



STATE OF  
COLORADO

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

---

## New Elk Mine, C-1981-012, MR132 Adequacy Review No. 2

1 message

---

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

Fri, Oct 21, 2022 at 6:52 AM

To: Nick Mason <nmason@newelkcoal.com>

Cc: Jeffrey Thompson - DNR <jeffreyc.thompson@state.co.us>, Brock Bowles <brock.bowles@state.co.us>

Hello Nick,

Please see the attached adequacy review letter for MR132.

Please let me know if you have any questions or concerns,

Jared

--

Jared Ebert

Senior Environmental Protection Specialist



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

P 303.866.3567 ext. 8120 | F 303.832.8106 | Cell (720) 413-6466

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



**MR132\_NewElkMine\_C1981012\_AdequacyReview2\_21Oct2022.pdf**

393K



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

October 21, 2022

New Elk Coal Company, LLC.  
Attn: Nick Mason  
12250 Highway 12  
Weston, Colorado 81091

**RE: New Elk Mine, C-1981-012, Minor Revision No. 132 (MR132)  
Adequacy Review #2**

Dear Mr. Mason,

The Colorado Division of Reclamation, Mining and Safety (DRMS or Division) received Minor Revision No. 132 (MR132) on August 19, 2022 from New Elk Coal Company, LLC (NECC). MR132 was deemed complete and filed on August 22, 2022. The Division is required to issue a decision on the application by November 18, 2022. NECC responded to the Division's preliminary adequacy review on October 6<sup>th</sup>, 2022. The following adequacy issues listed below were identified in the Division's first adequacy review letter. Adequacy items that have been resolved have been deleted from the list, issues that remain outstanding or if additional information is needed are discussed below. Please address the following issues:

**Rule 2.03.4 – Identification of Interests**

2. NECC has provided documentation that Larry Cook has resigned from the applicant/operator's organizational structure that DRMS received between May 26, 2022 and June 6<sup>th</sup>, 2022. NECC has indicated Amon Mahon is no longer an owner, controller, officer, director, etc. within the corporate hierarchy of NECC. However, DRMS will need the following documentation:
  - b. Board meeting minutes or internal official documentation that Larry Cook is no longer an owner, controller, officer, etc. of Allegiance Coal Limited. This documentation must include termination dates for the roles Mr. Cook held. The June 6<sup>th</sup>, 2022 announcement provided to DRMS is not sufficient.
  - iii. **NECC's Response:** One of the attached documents reflects Larry Cook is no longer an officer for New Elk.
  - iv. **DRMS Response:** This item remains outstanding, DRMS has not received sufficient documentation that Larry Cook is no longer and owner, controller, officer, etc. of *Allegiance Coal Limited.*

***New Item:***

- A. The Owners of Surface and Subsurface Contiguous to the Permit Area listed on revised page 9-12 is not reflective of the currently approved permit area and appears to include owners from the proposed expansion



area from PR5. Please revise these pages to list the Owners of Record of surface and subsurface within or contiguous to the current permit boundary as shown on approved Maps 1 and 2.

**Rule 2.03.6 – Right of Entry Information**

6. Proposed revised pages 9 through 11 includes a metes and bounds description of the permit boundary that was proposed with PR5. Please revise these pages to remove the reference to PR5 and update the metes and bounds survey for the current permit boundary.
  - a. **NECC Response:** The metes and bounds found in section 2.03.6 have been revised to the most recently approved permit boundary.
  - b. **DRMS Response:** Proposed revised page 13 of section 2.03.6 still cites the metes and bounds description for the permit boundary for PR-05. Please revise this page to remove the reference to PR-05.
  - c. **DRMS Response:** The metes and bounds survey included on proposed revised pages 13-15 has 76 courses, the currently approved survey has 44 courses. As MR132 does not propose a permit boundary change, please explain this discrepancy.
7. Technical Revision No. 76 (TR76), currently under review by the Division, includes proposed revisions to section 2.03 of the PAP; it is likely TR76 will be approved and issued first before MR132 is approved and issued, therefore please make sure the revisions to section 2.03 in MR132 are reflective of TR76. For example, please update proposed revised page 12 with an accurate disturbance acreage for the proposed haul road under consideration for TR76.
  - a. **NECC Response:** All revised sections of 2.03 have been revised to reflect the approval of TR 76.
  - b. **DRMS Response:** The revised text on proposed revised page 15 regarding TR76 is not reflective of what was approved. Please update this page with the approved text.

The Division is required to issue a decision on the application by November 18, 2022. If you need additional time to address the Division's adequacy review items, please request an extension of the decision date. If the decision date arrives and there are outstanding adequacy review items, the Division will issue a proposed decision to deny the application.

If you have any question, please do not hesitate to contact me at [Jared.Ebert@state.co.us](mailto:Jared.Ebert@state.co.us) or at (303) 866-3567 extension 8120.

Sincerely,



Jared Ebert  
Senior Environmental Protection Specialist

EC: Nick Mason, NECC. [nmason@newelkcoal.com](mailto:nmason@newelkcoal.com)  
Brock Bowles, DRMS

