



## **SPECIAL USE PERMIT**

Routt County, Colorado

**Permit No.** PL20230083

**Project Name:** Stoker Haul Road - Renwal

**Permittee:** Peabody Energy

**Address:** 29515 County Road 27 Oak Creek, CO 80467

**Type of Use:** Haul Road Renewal

**Location/Legal Description:** County Road 27 from Foidel Creek Mine to US 40

**Period of Permit:** 1/1/2024 to 12/31/2028 (5 years)

**Director Approval Date:** November 15, 2023

### **Conditions of Approval:**

#### **General Conditions:**

1. The SUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 4, 5, 6 and 9.
2. The SUP is limited to uses and facilities presented in the approved project plan. Any additional uses or facilities must be applied for in a new or amended application. Minor amendments may be approved by the Planning Director subject to Section 3.2.10 of the Zoning Regulations.
3. Any complaints or concerns which may arise from this operation may be cause for review of the SUP, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
4. In the event that Routt County commences an action to enforce or interpret this SUP, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
5. This permit is contingent upon any required federal, state, and local permits being obtained and complied with. Copies of permits or letters of approval shall be submitted to the Routt County Planning Department prior to operations. The operation shall comply with all Federal, State and local laws.
6. Prior to the issuance of the permit, the permittee shall provide evidence of liability insurance in compliance with the County's Insurance and Surety Requirements policy then in effect. The certificate of insurance shall include all permit numbers associated with the activity and Routt County shall be named as an additional insured. Permittee shall notify the Routt County Planning Department of any claims made against the policy.
7. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.

8. Permits will be assessed an Annual Fee in accordance with the Fee Schedule in Appendix B of the Routt County Zoning Regulations.
9. Transfer of this SUP may occur only after a statement has been filed with the Planning Director by the transferee guaranteeing that they will comply with the terms and conditions of the permit. If the transferee is not the landowner of the permitted area, the transferee shall submit written consent to the transfer by the landowner. Failure to receive approval for the transfer shall constitute sufficient cause for revocation of the permit if the subject property is transferred. Bonds, insurance certificates or other security required in the permit shall also be filed with the Planning Director by the transferee to assure the work will be completed as specified. Any proposal to change the terms and conditions of a permit shall require a new permit.
10. The permittee shall prevent the spread of weeds to surrounding lands, and comply with the most current version of the Colorado Noxious Weed Act and Routt County regulations for noxious weeds. A weed mitigation plan shall be developed by the Permittee and reviewed and approved by the Weed Supervisor prior to issuance of the Special Use Permit.

Specific Conditions:

10. This permit is intended to replace SUP No. PL-18-198. Until such time as this permit has been issued that permit shall remain in full force and effect. SUP No. PL-18-198 shall expire at such time this permit is issued.
11. The Special Use Permit is valid until December 31, 2028 provided it is acted upon within one year of approval.
12. If no complaints or concerns are identified, this permit may be renewed administratively.
13. This SUP allows for the hauling of up to a maximum average of 500,000 tons of coal annually from Twentymile Coal to US Highway 40. This permit does not cover hauling to the Hayden Power Plant and, if such is desired, another SUP will be required.
14. The total trips per day, averaged monthly, shall not exceed a maximum of fifty-five (55). If the number of round trips exceed sixty (60) in any 24-hour period, Twentymile Coal Company shall contact the Routt County Planning Director for administrative approval.
15. Permittee shall submit to the Planning Department a report of tonnage hauled under this permit annually.

Road Conditions:

16. When bussing of students on regularly scheduled routes on County Road 27 becomes necessary, the hauling of coal during school bus hours shall not occur until negotiated and agreed upon by the permittee and the Hayden School District, and approved by the Planning Director, as to safety measures to be taken.
17. Hauling is limited to the use of up to 35 ton capacity trucks. Permittee shall obtain any required over-length and over-weight permits from the Routt County Road and Bridge Department prior to hauling.
18. Routt County has the authority to close any county road at its sole discretion if damage to the road may occur by its use. To the extent that a road closure may affect permittee's operations, Routt County will cooperate with permittee to allow operations to be continued in a safe and practicable stopping point, and/or to jointly develop a solution that will address continuation of operations and any associated issues related to the road.
19. All trucks will be covered and follow posted speed limits. All trucks shall be equipped with speed-monitoring technology to ensure that posted speed limits are followed. Violations of the covered load and speed limit requirements by trucks subject to this permit will be reported to the County by the permittee, which may cause the review and amendment or revocation of the SUP for this use.
20. Permittee shall be required to pay for ongoing road maintenance and repair, including semi-annual striping of the road, and will share in the cost of road maintenance based on the previous year's actual truck usage and tonnage hauled of all outstanding Special Use Permits for hauling on County Road 27. Routt County Road and Bridge Director shall determine requirements for timing and method of payment.
21. Permittee shall be responsible for any additional winter maintenance and other regular road maintenance desired by the County, and shall obtain all necessary permits and agreements to do so. At a minimum, this will include responsibility for road maintenance between 6 p.m. and 6 a.m.

The permittee may be required to enter into a supplemental road maintenance agreement with the County to satisfy this condition.

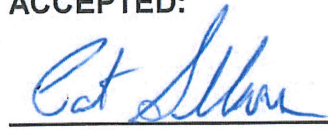
22. Permittee shall communicate and resolve issues with the repair and clean-up of any spill or damage in a timely manner in agreement with affected parties. Any spill or road damage shall be reported to the Routt County Road and Bridge Department within three days of occurrence.
23. Any accidents or citations involving trucks covered by this permit shall be reported to the Routt County Planning Department within 3 days.
24. All trucks shall be equipped with Best Available Technologies for muffling of noise from engine brakes. All such equipment shall be maintained in good working order.
25. All tractors and trailers will be clearly numbered for easy identification. At a minimum, the tractors shall be numbered on both sides, and the trailers shall be numbered on both sides and the back.
26. Routt County roads affected by this SUP will be inspected by the Routt County Road and Bridge Department at intervals determined by same. Any road damage repair or maintenance needs above and beyond typical maintenance, attributable to this use, shall be made by the County, or a third-party contractor as selected by the Routt County Road and Bridge Department and on a schedule determined by same. Road and Bridge shall inform Permittee of such maintenance or repair activities prior to work being performed. Permittee shall solely bear the costs of repairs.
27. Permittee shall maintain access roads affected by this SUP during the life of the Operations. Maintenance may include grading and graveling or paving roadways, sweeping or cleaning access points, and application of a dust palliative as approved by the Routt County Road and Bridge Director and RCDEH.
28. Routt County roads shall not be completely blocked at any time. If traffic regulation is deemed necessary, the Permittee shall notify the Routt County Road and Bridge Director, or designee thereof, in advance (if possible), who may then require:
  - a. The Permittee or Permittee's contractor/sub-contractor to place traffic control signage along access routes and at intersections as specified by the Routt County Road and Bridge Director and at Permittee's expense; and types and placement of signs shall be in conformance with the MUTCD.

Flaggers to be placed at the intersections of affected county roads as specified by the Routt County Road and Bridge Director and at Permittee's expense.

**Permit Issued by the Routt County Planning Director:**

 11/29/23  
Kristy Winser, Planning Director Date

**ACCEPTED:**

 11/29/23  
Permittee Date

Printed Name: PAT SOLLARS

Title: GENERAL MANAGER

