



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

August 29, 2024

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

Re: Lorencito Canyon Mine; C-1996-084
Second Quarter 2024 Fill Inspection Report Review

Dear Chris Walker/Whom it May Concern:

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:

- 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 second quarter monitoring period from April 1 to June 30, 2024. The inspections were conducted by John Terry on June 14, 2024. This report was not stamped by a certified engineer, and are thus not in full compliance with Rule 4.09.1(11)(a).
- 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 June 14, 2024 and was not stamped by a certified engineer. The Division received the report on August 12, 2024. The report was not submitted to the Division within two weeks after the report was stamped and certified by an engineer, per Rule 4.09.1(11)(b). Therefore, this report can not be found in full compliance with Rule 4.09.1(11)(b). 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.



Sincerely,

A handwritten signature in blue ink, appearing to read "Amber M. Gibson".

Amber M. Gibson
Environmental Protection Specialist

Ec: Jim Begano, NECC, jimb@newelkcoal.com
John Terry, NECC, jerry@newelkcoal.com
Jared Ebert, DRMS