

# 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

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February 28, 2014

Las Animas County Commissioners  
County Commissioner  
200 East First Street, Room 104  
Trinidad, CO 81082

John W. Hickenlooper  
Governor

Mike King  
Executive Director

Loretta E. Pineda  
Director

**Re: New Elk Mine (Permit No. C-1981-012)**  
**Technical Revision No. 69 (TR-69)**  
**Re-configuration of Ditch D-55**

Dear Las Animas County Commissioners:

The Division of Reclamation, Mining and Safety hereby issues notice, in accordance with Title 34, Article 33, Section 116, Paragraph 4, of the Colorado Revised Statutes, that on February 28, 2014 an application to revise coal mining operations at the New Elk Mine was considered complete for the purposes of filing. The revision was submitted by New Elk Coal Company, LLC. All review and comment periods as provided in the Act and the Regulations initiate from this date of filing.

New Elk Coal Company is proposing to change the configuration of Ditch D-55, the clean water diversion ditch for the refuse disposal area, from the approved trapezoidal configuration to a triangular shaped channel.

The Underground coal mining operation is on land located approximately 25 miles West of Trinidad, Colorado. The permit area is further described as follows:

T33S, R68W, Portions of Sections 24, 25 and 26 All sections are partially or fully projected by New Elk Coal Company due to the unsurveyed nature of the Maxwell Land Grant. The above-mentioned tracts of land are shown on the USGS 7.5 minute Quadrangle maps of Vigil, Tercio, and Stonewall.

The above-mentioned tracts of land are shown on the following USGS 7.5 minute Quadrangle map(s): Vigil.

The applicant is required to publish notice in a local newspaper that this application has been deemed complete. At the time of publication of this notice, the applicant is additionally required to place a copy of this application at the Las Animas County Clerk and Recorder, 200 East First Street, Room 205, Trinidad, CO 81082, and at the Division office. For additional information or to provide written comments, contact the Division of Reclamation, Mining and Safety, Room 215, 1313 Sherman Street, Denver, Colorado 80203, (303) 866-3567. In order for us to comply with

regulatory time frames, we request that comments be submitted within fifteen (15) days of this letter. If no comments are received by then, we will proceed on the assumption that you have no concerns with, or objections to, the applicant's proposal.

Sincerely,



Leigh D. Simmons  
Environmental Protection Specialist  
Leigh.Simmons@state.co.us