

Special Use Permit

Permit No. TPL-21-160

Project Name: Twentymile 18 Left and 7 East Boreholes

Permittee: Twentymile Coal, LLC

Property Owner: CHANCE REVOCABLE LIVING TRUST 7/13/16
and SAGE CREEK LAND & RESERVES, LLC

Type of Use: Special Use Permit - Amendment

Property Address: 30779 COUNTY ROAD 33, ROUTT, CO 80467

Legal Description: ALL IN 5-87: S2SE4, SE4SW4 SEC 16; NE4,
NE4SW4 SEC 21; W2, SE4, SW4NE4, TRS IN
NW4NE4, NE4NE4, SE4NE4 ALL LYING W OF
ROW FOR CO RD 27 SEC 22; SW4SW4, TRS IN
SW4NW4, NW4SW4, SE4SW4, SE4SW4 ALL
LYING W OF ROW ON CO RD 27 SEC 23; NW4,
N2SW4, TRS IN NW4NE4, S
SW4NE4,S2NW4,N2SW4 SEC 15-5-86
ALL SEC 16-5-86
TOTAL 840A

Expiration Date: August 26, 2024

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. No junk, trash, or inoperative vehicles shall be stored on the property.
6. This approval is contingent upon all required federal, state and local permits being obtained and complied with; the operation shall comply with all federal, state and local laws. Copies of permits or letters of approval shall be submitted to the Routt County Planning Department prior to operation.
7. Fuel, flammable materials, and hazardous materials shall be kept in a safe area and shall be stored in accordance with state and local environmental requirements. Any spills of fuels or hazardous materials shall be reported to the Routt County Planning Department within three days of occurrence.
8. All exterior lighting shall be downcast and opaquely shielded.
9. 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.
10. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
11. 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 transferee is not the landowner of the permitted area, 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.
12. The Permittee shall prevent the spread of weeds to surrounding lands, and comply with the Colorado Noxious Weed Act as amended in 2013 and Routt County noxious weed management plan. 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.
13. Any land survey monuments shall be recorded in the Colorado Land Survey Monument Records prior to commencement of mining, and if removed, shall be replaced following reclamation.
14. Copies of all financial guarantees related to the project shall be submitted to the Planning Director prior to issuance of the Special Use Permit. The Board of County Commissioners may require a financial performance guarantee to insure restoration of the site and access

roads and compliance with other conditions of this permit. The County will not require financial guarantees that are duplicative of that required by the State.

Specific Conditions:**15. Approved surface facilities include:**

- Mine portal, offices, stockpiles and railroad track (intersection of CR 27 and CR 33)
- Fish Creek De-Watering Borehole and water treatment
- Northern Mining District Power Borehole and power line
- NW Main vent shaft and fan
- 18 Right air inlet shaft (shaft and pad has been reclaimed)
- 6 Main North air intake shaft, 69kV power line and associated facilities
- Two (2) 18 Left ventilation shafts, vent fan, and 69kV power line
- 10 Right De-Watering Borehole
- 15 Left vent shaft
- 16 Left utility borehole
- 5 Main North Cement Borehole
- 10 East Emergency Borehole
- 13 Left Outby Borehole
- 9 East Borehole and power line
- SWMD Thickener Underflow Borehole and Pipeline
- 12-Left Thickener Underflow Boreholes and Pipelines
- 14-Left and 15-Left Thickener Underflow Boreholes and Pipeline
- 7-East Borehole and 18-Left Borehole and Pipeline

16. The SUP is valid until August 26, 2024 provided it is acted upon within one year of approval.

17. The 7-East and 18-Left boreholes and pipelines shall be constructed within two years of approval. The approval date for this amendment (PL-21-160) is September 22, 2021.

18. The operation will be reviewed in accordance with the Planning Department inspection schedule to ensure compliance with permit conditions, with recommendations to Planning Commission as appropriate.

19. Any revisions to the CDRMS permit must be submitted to the Planning Director for review and may be cause for a review of the SUP.

20. The permittee shall apply for and receive a Mined Land Reclamation Board permit and post a reclamation bond with the MLRB prior to commencing any operations. The permittee shall be responsible for reclamation as set forth by the Colorado Mined Land Reclamation Regulations. The permittee will provide Routt County Planning Department with a copy of the State of Colorado Division of Reclamation, Mining, and Safety (CDRMS) bond prior to issuance of the Special Use Permit.

21. All surface facilities associated with the Twentymile Coal (TC) Foidel Creek Mine, including power lines, roads, poles, and buildings, shall be removed, and any disturbed areas re-vegetated prior to closure of the mine, unless approved in conjunction with a post-mine land use.

22. The reclamation shall use a seed mix approved by the State and/or landowner, include primarily native grasses, forbs, and shrubs, and any non-native species will be limited to recognized adaptive beneficial species that support the approved reclamation objectives and postmining land use(s), subject to review and consultation with the Natural Resource Conservation Service.
23. The operation shall meet or exceed accepted industry standards and Best Management Practices. The permittee shall employ the most up-to-date technologies and equipment available for noise abatement for all ventilation fan and exhaust blower installations within the permit boundary.
24. Noise from all on-site sources shall be in compliance with the performance standards in the State noise statute (C. R. S. 25-12-101 and 103). Violations of performance standards shall be enforceable by the Routt County Environmental Health Department and may be cause for a review of the SUP by Planning Commission and/or the Board of County Commissioners.
25. The silencers on all ventilator fans shall be cleaned as necessary to mitigate noise impacts. The Planning Administrator may require additional cleaning as necessary to mitigate noise concerns.
26. The color of exterior materials of all buildings and associated structures constructed after May 20, 2009 shall be compatible with the existing character of the site.
27. The building located on the west side of CR 27, immediately to the north of the trucking mine entrance shall be painted a neutral color as referenced in COA #27.
28. The SUP is contingent upon the permittee complying with the applicable requirements of Regulation III.D of the Colorado Air Quality Control Commission, as a minimum standard, with the following stipulations:
 - a. The operator shall establish a State approved fugitive dust plan for the operation. Periodic inspections by the County could then be used to determine compliance with the plan. The State opacity limit of 20% is incorporated as a requirement of the permit. Violations of compliance with this standard will be documented by a certified opacity reader.
 - b. The dust control plan shall be formulated by the petitioner in cooperation with the Planning staff, then forwarded to the Colorado Air Quality Control Division for final approval, and is subject to control and administration by Routt County Planning Department staff or Routt County Environmental Health staff.
 - c. The dust control plan can be amended by Planning Commission and the Board of County Commissioners, if necessary.
 - d. The dust control plan shall address site-specific issues of concern, such as the topsoil stockpiles and wind breaking. The slope of the stockpiles shall be contoured to a slope conducive to vegetative cover and revegetated within 6 months or the next growing season. Wind-breaking shall occur as necessary by placement of stockpiles or other material in a manner so as to prevent blowing of material from such piles. This condition will apply to stockpiles and any berms that may be developed.

- e. Inactive disturbed areas shall be stabilized with temporary vegetation to minimize dust and erosion within six months, or by the next growing season, whichever is sooner.
29. Permittee shall secure all necessary permits such as, but not limited to CDPHE-AEPN Air Emissions Permit, any applicable USACE permits, Routt County Grading and Excavating Permits, and Routt County Right of Way Permit(s).
30. This SUP does not include offsite transport of material from the site; transport is to be conducted by rail (no county SUP required) or via trucks as per the approved Stoker Coal Haul Permit (PL-18-198) and the Sage Creek Haul Permit (PL-16-63). The permittee shall apply for and receive a general transport SUP for any other hauling prior to conducting hauling not covered by the rail activity, Stoker Coal Haul permit, or Sage Creek Haul permit.
31. The Permittee shall be responsible for prompt repair and maintenance of any damage of RCR 27 related to permittee's activity including but not limited to:
- a. Routt County roads affected by this SUP will be inspected by the Routt County Road and Bridge Department at intervals determined by same. Any right-of-way or road damage repair or maintenance needs above and beyond typical maintenance, attributable to this use, shall be made by the county or third-party contractor as selected by the Routt County Road and Bridge Department and on a schedule determined by same. Permittee shall solely bear the costs of repairs.
 - b. Permittee shall follow the conditions of the RCR 27 and 33 Monitoring and Maintenance Plan first identified within PP2000-056 and is as follows:
 - i. Prior to longwall mining beneath Routt County Roads 27 and 33, subsidence monuments will be placed along the road above the gate roads and center of the panels. The monuments will be 6" to 12" spikes driven in the ground in the shoulder of the road. The monuments will be monitored on a quarterly basis while active longwall mining occurs. Once the panel has been mined and two monitoring sessions show no further movement, monitoring will be discontinued and the monuments will be removed. The County will be consulted as to the placement of the monuments within the right-of-way. The summarized data shall be submitted quarterly to the County Road & Bridge Director. If survey is not conducted by an independent, third party surveyor, upon review of the data, the Road & Bridge Director may request a confirmation survey by a third-party surveyor, to be paid for by the Permittee.
 - ii. Permittee shall maintain and relocate as needed the existing signs placed on RCR 27 and RCR 33 advising the traveling public that they will be entering a subsidence zone. Signs at a minimum include "Begin Subsidence Zone" and "Leaving Subsidence Zone" in each direction of travel placed in advance of the subsidence area. Signs shall be MUTCD (Manual on Uniform Traffic Control Devices) compliant.
 - iii. Permittee will have MUTCD compliant warning signs placed within the road right-of-way and spaced throughout the area to be subsided as needed to provide additional warning to road users such as "Road Damage".

- iv. Permittee shall, at its expense, fund any repair of damage to the road right-of-way resulting from its activities. Repairs shall be coordinated with County Road & Bridge Director, performed promptly, and conducted in accordance with Road & Bridge standards. Prior to any work, an approved County permit to work in the right-of-way shall be obtained. The Permittee may hire a contractor to conduct the work under a right-of-way permit or if acceptable to the County fund the work in conjunction with a County contract. During the active longwall mining, the roads will be inspected daily for evidence of surface cracking or other damage.
- 32. Permittee shall maintain access roads to minimize impacts to the County Road system during the life of the operations and to maintain on-site dust control. Maintenance may include sweeping or cleaning and/or repairing access points, and application of a dust palliative to private drive as approved by the Routt County Road and Bridge Director and Routt County Department of Environmental Health.
- 33. 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.
- 34. Routt County roads shall not be completely blocked at any time. If traffic regulation is deemed necessary, it shall be conducted in conformance with the Manual on Uniform Traffic Control at the permittee's expense and the permittee shall notify the Routt County Road and Bridge Director, or designee thereof, in advance to review and approve the proposed traffic control plan.
 - 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 Model Traffic Code.
 - b. 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.
- 35. Overweight and over length permits for vehicles shall be obtained from the Routt County Road and Bridge Director prior to the use of such vehicles.
- 36. The permittee shall obtain a Grading and Excavating Permit from the Routt County Road and Bridge Department for any new road construction and pad construction disturbing more than one (1) acre or three hundred (300) cubic yards of soil.
- 37. Access permits shall be obtained for all access roads to be built or improved which intersect Routt County roads.
- 38. All trucks and equipment accessing from CR27, CR 33 and CR 179, shall be able to exit, locate on private property and off of County road right of way before encountering a fence, gate or cattleguard. At a minimum, the distance from the County road right of way to any gate, fence or cattleguard shall be 1.5 times of the length of the longest vehicle.
- 39. Permittee shall submit the current CDRMS Annual Reclamation Report to the Planning Department within two weeks of the due date each year.

40. Permittee shall comply with the approved Stormwater Management Plan (SWMP). Permittee shall comply with all conditions of any applicable discharge permits and shall not permit drainage onto adjacent properties greater than historic flows thereon unless approved by the terms of any discharge permit or by separate agreement with affected property owners.
41. Construction activities shall not occur between March 15 – July 30 to limit impact to Columbian Sharp-tailed Grouse. It is recommended that maintenance activities occur outside of this timeframe as well. If maintenance activities are necessary during this timeframe, they should take place within the hours of 10:00 am – 4:00 pm.

ISSUED BY: The Routt County Board of County Commissioners

B. Melton

~~Timothy V. Corrigan, Chair~~

Beth Melton, Chair Pro-Tem

10/4/2021

Date

AMENDMENT ISSUED BY: Planning Director

Kristy Winsor

Kristy Winsor

10/4/21

Date

ACCEPTED:

Garth Allan

Permittee

9/29/21

Date