



STATE OF
COLORADO

Simmons - DNR, Leigh <leigh.simmons@state.co.us>

Elk Creek SL-1 Concurrence Letters

Belka, Christine <cbelka@osmre.gov>

Mon, Nov 4, 2019 at 2:27 PM

To: "Simmons - DNR, Leigh" <leigh.simmons@state.co.us>

Cc: Desty Dyer <ddyer@blm.gov>

Leigh,

BLM and OSMRE concurrence letters for Elk Creek SL-1 are attached. Dan Gray indicated that USFS does not have any concerns with this bond release action, but did not issue a concurrence letter. Please let me know if you need anything else.

Thank you,

Christine Belka
Senior Regulatory Program Specialist
USDOJ Office of Surface Mining
Reclamation and Enforcement
Denver Field Division
1999 Broadway, Suite 3320
Denver, Colorado 80202
Office: (303)293-5020
Fax: (303) 293-5017

2 attachments



BLM Concurrence Elk Creek SL1.pdf

71K



OSMRE Concurrence Elk Creek SL1.pdf

44K



United States Department of the Interior

OFFICE OF SURFACE MINING

Reclamation and Enforcement
Western Region Office
1999 Broadway, Suite 3320
Denver, CO 80202-3050



November 1, 2019

James Stark
Coal Program Supervisor
Colorado Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

Re: Partial Phase I Bond Release Application SL-1, Oxbow Mining, LLC, Elk Creek Mine, C-1981-022

Dear Mr. Stark,

This letter acknowledges the Office of Surface Mining Reclamation and Enforcement (OSMRE), Denver Field Branch's (DFB) receipt and review of the Colorado Division of Reclamation, Mining and Safety's (DRMS) September 16, 2019 Proposed Decision and Findings of Compliance pertaining to Oxbow Mining, LLC's (Oxbow) SL-1 partial Phase I bond release application. OSMRE agrees with the proposed decision and hereby provides concurrence in accordance with 30 CFR 740.15 (d)(3) and 30 CFR 906.30, Article IX, Section 24 of the State-Federal Cooperative Agreement.

The surface and mineral ownership associated with this bond release is private. By letters dated May 6, 2019, DRMS invited The Bureau of Land Management (BLM), the United States Forest Service (USFS), and OSMRE to attend the bond release inspection on May 22nd. The USFS declined to attend. The BLM and OSMRE participated in the SL-1 bond release inspection. By letter dated October 23, 2019, BLM provided its concurrence with DRMS's proposed decision. OSMRE interprets this to mean Oxbow is in compliance with all stipulations associated with its federal coal leases.

DRMS's proposed decision notes Oxbow's compliance with the approved Colorado regulatory program at Rules 3.03.1(2)(a) and recommends authorizing partial Phase I bond release on 19.4 acres at the Elk Creek Mine. DRMS currently holds a performance bond in the amount of \$4,323,977.80 which covers the entire permit area, including the acreage proposed for release. Under SL-1, DRMS proposes to release a total of \$210,404.76 from Phase I bond liability. DFB concurs with DRMS's proposed decision and recommends Phase I bond release for the requested areas at the Elk Creek Mine.

Thank you and your staff for coordinating this bond release action through the DFB. Please direct any questions to Christine Belka, Senior Regulatory Program Specialist, at cbelka@osmre.gov or (303) 293-5020.

Sincerely,

Howard E. Strand, Manager
Denver Field Branch

Cc: Oxbow Mining, LLC



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
UNCOMPAHGRE FIELD OFFICE
2465 South Townsend
Montrose, CO 81401
www.blm.gov/co/st/en/fo/ufo.html



In Reply
Refer to: COS05000, 3400

Christine Belka
Senior Regulatory Program Specialist
USDOI Office of Surface Mining
Denver Field Division
1999 Broadway, Suite 3320
Denver, CO 80202

OCT 23 2019

RE: Proposed Decision of the Colorado Division of Reclamation, Mining and Safety
(CDRMS) SL-1 Partial Phase I Bond Release at the Elk Creek Mine, PN C-1981-022

Dear Ms. Belka:

This is to inform you that my staff has reviewed the CDRMS Inspection Report dated May 30, 2019 and the OSM Mine Site Inspection Report dated May 31, 2019. We note that both CDRMS and OSM acknowledge that Oxbow achieved demolition and removal of structures followed by completed backfilling and grading that included reconstruction of the Elk Creek channel. We also note that the original bond release acres were reduced from 20.60 to 19.40 to remove the channel corridor due to the probability of future stability issues.

We have determined that the lands included in the bond release area were fee surface lands and that the reclamation removed surface facilities that served coal mined from federal mineral estate managed by the BLM. All the facilities and the related surface they occupied had served their useful purpose and were no longer necessary. The reclamation appears to be properly carried out as CDRMS and OSM reported. If the private land owner is satisfied with the reclamation completed, then the BLM has no objection to the Phase I Bond Release.

If you have any questions please contact Desty Dyer at 970-240-5302.

Sincerely,


Gregory Larson
Field Office Manager

CC Leigh Simmons, CDRMS
Dan Gray, USFS