



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

November 9, 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)
Proposed Decision - Technical Revision No. 76 (TR-76)
Post Mining Land Use Changes, Final Reclamation Plan Modifications

Dear Mr. Kiger:

Enclosed you will find the Division of Reclamation, Mining and Safety's Proposed Decision for Technical Revision No. 76 at the Elk Creek Mine. Notice of the proposed decision will be published in the *Delta County Independent* as soon as possible. The first publication will initiate the ten (10) day public comment period for the Division's decision.

Documentation must be submitted to the Division demonstrating that a copy of the approved revision application was sent to the Office of Surface Mining and the Bureau of Land Management. The material should be sent within 15 days of final approval.

Please refer to the Performance Bond heading on the enclosed proposed decision form. If the amount of Bond Held equals or exceeds the Revised Liability, you need not submit additional bond. However, if the Revised Liability exceeds the Bond Held, please submit additional bond or rider to your existing bond that equals or exceeds the Revised Liability. This Technical Revision must not be implemented until this proposed decision becomes final and until any required increase in bond is submitted to and approved by the Division.



If there are stipulations attached, please sign and return the proposed decision form to the Division.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. Simmons".

Leigh D. Simmons
Environmental Protection Specialist
Leigh.Simmons@state.co.us

Enclosure

cc: Alan Boehms, Office of Surface Mining, with enclosures



COAL MINING PERMIT - TECHNICAL REVISION DECISION

Elk Creek Mine, Oxbow Mining, LLC
Permit No. C-1981-022

The Division of Reclamation, Mining and Safety has proposed the decision stated below. Provided there are no objections, the decision will become effective upon the termination of the ten (10) day public comment period, in accordance with Rule 2.08.4(6)(b)(iii).

Technical Revision No. 76

Decision: Approve

Submittal Date: August 3, 2015

Decision Date: November 6, 2015

Description of Revision: Post Mining Land Use Changes, Final Reclamation Plan Modifications

DIVISION OF RECLAMATION, MINING AND SAFETY PERMITTEE

Michael P. Boulay

Authorized Representative - Division

Authorized Representative - Permittee (if applicable)

Date: November 9, 2015

Date:

CHANGE IN ACREAGE		REVISED TOTAL ACREAGE		PERFORMANCE BOND	
Disturbed:	0.00	Disturbed:	239.20	Prior Liability:	\$4,374,410.74
Affected:	0.00	Affected:	6,659.17	Change in Liability:	\$0.00
Permit:	0.00	Permit:	15,676.51	Revised Liability:	\$4,374,410.74
State:	0.00	State:	0.00	Bond Held:	\$4,500,000.00
Federal:	0.00	Federal:	10,125.51		
Private:	0.00	Private:	5,551.00		
County:	0.00	County:	0.00		

REVISED APPLICATION PAGES

TOC - vii (has been changed)
Exhibit 2.03-E4
• TOC, page 5 (has been changed)
• TOC, pages 6-26 (should be deleted. The document is not correctly indexed, content will be scanned to part 11 - see below)

REVISED MAPS

Map 2.05-M6 (all 7 of 7 sheets have been changed)
Map 2.05-M7 (all 2 of 2 sheets have been changed)
Map 2.05-M8 (all 2 of 2 sheets have been changed)

-
- Part 11 (is new. Name as “Colorado Oil and Gas Conservation Commission”)

Exhibit 2.05-E5

- TOC (has been changed)
- Part 6 (has been changed)
- Part 8 (is new. Name as “Correspondence from US Army Corps of Engineers”)
- Part 9 (is new. Name as “Correspondence from Ragged Mtn. Fire Protection District”)
- Exhibit 2.05-E5 Drawing 2.05-E5-M1 (is new. Name as “Reclamation Cut/Fill Isopach, 2 sheets”)

DELETED APPLICATION PAGES

N/a

DELETED MAPS

N/a