



February 15, 2023

Brock Bowles
Division of Reclamation, Mining and Safety
1313 Sherman St., Rm. 215
Denver, Colorado 80203

Re: New Elk Mine
Permit C-1981-012
2022 Annual Reclamation Report

Dear Mr. Bowles:

Enclosed is the Annual Reclamation Report form for 2022 for New Elk Mine, 2022 ARR Maps for the East and West Portal and drill areas; and tables showing ARR calculations in detail.

The Yearly Reclamation Table (Table 1) shows the calculations for the ARR form by year, starting in 2004. The Reclamation Activity Table (Table 2) shows backfill and grade, topsoil, seeded, and re-distrubed acres by location and year. The Entire Site Activity Table (Table 3) shows the acreages for the entire site along with what year and how many acres were backfill and grade, topsoiled, and seeded.

Major activities in 2022 included noxious weed control using Tordon to combat occurrences of Canadian Thistle, Hounds-Tongue, Field Bindweed, and Downy Brome. The entire mine site as well as Jansen Yard and offsite drill locations were sprayed for noxious weeds twice from the months of April to September. NECC also performed ditch and culvert maintenance as appropriate throughout the mine site.

Areas of reclamation were regularly inspected for erosion including for the formation of rills or gullies that would require minor maintenance. These inspections, as required by the mine's Rill and Gully Inspection Plan were conducted at least monthly by NECC staff during the period from April to October and additionally, after significant precipitation events.

Best Regards,

A handwritten signature in dark ink that reads "Nicholas Mason". The signature is written in a cursive, flowing style.

Nick Mason

Colorado Division of Reclamation, Mining and Safety

Annual Reclamation Report for Calendar Year – _____

Mine Name	Permit Number	Permittee
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Address

This report, required by Rule 2.04.13, is due by February 15 of each year, or other date, as agreed upon by the Division. It should include text, discussion, and maps, at a minimum, in addition to any other reclamation monitoring data as required by the approved permit. The location of the acreage reported under each land status category and year of seeding (if applicable) should be clearly identified on a map included with the report.

Land Category	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
Acreage in Active Mining Areas ¹				=	

Land Category	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
Acres Disturbed ²				=	
Acres Backfilled and Graded				=	
Acres Topsoiled				=	

Acreage in Long-term Facilities ³	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
Non-Permanent Facilities				=	
Permanent Facilities (permitted)				=	
Totals				=	

Acres Seeded (permanent)	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
9 Years and Less				=	
10 Years and Greater				=	
Totals				=	

Bond Release	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
Phase I Released				=	
Phase II Released				=	
Phase III Released				=	

¹Includes pits, topsoil stripped areas in advance of pits, and spoil not backfilled and graded

²Surface Mine Acres Disturbed = B&G + Long-Term Facilities + Active Mining Areas; Underground Mine Acres Disturbed = B&G + Long-Term Facilities; Separately-permitted Loadouts = B&G + Long-Term Facilities

³Includes haul, access and light-use roads, temporary dams and impoundments; permanent dams and impoundments; diversion and collector ditches, water and air monitoring sites; topsoil stockpiles; overburden stockpiles; repair, storage and construction areas; office area, repair shops, and parking; coal stockpiles, loading, and processing areas; railroads; coal conveyors; refuse piles and coal mine waste impoundments; head-of-hollow fills; valley fills; ventilation shafts and entryways; and non-coal waste disposal area (garbage dumps and coal combustion by-products disposal areas).

Table 1
Yearly Reclamation

Year	Acres Disturbed			Acres Backfilled and Graded				Topsoiled			
	Last Years Cumulative Total	This Years	Cumulative Total	Last Years Cumulative Total	This Years	Redisturbed	Cumulative Total	Last Years Cumulative Total	This Years	Redisutrbed	Cumulative Total
2004	136.36	0.00	136.36	31.37	0.00	0.00	31.37	16.28	0.00	0.00	16.28
2005	136.36	0.00	136.36	31.37	11.40	0.00	42.77	16.28	0.57	0.00	16.85
2006	136.36	0.00	136.36	42.77	0.00	0.00	42.77	16.85	0.00	0.00	16.85
2007	136.36	0.00	136.36	42.77	1.84	0.00	44.61	16.85	1.84	0.00	18.69
2008	136.36	0.00	136.36	44.61	0.00	0.00	44.61	18.69	0.00	0.00	18.69
2009	136.36	2.50	138.86	44.61	0.00	0.00	44.61	18.69	0.00	0.00	18.69
2010	138.86	0.00	138.86	44.61	0.00	0.00	44.61	18.69	0.00	0.00	18.69
2011	138.86	30.12 *	164.37 §	44.61	0.00	4.18	40.43	18.69	0.00	2.82	15.87
2012	164.37	1.4 ¶	165.77	40.43	0.00	0.00	40.43	15.87	0.00	0.00	15.87
2013	165.77	0.00	165.77	40.43	0.00	0.00	40.43	15.87	0.00	0.00	15.87
2014	165.77	0.00	165.77	40.43	0.00	0.00	40.43	15.87	0.00	0.00	15.87
2015	165.77	0.00	165.77	40.43	0.00	0.00	40.43	15.87	0.00	0.00	15.87
2016	165.77	0.00	165.77	40.43	0.00	0.00	40.43	15.87	0.00	0.00	15.87
2017	165.77	0.00	166.97 #	40.43	0.00	0.00	40.43	15.87	0.00	0.00	15.87
2018	166.97	0.00	166.97	40.43	0.00	0.00	40.43	15.87	0.00	0.00	15.87
2019	166.97	0.00	166.97	40.43	0.00	0.00	40.43	15.87	0.00	0.00	15.87
2020	166.97	0.00	166.67	40.43	0.00	0.00	40.43	15.87	0.00	0.00	15.87
2021	166.97	3.74	170.71	40.43	3.74	0.00	44.17	15.87	3.74	0.00	19.61
2022	170.71	0.00	170.71	44.17	0.00	0.00	44.17	19.61	0.00	0.00	19.61

* Adds 24.12 acres from re-entry of Allen Mine and opening of Bates portals, including 4.61 acres of
§ Discounts 4.61 acres of redisturbed area
¶ 1.4 acres for MR-114
Includes 1.2 Acres from Golden Ea

Table 1
Yearly Reclamation (Continued)

Year	Acres Seeded						Total Acres Disturbed	Phase 1 Release	Phase 2 Release	Phase 3 Release	Acreage Subject to Reclamation but not completed	Acreage Long-term Mining or Reclamation	Acreage in Active Mining Areas
	Last Years Cumulative Total	This Years	Redisturbed	Cumulative Total	10 Years or Less	Greater than 10 Years							
2004	25.58	0.00	0.00	25.58	18.79	7.54	136.36	0.00	0.00	0.00	NA	104.24	0.00
2005	25.58	1.72	0.00	27.30	19.29	8.76	136.36	0.00	0.00	0.00	NA	92.84	0.00
2006	27.30	6.61	0.00	33.91	25.90	8.76	136.36	35.14	0.00	0.00	NA	92.84	0.00
2007	33.91	1.84	0.00	35.75	27.74	8.76	136.36	35.14	0.00	0.00	NA	91.00	0.00
2008	35.75	0.00	0.00	35.75	27.74	8.76	136.36	35.14	0.00	0.00	NA	91.00	0.00
2009	35.75	0.00	0.00	35.75	26.48	10.02	138.86	35.14	0.00	0.00	NA	93.50	0.00
2010	35.75	0.00	0.00	35.75	26.48	10.02	138.86	35.14	0.00	0.00	NA	93.50	0.00
2011	35.75	0.00	4.76	30.99	21.87	10.02	164.37 **	30.38	0.00	0.00	NA	123.62 ***	0.00
2012	30.99	0.00	0.00	30.99	21.87	10.02	165.77 §§	30.53	0.00	0.00	NA	125.02 §§§	0.00
2013	30.99	0.00	0.00	30.99	9.59	22.30	165.77	30.53	0.00	0.00	NA	125.02	0.00
2014	30.99	0.00	0.00	30.99	9.59	22.30	165.77	30.53	0.00	0.00	NA	125.02	0.00
2015	30.99	0.00	0.00	30.99	7.87	24.02	165.77	30.53	0.00	0.00	NA	125.02	0.00
2016	30.99	0.00	0.00	30.99	1.84	30.05	165.77	30.53	0.00	0.00	NA	125.02	0.00
2017	31.74	0.00	0.00	31.74	0.00	31.74	166.97 ¶¶	30.53	0.00	0.00	NA	126.22 ¶¶¶	0.00
2018	31.74	0.00	0.00	31.74	0.00	31.74	166.97	30.53	0.00	0.00	NA	126.22	0.00
2019	31.74	0.00	0.00	31.74	0.00	31.74	166.97	30.53	0.00	0.00	NA	126.22	0.00
2020	31.74	0.00	0.00	31.74	0.00	31.74	166.97	30.53	0.00	0.00	NA	126.22	0.00
2021	31.74	3.74	0.00	35.48	3.74	31.74	170.71	30.53	0.00	0.00	NA	129.96	0.00
2022	35.48	0.00	0.00	35.48	3.74	31.74	170.71	30.53	0.00	0.00	NA	129.96	0.00

** Adds 24.27 acres on new disturbance, discounts 4.76 of redisturbed acres, adds 6.0 acres for TR-59, net
§§ Adds 1.4 acres for MR-114
¶¶ Adds 1.2 acres for Golden Eagle transfer

*** Adds 24.12 acres on new disturbance, adds 6.0 acres for TR-59, net +30.12 acres
§§§ Adds 1.4 acres for MR-114
¶¶¶ Adds 1.2 for Golden Eagle Transfer

Table 2
Reclamation Activity

			Backfilled and Graded		Seeded				Redisturbed
Year	Descriptions	Map Code	Acres	Acres	Acres	Seed Mix	Method	Rate (lbs PLS/Ac)	Acres
1984	River Relocation	34			0.77	Rangeland	?	?	
1988	EP RDA Bench 1	RDA	0.69	0.69	0.69	Rangeland	Hydromulched	?	
1990	EP RDA Bench 2	RDA	1.03	1.03	1.03	Rangeland	Broadcast	26	
	Adjacent Hwy 12 South	32	2.98	2.98	2.98	Rangeland	Drilled	13	
1993	EP RDA Bench 3	RDA	1.73	1.73	1.73	Rangeland	Broadcast	26	
	RDA Road Disturbance	RDA			0.24	Rangeland	Broadcast	26	
	Areas Along River				0.10	Rangeland	Hand Broadcast	26	
1994	EP RDA substation	RDA	0.19	0.19	0.19	Rangeland	Broadcast	26	
	WP Water Tank Area	56			0.56	Rangeland	Broadcast	26	
	WP Substation	57			0.47	Rangeland	Broadcast	26	
1984-1998	Cumulative Total		8.85	5.82	8.76				
1999	EP RDA Bench 4	RDA	1.26	1.26	1.26	Rangeland	Broadcast w/Mulcher	26	
2003	EP Warehouse 2, 3 and Road	2,3	5.41	0.00	5.41	Rangeland	Broadcast	26	
	Coal Stockpile Area #4	4	2.82	2.82	2.82	Rangeland	Broadcast	26	
	Pond 005	5	0.95	0.00	0.95	Rangeland	Broadcast	26	
	Storage Yard East Pond 005	6	1.10	1.10	1.10	Rangeland	Broadcast	26	
	Development Waste Pile	7	5.28	5.28	5.28	Rangeland	Broadcast	26	
	WP Non Coal Waste Disposal	46	2.30	0.00	0.00				
	WP manway and yard	48	3.40	0.00	0.00				
	Total		21.26	9.20	15.56				
2005	Pumphouse Access Road	49	1.40	0.57	1.72	Rangeland	Broadcast	26	
	WP Pumphouse	58	0.37	0.00	0.00				
	WP Warehouse #1	51	1.40	0.00	0.00				
	WP Hoist House	52	0.83	0.00	0.00				
	WP Trolley Yard	53	1.00	0.00	0.00				
	Corehouse	43	6.18	0.00	0.00				
	WP Garage	55	0.22	0.00	0.00				
	Total		11.40	0.57	1.72				
2006	Powder and Cap House	42	0.00	0.00	0.76	Rangeland	Broadcast	26	
	Corehouse	43	0.00	0.00	1.00	Rangeland	Broadcast	26	
	Powder Access Road	47	0.00	0.00	1.40	Rangeland	Broadcast	26	
	WP Warehouse #1	51	0.00	0.00	1.40	Rangeland	Broadcast	26	
	WP Hoist House	52	0.00	0.00	0.83	Rangeland	Broadcast	26	
	WP Trolley Yard	53	0.00	0.00	1.00	Rangeland	Broadcast	26	
	WP Garage	55	0.00	0.00	0.22	Rangeland	Broadcast	26	
	Total		0.00	0.00	6.61				
2007	DWP Upper Bench	7	1.84	1.84	1.84	Rangeland	Broadcast	26	
2011	Powder and Cap House	42	0.00	0.00	-0.28				0.28
	Powder Access Road	47	0.00	0.00	-0.30				0.3
	EP Warehouse 2, 3 and Coal Stockpile Area #4	2,3,4	-4.03	-2.82	-4.03				4.03
	Pond 005	5	-0.15	0.00	-0.15				0.15
	Total		-4.18	-2.82	-4.61				4.76
2021	2021 Drill Program NE-01-20	68	0.08	0.08	0.08	Rangeland	Broadcast	26	
	2021 Drill Program NE-02-20	69	0.13	0.13	0.13	Rangeland	Broadcast	26	
	2021 Drill Program NE-03-20	70	0.16	0.16	0.16	Rangeland	Broadcast	26	
	2021 Drill Program NE-04-20	71	1.35	1.35	1.35	Rangeland	Broadcast	26	
	2021 Drill Program NE-07-20	72	1.76	1.76	1.76	Rangeland	Broadcast	26	
	2021 Drill Program NE-12-20	73	0.26	0.26	0.26	Rangeland	Broadcast	26	
	Total		3.74	3.74	3.74				
Total			44.17	19.61	34.88				4.76

Table 3
Entire Site Activity

East Portal Facilities		Total	Backfilled and Graded		Topsoiled		Seeded				
Map Code	Descriptions	Acres	Acres	Year	Acres	Year	Acres	Year	Seed Mix	Method	Rate (lbs PLS/Ac)
2,3	Warehouse 2,3, and road	5.41	5.41	2003			1.05	2003	Rangeland	Broadcast	26
6	Equipment Storage Area	1.10	1.1	2003			1.1	2003	Rangeland	Broadcast	26
11	Coal Lab and Garage	0.46									
12	EP Fan	1.26									
14	Oil House	0.58									
15	Industrial Bldg	3.37									
16	Main Substation and Storage	2.55									
17	Allen Portal	1.02									
18	Breaker Bldg	0.83									
19	Coal Transfer Bldg	0.84									
20	Road to Pond 004	0.71									
21	Coal Silos	1.87									
23	Unit Train Loadout	1.94									
25	Pond 6	1.51									
26	Prep Plant	2.21									
29	Conveyor Storage Area	2.01									
32	Hwy Reclamation	2.98					2.98	1990	Rangeland	Drilled	13
34	River Channel Diversion	0.77					0.77	1984	Rangeland	?	?
36	RDA Conveyor	0.44									
	Coal Stockpiles										
4	Stockpile #4 (West)	2.82	2.82	2003			2.82	2003	Rangeland	Broadcast	26
22	Clean Coal	3.23									
27	Raw Coal (Plant Feed)	4.56									
31	Stockpile (River)	5.08									
	Roads										
10	HWY Access	1.21									
28	Plant Access	2.08									
33	West Portal Access	1.94									
39	Water Tank Access	1.12									
	Ponds										
13	Pond 1	3.86									
9	Pond 4	3.56									
5	Pond 5	0.95	0.95	2003			0.95	2003	Rangeland	Broadcast	26
24	Pond 7	3.01									
37	Containment RDA-SE	0.60									
35	SAE East of DWDA #2	3.16									
	Refuse Disposal Areas										
	RDA										
40	Reclaimed Benches										
	Bench 1	0.69	0.69	1988	0.69	1988	0.69	1988	Rangeland	Hydromulched	?
	Bench 2	1.03	1.03	1990	1.03	1990	1.03	1990	Rangeland	Broadcast	26
	Bench 3	1.73	1.73	1993	1.73	1993	1.73	1993	Rangeland	Broadcast	26
	Bench 4	1.26	1.26	1999	1.26	1999	1.26	1999	Rangeland	Broadcast w/Mulcher	26
	Substation	0.19					0.19	1994	Rangeland	Broadcast	26
	Road Disturbance	0.24					0.24	1993	Rangeland	Broadcast	26
41	Active Surface + Future Disturbance	26.38									
66	RDA Access Road	1.77									
38	Pond 8 and Containment RDA-N	4.03									
67	Conveyor and Road to RDA	1.88									
	DWP										
7	Developmental Waste Piles (Reclaimed)	7.12	5.28	2003	5.28	2003	5.28	2003	Rangeland	Broadcast	26
			1.84	2007	1.84	2007	1.84	2007	Rangeland	Broadcast	26

Table 3 (Continued)
Entire Site Activity

West Portal Facilities		Total	Backfilled and Graded		Topsoiled		Seeded				
Map Code	Descriptions	Acres	Acres	Year	Acres	Year	Acres	Year	Seed Mix	Method	Rate (lbs PLS/Ac)
42	Powder and Cap House	0.76					0.76	2006	Rangeland	Broadcast	26
43	Corehouse	6.18	6.18	2005			1	2006	Rangeland	Broadcast	26
44	Top Soil Borrow Area	1.59									
46	Non Coal Waste Disposal Area	2.30	2.3	2003							
48	Manway	3.40	3.4	2003							
51	Warehouse #1	1.40	1.4	2005			1.4	2006	Rangeland	Broadcast	26
52	Hoist House	0.83	0.83	2005			0.83	2006	Rangeland	Broadcast	26
53	Trolley Yard	3.12	1	2005			1	2006	Rangeland	Broadcast	26
54	Fan House	0.34									
55	WP Garage	0.22	0.22	2005			0.22	2006	Rangeland	Broadcast	26
57	Substation	0.47					0.47	1994	Rangeland	Broadcast	26
58	Pumphouse	0.37	0.37	2005							
1	WP Access	5.25									
47	Powder Access	1.40					1.4	2006	Rangeland	Broadcast	26
49	Pump House Access	1.72	1.4	2005	0.57	2005	1.72	2005	Rangeland	Broadcast	26
56	Water Tank Access	0.56					0.56	1994	Rangeland	Broadcast	26
50	Containment #WP-1	0.17									
45	Containment #WP-2	0.07									
2011 Disutrbance		Total	Backfilled and Graded		Topsoiled		Seeded				
Map Code	Descriptions	Acres	Acres	Year	Acres	Year	Acres	Year	Seed Mix	Method	Rate (lbs PLS/Ac)
59	Rock Dust Bin	0.94									
60	Bates Portal	1.57									
61	Stock Pile Area	4.03									
62	West Facilities by Train Stop	6.15									
63	Light Use Road to Slurry Wells	0.30									
64	Road to Cell Repeater	0.50									
65	Powder and Cap House (Redisturbed)	0.28									
2021 Disturbance		Total	Backfilled and Graded		Topsoiled		Seeded				
Map Code	Descriptions	Acres	Acres	Year	Acres	Year	Acres	Year	Seed Mix	Method	Rate (lbs PLS/Ac)
68	2021 Drill Program NE-01-20	0.08	0.08	2021	0.08	2021	0.08	2021	Rangeland	Broadcast	26
69	2021 Drill Program NE-02-20	0.13	0.13	2021	0.13	2021	0.13	2021	Rangeland	Broadcast	26
70	2021 Drill Program NE-03-20	0.16	0.16	2021	0.16	2021	0.16	2021	Rangeland	Broadcast	26
71	2021 Drill Program NE-04-20	1.35	1.35	2021	1.35	2021	1.35	2021	Rangeland	Broadcast	26
72	2021 Drill Program NE-07-20	1.76	1.76	2021	1.76	2021	1.76	2021	Rangeland	Broadcast	26
73	2021 Drill Program NE-12-20	0.26	0.26	2021	0.26	2021	0.26	2021	Rangeland	Broadcast	26
Other Disturbances		Total	Backfilled and Graded		Topsoiled		Seeded				
Map Code	Descriptions	Acres	Acres	Year	Acres	Year	Acres	Year	Seed Mix	Method	Rate (lbs PLS/Ac)
	Golden Eagle	1.20					1.2				
	Jansen Rail Yard	10.50									