



October 13, 2022

Mr. Brock Bowles
Environmental Protection Specialist
Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, Colorado 80203

Re: New Elk Permit Revision Application (PR-6)

Dear Mr. Bowles,

Please find response to the Colorado Division of Reclamation, Mining and Safety (CDRMS or Division) comments dated October 11, 2022, on the New Elk Coal Company, LLC's (NECC) Permit Revision Application (PR-6).

NECC Response to DRMS comments:

1. The application shows that 0.0 acres are being added to the affected aread. The definition of affected area is any land or water which is located above or below underground mine workings (Rule 1.04(7)(ii)). The land above the newly proposed mine workings need to be added to affected acres.
 - a. **NECC Response:** *We have included a column in Table 4 of Section 2.04.3 describing the underground workings and the affected area which totals 219.1 acres. We have updated other sections accordingly to reflect the affected acreage.*
2. A subsidence survey, monitoring and control plan for the proposed affected area was not included with the application package (Rule 2.05.6(6)). A plan addressing structure inventory (6)(a), monitoring plan (6)(c), and a subsidence survey (6)(e) needs to be submitted.
 - a. **NECC Response:** *A subsidence survey for the PR-6 area was conducted. No cultural resources recommended for further investigation or building structures were identified (Exhibit 7). Other structures related to oil and gas development and roads were identified and included on the Map 20 series and found in the addition to Exhibit 42 attached. A plan for the control, monitoring, and mitigation of these structures is included in the existing Exhibit 24.*

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

Sincerely,

Nick Mason
Mine Engineer

Attachments

Section 2.04.3; page 2.04-1

Section 2.04.4; page 2.04-8

Section 2.05.2; page 3

Section 2.05.6; page 110a

Section 2.05.6; page 111

Addition to Exhibit 42