

Point	Bearing		Distance (Feet)	
23	N86°0'0"W	for	600	then
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	S80°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	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	to point of start

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

- Metes and bounds for the haul road for TR-76
- 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 quitclaim 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 by MSHA. The permitted and affected area is 11.3 acres and the disturbed area is 6.4 acres for this haul road. Map 15A 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