. The facility previously consisted of a rail spur and loop, coal handling and loading facilities, and associated ancillary facilities. Most of the facilities, including the coal handling facilities and rail and ties have been removed. The rail spur crosses US Highway 40 approximately 1,300 feet east of Hayden and County Road 37 approximately 1.5 miles southeast of Hayden. The facility permit area lies within the area shown on the Mount Harris, Colorado USGS 7.5-minute quadrangle map. The current Hayden Gulch Loadout Permit Area is described as:

T6N, R88W
Section 10
Portions of E $\frac{1}{2}$
Section 14
Portions of W $\frac{1}{2}$, SE $\frac{1}{4}$, and SW $\frac{1}{4}$
Section 15
Portions of E $\frac{1}{2}$ E $\frac{1}{2}$
Section 22
Portions of NE $\frac{1}{4}$
Section 23
Portions of N $\frac{1}{2}$ and N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$
Section 24
Portions of NE $\frac{1}{4}$, NW $\frac{1}{4}$
T6N, R87W
Section 17
Portions of SW $\frac{1}{4}$, SE $\frac{1}{4}$, and NE $\frac{1}{4}$
Section 18
Portions of SE $\frac{1}{4}$
Section 19
Portions of N $\frac{1}{2}$

Landowners of record are:
Hayden Gulch Terminal LLC
Hockett, Duane & Darrell
Public Service Company of Colorado
Routt County (RCR 37 and 51)
Sage Creek Holdings
State of Colorado (DOT & SLB)

A copy of the current approved Hayden Gulch Loadout Permit and the renewal application are available for public inspection at the CDRMS office or:

Twentymile Coal, LLC
29515 RCR 27
Oak Creek, CO 80467
(970) 879-3800

Written comments or objections to the application must be submitted within 30 days after the last publication of this notice to the Colorado Division of Reclamation, Mining, and Safety at 1313 Sherman Street, Room 215, Denver, Colorado 80203-2273. The facility Permit Area lies within 100 feet of Routt County Road 37, from its intersection with US Highway 40 south to the private Tie-Across Haulroad, and the rail spur crosses US Highway 40 just east of the Town of Hayden. A hearing to address protection of landowner and public interests may be requested by contacting the CDRMS in writing within 30 days after the last publication of this notice. If a hearing is requested, it would be held in the vicinity of the subject operations.

PUBLISHED IN THE STEAMBOAT PILOT & TODAY ON THURSDAY, DECEMBER 1, 2022, THURSDAY, DECEMBER 8, 2022, THURSDAY, DECEMBER 15, 2022 AND THURSDAY, DECEMBER 22, 2022.