



June 3, 2023

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

Re: New Elk Mine (Permit No. C-1981-012)
Technical Revision No. 77 (TR77)
Adequacy Review

Dear Mr. Mason:

The Colorado Division of Reclamation, Mining and Safety (Division) received your application for TR77 for the New Elk Mine on April 28, 2023. The application was deemed complete on May 4, 2023. TR77 is proposing to expand the Refuse Disposal Area by an additional 15.9 acres. The Division finished its review of the TR77 application and has the following adequacy questions or comments:

Table of Contents –

1. The page column has many references to PR6, which was withdrawn on April 14, 2023. Please update the table of contents by removing any reference to PR6.
2. Starting on page 4, the page numbers for figures are not included. Please update this table to include the page numbers.

Maps –

1. Map 11-4 of the permit shows the profile of the RDA Haul Road. An updated version of this map was not included in the TR77 application. This map needs to be updated to reflect the proposed changes.
2. Exhibit 30 of the current permit shows the profile view of bench elevations for the RDA. The RDA top bench is shown at 8,000 feet. The top of the proposed clean water ditch according to Map 24 is at 7815', a far distance below what is shown on Exhibit 30. Please update Exhibit 30 to show the correct cross section of the proposed RDA modifications.
3. Maps 13 and 24 shows the proposed surface disturbance boundary (green line) extends past the permit boundary (yellow line) at Station 32+00 of the clean water ditch. All mine related disturbance needs to be within the permitted boundary area.
4. Maps 13 and 24 do not show the location of Ditch D55-W-1. Please label it on both maps.
5. Culvert RDA C1 is labeled but not shown on Map 24.
6. The current Map 24 shows an upland containment ditch around the perimeter of the RDA. This ditch directs water that flows off the back of the RDA around the perimeter. This ditch needs to be maintained for the integrity of the RDA structure. Please update Maps 13 and 24 to include the perimeter ditch.



7. Ditch D55 flows to the east and directs the water onto the next drainage. The ditch just ends according to Map 24. It is unclear what happens to the discharge. Usually when water is discharged onto a steep hillside, it causes excessive erosion. Please describe what measures will be taken to prevent excessive erosion.

Section 2.04.3 – Site Description and Land Use

1. The first paragraph of this section contains language about PR6 which was withdrawn on April 14, 2023. Please remove all reference to PR6.
2. Table 4 needs to have the PR6 acres removed from the values. The Totals row is still showing 5,056.9 acres. Please update Table 4.

Section 2.05.3 – Operation Plan

1. On the submitted page 15, three paragraphs discussing haul road added in TR76 were removed from the text. These paragraphs need to remain in the text. Please replace these paragraphs.
2. On the submitted page 15, the second paragraph in the Haul Road and Access Road Design and Construction section, it refers to fill slopes may be steepened to 1.3SH:1v. Was this intended to be 1.35h:1v?
3. The bottom of page 15 ends in the middle of a sentence and the sentence does not continue onto the current page 16 of the permit. A proposed page 16 was not included in the application. Please amend page 15 and possibly a new page 16 so the text is consistent between the pages.
4. On page 45, the text refers to Figures 6- RDA Final Configuration, Figure 7- Conceptual Fill Configuration, Figure 8- Generalized Cross Section and Figure 9- Benched Keyway Cut. Updated versions of these figures need to be submitted with the application for review.
5. A final configuration of the proposed RDA, Figure 11 (listed in the table of contents), was not included in the application. Please submit an updated Figure 11 for review.
6. The proposed Haul Road and Ditch D55-INT-1 will cross the area of the underdrain at approximately 14+00. It is presumed that as the RDA increases in height, the underdrain will be extended through the road area. What precautions will be taken to ensure the underdrain is not damaged by vehicular traffic when the underdrain is raised through the road area? That water from D55-INT-1 will not enter the underdrain? That sediment loading will not clog the underdrain?

Please note that the decision date for this application is July 3, 2023. If you are unable to provide satisfactory responses to any inadequacies prior to this date, it will be your responsibility to request an extension of time to allow for continued review of this application.

If you have any questions or need additional information, please contact me at (720) 774-0040.

Sincerely,



New Elk Mine, C-1981-012
TR77 Adequacy Review 1

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