



December 19, 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. 134 (MR-134)
Surface Ownership Update**

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 minor revision 134 (MR-134) to Permit No. C-1981-008. MR-134 updates surface ownership within and adjacent to the New Horizon Mine with publicly available information available with Montrose County.

If you have any questions about the enclosed minor revision, please contact Tony Tennyson at (970) 824-1232 or ttennyson@tristategt.org.

Sincerely,

DocuSigned by:
A handwritten signature in black ink that reads "Chris Gilbreath".
4BE980BE59E442F...
Chris Gilbreath
Senior Manager,
Remediation and Reclamation

CG:TT

Enclosures

cc: Tony Tennyson (via email)
File: G474-11.3(21)b-5

SECTION 2.03
LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION
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Legal, Financial, Compliance and Related Information

The statements below are intended to address the requirements of Section 2.03 of the regulations of the Office of Mined Land Reclamation Board for Coal Mining for the New Horizon Mine. This application is for the New Horizon Mine (formerly Nucla East).

2.03.4(2)(a) Identification of Permit Applicant

Elk Ridge Mining and Reclamation, LLC
P.O. Box 33695
Denver, CO 80233
(303) 452-6111
Employer I.D. 84-1195998

On May 11, 2016 Elk Ridge Mining & Reclamation, LLC took over ownership of New Horizon Mine (Permit No. C-1981-008) from Western Fuels-Colorado, a Limited Liability Company. Other sections of this permit document, maps, or figures may refer to Western Fuels-Colorado, a Limited Liability Company, Western Fuels-Colorado, Western Fuels, or WFC. From May 11, 2016 forward these references actually refer to Elk Ridge Mining and Reclamation, LLC.

2.03.4(2)(b) Applicant's Resident Agent

Jay Sturhahn, General Counsel
Tri-State Generation and Transmission Association, Inc.
P.O. Box 33695
Denver, CO 80233
(303) 452-6111
Employer I.D. 84-0464189

2.03.4(2)(c) Person who will pay abandoned mine reclamation fee

New Horizon Mine
P.O. Box 628
Nucla, CO 81424
(970) 864-2165
Employer I.D. 84-1195998

2.03.4(3)(a) Person controlling the Applicant

Prior to Elk Ridge becoming a member-managed limited liability company by Tri-State (effective as of December 2018), Elk Ridge was a manager-managed limited liability company by a Board of Managers. The Board of Managers of Elk Ridge from 2016 through December 2018 were:

President

Jack Finnerty
P.O. Box 186
Wheatland, WY 82201
Begin Date: May 11, 2016
Date Ended: December 5, 2018

Vice President

Rick Gordon
P.O. Box 518
Simla, CO 80835
Begin Date: May 11, 2016
Date Ended: December 5, 2018

Treasurer

Wayne Connell
Star Route 1, Box 30
Mountainair, NM 87036
Begin Date: May 11, 2016
Date Ended: December 5, 2018

Secretary

Charles Soehner
38566 County Road 13
Wray, CO 80758
Begin Date: May 11, 2016
Date Ended: December 5, 2018

Assistant Secretary

Thaine Michie
4164 Arrowhead Road
La Porte, CO 80535
Begin Date: May 11, 2016
Date Ended: December 5, 2018

Previous Western Fuels-Colorado Officers, Directors and Members prior to May 11, 2016:

Mr. William Bird
Treasurer
Box 1497, Auto Route West
Roswell, NM 88201
End Date: April 2014

Mr. Jack Finnerty
President
P.O. Box 186
Wheatland, WY 82201
End Date: May 11, 2016

Mr. Rick Gordon
Vice President
P.O. Box 518
Simla, CO 80835
End Date: May 11, 2016

Mr. Jim Soehner
Secretary
38566 County Road 13
Wray, CO 80758
End Date: May 11, 2016

Mr. Wayne Connell
Treasurer
HC 75, Box 30
Mountainair, NM 87036
End Date: May 11, 2016

Mr. Thaine Michie
Board Member
4164 Arrowhead Road
La Porte, CO 80535
End Date: May 11, 2016

2.03.4(3)(b) Relationship of the controlling persons to the applicant:

Owner: Tri-State Generation and Transmission Association, Inc. 100%

Tri-State Generation and Transmission Association (Tri-State) is the sole owner of Elk Ridge Mining and Reclamation, LLC New Horizon Mine and is controlled by a Board of Directors. There is no limit to how long a member can serve. The Board of Directors is comprised of the following current officers and members:

President & Chairman:

Tim Rabon
9 Piedra Road
Alamogordo, NM 88310
Begin Date: April 2, 2014

Treasurer:

Stuart Morgan
9720 Road 54
Dalton, NE 69131
Begin Date: May 1, 2007

Wayne Connell
Star Route 1, Box 30
Mountainair, NM 87036
Begin Date: July 6, 2000

Jack Finnerty
P.O. Box 186
Wheatland, WY 82201
Begin Date: April 7, 1988

Robert Bledsoe
P.O. Box 435
Hugo, CO 80821
Begin Date: July 7, 1998

Leo Brekel
Route 1, 9373 County Rd. 81
Fleming, CO 80728
Begin Date: March 11, 2003

Phillip Zochol
1552 County Road 54
Alliance, NE 69301
Begin Date: December 3, 2013

Vice Chairman:

Don Keairns
P.O. Box 1189
La Veta, CO 81055
Begin Date: April 4, 2012

Assistant Secretary:

Scott Wolfe
6628 County Road 101 N
Monte Vista, CO 81144
Begin Date: July 8, 2008

Shawn Turner
76465 Highway 61
Grant, NE 69140
Begin Date: April 28, 2015

Rick Gordon
P.O. Box 518
Simla, CO 80835
Begin Date: November 1, 1994

Claudio Romero
HC 77, Box 62
Seboyeta, NM 87014
Begin Date: June 5, 2001

Carl Trick II
P.O. Box 15
Cowdrey, CO 80434
Begin Date: September 13, 2012

Ron Hilkey
200 County Road 43
Meeker, CO 81641
Begin Date: February 19, 2014

Secretary:

Julie Kilty
P.O. Box 40
La Grange, WY 82221
Begin Date: November 26, 2012

Assistant Secretary:

Matt Brown
1287 Owl Creek Road
Thermopolis, WY 82443
Begin Date: April 7, 2010

Thaine Michie
4164 Arrowhead Road
La Porte, CO 80535
Begin Date: April 7, 2009

Hal Keeler
4555 Solana Drive SE
Deming, NM 88030
Begin Date: July 6, 2000

Ralph Hilyard
60870 County Road 13
Mitchell, NE 69357
Begin Date: April 30, 2002

Jerry Burnett
P.O. Box 4
Hereford, CO 80732
Begin Date: November 9, 2013

Lawrence Brase
P.O. Box 671
Lamar, CO 81052
Begin Date: April 5, 2018

Darryl Sullivan
HC 30 Box 20
Monticello, NM 87939
Begin Date: December 20, 2013

Peggy Ruble
P.O. Box 123
Cody, WY 82414
Begin Date: April 5, 2017

Leroy Anaya
905 Liles Street
Socorro, NM 87801
Begin Date: April 28, 2018

Roger Schenk
26237 Highway 63
Akron, CO 80720
Begin Date: April 16, 2019

William Wilson
P.O. Box 476
Harrison, NE 69346
Begin Date: October 1, 2019

William Bridges
P.O. Box 671
Cowley, WY 82420
Begin Date: June 24, 2020

Lucas Bear
32770 Pioneer Road
Merriman, NE 63218
Begin Date: August 10, 2020

Stan Propp
290017 Main Road
Minatare, NE 69356
Begin Date: April 13, 2015

Kohler McInnis
343 Lower Road
Durango, CO 81303
Begin Date: May 21, 2020

Mark Daily
1388 County Road 8
Gunnison, CO 81230
Begin Date: May 30, 2018

Charles Abel II
12510 W County Road 270
Nathrop, CO 81236
Begin Date: April 3, 2019

Brian McCormick
5128 Mt. St. Vrain Ave.
Frederick, CO 80504
Begin Date: January 23, 2020

Kevin Cooney
P.O. Box 4132
Telluride, CO 81435
Begin Date: June 23, 2020

Jerry Fetterman
P.O. Box 253
Yellow Jacket, CO 81335
Begin Date: October 9, 2020

Robert Baca
HC 74 Box 451
Pecos, NM 87552
Begin Date: June 25, 2016

Steve Rendon
P.O. Box 354
Chama, NM 87520
Begin Date: September 28, 2017

Joel Gilbert
P.O. Box 369
Clayton, NM 88415
Begin Date: August 21, 2018

Gary Shaw
HC 74, Box 25
Mills, NM 87730
Begin Date: July 1, 2019

Randy Graff
46 Sunset Lane
Fort Morgan, CO 80701
Begin Date: April 20, 2020

Clay Thompson
1742 State Highway 230
Laramie, WY 82070
Begin Date: July 28, 2020

Bruce Duran
59 County Road 84B
Santa Fe, NM 87506
Begin Date: August 29, 2021

Previous Tri-State Generation and Transmission Officers, Directors and Members:

Rick Newman
4711 Gamble Gulch Road
Blackhawk, CO 80422
Begin Date: January 30, 2012
Date Ended: April 3, 2019

Jack Hammond
P.O. Box 26
Lance Creek, WY 82222
Begin Date: January 4, 2005
Date Ended: October 1, 2019

Charles Soehner
38566 County Road 13
Wray, CO 80758
Begin Date: April 2, 1991
Date Ended: April 16, 2019

James Vigessaa
14505 Watkins Mile Road
Brighton, CO 80603
Begin Date: April 3, 2019
Date Ended: November 25, 2019

Don Schutz
P.O. Box 280
Wagon Mound, NM 87752
Begin Date: August 1, 2015
Date Ended: July 1, 2019

Tim Erickson
742 Canyon Lane
Lochbuie, CO 80603
Begin Date: November 25, 2019
Date Ended: January 23, 2020

Richard Kildow
10691 Road 73
Bayard, NE 69334
Begin Date: January 2, 2020
Date Ended: January 24, 2020

Brian Schlagel
15645 Headlight Road
Strasburg, CO 80136
Begin Date: April 5, 2005
Date Ended: April 20, 2020

Kirsten Skeeahan
119 Meadowbrook Pl.
Pagosa Springs, CO 81147
Begin Date: May 16, 2018
Date Ended: May 20, 2020

Jack Sibold
50 Ridgview Lane
Ridgway, CO 81432
Begin Date: June 24, 2014
Date Ended: June 23, 2020

Don Russell
P.O. Box 349
Basin, WY 82410
Begin Date: April 3, 2012
Date Ended: June 24, 2020

Kyle Martinez
11925 6300 Road
Montrose, CO 81401
Begin Date: June 19, 2017
Date Ended: June 30, 2020

Gary Fuchser
2253 610th Road
Gordon, NE 69343
Begin Date: August 9, 2013
Date Ended: July 23, 2020

Richard Clifton
P.O. Box 174
Centennial, WY 82055
Begin Date: July 7, 2009
Date Ended: July 28, 2020

Chance Briscoe
1300 Maple Street
Chadron, NE 69337
Begin Date: July 23, 2020
Date Ended: August 10, 2020

William Mollenkopf
13840 Road 29
Dolores, CO 81323
Begin Date: June 19, 2009
Date Ended: October 9, 2020

Lucas Cordova
P.O. Box 11
Espanola, NM 87532
Begin Date: August 23, 2013
Date Ended: August 29, 2021

Donald Kaufman
P.O. Box 569
Westcliffe, CO 81252
Begin Date: June 24, 2015
Date Ended: April 3, 2019

2.03.4(4)(a) Other mining operations controlled by the persons associated with applicant

<p>Western Fuels - Wyoming, Inc. 12050 N. Pecos Street Westminster, CO 80234 (303) 255-5807 Name of Operation - Dry Fork Mine Employer ID 52-1619390 Wyoming DEQ Permit No. 599-T6 MSHA No.: 48-01429</p>	<p>Elk Ridge Mining and Reclamation, LLC P.O. Box 628 Nucla, CO 81424 (970) 864-2165 Name of Operation - New Horizon North Mine Employer I.D. 84-1195998 Colorado DRMS Permit Number C-2010-089 MSHA No.: 05-00299</p>
<p>Colowyo Coal Company L.P. 5731 State Highway 13 Meeker, CO 81641 (970) 824-1532 Name of Operation - Colowyo Coal Mine Employer I.D. 84-0705078 Colorado DRMS Permit Number C-1981-019 MSHA No.: 05-02962</p>	<p>Trapper Mining, Inc. 25910 State Highway 13 Craig, CO 81625 (970) 824-4401 Name of Operation - Trapper Mine Employer I.D. 94-2785879 Colorado DRMS Permit Number C-1981-010 MSHA Number 05-02838</p>

2.03.4(6)(a) Legal or Equitable Owners of Record of Surface Coal to be Mined**Surface Ownership within Permit Boundary (Map 2.03.4-1)**

<u>No.</u>	<u>Surface Owner</u>	<u>Address</u>	<u>City, State, Zip Code</u>
12	Elk Ridge Mining & Reclamation	P.O. Box 333695	Denver, CO 80233
13	Roseanne M. & Jimmy Ray Guire II Life Estate	P.O. Box 550	Nucla, CO 81424
43	Slash M, LLC	P.O. Box 346	Nucla, CO 81424
25	Patrica Morgan	P.O. Box 336	Nucla, CO 81424

Coal Ownership within Permit Boundary (Map 2.03.4-2)

<u>No.</u>	<u>Surface Owner</u>	<u>Address</u>	<u>City, State, Zip Code</u>
12	Elk Ridge Mining & Reclamation	P.O. Box 333695	Denver, CO 80233
13	GW46 Irrevocable Trust	P.O. Box 587	Nucla, CO 81424
41	Carl (Bud) and Teresa Benson	16201 East Yucca Ash Farm	Sonoita, AZ 85637
42	Ernest Lloyd	220 10 th Avenue	Nucla, CO 81424
42	Rosella Lloyd	2435 South 25 Road	Cedaredge, CO 81413
42	Mary Bolender	1541 Rush Road	Eagle, ID 83616
42	Harry Lloyd	11432 Jones Road	Berrien Springs, MI 49103
43	Frank & Mary Lou Morgan	P.O. Box 4	Nucla, CO 81424

2.03.4(6)(b) Holders of Record of any Leasehold**Surface, Coal (Minerals), Oil & Gas Leaseholders**

Elk Ridge Mining and Reclamation, LLC

P.O. Box 33695

Denver, CO 80233

2.03.4(7) Names and Addresses of Contiguous Owners to the Permit Boundary for Surface, Coal, Oil and Gas.**Surface Ownership Contiguous to the Permit Boundary (Map 2.03.4-1)**

<u>No.</u>	<u>Surface Owner</u>	<u>Address</u>	<u>City, State, Zip Code</u>
9	James Dirk Richards	P.O. Box 153	Nucla, CO 81424
12	Elk Ridge Mining & Reclamation	P.O. Box 333695	Denver, CO 80233

13	Roseanne M. & Jimmy Ray Guire II Life Estate	P.O. Box 550	Nucla, CO 81424
15	Eric Crespin	P.O. Box 241	Nucla, CO 81424
16	Leann Staats	P.O. Box 10	Nulca, CO 81424
18	Michael & Joann Moore	P.O. Box 326	Nulca, CO 81424
24	Gregg Massini	24 Hulett Hill Road	Sheffield, MA 01257
25	Patricia Morgan	P.O. Box 336	Nucla, CO 81424
26	Naslund & Sons Corp	P.O. Box 154	Nucla, CO 81424
27	Garvey & Co. LLC	P.O. Box 555	Nucla, CO 81424
33	James C. & Kimleah W. Collins	P.O. Box 543	Nucla, CO 81424
51	Olen Batchelor	P.O. Box 116	Nulca, CO 81424
52	Raymond & Nora Davis	P.O. Box 442	Nulca, CO 81424
43	Slash M, LLC	P.O. Box 346	Nucla, CO 81424
46	Nancy Lee Enstrom Life Estate	P.O. Box 354	Nucla, CO 81424
47	MT Place LLC	P.O. Box 82	Nucla, CO 81424
53	Eleasha A. Hemphill	P.O. Box 458	Paradox, CO 81429

Oil, Gas and Minerals Ownership Contiguous to the Permit Boundary (Map 2.03.4-2)

<u>No.</u>	<u>Surface Owner</u>	<u>Address</u>	<u>City, State, Zip Code</u>
1	Carl (Bud) and Teresa Benson	16201 East Yucca Ash Farm	Sonoita, AZ 85637
1	Carl B. Benson	524 Gunnison Avenue	Grand Junction, CO 81501
1	David and Sylvia Chiles	P.O. Box 340	Nucla, CO 81424
1	Bobby Benson	1810 White Avenue	Grand Junction, CO 81501
9	James Dirk Richards	P.O. Box 153	Nulca, CO 81424
12	Elk Ridge Mining & Reclamation	P.O. Box 333695	Denver, CO 80233
13	GW46 Irrevocable Trust	P.O. Box 587	Nucla, CO 81424
15	Lester Goforth	P.O. Box 541	Nucla, CO 81424
16	Melvin & Lea Ann Staats	P.O. Box 10	Nulca, CO 81424
18	Michael & Joann Moore	P.O. Box 326	Nulca, CO 81424
42	Ernest Lloyd	220 10 th Avenue	Nucla, CO 81424
42	Rosella Lloyd	2435 South 25 Road	Cedaredge, CO 81413
42	Mary Bolender	1541 Rush Road	Eagle, ID 83616

42	Harry Lloyd	11432 Jones Road	Berrien Springs, MI 49103
33	Malcolm Wilson	1515 Ptarmigan Court North	Grand Junction, CO 81506
46	Nancy Lee Enstrom Life Estate	P.O. Box 4	Nucla, CO 81424
50	Marla Fritzlen	P.O. Box 82	Nucla, CO 81424

Surface Lessee

<u>No.</u>	<u>Entity</u>
13 and 43	Elk Ridge Mining and Reclamation, LLC

Oil, Gas, and Minerals Lessee

<u>No.</u>	<u>Entity</u>
13,41,42, and 43	Elk Ridge Mining and Reclamation, LLC

2.03.4(8) Mine Name & MSHA ID

The mine name is New Horizon Mine and the MSHA ID number is 05-00299.

2.03.4(9) Surface and Mineral Ownership Contiguous to the Permit Area

Maps 2.03.4-1 and 2.03.4-2 show the surface and mineral ownership contiguous to the permit boundary.

2.03.5 Compliance Information

The applicant, subsidiaries, affiliates, or persons controlled by or under common control with the applicant have not had a Federal or State mining permit suspended or revoked in the last five years or forfeited a mining bond or security. Once notice of violation has occurred in the past three years for the operations identified in Section 2.03.4(4)(a). Colowyo Coal Company L.P. received NOV-2022-001 on October 4, 2022.

2.03.6 Right of Entry and Operation Information

2.03.6(1) Attachment 2.03.6-1 presents information where Peabody transferred its rights to all lease agreements, property deeds to mine coal and rights-of-way agreements to Western Fuels-Colorado, a Limited Liability Company (WFC). On May 11, 2016, Elk Ridge Mining and Reclamation, LLC (Elk Ridge) took over ownership of the New Horizon Mine from WFC. Also included in Attachment 2.03.6-1 is the Tri-State board resolution approving the transfer of WFC to Elk Ridge. This document provides Elk Ridge the right of entry to the mine area. None of the

rights acquired under any of these documents is the subject of pending litigation.

2.03.7 Relationship to Areas Designated Unsuitable for Mining

2.03.7(1) Unsuitable Designation Status

A determination was made under the criteria set forth in Section 7.05 that no lands be designated unsuitable for mining at the New Horizon Mine. Furthermore, the Office of Mined Land Reclamation, in the "The Nucla Mine (C-1981-0081) Proposed Decision and Findings of Compliance", January 1983, found that "no Alluvial Valley Floors existed in either the mine area or the potentially affected area associated with New Horizon Mine." New Horizon Mine is unaware of the availability of any information which indicates that any portion of the New Horizon Mine property has been or is under consideration or study for designation as land unsuitable for mining.

2.03.7(2) Legal and Financial Commitments.

Not applicable.

2.03.7(3) Ownership Waivers

There are three occupied dwellings within 300 feet of the mining and reclamation disturbances at the New Horizon Mine permit area. Copies of waivers from the owners of these dwellings consenting to mining operations are included as Attachment 2.03.7-1.

2.03.8 Permit Term Information

The total area within the New Horizon Mine permit boundary is 335.5 acres. A legal description of the New Horizon Mine permit boundary can be found in Attachment 2.03.8-1. The current 5-year permit term is November 27, 2022 to November 27, 2027.

2.03.9 Personal Injury & Property Damage Insurance Information

This information is presented in Attachment 2.03.9-1.

2.03.10 Identification of Other Licenses and Permit Pertinent to Surface Coal Mining

FEDERAL

Mine Safety and Health Administration (MSHA)

2nd Street, Building 25, E-18

Denver, CO 80225

Mine I.D. Number: 05-00299

Effective: May 17, 1993

Federal Communications Commission (FCC)

1270 Fairfield Road

Gettysburg, PA 17325

New Horizon Mine has a frequency of 151.775 MHz & call sign of WPGP927.

Effective: February 22, 1995

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

New Horizon Mine will not store, transport or use explosives. All blasting will be done by a licensed contractor.

STATE

Colorado Division of Reclamation Mining and Safety (DRMS)

1313 Sherman Street, Room 215

Denver, CO 80203

Mining and Reclamation Permit No. C-1981-008

Effective: May 26, 2018

CO Dept. of Public Health and Environment-Water Quality Control Division

4300 Cherry Creek Drive South

Denver, CO 80246

NPDES Permit No. CO-0000213

Effective: April 1, 2016

COUNTY

Montrose County Board of Commissioners

317 South 2nd Street

Montrose, CO 81401

Special Use Permit No. SU-99-0834

Effective: September 17, 1999

2.03.11

Locations of Public Offices for Filing of Application

Colorado Division of Reclamation Mining and Safety (DRMS)

1313 Sherman Street, Room 215

Denver, CO 80203

Montrose County Courthouse Annex

300 Main Street

Nucla, Colorado 81424

2.03.12 Newspaper Advertisement

A generic copy of the newspaper advertisement can be found in Attachment 2.03.12-1.