



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

December 22, 2023

New Elk Coal Company, LLC.  
Attn: Chris Walker  
12250 Highway 12  
Weston, Colorado 81091

**Re: Lorencito Canyon Mine; C-1996-084  
Fourth Quarter 2023 Fill Inspection Report Review**

Dear Chris Walker:

The Colorado Division of Reclamation, Mining and Safety (CDRMS) has reviewed and found the above referenced report to be in general compliance with the following CDRMS regulations with exceptions noted below:

The introductory paragraph states that at the time of the inspection on December 15, 2023, all of the sediment control ponds were dry. NECC also submitted the 4th Quarter Sedimentation Pond Inspection Report which shows that ponds 6, 7, 8, 9 and 9A contained water on December 13, 2023. Please ensure accuracy when reporting pond conditions.

*4.09.1(11)(a) Inspected at least quarterly by a registered engineer or other qualified professional specialist in construction of earth and rockfill embankments under the direction of a qualified engineer throughout the construction and critical periods.*

Fills 7, 8 and 9 were inspected. Each of these fills are in final reclamation and no additional fill material is being placed on these facilities. The certified report covers the fourth quarter monitoring period from October 1 to December 31, 2023. The inspections were conducted by John Terry on December 15, 2023. A certified engineer stamped the report on December 20, 2023.

*4.09.1(11)(b) Provide to the Division a certified report within 2 weeks after each inspection that the fill has been constructed as specified in the design approved by the Division. The report shall include a description of any appearances of instability, structural weakness, and other hazardous conditions.*

The inspection was conducted on December 15, 2023 and certified by the engineer on December 20, 2023. The Division received the report on December 21, 2023. The report was submitted to the Division within two weeks after the report was stamped and certified by an engineer. No instability, structural weakness, or other hazardous conditions were noted during this inspection of the fills.

If you have any questions feel free to contact me at [amber.gibson@state.co.us](mailto:amber.gibson@state.co.us) or (720) 836-0967.



Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew B. Gibson".

Environmental Protection Specialist

Ec: John Terry, NECC, [jterry@newelkcoal.com](mailto:jterry@newelkcoal.com)  
Nick Mason; NECC, [nmason@newelkcoal.com](mailto:nmason@newelkcoal.com)  
Jared Ebert, DRMS  
Brock Bowles, DRMS