



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

Louis Head
New Elk Coal Company, LLC
12250 Hwy 12
Weston, CO 81019

November 24, 2017

**Re: Lorencito Canyon Mine (Permit No. C-1996-084)
Permit Renewal 4 (RN-04), Second Adequacy Letter**

Dear Mr. Head:

New Elk Coal Company sent a letter (dated October 16, 2017) to the Division of Reclamation, Mining and Safety with responses to our adequacy items for your Permit Renewal (RN-04) for the Lorencito Canyon Mine.

Some of the following adequacy items still need to be addressed for the permit to be renewed by the Division.

Adequacy Item 1

No additional comments needed.

Adequacy Item 2

No additional comments needed.

Adequacy Item 3

The original comment by the Division was this:

Page 2.05-60 of the PAP states, "Revegetated areas will be grazed at an approved level during the last two years of the 10-year reclamation liability period. Vegetation sampling will be conducted on the reclaimed and extended reference areas prior to grazing each year." However, page 2.05-71a has conflicting text. It states that revegetated areas and extended reference areas "will be grazed at an appropriate level for at least two years of the last five years of responsibility. Grazing will be conducted so that it does not preclude" vegetation sampling. NECC needs to correct the text to bring the pages into agreement.

NECC's response was to state that you will not be grazing as per the post-mining land use of Rangeland. You did not provide corrected pages for the conflicting statements. The Division



again respectfully requests that the conflicting statements on pages 2.05-60 and 2.05-72 be corrected. Page 2.05-60 references the last two years, while page 2.05-72 commits to two of the last five years. Please make these statements agree.

Adequacy Item 4

The original comment by the Division was this:

There are conflicting statements on page 2.05-73 and 2.05-73a. On page 2.05-73 the woody plant density sampling methodology states that belt transects of 50 meters x 5 meters will be used. Yet on page 2.05-73a the text states that in the grassland areas belt transects of 50 meters x 2 meters will be used for woody plant density sampling. Please explain or correct this discrepancy.

NECC's response was that you would deal with this issue at a later date. The Division simply requested that the stated methodology commit to either a 2 meter by 50 meter belt transect or a 5 meter by 50 meter belt transect for woody plant density measurements. Currently, it is unclear in the PAP which method NECC will use. By choosing not to correct the error, potentially the Division could find the operator out of compliance with the permit if they choose to use a 5 meter wide or a 2 meter transect for woody plant sampling since the permit commits to both. Once again, the Division respectfully requests that NECC correct the conflicting text.

Adequacy Item 5

No additional comments needed.

Adequacy Item 6

No additional comments needed.

Adequacy Item 7

No additional comments needed.

Please feel free to contact me with any questions or comments.

Regards,

A handwritten signature in blue ink, appearing to read "Robert D. Zuber".

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