


TRI-STATE

June 28, 2023

Mr. Zach Trujillo
 Environmental Protection Specialist
 Colorado Division of Reclamation, Mining & Safety
 Department of Natural Resources
 1313 Sherman Street, Room 215
 Denver, CO 80203

RE: Colowyo Coal Company L.P.
Permit No. C-1981-019
Minor Revision No. 247
Adequacy Response

Dear Mr. Trujillo,

Tri-State Generation and Transmission Association Inc. (Tri-State), is the parent company to Axial Basin Coal Company, which is the general partner to Colowyo Coal Company L.P. (Colowyo). Therefore, Tri-State on behalf of Colowyo is submitting this adequacy response for minor revision 248 (MR-248) to Permit No. C-1981-019.

Tri-State received the Division's adequacy letter dated June 27, 2023, and is providing the response below to the Division. The Division's responses have been included in italics:

- 1. The Division has reviewed the provided information and map showing the addition of Topsoil Pile 9A (previous pile 9A now renamed 9B) however it is unclear from where the topsoil is coming from as there is no additional disturbance associated with the proposed MR-247. Additionally, it is unclear to the Division to the amount of topsoil that will be stored at the proposed Topsoil Pile 9A in order to conduct a reclamation cost estimate. Please provide the Division with additional information regarding the source of the topsoil as well as the total volume amount.*

Response: First, topsoil pile 9A is not replacing topsoil pile 9B as noted by the Division. Topsoil pile 9A will be a new stockpile, and topsoil pile 9B still remains for use in future reclamation activities. Second, topsoil pile 9A will be approximately 645 cubic yards. Finally, the topsoil will be from the very northern portion of reclamation units WP027 and WP028 (please refer to 2022 annual reclamation report map for these locations). Neither of these two reclamation units have been applied for nor approved for Phase II bond released, and the northern portion of these reclamation areas are encroaching on the un-reclaimed areas. Colowyo wants to push up the topsoil to ensure the resource is protected until additional reclamation can occur which will tie-in this area completely.

Division: *The Division understands that topsoil pile 9A is not replacing topsoil pile 9B. The intent of the Division's comment was to clarify the change in naming designation of the topsoil pile 9A as shown on the currently approved Map 28 (TR-155) to what is being called topsoil pile 9B on the proposed MR-247 Map 28. See Figure 1 (portion of approved TR-155 Map 28) below for additional clarification. Based on the provided information, the Division has performed a cost*



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*estimate to determine the cost associated with the proposed addition of Topsoil Pile 9A as proposed under MR-247. The total liability amount calculated by this estimate is **\$729.00** (see attached cost estimate). The Division's cost estimate is consistent with previous cost estimates approved by both the Division and Colowyo. The Division respectfully requests a response from Colowyo with any questions regarding the cost estimate or an acceptance of the Division's estimate.*

Response: Tri-State has reviewed the Division's reclamation cost estimate for Topsoil Pile 9A which will increase Colowyo's reclamation liability by \$729.00. Tri-State hereby provides concurrence with the Division's reclamation estimate.

If you should have any additional questions or concerns, please feel free to contact Tony Tennyson at (970) 824-1232 at your convenience.

Sincerely,

DocuSigned by:
A handwritten signature in black ink that reads "Chris Gilbreath".
D250C711D0BF450...

Chris Gilbreath
Senior Manager,
Remediation and Reclamation

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Enclosure

cc: Tony Tennyson (via email)
File: C. F. 1.1.1.230 - G471-11.3(21)d