



July 18, 2024

Mr. Clayton Wein
Environmental Protection Specialist
Colorado Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

**RE: New Horizon Mine (Permit No. C-1981-008)
Minor Revision No. 130 (MR-130)
Adequacy Response**

Dear Mr. Wein:

Tri-State Generation and Transmission Association Inc. (Tri-State), is the parent company to Elk Ridge Mining and Reclamation, LCC (ERMR), New Horizon Mine. Therefore, Tri-State on behalf of ERMR is submitting this adequacy response for minor revision 130 (MR-130) to Permit No. C-1981-008.

Tri-State received the Division's adequacy letter dated July 18, 2024 and has the following responses to the Division's concerns:

- 1. Please provide the Division with an Attachment for Section 2.05.4(2)(d) of the permit that provides documentation of the donation of the topsoil material from the New Horizon Mine to the Nucla community project.*

Response: There is not a Rule that requires the documentation requested by the Division. Further, the agreement ERMR has made is a confidential contractual agreement between ERMR and the local entity. As a result, the contract will not be provided as requested.

- 2. Please provide the Division with an Attachment for Section 2.05.4(2)(d) of the permit that includes a topsoil balance calculation. The calculation should include the amount of topsoil material from Stockpiles C, D and H that will be retained to ensure the requirements of the approved Reclamation Plan can be achieved and how much topsoil material from the stockpiles that can/will be donated.*

Response: The final reclamation of disturbed areas at the New Horizon Mine, apart from sediment control structures and permanent structures, was completed in 2023. Table 2.05.4(2)(d)-4 was removed under MR-130, as a topsoil balance is no longer necessary as all areas that were remaining to be reclaimed have been topsoiled. Further, stockpiles C, D, and H were already approved by the Division as permanent and to be used offsite due to the mine having excess topsoil; therefore, the inclusion of a topsoil balance at this juncture is not applicable.



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If you have any further questions, please contact Tony Tennyson at (970) 824-1232 or tony.tennyson@tristategt.org.

Sincerely,

DocuSigned by:

Chris Gilbreath

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Chris Gilbreath
Senior Manager,
Remediation and Reclamation

CG:TT

cc: Tony Tennyson (via email)
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