



#### Via MDEQ FTP DEQCoal@mt.gov

July 11, 2023

Mr. Dan Walsh
Mining Bureau
Montana Department of Environmental Quality
PO Box 200901
Helena, MT 59620-0901

Permit ID: C1979012

Revision Type: Bond Release Permitting Action: SL17

Subject: Spring Creek Mine, Bond Release Application #SL17 Phase I and II

Dear Mr. Walsh:

Navajo Transitional Energy Company, LLC (NTEC) is submitting bond release application SL17 for 2.8 acres of Phase I and 27.3 acres of Phase II at the Spring Creek Mine. Details of topsoil laydown approval for Phase I areas and seeding dates for Phase II areas is included in the attached narrative.

#### Enclosed materials include:

- A bond release application form;
- A copy of the DRAFT public notice;
- A copy of the DRAFT adjacent surface landowner notification letters (along with the Big Horn County Commissioners);
- Narrative on the Phase I and II bond releases being sought; and
- A map (Exhibit 1) depicting the reclamation units for which bond release is being sought.

All applicable reclamation requirements have been completed in accordance with the Montana Strip and Underground Mine Reclamation Act, the rules and regulations adopted thereunder and, the approved mining and reclamation plan and permit for NTEC's Spring Creek Mine.

The current bond for the Spring Creek Mine is \$160,300,000 as set in the MR278 mine permit revision. NTEC is requesting no reduction in bond at this time. However, successful bond release efforts are effective in documenting reclamation progress.

NTEC believes the enclosed bond release application materials have been completed in accordance with all applicable requirements and we look forward to working with the Department on this request. Please feel free to call (406) 757-4242 if you have any questions.

With kind regards,

Allen Wellborn Env. Engineer Sr.

**Attachments** 

cc: OSM –Attn: Jeff Fleischman (Casper Field Office and Denver Office) CF 10.6.7 (SCM-23)

#### Gilbert, Sharona

**From:** Transfer Service

**Sent:** Tuesday, July 11, 2023 3:12 PM

To: DEQ AEMD Coal

**Subject:** State of Montana File Transfer Service

# **FILE TRANSFER SERVICE**

### STATE OF MONTANA

The following file has been sent to you through the State of Montana File Transfer Service:

FILE NAME: 2023\_0711\_SL17\_SCM Bond Release Application.pdf

SENT TO: DEQCoal@mt.gov

SENT FROM: Allen Wellborn (Allen.Wellborn@navenergy.com)

**MESSAGE:** Please find the attached SL17 Bond release package for Spring Creek Mine.

To download this file, click on the link below:

http://transfer.mt.gov/transfer/ReceivedFileReport?TransferID=53735d91-78d0-439e-8619-41e7f5af4b19

Replies to this email are not monitored.

https://transfer.mt.gov/

#### Gilbert, Sharona

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FILE NAME: SL17\_Exhibit1.dwg

**SENT TO:** DEQCoal@mt.gov

SENT FROM: Allen Wellborn (Allen.Wellborn@navenergy.com)

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https://transfer.mt.gov/



## Coal Section Surface Mine Permit Bond Release Form

This application form is for bond release pertaining to Phases I, II, III, IV and/or Undisturbed acres.

#### The applicant agrees to:

- If federal minerals or surface are involved, send 1 complete copy to Office of Surface Mining (OSM), Casper Field Office Director and 1 complete copy to OSM, Denver Program Support Division Manager.
- 2. If there are no federal acres involved, send 1 complete copy of this application and attachments to OSM, Casper Field Office Director.
- 3. File application during the appropriate time or season pursuant to Administrative Rules of Montana (ARM) 17.24.1111(2).
- 4. Submit Affidavit of Publication following the publication of Public Notice.

Attach any support documents that are referenced in this application and c	heck the appropriate
boxes below to indicate those attached.	

- 1. Copies of letters sent to landowners
- 2. Appropriate narrative and/or tables addressing 82-4-232(6)(a) and (b) MCA, ARM 17.24.1111 and 17.24.1116
- 3. Proposed Public Notice pursuant to 82-4-232(6)(a) MCA
- 4. Maps (as necessary to evaluate the reclamation)
- 5. Other (Please describe): \_\_\_\_\_

#### SECTION A - APPLICANT INFORMATION

#### A1.

1. Permit ID Number: <u>SMP C1979012</u> Site Name: <u>Spring Creek Mine</u>

Date Permit Approved: April 11, 1979

2. Name of Applicant: Navajo Transitional Energy Company, LLC

Address: PO Box 67

City: Decker State: MT Zip Code: 59025

#### **SECTION B - BOND RELEASE**

Name of Bonding Agent	Address	City	State	Zip Code	Bond No(s)
Zurich American Insurance Co.	600 Red Brook Corporate Center, 4 <sup>th</sup> floor	Owings Mills	Maryland	21117	9344828
Argonaut Insurance Co.	225 West Washington St. 24 <sup>th</sup> floor	Chicago	Illinois	60606	SUR0008871

- 2. Current bond amount in effect: \$160,300,000.00
- 3. Total amount of bond requested for release: \$0.00
- 4. Bond Remaining if total release is granted: \$160,300,000.00
  5. Type of Disturbance: Mine Level ∑ Associated ☐ Facilities ☐

#### 6. Bond Release Phases

Phase	Acres *no decimals	Dollar Amount Requested
Phase I: (Defined in ARM 17.24.1116(6)(a))	3	\$0.00
Phase II: (Defined in ARM 17.24.1116(6)(b))	27	\$0.00
Phase III: (Defined in ARM 17.24.1116(6)(c))	0	\$0.00
Phase IV: (Defined in ARM 17.24.1116(6)(d))	0	\$0.00
Undisturbed Acres	0	\$0.00

7. Breakdown of <u>Final</u> Bond Release Acres (Only applies to Phase IV, Undisturbed, or Pre-1989 Phase III)

	Permit Acreage Mineral	Permit Acreage Surface
Federal:	0	0
Tribal:	0	0
State:	0	0
Private:	0	0
County:	0	0
Total:	0	0

8. Legal Description of Bond Release Area:

#### T8S, R39E Sections 13,14,15,25 T8S, R40E Section 30

(SEAL)

9. Check all that apply:  Mineral Ownership  Federal ⊠ State ⊠ Tribal □ Private ⊠ Co	ounty  Other
Surface Ownership  Federal ⊠ State ⊠ Tribal □ Private ⊠ Co	ounty 🗌 Other 🔲
SECTION C - CERTIFICATION *MUST BE CONSISTENT V	WITH DESIGNATION OF PERMIT COORDINATOR
Pursuant to ARM 17.24.1111(4), I, the undersigned, her requirements have been achieved in accordance with the Signature:  Title: Technical Services Manager	
Date: 7/11/2023	
Subscribed and sworn to before me, the undersigned, a this	Notary Public for the State of Wyoming
JENNIFER MILLER NOTARY PUBLIC STATE OF WYOMING	Notary Public for the State of: Wyoming Residing at: Sheridan County, D

My Commission expires: February

#### **INTRODUCTION (Phase I and II)**

This document is a request by the Navajo Transitional Energy Company, LLC (NTEC) for Phase I and II bond release at the Spring Creek Mine Called SL17. Because no monetary amount in bond release is requested, the bond amount will remain at the current value of \$160,300,000.00.

<u>This specific narrative describes</u> the types of reclamation work completed to meet the requirements of Phase I and Phase II bond release. Exhibit I depicts the requested areas. The reclamation work described was completed in accordance with the approved reclamation plan described in Surface Mine Permit (SMP) C1979012.

According to Administrative Rules of Montana (ARM) 17.24.1116(6)(a), Phase I reclamation shall be deemed complete when backfilling, regrading, and drainage control have been completed in accordance with the approved reclamation plan and when all drill holes that are not approved to be retained as monitoring wells or that were not completely mined through have been plugged.

ARM 17.24.1116(6)(b) specifies that Phase II reclamation is complete when:

- (i) soil replacement and spoil and soil tillage have been completed in accordance with the approved reclamation plan;
- (ii) at least two growing seasons (spring and summer for two consecutive years) have elapsed since seeding or planting of the affected area;
- (iii) vegetation is establishing that is consistent with the species composition, cover, production, density, diversity, and effectiveness requirements and the approved postmining land use;
- (iv) soils are protected from accelerated erosion by the established vegetation; and
- (v) noxious weeds are controlled.

It is NTEC's belief that it has met these requirements.

#### REQUEST FOR PARTIAL BOND RELEASE

This request for partial bond release of reclamation was prepared in accordance with the Montana Strip and Underground Mine Reclamation Act and the Permanent Regulatory Program pursuant to the Act. This submittal specifically addresses the portions of ARM 17.24.1111 through 17.24.1116 that apply to bond release applications.

#### ARM 17.24.1111 BONDING: BOND RELEASE APPLICATION CONTENTS

- (1) NTEC is filing this application with the Department for Phase I and II reclamation work as defined in ARM 17.24.1116. Completed Phase I work includes drill hole plugging, backfilling, regrading and drainage control. Completed Phase II work includes soil replacement and tillage, passing of at least two growing seasons since seeding, establishing of vegetation consistent with applicable requirements, protection from erosion and control and noxious weeds.
- (2) The time of filing will allow the Department to properly evaluate the completed reclamation operations.
- (3) This application includes a copy of a letters to be sent to adjoining property owners, surface owners, local government bodies, planning agencies and sewage and water treatment facilities:
- (4) A notarized statement certifying that all applicable reclamation requirements have been achieved in accordance with the Act, the rules, and the approved reclamation plan is included with this document.
- (5) A copy of the public notification. Proof of the publication of the advertisement will be submitted within 30 days of the final printing of the public notification.
- (6) Prospecting bond release is not applicable to this application.

# 17.24.1112 BONDING: ADVERTISEMENT OF RELEASE APPLICATIONS AND RECEIPT OF OBJECTION

- (1) (a) (h) The public notification will be published in the Billings Gazette for advertisement in four consecutive weekly publications following the completeness review. It contains all of the required items listed in sub-paragraphs (b) (h).
- (2) The deadline for written objections, requests for informal conferences or requests for public hearings by affected persons related to this proposed bond release application is 30 days following the last advertisement.

#### 17.24.1116 BONDING: CRITERIA AND SCHEDULE FOR RELEASE OF BOND

(1) It is NTEC's belief that it has met the requirements of Phase I and II reclamation as defined by ARM 17.24.1116 and, therefore requests partial bond release on **2.8** and **27.3** acres, respectively. All backfill, regrade, drainage control work and drill hole plugging work (Phase I reclamation) was completed prior to July 2023 and was completed in accordance with the approved plan. For Phase II reclamation areas, all topsoiling and initial seeding was completed Spring of 2020.

The areas where bond release is being sought are depicted on attached Exhibit 1. Bond release lands are described on the application form.

- (2) NTEC recognizes that it would remain responsible for any corrective actions necessary to comply with the Act, sub-chapters 3 13 of this chapter, and the permit until final bond release.
- (3) NTEC is requesting release from the bond on the application parcels for completion of Phase I and II work.
- (4) NTEC is not requesting release from the permit at this time.
- (5) The remaining bond, \$160,300,000.00 would be sufficient to complete the approved reclamation plan. The remaining bond will not be less than \$200 per permitted acre.
- (6) Approved alternate post-mine land use plans will be implemented prior to application for final bond release.
- (7) The following paragraphs describe the completed reclamation activities including supporting information from annual reports and monitoring data and from department inspection reports to support this application for bond release.

#### **Phase I Reclamation Activities**

All exploratory drill holes not retained as water wells have been properly plugged and abandoned in accordance with SMP C1979012 and applicable rules and regulations. On March 16, 2005, the Department granted full bond release on Prospect Permit 20310R. Liability for remaining holes not covered under Prospect Permit 20310R and holes drilled since 2005 are covered under SMP C1979012. Records documenting the proper plugging and abandonment of holes under SMP C1979012 are contained in Annual Mining Reports that are submitted yearly to the Department.

After coal extraction is complete, reclamation begins with backfill and grading. Backfill and rough grading is performed with draglines, trucks, shovels and bulldozers until the approved post-mine topography is achieved.

Following rough grading, final grading activities are conducted and involve the construction of surface drainages and wildlife habitat features to approximate the level of similar pre-mine features. Approval of the final graded surface is then sought through the Department. The following table summarizes the dates of Department approval for each reclaimed area.

Reclamation Area	Acres	Date of Department Concurrence for Topsoil Laydown
9C	2.8	10/2/2019
	2.8 acres total	

#### **Phase II Reclamation Activities**

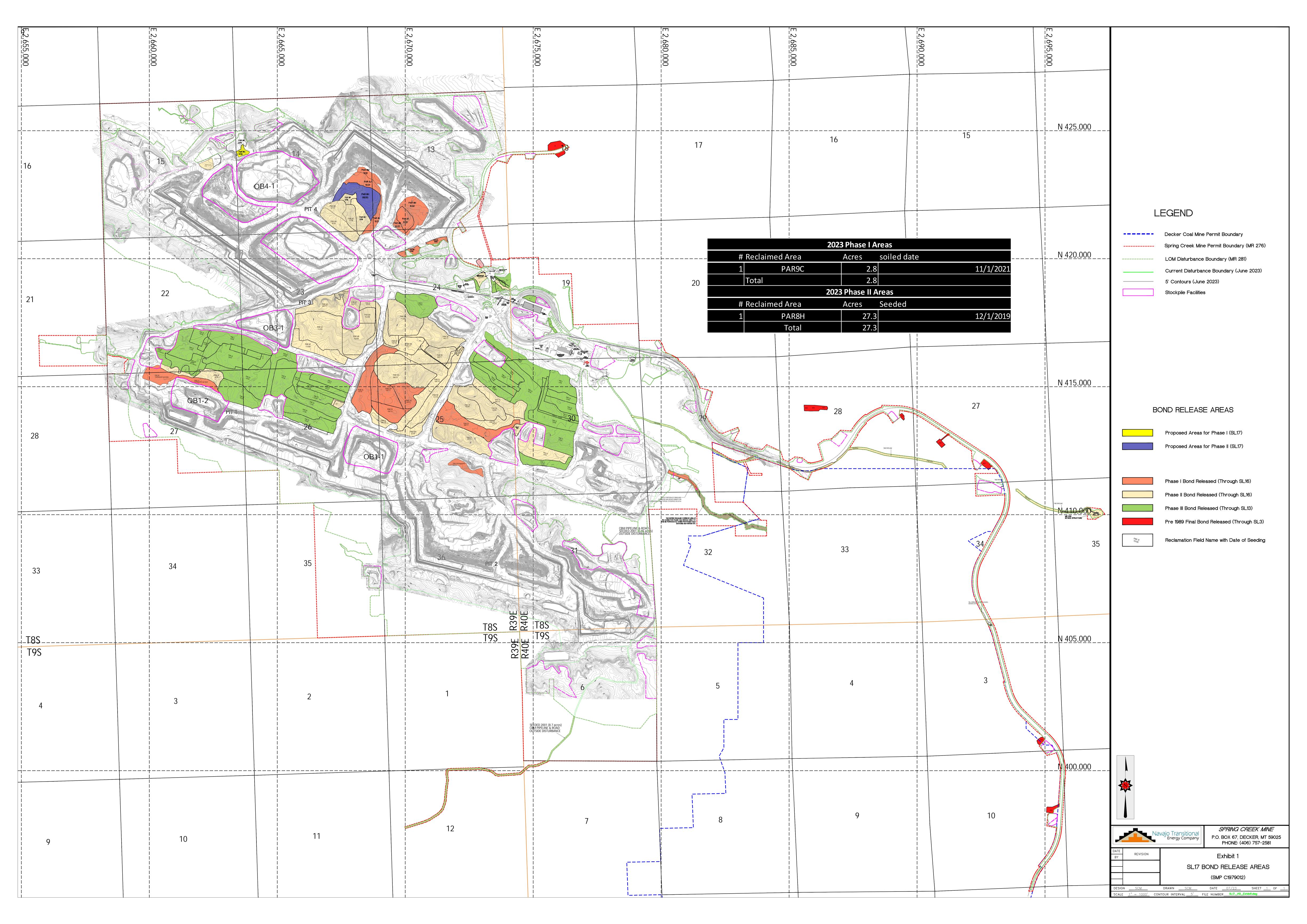
Once Department approval of final grading is obtained, in-situ spoils are ripped in preparation for topsoil placement. Topsoil is then placed and seeded according to the desired post-mine land use. Spoils ripping, topsoil placement and seeding activities are conducted on the contour to reduce potential for surface erosion. Sediment control structures such as berms, traps, and silt fence are installed along the edges of reclaimed areas to prevent sediment migration off the reclamation.

This application seeks Phase II bond release on the following areas:

Reclamation Area	Acres	Date of Initial Seeding	Date of Most Recent Reseeding*
8H	27.3	May 2020	N/A
	27.3 acres total		

<sup>\*</sup>Reseeded areas are disked, packed, and seeded restarting the bond release clock. Reseeding is not a normal husbandry practice. Data is from Table 2 of the **2022** SCM Annual Mining Report. Several areas have been interseeded to improve revegetation diversity. Interseeding does not impact the eligibility for Phase II bond release.

Phase II bond release requires a minimum of two growth seasons and the dates of seeding (including seed tags) for each area are contained in the applicable Annual Mining Report. The most recent topsoil depth verification sample point mapping and data are contained in the Annual Mining Report Map 3.



#### **Public Notice**

Pursuant to the Montana Strip and Underground Reclamation Act notice is hereby given that Navajo Transitional Energy Company, LLC., with its offices located at: 285 Interlocken Crescent, Suite 400 Broomfield, Co 80021 has filed an application with the Coal Section, Mining Bureau of the Department of Environmental Quality for bond release SL17 of Permit Number C1979012.

The Spring Creek Mine is located near Decker, Montana. The general legal description of the bond release area is as follows:

T8S, R39E, Montana Prime Meridian Sections 13, 14, 15, 25

T8S, R40E, Montana Prime Meridian Section 30

All M.P.M., Bighorn County, Montana, containing 32.1 acres.

The total bond amount for Permit C1979012 is \$160,300,000.00

NTEC is requesting partial bond release for Phase I on 2.8 acres and Phase II on 27.3 acres of completed reclamation work in a Bond Release Request called SL17

The application is available for inspection at the Department of Environmental Quality office in Helena (1520 E 6th Avenue). Electronic copies of the application may be requested by visiting the website <a href="https://deq.mt.gov/mining/Programs/coal">https://deq.mt.gov/mining/Programs/coal</a> or by emailing <a href="mailto:DEQCoal@mt.gov">DEQCoal@mt.gov</a>.

Written comments, objections and/or requests for informal conference on this application may be submitted to the Department of Environmental Quality, Coal Section, P.O. Box 200901, Helena, MT 59620-0901 or by emailing <a href="mailto:DEQCoal@mt.gov">DEQCoal@mt.gov</a> within 30 days of the final publication of this notice.



Big Horn County Commissioners 121 W. 3rd Hardin, MT 59034

**Dear Commissioners:** 

The Navajo Transitional Energy Company, LLC (NTEC) operates the Spring Creek Mine located in Big Horn County, Montana under Surface Mining Permit No. C1979012 issued by the Montana Department of Environmental Quality (MDEQ). The Surface Mine Permit was originally issued on April 11, 1979 and renewed on April 11, 2019. On July 11, 2023 NTEC filed a request for partial bond release for Phase I on 2.8 acres and Phase II on 27.3 acres of completed reclamation work in a Bond Release Request called SL17. The proposed release areas are located within portions of the following legally described lands:

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T8S, R40E, Montana Prime Meridian Section 30

Phase I reclamation work includes backfilling, regrading, drainage control and plugging of drill holes. Phase II reclamation work includes spoil and soil tillage, soil redistribution, elapse of at least two growing seasons since seeding, and noxious weed control. The current total approved amount of the Spring Creek Mine bond is \$160,300,000. NTEC is seeking no dollar reduction in the current mine reclamation bond amount and is requesting liability release only.

The application is available for inspection at the Department of Environmental Quality office in Helena (1520 E 6th Avenue). Electronic copies of the application may be requested by visiting the website <a href="https://deq.mt.gov/mining/Programs/coal">https://deq.mt.gov/mining/Programs/coal</a> or by emailing DEOCoal@mt.gov.

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With kind regards,

Allen Wellborn Env. Engineer Sr.



United States of America c/o Bureau of Land Management 5001 Southgate Drive Billings, MT 59101

Dear Sir or Madam:

The Navajo Transitional Energy Company, LLC (NTEC) operates the Spring Creek Mine located in Big Horn County, Montana under Surface Mining Permit No. C1979012 issued by the Montana Department of Environmental Quality (MDEQ). The Surface Mine Permit was originally issued on April 11, 1979 and renewed on April 11, 2019. On July 11, 2023 NTEC filed a request for partial bond release for Phase I on 2.8 acres and Phase II on 27.3 acres of completed reclamation work in a Bond Release Request called SL17. The proposed release areas are located within portions of the following legally described lands:

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With kind regards,

Allen Wellborn Env. Engineer Sr.

all More



Decker Coal Company PO Box 12 Decker, MT 59025

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The Navajo Transitional Energy Company, LLC (NTEC) operates the Spring Creek Mine located in Big Horn County, Montana under Surface Mining Permit No. C1979012 issued by the Montana Department of Environmental Quality (MDEQ). The Surface Mine Permit was originally issued on April 11, 1979 and renewed on April 11, 2019. On July 11, 2023 NTEC filed a request for partial bond release for Phase I on 2.8 acres and Phase II on 27.3 acres of completed reclamation work in a Bond Release Request called SL17. The proposed release areas are located within portions of the following legally described lands:

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With kind regards,

Allen Wellborn Env. Engineer Sr.



Nikki Fink 2631 Clark Ave Billings, Mt. 59102-3830

Dear Mrs. Fink,

The Navajo Transitional Energy Company, LLC (NTEC) operates the Spring Creek Mine located in Big Horn County, Montana under Surface Mining Permit No. C1979012 issued by the Montana Department of Environmental Quality (MDEQ). The Surface Mine Permit was originally issued on April 11, 1979 and renewed on April 11, 2019. On July 11, 2023 NTEC filed a request for partial bond release for Phase I on 2.8 acres and Phase II on 27.3 acres of completed reclamation work in a Bond Release Request called SL17. The proposed release areas are located within portions of the following legally described lands:

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With kind regards,

Allen Wellborn Env. Engineer Sr.



Alan & Jimmie D. Pierce, HC 59, Box 10 A, Decker, MT 59025-9701

Dear Pierce's:

The Navajo Transitional Energy Company, LLC (NTEC) operates the Spring Creek Mine located in Big Horn County, Montana under Surface Mining Permit No. C1979012 issued by the Montana Department of Environmental Quality (MDEQ). The Surface Mine Permit was originally issued on April 11, 1979 and renewed on April 11, 2019. On July 11, 2023 NTEC filed a request for partial bond release for Phase I on 2.8 acres and Phase II on 27.3 acres of completed reclamation work in a Bond Release Request called SL17. The proposed release areas are located within portions of the following legally described lands:

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With kind regards,

Allen Wellborn Env. Engineer Sr.



Montaylor Corp. HC 42 Box 595 Busby, MT 59016-9705

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With kind regards,

Allen Wellborn Env. Engineer Sr.



Montana DNRC PO Box 201601 Helena, MT 59620-1601

Dear Sir or Madam:

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With kind regards,

alle fffure

Allen Wellborn Env. Engineer Sr.



Northern Cheyenne Tribe, P.O Box 128, Lame Deer, MT 59043

#### Northern Cheyenne Tribe:

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T8S, R39E, Montana Prime Meridian Sections 13, 14, 15, 25

T8S, R40E, Montana Prime Meridian Section 30

Phase I reclamation work includes backfilling, regrading, drainage control and plugging of drill holes. Phase II reclamation work includes spoil and soil tillage, soil redistribution, elapse of at least two growing seasons since seeding, and noxious weed control. The current total approved amount of the Spring Creek Mine bond is \$160,300,000. NTEC is seeking no dollar reduction in the current mine reclamation bond amount and is requesting liability release only.

The application is available for inspection at the Department of Environmental Quality office in Helena (1520 E 6th Avenue). Electronic copies of the application may be requested by visiting the website <a href="https://deq.mt.gov/mining/Programs/coal">https://deq.mt.gov/mining/Programs/coal</a> or by emailing DEOCoal@mt.gov.

Written comments, objections and/or requests for informal conference on this application may be submitted to the Department of Environmental Quality, Coal Section, P.O. Box 200901, Helena, MT 59620-0901 or by emailing <a href="mailto:DEQCoal@mt.gov">DEQCoal@mt.gov</a> within 30 days of the final publication of this notice.

With kind regards,

Allen Wellborn Env. Engineer Sr.



Wolf Mountain Coal c/o Kathy & Dr. Michael Strahan 191 Seymour Street Sheridan, WY 82801

#### Dear Sir or Madam:

The Navajo Transitional Energy Company, LLC (NTEC) operates the Spring Creek Mine located in Big Horn County, Montana under Surface Mining Permit No. C1979012 issued by the Montana Department of Environmental Quality (MDEQ). The Surface Mine Permit was originally issued on April 11, 1979 and renewed on April 11, 2019. On July 11, 2023 NTEC filed a request for partial bond release for Phase I on 2.8 acres and Phase II on 27.3 acres of completed reclamation work in a Bond Release Request called SL17. The proposed release areas are located within portions of the following legally described lands:

T8S, R39E, Montana Prime Meridian Sections 13, 14, 15, 25

T8S, R40E, Montana Prime Meridian Section 30

Phase I reclamation work includes backfilling, regrading, drainage control and plugging of drill holes. Phase II reclamation work includes spoil and soil tillage, soil redistribution, elapse of at least two growing seasons since seeding, and noxious weed control. The current total approved amount of the Spring Creek Mine bond is \$160,300,000. NTEC is seeking no dollar reduction in the current mine reclamation bond amount and is requesting liability release only.

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