

New Elk Coal Company, LLC  
 Lorencito Mine Permit C-1996-084  
 12250 Highway 12  
 Weston CO 81091  
 7196316140

(e) Neither the applicant nor the persons who own or control the applicant have any pending surface coal mining permit application in any state in the United States.

The name of the mine is the New Elk Mine. The MSHA identification numbers are: Preparation Plant 05-04461, Allen Underground Mine 05-00296, and Bates Underground Mine 05-04975.

There are no outstanding interests in lands, options, or pending bids on interest held or made by NECC for lands which, are contiguous to the area covered by the permit.

Owners of record of surface (S) and subsurface coal (C) or (S&C) within or contiguous to the permit boundary are listed below and shown on Maps 1 and 2.

Owners of surface and subsurface contiguous to the permit area

Arehart Shawn	19851 County Rd 75.1 (SWD) Hoehne, CO 81046-0000	S
Asevedo Daisy Chavez & Victor Dimas Asevedo & Krystle Ann Asevedo (QCJT)	7492 Sierra De Oro Place Las Cruces, NM 88012-0000	S
Baker Richard L (Wd)	524 Rancho Viejo Dr Socorro, TX 79227-0000	S
Bar NI Corporation	6614 Hwy 12 Weston, CO 81091-0000	S
Beck Joann & Gabrielita Chacon et al	P O Box 540 (Wjt) Bailey, CO 80421-0000	S
Bose Revocable Family Trust Prasenjit & Jeannette Bose As Trustees (Deed)	21 Via Granada Rolling Hills Estates, CA 90274-0000	S
Box Family Limited Partnership	P O Box 3376 McAllen, TX 78502	S
Brockhausen Family Living Trust c/o Sandy & Ed Brockhausen	37942 Windy Ridge Trl (Wd) Magnolia, TX 77355-0000	S
Brokemeyer Andrew H & Lyndsey J Marzec	3021 Columbine St Denver, CO 80205	S
Burson Craig E & Juanita I (WJT)	400 N Park Ave Unit-10b Breckenridge, CO 80424-0000	S
Chacon Candido Anthony III	5880 S Espana St Aurora, CO 80015	S&C
Chatman Brandon L	12030 County Rd 23.3 Weston, CO 81091	S
Chavez Bill R & Rosanna T (WJT)	12402 Hwy 12 Weston, CO 81091-0000	S&C
Chavez Isaac L & Susana Guzman (WDJT)	12300 Santistevan Canyon Rd Weston, CO 81091	S&C

Chavez Veronica Jo (WD)	6741 Brants Lane Fort Worth, TX 76116-0000	S&C
Coombs Francis J W & Teresa Darlene Coombs (WJT)	P O Box 128 Weston, CO 81091-0000	S
Cooper Stephen D & Rosemary T	420 Limestone Ct Euless, TX 76039	S
Department of Natural Resources for the Benefit of The Division of Wildlife & Wildlife Commission	6060 Broadway Denver, CO 80216-0000	S&C
Downen Billy & Gayla (WJT)	17707 Hwy 50 Lamar, CO 81052-0000	S
E Poole Landholdings LLC	102 Third Park Dr Richfield, Nc 28137	S
Escobar Luis Alberto Aragonz	6679 Robertsdale Way Aurora, CO 80016	S
Evergreen Natural Resources LLC A Colorado Ltd Liability Co	27160 Craig Lane Golden, CO 80401	S
Ford William Jason & Lisa G	198 Calhoun Cr Castle Rock, CO 80104	S
Harris Daniel R (W)	1107 Hillside Dr Concordia, KS 66901	S
Hoelting Keith A & Julia A	P O Box 190 Weston, CO 81091	S
Hutchinson John S & Paula K	1810 Rosedale St (Wjt) Houston, TX 77004	S
Jones Anthony & Dawn J (WJT)	7750 Mohawk Rd Colo Springs, CO 80908-0000	S
Jurajda John L Jr & Krista B Mayo- Jurajda (SWDJT)	800 Margaret Dalhart, TX 79022	S
Karagiannis Demetrios Jr & Stephanie Ann (WDJT)	10851 Glen Canyon Dr Peyton, CO 80831	S
Kjolner Ruth Karina (WD)	1117 Black Creek Church Road Mount Croghan USA, SC 29727	S
Kraft Glen Alfred & Ines Jacqueline(WDJT)	9214 Wallace St Albuquerque, NM 87109-0000	S
Law Gerald M & Jean L (WJT)	2710 Colony Park Drive Sugarland, TX 77479-2629	S
Leier Clement M &/or Beverly Diana (WJT)	2109 S Hughes Amarillo, TX 79109-0000	S
Lewis Erick & Darby (WDJT)	12181 County Rd H ½ Pampa, TX 79065-0000	S
Maclaren Doug (WD)	1321 Little Bear Creek Road Idaho Springs, CO 80452-0000	S
Malouf Timothy J & Tammy J	13121 Northridge Road Weston, CO 81091	S
Mckinley Jim & Connie (WJT)	12251 Santistevan Canyon Rd Weston, CO 81091-0000	S
Messemer Michael & et al (QCJT) Loan#572764642 %Central Mortgage Co Attn: Tax Dept	801 John Barrow Rd #1 Little Rock, AR 72205	S

Milstead Larry Ray & et al c/o Beaty Milstead Kathy	133 Tierra Vista Drive Kerrville, TX 78028	S
Montoya Dominic P & Marco C & Patricia L Montoya	1895 24th St Greeley, CO 80631-0000	S&C
Morey Robert D & Amber S	1019 N Walton Blvd Bentonville, Ar 72712	S
Navalesi Gery (WD)	1143 Cinder Lane Ne Los Lunes, Nm 87031-0000	S
New Elk Coal Company LLC c/o New Elk	12250 Hwy 12; Weston, CO 81091-0000	S&C
Norton Double NN UP Ltd	5504 Berget Dr Amarillo, TX 79106	S
Oine David Karl & Jodi Kay Sutherland	26525 E Walker Drive Aurora, CO 80016	S
Olson Eric Lloyd	200 Linden St Frederick, CO 80530	S
Palermo Ross Frank (WD)	Po Box 158 Weston, CO 81091	S
Paz David R & Linda K & David R Jr (QCDJT)	12088 Escondido Drive Weston, CO 81091-0000	S
PCS Canadian Properties LLC Ltd Liability Co (WD)	P O Box 1300 Canadian, TX 79014-0000	S
Pearson Christopher J (WD)	2722 W 22nd Ave Denver, CO 80211-0000	S
Pittman Buddy L & Carolyn S	1 Greenbriar Ct (Wjt) Trophy Club, TX 76262	S
Riddle Andrew M & Lance R (QCD)	1121 Grant Ave Trinidad, CO 81082-0000	S
Royal Karen D (WJT)	2923 S Granby Street Aurora, CO 80014-0000	S
Ryskoski Scott J & Tama L (WJT)	1417 Cambridge Crossing Southlake, TX 76092-0000	S
Sales CJ First Family Partnership LLLP (WD)	6742 Tanglewood Dr SE Grand Rapids, MI 49546-7242	S
Schindler Don & Linda (WJT)	1676 Campbell Road Waxahatchie, TX 75167	S
Sholes Robert L & Hildie L	2597 North River Rd (Wjt) Cosmopolis, WA 98537-0000	S
Silver Randall Lee (QCD)	13892 Hudson Way Thornton, CO 80602	S
Smith Larry & Nancy As Tenants In Common	8569 E Rd 2 Ulysses, KS 67880-0000	S
Stiles Richard W & Kathleen M (QCJT)	314a W Lennon Dr Unit-114 Emory, TX 75440-0000	S
Telfer Darin R & Laura E	13574 Saddle Drive Mead, CO 80542-0000	S
Thomas Michael & Pamela (WDJT)	6658 CR 35400 Sumner, TX 75486-0000	S

Thompson Ronald Gerald & Kathryn Kingston Thompson Trustees of The Ronald Gerald Thompson Trust (WD)	34115 County Rd 20.8 Trinidad, CO 81082-0000	S
Vallejo Peter R & Jean A (WJT)	4255 Southpark Bluff Drive Anchorage, AK 99516-0000	S
Vigil David C & Marcia K Vigil-Kunich	7854 Algonquian Way Aurora, CO 80016	S
Weissman-Doyle Living Trust	10341 Deer Creek Canyon Road Littleton, CO 80127	S
Williams Jay C et al	P O Box 993 Elkart, KS 67950	S
Woodring Drake & Shannon Noel	728 Burr Oak Cincinnati, OH 45232	S
Xto Energy c/o Exxon Mobil Corporation	PO Box 64106 Spring, TX 77387-4106	S&C
Yang Ying	13410 Hwy 12 County Rd 23.3 Weston, CO 81091	S
Zamora Felix J & Linda J (WJT)	3800 Weld CR 29 Ft Lupton, CO 80621-0000	S
North Central Energy/ West Moreland	9540 South Maroon Circle, Suite 200 Englewood, CO 80112	C
Bureau of Land Management	2850 Youngfield Street Lakewood, CO 80215	C
MGP Enterprises et al	11284 West Asbury Ave Lakewood, CO 80227-1957	C
Vince James	15280 W. 66th Place Arvada, CO 80007	C
Pioneer Natural Resources	c/o KE Andrews & Company 1900 Dalrock Rd Rowlett, TX 75088	C
James O'Neil	1504 Hermitage Dr. Round Rock, TX 78681	C (50%)
Bluegreen Corp. of The Rockies	c/o KE Andrews & Company 1900 Dalrock Rd Rowlett, TX 75088	C (50%)
Hurtado	1505 E. Main SP-15 Trinidad, CO 81082	C
State of Colorado	6060 Broadway Denver, CO 80216	C

The New Elk Mine Workings are owned by NECC (Exhibit 34).

24	S57°57'15"W	for	1025.5'	then
25	S26°0'0"E	for	700'	then
26	S66°0'0"E	for	1000'	then
27	S88°24'43"W	for	736.1'	then
28	S66°0'0"W	for	600'	then
29	S 80°8'56" W	for	1049.7'	then
30	S81°30'0"W	for	1650'	then
31	N25°30'0"W	for	200'	then
32	S75°0'0"W	for	420'	then
33	S7°0'0"W	for	1500'	then
34	N86°0'0"E	for	900'	then
35	N4°30'0"E	for	700'	then
36	N90°0'0"E	for	800'	then
37	S66°30'0"W	for	650'	then
38	S4°30'0"W	for	400'	then
39	N72°30'0"E	for	650'	then
40	S12°0'0"E	for	396.8'	then
41	S76°45'19"W	for	1331.0'	then
42	S83°5'24"W	for	3056.5'	then
43	S83°59'12"W	for	376.7'	then
44	S86°0'46"W	for	1091.46'	returning to the point of start.

The mineable coal within the permit boundary is owned by the State of Colorado acting by and through the Department of Natural Resources for the use and benefit of the Division of Parks and Wildlife. A copy of the lease included in **Exhibit 34 Addendum Division of Wildlife Lease**.

NECC signed a temporary use agreement with the Colorado Division of Parks and Wildlife in order to be able to install a culvert necessary to relieve flow from the upper diversion ditch for DWDA #3. A copy of the agreement is located in **Exhibit 34-1**.

NECC leases for right of entry in the PR-05 area are contained in **Exhibit 34**. The legal description of lands included in PR-05 are contained within the lease documents.

NECC leases the Jansen Loadout facility for coal shipments. Right of entry information for the loadout site can be found in **Exhibit 40**. NECC is the permittee of the Lorencito Canyon Mine, Colorado Permit No. C-1996-084.

There are no purchases of record under real estate contract for property overlying areas that NECC's mining activities will affect during the next five years.

### **2.03.7 RELATIONSHIP TO AREAS DESIGNATED UNSUITABLE FOR MINING**

The proposed permit area is not located within an area designated unsuitable for surface coal mining operations or under study for such designation. NECC does not intend to conduct surface mining activities or to conduct or locate