



STATE OF
COLORADO

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

New Elk Mine, C-1981-012, TR76, Adequacy Review No. 2

1 message

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

Thu, Aug 11, 2022 at 11:18 AM

To: Nick Mason <nmason@newelkcoal.com>

Cc: bstormes@newelkcoal.com

Hello Nick,

Please see the attached adequacy review letter for the TR76 haul road. Please let me know if you have any questions or concerns.

Jared

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Jared Ebert

Senior Environmental Protection Specialist

***I am working remotely, please feel free to call my cell at (720) 413-6466**



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

P 303.866.3567 ext. 8120 | F 303.832.8106 |

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

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

jared.ebert@state.co.us | <https://drms.colorado.gov/>



C1981012_TR76_Adequacy Review2_11Aug2022.pdf

461K



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

August 11, 2022

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

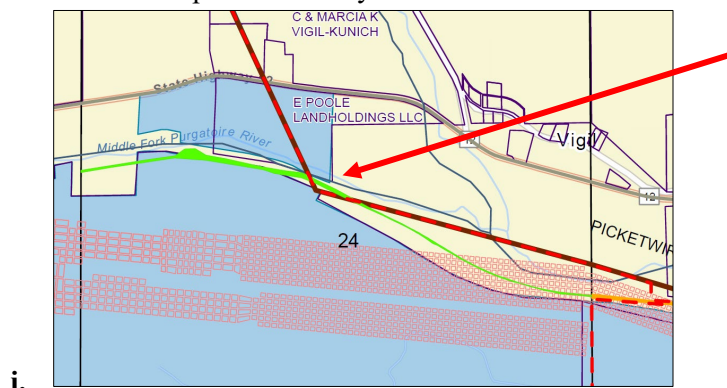
**Re: New Elk Mine (Permit No. C-1981-012), Technical Revision No. 76 (TR-76)
Adequacy Review No. 2**

Dear Mr. Gray:

The Colorado Division of Reclamation, Mining and Safety (DRMS/Division) received New Elk Coal Company, LLC's (NECC) response to the first adequacy review letter for TR76 on July 26, 2022. The Division has reviewed the response. Below are the adequacy items originally identified by the Division followed by a summary of NECC response. If an adequacy item has been resolved, it has been deleted for simplicity. If additional information or revision is needed, those items are identified in the Division's response.

Proposed Revised Section 2.03

1. Proposed revised Map 1, New Elk Mine Surface Ownership does not appear to accurately depict the proposed expansion of the permit boundary. Based on the revised map, the Division estimates the permit boundary to be about 168 acres larger than the currently approved permit boundary. See the Figure below that depicts the permit boundary expansion as shown on proposed Map 1. Please revise the map to correctly depict the permit boundary to only include the 11.3 acre proposed expansion.
 - a. **NECC Response:** *The permit boundary presented on Map 1 was not correct and has been clipped to the township/range line. Please see the new version of Map 1.*
 - b. **DRMS Response:** The revised Map 1 and Map 15a depicts a portion of the proposed disturbed/affected area outside of the permit boundary. This area is depicted below. Please revise the maps as necessary.



Proposed Revised Section 2.04

4. Proposed revised page 2.04-1 includes information and revisions associated with Permit Revision No. 5 (PR5) currently under review by DRMS. The PR5 revision has not been approved, please revise the currently approved PAP with information specific to TR76 and do not include any PR5 related information.
 - a. **NECC Response:** *Reference to PR5 has been removed from this page and acreages updated accordingly in Table 4.*
 - b. **DRMS Response:** Proposed revised Table 4 reports an increase in disturbed area of 11.3 acres, however TR76 only proposes a 6.4 acres increase in disturbed area. Please clarify this or otherwise revise this page as necessary.
 - c. **DRMS Response #2:** The DRMS website has changed, it is now <https://drms.colorado.gov/>. Please update proposed revised page 2.04-1 with the correct website.

Table of Contents

14. Please update the PAP table of contents based on the revisions proposed with TR76.
 - a. **NECC Response:** *The PAP Table of Contents has been updated based on the revisions for TR-76.*
 - b. **DRMS Response:** NECC did not submit a revised table of contents, this item remains outstanding.

This concludes the Division's second adequacy review of TR76. If you have any questions, feel free to contact me at Jared.Ebert@state.co.us or at (303) 866-3567 ext. 8120. The Division is required to issue a decision on the TR76 on August 20, 2022. If you need additional time to address these issues, please request an extension of the decision date.

Sincerely,



Jared Ebert
Senior Environmental Protection Specialist

EC: Nick Mason, NECC