

August 15, 2022

Jared Ebert  
Senior Environmental Protection Specialist  
Division of Reclamation, Mining and Safety  
1313 Sherman Street, Room 215  
Denver, Colorado 80203

Re: New Elk Mine  
Permit C-1981-012  
TR-76

Dear Mr. Ebert,

Please find response to the Colorado Division of Reclamation, Mining and Safety (DRMS or Division) Adequacy Review comments dated August 11, 2022, on the New Elk Coal Company, LLC's (NECC) Technical Revision 76 (TR76).

**NECC Response to DRMS comments:**

**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.



**NECC Response:** *The permit boundary has been revised on Maps 1, 11-5, 11-6, and 15a.*

#### **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.

**NECC Response:** Table 4 has been updated to reflect 6.4 acres and the website has been updated as well on page 2.04-1.

#### **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.*

**DRMS Response:** NECC did not submit a revised table of contents, this item remains outstanding.

**NECC Response:** This is now attached to this submittal.

NECC anticipates these responses will satisfy these comments. Please call or email if there are any questions or concerns.

Sincerely,



Nick Mason  
Engineering Technician

#### **Attachments**

TR-76 Application  
PAP Table of Contents  
Page 2.04-1  
Map 1  
Map 11-5  
Map 11-6  
Map 15A