



STATE OF
COLORADO

Michels - DNR, Amber <amber.michels@state.co.us>

New Elk Renewal 8 Application

Michels - DNR, Amber <amber.michels@state.co.us>
To: nmason@newelkcoal.com
Cc: "Bowles - DNR, Brock" <brock.bowles@state.co.us>

Tue, Aug 29, 2023 at 1:41 PM

Good afternoon,

Attached is a copy of the Division's Incomplete Application Notice. Please review the document and make the necessary changes before this Friday, September 1, 2023.

Thank you,

Amber Michels
Environmental Protection Specialist



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

P 720.836.0967 | F 303.832.8106 |

Physical: 1313 Sherman Street, Room 215, Denver, CO 80203

Mailing: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216

amber.michels@state.co.us | <https://drms.colorado.gov/>

[Quoted text hidden]



Incomplete RN8 application notice_New Elk Mine.pdf
229K



STATE OF
COLORADO

Michels - DNR, Amber <amber.michels@state.co.us>

New Elk Renewal 8 Application

nmason@newelkcoal.com <nmason@newelkcoal.com>
To: "Michels - DNR, Amber" <amber.michels@state.co.us>
Cc: "Bowles - DNR, Brock" <brock.bowles@state.co.us>

Tue, Aug 29, 2023 at 2:05 PM

Amber,

Attached is the updated renewal 8 application and the revised public notice.

Thanks,

Nick

From: Michels - DNR, Amber <amber.michels@state.co.us>
Sent: Tuesday, August 29, 2023 1:41 PM
To: nmason@newelkcoal.com
Cc: Bowles - DNR, Brock <brock.bowles@state.co.us>
Subject: Re: New Elk Renewal 8 Application

Good afternoon,

Attached is a copy of the Division's Incomplete Application Notice. Please review the document and make the necessary changes before this Friday, September 1, 2023.

Thank you,

Amber Michels

Environmental Protection Specialist

[Redacted Signature]

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On Mon, Aug 28, 2023 at 1:11 PM Michels - DNR, Amber <amber.michels@state.co.us> wrote:

Hi Nick,

Received, thank you.

Amber Michels

Environmental Protection Specialist

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2 attachments



Public Notice RN-8_8.29.22.pdf
607K



Renewal 8 Application_8.29.23.pdf
503K



PUBLIC NOTICE

New Elk Coal Company, 12550 Highway 12, Weston, CO 81091, the operator of the New Elk Mine, has submitted to the Colorado Division of Reclamation, Mining and Safety an application for renewal of the New Elk Mine Permit, Number C-1981-012. Renewal of the mining permit will allow for continued mining and reclamation activities over the next 5- year permit term. The application was deemed complete by the Division on

The New Elk Mine is located approximately 7 miles west of Weston, Colorado in Township 33 South, Range 68 West, in sections 13, 14, 21, 22, 23, 24, 25, 26, and 27. These sections can be located on the USGS 7.5 minute Vigil and Weston quadrangle map contains the area of the referenced activity. The permit area encompasses approximately 4,2143.6 acres with 234.2 acres of surface disturbance. New Elk Coal Company is covered by a Letter of Credit Bond and Cash Bond in the amount of \$5,218,954.00.

A copy of the renewal application is on file for public inspection at the Las Animas County Courthouse, Office of County Recorder and with the Division of Minerals and Geology. Any written comments, objections, or requests for an informal conference on this permit renewal must be submitted to the Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, Colorado 80203, telephone number (303) 866-3567, within 30 days of the last date of publication of this notice.

Dates of Publication:



COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY

1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567

APPLICATION FORM RENEWAL OF A VALID, EXISTING PERMIT TO CONDUCT MINING IN COLORADO

This form is an application for successive renewal of a valid, existing permit to conduct surface or underground mining and reclamation activities or other surface coal mining and reclamation operations in Colorado pursuant to C.R.S. 34-33-101, *et seq.* This application form is designed to revise and update the application form currently included in your permit application. The right of successive renewal applies only to lands and activity which were permitted during the previous term. Extensions of the permit area and significant new activity within the permit area are subject to the review procedures applicable to new permit applications, in accordance with Rule 2.08.5(1)(c) and 2.08.4.

For a renewal application to be deemed complete by the Division pursuant to C.R.S. 34-33-109(7), an applicant must submit: (1) all information as specified on this application form; (2) a copy of the newspaper notice; (3) evidence that a liability insurance policy will be provided for the proposed period of renewal; and (4) five reproducible copies of the permit renewal application with original signatures.

For federal mines, a copy of the renewal application must be submitted to all agencies on the federal agency mailing list at the same time the application is submitted to the Division, and proof of distribution must be submitted to the Division. Copies of renewal pages modified during the review process must be distributed in the same manner, along with proof of distribution. Proof of distribution must be submitted prior to implementation of the renewal.

GENERAL OPERATION INFORMATION

Type or print clearly the appropriate information as listed below. Supplemental sheets may be used as necessary. Such sheets must be attached to the form and referenced or keyed to the numbers on the form.

1. Permittee: _____
2. Name of Operation: _____
3. Permit Number (same as current permit number): C - ____ - ____
4. Type of Revision: R N Renewal Number: ____
5. Application Submittal Date: ____ / ____ / ____

6. Correspondence Information

APPLICANT/OPERATOR (Name, Address and Phone of Name to be used on Permit)

Individual's Name: _____

Company Name: _____

Street: _____

City: _____

State: _____

Telephone: (____) _____

PERMITTING CONTACT (If different from Applicant/Operator above)

Individual's Name: _____

Company Name: _____

Street: _____

City: _____

State: _____

Telephone: (____) _____

INSPECTION CONTACT (If different from Applicant/Operator above)

Individual's Name: _____

Company Name: _____

Street: _____

City: _____

State: _____

Telephone: (____) _____

7. Location Information: The center of the operation lies in -

County: _____

USGS Quadrangle: _____

Principal Meridian (check one): ☐ 6th (Colorado) ☐ 10th (New Mexico) ☐ UteTownship (Write number and check direction): ____ North ☐ South ☐Range (Write number and check direction): ____ East ☐ West ☐Section: _____ Quarter Section (Check one): ☐ NE ☐ NW ☐ SE ☐ SWQuarter-Quarter Section (Check one): ☐ NE ☐ NW ☐ SE ☐ SW

Longitude (Write number): ____ Degrees (102-110) ____ Minutes (0-60)

____ . ____ Seconds (0.00-60.0)

Latitude (Write number): ____ Degrees (37-41) ____ Minutes (0-60)

____ . ____ Seconds (0.00-60.0)

General Description (Miles and direction from nearest town and approximate elevation):

<i>(Not for DP Entry)</i>			
	Permitted	Actual	Proposed
8. Mineral ownership: Indicate currently permitted acreage for each			
Federal: _____ acres			
State: _____ acres			
Private: _____ acres			
Indian: _____ acres			
9. Surface ownership: Indicate currently permitted acreage for each			
Federal: _____ acres			
State: _____ acres			
Private: _____ acres			
Indian: _____ acres			
10. Affected area (in acres)			
11. Disturbed area (in acres)			
12. Acreage of area reclaimed in previous permit term			
A. Backfilled and graded	N/A		N/A
B. Retopsoiled	N/A		N/A
C. Reseeded	N/A		N/A
13. Acreage for which bond has been released			
A. 60 percent	N/A		N/A
B. 85 percent	N/A		N/A
C. 100 percent	N/A		N/A
14. Renewal Term Requested (Years)	N/A	N/A	
<i>Note: If the application contains proposed (new) acreage, then a permit revision application form must also be completed for those acreages.</i>			

15. Type of Mine (Check one): ☐ Underground ☐ Surface
☐ Combined Surface and Underground
☐ Loadout ☐ Other

16. Current Permit Status (Check one): ☐ Active ☐ Temporary Cessation
☐ Permanent Cessation (Reclamation Only) ☐ Inactive/Phase II Bond Release
☐ Suspended
17. Current Estimated Life of Mine (in years):

APPLICATION REQUIREMENTS

Type or clearly print the appropriate original or revised page number(s) of the permit application in the spaces below. Where a map has been used to supplement or clarify the narrative, indicate in the space provided where the appropriate map(s) may be found in the application. The asterisk (*) denotes sections where maps are required.

Each application for permit renewal must provide appropriate information which minimally addresses each of the following requirements. The narrative should describe the conditions which have been encountered during the previous permit term, and analyze how those conditions compare with those anticipated in the original permit application. These narratives should be submitted as revised pages.

In cases where any item is not applicable, the applicant should so specify.

		Location in Application	
INFORMATION CATEGORY		NARRATIVE	MAPS
2.03.4	Identification of Interests		
2.03.5	Compliance Information		
2.03.6	Rights of Entry and Operation Information		
2.03.7	Relationship to Areas Designated Unsuitable for Mining		
2.03.8	Permit Term Information		
2.03.9	Personal Injury and Property Damage Information		
2.08.5	Bonding Information		
2.03.10	Identification of Other Licenses and Permits		
2.03.12	Newspaper Advertisement (Submit a copy of the proposed newspaper advertisement)		
2.04.3	Site Description and Land Use Information		*Land Use 2.04(2)(a)
2.04.4	Cultural and Historic Resource Information		
2.04.5	General Description of Hydrology and Geology		*Geology, surface and ground water systems of the permit, adjacent and general area 2.04.5(1)

		Location in Application	
INFORMATION CATEGORY		NARRATIVE	MAPS
2.04.6	Geology Description		*Geology of the permit area 2.04.6(1)(a) or 2.04.6(2)(a)
2.04.7(1)	Ground Water Information		*Hydrology 2.04.7(4)
2.04.7(2)	Surface Water Information		*Hydrology 2.04.7(4)
2.04.7(3)	Alternative Water Supply Information		
2.04.8	Climatological Information		
2.04.9	Soils Resource Information		*Soils 2.04.9(1)(c)
2.04.10	Vegetation Information		*Vegetation 2.04.10(1)
2.04.11	Fish and Wildlife Resources Information		
2.04.12	Prime Farmland Investigation		
2.05.2	Operation Plan: Estimated Area for Life of Operation		
2.05.3	Operation Plan: Permit Area		*Operation Plan 2.05.3
2.05.3(1)	Production Methods and Equipment		
2.05.3(2)	Operation Description		
2.05.3(3)	Mine Facilities		
2.05.3(4)	Ponds, Impoundments and Diversions		
2.05.3(5)	Topsoil (removal and storage)		
2.05.3(6)	Overburden		
2.05.3(7)	Coal Handling Structures		
2.05.3(8)	Coal Processing Waste and Non-Coal Processing Waste		
2.05.3(9)	Return of Coal Processing Waste to Abandoned Workings		
2.05.4	Reclamation Plan		

INFORMATION CATEGORY	Location in Application	
	NARRATIVE	MAPS
2.05.4(2)(a) Timetables		
2.05.4(2)(b) Reclamation Cost Estimates		
2.05.4(2)(c) Backfilling and Grading		*Post-mining topography 2.05.4(2)(c)
2.05.4(2)(d) Topsoil (Redistribution)		
2.05.4(2)(e) Revegetation		
2.05.4(2)(f) Disposal of Debris, Acid-Forming and Toxic-Forming Materials		
2.05.4(2)(g) Sealing or Managing Mine Openings, Exploration Holes, Other Boreholes or Wells		
2.05.5 Post-Mining Land Uses		*Post-Mining Land Use 2.05.5(1)(c) or (2)(c)
2.05.6 Mitigation of the Impacts of Mining Operations		
2.05.6(1) Air Pollution Control Plan		
2.05.6(2) Fish and Wildlife Plan		
2.05.6(3) Protection of the Hydrologic Balance		
2.05.6(4) Protection of Public Parks and Historic Places		
2.05.6(5) Surface Mining Near Underground Mining		
2.05.6(6) Subsidence Survey, Subsidence Monitoring and Subsidence Control Plan		
2.06 Special Categories of Mining		
2.06.8 Alluvial Valley Floors (If not applicable, demonstrate why)		*Reconnaissance Level AVF Investigation 2.06.8(5)(b)
Additional Information the Applicant May Wish to Submit		

To the best of my knowledge, all the information presented in this application is true and correct.

BY: 

TITLE: CHIEF RESTRUCTURING OFFICER

(Signature by Individual Legally Authorized to Bind the Operator to this Application)



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Tue, Aug 29, 2023 at 2:16 PM

Hi Nick,

Sorry I didn't catch this the first time, but the permit area on the public notice has an extra number. It's written as 4,21⁴3.6 instead of 4,213.6. Can you please fix that and resend it?

Thanks,

Amber Michels
Environmental Protection Specialist



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Tue, Aug 29, 2023 at 2:28 PM

Amber,

Good catch, here is the notice revised again.

Thanks,

Nick

From: Michels - DNR, Amber <amber.michels@state.co.us>
Sent: Tuesday, August 29, 2023 2:17 PM
To: nmason@newelkcoal.com
Cc: Bowles - DNR, Brock <brock.bowles@state.co.us>
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Environmental Protection Specialist

[Redacted signature]

[Quoted text hidden]

[Quoted text hidden]



Public Notice RN-8_8.29.22_2.pdf
607K



PUBLIC NOTICE

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