



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

October 10, 2023

Miranda Kawcak
Hayden Gulch Terminal, LLC
29515 Routt County Road No. 27
Oak Creek, CO 80467

**RE: Hayden Gulch Loadout- File No. C-1992-081;
Surety Release Request (SL-3); Adequacy Review**

Dear Miranda Kawcak:

The Colorado Division of Reclamation, Mining and Safety (Division) received Hayden Gulch Terminal, LLC's (HGT) application for Bond Release SL-3 on September 5, 2023. SL-3 was found complete on September 13, 2023. The following issues regarding the SL-3 submittal must be addressed adequately before the Division can approve the application:

1. Page 3 of the application states that 96.6 acres are requested for release. Page 5 of the application states that 214.1 acres are requested for release, 96.6 of which are disturbed and utilized for the Tie Across Haulroad (TAHR). Please clarify the total acreage SL-3 is requesting to be released from the permit. Please also specify if the additional TAHR corridor acreage not included in the 96.6 acres has been disturbed and reseeded during the life of the mine. Submit updated pages of the application to reflect these clarifications.
2. As referenced in Tab 10 (Vegetation) of the PAP, it is the Division's understanding that the TAHR lies within a corridor which includes sagebrush, greasewood, meadow, cropland, and riparian vegetation communities. Does SL-3 request release of these vegetated areas as well as the 96.6 acres disturbed by the TAHR? Or, only the 96.6 acres disturbed by the TAHR, not including the corridor's surrounding vegetation? Please submit an updated narrative page which clarifies the intent of SL-3.
3. Page 5 of Tab 10 (Vegetation) in the PAP states that the TAHR and its corridor encompasses 213.5 acres. The SL-3 application states that 214.1 acres are requested to be released. Where are the additional 0.60 acres outside of the TAHR corridor requested to be released located?
4. The SL-3 Area Delineation Map included with the application shows a stockpile located along the TAHR corridor in the northern portion of Section 19 of T6N, R88W. PAP Exhibit 9-2, Soil Types and Topsoil Salvage Map (attached) identifies this pile as a



temporary waste stockpile. Please clarify for the Division if the temporary waste stockpile has been approved to be a permanent feature and reference the relevant PAP section or revision which includes this provision.

5. Page 3 of the Tab 19 Topsoil Handling Plan only accounts for six topsoil piles to remain as permanent features within the corridor. PAP Exhibits 9-1 and 9-2 label 7 topsoil stockpiles as existing within the TAHR corridor. The Division's PAP file Appendix 17-1 'Permanent Postmine Features' does not include a site map or list of features. Therefore, it is unclear to the Division which topsoil piles have been approved to remain permanently after reclamation. Please submit an updated SL-3 Area Delineation Map which outlines and labels all six permanent topsoil pile features.
6. The Hayden Gulch Loadout currently has one active compliance stipulation, Stipulation No. 9. It states,

"Prior to initiation of reclamation for lands associated with the Tie-Across Haul Road, the permittee shall submit a technical revision to the permit which provides a reclamation plan, sampling methodologies and reclamation success requirements for the cropland areas in accordance with Rule 2.05.4(2)(e), Rule 4.15.1(2)(c), Rule 4.15.9 and Rule 4.15.7(2). The technical revision needs to be approved prior to initiation of reclamation activities associated with the Tie -Across Haul Road cropland areas".

During adequacy review of Permit Revision 2 (PR02), HGT committed to submitting an additional PR for the TAHR when they were certain that Routt County would be taking over the TAHR as a county road. TR-12, approved in 2023, revises the permit's post mining land use to include the TAHR as an industrial/commercial post mining land use following receipt of a Letter of Intent from Routt County to assume responsibility for the TAHR. What is unclear to the Division is whether or not TR-12 only changed the 96.6 acres of TAHR to be industrial/commercial, or if this change included the entirety of the TAHR corridor, which encompasses several types of vegetative communities.

If the post mining land use for the surrounding TAHR corridor is still cropland, livestock grazing, and wildlife habitat as is stated in the SL-3 application, the Division will need to receive and approve a technical revision which provides a reclamation plan, sampling methodologies and reclamation success requirements for these corridor areas of the TAHR in order to mark Stipulation No. 9 as complied with and to approve release of the areas requested under SL-3.

This letter shall not be construed to mean that there are no other technical deficiencies in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act after submittal of all required items. The Division's proposed decision date for this revision is currently set for December 11, 2023.

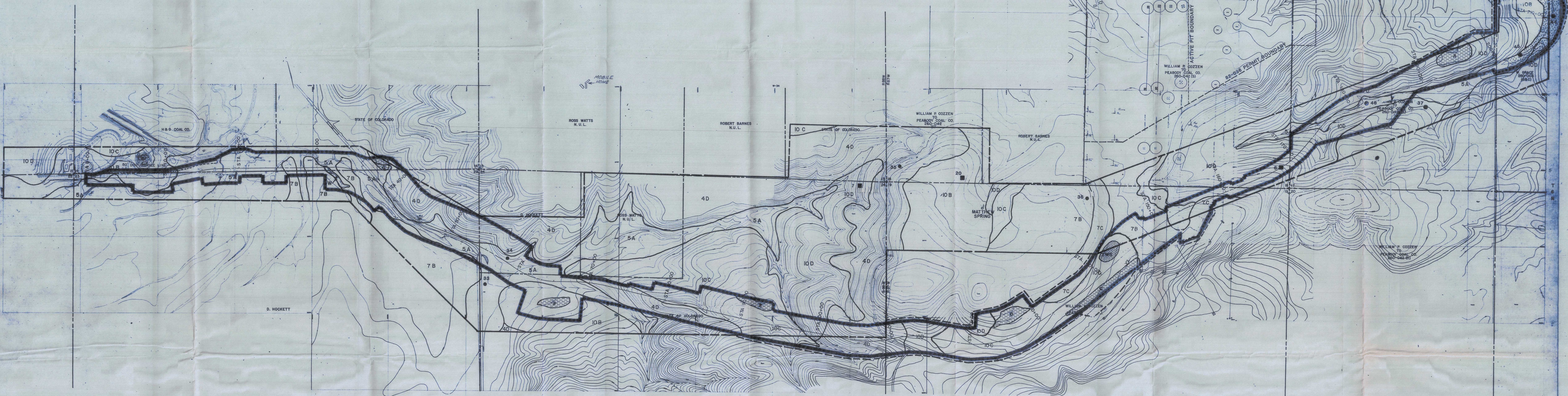
If you have any questions, please contact me at (720) 868-7757 or hunter.ridley@state.co.us.

Sincerely,
Hunter C. Ridley

A handwritten signature in blue ink that reads "Hunter Ridley". The signature is written in a cursive, flowing style.

Environmental Protection Specialist
CC: Michael Cunningham, DRMS

Enclosed: Exhibit 9-2 Soil Types and Topsoil Salvage Map



NOTE: Potential areas where topsoil may be pushed by dozer.

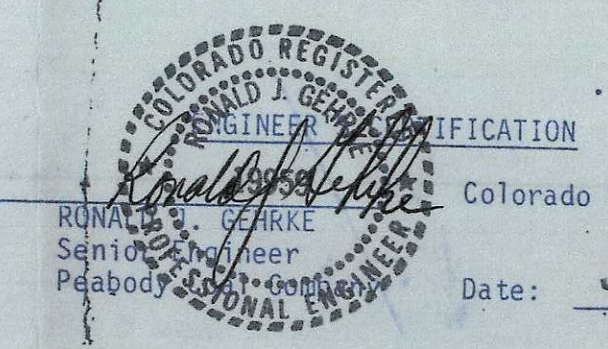
STA 55.00 to 95.00
STA 110.00 to 160.00
STA 175.00 to 200.00

COMPOSITE INDEX				
IA			E	
	Z ₂			
	HH	II		II
OO				

MAP UNIT SYMBOL	MAP UNIT
4D	Abor clay, 15 to 30 % slopes
5A	Spicerion Variant clay, 0 to 5 % slopes
7B	Morapos clay loam, 5 to 10 % slopes
7C	Morapos clay loam, 10 to 15 % slopes
10B	Bulkley clay, 5 to 10 % slopes
10C	Bulkley clay, 10 to 15 % slopes
10D	Bulkley clay, 15 to 30 % slopes
W	Water

MAPPING UNIT LEGEND

MEAN SUITABLE TOPSOIL THICKNESS (FEET)
0.0
0.0
1.0
1.0
1.0
1.0
0.0



Colorado P.E. 19959
Date: JUN 25 1991

LEGEND	
SECTION LINE & PROPERTY LINE	SURFACE CONTOUR
STUDY AREA BOUNDARY (SOILS) - 1979	FENCE LINE
STUDY AREA BOUNDARY (SOILS) - 1985, 1989	DRAINAGE
SOIL UNIT BOUNDARY	POWER LINE - TELEPHONE LINE
SOIL SAMPLE / DESCRIPTION LOCATION	PAVED ROAD
SOIL DESCRIPTION LOCATION	IMPROVED DIRT ROADS
TOPSOIL STOCKPILE	UNIMPROVED DIRT ROADS
TEMPORARY WASTE STOCKPILE	PERMIT BOUNDARY & RIGHT OF WAY
HAUL ROAD	
H & G COAL CO. PERMIT BOUNDARY	

EXHIBIT "9-2"	
SOIL TYPES & TOPSOIL SALVAGE MAP	
TIE-ACROSS HAUL ROAD CORRIDOR	
SENECA 1W MINE	
PEARBODY COAL CO., 1000 SOUTH YALE, FLAGSTAFF, ARIZONA 86001	
DESIGNED BY: G.W.W. & WESCO	SCALE: 1" = 400'
DRAWN BY: J.M.C.	DRAWING DATE: 10-15-84
CHECKED BY: G.W.W.	PHOTO DATE: 7-11-77
REVISIONS	
CONTOUR INTERVAL - 5' WITH 25' INDEX CONTOURS	REV 10-15-84 P.M.W.
5-1-89 5-15-89 7-2-90 8-27-90	REV 5-15-89 D.E.F.
	6-21-91

PR-2
NW 28 2011