



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

May 30, 2014

Pete Plage
U.S. Fish and Wildlife Service
P.O. Box 25486, DFC (MS 65412)
Denver, CO 80225-0486

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. Plage:

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, the Division is coordinating with the Office of Surface Mining on evaluation of the potential for impacts to threatened or endangered species of plants or animals, or wildlife species otherwise protected by federal law. A copy of the permit section addressing potential effects of the operation to threatened and endangered (T&E) species has been forwarded to the Office of Surface Mining. The OSM will prepare the biological assessment necessary for approval based on the information provided in the application, and OSM will coordinate with your office as necessary. This coordination is required to ensure mitigation of potential impacts to federally protected wildlife species.

The applicant is required to publish notice in the *The Chronicle - News* 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 ten (10) days of this letter.

Please contact me at the number above if you have any questions.

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