



April 14, 2022

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

Re: New Elk Mine
Permit C-1981-012
TR-76

Dear Mr. Ebert

Please find electronically attached an application for TR-76 for New Elk Mine (Permit C-1981-012). TR-76 changes a section of an existing light use road to a haul road.

application material and has found the application remains incomplete. Please address the following:

APPLICATION FORM:

1. The application form indicates this 4.91 acre area is private land; however, DRMS was under the impression based on conversations with NECC and previous submittals that the area in question was located on land owned by the State of Colorado and that NECC has an easement for this area. Please confirm and/or revise the application form accordingly.

***RESPONSE:** The 4.91 acre area is on private land and owned by NECC. We have updated Exhibit 34 – Right of Entry that provides the quitclaim deed.*

SECTION 2.03.4(6) & (7) – IDENTIFICATION OF INTERESTS – OWNERSHIP INFORMATION

2. Please affirm the information in the Permit Application Package (PAP) that provides the ownership information required by Rule 2.03.4(6) and (7) is accurate for the newly proposed 4.91 acres. Please update Map 01 of the PAP to include the newly proposed permit/affected area and associated surface ownership.

***RESPONSE:** Map 1 has been updated showing the proposed haul road alignment.*

SECTION 2.03.6 – RIGHT OF ENTRY AND OPERATION INFORMATION

3. Please revise PAP section 2.03.6 of the Permit Application Package (PAP) to include the Right of Entry information required by Rule 2.03.6 for the 4.91 acre area.

***RESPONSE:** Section 2.03.6 has been revised with a brief narrative describing the proposed haul road and reference to Map 11-5. We have also updated Exhibit 34 – Right of Entry with the quitclaim deed for this area.*

SECTION 2.04 – MINIMUM REQUIRED INFORMATION ON ENVIRONMENTAL RESOURCES

4. Proposed revised page 15 of section 2.05 indicates the haul road will be constructed on the exiting rail bed and no new disturbance outside of the existing rail bed will be necessary for the construction and operation of the road. In light of this, please submit the minimum requirements for information on environmental resources required by Rule 2.04 for the 4.91 acre area proposed to be affected by the proposed haul road taking into account the land is currently disturbed by the existence of the former rail bed.

***RESPONSE:** As described in the Land Use section of Rule 2.04 of the PAP, the rail bed passes through a small portion of wildlife habitat, rangeland, and industrial and is identified as such. The land use is not proposed to be changed for the operations phase of the Mine and will remain the same for post mining.*

UPDATED SECTION 2.05.3(3) – OPERATIONS PLAN AND ROAD DESIGN

5. NECC revised permit section 2.05.3(3)(c) of the PAP to include a brief narrative describing the proposed haul road. Please submit the plans and drawings for the proposed haul road in accordance with Rule 2.05.3(3)(c)(vii). These plans and drawing must be designed and certified by a qualified, registered professional engineering and they must meet the design criteria of Rule 4.03.1.

***RESPONSE:** Section 2.05.3(3)(c) has been revised with a brief narrative describing the proposed haul road and reference to Map 11-5. We have also updated Exhibit 34 – Right of Entry with the quitclaim deed for this area.*

Map 11-Sheet 1 provides typical cross sections for access roads and haul roads. This map was certified by a qualified, registered professional engineer on May 9, 2014.

SECTION 2.05.4 - RECLAMATION PLAN

6. Please provide documentation the Owner of Record of the 4.91 acre area approves the permanent retention of the road after mining operations cease, this documentation needs to be included as an exhibit in the PAP. Otherwise, please update the reclamation plan to account for the entire length of the new haul road in accordance with Rule 2.05.4.

***RESPONSE:** NECC owns this portion of the proposed haul road and the quitclaim deed has been added to Exhibit 34 – Right of Entry.*

7. Please update Map 15.

***RESPONSE:** We have created a new map (Map 11-5) which shows the overall haul road disturbance as indicated in the legend.*

SECTION 2.05.6 – MITIGATION OF THE IMPACTS OF MINING OPERATIONS

8. Please update section 2.05.6 of the PAP as necessary to account for the proposed use and reclamation of the proposed haul road.

***RESPONSE:** We believe your reference to Section 2.05.6 of the PAP should actually be Section 2.05.5 which has been updated on revised page 2.05.5-69 to discuss the proposed operation and reclamation of the haul road and is a part of this submittal.*

MAPS

9. The maps submitted with the revised material do not clearly delineate the 4.91 acre permit/affected area expansion. Please update the maps as necessary to clearly show the new proposed permit boundary and affected area boundary.

RESPONSE: *We have created a new map (Map 11-5) which shows the overall haul road disturbance as indicated in the legend.*

10. Please update the other Map 11 series maps to account for the new haul road permit/affected land area.

RESPONSE: *We have created a new map (Map 11-5) which shows the overall haul road disturbance as indicated in the legend.*

Please call or email if there are any questions or concerns.

Sincerely,



Nick Mason
Mine Engineer

Attachments

TR-76 Application
Map 11 – Sheet 5
Map 11 – Sheet 6
Map 1
Pages 14-17, 17a, 18a, and 69 of Section 2.05
Page 15 of Section 2.03
Updated Exhibit 34