

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

Table 1 Organizations Providing Technical and Supplemental Information

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
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
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

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
Kern Valley Railroad Company Attn: M.J. Van Wagenen	P.O. Box 26421 Salt Lake City, UT 84126	S*

Triple D Family LTD Partnership LLLP	426 N. Chestnut St Trinidad, CO 81082	S*
Pense Brothers LLC	P.O. Box 551 Frederick, MO 63645	S*
Western Oilfields Supply Company	P.O. Box 2248 Bakersfield, CA 93303	S*
Malespini Clara A. and Alfredo Jr. and et al	11005 County Rd 63.9 Trinidad, CO 81082	S*
Gonzales Robert Jr. and Ernie Margaret	314 E. Frost St Trinidad, CO 81082	S*
XTO Energy, Inc.	810 Houston St. Fort Worth, TX 76102	S**
BNI Corporation	6614 SH 12 Weston, CO 81091	S**
Peter & Jean Vallejo	4255 Southpark Bluff Dr. Anchorage, AK 99516	S**
Daisy Chavez Asevedo et al.	4720 E 130 th Ave. THorton, CO 80241	S**

*Jansen Loadout

** Golden Eagle

The New Elk Mine Workings are owned by NECC (Exhibit 34).

The Jansen Loadout is leased by NECC from Kern Valley Railroad Company (Exhibit 40).

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. NECC prematurely reconstructed a light use road to a haul road before getting approval from CDRMS. The violation was abated via the approval of TR-76.

Black Warrior Minerals, Inc. Permit (P-3987) received a violation on August 2, 2022 (N22DDP004), the violation was terminated on August 2, 2022. The violation was served for 2 ponds discharging water that did not meet water quality compliance. The violated was abated because the ponds stopped discharging.

Black Warrior Minerals, Inc. Permit (P-3987) received a violation on September 14, 2022

(N22DDP005), the violation was terminated on September 14, 2022. The violation was served for 1 pond discharging water that did not meet water quality compliance. The violation was abated because the ponds stopped discharging. The violation was also served because a proof of insurance coverage was submitted. The violation was abated because the insurance coverage was submitted.

Black Warrior Minerals, Inc. Permit (P-3950) received a violation on September 14, 2022 (N22DDP006), the violation was terminated on September 14, 2022. The violation was served because a proof of insurance coverage was submitted. The violation was abated because the insurance coverage was submitted.

Black Warrior Minerals, Inc. Permit (P-3987) received a violation on November 9, 2022 (N22DDP007), the violation was terminated on November 9, 2022. The violation was served for 2 ponds discharging water that did not meet water quality compliance. The violation was abated because the ponds stopped discharging.

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.

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

POINT	BEARING		DISTANCE	
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 metes and bounds description of the permit boundary for PR-6 follows 48 courses:

Point	Bearing		Distance (Feet)	
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	6000	then
9	N85°0'0"W	for	1000	then
10	S1°42'0"W	for	900	then
11	N85°30'0"W	for	500	then
12	S2°0'0"W	for	2100	then
13	S84°3'3"E	for	1081.77	then
14	S83°30'0"E	for	1718.17	then
15	S6°0'0"W	for	985.93	then
16	S84°0'0"E	for	591.4	then
17	N6°30'0"E	for	1000	then
18	S84°11'8"E	for	10756.69	then
19	N2°21'25"E	for	6845.6	then

Point	Bearing		Distance (Feet)	
20	N0°18'31"E	for	5286.63	then
21	N5°14'2"W	for	1300	then
22	N58°56'57"W	for	665.14	then
23	N74°36'46"W	for	5178.85	then
24	N25°0'0"W	for	3400	then
25	N85°0'0"W	for	2300	then
26	S55°0'0"W	for	1300	then
27	N86°0'0"W	for	600	then
28	S57°57'15"W	for	1025.5	then
29	S26°0'0"E	for	700	then
30	S66°0'0"E	for	1000	then
31	S88°24'43"W	for	736.1	then
32	S66°0'0"W	for	600	then
33	S80°8'56"W	for	1049.7	then
34	S81°30'0"W	for	1650	then
35	N25°30'0"W	for	200	then
36	S75°0'0"W	for	420	then
37	S7°0'0"W	for	1500	then
38	N86°0'0"E	for	900	then
39	N4°30'0"E	for	700	then
40	N90°0'0"E	for	800	then
41	S66°30'0"W	for	650	then
42	S4°30'0"W	for	400	then
43	N72°30'0"E	for	650	then
44	S12°0'0"E	for	396.8	then
45	S76°45'19"W	for	1331	then
46	S83°5'24"W	for	3056.5	then
47	S83°59'12"W	for	376.7	then
48	S86°0'46"W	for	1091.46	to point of start

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

- Metes and bounds for the haul road for TR-76
- 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 quitclaim 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 and will be constructed on the existing rail bed and no new disturbance

outside of the existing rail bed will be necessary for the construction and operation of the road. The road will be a maximum of 15 feet wide and have the necessary berms as required by MSHA. The permit area and affected area is 11.3 acres and the permit area and disturbed area is 6.4 acres for this haul road. Map 15A shows the location of the road.

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

Agency	Permit/License
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 Building B, 1st Floor Denver, CO 80222-1530 (303) 692-3100	Emission Permits 21LA0184F issued August 2021 21LA0185 issued August 2021 21LA01856 issued August 2021 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

Table 2 New Elk Mine Permits and Licenses

Agency	Permit/License
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