




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



PERMIT INFORMATION

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| Permit Number: C-1982-056 Mine Name: Foidel Creek Mine Operator: Twentymile Coal, LLC Operator Address: Mr Jerry Nettleton 29515 Routt County Road No. 27 Oak Creek, CO 80467 | County: Routt Operation Type: Underground Permit Status: Active Ownership: Federal |
| | Operator Representative Present: Jerry Nettleton |
| Operator Representative Signature: (Field Issuance Only) | |

INSPECTION INFORMATION

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| Inspection Start Date: May 29, 2013 Inspection Start Time: 09:00 Inspection End Date: May 29, 2013 Inspection End Time: 12:45 | Inspection Type: Coal Partial Inspection Inspection Reason: Surety Release Requested Weather: Raining |
| Joint Inspection Agency: None | Joint Inspection Contacts: |
| Post Inspection Agency: None | Post Inspection Contacts: |
| Inspector(s): Jason D. Musick | Inspector's Signature:  Signature Date: |

| Inspection Topic Summary | |
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| NOTE: Y=Inspected N=Not Inspected R=Comments Noted V=Violation Issued NA=Not Applicable | |
| N - Air Resource Protection N - Availability of Records R - Backfill & Grading NA - Excess Spoil and Dev. Waste NA - Explosives N - Fish & Wildlife R - Hydrologic Balance Y - Gen. Compliance With Mine Plan N - Other NA - Processing Waste | N - Roads R - Reclamation Success R - Revegetation NA - Subsidence NA - Slides and Other Damage NA - Support Facilities On-site R - Signs and Markers NA - Support Facilities Not On-site NA - Special Categories Of Mining R - Topsoil |

COMMENTS

This was a partial coal inspection conducted by Jason Musick of the Colorado Division of Reclamation, Mining, and Safety (Division) on 29 May 2013. The purpose of this inspection was to evaluate the on-the-ground condition with respect to Foidel Creek Mine's Phase I bond release application SL-01, in accordance with Rule 3.03.2(2). Spencer Shumate of OSM, Jennifer Maiolo of BLM, and Jerry Nettleton of Twentymile Coal accompanied the inspection. The weather was cloudy with a slight precipitation and the ground was wet during the on-the-ground inspection of the site. All areas to be inspected were accessible and visible.

Lands requested for liability release under SL-01 include 14.3 acres of land reclaimed during 2009 and 2012. Surface land ownership is private and State. Sub-surface ownership is Federal. Representatives from the Office of Surface Mining and the Bureau of Land Management accompanied the inspection. Philip Courtney, Colorado State Land Board Representative, was notified of the inspection and declined to attend.

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 order to determine compliance with Foidel Creek Mine's backfilling and grading to meet the approximate original contour for SL-1, random GPS points were collected at various contour elevations utilizing a Trimble Yuma. The points collected at the site were downloaded from the Trimble into Pathfinder office and converted into a point shapefile to utilize in ArcGIS. The points collected were compared with the approved postmining topography for the requested bond release areas of the EMD vent shaft, 18RT vent shaft, and the Fish Creek Tipple.

Elevation data, using the Trimble Yuma is not exact. The main purpose of the elevation collection was to determine if the elevation data showed any anomalies such as drastic elevation changes or fluctuations in elevation. All elevation points were ~20' lower than the elevation from the base points. Given the inexact elevation data collection of the Trimble Yuma, this difference in elevation is acceptable. Furthermore, Foidel Creek Mine's backfilling and grading was consistent with the elevations approved in the Post Mining Topography.

Number of Partial Inspection this Fiscal Year: 8

Number of Complete Inspections this Fiscal Year: 4

The backfilling and grading blended with the surrounding landscape and no problems were noted.

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;

A criteria for Phase 1 bond release under 3.03.1(2)(a) is successfully completion of backfilling, regrading, and drainage control in accordance with the approved reclamation plan. Each of the four sites requested have achieved drainage control based on the on-the-ground inspection of the site. No problems were noted during the inspection of the site, with the exception of the following:

- The west side of the Fish creek Tipple pad outslope above the containment ditch displayed small rills throughout. These rills are not substantial, but will require monitoring and maintenance if additional down-cutting is observed.
- The outslope of the Fish Creek Tipple pad above the Fish Creek Tipple Sedimentation Pond displayed minimal rills.
- The two erosion control fabric lined ditches to the east and the west of the FCT Pond were stable. Heavy sediment buildup at the outlets of these established ditches was observed. This sediment build-up is expected due to the recent reclamation of the site. The FCT Pond was discharging at the time of the inspection and both the water in the pond and the discharge was clear at the time of the inspection.
- The end of the 19RT access road onto the 19RT pad displayed evidence of run-off and a small gully forming. This erosion has yet to extend to past the turnaround area and onto the reclamation.

RECLAMATION SUCCESS - Rule 4.15, Rule 3:

In terms of meeting the criteria for Phase I bond release, the reclaimed areas at the Foidel Creek Mine were acceptable. Reclamation, in terms of backfilling, grading, and drainage control was in compliance with the approved reclamation plan at the time of the inspection.

Based on the inspection, the areas of the Fish Creek Tipple, EMD Vent Shaft, 18 Right Vent Shaft and the Topsoil Stockpile Footprint have achieved successful reclamation to meet Phase 1 bond release criteria.

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EMD Vent Shaft Pad Site



Fish Creek Tipple West Collection Ditch



Fish Creek Tipple Pond



Fish Creek Tipple Pad

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Fish Creek Tipple Pond



Fish Creek Tipple Lined Drainage



Fish Creek Tipple Drainage to Pond



Fish Creek Tipple Drainage Outlet to Pond



18 Right Vent Shaft Pad Sediment Sump



18 Right Vent Shaft Pad

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Topsoil Stockpile Footprint



Area of "Brown Palace"

REVEGETATION – Rule 4.15 Vegetative Cover; Timing:

Although not a criterion for Phase 1 bond release, all requested bond release sites have been reseeded with the exception of the "Brown Palace" location. All sites displayed good vegetation establishment with no problems noted, with the exception of the following:

- The Fish Creek Tipple reclamation will require inter-seeding on the recently repaired collection ditch.
- Whitetop, houndstongue rosettes, and thistle were starting to establish at the reclaimed topsoil footprint and the Fish Creek Tipple Pad.

SIGNS AND MARKERS – Rule 4.02:

Disturb area markers were in place at the 18RT reclamation area.

- Disturbance area markers are needed at the Fish Creek Tipple and the EMD Vent Shaft pad site.

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

Although not a criteria for Phase 1 bond release, all requested sites have had topsoil replaced and seeded with the exception of the "Brown Palace" location. Topsoil depths were not verified during this inspection as depths were measured previously. Records are available at the Division offices and at the Foidel Creek Mine site. No problems were noted with topsoil at the time of the inspection.

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ENFORCEMENT ACTIONS/COMPLIANCE

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

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