



January 20, 2025

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

**RE: New Horizon North Mine (Permit No. C-2010-089)
Minor Revision No. 39 (MR-39)
Midterm Review 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 North Mine. Therefore, Tri-State on behalf of ERMR is submitting minor revision 39 (MR-39) to Permit No. C-2010-089.

ERMR received the Division's midterm review (MT-03) of the New Horizon North Mine permit on December 6, 2024. In MT-03, the Division identified items that are required to be addressed and be submitted to the Division by February 6, 2025. Original comments provided by the Division in MT-03 have been provided below including ERMR response to each of the Division's concern.

Rule 2.03 – Legal, Financial and Compliance and Other Related Information

1. Please update as necessary the information contained in Section 2.03. This section of the permit contains the names and addresses of the mine operator, the resident agent, surface landowners, subsurface landowners and contiguous surface and subsurface owners.

Response: Sections 2.03.4(6)(b), 2.03.4(7), 2.03.4(8), and 2.03.4(9) have been updated as applicable.

2. Please review Maps 2.03.4-1 and 2.03.4-2 of the permit and update related to section 2.03 as necessary to reflect any changes that may have occurred.

Response: Surface ownership within and adjacent to the permit boundary has not changed; therefore Map 2.03.4-1 has not been updated. Map 2.03.4-2 has been updated as requested.

3. Rule 2.03.5: There have been no violations issued from the Division since RN-02. Please review the information on page 12 (Section 2.03) and update any text if necessary.

Response: Section 2.03.5 has been updated with current information as requested.

4. Rule 2.03.6: Please review the right of entry information on page 12, and Appendix 2.03.6-1(a) through Appendix 2.03.6-1(f) (Section 2.03). Please update any text or exhibit as necessary.

Response: Section 2.03.6 and Appendices 2.03.6-1(a) through 2.03.6-1(f) are current and do not require any additional information to be provided.



TRI-STATE

January 20, 2025

Page 2

Rule 2.04.11 – Fish and Wildlife Resources Information

5. *Please review Section 2.04.11 of the permit and update as necessary. Please ensure that the Threatened and Endangered Species list is updated. Since the approval of Permit Renewal No. 2, Grey Wolves have been included on Colorado's list of threatened and endangered species. A Minor Revision will be required to update the C-089 Permit with this information and a consultation with Colorado Parks and Wildlife will be necessary at that time.*

Response: Section 2.04.11 has been updated with Threatened and Endangered Species as requested.

Rule 2.05.3 Operation Plan

6. *Please provide updated text for Section 2.05.3(4) on the removal of the sediment ponds and associated ditches at the New Horizon North Mine following Reclamation in 2023. Please also include information on Pond 001 being reduced in size to a stock pond for the landowner.*

Response: Section 2.05.3(4) already reflects this information requested by the Division. Please refer to the information provided in the *Introduction* in Section 2.05.3(4). This information was submitted and approved under technical revision 25 (TR-25).

Rule 2.05.4 Reclamation Plan

7. *Please update Section 2.05.4 and Table 2.05.4(2)(a)-1 if necessary with any information regarding the future reclamation activities for the New Horizon North Mine.*

Response: Table 2.05.4(2)(a)-1 has been updated as noted.

Rule 3.02 Performance Bond

8. *Please review the Division's Reclamation Cost Estimate at the end of this Findings Document. Any discrepancies between ERMR's records and the Division's estimate can be discussed following the issuance of this Midterm Review.*

Response: ERMR has reviewed the Division's reclamation cost estimate provided with MT-03, and hereby provides concurrence with the Division's revised reclamation liability for the New Horizon North Mine. The Division's MT-03 reclamation cost estimate has been included under MR-39 to update the permit document.

Enclosed please find revised materials associated with MR-39 which were derived from the comments provided in the Division's MT-03 review. A change of index sheet has been provided to ease inclusion of this revised materials in the permit application package. If you should have any questions about the enclosed minor revision, please contact Tony Tennyson at (970) 824-1232 or ttennyson@tristategt.org.



January 20, 2025

Page 3

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

CHANGE SHEET FOR PERMIT REVISIONS, TECHNICAL REVISION, AND MINOR REVISIONS

Mine Company Name: New Horizon North Mine

Date: **January 20, 2025**

Permit Number: **C-2010-089**

Revision Description: **MR-39 Midterm Update**

Volume Number	Page, Map or other Permit Entry to be	Page, Map or other Permit Entry to be	Description of Change
	REMOVED	ADDED	
1	Section 2.03, Page 2.03-1 (1 page), and Pages 2.03-10 through 2.03-14 (5 pages)	Section 2.03, Page 2.03-1 (1 page), and Pages 2.03-10 through 2.03-14 (5 pages)	Section 2.03 has been updated.
1	Map 2.03.4-2	Map 2.03.4-2	Map 2.03.4-2 has been updated.
2	Section 2.04.11 Table of Contents (1 page), Pages 1 through 4 (4 pages)	Section 2.04.11 Pages 1 through 6 (6 pages)	Section 2.04.11 has been updated.
3			
4	Section 2.05.4(2)(a)-1 Page 1 (1 page)	Section 2.05.4(2)(a)-1 Page 1 (1 page)	Section 2.05.4(2)(a)-1 has been updated.

SECTION 2.03
LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION

Table of Contents

Legal, Financial, Compliance and Related Information	3
2.03.4(2)(a) Identification of Permit Applicant	3
2.03.4(2)(b) Applicant's Resident Agent	4
2.03.4(2)(c) Person who will pay abandoned mine reclamation fee:.....	4
2.03.4(3)(a) Person controlling the Applicant	4
2.03.4(3)(b) Relationship of the controlling persons to the applicant:.....	8
2.03.4(3)(c) The title of the person's position and the date position was assumed	8
2.03.4(4)(a) Other mining operations controlled by the persons associated with Applicant:.....	8
2.03.4(6)(a) Legal or Equitable Owners of Record of Surface Coal to be Mined	9
2.03.4(6)(b) Holders of Record of any Leasehold	10
2.03.4(6)(c) Real Estate Contract.....	10
2.03.4(7) Names and Addresses of Contiguous Owners to the Permit Boundary for the Surface, Coal, Oil and Gas.....	10
2.03.4(8) Name of Mine. MSHA ID.	12
2.03.4(9) Interest in contiguous Lands	12
2.03.5 Compliance Information	12
2.03.6 Right of Entry and Operation Information.....	12
2.03.7 Relationship to Areas Designated Unsuitable for Mining	14
2.03.7(1) Unsuitable Designation Status.	14
2.03.7(2) Legal and Financial Commitments	14
2.03.7(3) Ownership Waivers.....	14
2.03.8 Permit Term Information	14
2.03.9 Personal Injury and Property Damage Insurance Information	15
2.03.10 Identification of Other Licenses & Permits Pertinent to Surface Coal Mining	15
2.03.11 Locations of Public Offices for filing of Application.....	16
2.03.12 Newspaper Advertisement and Proof of Publication.....	16

List of Maps

Map 2.03.4-1	Surface Ownership and Leases
Map 2.03.4-2	Mineral Ownership and Leases

P.O. Box 628
Nucla, CO 81424

With overriding royalty to:
Don & Marianna Rice
1601 Doe Run Drive
Craig, CO 81625

12. Elk Ridge Mining and Reclamation, LLC
New Horizon Mine
P.O. Box 628
Nucla, CO 81424

2.03.4(6)(b) Holders of Record of any Leasehold

Surface Leaseholder (See nos. 6 and 56 in Map 2.03.4-1)

Elk Ridge Mining and Reclamation, LLC
P.O. Box 33695
Denver, Colorado 80233

2.03.4(6)(c) Real Estate Contract

Elk Ridge purchased the surface and coal held by Joe and Peggy Meehan. A copy of the Meehan deed can be found in Appendix 2.03.6-1(d).

2.03.4(7) Names and Addresses of Contiguous Owners to the Permit Boundary for the surface, oil, gas, and other minerals.

See Maps 2.03.4-1 and 2.03.4-2 (numbers correspond those on Maps)

Surface Ownership

2. Montrose County
161 South Townsend Avenue
Montrose, CO 81401
6. Garvey & Co., LLC
P.O. Box 555
Nucla, Colorado 81424
7. Garvey Bros. Land & Cattle, LLC
P.O. Box 555
Nucla, Colorado 81424

11. Donna Nygren
P.O. Box 102
Nucla, Colorado 81424
12. Elk Ridge Mining & Reclamation, LLC
New Horizon Mine
P.O. Box 628
Nucla, CO 81424
14. Stanley & Tommy Garvey
P.O. Box 555
Nucla, Colorado 81424
47. Marla Fritzlen
P.O. Box 82
Nucla, CO 81424
48. Patsy Tucker Family Revocable Trust
P.O. Box 826
Nucla, Colorado 81424
51. Roger Borchardt Separate Property Trust
710 Bair Island Road #410
Redwood City, CA 94063
53. Roger & Tina Carver
P.O. Box 293
Nucla, Colorado 81424
56. George & Kathy Glasier
P.O. Box 98
Nucla, Colorado 81424
58. Richards & Richards, LLC
P.O. Box 608
Nucla, Colorado 81424
59. Michael Burke
P.O. Box 917
Nucla, CO 81424
64. Charles & Katherine Zunich
P.O. Box 73
Nucla, CO 81424
65. Kenneth Bortles
P.O. Box 97
Nucla, CO 81424
67. D.H. & S.C. Chiles Trust
P.O. Box 340
Nucla, CO 81424

Oil, Gas and Minerals Ownership

NUMBER	NAME	ADDRESS	CITY	STATE	ZIP
56	Baker, James D. & Nancy J.	25647 S. Howard Drive	Sun Lakes	AZ	85248-6821
51	Borcherdt, Roger D. Separate Property Trust	1496 Vistazo Street West	Tiburon	CA	94920-1713
53	Carver, Roger D. & Tina A	PO Box 293	Nucla	CO	81424-0293
10	Davis, Edith Living Trust	2272 Sego Lane	Delta	CO	81416-7826
6	Elk Ridge Mining & Reclamation LLC	PO Box 33695	Denver	CO	80233-0695
7	Garvey Bros. Land & Cattle, LLC	PO Box 555	Nucla	CO	81424-0555
56	Glazier, George E.	PO Box 98	Nucla	CO	81424-0098
8	Meehan Trust	PO Box 332	Norwood	CO	81423-0332
58	Miller, Rebecca Ann	7023 Secrest Court	Arvada	CO	80007-7653
11	Nygren, Donna F.	PO Box 102	Nucla	CO	81424-0102
6	Rice Family Mineral Trust	37285 County Road 27	Eaton	CO	80615-8427
58	Richards & Richards, LLC	PO Box 608	Nucla	CO	81424-0608
13	San Miguel Power Association	PO Box 817	Nucla	CO	81424-0817
58	Woods, Brian W. & Sparks, Mary E.	659 N Saddle Rock Drive	Grand Junction	CO	81504-4023
14	Wounded Knee, LLC	PO Box 555	Nucla	CO	81424-0555

2.03.4(8) Name of Mine. MSHA ID.

On April 17, 2024 MSHA terminated jurisdiction of the New Horizon North Mine as the entire disturbed area has been reclaimed.

2.03.4(9) Interest in contiguous Lands

Maps 2.03.4-1 and 2.03.4-2 show the areas contiguous to the permit boundary owned by the applicant.

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

The area to be mined consists of three parcels located in the W ½ of Section 25,

bounded by Montrose County Roads 2600, 2650, and AA. The permit area also includes corridors for a pond flume, water pump and light use road.

2.03.6-1 Appendix 2.03.6-1(a) through 2.03.6-1(f) at the end of this section gives the following information to evidence right of entry for mining:

1. Appendix 2.03.6-1(a). Memorandum of Surface Lease and Purchase Agreement dated August 7, 2009 between Garvey & Co., a Colorado General Partnership and Western Fuels-Colorado, a Limited Liability Company. The lease pertains to the surface at SW1/4, Section 25, T47N, R16W, NMPM. The lease gives WFC right to enter and mine the property. Garvey & Co. has subsequently changed the name to Garvey & Co. LLC. A letter informing of the change is attached behind the lease agreement.
2. Appendix 2.03.6-1(b). This Appendix includes two documents; (1) Memorandum of Escrow Purchase Agreement dated June 27, 1978 between Donald J. Rice and Marianna Rice (“Sellers”) and Peabody Coal Company (“Buyer”). Under this agreement Sellers sold to Buyer their rights to coal under W1/2SW1/4, Section 25, T47N, R16W, NMPM and (2) Addendum to Escrow Purchase Agreement between Donald J. Rice and Marianna Rice (“Sellers”) and Peabody Coal Company (“Buyer”) dated 10th day of February, 1992 where Peabody, with Sellers’ consent, transferred its rights to the assets to Western Fuels-Colorado, A Limited Liability Company.
3. Appendix 2.03.6-1(c). Correction Special Warranty Deed dated November 8, 1995 from San Miguel Power Association to WFC for the property at E1/2SW1/4, Section 25, T47N, R16W, NMPM.
4. Appendix 2.03.6-1(d). Warranty Deed between Thomas M. Meehan & Peggy Jo Meehan and Western Fuels-Colorado, LLC
5. Appendix 2.03.6-1(f). Quitclaim Deed dated 16th day of October, 2002 between San Miguel Power Association, Inc. (SMPA) and Western Fuels-Colorado. Under this agreement SMPA sold to WFC the property in NW1/4 and W1/2NE1/4, Section 36, T47N, R16W, NMPM.

None of the above referenced rights is the subject of pending litigation.

2.03.6-2 Severance of Minerals Estate

The surface and the minerals are owned separately in SW1/4 of Section 25, Garvey

& Co. LLC owns the surface. NHN right of entry for this surface is given in Appendix 2.03.6-1(a). The coal under this surface is owned by NHN as evidenced in Appendix 2.03.6-1(b) and 2.03.6-1(c).

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 NHN. Furthermore, no Alluvial Valley Floors exists in the mine area or the potentially affected area associated with NHN. NHN is unaware of the availability of any information which indicates that any portion of NHN 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

Mining activities are proposed to occur within 300 feet of a dwelling west of the permit boundary on the Garvey Bros. Land & Cattle Co. property. However, since this is an unoccupied dwelling, no waiver is required.

2.03.8 Permit Term Information

NHN began mine development in 2012. Mining of coal began in mid-2013 and mining concluded in 2017. The total area within the mine permit is 230.0 acres.

SECTION 2.04.11
FISH AND WILDLIFE RESOURCES INFORMATION
TABLE OF CONTENTS

Table of Contents

Introduction.....	2
1979/80 Survey	3
Threatened or Endangered Species	5

List of Tables

Table 2.04.11-1 Threatened and Endangered Species Potentially Occurring within Montrose County

List of Maps

Map 2.04.11-1 – 1 New Horizon North Mine Wildlife Map

Appendix

Appendix 2.04.11-1 Wildlife Baseline Report Nucla Mine, Prepared for Peabody Coal Company, Denver, Colorado by Mariah Associates, Laramie, Wyoming 1980

FISH AND WILDLIFE RESOURCES INFORMATION

Introduction

New Horizon North (NHN) herein addresses the requirements of Section 2.04.11 - Fish and Wildlife Resources Information by summarizing the previously conducted fish and wildlife resources surveys which have been conducted on and immediately adjacent to the proposed North Mine permit area as well as new concerns that have been identified in consultation with the Colorado Division of Wildlife (CDOW) and the Colorado Division of Reclamation, Mining, and Safety (DRMS).

In evaluating the fish and wildlife resources of this area, NHN carefully reviewed the files of PCC and made a formal request of both the DRMS and CDOW to obtain their concerns prior to initiating field studies. The proposed scope of the wildlife section was discussed in two meetings with the DRMS held in Grand Junction and in both of these meets NHN was directed to consult with the CDOW regarding their concerns. Copies of previously completed fish and wildlife resources surveys of the area were obtained and reviewed and NHN held an extended meeting with Mr. Tony Bonacquista, the District Wildlife Manager, stationed in Nucla and Mr. James Garner, the Regional Wildlife Biologist stated in Montrose. Subsequent to this meeting NHN and their consultant have obtained additional direction from Mr. Garner regarding this section.

Guidance obtained from the DRMS and CDOW revealed that there was sufficient data that had already been collected from previous investigations and that further field studies were not warranted other than the information previously collected as well as the observations made between October 2008, when intensive environmental baseline studies were initiated on this tract until September 2009 when these studies ended. Initially, it was NHN's intention of copying and inserting these previous studies into this Permit section. However, NHN was specifically directed by the CDOW, not to make this section a dissertation and they specifically directed NHN to summarize, in a short succinct manner, these previous studies in the new wildlife permit section.

Several formal wildlife resource investigations have been conducted on, or immediately adjacent to the proposed New Horizon North Mine area. Since there are no fisheries resources on this site, in the discussion that follows, wildlife will be the term used to define the scope of the studies conducted on this area.

The extent of these investigations is shown on Map 2.04.11-1, New Horizon North Mine - Wildlife Map. A discussion of each of these surveys follows.

1979/80 Survey

Mariah Associates performed the first and most important wildlife investigation on the original NH1 mine area in 1979. Appendix 2.04.11-1 – 1980 Mariah wildlife study includes a copy of the report of this investigation. This formal survey was completed on what is now called the Rice Tract and is shown as the cross hatched area on Map 2.04.11-1, New Horizon North Mine - Wildlife Map. However, their wildlife study area, included all of what is now included as the proposed New Horizon North Mine Permit Area. As shown on this map, major portions of this survey area were performed on areas that were subsequently mined and have been reclaimed.

The 1979/80 study was performed based upon detailed literature reviews and consultations with various state and federal agency biologists and resulted in detailed on-site surveys being performed in May, 1979, June, 1979, October 1979, and January 1980. During these intensive studies, small mammal census transects, avian census transects, mammalian predator survey routes, insect surveys, herpetofauna, avifauna surveys, which resulted in Passerine birds, Raptorial birds, Upland game birds and Waterfowl being studied. Big game surveys were also conducted. Detailed studies were also performed on the potential presence and habitat use of federal Threatened and Endangered wildlife species. The location of these transects and survey routes are shown on Map 2.04.11-1, New Horizon North Mine - Wildlife Map.

The results obtained from these studies were correlated with the five vegetation types identified in the 1979 studies, which were identified as Upland Sagebrush, Grassland pasture, Agricultural (Alfalfa field), Juniper and Riparian vegetation types. By way of correlation, these types correspond to the vegetation types described in Section 2.04.10 as the Sagebrush, Dryland Pasture, Irrigated Pasture and Wetland vegetation types. There is no remaining Juniper vegetation type in the proposed North Mine Permit Area.

Based upon these field studies and literature review, it was determined that there were 53 species of mammals, 109 species of avifauna and 20 species of amphibians and reptiles that were observed or could potentially occur in the area. Small mammals were found to be most abundant in the Riparian vegetation type and the Meadow Vole was the most abundant species encountered. A total of three Gunnison prairie dog towns were observed and a total of 16 adult prairie dogs and 123 burrows were observed.

The Juniper vegetation type was found to be the most commonly used habitat type by breeding passerine birds, being represented by twelve species, with a population density of 40.0 individuals/km. The Alfalfa field vegetation type was represented by nine species, and this type was found to possess the highest total avian population 45.3 individuals/km. Riparian vegetation

type (9 species) was found to possess an avian population of 36.0 individuals/km. The Upland Sagebrush vegetation type was found to possess eight species and a population density of 22.7 individuals/km. The Grassland pasture vegetation type was found to be the homogeneous vegetation type evaluated and possessed four species with a density of 26.0 individuals/km. The most commonly observed passerine species in decreasing order of abundance were: Red-winged Blackbird, Violet-Green Swallow, Common Crow, and Western Meadowlark. Winter passerine bird surveys resulted in only six avian species being encountered, with the White-crowned Sparrow, Oregon Junco, Western Meadowlark and Raven being the only species observed.

A total of five raptorial bird species were reported, consisting of the Red-tailed Hawk, American Kestrel, Cooper's Hawk, Rough-legged Hawk, and Marsh Hawk. The locations of the raptorial sittings are found on Map 2.04.11-1, New Horizon North Mine - Wildlife Map. Only two species of upland game birds; Ring-necked Pheasant and Mourning Dove were encountered.

With respect to Big Game species, it was reported that Elk were sighted two miles north and east of the site in the Pinyon-Juniper habitat type and Mule Deer were reported to be year round residents of the area. This report states that this area is considered to be marginal winter habitat for Elk and that the area was not considered to represent good Mule Deer habitat.

Mammalian predators were determined using the scent-station technique and the species encountered in the immediate study area were: Coyote, Skunk, Raccoon and Fox. Adjacent scent-station inventories performed by the USFWS were reported to include: Coyote, Gray Fox, Bobcat, Skunk, Raccoon and Red Fox. Mountain Lions are known to occur in the area as well.

Reptiles and amphibians were represented by: Western Garter snake, Chorus Frog, Great Basin Spadefoot, Sagebrush lizard, Eastern Fence lizard, Bull snake, Racer, and Western Rattlesnake. Insect inventories reveals that the Grassland Pasture vegetation type possessed the highest number of insects (17.2 insects/m²), followed by the Revegetation vegetation type (2.5 insects/m²), and Upland Sagebrush (1.9 insects/m²).

Threatened and Endangered Species surveys performed in connection with the 1979/80 wildlife studies reveals that five potential species could occur in the project area (American Peregrine Falcon, Northern Bald Eagle, Whooping Crane, Black-footed Ferret and Gray Wolf). However, intensive site investigations revealed that none of these species were present in this area and that suitable habitat for these species was lacking in the immediate area.

With respect to "important wildlife habitat" occurring in this area, Mariah and Associates, concluded that the Mule Deer and Ring-necked Pheasant were the only important wildlife species that occur in or near the study area and they reported that these species "are only

occasional visitors and do not appear to utilize the habitats on the study area for breeding or other important biological functions.” Their report concluded by stating that “the lack of important species, the small size of the Nucla mine, and the long history of mining and agricultural disturbance in the area precludes the delineation of any habitats on or near the Nucla mine as important wildlife habitat.”

This study concludes that “there are no unique wildlife use areas with the amendment area that requires additional study. The local Colorado Division of Wildlife officer in Nucla did not feel that the amendment area and reclamation would have any significant impacts on wildlife.” The amendment area refers to the proposed NHN Mine permit area. In the pre-consultation meeting held with the CDOW, they requested that NHN prepare a detailed Burrowing Owl monitoring plan. This information is contained in Section 2.05.6 Fish and Wildlife Plan.

NHN recognizes that the knowledge and status of wildlife resources changes as new information becomes available and new concerns arise. The information contained in this evaluation was current at the time this data were collected and this report prepared. However, the knowledge and status of Federal and State species of concern is continually being revised and updated as new information becomes available. The dynamic nature of the knowledge of the biology of both plants and animals is constantly being refined. In no arena is this more evident than in the lists prepared for threatened and endangered species. Therefore, as new information becomes available which might change status and direction of the wildlife resources relative to the New Horizon North Mine, NHN commits to consult with the appropriate Federal and State wildlife officials and modify the scope and focus of the fish and wildlife protection measures and the wildlife mitigation monitoring requirements contained in Section 2.05.6, if directed to do so.

Threatened or Endangered Species

In 2024, the threatened and endangered wildlife species were evaluated for NHN. Table 2.04.11-1 denotes all species of concerns for mammals, fish, insects, and birds. As of 2023, the entirety of all disturbed areas associated with NHN have been reclaimed; therefore, no additional disturbance or impacts will occur to any species identified on Table 2.04.11-1, and the reclaimed land supports wildlife and habitats associated with the applicable post-mine land uses at NHN.

Table 2.04.11-1

Table: Threatened and Endangered Wildlife Species Potentially Occurring within Montrose County, CO				
Common Name (Latin Name)	Federal Status	State Status	Habitat	Potential for Occurrence within New Horizon North Permit Area
Mammals				
Gray Wolf (<i>Canis lupus</i>)	Endangered	Endangered	Wide range of habitats. Temperate forests, mountains, tundra, taiga, and grasslands.	Low, but slowly increasing due to reintroduction. Lone gray wolves that are dispersing may be found anywhere in the state of Colorado, which is part of their native range.
Kit Fox (<i>Vulpes macrotis</i>)	N/A	Endangered	Primarily open desert, shrubby or shrub-grass habitat. Usually shadscale, greasewood, or sagebrush in the Great Basin.	Possible based on vegetation communities and landscape. Western Colorado represents the northeastern extent of the current range. There are currently populations in Delta, Mesa, and Eastern Montrose Counties.
Birds				
Gunnison Sage Grouse (<i>Centrocercus minimus</i>)	Threatened	N/A	Sagebrush, plains and mountain valleys. Important brood-rearing habitats are wet meadows and riparian areas in sagebrush shrublands.	Low because of lack of leks and significant segments of suitable habitat. There is designated critical habitat approximately 10 miles to the SW.
Yellow-billed Cuckoo (<i>Coccyzus americanus</i>)	Threatened	N/A	Extensive tracts of lowland riparian characterized by mature cottonwood-willow stands with a dense sub-canopy.	None due to lack of suitable habitat. Known to nest along the Uncompaghere River, approximately 40 miles to the west.
Burrowing Owl (<i>athene cunicularia</i>)	N/A	Threatened	Lives in dry, open areas with short grasses and no trees. Live and nest in underground burrows created by prairie dogs, ground squirrels and badgers	Moderate due to the availability of short grass habitat and availability of burrow locations in reclamation areas, including native areas outside of reclamation areas.
Mexican Spotted Owl (<i>Strix occidentalis lucida</i>)	Threatened	N/A	Mixed coniferous forest types dominated by Douglas fir, pine, true fir, and pine-oak communities. Also steep, narrow canyons with cliffs and perennial water.	None due to lack of suitable habitat. Very rare in Colorado.
Fish				
Bonytail Chub (<i>Gila elegans</i>)	Endangered	N/A	Large, warm rivers, usually turbid and swift moving; prefers pools and eddies within these rivers.	None due to lack of suitable habitat. There is designated critical habitat approximately 60 miles to the NW, on the Colorado River.
Colorado Pikeminnow (<i>Ptychocheilus lucius</i>)	Endangered	N/A	Large, swift flowing, turbid rivers with quiet, warm backwaters	None due to lack of suitable habitat. There is designated critical habitat approximately 35 miles to the NE, on the Gunnison River.
Humpback Chub (<i>Gila cypha</i>)	Threatened	N/A	Deep, fast moving, whitewater, usually turbid, and often associated with large boulders or canyons with steep cliffs. Within these areas, usually found in slower eddies and pools.	None due to lack of suitable habitat. There is designated critical habitat approximately 60 miles to the NW, on the Colorado River.
Razorback Sucker (<i>Xyrauchen texanus</i>)	Endangered	N/A	Large rivers four to ten feet deep with strong current and backwaters; also off-stream impoundments and reservoirs.	None due to lack of suitable habitat. There is designated critical habitat approximately 35 miles to the NE, on the Gunnison River.
Insects				
Monarch Butterfly (<i>Danaus plexippus</i>)	Proposed Threatened	N/A	During the breeding season, monarchs lay their eggs on their obligate milkweed host plant (primarily <i>Asclepias</i> spp.).	Milkweed was not observed during the baseline studies. It is possible that milkweed could be in the mesic areas of the permit, which have not been disturbed.
Silverspot (<i>Speyeria nokomis nokomis</i>)	Proposed Threatened	N/A	Occurs in permanent spring-fed meadows, seeps, marshes, and boggy streamside meadows.	None due to lack of suitable habitat and absence of the host plant (<i>Viola nephrophylla</i> / <i>V. sororia</i> var. <i>affinis</i> [bog violet]).

Sources: Colorado Natural Heritage Program County Tracking Lists (downloaded December 2024); and US Fish and Wildlife Service Information for Planning and Consultation (IPaC) Query (completed December 2024).

Reclamation Plan

Introduction

This section describes the reclamation plan for the New Horizon North (NHN) Mine.

Section 2.05.4(2)(a) Reclamation Time Table

Table 2.05.4(2)(a)-1 presents the remaining reclamation time table. Historical details of this backfilling and grading are provided in Section 2.05.4(2)(c), topsoiling is described in Section 2.05.4(2)(d), and revegetated is discussed in Section 2.05.4(2)(e).

Section 2.05.4(2)(b) Performance Bond for Mine Reclamation

Please see Section 3.02.2 for the current bond liability.

Section 2.05.4(2)(c) Backfilling and Grading

Please see a separate section devoted to this topic.

Section 2.05.4(2)(d) Topsoil Redistribution

Please see a separate section devoted to this topic

Section 2.05.4(2)(e) Revegetation

Please see a separate section devoted to this topic

Section 2.05.4(2)(f) Disposal of Debris and Materials Constituting Fire Hazards

Please see a separate section devoted to this topic

Section 2.05.4(2)(f) Air Pollution Control and Water Discharge Permits

A copy of the most recently approved air pollution control permit is included in Appendix 2.05.6(1)-1. A copy of the water discharge permit is on file at the New Horizon Mine office and available for review at the Division's request.

**Table 2.05.4(2)(a)-1
Reclamation Time Table**

Activity	Year
All disturbed areas have been reclaimed as of end of year 2023	

Determination of Bond Amount - Reclamation Cost Estimate (RCE)

The reclamation cost estimate (RCE) for the New Horizon North Mine is calculated by the Colorado Division of Reclamation Mining and Safety. In accordance with Rule 2.05.4(2)(b), the RCE for the permit term is attached below.

COST SUMMARY WORK

Task description: Site Wide Reclamation Cost Estimate MT-3

Site: New Horizon North Mine

Permit Action: MT3

Permit/Job#: C2010089

PROJECT IDENTIFICATION

Task #: 000

State: Colorado

Abbreviation: None

Date: 12/6/2024

County: Montrose

Filename: C089-000

User: CCW

Agency or organization name: DRMS

TASK LIST (DIRECT COSTS)

Task	Description	Form Used	Fleet Size	Task Hours	Cost
004	Regrade Facilities Area (Post SL-4 40% Remaining)	DOZER	2	3.90	\$6,711
010	Rip Facilities Area (Post SL-4 40% Remaining)	RIPPER	2	2.30	\$4,171
020	Regrade East Coal Gate Rd (Post SL-4 40% Remaining)	DOZER	2	0.28	\$478
022	Regrade South Access Road (Post SL-4 40% Remaining)	DOZER	1	0.67	\$574
031	Finish Grade Facilities Area (Post SL-4 40% Remaining)	GRADER	1	2.00	\$496
040	Regrade Pond NHN-001 (Post SL-4 40% Remaining)	DOZER	1	11.92	\$5,688
041	Regrade Pond NHN-002 (Post SL-4 40% Remaining)	DOZER	1	16.02	\$7,646
043	Regrade Ditch NHN-001 East (Post SL-4 40% Remaining)	DOZER	1	2.19	\$1,046
044	Regrade Ditch NHN-001 West (Post SL-4 40% Remaining)	DOZER	1	0.55	\$262
059	Replace Topsoil from Stockpile to Facilities Area	TRUCK1	1	4.75	\$11,947
060	Replace Topsoil from Stockpile to Topsoil Stockpile Area	DOZER	2	2.05	\$3,523
066	Replace Topsoil from Stockpile to Pond NHN-001 and Ditches	TRUCK1	1	5.31	\$13,365
067	Replace Topsoil from Stockpile to Pond NHN-002 and Ditches	TRUCK1	1	2.94	\$8,493
075	Reseed DP with Dryland Mix #8 not PII released	REVEGE	1	5.80	\$2,385
075II	Reseed DP with Dryland Mix #8 PII released	REVEGE	1	26.70	\$10,979
076	resed 88.3 acres Irrigated Pasture Mix #5 PII approved	REVEGE	1	88.00	\$41,973
077	Seed areas in long term facil. Dryland mix 8(2021 ARR)	REVEGE	1	42.00	\$22,597
089	Weed Spraying 5 ac/yr X 5 yr	REVEGE	1	25.00	\$4,006
095	Demolish and Remove All Structures	DEMOLISH	1	32.00	\$25,376
100	Plug and Seal All Monitoring Wells	BOREHOLE	1	36.00	\$3,797
105	Clean Sediment Ponds (Post SL-4 40% Remaining)	TRUCK1	1	38.16	\$26,455
106	Site Maintenance Over Liability Period (5 more years)	SITEMAINT ENANCE	1	100.00	\$45,623
110	Mobilize/Demobilize Equipment for Initial Reclamation	MOBILIZE	1	11.77	\$11,963

111	Mobilize/Demobilize Equipment for Pond Cleaning	MOBILIZE	1	8.22	\$3,860
112	Mobilize/Demobilize Equipment for Site Maintenance	MOBILIZE	1	8.22	\$36,714
113	Mobilize/Demobilize Equipment for Pond Removal	MOBILIZE	1	8.22	\$4,272
<u>SUBTOTALS:</u>				484.97	\$304,400

INDIRECT COSTS**OVERHEAD AND PROFIT:**

Liability insurance:	2.02	Total =	\$6,149
Performance bond:	1.05	Total =	\$3,196
Job superintendent:	242.49	Total =	\$19,222
Profit:	10.00	Total =	\$30,440
		TOTAL O & P =	\$59,007
		CONTRACT AMOUNT (direct + O & P) =	\$363,407

LEGAL - ENGINEERING - PROJECT MANAGEMENT:

Financial warranty processing (legal/related costs):	\$500	Total =	\$500
Engineering work and/or contract/bid preparation:	6.59	Total =	\$23,949
Reclamation management and/or administration:	4.89		\$17,771

CONTINGENCY: 0.00 Total = \$0

TOTAL INDIRECT COST = \$101,226

TOTAL BOND AMOUNT (direct + indirect) = \$405,626