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# Twentymile Coal

## 18-Left and 7-East Boreholes and Pipeline

### Administrative Amendment

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**ACTIVITY #:** PL-21-160

**DIRECTOR DECISION:** August 23, 2021

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**PETITIONER:** Twentymile Coal, LLC

**PETITION:** Administrative amendment to PL-18-141 for 2 boreholes, pad construction, road construction, and associated work under *Mining, Resource Extraction, and accessory uses* in Section 4.19

**LOCATION:**

1. 18 Left - approximately 1.5 miles northwest of the intersection of CR 27 and CR 37
2. 7 East - approximately 1.5 miles north of the intersection of CR 27 and CR 33

**LEGAL:** Portions of Section 22 5N 87W, Portions of Sections 16 5N 86W (**this is for the individual pad and borehole sites, not entire mine permit boundary**)

**ZONE DISTRICT:** Agriculture/Forestry (A/F)

**STAFF CONTACT:** Alan Goldich

**ATTACHMENTS:**

- Narrative
- Vicinity map
- Referral comments

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#### History:

Underground mining of coal has been taking place at the Foidel Creek Mine since 1983. The main portal for the mine and the majority of the surface facilities are within the Mining (M) zone district. In 1984, a Special Use Permit was issued for mining and associated facilities outside of the Mining zone.

Twentymile Coal, LLC's SUP has been amended and extended several times since its initial issuance. The most recent amendments include:

- PP2000-056 Addition of Northern Mining District Powerborehole, electric line, expansion of mine, and 10-year extension
- PP2001-046 Addition of NW Main vent shaft and fan and permit underground discharge of wash plant slurry
- PP2004-033 Addition of 18 Right air inlet shaft and 10-year extension
- PP2004-068 Additional noise mitigation
- PP2005-026 Addition of 6 Main North air intake shaft, 69kV power line and associated facilities
- PP2009-008 SUP renewal and addition of two 18 Left ventilation shafts and a vent fan
- PP2009-029 Addition of a 69kV power line to 18 Left vent shaft
- PP2011-050 Addition of 15 Left vent shaft and 16 Left utility borehole
- PP2012-008 Amend wildlife timing restrictions
- PP2014-035 SUP renewal which expires August 26, 2024
- PP2014-061 Addition of the 5 Main North Cement Borehole
- PL-15-1018 Addition of the 10 East Emergency Borehole
- PL-15-1057 Addition of the 13 Left Outby Borehole
- PL-16-23 Addition of the 9 East Utility Borehole
- PL-16-64 Addition of the SWMD Thickener Underflow Borehole and Pipeline
- PL-17-120 Addition of the 1SW and 12-Left Thickener Underflow Boreholes and Pipeline
- PL-18-141 Addition of the 14-Left & 15-Left Thickener Underflow Boreholes and Pipeline

**Site Description:**

There are two sites associated with this application. The 7-East site is located north of the central mine facilities, off of the 6 Main North mine road. It is approximately 1.4 miles east of the 6MN pad which houses the mine's emergency evacuation shaft, rock dust tank, million gallon water tank connected to underground, mine heaters, nitrogen compressor building, and electrical substation. This site is in the bottom lands of Fish Creek. Immediately to the north of the site is a bluff that defines the creek bottom. The applicant has stated that the pad will be located outside of the 50' waterbody setback. There are no residences within two miles of the pad site.

The 18-Left site is located to the west of County Road 27. Access will be via a newly constructed road that comes off of the existing road used to access the 16-Left pad and borehole. The site will be briefly visible from CR 27. Immediately to the south of the pad location is a hill. The pad will be built into this hill limiting any noise or visual impacts to properties to the south of the site. The site consists mainly of rangeland vegetation. The 18-Left site is near a drainage that flows from the mountains to the west of the site. The applicant has stated that this drainage does not run for 90 continuous days, therefore it is not considered a Waterbody. Even if it were, the pad will be located outside of the 50' waterbody setback. Two residences are located within 1.5 miles. Both of them are located to the south of the site.

**Project Description:****7-East:**

The 7-East borehole will be drilled to a depth of approximately 1,550' into the mine workings. Approximately 6,300' of road will be needed to access this pad. Of this, approximately 3,500' is existing ranch road that will be improved. An additional 2,800' of new road will be constructed. The access crosses Fish Creek at an existing crossing. This crossing will not be expanded, only built up to provide the structural integrity needed for access. The pad for this borehole will have

maximum dimensions of 450' x 450'. The boreholes will be drilled to a diameter of 14" (surface casing) and then 9" (borehole casing). This borehole will be used to pump grout and rock dust into the current mining area. The grout will be used to stabilize cross entries in the longwall panel. A temporary cement plant will be set up on this pad site for the one month duration of the project. The cement plant will have a foot print of approximately 100'x150' and will most likely consist of the mixing plant and 4 material silos. Construction is expected to occur during the winter so a temporary tent will be erected to cover the sand piles and cement plant.

Equipment used to drill the hole includes a rotary drill rig, water trucks, pipe trucks, pickup trucks, and miscellaneous support trucks. The application materials state that the pad and road will be located on a low gradient side hill, so upgradient drainage will be limited. A diversion ditch will be constructed to route upgradient drainage around the pad. Also BMP's including rock check dams, silt fence, straw bales, and the limited pad size will help reduce water pollution. Drilling is proposed to occur 24 hours a day in case this is needed to complete the project within the identified timeframe.

**18-Left:****Borehole:**

The 18-Left borehole will be drilled to a depth of approximately 1,645' into the sealed mine workings. Approximately 2,100' of light duty access road will be constructed. The pad for this borehole will have maximum dimensions of 175 x 200'. The dimension of the pad may change to avoid the 50' waterbody setback. The boreholes will be drilled to a diameter of 18" (surface casing) and then 12" (borehole casing). A large pump will be placed at the bottom of the borehole and will be used to pump water out of this location to other locations of the mine. Overhead power will be run to power the pump. A small Conex building with a footprint of 20'x8' and 9' tall will house the electrical controls for the pump. It will be tan or gray.

Equipment used to drill the hole includes a rotary drill rig, water trucks, pipe trucks, pickup trucks, and miscellaneous support trucks. The application materials state that the pad and road will be located on a low gradient side hill, so upgradient drainage will be limited. A diversion ditch will be constructed to route upgradient drainage around the pad. Also BMP's including rock check dams, silt fence, straw bales, and the limited pad size will help reduce water pollution. Drilling is proposed to occur 24 hours a day.

**Pipeline:**

Approximately 1,710' of new pipeline will be constructed that will feed into an existing water line. Construction will consist of the removal and windrowing soil materials for the 40 foot wide pipeline construction area. Areas will then be trenched, bedding material put down, placement of the line, regrading, and reclamation of the area. Disturbance will be progressively reclaimed. The pipeline will be HDPE pipe with an 12" pipe. Access/Inspection manholes will be installed. Final reclamation of the site will involve plugging and sealing the borehole, cutting the pipeline off below the ground, plugging the ends of the pipeline, removing the manholes, backfilling and grading the pipeline ends, manholes, pad and road, replacing soil, and reseeding.

**Staff Comments:**

- CPW stated that both of the new pads and boreholes are within 1.25 miles of multiple active or recently active Columbian Sharp-tailed Grouse leks. Time restrictions on construction and maintenance activities have been recommended by CPW. These recommendations are included as conditions of approval.
- All surface facilities previously approved have been or are under construction.

- Staff inspected the pad and access road for the 16-Left borehole. The pad and all disturbed areas were substantially weed free. The 6-Main North road was substantially weed free as well.
- During the site visit, staff observed a mine structure that was painted white. Condition of approval #27 requires all structures to be painted a neutral color. An additional condition (#28) is included to address this.

## Compliance with the Routt County Master Plan, Sub Area Plans and Zoning Resolution

The Routt County Master Plan, Sub Area plans and Zoning Resolution contain dozens of policies and regulations regarding land use. Section 5 of the regulations are designed to limit or eliminate conditions that could negatively impact the environment and/or use of surrounding properties, and shall apply in all Zone Districts and to all land uses unless otherwise noted. Section 6 Regulations apply to all Minor, Administrative, Conditional or Special uses allowed by permit only, PUD plans, Site plans, and Subdivisions. Section 9 Regulations apply to all mining operations and uses.

The following checklist was developed by Planning Staff to highlight the policies and regulations most directly applicable to this petition. The checklist is divided into seven (7) major categories:

1. Health, Safety and Nuisances
2. Regulations and Standards
3. Miscellaneous Mineral Extraction Regulations and Standards
4. Community Character and Visual Issues
5. Roads, Transportation and Site Design
6. Natural Environment
7. Mitigation

Interested parties are encouraged to review the Master Plan, Sub Area plans and Zoning Resolution to determine if there are other policies and regulations that may be applicable to the review of this petition.

Staff Comments are included at the end of each section, highlighting items where the public, referral agencies, or planning staff have expressed questions and/or comments regarding the proposal. **Staff comments regarding compliance with regulations and policies are noted in bold below.**

### Public Health, Safety and Nuisances

#### Applicable Regulations – Routt County Zoning Resolution

- 5.1.1 Every use shall be operated so that it does not pose a danger to public health, safety or welfare.
- 5.1.2 Every use shall be operated in conformance with all applicable federal, state and local regulations and standards. Failure to comply with any and all applicable federal, state and local regulations and standards may be cause for review and/or revocation of any Land Use Approval granted pursuant to these regulations.
- 6.1.7.C Natural Hazards

6.1.7.H Wildland Fire

6.1.7.I Noise

6.1.7.L Odors

6.1.7.M Vibration

9.2.D Shall be operated such that noise generated by the use does not exceed State of Colorado residential noise standards within 150 feet of any residence.

### **Applicable Policies – Routt County Master Plan**

7.3.C Routt County discourages mining that would cause significant health or safety problems to people.

7.3.D Routt County encourages mitigation of significant health and safety dangers resulting from proposed mines.

**Staff comments: This application does not appear to pose a danger or cause significant health or safety problems. A condition is suggested which requires conformance with federal, state and local laws. Both of the sites are located in areas mapped as a low wildfire probability. There may be some vibration and odors produced from the drill equipment but with the limited duration of activities, impacts from drilling should be minimal. Neither of the sites are mapped for any geological hazards.**

**There are no homes within 2 miles of the 7-East location. The 18-Left location is the closest to any residences. Both are within 1.5 miles south of the site. Since the pad will be built into the hillside that is on the south side of the location, this hill should buffer these residences from any noise or visual impact. Except for drilling operations, there should be no noise impacts from the permanent use of the site. If noise impacts are created, they will be limited to the drilling phase. CDRMS does not regulate noise so the general noise statute is what applies. The noise standard that applies to the construction of the pad, the drilling of the borehole, and the ongoing operations at the sites is the industrial standard, which has a maximum db level of 80. A condition of approval is suggested which address noise impacts.**

***\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No***

## **Regulations and Standards**

### **Applicable Regulations – Routt County Zoning Resolution**

5.2 Dimensional Standards:

6.1.2 The proposal shall be consistent with applicable Master Plans and sub-area plans.

6.1.5 The proposal shall meet or exceed accepted industry standards and Best Management Practices (BMP's).

9.2.G Shall provide liability insurance in compliance with the County's insurance and surety requirements policy then in effect, to cover any damages to public and private property.

9.2.K Routt County requires the use of the most recent technologically advanced and proven procedures and equipment to mitigate the significant negative impacts of mining operations and associated uses.

**Applicable Policies – Routt County Master Plan**

- 5.3.D Require Best Management Practices and grading plans and strongly discourage overlot grading.
- 7.3.P Routt County requires the use of the most technologically advanced procedures and equipment to mitigate the significant negative impacts of mining operations and associated uses.

**Staff comments:** Based on the drawings submitted and staff's site visit, both pads appear to be outside of the required setback from waterbodies. R&B verbally stated that they did not have any concerns with the location of these boreholes. The only permanent equipment that will remain on the surface is the overhead power line and a small connex box to house the electrical controls of the pump. The application appears to be in conformance with the Master Plan. The applicant has stated that BMPs will be utilized at this site. A reclamation plan has been submitted and is similar to previous plans that have been approved.

*\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

**Miscellaneous Mineral Extraction Regulations and Standards****Applicable Regulations – Routt County Zoning Resolution**

- 9.2.H Unless all disturbance created by the mining operation is covered by a reclamation bond under the jurisdiction of the Colorado Division of Minerals and Geology, or by the federal government on federally owned lands, a bond or other acceptable financial performance guarantee shall be submitted in favor of Routt County in an amount of at least 150 percent of the cost of restoration of the site and access roads. The required amount of such financial performance guarantee may be increased at the discretion of the Planning Director to account for inflation. A bid for site restoration acceptable to the permittee and Routt County shall be submitted to the Planning Department as evidence of the cost of reclamation for bond setting purposes.
- 9.2.I The Board of County Commissioners may require a financial performance guarantee in addition to that required by the State of Colorado to insure that certain conditions of a permit will be complied with. The required amount of such financial performance guarantees may be increased at the discretion of the Planning Director to account for inflation. The County will not require financial guarantees that are duplicative of that required by the State. Copies of all financial guarantees related to the project shall be submitted to the Planning Department prior to permit issuance; including but not limited to those required by the State, BLM, and Routt County.

**Applicable Policies – Routt County Master Plan**

- 7.3.E Where applicable, according to County, State and Federal regulations, Routt County encourages the surface and mineral right owners to come to an agreement for any proposed use prior to said use commencing.

**Staff comments:** The work associated with this application is covered through bonding with CDRMS. No additional bonding has been required for other projects of this type and is not suggested because of the bond that the State has for this mine. Camilletti & Sons is the landowner of one of the sites and a lease is in place. Chance Revocable Living Trust owns the other property and a Surface Use Agreement is in place.

*\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

## **Community Character and Visual Concerns**

### **Applicable Regulations – Routt County Zoning Resolution**

- 5.1.4 Outdoor storage of materials which might cause fumes, odors, dust, fire hazard, or health hazards is prohibited unless such storage is within enclosed containers or unless a determination is made that such use will not have a detrimental impact on the environment
- 6.1.6 Outdoor Lighting: The proposal shall comply with the Outdoor Lighting Standards in Section 6.3 of these Regulations.
- 6.1.7.G Visual Amenities and Scenic Qualities.
- 6.1.7.K Land Use Compatibility.
- 9.2.A Shall be compatible with surrounding agricultural, residential, and recreational land uses by selection of location and/or mitigation.
- 9.2.C Equipment used for the operation will not be visible from adjacent or surrounding residences, or will be mitigated to the extent possible to reduce visual impacts. The Planning Commission and the Board of Commissioners will determine sufficiency of mitigation.
- 9.4.1.B Final reclamation shall be designed to create an aesthetically pleasing site or reclaimed area that will blend with or improve upon the surrounding areas. Reclamation that results in productive agricultural land or significant wildlife habitat is preferred.

### **Applicable Policies – Routt County Master Plan**

- 5.3.E Routt County requires that all new developments do not contribute to light pollution.
- 5.3.F Routt County will continue to consider the impacts of development and uses on view corridors, water, wetland, and air.
- 7.3.X Routt County encourages the reclamation of mining operations for beneficial uses. Where reclamation for wildlife habitat is appropriate, techniques recommended by the Colorado Parks and Wildlife should be used.
- 7.3.Y Reclamation should be done to create an aesthetically pleasing site or reclaimed area that will blend with or improve upon the surrounding areas.
- 7.3.Z Long term mining operations and associated uses should be located in areas where they do not greatly impact scenic vistas, where there are compatible agricultural and industrial uses, and where they are not in proximity to residential neighborhoods, recreational, or other incompatible uses.

- 7.3.CC Routt County encourages reclamation of mine operations to reduce the amount of exposed groundwater. Reclamation that results in productive agricultural land or significant wildlife habitat is preferred.

**Staff comments:** No outdoor storage is proposed, and except for possible lighting during the drilling operation, no lighting is proposed with this application. The only permanent structure proposed is the connex box on the 18-Left pad that will house the electrical controls for the pump. The 18-Left site will be visible from CR 27 for a brief period of time. The 7-East site will not be visible from a county road. Visual impacts from these two sites should be minimal. Once this site does not support on-going mining operations, the site will be reclaimed to a natural state and productive agricultural land, consistent with other disturbed areas of the mine, or left in place if requested by the landowner.

*\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

## **Roads, Transportation and Site Design**

### **Applicable Regulations – Routt County Zoning Resolution**

- 5.5 Addressing Standards
- 5.7 Right of Way Access Standards: A Right of Way Access Permit is required prior to construction of any new access point onto a County Road or other Local Public Road or Right of Way.
- 5.8 Road Construction Standards
- 6.1.7.A Public Roads, Services and Infrastructure
- 6.1.7.B Road Capacity, traffic, and traffic safety
- 6.1.7.N Snow Storage
- 6.2.4.B Projects shall mitigate their impacts to public roads such that all public roads used for access to a project or development will remain in as good as or better than existing condition.
- 6.2.4.E Requirements for repairs, upgrades, development, and maintenance of public roads may be included as a condition of any Land Use Approval. Such roadwork will be at the proponent's expense, unless otherwise determined by the Board of County Commissioners.
- 6.2.4.L Permittee shall undertake dust control resulting from project related traffic as may be required by the Routt County Road and Bridge Department and/or the Routt County Environmental Health Department.
- 6.2.4.P Projects may be required to limit hours of operation to minimize the effect of poor visibility, fog, or other environmental or road condition.
- 6.2.4.Q Project may be required to route haul trucks to prevent significant impacts to commercial, residential, or recreation areas and/or prevent significant impacts to sensitive wildlife areas.

### **Applicable Policies – Routt County Master Plan**



- 11.3.P Discourage new use permits and zone changes that increase density that will exceed acceptable traffic levels.

**Staff comments:** The GIS Department has stated that sites like this will not receive an address. This is due to the limited use of the site and due to the low probability of an emergency occurring at these sites. Between the two sites, approximately 4,900' of new road will be constructed and 3,500' of existing ranch road will be improved to provide access. There is adequate space for the storage of snow at the site. There are conditions of approval suggested which address 6.2.4.B,E,L,P, and Q. This application does not appear to increase impacts that will exceed acceptable traffic levels.

*\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

## Natural Environment

### Applicable Regulations – Routt County Zoning Resolution

- 5.11 Waterbody Setback Standards
- 6.1.7.D Wildlife and Wildlife Habitat.
- 6.1.7.E Water Quality and Quantity.
- 6.1.7.F Air Quality.
- 6.1.7.J Wetlands.
- 6.1.7.P Reclamation and Restoration.
- 6.1.7.Q Noxious Weeds.

### Applicable Policies – Routt County Master Plan

- 5.3.B While respecting private property rights, the County will not approve development applications or special use permits that would lead to the degradation of the environment without proper mitigation that would bring the proposal into compliance with the Master Plan, appropriate sub-area plans, Zoning Resolution, and Subdivision Regulations.
- 7.3.O Routt County discourages the placement of mining operations that would permanently harm significant wildlife habitat, permanently displace wildlife populations or interfere with migration corridors.

**Staff comments:** The drill pads and new roads are located outside of the Water Body Setback applicability area. The access to the 7-East site will utilize an existing crossing over Fish Creek, which will not be expanded. Both of the sites are within 1.25 miles of active, or recently active, Colombian Sharp-tailed Grouse leks. CPW provided comments recommending time restrictions on construction and maintenance activities to reduce impacts to these leks. A condition of approval is suggested.

Diversion ditches will be installed on the upgradient side of the pad to intercept any stormwater. A rock-lined ditch will control drainage off of the pad. Drainage from the pad

will be controlled under a Small-Area Exemption from the state. As long as a Grading and Excavating permit is obtained and implemented, there are no impacts anticipated to water quality. There are no impacts to water quantity or wetlands anticipated. A reclamation and noxious weed control plan was submitted with the application. Both are substantially similar to what has been submitted and approved in the past. Except for during construction, no impacts to air quality are expected with the application.

*\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

## Mitigation Techniques

### Applicable Regulations – Routt County Zoning Resolution

#### **Mitigation Techniques for Development within Critical Wildlife Areas:**

- 6.6.A Avoid areas during seasons of use by the wildlife species.
- 6.6.N Reclaim disturbed areas for use by wildlife and waterfowl upon completion of mining or development.

#### **Mitigation Techniques to Reduce Water Quality and Quantity Impacts:**

- 6.7.G Avoid sites that would present a high probability of surface or ground water pollution.

#### **Mitigation Techniques to Reduce Air Quality Impacts:**

- 6.8.A Limit area of disturbance to reduce dust generation. Minimize overlot grading for projects and phase grading with construction.

**Staff comments:** The CPW letter stated that areas of the project site will impact wildlife in the area and that timing restrictions are recommended. A condition of approval is suggested addressing this. The mine has developed a seed mix in consultation with CPW which replaces disturbed vegetation. They have had good success with this mix.

As long as a Grading and Excavating permit is obtained and implemented, this site, along with the type of work proposed, does not pose a high probability of surface or groundwater pollution. The applicant has stated that the pad site is the smallest in order to fulfill its needs. A Grading and Excavating permit will be required as part of this application.

*\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

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### **DIRECTOR'S OPTIONS:**

1. **Approve the Administrative Amendment request without conditions** if it is determined that the petition will not adversely affect the public health, safety, and welfare and the proposed use is compatible with the immediately adjacent and nearby neighborhood properties and uses and the proposal is in compliance with the Routt County Zoning Regulations and complies with the guidelines of the Routt County Master Plan.
2. **Deny the Administrative Amendment request** if it is determined that the petition will adversely affect the public health, safety, and welfare and/or the proposed use is not compatible with the immediately adjacent and nearby neighborhood properties and uses and/or

the proposed use is not in compliance with the Routt County Zoning Regulations and/or the Routt County Master Plan, Make specific findings of fact; cite specific regulations or policies by number from the Routt County Master Plan, and the Routt County Zoning Regulations.

3. **Table the Administrative Amendment request** if additional information is required to fully evaluate the petition. Give specific direction to the petitioner and staff.
4. **Approve the Administrative Amendment request with conditions and/or performance standards** if it is determined that certain conditions and/or performance standards are necessary to ensure public, health, safety, and welfare and/or make the use compatible with immediately adjacent and neighborhood properties and uses and/or bring the proposal into compliance with the Routt County Zoning Regulations and Routt County Master Plan.

### **Findings of Fact**

Findings of Fact that may be appropriate if the amendment to the SUP is **approved**:

1. The proposal with the following conditions meets the applicable guidelines of the Routt County Master Plan and is in compliance with Sections 4, 5, 6 and 9 of the Routt County Zoning Regulations.
2. The Administrative amendment, with the following conditions, will not adversely affect the public health, safety, and welfare.
3. The proposal with the following conditions is compatible with the immediately adjacent and neighboring properties.

### **Conditions**

**Bold conditions are new to this permits.** Conditions that have a strike through them have been complied with or do not apply and have been removed. Conditions that may be appropriate include the following:

#### **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 the amount of no less than \$1,000,000 per occurrence. Routt County shall be named as an additional insured on the policy. Permittee shall notify Routt County Planning Department of any claims made against the policy. Certificate of liability insurance shall include all permit numbers associated with the activity.~~
10. **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.**
11. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
12. 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.
13. 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.
14. 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.
15. 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:**

16. 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**
17. The SUP is valid until August 26, 2024 provided it is acted upon within one year of approval.
18. **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.**
19. The operation will be reviewed **in accordance with the Planning Department inspection schedule** ~~annually by Planning staff~~ to ensure compliance with permit conditions, with recommendations to Planning Commission as appropriate.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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.

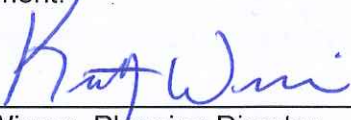
27. The color of exterior materials of all buildings and associated structures constructed after May 20, 2009 shall be compatible with the existing character of the site.
28. **The building located on the west side of CR 27, immediately to the north of the trucking mine entrance shall be painted a neutral color as referenced in COA #27.**
29. 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.
30. 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).
31. 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-16-62~~ **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, ~~or~~ Stoker Coal Haul permit, **or Sage Creek Haul permit.**
32. 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.
33. 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.
34. 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.
35. 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.
36. 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.
37. 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.
38. ~~No open cut will be allowed for pipeline construction on Routt County Road 27. All utilities will have to be bored under County Road 27. A work in the Right of Way and Utility permit will be necessary.~~
39. Access permits shall be obtained for all access roads to be built or improved which intersect Routt County roads.
40. 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.
41. Permittee shall submit the current CDRMS Annual Reclamation Report to the Planning Department within two weeks of the due date each year.
42. 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.
43. **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.**

I hereby approve this 7-East & 18-Left Boreholes and Pipeline Administrative Special Use Permit amendment.

  
\_\_\_\_\_  
Kristy Winser, Planning Director

9/22/21  
\_\_\_\_\_  
Date





**Twentymile Coal, LLC**  
**Foidel Creek Mine**  
29515 RCR 27  
Oak Creek, CO 80467  
970.879.3800

July 28<sup>th</sup>, 2021

Routt County Planning Department  
136 6<sup>th</sup> Street  
Steamboat Springs, Colorado 80477

**RE: Twentymile Coal, LLC - Foidel Creek Mine (Permit No. C-82-056), Technical Revision (TR21-97) 7East Cross Entries Borehole Pad with Rock Dust Tank & Minor Revision (MR21-319) 18Left Dewatering Borehole Pad.**

Sir or Madam,

Twentymile Coal, LLC (TC) has requested the Colorado Division of Reclamation Mining and Safety's approval of a Technical Revision (TR21-97) to our existing approved Permit for construction, operation, and reclamation of a new borehole and pad for the use of pumping grout and rock dust into the current mining area. TC has also requested the approval of Minor Revision (MR21-319) for the construction, operation, and reclamation of a new dewatering Borehole, pad site, and pipeline in the seal Western Mining District.

Under the approval of TR21-97 TC will be pumping grout into the underground working to stabilize cross entries in the longwall panel as the longwall mines through them. A 300' x 300' pad site will be constructed, and a borehole will be drilled 1,550 feet into the mine workings. A temporary cement plant will be set up on the already established 6MN pad site for the 1-month duration of the pumping project. Once the grout project is complete TC plans to convert the borehole to a rock dust drop and a rock dust tank will be set up on the surface borehole pad site. The pad site will be located near the Twentymile Mine on the 6 Main North mine road, prior to the 5MN Fan Site, north of the main facilities.

Installation of the new 7East Borehole and Pad site (TR21-97) will involve placement of construction erosion controls (silt fence and/or straw wattles), removal and stockpiling of soil materials and the limited vegetation from the pad areas and newly disturbed roads, construction of the designed drainage structures (ditches and rock sumps), minor cut and fill grading to establish the access road and level drill pads, placement of gravel surfacing on the roads and pad areas, excavation of temporary cuttings pits on the drill pads, and drilling and casing of the boreholes. On completion of drilling and casing operations, the cuttings pits will be allowed to dry-out, material excavated from the pits will be replaced and graded, and gravel surfacing will be extended for the affected areas to control erosion and sediment and provide an all-weather operating surface. The completed borehole pad site installation will include the light-use road access, soil material stockpile, a leveled drill pad, 14-inch diameter cemented surface casings (60 feet deep), 9-inch diameter cased borehole, and a rock dust tank once the grout project is complete.

Under the approval of MR21-319, TC will construct a drill pad, drill a borehole 1,645 feet into sealed mine working, and install 1710' feet of new pipeline that will connect into an existing mine water pipeline. Overhead power will be ran to the site to power a large pump that will be placed at the bottom of the borehole and will pump 900 GPM of mine water and send it to other locations with in the mine or to the Twentymile Mine facilities to be used for processing the coal in the wash plant. The pad site will be no larger than 175' by 200' and will require 2,100 feet of light duty access road. A small Conex building will be placed at the site to house the electrical controls. The pad site will be accessed from the existing 16LT mine road and is located on the west side of County

Road 27 and north of the intersection of CR37 and CR27 on property owned by Jeff Chance. TC will have a surface use agreement in place with the land owner prior to construction of the project.

Installation of the new 18Left Dewatering Borehole and Pad site (MR21-319) will involve placement of construction erosion controls (silt fence and/or straw wattles), removal and stockpiling of soil materials and the limited vegetation from the pad areas and newly disturbed roads, construction of the designed drainage structures (ditches and rock sumps), minor cut and fill grading to establish the access road and level drill pads, placement of gravel surfacing on the roads and pad areas, excavation of temporary cuttings pits on the drill pads, and drilling and casing of the boreholes. On completion of drilling and casing operations, the cuttings pits will be allowed to dry-out, material excavated from the pits will be replaced and graded, and gravel surfacing will be extended for the affected areas to control erosion and sediment and provide an all-weather operating surface. The completed borehole pad site installation will include the light-use road access, soil material stockpile, a drill pad, 18-inch diameter cemented surface casings (60 feet deep), 12-inch diameter cased borehole, 8-foot diameter CMP culvert manhole, and pump and electrical installations.

The pipeline installation will involve removal and windrowing of soil materials for the 40-foot maximum width pipeline construction areas; trenching; placement of suitable bedding materials; placement of 12 inch HDPE pipe, fusing connections, and pressure testing of the pipelines; backfilling and compaction of suitable fill materials around and over the pipelines; backfilling and compaction of the trenches; re-grading; and replacement of soil materials and re-vegetation of all disturbed areas. The pipeline corridor is approximately 1,710 feet. The pipeline disturbance areas will be progressively reclaimed as the pipelines are constructed. While the entire pipeline disturbance areas will be reclaimed within a reasonable time period following pipeline installation, TC does not consider these areas to be reclaimed for purposes of reporting, since there is some potential that they may be re-disturbed for pipeline repair or maintenance in the future. At the time of final reclamation, inspection manholes will be removed or demolished to 3-feet below grade, and the pipeline will be cut-off below grade, capped, and abandoned in place.

Partial or full reclamation of borehole pad site disturbances will include, as appropriate, removal of the manhole structures, plugging and sealing of the boreholes consistent with State Engineer requirements, removal of pad and road surfacing materials, grading of pad and road areas to a stable configuration that blends with the surrounding terrain, replacement of soil materials, and revegetation with the approved rangeland seed mix. As appropriate, TC may reclaim portions of the pad areas, leaving only the light-use access roads and a limited area around the manholes for inspection and maintenance access.

We would like to proceed with this project ASAP to avoid any operation delays. We, therefore, appreciate your consideration, cooperation, and assistance in facilitating timely review and approval of this application. After you have opportunity to review the accompanying information, please feel free to contact me with any questions or to discuss submittal materials or related matters.

Sincerely,

*Miranda Kawcak*

Miranda Kawcak  
Environmental Manager  
mblomquist@peabodyenergy.com  
970-870-2718

**From:** [Kawcak, Miranda](#)  
**To:** [Alan Goldich](#); [Tony Brown](#)  
**Subject:** RE: Twentymile G&E Permit  
**Date:** Thursday, September 2, 2021 4:26:08 PM  
**Attachments:** [7EAST BOREHOLE LOCATION MAP REVISED.pdf](#)  
[Exhibit 49FF REVISED.pdf](#)

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Alan/ Tony,

Attached is the updated location for the 7East Pad site. Please note the following changes from the original submittal:

- The pad size has increased from 300'x 300' to 450' x 450' to accommodate for all activity to take place on the pad site including the grout mixing. The 6MN pad will no longer be used for this project.
- The pad site will no longer be used for a rock dust site after the grout project is complete.
- The site now requires a 6,300 ft access road. 3,500 ft of the proposed access road is an existing ranch road that we will make improvements to.

Please let me know if you have any additional questions.

Could I also get an estimated time frame for when we can expect the SUP mod to be approved and when we can expect the G&E permits to be approved. So we can plan accordingly with our contractors.

Thanks

## Miranda Kawcak

Manager, Environmental

### Peabody

Twentymile Coal, LLC | 29515 Routt County Rd #27 | Oak Creek, CO 80467

Office Phone: (970) 870-2718 | Cell: (970) 439-8273

[mkawcak@peabodyenergy.com](mailto:mkawcak@peabodyenergy.com)

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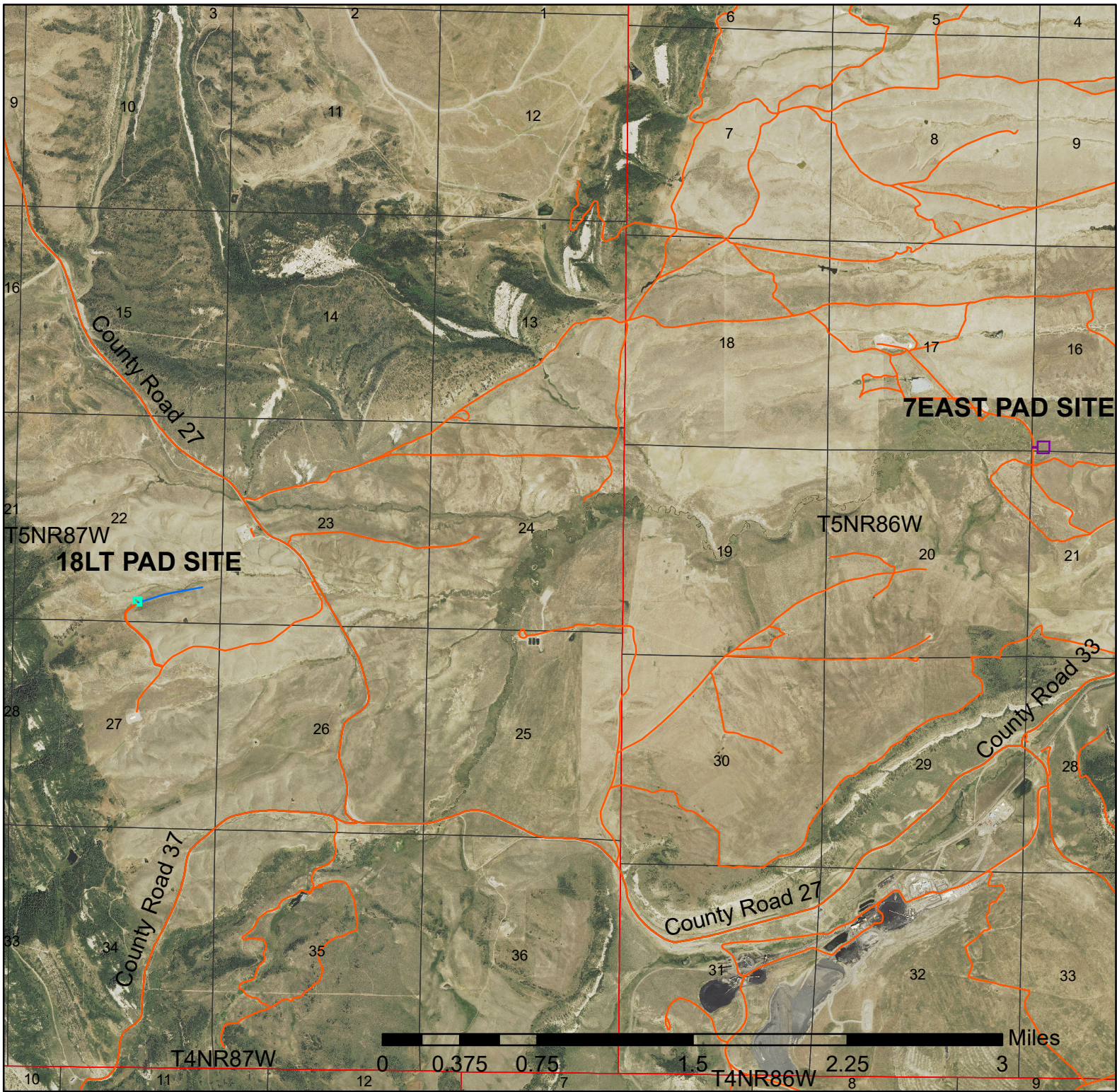
**From:** Alan Goldich <agoldich@co.routt.co.us>  
**Sent:** Thursday, August 05, 2021 10:28 AM  
**To:** Kawcak, Miranda <MKawcak@peabodyenergy.com>  
**Subject:** RE: Twentymile G&E Permit

Miranda,

How's it going? A decision on this application has been set for 8/23. The poster needs to be placed at the entrance to both locations off of the county road by Sunday. They will be available for pickup tomorrow. Please come by to pick them up tomorrow and ensure they have been placed by Sunday. Please let me know if you have any other questions.

Thanks,

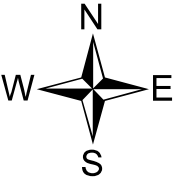




# Legend

## Layer

- PAD SITE
- TWENTYMILE LIGHT ACCESS ROAD
- WATER-LINES
- 7EAST PAD SITE
- County Roads
- Township/Range
- Sections



TWENTYMILE COAL, LLC

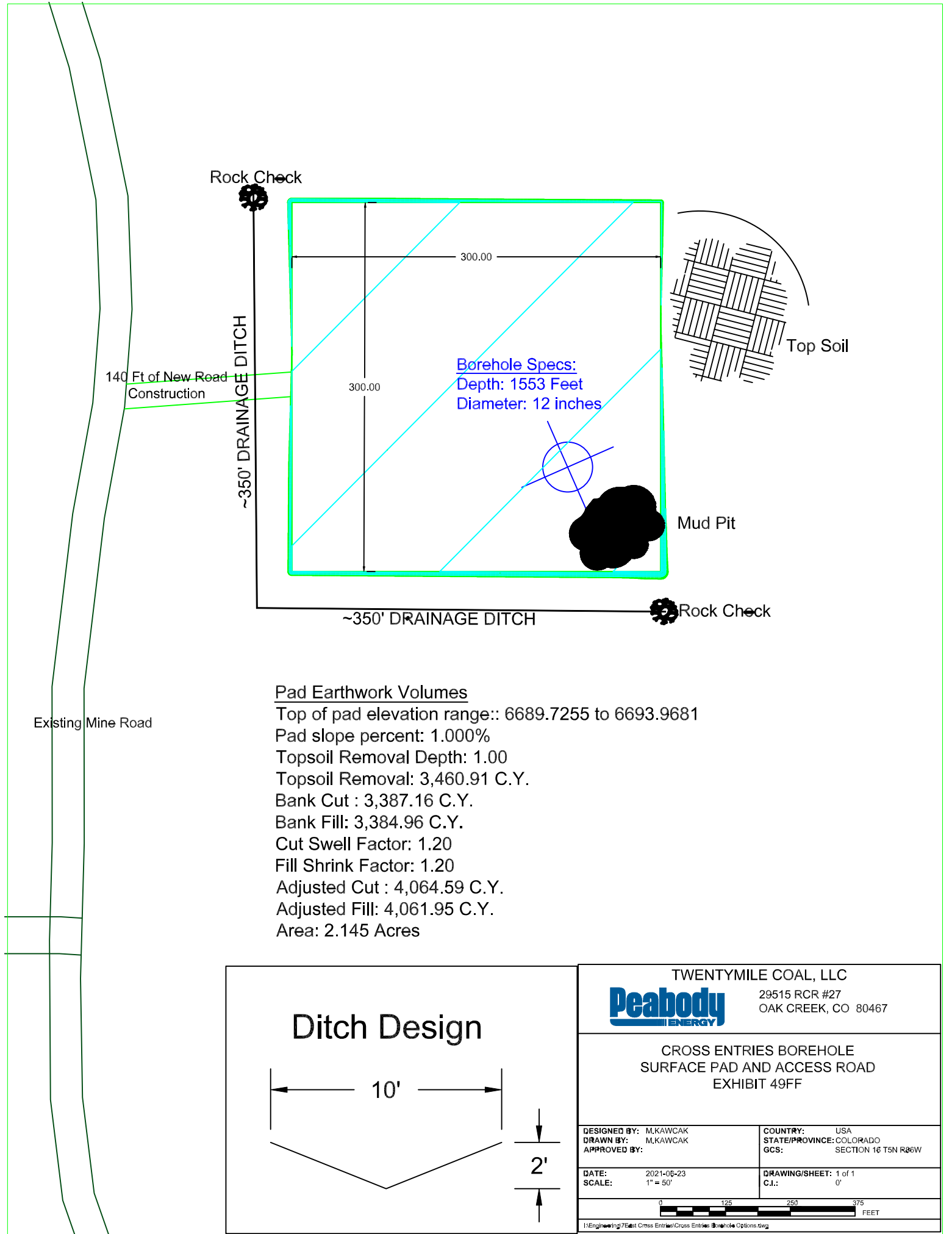


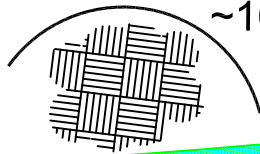
29515 RCR #27  
OAK CREEK, CO 80467

## MR21-319 & TR21-97 LOCATION MAP

DESIGNED BY: MLK	COUNTRY: USA
DRAWN BY: MLK	STATE/PROVINCE: COLORADO
APPROVED BY:	GSC: 5N 87W
DATE: 2021-07-27	DRAWING/SHEET: 1 of 1
SCALE:	C.I.: 0'







~100' STRAW WATTLES

Pad Report

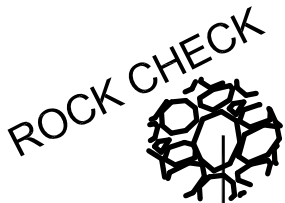
Tue Jul 27 10:07:29 2021

Top of pad elevation range:: 6918.2151 to 6920.6798  
Pad slope percent: 1.000%

Topsoil Removal Depth: 1.00  
Cut Swell Factor: 1.20  
Fill Shrink Factor: 1.20

Pad Earthwork Volumes  
Topsoil Removal: 1,357.64 C.Y.  
Bank Cut : 2,991.32 C.Y.  
Bank Fill: 2,987.83 C.Y.

Area: 0.842 Acres



ROCK CHECK



ROCK CHECK

PIPELINE

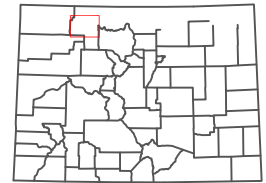
ACCESS ROAD

DRAINAGE DITCH

18LT Dewatering Borehole 1

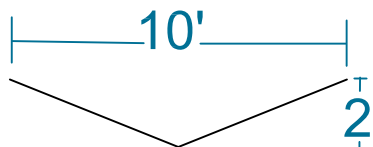
## Borehole Information

- Surface Elevation: 6,920'
- Top of Coal Elevation: 5,275'
- Total BH Depth: ~1,645'
- Surface Casing Size: 18"
- Surface Casing Depth: 60'
- Borehole Diameter: 12"



REVISION	REV'D BY	DATE

## Ditch Design



TWENTYMILE COAL, LLC  
**Peabody** ENERGY  
29515 RCR #27  
OAK CREEK, CO 80467

18LT DEWATERING BOREHOLE  
SURFACE PAD AND ACCESS ROAD  
Exhibit EX49GG

DESIGNED BY: Technical Services DRAWN BY: Technical Services APPROVED BY:	COUNTRY: USA STATE/PROVINCE: COLORADO GCS: SECTION 22 T5N R87W
DATE: 2021-07-27 SCALE: 1" = 50'	DRAWING/SHEET: 1 of 1 CJL 0'
0 50 100 150 FEET	

I:\Engineering\18LT Dewatering Borehole\18LT Dewatering Borehole and Pipeline.dwg



# COLORADO

## Parks and Wildlife

Department of Natural Resources

Steamboat Springs Service Center  
P.O. Box 775777  
925 Weiss Drive  
Steamboat Springs, CO 80487

September 17, 2021

Alan Goldich  
Routt County Planning Department  
136 6th Street  
Steamboat Springs, Colorado 80477

RE: Twentymile Coal, LLC - Foidel Creek Mine (Permit No. C-82-056) TR21-97 7 East Cross Entries Borehole Pad & MR21-319 18 Left Dewatering Borehole Pad

Dear Mr. Goldich,

Thank you for the opportunity to review the updated documents for the proposed Technical and Minor Revisions at the Foidel Creek Mine in Routt County. Colorado Parks and Wildlife (CPW) has a statutory responsibility to manage all wildlife species in Colorado; this responsibility is embraced and fulfilled through CPW's mission to protect, preserve, enhance, and manage the wildlife of Colorado for the use, benefit, and enjoyment of the people of the State and its visitors. CPW encourages Routt County and Twentymile Coal, LLC to afford the highest protection for Colorado's wildlife species and habitats.

TR21-97 TC proposes installation of the new 7 East Borehole and Pad site. This will involve construction of a 300' by 300' pad; the borehole will be drilled 1,550' into the mine workings. MR21-319 proposes installation of the new 18 Left Dewatering Borehole and Pad site. This will involve construction of a new drill pad no larger than 175' by 200'; the borehole will be drilled 1,720' into the mine workings. Activities for both TR21-97 and MR21-319 will include the removal and stockpiling of soil materials, construction of drainages, and excavation of temporary cuttings pits on the drill pads. Upon completions, the cuttings pits will be allowed to dry out.

CPW recommends that the cuttings pits be exclusion-fenced to prevent entrapment of wildlife. Fencing recommendations can be found on CPW's website in our Fencing With Wildlife in Mind publication.

Maintaining viable stockpiles of soil for reclamation activities is important. It is recommended that the topsoil piles be stored in windrows no more than 1.5 meters tall and seeded with desirable seeds such as western wheatgrass, Indian ricegrass (White River or Rimrock), slender wheatgrass (preferably San Luis), dryland alfalfa, and Utah sweetvetch. This will help prevent the establishment of undesired or invasive plants in the stockpile. Storage of topsoil



piles taller than 2 meters is not recommended. Soils stored in such a manner cause anaerobic conditions which kill the soil organisms necessary for plant support.

The TR21-97 TC location falls within 1.25 miles of three Columbian Sharp-tailed Grouse (CSTG) lek sites, and within CTSG mapped production area. While all three leks are currently inactive, two of the leks have been active within the past three years (2018 & 2019), indicating that CSTG are still persisting in the area. The MR21-319 location falls within 1.25 miles of two currently active CSTG leks.

CPW recommends prohibiting activity within 1.25 miles of the active lek sites from March 15 to July 30 to avoid disturbance during this sensitive production time period. CPW supports the operator's current plan to complete construction of the new pads prior to winter 2021-22, which would fall outside of this sensitive time period. Future activities on the pad sites would be limited to periodic inspection and maintenance, and CPW requests that in proximity (<1.25 mile) of the active leks, that these activities occur outside the March 15-July 30 time period to the greatest extent possible. If inspections or maintenance must take place during this time period, CPW requests that they occur between the hours of 10:00 am - 4:00 pm to minimize disturbance to CSTG breeding and production by avoiding times of day when the birds are most active. If construction of the pads is not completed prior to this winter, CPW requests that the operator consult with local CPW staff to discuss the plan for construction in order to minimize disturbance to active leks during spring/summer 2022.

Additionally, CPW requests that if pumping activities on the MR21-319 location are to exceed 49 dB as measured 30 feet from the source, that appropriate actions be taken to house the equipment and buffer the sound below this level due to proximity (<1.25 miles) to active CSTG leks.

CPW would like to thank you for the opportunity to provide input on this project in Routt County. If you have any questions regarding the wildlife issues and recommendations in this letter, please contact Kyle Bond at 970-457-0075 or [kyle.bond@state.co.us](mailto:kyle.bond@state.co.us).

Sincerely,

A handwritten signature in black ink, appearing to read "K Middledorf".

Kris Middledorf  
Area Wildlife Manager

CC: Garrett Watson, Northwest Deputy Region Manager, CPW  
Kyle Bond, District Wildlife Manager, CPW  
Danielle Neumann, Northwest Region Land Use Specialist, CPW  
Libbie Miller, Wildlife Biologist, CPW