




**PERMIT INFORMATION**

<b>Permit Number:</b> C-1981-012 <b>Mine Name:</b> New Elk Mine <b>Operator:</b> New Elk Coal Company, LLC <b>Operator Address:</b> Mr. Louis Head 12250 Highway 12 Weston, CO 81091	<b>County:</b> Las Animas <b>Operation Type:</b> Underground <b>Permit Status:</b> Active <b>Ownership:</b> Private
	<b>Operator Representative Present:</b>  Nick Mason
<b>Operator Representative Signature: (Field Issuance Only)</b>  	

**INSPECTION INFORMATION**

<b>Inspection Start Date:</b> September 19, 2018 <b>Inspection Start Time:</b> 07:30 <b>Inspection End Date:</b> September 20, 2018 <b>Inspection End Time:</b> 08:30		<b>Inspection Type:</b> Coal Partial Inspection <b>Inspection Reason:</b> Normal I&E Program <b>Weather:</b> Cloudy	
<b>Joint Inspection Agency:</b>  OSM		<b>Joint Inspection Contacts:</b>  	
<b>Post Inspection Agency:</b>  OSM		<b>Post Inspection Contacts:</b>  	
<b>Inspector(s):</b>  Robert D. Zuber, P.E.	<b>Inspector's Signature:</b>  		<b>Signature Date:</b>  9/24/2018

**Inspection Topic Summary**

NOTE: Y=Inspected N=Not Inspected R=Comments Noted V=Violation Issued NA=Not Applicable

N - Air Resource Protection

N - Roads

N - Availability of Records

N - Reclamation Success

N - Backfill &amp; Grading

R - Revegetation

N - Excess Spoil and Dev. Waste

N - Subsidence

NA - Explosives

N - Slides and Other Damage

N - Fish &amp; Wildlife

N - Support Facilities On-site

R - Hydrologic Balance

R - Signs and Markers

Y - Gen. Compliance With Mine Plan

R - Support Facilities Not On-site

N - Other

N - Special Categories Of Mining

N - Processing Waste

N - Topsoil

**COMMENTS**

A partial inspection was conducted by Rob Zuber of DRMS on September 19 and 20, 2018. The NECC representative who participated in the field inspection was Nick Mason. Christine Belka from OSM was on site for an oversight inspection on September 19th, but she missed the portion on the 20th (approximately 30 minutes at the Jansen Loadout) due to issues with her vehicle. The focus of the inspection was weed management. Unfortunately, the two NECC employees who conduct weed management at the site (Bill and Vince Massarotti) were not present. The mine manager, Louis Head, did inform the inspectors that NECC has made a concerted effort to control weeds, and that this effort has included the use of chemical applications (as witnessed by Rob Zuber in recent months) as well as mechanical control.

The weather was partly cloudy, and the ground was mostly dry.

**HYDROLOGIC BALANCE - Rule 4.05**

Drainage Control 4.05.1, 4.05.2, 4.05.3; Siltation Structures 4.05.5, 4.05.6; Discharge Structures 4.05.7, 4.05.10; Diversions 4.05.4; Effluent Limits 4.05.2; Ground Water Monitoring 4.05.13; Surface Water Monitoring 4.05.13; Drainage – Acid and Toxic Materials 4.05.8; Impoundments 4.05.6, 4.05.9; Stream Buffer Zones 4.05.18:

Maintenance has been performed on the sediment and erosion BMPs at the former Golden Eagle air shaft area, and they appear to be functioning.

**REVEGETATION – Rule 4.15**

Vegetative Cover; Timing:

The primary purpose of the inspection was to assess if NECC has been following the weed management plan in the PAP. With Vince and Bill Massarotti off site during the inspection, the focus was on walking and driving most of the site (including areas known to be the locations of weeds in the past) to look for weeds, particularly patches of noxious weeds. The species of concern can be found in “Noxious Weeds of Colorado, 12th edition” (Colorado

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Weed Management Association, 2015). No A List species were seen. Some B List species were seen; details are given below. The following C List noxious weeds were seen at locations around the New Elk Mine site: cheat grass, field bindweed, and Mullein. However, no large patches were found.

The inspectors also made note of some other plant species that are not on the noxious weed list, nor are these plants in the New Elk Mine seed mix. These included wild licorice near the DWDA#2 and other species that have not been identified at this time. Identification may be easier at another time of the year, and DRMS will plan to closely inspect applicable areas (known to contain these unknown plants) in the spring and fall of 2019.



**Photo 1. Common unidentified plant around site**

In the area around the equipment storage area by the C&W Shop, cheat grass, field bindweed, and Mullein were seen, and a large amount of Russian thistle (not noxious and not in the seed mix) was also seen near the C&W Shop. A thistle that could possibly be on the B list was seen (individual plant only), although it was not fully identified.

No living poison hemlock was seen near the West Portal gate, although some dead plants looked to be that species; they have possibly been sprayed by NECC staff.

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In the area near Containment Area #2, no A List or B List noxious weeds were seen. Some unidentified species were seen.



**Photo 2. Unidentified plant near Containment Area #2**



**Photo 3. Unidentified plant near Containment Area #2**

About 80 feet northeast of culvert C21 (near the west end of the site) a small thistle was seen. This may be Canada thistle but was not identified completely.

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In the SAEs near the Allen Mine rail slope and near the West Fan, no weeds or other problems were seen.



**Photo 4. SAE near Allen Mine portal**

In the area near Containment Area #1, no A List or B List noxious weeds were seen. Some unidentified species were seen.

In the area near the slurry injection system, a small thistle was seen.

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**Photos 5.and 6. Unidentified plant near Containment Area #1 (left) and thistle by slurry injection system (right)**

In the area around Ponds 006A and 007A, many of the same unknown species were seen as in other areas. No A List or B List noxious weeds were identified.



**Photo 7. Unidentified plant near Pond 007A**

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In ditch D22, an unidentified plant was seen, but it was determined that it is not noxious.

Along the river by the Raw Coal Storage area, Chinese clematis (which is on the B List) was seen. This plant is slightly beyond the disturbance boundary (there is a buffer along the river), but it is recommended that NECC kill or remove this weed to prevent spreading.

At the west end of the side of DWDA#2 by the river, wild licorice was seen, but no A List or B List noxious weeds were seen. (The east side of the pile was not inspected at this time.)



**Photo 8. Wild licorice**

On the west side of the reclaimed Development Coal Waste Pile, on the river side and on the highway side, no A List or B List noxious weeds were seen. (The east side of the pile was not inspected at this time.) The following unidentified species was seen.

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**Photo 9. Unidentified plant near Development Coal Waste Pile**

No weed patches were seen on the east side of Pond 004A (The west side of the pond was not inspected at this time.)

The following areas around the RDA were inspected: the northwest corner, the SAEs to the east of the RDA, and the road along the conveyor. No weed patches were seen but small amounts of the following were seen by the SAEs: Mullein, cheat grass and bull thistle (a B List species).

At the Northwest Air Shaft (formerly part of the Golden Eagle permit) no A List or B List noxious weeds were seen. The following unidentified species was seen.

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**Photo 10. Unidentified plant at Northwest Air Shaft**

At the Jansen Loadout, Mullein, cheat grass and kochia were seen. Kochia is not a noxious weed, and it is not in the New Elk seed mix. The following unidentified species was seen.



**Photo 11. Unidentified plant at Jansen Loadout**

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In general, NECC is controlling noxious weeds on site, especially species on the A list (none were seen) and B list, but NECC should work to reduce the number of C List weeds on the site. This could be very helpful when bond release is sought in the future. It is also recommended that other species (not noxious and not in the seed mix) be controlled if they are determined to hinder the growth of species in the seed mix.

#### SIGNS AND MARKERS – Rule 4.02:

Additional boundary and/or disturbance markers are needed at the Jansen Loadout and along the river by the Raw Coal Storage area.

#### OFFSITE SUPPORT FACILITIES - Rule 4.04, 4.28:

No erosion problems were seen at the Jansen loadout. Some weeds were seen as noted in the REVEGETATION section of this report.

### **ENFORCEMENT ACTIONS/COMPLIANCE**

No enforcement actions were initiated as a result of this inspection, nor are any pending.

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