



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

May 30, 2014

Dan Prenzlow
Colorado Parks and Wildlife
Southeast Region Manager
SE Region Administrative Office
4255 Sinton Rd.
Colorado Springs, CO 80907-4233

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. Prenzlow:

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 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 proposal. Your comments and concerns relating to the adequacy of fish and wildlife resources information, the fish and wildlife plan, and the reclamation plan as it relates to fish and wildlife considerations, including potential impacts to threatened or endangered species, are requested. If wildlife habitat is the proposed postmining land use, we request your evaluation of proposed woody plant stocking levels, planting arrangements, and methods for mitigation of potential adverse impacts.

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. 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,

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