



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

May 23, 2018

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

Re: Lorencito Canyon Mine, Adequacy letter for TR-20

Dear Mr. Head:

After review of the TR-20 submittal, the Division has the following concern or requests for additional clarification:

1. Revised page 2.05-71a still discusses domestic grazing the final two years of the liability period. Domestic grazing is intended to demonstrate that the reclamation is able to support the post mining land use or Rangeland and Wildlife Habitat. However, the operator has stated to the Division that the landowner does not want the property grazed. Please either revise this commitment, or state how the PMLU will be evaluated. (Rule 4.16.1(1))
2. Related to item number 1, NECC has proposed a wildlife usage sampling methodology on revised page 2.05-73. Is this intended to demonstrate post-mining land use? (Rule 4.16.1(1)) If so, the Division suggests that NECC state they will either conduct domestic grazing or wildlife counts to demonstrate post mining land use support. As submitted, the text indicates that both methods will be used. The Division suggests a sentence on page 2.05-73 stating that if the landowner request no domestic grazing for the final two years of the liability period, NECC will employ wildlife usage counts to demonstrate the post-mining land use is being met.
3. Please correct “typo” on revised page 2.05-74; in Table 2.05.4-5 please correct “Woody Seem Density” to Woody Stem Density.
4. Please correct “typo” on revised page 2.05-75. The first sentence following Table 2.05.4-5 starts out, “In Phase ID”. The Division believes that this should read, “In Phase III”.
5. NECC is proposing a cover standard of 500 stems per acre on areas considered to be shrub plots. On revised page 2.05-72, NECC commits to sampling a minimum of three shrub plots. Please define how large these shrub plots are anticipated to be. The permit system shows that 129.3 acres of disturbance remain in the Lorencito Canyon Mine Permit area. Do the shrub plots represent a percentage of the reclaimed area? The Division suggests that the shrub lots represent some percentage of the reclaimed area. Five percent of the disturbed area would be 6.5 acres, and ten



percent of the disturbed area would be 12.9 acres. NECC needs to state how much area will be considered within the shrub plots for sampling purposes.

6. On page 2 of the proposed Arcadis Sampling Plan, the Division finds an error in Equation 1. Please use the correct formula as shown in Rule 4.15.10(2)(a) for determining sample adequacy.

If you have any questions to discuss before you send a formal response, please do not hesitate to contact me at Rob.Zuber@state.co.us or Janet Binns at Janet.Binns@state.co.us. Thank you very much for your attention to this matter.

Sincerely,



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

