



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

May 11, 2017

Louis Head and Ron Thompson
New Elk Coal Company, LLC
12250 Highway 12
Weston, CO 81019

Re: New Elk Mine, 2016 ARR Review

Dear Louis and Ron:

I have reviewed your 2016 ARR submittal and generally found the report to be thorough, and it appears that most of the acreage values are accurate. I do have the following questions:

1. Why are there more seeded acres than topsoiled acres?
2. Are the disturbance acreages from the 2011 ARR correct? The 2016 ARR states that new disturbance in 2011 totaled 9.4 acres, but the first page of the 2011 ARR implies that there were 19.51 acres of new disturbance ($24.12 - 4.03 - 0.3 - 0.28 = 19.51$).
3. The Phase I area decreased from 2011 to 2016. I assume this is from redisturbance, but exactly which areas were redisturbed? In other words, which of the "Redisturbed 2011" values (listed in the 2016 ARR table) were released in 2006 with SL-02? (Or if easier to list, which were **not** part of SL-02?)

Please answer these questions in a response e-mail or letter.

The Division does not require NECC to revise past AHRs (as asked in NECC's cover letter for the 2016 ARR). However, in the 2017 ARR it would be very useful if NECC provided ARR maps showing details of areas indicating what has been backfilled and graded, what has been topsoiled, and what has been seeded. Ideally, this would accompany tables like the table provided for seeded areas (in 2016 ARR). This will be useful for reviewing ARR's and tracking mine areas when bond releases are submitted in the future. It is beneficial to all parties if the Division and NECC are on the same page regarding the status of all areas within the mine permit.

If you have any questions, please contact me at Rob.Zuber@state.co.us or 303.866.3567 (x8113).

Sincerely,

Robert D. Zuber, P.E.
Environmental Protection Specialist II

