



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

February 9, 2023

Nick Mason  
New Elk Coal Company, LLC.  
12250 Highway 12  
Weston, CO 81091

**Re: New Elk Mine (Permit No. C-1981-012)**  
**Permit Revision No. 6 (PR-6)**  
**Decision Date Extension**

Dear Mr. Mason:

On February 9, 2023, the Division of Reclamation, Mining and Safety received your request for an extension for the Permit Revision No.6 Application decision date. The decision date has been extended from February 11, 2023 to March 10, 2023.

If you have any questions, please contact me at (720) 774-0040 or [brock.bowles@state.co.us](mailto:brock.bowles@state.co.us).

Sincerely,

Brock Bowles  
Environmental Protection Specialist



February 9, 2023

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 December 13, 2022, on the New Elk Coal Company, LLC's (NECC) Permit Revision Application (PR-6). NECC also requests the decision date be extended to March 10, 2023 for this permit revision application.

**NECC Response to DRMS comments:**

**Section 2.03**

1. The revised pages submitted are not consistent with the currently approved pages. Information on the current pages will be lost if these new pages are incorporated. Please update the proposed revised pages so they fit seamlessly in with the currently approved pages.
  - a. **NECC Response:** *The revised pages for PR-6 have been updated to fit seamlessly in with the previously approved Section 2.03 (MR-132 Section 2.03).*

**Section 2.03.9 – Personal Injury and Property Damage Insurance Information**

2. The last insurance certificate the Division has on file is from 2016. Please submit the most recent insurance certificate as part of this application.
  - a. **NECC Response:** *The current insurance certificate is attached for inclusion into the PAP.*

**Section 2.03.10 – Identification of other Licenses and Permits**

1. No adequacy questions.
  - a. **NECC Response:** *Thank you.*

**Section 2.04.3 – Site Description and Land Use**

1. The proposed Section 2.04 Table 4 shows that 219.1 acres of affected lands are being added in PR6. Please update the table to show the total amount of affected acres, including the PR6 addition, for the entire permit area.
  - a. **NECC Response:** *The affected land acreage for the permit area and PR6 has been included in the text of Section 2.04.3.*

**Section 2.04.7 Hydrology Description**

1. The text states on Page 25-a that a total of twelve potential springs and seeps sites were identified within a one-mile buffer of the PR-6 permit boundary. The text also states the parameters of pH, flow, conductivity and temperature of these springs and seeps are presented in Table 12. The location data and field measurements of these new springs and seeps were not included with the PR6 application.