




COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY COAL PROGRAM INSPECTION REPORT



PERMIT INFORMATION

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| Permit Number: C-1981-019 Mine Name: Colowyo Coal Mine Operator: Colowyo Coal Company L.P. Operator Address: Mr. Tony Tennyson 5731 State Highway 13 Meeker, CO 81641 | County: Moffat, Rio Blanco Operation Type: Surface Permit Status: Active Ownership: Federal |
| Operator Representative Present: Tony Tennyson | |
| Operator Representative Signature: (Field Issuance Only) | |

INSPECTION INFORMATION

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| Inspection Start Date: October 10, 2012 Inspection Start Time: 07:45 Inspection End Date: Inspection End Time: | Inspection Type: Coal Partial Inspection Inspection Reason: Normal I&E Program Weather: Clear |
| Joint Inspection Agency: None | Joint Inspection Contacts: |
| Post Inspection Agency: None | Post Inspection Contacts: |
| Inspector(s): Robert D. Zuber | Inspector's Signature:  Signature Date: 10/16/2012 |

Inspection Topic Summary

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

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|------------------------------------|-------------------------------------|
| N - Air Resource Protection | N - Roads |
| N - Availability of Records | R - Reclamation Success |
| R - Backfill & Grading | N - Revegetation |
| N - Excess Spoil and Dev. Waste | NA - Subsidence |
| N - Explosives | N - Slides and Other Damage |
| N - Fish & Wildlife | N - Support Facilities On-site |
| R - Hydrologic Balance | N - Signs and Markers |
| R - Gen. Compliance With Mine Plan | NA - Support Facilities Not On-site |
| N - Other | NA - Special Categories Of Mining |
| NA - Processing Waste | R - Topsoil |

COMMENTS

Rob Zuber of DRMS conducted the partial inspection. A portion of the inspection activities were follow-up to the SL-06 bond release inspection of August 8, 2012. Tony Tennyson of Colowyo also participated in the inspection. The ground was dry. The weather was warm; no precipitation was experienced.

BACKFILL and GRADING – Rule 4.14 □ Contemporaneous Reclamation 4.14.1; Approximate Original Contour 4.14.2; Highwall Elimination 4.14.1(2)(f); Steep Slopes 4.14.2, 4.27; Handling of Acid and Toxic Materials 4.14.3; Stabilization of Rills and Gullies 4.14.6:

In the East Pit (EP056 and EP051), equipment was completing the grading of the north facing slope.

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:

The following ponds were inspected: Gulch A, Stoker Siding, Prospect, Gossard, West Pit, and Work Area. Stoker Siding was barely discharging. The discharge water was clear. Gulch A and West Pit were completely dry, and the Work Area Pond was almost completely dry. No problems were identified with embankments, spillways, or other aspects of the ponds.

Other observations concerning the ponds:

- Below the flume at Stoker Siding, cattails have been removed.
- Prospect Pond requires more cleaning and should be surveyed. The embankment needs to be seeded (this is planned for the autumn of 2012).

The EP2 Pond has been excavated, and rocks will be added in the near future per Tony Tennyson. The channel below the pond has been constructed.

The recent maintenance in Prospect Ditch was closely inspected and no significant problems were observed. The

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ditch was graded and erosion matting and straw booms (aka wattles) were placed in the channel. Generally dimensions: 12-foot bottom, flat slopes, and a depth of 3 feet. Seeding is planned for this autumn, and some vegetation is already growing. The 15 booms are approximately 30 feet long and 10 feet apart; they require maintenance as some of them were not staked down in some areas. The channel still contains large boulders and should be continually observed for erosion problems.

Also in Prospect Ditch, above PD1 Pond, rock should be broken and moved to the center of the channel.

The reach of the NTEP Ditch below NTEP1 Pond was inspected as part of the follow-up for SL-06. The reach in question contains significant riprap (D50 of approximately 12 inches) in some locations and is vegetated in areas where the riprap is sparse. Below the reach that was targeted for inspection the riprap coverage is very good.

Taylor Ditch was inspected as part of the follow-up for SL-06. At the upper end of the ditch, riprap looks good as the rock has been broken and spread across the channel. No maintenance was performed near the bottom of the channel; per Tony Tennyson, the SEDCAD for this reach has been altered.

Taylor Tributary Ditch was inspected as part of the follow-up for SL-06 and appears to be stable. The channel contains riprap and well established vegetation.

A contour ditch near Taylor Ditch (to the north) has been staked out and will be constructed soon per Tony Tennyson.

GENERAL MINE PLAN COMPLIANCE:

The mine was found to be in general compliance with the permit.

RECLAMATION SUCCESS - Rule 4.15, Rule 3:

Some houndstongue was seen in the Prospect Ditch area (near recent maintenance).

TOPSOIL – Rule 4.06□ Removal 4.06.2; Substitute Materials 4.06.4(4); Storage and Protection 4.06.3; Redistribution 4.06.4:

Topsoil was staged to be spread in EP056 and EP051.

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ENFORCEMENT ACTIONS/COMPLIANCE

No enforcement actions were taken as a result of this inspection, and none are pending.

PHOTOGRAPHS



East Pit Reclamation (hole was filled by dozer minutes after photo was taken)

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EP2 Pond – after excavation and before final rock placement



NTEP Ditch – area where additional rock may be needed (pending review of SEDCAD)

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NTEP Ditch – area where riprap coverage is good (below previous photo)



Prospect Ditch – recently graded reach, will be seeded in near future

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Prospect Ditch – reach where recent maintenance has been performed



Prospect Ditch – large boulders where recent maintenance has been performed

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Taylor Ditch – reach where recent maintenance has been performed



Taylor Tributary Ditch

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Prospect Pond – recent cleaning of pond (more may be needed)



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