



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

May 30, 2014

Mark Tobias
Office of Archaeology & Historic Preservation
History Colorado Center
1200 Broadway
Denver, CO 80203

Re: New Elk Mine (Permit No. C-1981-012)
Technical Revision No. 70 (TR-70)
This Revision will amend TR66 for the design of the RDA haul road.

Dear Mr. Tobias:

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 May 30, 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.

The applicant is not proposing additional surface disturbance outside of the area currently approved for disturbance.

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 applicant is not proposing additional surface disturbance outside of the area currently approved for disturbance.

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



Because the above-referenced technical revision application would incorporate additional lands into the permit area or might otherwise alter previously approved permit conditions or mitigation measures, we are requesting your agency's evaluation of the potential for impacts to cultural and historic resources.

In accordance with the May 1991 Memorandum of Understanding (MOU) between our agencies, we must have your concurrence in order to approve this proposal. We are required to make a finding that "the proposed operations will not adversely affect any publicly owned park or place listed on or those places eligible for listing, as determined by the SHPO, on the National Register of Historic Places, unless approved jointly by the Board and the Federal, State, or local agency with jurisdiction over the park or place." Therefore, we request that you submit comments regarding your concurrence with, concerns with, or objections to this proposal. In order that we may 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. Please refer to the MOU when undertaking your review.

Pertinent portions of the permit application are available electronically on our web site: <http://mining.state.co.us/Reports/MiningData/Pages/ImagedDocumentData.aspx>. Documents can be sorted by name or by Section/Exhibit number. A user's guide for our imaging system is also available in pdf format at the same web address. Please advise us if you require additional information.

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.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. Simmons", is positioned above the typed name.

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