



STATE OF
COLORADO

Ridley - DNR, Hunter <hunter.ridley@state.co.us>

Bond Release Inspection Report, SL-03, Hayden Gulch Loadout, C-1992-081

1 message

Ridley - DNR, Hunter <hunter.ridley@state.co.us>

Tue, Oct 24, 2023 at
3:33 PM

To: "Kawcak, Miranda" <mkawcak@peabodyenergy.com>

Cc: "Mackinnon, Daniel K" <dmackinnon@osmre.gov>, hhampstead@osmre.gov,
Jerod Smith - DNR <jerod.smith@state.co.us>

Miranda,

Please find attached the Division's report for the SL-3 Bond Release inspection conducted on October 12, 2023. Once all adequacy items sent out in the Adequacy Review letter dated October 10, 2023 have been addressed, the Division will move to approve the Phase I, II, and III release of the 214.1 acres requested under SL-3.

Dan, Haley, and Jerod-

Thank you for your attendance at this inspection. Please feel free to reach out should you have any additional questions that are not addressed within the report.

Kind regards,

Hunter Ridley (she/her/hers)
Environmental Protection Specialist



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

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HG_Oct_CP_SL3.pdf

3565K



PERMIT INFORMATION

Permit Number: C-1992-081 Mine Name: Hayden Gulch Loadout Operator: Hayden Gulch Terminal, LLC Operator Address: Miranda Kawcak 29515 Routt County Road 27 Oak Creek, CO 80467	County: Routt Operation Type: Loadout Permit Status: Active Ownership: Private
	Operator Representative Present: Miranda Kawcak
Operator Representative Signature: (Field Issuance Only) 	

INSPECTION INFORMATION

Inspection Start Date: October 12, 2023 Inspection Start Time: 09:00 AM Inspection End Time: 10:00 AM		Inspection Type: Coal Partial Inspection Inspection Reason: Surety Release Requested Weather: Raining	
Joint Inspection Agency: OSMRE, State Land Board		Joint Inspection Contacts: OSMRE - Dan Mackinnon, Haley Hampstead State Land Board – Jerod Smith	
Post Inspection Agency: None		Post Inspection Contacts: 	
Inspector(s): Hunter Ridley	Inspector's Signature: <i>Hunter Ridley</i>		Signature Date: October 24, 2023

Inspection Topic Summary

NOTE: Y=Inspected N=Not Inspected R=Comments Noted V=Violation Issued NA=Not Applicable

N - Air Resource Protection

N - Availability of Records

Y - Backfill & Grading

N - Excess Spoil and Dev. Waste

N - Explosives

Y - Fish & Wildlife

R - Hydrologic Balance

Y - Gen. Compliance With Mine Plan

N - Other

N - Processing Waste

R - Roads

R - Reclamation Success

R - Revegetation

N - Subsidence

N - Slides and Other Damage

N - Support Facilities On-site

R - Signs and Markers

N - Support Facilities Not On-site

N - Special Categories Of Mining

Y - Topsoil

COMMENTS

This was a partial inspection of the Hayden Gulch Loadout (HGLO); DRMS Permit No. C-1992-081, operated by Hayden Gulch Terminal, LLC (HGT). This inspection was conducted by Hunter Ridley with the Colorado Division of Reclamation, Mining, and Safety (Division) in response to HGT's submission of Surety Release No. 3 (SL-3). No activity was occurring on site at the time of inspection as the site is in final reclamation.

Pursuant to Rule 3.03.2(2), the Division is required to inspect the site within 30 days of receiving a complete surety release application. Miranda Kawcak, representing HGT and Dan Mackinnon and Haley Hampstead representing OSMRE were present for the inspection. One landowner, Jerod Smith with the State Land Board, also attended the inspection.

SL-3 was submitted to the Division on September 5, 2023 and called complete for review on September 13, 2023. SL-3 requested a Phase I, II, and III release of 214.1 acres, 96.6 of which are disturbed. The disturbed areas include the Tie Across Haul Road (TAHR) and several permanent topsoil pile features. Acreage outside of the TAHR and topsoil features are referred to as the TAHR corridor. On October 25, 2022, Routt County submitted a Letter of Intent stating that they intend to maintain the TAHR corridor as a public right of way following the area's release from the HGLO site. TR-12 was approved on February 24, 2023 and amended the post mining land use for the TAHR corridor to industrial/commercial to reflect this change in intended use. This change relieved HGT of Permit Stipulation No. 9 which required the submission of a technical revision to establish a post mining land use reclamation plan, measurement methodologies, and reclamation success requirements for lands associated with the Tie-Across Haul Road with the previously approved post-mining land use of Cropland.

If SL-3 is approved, the only remaining unreleased area at HGLO will be 6.8 acres, 2.3 of which are disturbed. This disturbed area consists of a vegetated hay field (Photo 2).

The Division representative and inspection attendees inspected the full length of the TAHR. The inspection began on the eastern end of the TAHR, just off CR 27 ended on the western side, just

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before CR 53. The permanent topsoil pile features (Photos 6-15) were inspected for appropriate signage, proper drainage configurations, vegetative cover, and overall soil stability. The map submitted by HGT for SL-3 has been included with this report (Figure 1) and has labeled each permanent topsoil pile feature for ease of discussion throughout the report.

SIGNS AND MARKERS—Rule 4.02

Mine identification markers were observed at the western entrance to the unreleased TAHR and adjacent to the unreleased agricultural section north and south of Hwy 40 (Photos 1 and 5). All topsoil piles, except for Topsoil Pile 2 (Photo 8), had appropriate signage denoting the piles as topsoil piles. This signage was in the form of either a metal sign or a plastic, red marker.

ROADS – Rule 4.03 Construction 4.03.1(3)/4.03.2(3), Drainage 4.03.1(4)/4.03.2(4), Surfacing and Maintenance 4.03.1(5) and (6)/4.03.2(5) and (6), Reclamation 4.03.1(7)/4.03.2(7):

The TAHR (Photo 4) was well maintained and no erosional features of concern were noted. According to the Operator, Routt County has been maintaining the TAHR since late 2022 and has conducted any required grading, plowing, or general maintenance.

HYDROLOGIC BALANCE - Rule 4.05 Drainage Control 4.05.1, 4.05.2, 4.05.3; Siltation Structures 4.05.5, 4.05.6; Discharge Structures 4.05.7, 4.05.10; Diversions 4.05.4; Effluent Limits 4.05.2; Ground Water Monitoring 4.05.13; Surface Water Monitoring 4.05.13; Drainage – Acid and Toxic Materials 4.05.8; Impoundments 4.05.6, 4.05.9; Stream Buffer Zones 4.05.18:

Truck Loop Pond 001, accessed from the northern side of the unreleased TAHR, was partially full and functioning properly (Photo 3). The banks were well vegetated and stable.

RECLAMATION SUCCESS; REVEGETATION - Rule 4.15, Rule 3:

Rule 4.15.10 outlines the vegetative requirements for sites with a post mining land use of industrial/commercial. The Rule is predominantly concerned with ensuring that vegetative cover is adequate to control erosion. Observations made during this inspection suggest that the TAHR corridor has met this requirement. Topsoil piles were stable with no rill or gully features present. Drainages around the piles were maintained. Other revegetated areas within the TAHR corridor which had not been previously disturbed maintained significant vegetative groundcover throughout the years. Vegetation diversity and cover on the topsoil piles was comparable to vegetation diversity and cover noted in undisturbed vegetation areas. The Division has no concern that vegetation within the TAHR is inadequate to control erosion.

The current bond held by the Division for the HGLO site is \$865,033.00. Following release of the 214.1 requested acres, the Division has calculated the remaining required financial warranty would be \$38,437. This is a reduction of \$826,596. A copy of the revised bond calculation has been included with this report. After SL-3 is approved, a separate surety reduction request will need to be filed before the Division can release any excess bond held for the site.

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Based on the observations made during this inspection, the Division finds the requested 214.1 acres suitable for Phase I, II, and III bond release. An Adequacy Review letter regarding the SL-3 application materials was sent to HGT on October 10, 2023. The Division is awaiting HGT's response. Once all adequacy items have been addressed, the Division will move to approve the Phase I, II, and III release of 214.1 acres of HGLO.

ENFORCEMENT ACTIONS/COMPLIANCE

No enforcement actions were initiated as a result of this inspection, nor are any pending.

PHOTOGRAPHS



Photo 1: Mine sign located just off Highway 40.

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Photo 2: View east of unreleased hay fields area.



Photo 3: View north of Truck Loop Pond 001.

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Photo 4: View west of western end of the TAHR release area.



Photo 5: Mine sign located at the southwestern end of the TAHR, connecting to CR 53.

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Photo 6: View north of Topsoil Pile 1 located in the TAHR corridor.



Photo 7: Drainage around Topsoil Pile 1 was well maintained.

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Photo 8: View north of Topsoil Pile 2.



Photo 9: View south of Topsoil Pile 3.

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Photo 10: View southeast of Topsoil Pile 3 and the TAHR.



Photo 11: View north of Topsoil Pile 4.

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Photo 12: View north of Topsoil Pile 5.



Photo 13: View south of Topsoil Pile 6.

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Photo 14: View north of Topsoil Pile 7.



Photo 15: View west of a mapped location of a topsoil pile, no pile is located in this area.

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