

NOTICE OF PROPOSED DECISION

The Colorado Division of Reclamation, Mining and Safety proposes to approve Technical Revision Application No. 72 (TR-72) for the New Elk Mine (Permit No. C-1981-012), submitted by New Elk Coal Company, LLC. This revision proposes to transfer 3.0 acres from the Golden Eagle Mine permit to the New Elk Mine permit. The area in question, the Northwest Airshaft Site, has been given Phase I bond release.

The New Elk Mine is a/an underground coal mine located in Las Animas County, approximately 25 miles W of Trinidad, Colorado. Coal interest is state and private, and the surface affected is state and private land. The permit area encompasses approximately 4,198.90 acres.

This proposed decision is based on a finding that the proposed operation will comply with all requirements of the Colorado Surface Coal Mining Reclamation Act, Section 34-33-101, et seq., C.R.S., and the regulations promulgated thereunder.

Copies of the proposed decision, including stipulations, are on file for public inspection at the Colorado Division of Reclamation, Mining and Safety, Room 215, Centennial Building, 1313 Sherman Street, Denver, Colorado 80203. Persons with an interest that may be adversely affected by the proposed decision may request a formal hearing before the Mined Land Reclamation Board on the proposed decision. Such request must be made within ten (10) days of the initial publication of this notice, must be in writing, and must state with reasonable specificity the reasons for the request and the objections to the proposed decision.