



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

June 10, 2014

Assistant State Supervisor
Fish and Wildlife Enhancement
U.S. Fish and Wildlife Service
445 W. Gunnison Ave
Grand Junction, CO 81501-5720

**Re: West Elk Mine (Permit No. C-1980-007)
Technical Revision No. 133 (TR-133)
Revised RPEE Designs**

Dear Sir or Madam:

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 June 10, 2014 an application to revise coal mining operations at the West Elk Mine was considered complete for the purposes of filing. The revision was submitted by Mountain Coal Company, LLC. All review and comment periods as provided in the Act and the Regulations initiate from this date of filing.

The Mountain Coal Company, LLC has submitted a Technical Revision to the West Elk Mine's Permit. This revision proposes to change the designs of the Refuse Pile Expansion East (RPEE), including the buttress, pile construction and drainage control. They have submitted a new Exhibit 82, which details all of the phases of construction and reclamation at the RPEE. This revision does not include any changes to the mine's permitted, affected or disturbed acreages. During the technical adequacy review the Division will determine if there will be any changes to the mine's reclamation liability as a result of this revision. 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 9 miles East of Paonia, Colorado. The permit area is further described as follows:

All or portions of: Sections 9 through 36 (inclusive), Township 13 South, Range 90 West; Sections 23 through 26 (inclusive), Township 13 South, Range 91 West; and Sections 1, 2, 3, 4, 8, 9, 10, 11,



and 12, Township 14 South, Range 90 West; all of the 6th Principal Meridian. Located in Gunnison and Delta Counties

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

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 *Delta County Independent* 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 Gunnison County Clerk and Recorder, 221 N. Wisconsin, Suite C, Gunnison, CO 81230, 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,



James R. Stark
Environmental Protection Specialist
Jim.stark@state.co.us