



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

1313 Sherman Street, Room 215
Denver, CO 80203

September 21, 2020

Nick Mason
New Elk Coal Company LLC.
12250 State Highway 12
Weston, Co 81091

RE: New Elk Mine, C-1981-012, Technical Revision 75 Application, Adequacy Review #2

Dear Mr. Mason

The Colorado Division of Reclamation, Mining, and Safety (“DRMS” or “Division”), received the above referenced application on July 24, 2020. The application was deemed complete and filed for review on July 27, 2020. A first adequacy review was sent out on August 19, 2020. The Division is required to issue a decision on the application by September 25, 2020. The following adequacy review items will need to be addressed prior to the Division’s approval of the application:

General Questions

1. New Elk Coal Company (NECC) needs to commit to not having more than 19 acres exposed on the RDA at any given time.
2. NECC needs to provide information on how they intend to access the material from the borrow area with the necessary equipment. If new access roads need to be built, information on how the roads will be constructed will need to be provided in accordance with Rule 2.4 and Rule 2.5. In addition to the information needed, NECC will need to update all maps with an access road, update the permit file with all necessary information, and provide a cost estimate on how much it will cost to access the material.

Rule 4.10.4 - Construction Requirements

3. Proposed revised page 2.05-58c indicates NECC plans to conduct a revegetation success analysis of the DWP in the future. The first adequacy response stated “NECC commits to conduct a vegetation analysis of the DWP for success requirement in accordance with Rule 4.15 by the end of 2022 to ascertain the adequacy of the reduced cover material depth.” The Division requires a commitment of by the end of 2021 to ascertain the adequacy of the reduced cover material depth.

Bond Calculation

4. A bond calculation will be conducted as soon as the necessary information is provided.

This concludes the Division’s preliminary review of the technical revision application. The Division is required to issue a decision on the application by September 25, 2020. The adequacy issue listed above



must be addressed to the Division's satisfaction prior to the decision date. If you need additional time to address these issues you must request an extension of the decision date. Please be aware that that the Division will deny the application if outstanding adequacy issues remain when the decision date arrives or inadequate time is provided for the Division to review the response to the adequacy items.

If you have any questions, please contact me at daniel.cunningham@state.co.us or (303) 866-3567 Ext. 8126.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel Cunningham", is written in a cursive style.

Daniel J. Cunningham
Environmental Protection Specialist

EC: Jared Ebert, Division of Reclamation, Mining & Safety