



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

June 4, 2019

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

Re: Lorencito Canyon Mine, Second review of 2018 ARR

Dear Mr. Head:

I appreciate Nick Mason's response of May 15, 2019 regarding my initial comments on the 2018 ARR for the Lorencito Canyon Mine. I have the following additional comments and questions regarding the 2018 ARR (numbers do not match numbers from my previous letter). Please have Nick update the map and tables of acreages, as appropriate, and send them to me in another response for this ARR review. As before, he should include any supporting information such as his calculation sheet.

1. The actual disturbance area outline (bright green polygon) on Map 2.05.3-5 of the NECC response appears to be incorrect as follows:
 - a. Comparing that outline to Google Earth, it looks like the outline may be too extensive in some areas. For example, at the northwest corner, the "nose" of the outline appears to extend too far west. Also, north of Pond 6 (aka Pond 006a) the outline may encompass undisturbed area.
 - b. In other parts of the site, the outline may not encompass enough disturbed area. For example, the area west of the sediment dumping area appears disturbed but is not within the boundary. For this area and any others, please indicate if the disturbance area outline is impacted by pre-mining disturbances.
 - c. Additional areas should be shown as disturbance on this map. This includes ponds, roads to ponds, ditches (such as D4, D15, and D76), and area BA-3.

Please see the following figure (Figure 1). The red polygon is my attempt to use Google Earth to identify the outline of the disturbance (not including BA-3 or the ponds, roads, and ditches that are outside the "main" area). The green circles are areas where the NECC disturbance boundary (in Nick Mason's Map 2.05.3-5) appear to be too extensive. The blue circle is where the NECC boundary may not be extensive enough. Please let me know if the intent of this figure is not clear.



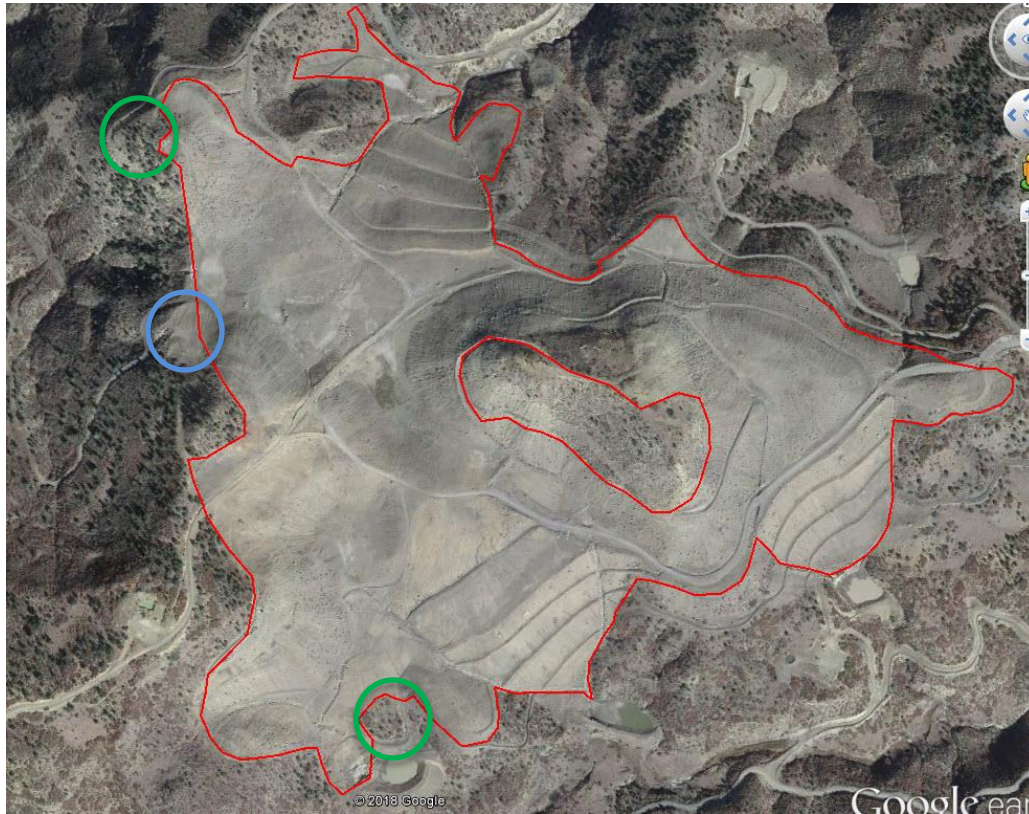


Figure 1

2. The shapes of ponds on Map 2.05.3-5 do not appear to match the on-the-ground conditions. It is not essential to fix this on the map, but please check that the areas of the ponds, as indicated in the ARR form and supporting documentation (calculation sheet), are accurate.
3. On the calculation sheet, are acres for roads to Pond 9 and Pond 9a reversed? Based on Map 2.05.3-5 and Google Earth, it appears that the road to Pond 9 should be larger.
4. Should the disturbance area for Borrow Area 3 be 1.4 acres or 1.8 acres? This is still unclear in the May 15 letter from Nick Mason. Is he saying that the “official” area is what he is measuring off the map, and the values in past ARRs are not as accurate? If so, that is fine but please clarify. Also, consider if the acreage seeded must be changed to match the area for BA-3.
5. Is the acreage for the Main Road included in the Phase III area of 27.2 acres? Or is it included in the 119.77 acres on the calculation sheet?
6. With the new version of the ARR form, NECC complied with my request to not subtract the Phase III areas from acres disturbed, acres backfilled and graded, acres topsoiled, or acres seeded. I appreciate that. However, this change needs to be documented, and the form should reflect last year’s values in the left hand column, and include changes in the middle columns under “This Calendar Year.”

As always, please do not hesitate to contact me with questions and/or comments. I can be reached at Rob.Zuber@state.co.us or 303.866.3567 (x8113).

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert D. Zuber". The signature is fluid and cursive, with the first name "Robert" and last name "Zuber" clearly distinguishable.

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