



Hayden Gulch Terminal, LLC

November 21, 2023

Hunter Ridley
Division of Reclamation, Mining, and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

**RE: Hayden Gulch Loadout (Permit C-1992-081)
SL3 Adequacy Review No. 1 Response**

Ms. Ridley,

HGT has review your adequacy review No. 1 for the SL3 bond release application. Below are HGT's responses to the review items.

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.
 - a. The acreages stated in the application are correct. The SL-3 application is requesting that a total of 214.1 acres be release from the permit boundary. Of those 214.1 acres 96.6 are acres disturbed by the mining operation in relation to the Tie Across Haulroad.
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.
 - a. The response from item 1 also adds clarification to this adequacy item. HGT is requesting that all the areas with in the 214.1 acres receive release from the permit. The vegetated area outside of the 96.6 acres are not acres disturbed by HGT and therefore are not held to vegetation standards.
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?

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- a. HGT believes that the additional acreage may account for the area of County road 37 that crosses over the haulroad near the rail loop. County Road 37 was in place prior to the Haulroad but is now part of the haulroad.
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.
 - a. HGT is unsure why this pile is marked as a waste pile on Exhibit 9-2 and cannot find any additional information on this pile. As observed during the SL-3 inspections this pile was marked with Topsoil Markers and resemble a well vegetated topsoil pile. HGT asks that it get treated as a topsoil pile. Topsoil piles are approved to remain permanent and have been excepted by the land owners. This pile is located on Sage Creek Holdings, LLC (SCH) property. In the letter of consent for the retention of the haul road SCH further accepted any disturbance outside of the road corridor in an “as is, where is” condition, including all soil material stockpiles. This letter was submitted as part of TR12.
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,
 - a. “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.

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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.

- b. Stipulation No. 9 was fulfilled with TR-12 which was during the transition between DRMS representatives. The stipulation was not removed from the permit at the time of the revision.

The areas that apply to the postmining land use are those that were disturbed during the mining operation. As stated above in previous responses, not all the areas within the corridor are disturbed and therefore the vegetated non-disturbed areas should not require a reclamation plan.

If you have any questions, feel free to contact me at (970)870-2718.

Sincerely,

Miranda Kawcak

Miranda Kawcak
Manager, Environmental
Hayden Gulch Terminal, LLC