



**COLORADO**

**Division of Reclamation,  
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

August 14, 2015

Assistant State Supervisor  
U.S. Fish and Wildlife Service  
Ecological Services  
445 W. Gunnison Ave, Suite 240  
Grand Junction, CO 81501-5711

**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 Sir or Madam:

The Division of Reclamation, Mining and Safety hereby issues notice, in accordance with Title 34, Article 33, Section 116, Paragraph 4, of the Colorado Revised Statutes, that on August 13, 2015 an application to revise coal mining operations at the Elk Creek Mine was considered complete for the purposes of filing. The revision was submitted by Oxbow Mining, LLC. All review and comment periods as provided in the Act and the Regulations initiate from this date of filing.

Oxbow Mining, LLC has submitted a Technical Revision for the Elk Creek Mine. The revision proposes to change the mine's post-mining topography and post-mining land use. These proposed changes are a result of the viability and use of the mine's methane for electricity generation. There are no proposed changes to the mine's permitted, affected or disturbed acreages. The Division will determine if there are any changes in the mine's reclamation liability during technical adequacy. The applicant is not proposing additional surface disturbance outside of the area currently approved for disturbance.

The underground coal mining operation is on land located approximately 0 miles North of Somerset, Colorado. The permit area is further described as follows:

Township 12 South, Range 90 West, 6th PM - all or parts of Sections 29 - 32 Township 12 South, Range 91 West, 6th PM - all or parts of Sections 25 - 27 and 34 - 36 Township 13 South, Range 89 West, 6th PM - all or parts of Sections 6 and 7 Township 13 South, Range 90 West, 6th PM -



all or parts of Sections 1 - 12 and 17 Township 13 South, Range 91 West, 6th PM - all or parts of Sections 1 - 3 and 11 - 13

The above-mentioned tracts of land are shown on the following USGS 7.5 minute Quadrangle map(s): Somerset.

Because the above referenced technical revision application may incorporate additional lands into the permit area or might otherwise alter previously approved permit conditions or mitigation measures, the Division is coordinating with the Office of Surface Mining on evaluation of the potential for impacts to threatened or endangered species of plants or animals, or wildlife species otherwise protected by federal law. A copy of the permit section addressing potential effects of the operation to threatened and endangered (T&E) species has been forwarded to the Office of Surface Mining. The OSM will prepare any biological assessment necessary for approval based on the information provided in the application, and OSM will coordinate with your office as necessary. This coordination is required to ensure mitigation of potential impacts to federally protected wildlife species.

The applicant is required to publish notice in the *Delta County Independent* that this application has been deemed complete. At the time of publication of this notice, the applicant is additionally required to place a copy of this application at the Gunnison County Clerk and Recorder, 221 N. Wisconsin, Suite C, Gunnison, CO 81230; Delta County Clerk and Recorder, 501 Palmer Street, #211, Delta, CO 81416; Paonia Public Library, 2 3rd Street, Paonia, CO 81428, and at the Division office. For additional information or to provide written comments, contact the Division of Reclamation, Mining and Safety, Room 215, 1313 Sherman Street, Denver, Colorado 80203, (303) 866-3567. In order for us to comply with regulatory time frames, we request that comments be submitted within ten (10) days of this letter.

Please contact me at the number above if you have any questions.

Sincerely,



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