

NEW ELK COAL COMPANY



September 22, 2020

Daniel Cunningham
Division of Reclamation, Mining and Safety
1313 Sherman St., Rm. 215
Denver, Colorado 80203

Re: New Elk Mine
Permit C-1981-012
TR-75 Second Adequacy Response

Dear Mr. Cunningham:

This letter is in response to the Second Adequacy Review letter received September 21, 2020 for the Technical Revision 75 Application NECC believes this completes all of the information the Division needs and has requested to finalize the review. Each DRMS question is listed and NECC response is found below. An updated page 2.05-58a and 2.05-58c are attached.

Per your email dated September 21, 2020, you noted that the Division needed 3 days to review NECC's response to meet the September 25, 2020 approval deadline. We believe that the Division has sufficient time to review the information in the attached Second Adequacy Response for TR-75, but if the Division needs additional time for approval, please let me know.

DRMS question

1. New Elk Coal Company (NECC) needs to commit to not having more than 19 acres exposed on the RDA at any given time.

NECC response

NECC will commit to not having more than 19 acres exposed on the RDA at any given time. An updated page 2.05-58a is attached, committing to not having more than 19 acres exposed on the RDA at any given time.

DRMS question

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.

NECC response

The borrow area lies immediately adjacent to the southwest boundary of the RDA operational surface. Access will be established initially on the northwest end of the borrow area. Access ramps will be established that run from the northwest to the southeast through the borrow area. A large portion of cover material will be taken from the southeast end of the borrow area, where material will be pushed downslope to the existing road in this area. Windrowing of topsoil and selective harvesting of available topsoil will occur as operational conditions allow. Intermediate placement of material in the stockpile area may occur if direct haul is not an immediate option. Equipment used for these operations includes excavators, small reclamation dozers, and end dump trucks capable of working in confined areas.

As has been previously discussed, NECC has successfully placed coal mine waste in the RDA in strict conformance with the approved plan and has successfully covered, topsoiled, and revegetated four benches at the RDA. No access roads were constructed, no access roads will be constructed, and none are required under the plan as previously approved or as proposed in TR-75. By definition, roads do not include access ramps to pits, coal mine waste disposal areas, or other areas of active reclamation operations. Access to this area will be done considering safety factors along with consideration of material needs and operation sequencing of reclamation steps. The definition of "road" is as follows:

Rule 1.04 (111) "Road" means a surface right-of-way for purposes of travel by land vehicles used in coal exploration or surface coal mining and reclamation operations. A road consists of the entire area within the right-of-way, including the roadbed, shoulders, parking and side area, approach structures, ditches, surface, and such contiguous appendages as are necessary for the total structure. The term does not include public roads, ramps, and routes of travel within or adjacent to the immediate mining pit area or within spoil or coal mine waste disposal areas.

Finally, costs were previously estimated and included in the revised text submitted with TR-75, pages 58d and 58e, along with additional discussion of material volumes and required ancillary reclamation tasks.

DRMS question

3. Proposed revised pages 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.

NECC response

NECC commits to conduct a vegetation analysis of the DWP for success requirement in accordance with Rule 4.15 by the end of 2021 to ascertain the adequacy of the reduced cover material depth. An updated page 2.05-58c is attached committing to completing the vegetation analysis by 2021.

DRMS question

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

NECC response

No response required.

Please call me if you have any questions or comments.
Sincerely,



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