



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

August 14, 2015

James A. Kiger
Oxbow Mining, LLC
P.O. Box 535
3737 Highway 133
Somerset, CO 81434

**Re: Elk Creek Mine (Permit No. C-1981-022)
Technical Revision No. 76 (TR-76)
Post Mining Land Use Changes, Final Reclamation Plan Modifications**

Dear Mr. Kiger:

We have received your technical revision application to revise your permit to conduct coal mining in Colorado. Our initial review indicates that all preliminary items required by the Colorado Surface Coal Mining Reclamation Act, Section 34-33-101 *et seq.*, C.R.S., have been submitted. Thus, your application has been considered complete for the purposes of filing as of August 13, 2015. All review and comment periods as provided in the Act and the Regulations initiate from this date of filing.

Unless notification to the contrary accompanies this letter, the proposed newspaper advertisement submitted with the application has been found to be satisfactory. You should publish this advertisement as specified in Rule 2.08.4(6) of the Regulations. Proof of the publication of the advertisement must be filed with the Division as soon as available after the publication date.

Coincident with the publication, a copy of the revision application, less confidential items, must be filed for public inspection with the appropriate public office as specified by you in the notice. Any subsequent changes or additions to the application must also be made in this copy, at the same time it is submitted to the Division.

The Division has interpreted 30 CFR 746.18 to determine that this revision application does not constitute a Mining Plan Action, therefore a copy of the revision application materials need not be sent to the Office of Surface Mining for their review. If the revision changes significantly during the course of the Division's review, the need for modification of your federal mine plan could be deemed necessary.



In the event that OSM determines that this revision constitutes a Mine Plan Action, the Division will notify you that application materials must be forwarded to OSM.

The Division is currently reviewing your revision application to determine whether the items you have submitted are adequate in terms of meeting the requirements of the Act and Regulations. In accordance with Section 34-33-116(5) of the Act, a proposed decision approving or denying this application will be issued no later than October 12, 2015.

If you have any questions, please contact me.

Sincerely,



James R. Stark
Environmental Protection Specialist
Jim.stark@state.co.us