



29515 Routt County Road 27  
Oak Creek, CO 80467  
970.879.3800

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**Twentymile Coal, LLC**

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: Foidel Creek Mine (Permit No. C-82-056) – Permit Renewal (RN08) Adequacy Response**

Ms. Ridley,

Twentymile Coal has reviewed your adequacy review for Permit Renewal RN-8 for the Foidel Creek Mining permit. Below are our responses to the adequacy items noted:

1. The Division found the application for RN-8 complete on November 21, 2022. Upon completeness Twentymile Coal 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-8. Please provide the Division a copy of the public notice to ensure that the Public Notice was published as required.
  - a. **The proof of publication is attached with this submittal.**
2. Please review ownership and control information provided in Section 2.03.4(3) of the permit and Exhibit 47 and provide any necessary updates.
  - a. Exhibit 47 has been updated and provided with this submittal.
3. The following entities are depicted on Map 1; Surface Ownership Map, but are not listed in Section 2.03.4(6)(a) of the application: Garell, Lynne; LJR Farms, LLC; Cross Mountain Ranch Limited Partnership; Layne, Larry & Elise (JT); Gary M & Shirley S. Despain Revocable Trust. Please provide the information required by Rule 2.03.4(6)(a) and 2.03.4(7) for these entities/persons.
  - a. Map 1 and Section 2.03.4(6)(a) has been updated and attached with this submittal
4. Surface owner 'John McCollister, Trustee of...' is misspelled on Map 1 as 'McCallister, John'. Please correct this information when updating Map 1.
  - a. This property parcel has been sold the Camellitti & Sons, Map 1 has been updated to reflect this.
5. Please review and update the Surface Ownership information provided in Section 2.03.4(6)(a) in relation to Map 1. Please ensure that any entity/person that is listed in this section of the permit has their property correctly depicted and labeled on Map 1.
  - a. Section 2.03.4(6)(a) has been update to reflect the updated Map 1.
6. Map 2; the Coal Ownership map depicts the boundaries of the coal ownership areas and labels each area with their respective owner. Section 2.03.4(6)(a) and (b) of the permit has a list of the Coal Ownership within the Life of Mine Permit Boundary. This list does not appear to include all of the names of the coal owners depicted on Map 2, e.g. update if Male, David & Linda lease has been approved. Please review and update the Coal Ownership information in

section 2.03.4(6)(a) and (b) on page 2.03-15 to list all owners that are shown within the permit boundary.

- a. All Coal Ownerships depicted on Map 2 are correctly shown starting on Page 2.03-15 for the areas within the Mine Boundary. No changes are warranted for Map 2.
  - b. The Laserfiche 2.03 file has old page numbers and causes confusion. Please remove page 2.03-33.1, 33.4, 33.5, 35.1, 36 (RN-06), 36.1, and 37.1.
7. Please update Section 2.03.5(3) of the application to add or delete any information about violations received more than three years ago.
  - a. No violation have been received in the last three years by Twentymile Coal, LLC. The 2.03 text has been updated to reflect this information.
8. In section 2.03.6 of the permit, for documents # 21 (Mining Lease; January 15, 1982), #22 (State of Colorado Coal Mining Lease 530/13-S; November 12, 199), #23 (Mining Lease; December 27, 2006), #24 (Easement; March 14, 1983), #27 (Option to Purchase Coal; November 14, 1983), and #28 (Mineral Deed; January 24, 1974), please revise the pages to indicate if the right-to-enter applies to surface or mineral rights or both.
  - a. Section 2.03.6 has been updated to reflect the right-to-enter information and has been attached with this submittal. Below is a summary of the updates:
    - i. #21-Mineral
    - ii. #22-Surface & Mineral
    - iii. #23-Mineral, (Legal description also corrected)
    - iv. #24-Surface
    - v. #27-Mineral (Peabody Purchased)
    - vi. #28-Mineral
9. The Division could not locate in section 2.03.6 of the permit a citation of the document upon which TCC indicates that they have the right-to-enter and conduct mining operations in the following portions of the Permit Boundary:
  - a. N2 NW/4 of section 25 of Township 5 North, Range 86 West.
    - This section is within our permit boundary but not our future mine plan. TC has no plans for this area.
  - b. SE/4, E/2SW/4 of Section 22, Township 5 North, Range 87 West.
    - This section is within our permit boundary but not our future mine plan. TC has no plans for this area.
  - c. N/2, N/2N/2S/2 of Section 36, Township 5 North, Range 87 West.
    - This section is within our permit boundary but not our future mine plan. TC has no plans for this area. The Coal is Federal coal that was part of a previous lease that has been relinquished since due to the mine plan.
10. In section 2.03.10 of the permit, please provide an issuance date/date of approval for the NPDES Permit and Well Permits in accordance with Rule 2.03.10(4). Please also revise the section if necessary to document any new permits obtained or provide proof of renewal of permits currently held.
  - a. TC's NPDES permits have been in administration since 2012, New permits are expected anytime. Section 2.03.10 has been update to reflect this. There are no updates to the well permits.

11. Please clarify if the Exhibit 30 NPDES CO-0027154 permit which expired in 2013 is currently in the process of renewal, has expired and needs to be reissued, or give justification if the permit is no longer needed.
  - a. All NPDES permits for the Foidel Creek mine site are under administrative extension. CDPHE is currently reviewing the permits and preparing new permits.
12. In accordance with Rule 2.04.7(1)(a)(iv), ownership, uses and location information for all existing wells, springs and other developed ground water resources must be included in the permit application package. Please address the following issues:
  - a. Wells within the Permit Boundary are referenced to be listed in revised Table 9 for groundwater. Page 2.04-39 references an updated Table 9. This Table was said to have been updated as part of Permit Renewal No. 7. However, the Division's current PAP is missing Table 9. Please provide the referenced updated Table 9 for insertion in the PAP.
    - i. Updated table from RN7 is attached with this submittal. No further updates are necessary at this time.
13. Please update the list of the Federal and State listed species of concern (Threatened, Endangered and Candidate species) contained in Exhibit 23 that may be found within the permit area. For any new species not discussed in the relevant permit sections, please update permit section 2.04.11 and the Fish and Wildlife Protection Plan in section 2.05.6 of the permit in accordance with Rule 2.05.6(2)(a)(iii).
  - a. A new Exhibit 23 has been created with this submittal. The new exhibit combines the state and federal protection list for a more simplified exhibit. New Exhibit 23 attached with this submittal.
14. Approved Map 23B shows the five-year mining plan for Foidel Creek Mine, Wolf Creek Mine section. Currently, the Division holds two files labeled 'Map 23B Mine Plan' in the public file. One file, from 2/8/2019 and is listed as a permit file while the other, from 8/8/2018, is listed as a revision. The most recent version of Map 23B (2019) only shows the mining plan up until 2021. However, the 2018 revision file shows the mining plan until 2030- which is sufficient for the Divisions requirements in Rule 2.05.2. Please advise the Division on which version of Map 23B is accurate. If neither currently available Map 23B are correct, or the 2019 version of Map23B is most accurate, the Division requests an updated Map 23B and related text which shows the Mine Plan extending to at least the next midterm review (2026) or, preferably, the next renewal (2028).
  - a. TC is working to update Map 23B and will submit it to DRMS as it become available. TC is in the process of analyzing the coal market and the demand for export coal to determine a mine plan that is fitting for our mine and the economy. This map will be submitted at later date as a Minor revision.
15. As required by Rule 2.05.3(a), narrative and maps to meet the standards prescribed in 2.10, describing the location, construction, modification, use, maintenance and removal of mine



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facilities in the permit area including all buildings, structures and utility corridors must be updated within the PAP. While the associated map (Map 24, Surface Facilities) is available and up to date in the PAP, the associated table (Table 49b, Mine Facilities Summary) is either out of date or not available within the PAP. Please provide a replacement Table 49b to update the PAP.

- a. Table 49b has been updated and attached to this submittal. The COC has also been updated to reflect this table.

16. In accordance with Rule 2.05.3(1), please provide the Division with an updated Table 46 Production Schedule for the site. The most recent Table 46 in the PAP only shows production through 2015.

- a. CONFIDENTIAL Table 46 has been updated and attached to this submittal.

Best regards,  
Twentymile Coal, LLC

*Miranda Kawcak*

Miranda Kawcak, PE  
Manager Environmental

cc: Pat Sollars/TC  
Nick Aromando/TC

## 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: **\$255.20**

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



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### PUBLIC NOTICE

Twentymile Coal, LLC (TC), 29515 Routt County Road 27, Oak Creek, Colorado 80467, has submitted an application for renewal (RN08) of the existing active Mining and Reclamation Permit (Permit Number C-82-056) for the Foidel Creek Mine.

The mine permit area encompasses approximately 22,647 acres, located approximately 23 miles southwest of Steamboat Springs on County Road 33, and approximately 7.3 miles northwest of Oak Creek on Routt County Road 27. Mine offices and major surface facilities are located adjacent to Foidel Creek, near the intersection of these two roads. The Mine Permit Area includes portions of Routt County Roads 27, 33, and 37, and mining and related activities may occur under or within 100 feet of the portions of these roads within the Permit Area; RCR27 – from approximately 1-mile south of the entrance to Grassy Creek Ranch to approximately 1-mile south of the intersection of RCR27 and RCR33; RCR33 from the intersection of RCR33 and RCR179 to the intersection of RCR33 and RCR27; and RCR37 from the intersection of RCR37 and RCR27 to a point approximately 1.5-miles southwest where RCR37 enters the canyon of upper Fish Creek.

The mine permit area is covered by the Cow Creek, Dunkley, Milner, Mount Harris, Oak Creek, and Rattlesnake Butte USGS 7.5 minute quadrangle maps, and includes all or portions of Sections 7 through 9, T4N, R86W; T5N, R86W, except Sections 34 through 36; and Sections 13, 22 through 24, 25 through 27, and 34 through 36, T5N, R87W. The ownership, precise location, and boundaries of lands within the Permit are identified on pages 2.03-13 through 2.08-18 and 2.03-22 and 2.03-23.1, and Map 1, of the Mine Permit Application Package (PAP), and are included in this public notice by reference.

Copies of the PAP (less confidential materials) are available for inspection at the mine office and the office of the Colorado Division of Reclamation, Mining, and Safety. A copy of the Renewal application is also available for public inspection at the:

Office of Clerk and Recorder  
Routt County  
552 Lincoln Avenue  
P.O. Box 773598  
Steamboat Springs, Colorado 80477

Written comments or objections to the Permit renewal application; a request for informal conference summarizing the requestor's issue(s) and indicating whether or not the requestor desires the conference to be held in the mine locale; or a request for a public hearing (held in the mine locale) to determine whether the interests of the public and affected landowners will be protected (re: proximity of mining operations to public roads) should be submitted to the State of Colorado, Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203-2273 within thirty days of the last date of publication of this notice.

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