STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215 Denver, Colorado 80203 Phone: (303) 866-3567 FAX: (303) 832-8106

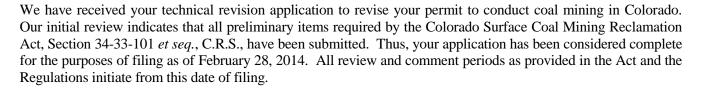
February 28, 2014

Louis Head New Elk Coal Company, LLC 12250 Highway 12 Weston, CO 81091

Re: New Elk Mine (Permit No. C-1981-012)

Technical Revision No. 69 (TR-69) Re-configuration of Ditch D-55

Dear Mr. Head:



Unless notification to the contrary accompanies this letter, the proposed newspaper advertisement submitted with the application has been found to be satisfactory. You should publish this advertisement as specified in Rule 2.08.4(6) of the Regulations. Proof of the publication of the advertisement must be filed with the Division as soon as available after the publication date.

Coincident with the publication, a copy of the revision application, less confidential items, must be filed for public inspection with the appropriate public office as specified by you in the notice. Any subsequent changes or additions to the application must also be made in this copy, at the same time it is submitted to the Division.

The Division is currently reviewing your revision application to determine whether the items you have submitted are adequate in terms of meeting the requirements of the Act and Regulations. In accordance with Section 34-33-116(5) of the Act, a proposed decision approving or denying this application will be issued no later than April 29, 2014.

If you have any questions, please contact me.

Sincerely,

Leigh D. Simmons

Sanker L. Brown

Environmental Protection Specialist

Leigh.Simmons@state.co.us

cc: Ron Thompson, New Elk Coal Company, LLC



John W. Hickenlooper Governor

Mike King Executive Director

Loretta E. Pineda Director C-TR-02