



STATE OF
COLORADO

Drinkard - DNR, Connor <connor.drinkard@state.co.us>

Lorencito Canyon Mine C-1996-084; 2021 ARR Review

1 message

Drinkard - DNR, Connor <connor.drinkard@state.co.us>

Wed, May 4, 2022 at 10:04 PM

To: nmason@newelkcoal.com

Cc: "Ebert - DNR, Jared" <jared.ebert@state.co.us>

Hello Nick,

Please see the attached 2021 Annual Reclamation Report review letter and let me know if you have any questions.

Best regards,

--

Connor Drinkard

Environmental Protection Specialist Intern



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

P 720.836.0967 | F 303.832.8106

Physical: 1313 Sherman Street, Room 215, Denver, CO 80203

Mailing: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216

connor.drinkard@state.co.us | <https://drms.colorado.gov>



C-1996-084_2021ARR_Review_2022May4.pdf
147K



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

May 4, 2022

Mark Gray
New Elk Coal Company, LLC.
12250 Highway 12
Weston, Colorado 81091

**Re: Lorencito Canyon Mine, Permit No. C-1996-084;
2021 Annual Reclamation Report Review**

Dear Mr. Gray,

The Colorado Division of Reclamation, Mining and Safety (DRMS or Division) received the 2021 annual reclamation report (ARR) for Lorencito Canyon Mine on February 14, 2022. The report was reviewed by DRMS for compliance with Rule 2.04.13. Items that will need to be addressed by New Elk Coal Company, LLC. (NECC) are shown below in **bold** text. DRMS finds the following:

1. The ARR was received on February 14, 2022, before the February 15th deadline in accordance with Rule 2.04.13(1).
2. The name and address of the permittee as well as the permit number for the site was included in the ARR in accordance with Rule 2.04.13(1)(a).
3. 0.2 acres of previously reclaimed land were disturbed in the permit area with their location shown in the ARR in accordance with Rule 2.04.13(1)(b).
4. The 0.2 disturbed acres were backfilled and graded with their location shown in the ARR in accordance with Rule 2.04.13(1)(c).
5. The 0.2 backfilled and graded acres were topsoiled with their location shown in the ARR in accordance with Rule 2.04.13(1)(d).
6. The location and number of acres of vegetation planted during the year was provided in the ARR in accordance with Rule 2.04.13(1)(e). **Please provide the species, as well as seedtags, invoices or other comparable documentation in accordance with Rule 2.04.13(1)(e).**



7. The number of acres and date of planting for all previously revegetated areas was provided in the ARR in accordance with Rule 2.04.13(1)(f).
8. No additional monitoring information for the ARR is required by the approved permit in accordance with Rule 2.04.13(2).
9. A map of the current location and extent of the active and inactive mine workings was provided in the ARR in accordance with Rule 2.04.13(3).
10. **Based on the Lorencito Acreage Calculation Sheet provided with the 2021 annual report form, the Division has made the following observations:**
 - a. **The surface disturbance acreage should be 165.37 acres based on the sum of the “Surface Disturbance”, “Phase III Release”, “Borrow Area 3” and the “Total Permanent Facilities” ($123.38 + 27.2 + 1.8 + 12.99 = 165.37$ acres).**
 - b. **The Main Road, 6.02 acres, is missing from the first table on the Lorencito Acreage Calculation Sheet as it appears it should be included.**
 - c. **The Acres Backfilled and Graded should be the sum of “Surface Disturbance” and “Borrow Area 3”, 125.18 acres ($123.38+1.8$).**
 - d. **The Acres Topsoiled should be the sum of “Surface Disturbance” and “Borrow Area 3”, 125.18 acres ($123.38+1.8$).**
 - e. **The acres of Permanent Facilities should include the 27.2 acres of Phase III release area approved with SL2 since this areas was reclaimed for an industrial/commercial post mining land use. This acreage should be the sum of the Roads, Ponds, and the SL2 Phase III release area ($6.78 + 6.21 + 27.2 = 40.19$).**
 - f. **The acres seeded with 9 years and less should be .2 acres to include the 2021 area.**
 - g. **The acres seeded with 10 years and greater should be the same as the area topsoiled minus the .2 acres seeded in 2021.**

Below is a replica of the annual report form with the numbers the Division has determined based on the acreages reported in the 2021 annual report. Please review this table and if you concur please provide an updated annual report form. Or otherwise explain/correct any discrepancies.

Land Category	last Years Cumulative Total (From Last Year's ARR)	This Calendar Year			Cumulative Total
		Acres (+)	Acres (-)		
Acreage in Active Mining Areas ¹	0.00	0.00	0.00	=	0.00
Land Category	last Years Cumulative Total (From Last Year's ARR)	This Calendar Year		=	Cumulative Total
		Acres (+)	Acres (-)		
Acres Disturbed	159.35	6.02	0.00	=	165.37
Acres Backfilled and Graded	156.51	0.00	31.33	=	125.18
Acres Topsoiled	127.91	0.00	2.73	=	125.18
Acres in Long-term Facilities	last Years Cumulative Total (From Last Year's ARR)	This Calendar Year		=	Cumulative Total
		Acres (+)	Acres (-)		
Non-Permanent Facilities	0.00	0.00	0.00	=	0.00
Permanent Facilities (Permitted)	12.99	27.20	0.00	=	40.19
Totals	12.99				40.19
Acres Seeded (permanent)	last Years Cumulative Total (From Last Year's ARR)	This Calendar Year		=	Cumulative Total
		Acres (+)	Acres (-)		
9 years and less	0.00	0.20	0.00	=	0.20
10 Years and greater	127.91	0.00	2.93	=	124.98
Total					125.18
Bond Release	last Years Cumulative Total (From Last Year's ARR)	This Calendar Year		=	Cumulative Total
		Acres (+)	Acres (-)		
Phase I	149.30	0.00	0.00	=	149.30
Phase II	27.20	0.00	0.00	=	27.20
Phase III	27.20	0.00	0.00	=	27.20

- 11. The surface disturbance polygon around pond 008 goes outside the permit boundary. Please provide an explanation for this and/or submit a Technical Revision for an incidental permit boundary change to encompass this disturbance.**
- 12. The top soil stockpile footprint to the southwest of pond 005 goes outside the permit boundary. Please provide an explanation for this and/or submit a Technical Revision for an incidental permit boundary change to encompass this disturbance.**

The Division requests that NECC address the adequacy review items noted above by June 4, 2022. If you have any questions, please contact me at connor.drinkard@state.co.us or (720) 836-0967.

Sincerely,



Connor J. Drinkard,
Environmental Protection Specialist Intern

Ec: Nick Mason; NECC, nmason@newelkcoal.com
Jared Ebert; DRMS, jared.ebert@state.co.us