



29515 Routt County Road 27  
Oak Creek, CO 80467  
970.879.3800

## Hayden Gulch Loadout

July 18, 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 #2

Dear Ms. Ridley:

Hayden Gulch Terminal, LLC (HGT) has reviewed the Adequacy review dated January 3<sup>rd</sup>, 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.
  - b. **RESOLVED**
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.
    - **RESOLVED**
  - 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.
    - **RESOLVED**
  - 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.
    - **DRMS Response:** The following entities are listed in the legend of the Exhibit 3-1 Surface Ownership but are not shown on the map: Denver, Northwestern Pacific Railroad and Dry Creek Subdivision. Please submit a revised map with these two surface ownership entities labeled or remove them from the entity listed no longer hold surface ownership.
      - **RESPONSE:** A revised Ex 3-1 has been submitted with this 2<sup>nd</sup> Adequacy response removing the Dry Creek Subdivision from the Legend and adding a label to the main track railroad parcel.

- 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.
  - **RESOLVED**
- 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.
  - **DRMS Response:** A description of MR-27, which proposed an update I legal entity for one of the primary surface owners, is missing from the list provided with this adequacy response. Please submit a revised page which includes MR-27.
    - **RESPONSE:** Page 1-9 of Tab 1 has been updated to reflect the changes associated with MR-27.
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.
  - b. **RESOLVED**
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.
  - b. **RESOLVED**
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.
  - b. **DRMS Response:** The Division will require that this bond increase be fulfilled as part of the Permit Renewal 06 (RN06) process. The timeline for the completion of an SL3 revision is uncertain. Thus, the Division requests that all required adequacy items for RN06 be fulfilled before attempting to adjust the bond through a surety release request.
    - **RESPONSE:** HGLO is in the process of getting an increased bond rider for the full amount of \$865,033. Once complete the rider will be mailed to the DRMS office.



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If you have any further questions, please feel free to contact me. Otherwise, we look forward to the completion of RN06.

Best regards,  
Hayden Gulch Terminal, LLC

*Miranda Kawcak*

Miranda Kawcak, PE  
Manager Environmental

cc: Pat Sollars/HGT