



STATE OF  
COLORADO

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

---

## C-1981-012, New Elk Mine, AVS Check Request MR132

---

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

Fri, Oct 28, 2022 at 7:21 AM

To: "Thompson - DNR, Jeffrey" <jeffreyc.thompson@state.co.us>

Thanks Jeff,

Please see the attached updated AVS check request form and the most recently updated ownership and control information NECC provided on October 24. Also attached is the documentation we needed for Larry Cook.

Jared

[Quoted text hidden]

---

### 5 attachments



**AVS Check Request\_NewElk\_C1981012\_MR132\_22Aug2022.docx**  
19K



**C1981012\_MR132\_221010 - NECC BR\_62826.pdf**  
178K



**C1981012\_MR132\_221010 - NECH BR\_62826.pdf**  
178K



**C1981012\_MR132\_220607 Minutes Extract LC resigns\_62826.pdf**  
402K



**C1981012\_MR132\_Section 2.03\_MR132\_10.24.22\_62826.pdf**  
600K

## AVS CHECK REQUEST

<b>Permit No.:</b>	C-1981-012	<b>Mine Name:</b>	New Elk Mine			<b>Permit Action:</b>	MR132
<b>Applicant:</b>	New Elk Coal Company, LLC.			<b>MSHA ID #:</b>	05-04461, 05-04975	<b>Specialist:</b>	JLE
<b>ADEQUACY</b>							
<b>Request Date</b>	8/22/2022	<i>Attach a current list of the owners and controllers for the applicant and the operators, as required by Rule 2.03.4, Identification of Interests. If applicable, attach a list of permits held by the applicant in other states, by numbers and state codes.</i>					
Date of Check							
Application Adequate?	Yes	No	AVS Check Result:				
<b>2<sup>ND</sup> ADEQUACY, IF APPLICABLE</b>							
<b>Request Date</b>	10/28/2022	<i>Attach any updated information. – Updated section 2.03 is attached as well as additional board minutes reflecting the resignation of Larry Cook from the corporate hierarchy.</i>					
Date of Check							
Application Adequate?	Yes	No	AVS Check Result:				
<b>3<sup>RD</sup> ADEQUACY, IF APPLICABLE</b>							
Date of Check	<i>Attach any updated information.</i>						
Date of Check	Yes	No	AVS Check Result:				
Application Adequate?							
<b>PROPOSED DECISION – REQUEST 3-5 DAYS PRIOR</b>							
<b>Request Date</b>							
Date of Check			AVS Check Result:				
<b>PERMIT ISSUANCE – REQUEST 3-5 DAYS PRIOR</b>							
<b>Request Date</b>			Ownership and Control Information Current	Yes			
Date of Check							
	Yes	No, Revision Required	AVS Check Result:				
<b>DECISION FINAL</b>							
<b>Date Final:</b>							
Date Entered in AVS:							

**Allegiance Coal Ltd**

**Minutes of meeting of directors  
Held on 7 June 2022  
At Suite 107,109 Pitt Street, Sydney  
Commencing at 8.00 am**

**Present**

Paul Vining (Chairman) (by Teams)  
Jonathan Romcke (by Teams)  
Mark Gray (by Teams)  
Bernie Mason (by Teams)  
Jonathan Reynolds (by Teams)  
Matt Wall (by Teams)

**By invitation**

Larry Cook (by Teams)

**1 Approval of prior meeting minutes**

The minutes of the meeting held on 3 May 2022, having been circulated prior to the meeting were approved and Mr Gray was authorised to sign them.

**2 Board changes**

Mr Romcke welcomed Mr Vining to the Board.

The retirement of Mr Cook from the board was noted. The board recorded its thanks to Mr Cook for his service to the company.

**3 Declaration of other Directorships**

A declaration of other directorships will be circulated following the meeting to be completed by directors and then circulated in advance of future meetings.

**4 Electronic communications**

The Board formally acknowledged that Board meetings held using 'Teams' or 'Zoom' video conferencing is a valid and approved way for the Board to meet, review information and make effective decisions.

Mr Romcke spoke to the projects presentation.

**7 Report by Executive Director Mark Gray**

Mr Gray reported on activities at the Telkwa project. The Open House managed by the BC Environment Office was held on 1 June. The Open House, which was the fourth open forum, was attended by about 50 people, which is seen as a positive. Also Mr Gray attended a formal consultation with the hereditary chiefs of the Wet'suwet'en First Nation.

**8 Other matters**

The summary of ASX announcements released and planned document was tabled and noted.

Mr Reynolds reported on the judgemental issues expected to require board consideration for the 30 June 2022 accounts, and the expected timing for completion of the report.

**9 Next meeting**

The next board meeting to take place on or about 5/6 July.

There being no further business, the meeting closed at 9.55 am

Signed as a correct record.



Chairman

Date: 7/5/2022

**NEW ELK COAL COMPANY LLC  
UNANIMOUS WRITTEN CONSENT  
OF THE BOARD**

The undersigned, being all of the members of the Board (the “**Board**”) of New Elk Coal Company LLC, a Colorado limited liability company (the “**Company**”), in lieu of holding a meeting of the Board of the Company, hereby adopt the following resolutions by written consent to be effective as of October 10, 2022 (the “**Effective Date**”).

**DIRECTOR APPOINTMENT**

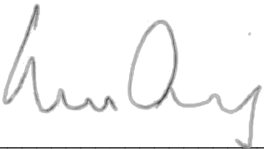
NOTED, that Mr Jonathan Romcke had consented to being appointed as a director of the Company.

RESOLVED, that the appointment of Mr Jonathan Romcke as a director of the Company be and is hereby approved with effect from 10 October 2022.

FURTHER NOTED, that as a consequence of the director appointment the Board shall henceforth be comprised of Mark Gray, Jonathan Romcke and Jonathan Reynolds.

FURTHER RESOLVED, that as of and with effect from 10 October 2022 the officers or the Company are Mark Gray Chairman; Jonathan Romcke President and CEO; and Jonathan Reynolds Vice President and Treasurer; and Saravanan Sivapathasundaram Secretary.

IN WITNESS WHEREOF, the undersigned, being all the members of the Board, have executed this consent effective as of the Effective Date.



\_\_\_\_\_  
Mark Gray



\_\_\_\_\_  
Jonathan Reynolds

**NEW ELK COAL HOLDINGS LLC  
UNANIMOUS WRITTEN CONSENT  
OF THE BOARD**

The undersigned, being all of the members of the Board (the “**Board**”) of New Elk Coal Holdings LLC, a Colorado limited liability company (the “**Company**”), in lieu of holding a meeting of the Board of the Company, hereby adopt the following resolutions by written consent to be effective as of October 10, 2022 (the “**Effective Date**”).

**DIRECTOR APPOINTMENT**

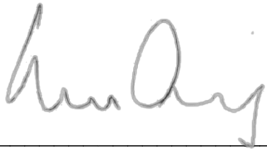
NOTED, that Mr Jonathan Romcke had consented to being appointed as a director of the Company.

RESOLVED, that the appointment of Mr Jonathan Romcke as a director of the Company be and is hereby approved with effect from 10 October 2022.

FURTHER NOTED, that as a consequence of the director appointment the Board shall henceforth be comprised of Mark Gray, Jonathan Romcke and Jonathan Reynolds.

FURTHER RESOLVED, that as of and with effect from 10 October 2022 the officers or the Company are Mark Gray Chairman; Jonathan Romcke President and CEO; and Jonathan Reynolds Vice President Treasurer and Secretary.

IN WITNESS WHEREOF, the undersigned, being all the members of the Board, have executed this consent effective as of the Effective Date.



\_\_\_\_\_  
Mark Gray



\_\_\_\_\_  
Jonathan Reynolds

## **SECTION 2.03    LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION**

### **2.03.1    OBJECTIVES**

The purpose of this section is to ensure that the DRMS receives all relevant information required on surface ownership, coal ownership and the completed history and status of New Elk Coal Company LLC (NECC) for continued coal mining operations at the New Elk Mine. This information is provided in the following sections to answer each specific question with regard to the operation.

### **2.03.2    RESPONSIBILITIES**

A written description is included in this permit application under which NECC will continue mining operations at the New Elk Mine. The following sections provide the required information for conducting coal mining in Colorado.

### **2.03.3    FORMAT AND SUPPLEMENTAL INFORMATION**

Information which has been utilized by prior permittees to support the baseline data and other operating data is included in the text and presented in the Exhibits portion of this application. Data which has been taken from various reports, analysis, and other reference material is shown on the Maps and within the application for which this information was developed.

Numerous analyses of the soils, overburden, coal, surface and ground water, vegetation, and wildlife have been completed by CF&I, Wyoming Fuels, Basin Resources, and NECC. Analytical work within each of these areas was also conducted. Laboratory procedures for testing the overburden, soils and water comply with standard EPA and USGS procedures for the various required constituent analyses. Organizations responsible for collection and analysis of this information are compiled in **Table 1**.

This permit application contains text addressing the regulations of the Colorado Mined Land Reclamation Board for Coal Mining with narrative supported by appropriate exhibits and maps. NECC believes that the information within the application is true and correct to the best of its knowledge.

**Table 1 Organizations Providing Technical and Supplemental Information**

Land Use Information	Soil Conservation Service Trinidad CO – Bill Watson  Colorado State Forest Service La Veta, CO – Clarence R. Morey
Archaeology	John Martin Campbell, PhD University of New Mexico Albuquerque, NM  Gordon tucker, PhD Nickens & Associates Montrose, CO
Geology and Hydrology	Water, Waste, and Land, Ltd. Fort Collins, CO  Commercial Testing & Engineering Company Denver, CO  Core Laboratories, Inc. Aurora, CO  In-Situ, Inc. Denver, CO  Greystone Development Consultants Englewood, CO
Water Well Data	Colorado Division of Water Resources Denver, CO
Climatological Data	National Oceanic & Atmospheric National Climate Center Asheville, NC
Soils	Soil Conservation Service Trinidad, CO – Lee Neve  Greystone Development Inc. Englewood, CO
Vegetation	Uniscale Corporation Loveland CO  Fred Harrington & Associates Sheridan WY
Fish & Wildlife	Colorado State University Fort Collins, CO – Dwight R. Smith
Prime Farmland	Soil Conservation Service (now NRCS) Trinidad CO – Bill Watson
Revegetation & Reclamation	Range Science Department Reclamation Research Lab Colorado State University Fort Collins, CO – Edward F. Redente Gorham Energy Consultants, LLC Broomfield CO
Permit Compilation, Editing, and Map Preparation	NECC, Weston, CO  Gorham Energy Consultants, LLC Broomfield, CO  Arcadis U.S., Inc. Highlands Ranch, CO
Compliance Information	Dorsey and Whitney, LLP – Denver, CO



**Table 1      Organizations Providing Technical and Supplemental Information**

Right of Entry	Dorsey and Whitney, LLP – Denver, CO
Air Quality	Enecotech Denver, CO
Permit Term Information	NECC
Mine and Reclamation Plan	NECC  Gorham Energy Consultants, LLC Broomfield Co
Post-Mining Land Use	NECC  Gorham Energy Consultants, LLC Broomfield Co
Mitigation and Mining Operations Impacts	NECC
Geotechnical Stability and Analysis	CTL/Thompson Denver, CO

**2.03.4      IDENTIFICATION OF INTERESTS**

- (1)      The applicant, operator, and permittee, New Elk Coal Company, LLC, is a Limited Liability Company registered in the State of Colorado.
- (2)      The name, address, telephone number and taxpayer identification number of the:
- (2)(a) Permit Applicant:  
New Elk Coal Company, LLC  
12250 Highway 12  
Weston, Colorado 81091  
7196316140  
Taxpayer ID: 20-4120615
- (2)(b) Operator:  
New Elk Coal Company, LLC  
12250 Highway 12  
Weston, Colorado 81091  
7196316140  
Taxpayer ID: 20-4120615
- (2)(c) Applicant's registered agent:  
Randy Wiles  
New Elk Coal Company, LLC  
12250 Highway 12  
Weston, Colorado 81091  
7786432843  
Taxpayer ID: 20-4120615
- (2)(d) **New Elk Coal Company, LLC**  
12250 Highway 12  
Weston, Colorado 81091  
7196316140  
Taxpayer ID: 20-4120615

<u>Directors</u>	<u>Title(s)</u>	<u>Address</u>	<u>Phone</u>	<u>Tax-ID</u>	<u>Appointment Date</u>	<u>End Date</u>
Jonathon Romcke	Director	46 Pershing St. Keperra QLD 4054	61 409-754-333	20-4120615	10/10/2022	Current
Mark Gray	President, CEO, Director	Lot 4, Vineyard Lane, Southdown Estate Rd 1 Martinborough 5781, New Zealand	61 412-899-979	20-4120615	10/26/2020	Current
Jonathan Reynolds	Treasurer, Director	48 Nelson St. Gordon NSW 2072	61 412-899-979	20-4120615	10/26/2020	Current
Saravanan Sivapathasundaram	Secretary	12250 State Highway 12 Weston, CO 81091	(719) 631-6141	20-4120615	5/16/2022	Current
Larry Cook	Director	12250 State Highway 12 Weston, CO 81091	(304) 376-0513	20-4120615	10/26/2020	5/16/2022

New Elk Coal Company, LLC parent company is New Elk Holdings, LLC.

**New Elk Holdings, LLC**  
122505 Highway 12  
Weston, Colorado 81091

<u>Officers</u>	<u>Title(s)</u>	<u>Address</u>	<u>Phone</u>	<u>Tax-ID</u>	<u>Appointment Date</u>	<u>End Date</u>
Jonathon Romcke	Director	46 Pershing St. Keperra QLD 4054	61 409-754-333	20-4120615	10/10/2022	Current
Mark Gray	President, CEO, Director	Lot 4, Vineyard Lane, Southdown Estate Rd 1 Martinborough 5781, New Zealand	61 412-899-979	32-0621314	10/26/2020	Current
Jonathan Reynolds	Treasurer, Secretary, Director	48 Nelson St. Gordon NSW 2072	61 412-899-979	32-0621314	10/26/2020	Current
Larry Cook	Director	12250 State Highway 12 Weston, CO 81091	(304) 376-0513	32-0621314	10/26/2020	5/16/2022

New Elk Holdings, LLC parent company is Allegiance Coal USA Limited.

**Allegiance Coal USA Limited**  
122505 Highway 12  
Weston, Colorado 81091

<u>Officers</u>	<u>Title(s)</u>	<u>Address</u>	<u>Phone</u>	<u>Tax-ID</u>	<u>Appointment Date</u>	<u>End Date</u>
Mark Gray	President, CEO, Director	Lot 4, Vineyard Lane, Southdown Estate Rd 1 Martinborough 5781, New Zealand	61 412-899-979	32-0621314	10/26/2020	Current
			61 412-899-979	32-0621314	10/26/2020	Current

Jonathan Reynolds	Treasurer, Secretary, Director	48 Nelson St. Gordon NSW 2072				
Larry Cook	Director	12250 State Highway 12 Weston, CO 81091	(304) 376-0513	32-0621314	10/26/2020	5/16/2022

Allegiance Coal USA Limited parent company is Allegiance Coal Limited.

**Allegiance Coal Limited**

Suite 107, 109 Pitt Street  
Sydney, NSW 2000, Australia  
61412899979

<u>Officers</u>	<u>Title(s)</u>	<u>Address</u>	<u>Phone</u>	<u>ABN no.</u>	<u>Appointment Date</u>	<u>End Date</u>
Mark Gray	President, Chairman, Director	Lot 4, Vineyard Lane, Southdown Estate Rd 1 Martinborough 5781, New Zealand	61 412-899-979	4714353	11/30/2016	Current
Jonathan Reynolds	Treasurer, Secretary	48 Nelson St. Gordon NSW 2072	61 412-899-979	4714353	11/30/2016	Current
Jonathon Romcke	CEO, Director	46 Pershing St. Keperra QLD 4054	61 409-754-333	4714353	5/3/2022	Current
Gregory 'Bernie' Mason	Director	1416 Jomar Dr. Ashland, KY 41102	(606) 922-9198	4714353	5/3/2022	Current
Matthew Wall	Director	31 Radnor Rd. Galston NSW 2159	61 408-229-953	4714353	2/23/2022	Current
Paul Vining	Chairman, Director	3073 Zula Rd. The Plains, VA 20198	N/A	4714353	5/16/2022	7/6/2022
Larry Cook	Director	12250 State Highway 12 Weston, CO 81091	(304) 376-0513	4714353	7/23/2019	6/6/2022

2.03.4(3) Applicant, operator, and partners or principal shareholders of the New Elk Coal Company, LLC and Black Warrior Minerals, LLC.

(3)(a) New Elk Coal Company, LLC controls the Lorecito Canyon Mine, currently in reclamation. The one of applicant's parent companies Allegiance Coal USA Limited, has a subsidiary company Black Warrior Minerals, LLC that operates a surface mines BWM #1 and BWM #2, BWM #1 is in reclamation & BWM #2 is currently operating.

(3)(a)(i) Names and addresses, and taxpayer identification number:

**New Elk Coal Company, LLC**

<u>Name</u>	<u>Address</u>	<u>Tax-ID</u>
Mark Gray	12250 State Highway 12 Weston, CO 81091	20-4120615
Jonathan Reynolds	12250 State Highway 12 Weston, CO 81091	20-4120615

**Black Warrior Minerals, LLC**

<u>Name</u>	<u>Address</u>	<u>Tax-ID</u>
Mark Gray	2 Office Park Cir. Suite 205 Birmingham, AL 35223	63-0906486
Jonathan Reynolds	2 Office Park Cir. Suite 205 Birmingham, AL 35223	63-0906486
Rance Perry	2 Office Park Cir. Suite 205 Birmingham, AL 35223	63-0906486

(3)(a)(ii) Person's ownership or control relationship to the operation, including percentage of ownership:

**New Elk Coal Company, LLC**

<u>Name</u>	<u>Control Relationship</u>	<u>Ownership</u>
Mark Gray	President	0%
Jonathan Reynolds	Director	0%

**Black Warrior Minerals, LLC**

<u>Name</u>	<u>Control Relationship</u>	<u>Ownership</u>
Mark Gray	Secretary	0%
Jonathan Reynolds	Treasurer	0%
Rance Perry	President	0%

(3)(a)(iii) Title of person's position and date position was assumed:

**New Elk Coal Company, LLC**

<u>Name</u>	<u>Title</u>	<u>Appointment Date</u>	<u>End Date</u>
-------------	--------------	-------------------------	-----------------

Mark Gray	President	9/9/2021	Current
Jonathan Reynolds	Director	10/19/2021	Current

**Black Warrior Minerals, LLC**

<u>Name</u>	<u>Title</u>	<u>Appointment Date</u>	<u>End Date</u>
Mark Gray	Secretary	8/2/2021	Current
Jonathan Reynolds	Treasurer	8/2/2021	Current
Rance Perry	President	8/2/2021	Current

Allegiance Coal USA Limited is wholly owned by Allegiance Coal Limited, whose address and phone number are listed below:

Suite 107, 109 Pitt Street  
Sydney, NSW 2000, Australia  
61412899979

(3)(a)(iv) Operation's Federal or State permit number, the regulatory authority with jurisdiction over the permit, and the MSHA number with date of issuance:

The name of the mine is the New Elk Mine. The MSHA identification numbers are Surface 05-04461 (6/1/1991), and Mi Vida Portals Underground Mine 05-04975 (5/16/2011). The State permit number is: DRMS Permit #C-81-012 (5-year permit renewed 2/28/2019).

BWM #1 Mine: MSHA ID 01-03437, Alabama Surface Mining Commission Permit # P-39-50.

BWM #2 Mine: MSHA ID 01-03437, Alabama Surface Mining Commission Permit # P-39-87

(3)(b) The applicant New Elk Coal Company, LLC has a pending renewal application for the Lorencito Canyon Mine C-1996-084 in the state of Colorado.

2.03.4(4) Any surface coal mining operation owned or controlled by the applicant or operator:

NECC owns the surface coal mining operation at the Lorencito Coal Mine (Colorado Permit number C-1996-084).

(4)(a) Permit Applicant, Operator, and Permittee:

New Elk Coal Company, LLC  
12250 Highway 12

Weston, Colorado 81091  
 7196316140  
 Taxpayer ID: 20-4120615  
 Colorado State Permit Number C-1996-084  
 MSHA Identification Number: Surface 05-04461

Black Warrior Minerals, LLC  
 2 Office Park Circle, Suite 205  
 Birmingham, AL 35223  
 205-648-2290  
 Taxpayer ID: 63-0906486  
 Alabama Mining Commission Permit # P-3950 & P-3987  
 MSHA ID: 01-03437

- (4)(b) Ownership or control relationship to the applicant, including percentage of ownership:

**New Elk Coal Company, LLC**

<u>Name</u>	<u>Control Relationship</u>	<u>Ownership</u>
Mark Gray	President	0%
Jonathan Reynolds	Director	0%

**Black Warrior Minerals, LLC**

<u>Name</u>	<u>Control Relationship</u>	<u>Ownership</u>
Mark Gray	Secretary	0%
Jonathan Reynolds	Treasurer	0%
Rance Perry	President	0%

- (4)(c) Date the entity began functioning in that position:

**New Elk Coal Company, LLC**

<u>Name</u>	<u>Title</u>	<u>Appointment Date</u>	<u>End Date</u>
Mark Gray	President	9/9/2021	Current
Jonathan Reynolds	Director	10/19/2021	Current

**Black Warrior Minerals, LLC**

<u>Name</u>	<u>Title</u>	<u>Appointment Date</u>	<u>End Date</u>
Mark Gray	Secretary	8/2/2021	Current
Jonathan Reynolds	Treasurer	8/2/2021	Current
Rance Perry	President	8/2/2021	Current

2.03.4(6) and (7) Each permit application shall contain the names and address of:

Owners of record of surface (S) and subsurface coal (C) or (S&C) within or contiguous to the permit boundary are listed below and shown on **Maps 1 and 2**.

**Owners of surface and subsurface contiguous to the permit area**

New Elk Coal Company, LLC	12250 SH 12  Weston CO 81091	S & C
O'Neil, James	1504 Hermitage Dr.  Round Rock TX 78681	C (50%)
BlueGreen Corp of Rockies	c/o KE Andrews & Company  1900 Dalrock Rd, Rowlett TX 75088	C (50%)
Weiler, Siegfried and Anne  A & S Partners	443 Signal Hill Road  North Barrington Village IL 60010	S & C
Pinkston, Alice and Howard	Box 2607  Milan, NM 87020	S
Montoya, Patricia L. et al	11897 SH 12  Weston, CO 81091	S & C
State of Colorado Division of Parks and Wildlife	6060 Broadway  Denver, CO 80216	S & C
Harteis, Fred and Linda  Family Limited Partnership	7955 Jonestown Rd  Harrisburg, PA 17112	S
CF & I Steel Corp  c/o North Central Energy	3800 County Rd 63.9  Trinidad CO 81082	C

MGP Mineral Enterprises LLLP	11284 West Asbury Ave  Lakewood, CO 80227-1957	C
Pioneer Natural Resources	c/o KE Andrews & Company  1900 Dalrock Rd  Rowlett, TX 75088	C
James, Vincent et al	15280 W. 66th Place  Arvada, CO 80007	C
Vigil, David C & Vigil- Kunich, Marcia	1313 Williams St  Denver, CO 80201-2671	S
J.I. Vialpando, et al	8533 SH 12  Weston, CO 81091	S
Michelle Garcia	85333 SH 12  Weston, CO 81091	S
Kramer, Cornelia	12168 S Cyprus Point way  Draper, UT 84020	S
Mark Sisneros, et al  Book 1072, Page 1881	1506 Atchison  Trinidad CO 81082	S
Vigil Church/School  Bishop of Pueblo	1001 N. Grand Ave.  Pueblo, CO 81003	S

#### Section 2.03.4(8)

The MSHA identification numbers are Surface 05-04461, and Mi Vida Underground Mine 05-04975.

#### Section 2.03.4(9)

There are no outstanding interests in lands, options, or pending bids on interest held or made by NECC for lands which, are contiguous to the area covered by the permit.

### **2.03.5 COMPLIANCE INFORMATION**

Neither NECC nor any of its affiliates or persons controlled by or under common control with it, has had a mining permit for surface coal mining operations suspended or revoked within the last five years. Nor have any such entities



forfeited a mining bond or similar security deposited in lieu of a bond in connection with any surface mining operations.

NECC received a notice of violation on October, 22, 2021 (CV-2021-001), the violation was terminated on September 21, 2022.

MSHA violations are not listed. A compilation of violation history can be obtained by interested parties by contacting the Mine Office.

### **2.03.6 RIGHT OF ENTRY AND OPERATION INFORMATION**

NECC's right to enter and conduct surface coal mining operations is not subject to any pending litigation. NECC and its lessors own the surface and coal within the permit area. **Map 1** shows the surface ownership in and adjacent to the permit area.

The metes and bounds description of the permit boundary for PR-05 follows:

Beginning at Pt. 109 of the Terry Surveying Wash Plant Boundary Survey dated May 15, 1997; as filed with the Las Animas County Clerk and Recorder's Office in Book 964, Page 914, and correction in Book 966, Page 578; thence, traversing around the permit boundary for the following 44 courses;

POINT	BEARING		DISTANCE	
1	S82°0'0"W	for	1400'	then
2	S42°30'0"W	for	2050'	then
3	S52°12'0"E	for	900'	then
4	N35°0'0"E	for	1200'	then
5	S86°0'0"E	for	6700'	then
6	S6°0'0"E	for	1200'	then
7	N87°0'0"E	for	1550'	then
8	S4°30'0"W	for	253.1'	then
9	S83°36'32"E	for	1361.7'	then
10	S7°0'0"W	for	6600'	then
11	S84°0'0"E	for	1700'	then
12	N7°0'0"W	for	3700'	then
13	N7°0'0"E	for	2200'	then
14	S82°0'0"E	for	5900'	then
15	N7°0'0"E	for	900'	then

16	N84°0'0"W	for	3400'	then
17	N47°0'0"W	for	2809.5'	then
18	S7°26'52"W	for	2400.1'	then
19	N69°47'15"E	for	4029.7'	then
20	N25°0'0"W	for	3400'	then
21	N85°0'0"W	for	2300'	then
22	S55°0'0"W	for	1300'	then
23	N86°0'0"W	for	600'	then
24	S57°57'15"W	for	1025.5'	then
25	S26°0'0"E	for	700'	then
26	S66°0'0"E	for	1000'	then
27	S88°24'43"W	for	736.1'	then
28	S66°0'0"W	for	600'	then
29	S 80°8'56" W	for	1049.7'	then
30	S81°30'0"W	for	1650'	then
31	N25°30'0"W	for	200'	then
32	S75°0'0"W	for	420'	then
33	S7°0'0"W	for	1500'	then
34	N86°0'0"E	for	900'	then
35	N4°30'0"E	for	700'	then
36	N90°0'0"E	for	800'	then
37	S66°30'0"W	for	650'	then
38	S4°30'0"W	for	400'	then
39	N72°30'0"E	for	650'	then
40	S12°0'0"E	for	396.8'	then
41	S76°45'19"W	for	1331.0'	then
42	S83°5'24"W	for	3056.5'	then
43	S83°59'12"W	for	376.7'	then

44	S86°0'46"W	for	1091.46', returning to the point of start.
----	------------	-----	--

The right of entry and operation lease information documents that are contained as part of **Exhibit 34** contain the following:

- May 2008 – Quitclaim Deed from Trinidad Railway Holding, LLC and New Elk Coal Company
- July 11, 2012 – Application for Temporary Special Use Agreement on CDOW Lands
- March 14, 2008 – Coal mining lease information between the State of Colorado acting by and through the Department of Natural Resources, for use and benefit of the Division of Wildlife and Wildlife Commission and NECC
- June 1, 1997 – Quitclaim Deed from North Central Energy, Inc and Picketwire Processing, LLC
- Details of **Exhibit 34** include that the mineable coal within the permit boundary is owned by the State of Colorado acting by and through the Department of Natural Resources for the use and benefit of the Division of Parks and Wildlife.

NECC signed a quit claim deed in May 2008 with Trinidad Holding, LLC. The purpose of doing this was to utilize the rail bed (TR-76) as a haul road which is approximately 2.7 miles in length.

NECC signed a temporary use agreement with the Colorado Division of Parks and Wildlife in order to be able to install a culvert necessary to relieve flow from the upper diversion ditch for DWDA #3.

NECC leases the Jansen Loadout facility for coal shipments. Right of entry information for the loadout site can be found in **Exhibit 40**.

There are no purchases of record under real estate contract for property overlying areas that NECC's mining activities will affect during the next five years.

The New Elk Mine Workings are owned by NECC and **Map 2** illustrates the coal ownership.

### **2.03.7 RELATIONSHIP TO AREAS DESIGNATED UNSUITABLE FOR MINING**

The proposed permit area is not located within an area designated unsuitable for surface coal mining operations or under study for such designation. NECC does not intend to conduct surface mining activities or to conduct or locate surface operations or facilities within 300 feet of an occupied dwelling.

### **2.03.8 PERMIT TERM INFORMATION**

- (1) Does not apply
- (2) During the next five year permit term, beginning in February 2019 and ending in February 2024, the operator conducting mining operations as

approved under Rule 2.05.4 of this application. The mine anticipates affecting less than 20 additional acres over the next five years, although accurate estimates are not possible given mining and production uncertainties. All disturbances, whether anticipated or otherwise will be approved prior to undertaking said activities. Underground workings and approved mine plan maps are available as part of this application and change based on operational needs and as approved.

- (3) Does not apply as the mine operates under successive 5 year mining permits. The projection as calculated using approved production levels at this time is a 20 to 30 year mine life. Accurate estimates are not known and cannot be accurately estimated due to market variability.

### **2.03.9 PERSONAL INJURY AND PROPERTY DAMAGE INSURANCE INFORMATION**

NECC has been issued a certificate of insurance for general liability. This certificate has been placed in **Exhibit 3**.

### **2.03.10 IDENTIFICATION OF OTHER LICENSES AND PERMITS**

Numerous other licenses and permits will be obtained for the operation of the New Elk Mine. **Table 2** shows the listing of permits that NECC needs for the project.

### **2.03.11 IDENTIFICATION OF LOCATION OF PUBLIC OFFICE FOR FILING APPLICATION**

A copy of any permit of revision application materials that are required to be available during the specific review time periods will be made available for public inspection in the Las Animas County Clerk/Recorder's office located at the County Courthouse, 200 East 1st Street, Room 205, Trinidad, Colorado.

### **2.03.12 NEWSPAPER ADVERTISEMENT AND PROOF OF PUBLICATION**

The Chronicle-News will be the location of any public notice of any proposed revision that requires a notice be published. Proof of publication will be provided to the Division when received for those public notices initiated by NECC.

**Table 2 New Elk Mine Permits and Licenses**

<b>Agency</b>	<b>Permit/License</b>
Colorado Division of Reclamation, Mining & Safety 215 Centennial Building 1313 Sherman Street Denver, CO 80203 (303) 866-3567	DRMS Permit#C-81-012 5-year permit renewed 2/28/2019
Colo. Department of Public Health and the Environment Air Pollution Control Division 4300 Cherry Creek Drive South	Emission Permits 21LA0184F issued August 2021 21LA0185 issued August 2021 21LA01856 issued August 2021

**Table 2 New Elk Mine Permits and Licenses**

<b>Agency</b>	<b>Permit/License</b>
Building B, 1st Floor Denver, CO 80222-1530 (303) 692-3100	21LA201 issued August 2021
Colo. Department of Public Health and the Environment Water Quality Control Division 4300 Cherry Creek Drive South Denver, CO 80222-1530 (303) 692-3605	Colorado Discharge Permit Systems Permit Nos. COG-310069 CO-0000906 Renewal effective June 1, 2015; awaiting approval from renewal application on May 31, 2020 COR 040192
Colo. Department of Public Health and the Environment Radioactive Materials Unit Hazardous Materials and Waste Management Division 4300 Cherry Creek Drive South Denver, CO 80222-1530 (303) 692-2000	Radioactive materials License Colo. 1198-01
US Department of Labor Mine Safety and Health Administration Health and Safety Analysis Center PO Box 25367 Denver CO 80225	MSHA ID 05-04461 Prep Plant MSHA ID 05-04975 Mi Vida Portals MSHA Impoundment (pond 008) 1211-CO-9-0039
Las Animas County Land Use Planning Office Trinidad, CO 81082 (719) 846-4486	Special Use Permit 9/1/1977 and 3/8/1984
Colo. Department of Transportation 4201 East Arkansas Avenue Denver CO 80222	Access Permit mine site turn lane Access permit Jansen decel lane

This completes Section 2.03

Identification of Other Licenses and Permits

Office of the State Engineer  
Colorado Department of Water Resources  
818 Centennial Bldg  
1313 Sherman St.  
Denver, Colorado 80203  
See Exhibit 11 for:  
Well Permit Nos. 286861, 286862, 286863  
Slurry Return Wells S-1, S-2, and S-3 respectively Well Permit Nos. 286990, 286991  
Slurry Return Wells NE-S2 and NE-S3 respectively