



STATE OF
COLORADO

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

RE: New Elk Mine (Permit No. C-1981-012) Technical Revision Application No. 76 (TR-76), Proposed New Haul Road (HC# 71066)

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

Thu, Aug 4, 2022 at 2:27 PM

To: "Marques - HC, Matthew" <matthew.marques@state.co.us>

Cc: Nick Mason <nmason@newelkcoal.com>, Zach Trujillo <zach.trujillo@state.co.us>

Hello Matthew,

I have consulted with OSMRE and NECC has responded with some revised information pertaining to TR76. Based on OSMRE's recommendation, I would like to request additional consultation regarding this revision. Please see the attached letter and the enclosed material. Please let me know if you have any questions or concerns.

Thank you,

Jared

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4 attachments



TR76_SHPO_Response_4Aug2022.pdf

216K



TR76_Adequacy Review_response to comments_7-25-22.docx.pdf

1506K



Microsoft Word - Revised Section 2.05.6 Page 110__7-25-22_CLEAN.docx.pdf

340K



C1981012__2.04-8 and 8a_2022-07-26.pdf

203K



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

August 4, 2022

History Colorado
Attn: Matthew Marques
1200 Broadway
Denver, CO 80203

RE: New Elk Mine, C-1981-012, Technical Revision Application No. 76 (TR76), proposed New Haul Road (HC#71066), DRMS Response to SHPO Recommendation

Dear Mr. Marques,

On July 15, 2022, I received your review letter regarding the haul road constructed at the New Elk Mine and currently being proposed to be included in the approved mining plan through Technical Revision No. 76 (TR76). Per your recommendation, we have contacted the Office of Surface Mining, Reclamation and Enforcement (OSMRE) on guidance on how to proceed. After consultation with OSMRE, we want to be clear that TR76 is not a federal undertaking. OSMRE recommended that the Division of Reclamation, Mining, and Safety (DRMS) initiate a consultation with the State Historic Preservation Officer (SHPO) pursuant to the State Properties Act (C.R.S. 24-80.1-104). Upon review of this law, it seems subpart (2) is applicable. On July 26, 2022, New Elk Coal Company, LCC (NECC) responded to an adequacy review letter that identified several issues pertaining to compliance with the Regulations of the Colorado Mined Land Reclamation Board for Coal Mining (Rules) regarding the identification, protection and/or mitigation of impacts to cultural and historic resources (Rules 2.04.4 and 2.05.6(4)). NECC's July 26, 2022 response letter is attached, specifically item numbers 6, 14, and 15 pertain to the cultural resource issue in question. Also attached is the revised application material pertaining to this issue.

Based on the revised information submitted for TR76; including NECC assessment of the impact of the construction of the haul road on a portion of the C&W railroad grade (5LA.7112), DRMS would like to request consultation with your office pursuant to the State Properties Act as discussed above. Per C.R.S. 24-80.1-104, there is a thirty day review period for this consultation. The Division will work with NECC to request an extension of the August 20, 2022 decision date.

If you have any other questions, or if I can provide any further information, please do not hesitate to contact me. Please email me at Jared.Ebert@state.co.us or call (303) 866-3567 ext. 8120.

Sincerely,

Jared Ebert
Senior Environmental Protection Specialist



Enclosure:

- 1) Adequacy Review Response Letter from NECC, dated July 26, 2022
- 2) Revised TR76 application material

EC: Nick Mason, NECC