

## **SECTION 2.03    LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION**

### **2.03.1    OBJECTIVES**

The purpose of this section is to ensure that the DRMS receives all relevant information required on surface ownership, coal ownership and the completed history and status of New Elk Coal Company LLC (NECC) for continued coal mining operations at the New Elk Mine. This information is provided in the following sections to answer each specific question with regard to the operation.

### **2.03.2    RESPONSIBILITIES**

A written description is included in this permit application under which NECC will continue mining operations at the New Elk Mine. The following sections provide the required information for conducting coal mining in Colorado.

### **2.03.3    FORMAT AND SUPPLEMENTAL INFORMATION**

Information which has been utilized by prior permittees to support the baseline data and other operating data is included in the text and presented in the Exhibits portion of this application. Data which has been taken from various reports, analysis, and other reference material is shown on the Maps and within the application for which this information was developed.

Numerous analyses of the soils, overburden, coal, surface and ground water, vegetation, and wildlife have been completed by CF&I, Wyoming Fuels, Basin Resources, and NECC. Analytical work within each of these areas was also conducted. Laboratory procedures for testing the overburden, soils and water comply with standard EPA and USGS procedures for the various required constituent analyses. Organizations responsible for collection and analysis of this information are compiled in **Table 1**.

This permit application contains text addressing the regulations of the Colorado Mined Land Reclamation Board for Coal Mining with narrative supported by appropriate exhibits and maps. NECC believes that the information within the application is true and correct to the best of its knowledge.

**Table 1 Organizations Providing Technical and Supplemental Information**

Land Use Information	Soil Conservation Service Trinidad CO – Bill Watson  Colorado State Forest Service La Veta, CO – Clarence R. Morey
Archaeology	John Martin Campbell, PhD University of New Mexico Albuquerque, NM  Gordon tucker, PhD Nickens & Associates Montrose, CO
Geology and Hydrology	Water, Waste, and Land, Ltd. Fort Collins, CO  Commercial Testing & Engineering Company Denver, CO  Core Laboratories, Inc. Aurora, CO  In-Situ, Inc. Denver, CO  Greystone Development Consultants Englewood, CO
Water Well Data	Colorado Division of Water Resources Denver, CO
Climatological Data	National Oceanic & Atmospheric National Climate Center Asheville, NC
Soils	Soil Conservation Service Trinidad, CO – Lee Neve  Greystone Development Inc. Englewood, CO
Vegetation	Uniscale Corporation Loveland CO  Fred Harrington & Associates Sheridan WY
Fish & Wildlife	Colorado State University Fort Collins, CO – Dwight R. Smith
Prime Farmland	Soil Conservation Service (now NRCS) Trinidad CO – Bill Watson
Revegetation & Reclamation	Range Science Department Reclamation Research Lab Colorado State University Fort Collins, CO – Edward F. Redente Gorham Energy Consultants, LLC Broomfield CO
Permit Compilation, Editing, and Map Preparation	NECC, Weston, CO  Gorham Energy Consultants, LLC Broomfield, CO  Arcadis U.S., Inc. Highlands Ranch, CO
Compliance Information	Dorsey and Whitney, LLP – Denver, CO

**Table 1      Organizations Providing Technical and Supplemental Information**

Right of Entry	Dorsey and Whitney, LLP – Denver, CO
Air Quality	Enecotech Denver, CO
Permit Term Information	NECC
Mine and Reclamation Plan	NECC  Gorham Energy Consultants, LLC Broomfield Co
Post-Mining Land Use	NECC  Gorham Energy Consultants, LLC Broomfield Co
Mitigation and Mining Operations Impacts	NECC
Geotechnical Stability and Analysis	CTL/Thompson Denver, CO

**2.03.4      IDENTIFICATION OF INTERESTS**

- (1)      The applicant, operator, and permittee, New Elk Coal Company, LLC, is a Limited Liability Company registered in the State of Colorado.
- (2)      The name, address, telephone number and taxpayer identification number of the:
- (2)(a) Permit Applicant:  
New Elk Coal Company, LLC  
12250 Highway 12  
Weston, Colorado 81091  
7196316140  
Taxpayer ID: 20-4120615
- (2)(b) Operator:  
New Elk Coal Company, LLC  
12250 Highway 12  
Weston, Colorado 81091  
7196316140  
Taxpayer ID: 20-4120615
- (2)(c) Applicant's registered agent:  
Mark Gray, President  
New Elk Coal Company, LLC  
122505 Highway 12  
Weston, Colorado 81091  
7786432843  
Taxpayer ID: 20-4120615
- (2)(d) New Elk Coal Company, LLC parent company is Allegiance Coal Limited  
Allegiance Coal Limited  
Suite 107, 109 Pitt Street  
Sydney, NSW 2000, Australia  
61412899979

Title of person's position and date position was assumed:

<u>Directors</u>	<u>Title</u>	<u>Date Appointed</u>
Mark Gray	President	09/09/2021
Jonathon Reynolds	Director	10/19/2021

2.03.4(3) Applicant, operator, and partners or principal shareholders of the New Elk Coal Company, LLC

(3)(a) 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.

(3)(a)(i) Names and addresses, and taxpayer identification number:

<u>Name</u>	<u>Address</u>	<u>Taxpayer ID</u>
Mark Gray	12250 Highway 12 Weston, Colorado 81091	20-4120615
Jonathon Reynolds	12250 Highway 12 Weston, Colorado 81091	20-4120615

New Elk Coal Company, LLC is wholly owned by New Elk Holdings LLC. New Elk Holdings LLC is wholly owned by Allegiance Coal USA Limited. Allegiance Coal USA Limited and New Elk Holdings LLC have the same names and addresses of Officers and Directors.

(3)(a)(ii) Person's ownership or control relationship to the operation, including percentage of ownership:

<u>Name</u>	<u>Control Relationship</u>	<u>Ownership</u>
Mark Gray	President	0%
Jonathon Reynolds	Director	0%

(3)(a)(iii) Title of person's position and date position was assumed:

<u>Directors</u>	<u>Title</u>	<u>Date Appointed</u>
Mark Gray	President	09/09/2021
Jonathon Reynolds	Director	10/19/2021

Allegiance Coal USA Limited is wholly owned by Allegiance Coal Limited, whose address and phone number are listed below:

Suite 107, 109 Pitt Street  
Sydney, NSW 2000, Australia  
61412899979

(3)(a)(iv) Operation's Federal or State permit number, the regulatory authority with jurisdiction over the permit, and the MSHA number with date of issuance:

The name of the mine is the New Elk Mine. The MSHA identification numbers are Surface 05-04461 (6/1/1991), and Bates Underground Mine 05-04975 (5/16/2011). The State permit number is: DRMS Permit #C-81-012 (5-year permit renewed 2/28/2019).

(3)(b) 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.

2.03.4(4) Any surface coal mining operation owned or controlled by the applicant or operator:

NECC owns the surface coal mining operation at the Lorencito Coal Mine (Colorado Permit number C-1996-084).

(4)(a) Permit Applicant, Operator, and Permittee:

New Elk Coal Company, LLC  
 12250 Highway 12  
 Weston, Colorado 81091  
 7196316140  
 Taxpayer ID: 20-4120615  
 Colorado State Permit Number C-1996-084  
 MSHA Identification Number: Surface 05-04461

(4)(b) Ownership or control relationship to the applicant, including percentage of ownership:

Name	Control Relationship	Ownership
Mark Gray	President	0%
Jonathon Reynolds	Director	0%

(4)(c) Date the entity began functioning in that position:

Directors	Title	Date Appointed
Mark Gray	President	10/19/2021
Jonathon Reynolds	Director	10/19/2021

New Elk Coal Company, LLC is wholly owned by New Elk Holdings LLC. New Elk Holdings LLC is wholly owned by Allegiance Coal USA Limited. Allegiance Coal USA Limited and New Elk Holdings LLC have the same names and addresses of officers and directors.

Address and phone number of New Elk Holdings LLC and Allegiance Coal USA Limited:

12250 Highway 12  
 Weston, Colorado 81091  
 7196316140

2.03.4(6) and (7) Each permit application shall contain the names and address of:

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

**Owners of Surface and Subsurface Contiguous to the Permit Area**

Bar NI Corporation	6614 Hwy 12 Weston, CO 81091-0000	S
Beck Joann & Gabrielita Chacon et al.	PO 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	PO 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)	PO 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
Dowen 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 Aragonéz	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	PO 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

**Owners of Surface and Subsurface Contiguous to the Permit Area**

Kjolner Ruth Karina (WD)	1117 Black Creek Church Road Mount Croghan, 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)	PO 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

**Owners of Surface and Subsurface Contiguous to the Permit Area**

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	PO 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, #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

**Owners of Surface and Subsurface Contiguous to the Permit Area**

State of Colorado	6060 Broadway Denver, CO 80216	C
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**Section 2.03.4(8)**

The MSHA identification numbers are Surface 05-04461, and Bates Underground Mine 05-04975.

**Section 2.03.4(9)**

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.

**2.03.5 COMPLIANCE INFORMATION**

Neither NECC nor any of its affiliates or persons controlled by or under common control with it, has had a mining permit for surface coal mining operations suspended or revoked within the last five years. Nor have any such entities forfeited a mining bond or similar security deposited in lieu of a bond in connection with any surface mining operations.

NECC has not received any notices of violation within the last five years.

MSHA violations are not listed. A compilation of violation history can be obtained by interested parties by contacting the Mine Office.

**2.03.6 RIGHT OF ENTRY AND OPERATION INFORMATION**

NECC's right to enter and conduct surface coal mining operations is not subject to any pending litigation. NECC and its lessors own the surface and coal within the permit area. **Map 1** shows the surface ownership in and adjacent to the permit area.

The metes and bounds description of the permit boundary for PR-05 follows:

Beginning at Pt. 109 of the Terry Surveying Wash Plant Boundary Survey dated May 15, 1997; as filed with the Las Animas County Clerk and Recorder's Office in Book 964, Page 914, and correction in Book 966, Page 578; thence, traversing around the permit boundary for the following 74 courses;

Point	Bearing		Distance (Feet)	
1	S82°0'0"W	for	1400	then
2	S42°30'0"W	for	2050	then
3	S52°12'0"E	for	900	then
4	N35°0'0"E	for	1200	then
5	S86°0'0"E	for	6700	then
6	S6°0'0"E	for	1200	then
7	N87°0'0"E	for	1550	then

Point	Bearing		Distance (Feet)	
8	S4°30'0"W	for	6000	then
9	N85°0'0"W	for	1000	then
10	S1°42'0"W	for	900	then
11	N85°30'0"W	for	500	then
12	S2°0'0"W	for	2100	then
13	S84°3'3"E	for	1081.77	then
14	S83°30'0"E	for	1718.17	then
15	S6°0'0"W	for	985.93	then
16	S84°0'0"E	for	591.4	then
17	N6°30'0"E	for	1000	then
18	S84°0'0"E	for	8300	then
19	N90°0'0"E	for	2739.14	then
20	N0°0'0"E	for	6619.63	then
21	N0°4'24"W	for	4675.99	then
22	N2°51'12"W	for	1905.35	then
23	S58°52'26"E	for	1737.42	then
24	N2°15'23"W	for	2432.2	then
25	N83°49'29"E	for	1501.33	then
26	N10°38'29"W	for	2606.49	then
27	N0°25'57"W	for	1283.22	then
28	S89°11'23"E	for	3972.78	then
29	N0°23'50"W	for	3838.5	then
30	N89°15'8"E	for	2599.51	then
31	N0°23'8"E	for	1298.12	then
32	N89°45'39"W	for	1283.32	then
33	N0°9'59"W	for	3884.69	then
34	S88°37'8"W	for	6668.72	then
35	S1°22'52"E	for	1307.65	then
36	S88°30'16"W	for	1297.74	then
37	N0°2'41"W	for	1310.6	then
38	S88°37'8"W	for	2417.35	then
39	S0°37'44"W	for	1315.95	then
40	N88°30'15"E	for	1135.99	then
41	S0°1'41"E	for	6523.93	then
42	N86°30'28"E	for	1319.92	then
43	S0°27'25"E	for	2579.38	then
44	N84°8'4"E	for	1326.49	then
45	S6°47'36"E	for	1266.33	then
46	S83°12'24"W	for	2737.64	then
47	S2°49'31"E	for	1981.1	then
48	N73°30'27"W	for	1397.56	then
49	N74°58'55"W	for	2935.63	then
50	N25°0'0"W	for	3400	then
51	N85°0'0"W	for	2300	then
52	S55°0'0"W	for	1300	then
53	N86°0'0"W	for	600	then
54	S57°57'15"W	for	1025.5	then

Point	Bearing		Distance (Feet)	
55	S26°0'0"E	for	700	then
56	S66°0'0"E	for	1000	then
57	S88°24'43"W	for	736.1	then
58	S66°0'0"W	for	600	then
59	S80°8'56"W	for	1049.7	then
60	S81°30'0"W	for	1650	then
61	N25°30'0"W	for	200	then
62	S75°0'0"W	for	420	then
63	S7°0'0"W	for	1500	then
64	N86°0'0"E	for	900	then
65	N4°30'0"E	for	700	then
66	N90°0'0"E	for	800	then
67	S66°30'0"W	for	650	then
68	S4°30'0"W	for	400	then
69	N72°30'0"E	for	650	then
70	S12°0'0"E	for	396.8	then
71	S76°45'19"W	for	1331	then
72	S83°5'24"W	for	3056.5	then
73	S83°59'12"W	for	376.7	then
74	S86°0'46"W	for	1091.46	to point of start

The right of entry and operation lease information documents that are contained as part of **Exhibit 34** contain the following:

- May 2008 – Quitclaim Deed from Trinidad Railway Holding, LLC and New Elk Coal Company
- July 11, 2012 – Application for Temporary Special Use Agreement on CDOW Lands
- March 14, 2008 – Coal mining lease information between the State of Colorado acting by and through the Department of Natural Resources, for use and benefit of the Division of Wildlife and Wildlife Commission and NECC
- June 1, 1997 – Quitclaim Deed from North Central Energy, Inc and Picketwire Processing, LLC
- Details of **Exhibit 34** include that 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.

NECC signed a quit clam deed in May 2008 with Trinidad Holding, LLC. The purpose of doing this was to utilize the rail bed (TR-76) as a haul road which is approximately 2.7 miles in length and will be constructed on the existing rail bed and no new disturbance outside of the existing rail bed will be necessary for the construction and operation of the road. The road will be a maximum of 15 feet wide and have the necessary berms as required be MSHA. The disturbance for this haul road will be 4.91 acres. Map 11-5 shows the location of the road.

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.

NECC leases the Jansen Loadout facility for coal shipments. Right of entry information for the loadout site can be found in **Exhibit 40**.

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.

The New Elk Mine Workings are owned by NECC and **Map 2** illustrates the coal ownership. **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 surface operations or facilities within 300 feet of an occupied dwelling.

### **2.03.8 PERMIT TERM INFORMATION**

- (1) Does not apply
- (2) During the next five year permit term, beginning in February 2019 and ending in February 2024, the operator conducting mining operations as approved under Rule 2.05.4 of this application. The mine anticipates affecting less than 20 additional acres over the next five years, although accurate estimates are not possible given mining and production uncertainties. All disturbances, whether anticipated or otherwise will be approved prior to undertaking said activities. Underground workings and approved mine plan maps are available as part of this application and change based on operational needs and as approved.
- (3) Does not apply as the mine operates under successive 5 year mining permits. The projection as calculated using approved production levels at this time is a 20 to 30 year mine life. Accurate estimates are not known and cannot be accurately estimated due to market variability.

### **2.03.9 PERSONAL INJURY AND PROPERTY DAMAGE INSURANCE INFORMATION**

NECC has been issued a certificate of insurance for general liability. This certificate has been placed in **Exhibit 3**.

### **2.03.10 IDENTIFICATION OF OTHER LICENSES AND PERMITS**

Numerous other licenses and permits will be obtained for the operation of the New Elk Mine. **Table 2** shows the listing of permits that NECC needs for the project.

### **2.03.11 IDENTIFICATION OF LOCATION OF PUBLIC OFFICE FOR FILING APPLICATION**

A copy of any permit of revision application materials that are required to be available during the specific review time periods will be made available for public inspection in the Las Animas County Clerk/Recorder's office located at the County Courthouse, 200 East 1st Street, Room 205, Trinidad, Colorado.

### **2.03.12 NEWSPAPER ADVERTISEMENT AND PROOF OF PUBLICATION**

The Chronicle-News will be the location of any public notice of any proposed revision that requires a notice be published. Proof of publication will be provided to the Division when received for those public notices initiated by NECC.

**Table 2 New Elk Mine Permits and Licenses**

<b>Agency</b>	<b>Permit/License</b>
Colorado Division of Reclamation, Mining & Safety 215 Centennial Building 1313 Sherman Street Denver, CO 80203 (303) 866-3567	DRMS Permit#C-81-012 5-year permit renewed 2/28/2019
Colo. Department of Public Health and the Environment Air Pollution Control Division 4300 Cherry Creek Drive South Building B, 1st Floor Denver, CO 80222-1530 (303) 692-3100	Emission Permits 21LA0184F issued August 2021 21LA0185 issued August 2021 21LA01856 issued August 2021 21LA201 issued August 2021
Colo. Department of Public Health and the Environment Water Quality Control Division 4300 Cherry Creek Drive South Denver, CO 80222-1530 (303) 692-3605	Colorado Discharge Permit Systems Permit Nos. COG-310069 CO-0000906 Renewal effective June 1, 2015; awaiting approval from renewal application on May 31, 2020 COR 040192
Colo. Department of Public Health and the Environment Radioactive Materials Unit Hazardous Materials and Waste Management Division 4300 Cherry Creek Drive South Denver, CO 80222-1530 (303) 692-2000	Radioactive materials License Colo. 1198-01
US Department of Labor Mine Safety and Health Administration Health and Safety Analysis Center PO Box 25367 Denver CO 80225	MSHA ID 05-04461 Prep Plant MSHA ID 05-00296 UG (Allen) MSHA ID 05-04975 UG (Bates) MSHA Impoundment (pond 008) 1211-CO-9-0039
Las Animas County Land Use Planning Office Trinidad, CO 81082 (719) 846-4486	Special Use Permit 9/1/1977 and 3/8/1984

**Table 2      New Elk Mine Permits and Licenses**

Agency	Permit/License
Colo. Department of Transportation 4201 East Arkansas Avenue Denver CO 80222	Access Permit    mine site turn lane Access permit    Jansen decel lane

This completes Section 2.03

Identification of Other Licenses and Permits

Office of the State Engineer  
Colorado Department of Water Resources  
818 Centennial Bldg  
1313 Sherman St.  
Denver, Colorado 80203  
See Exhibit 11 for:  
Well Permit Nos. 286861, 286862, 286863  
Slurry Return Wells S-1, S-2, and S-3 respectively Well Permit Nos. 286990, 286991  
Slurry Return Wells NE-S2 and NE-S3 respectively