



STATE OF
COLORADO

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

C1981022, Elk Creek Mine, 2019 ARR Review

1 message

Simmons - DNR, Leigh <leigh.simmons@state.co.us>
To: Doug Smith <Doug.Smith@oxbow.com>

Thu, Apr 9, 2020 at 9:46 AM

Attached

Leigh Simmons
Environmental Protection Specialist



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

P 303.866.3567 x 8121 | C 720.220.1180 | F 303.832.8106
1313 Sherman Street, Room 215, Denver, CO 80203
leigh.simmons@state.co.us | <http://mining.state.co.us/>



2019 ARR review.pdf
108K



Doug Smith
Oxbow Mining, LLC.
PO Box 535
Somerset, CO 81434

April 9, 2020

Re: Elk Creek Mine (C-1981-022)
Annual Reclamation Report, 2019

Dear Mr. Smith,

The Division has reviewed the 2019 Annual Reclamation Report (ARR) for the Elk Creek Mine.

With respect to Rule 2.04.13:

1. The report was received by the Division on January 31, 2020.
 - a. Name: Elk Creek Mine
Address: PO Box 535, Somerset, CO 81434
Permit #: C1981022
 - b. 0.0 acres were disturbed during 2019
 - c. 0.0 acres were reported as backfilled and graded during 2019
 - d. 0.0 acres were reported as topsoiled during 2019
 - e. 0.0 acres were reported as seeded during 2019
 - f. No maps were enclosed with the 2019 report, however a thorough summary was included as Exhibit 1 which details the acreage and status of the various facilities, roads and borehole pads that comprise the 226.99 disturbed acres, as well as those areas that have been reclaimed.
2. No new seed was purchased in 2019, however limited supplemental seeding of the middle and lower pads in the main facilities area was carried out using the Oxbow Table 3 seed mix that had been previously purchased.

Weeds including thistle, hounds tongue and whitetop were chemically treated in disturbed areas. Oxbow employees used *Curtail* and *Escort* herbicides.

Curtail is produced by Dow AgroSciences. It is a mixture of Clopyralid and 2,4-D, and is described as being for “selective control of broadleaf weeds in ... rangeland...”



Escort is produced by DuPont. It is a granular preparation of Metsulfuron methyl, and is recommended “for the control of broadleaf weeds, brush and several woody vine species in forage grasses growing in pasture and rangeland.”

Neither *Curtail* nor *Escort* have restrictions on their use in Delta County (<https://www.deltacounty.com/DocumentCenter/View/8263/Herbicide-Reference-Guide-for-Landowners?bidId=>).

Reclaimed areas were inspected for rills and gullies deeper than nine inches, but none were identified.

The Division appreciates the detail provided in Exhibit 1. **There are some issues to resolve with the data reported on the 2019 ARR form:**

- The Acreages reported for Disturbed (226.99) and Backfilled & Graded/Topsoiled/Seeded (151.84) match the data in Exhibit 1 and are assumed to be correct
- The Acreage in Long-term Facilities should be all the land that has been disturbed, and has not been reclaimed. It should be the difference between the numbers above (i.e. $226.99 - 151.84 = 75.15$ Acres)
- 75.15 must be the sum of the acres that are permitted as Non-Permanent Facilities (e.g. Ponds C and E), and the acres that have been approved as Permanent Facilities (e.g. the Bear Creek fansite thermal oxidation facility).
 - Since there is a letter in the PAP from Hotchkiss Ranches requesting the retention of roads on their property, those acreages should be included in the Permanent Facilities subtotal.
 - Those parcels that are the subject of TR-78, which is still in progress, should be included in the Non-Permanent Facilities subtotal.

Please revise the form accordingly – feel free to contact me if you have any questions.

Sincerely,



Leigh Simmons
Environmental Protection Specialist