

activities on groundwater. The monitoring results for the wells will be included in the Annual Hydrology Report.

The Annual Hydrology Report will be submitted on or before February 28 of each year in compliance with Rule 4.05.13(4) (c). This report will compile data collected during the previous calendar year. The analysis will include comparisons in either a tabular or graphic form with data collected previously and with predictions contained in the Probable Hydrologic Consequences section.

A surface water control plan has been prepared and is shown on **Map 13-Sediment and Surface Water Control Plan-East Portal and Map 14-Sediment and Surface Water Control Plan-West Portal**. This plan has been developed and is currently in use to direct all surface waters from within the disturbed area through sediment control structures where the water quality can be monitored and controlled prior to discharge. The Operator currently monitors and plans to continue to monitor the water quality as covered under the NPDES permits during the life of the operation, Exhibit 22, NPDES Permit. Detailed studies of the impacts and control of surface waters and their relationship to the underground hydrologic system at the New Elk Mine are being conducted through the monthly monitoring program. **Map 8-Regional Hydrology**, shows the extensive monitoring program that the Operator is conducting to ensure protection of the hydrologic balance at the New Elk Mine.

A spill prevention control plan has been prepared by the Operator and is on file at the New Elk Mine. Generally, this plan calls for containing any potential oil spills and preventing the material from reaching or coming in contact with existing surface water. Details of the Spill Prevention Control and Countermeasure Plan are presented in Exhibit 27, Spill Prevention Control and Countermeasure Plan.

Disturbed area boundaries and stream buffer zones have been clearly marked and will be maintained in accordance with Section 4.02 and 4.06 of the CMLRD Regulation for Coal Mining. Stream buffer zone signs have been placed in high traffic area on site and will be placed along the entire length of the Purgatoire River within the permit boundary by December 30, 1986.

Protection of Public Parks and Historic Places

Part of the TR-76 will add a new haul road on the former C&W railbed from the mine east to the intersection of the CP&W entrance road to the State Wildlife Area.

The entire length of the former C&W railroad grade (5LA.7112) is previously determined eligible for listing in the National Register of Historic Places (NRHP). In 2021, a cultural resources survey was conducted to record and evaluate the NRHP eligibility of extant bridges and culverts along the former C&W railroad grade. Two features potentially 45 years old or older were identified within the Project area between the mine and the intersection of the CP&W entrance road to the State Wildlife Area. Both features (5LA.14442 and 5LA.14443) are ubiquitous corrugated metal culverts surrounded by riprap. Both were recommended as not individually eligible for NRHP listing, as well as non-contributing features of the NRHP-eligible C&W railroad grade. A description of these sites is provided in the Cultural Resources report contained in Exhibit 7.

The 2021 cultural resources survey recommended the former C&W railroad grade between Allen Mine and Madrid as eligible for NRHP listing under Criterion A for significance in the areas of Transportation, Commerce, and Industry. The segment of the former C&W between Allen Mine and Weston containing the haul road was found to

retain its integrity of location, overall setting, design, materials (in terms of bridges and culverts), feeling, and association. The rail line was removed in 2004 and part of NECC future plan is to reinstall the rail line.

The NRHP-eligible former C&W railroad grade (5LA.7112) was affected by the construction of a haul road between the mine and the intersection of the CP&W entrance road to the State Wildlife Area prior to DRMS approval. Neither the construction of the haul road nor the future reinstallation of the rail line within the former C&W railroad corridor alters or will alter the former C&W's alignment or height. The construction of the haul road and the future reinstallation of the rail line within the former C&W railroad corridor is intended to return the historic resource to its original use, and therefore is consistent with the first two of the Secretary of the Interior's Standards for Rehabilitation: 1) A property will be used as it was historically or be given a new use that requires minimal changes to its distinctive materials, features, spaces, and spatial relationships; and 2) The historic character of a property will be retained and preserved. Any new construction associated with the Project will likewise be consistent with the Secretary of the Interior's Standards for Rehabilitation.

As the construction of the haul road introduces an effect to the resource, the Criteria of Adverse Effects were applied. The construction of a haul road does not cause the physical destruction of or damage to all or part of the property, does not alter the property in a way that is not consistent with the Secretary's standards for the treatment of historic properties, and does not remove the property from its historic location. As the construction of a haul road is consistent with the original use and purpose of the former C&W railroad grade, it does not change the character of the property's use of physical features within the property's setting that contribute to its historic significance, and does not introduce visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features. The construction of a haul road will not lead to the neglect of the property which causes its deterioration but will instead ideally return a neglected and deteriorated historic property to its original use. The preceding application of the Criteria of Adverse Effects also applies to the future reinstallation of the rail line within the former C&W railroad grade (5LA.7112).

There are also no publicly owned parks in the area that will be affected by the New Elk Mine. The mining area underlies the Bosque del Oso State Wildlife area which was transferred to the state by previous mine owners. New Elk Coal Company has the right to mine in this area as governed by a lease agreement. Operation of the haul road on the railroad bed and installation and operation of the railroad will create noise from trucks and the trains from the mine to the Jensen Rail Yard, however, this will have limited impacts on wildlife and the public that enjoy the State Wildlife area. NECC and CPW have an MOU (Exhibit 46) that contains stipulation for operation of haul trucks that will limit the potential impacts to wildlife and the State Wildlife Area. Retention of the post-mining haul road will provide additional access to the wildlife area.