



April 29, 2024

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

**Re: Lorencito Canyon Mine; C-1996-084
First Quarter 2024 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:

Inspection date: The introduction paragraph states that the inspection occurred on December 15, 2023. However, the title indicates that it occurred on March 26, 2024. Please ensure that these match on future reports.

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 first quarter monitoring period from January 1 to March 31, 2024. The inspections were conducted by John Terry on [March 26, 2024? –see first item above]. A certified engineer stamped the report on April 18, 2024.

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 [March 26, 2024? –see first item above] and certified by the engineer on April 18, 2024. The Division received the report on April 24, 2024. 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 or (720) 836-0967.



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Sincerely,

A handwritten signature in blue ink, appearing to read "Jared Ebert". The signature is fluid and cursive, with the first name "Jared" and last name "Ebert" clearly distinguishable.

Environmental Protection Specialist

Ec: John Terry, NECC, jterry@newelkcoal.com
Jared Ebert, DRMS