



STATE OF  
COLORADO

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

---

## Concurrence Documents for Elk Creek SL-3 Partial Phase II Bond Release

3 messages

---

**Strand, Howard** <HStrand@osmre.gov>

Fri, Jun 25, 2021 at 9:40 AM

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

Cc: "Mackinnon, Daniel K" <dmackinnon@osmre.gov>

Hello Leigh,

Please see the attached concurrence documents. Dan MacKinnon is on leave, so I wanted to make sure CDRMS received these. If you will forward these documents to the Oxbow Mining, LLC representatives, we would appreciate it. Please let us know if you have any questions.

Sincerely,

**Howard E. Strand**

Manager, Denver Field Branch

Office of Surface Mining

Reclamation & Enforcement

Interior Regions 5, 7-11

Office: (303) 236-2931

Cell: (303) 913-9381

**NEW ADDRESS:**

Mailing

P.O. Box 25065

Lakewood, CO 80225-0065

Physical


One Denver Federal Center

Building 41

Lakewood, CO 80225-0065

---

**3 attachments**

 **BLM Concurrence.pdf**  
321K

 **OSMRE Concurrence Elk Creek SL-3\_Signed.pdf**  
285K

 **USFS Concurrence.pdf**  
42K

---

**Simmons - DNR, Leigh** <leigh.simmons@state.co.us>  
To: "Strand, Howard" <HStrand@osmre.gov>  
Cc: "Mackinnon, Daniel K" <dmackinnon@osmre.gov>

Fri, Jun 25, 2021 at 11:05 AM

Thank you Howard.

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](mailto:leigh.simmons@state.co.us) | <https://drms.colorado.gov>

[Quoted text hidden]

---

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

Fri, Jun 25, 2021 at 11:06 AM

Doug,

I'm forwarding the SL-3 concurrence correspondence from OSMRE, per Howard's request.

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](mailto:leigh.simmons@state.co.us) | <https://drms.colorado.gov>


[Quoted text hidden]

---

**3 attachments**

 **BLM Concurrence.pdf**  
321K

 **OSMRE Concurrence Elk Creek SL-3\_Signed.pdf**  
285K

 **USFS Concurrence.pdf**  
42K

# United States Department of the Interior



OFFICE OF SURFACE MINING  
RECLAMATION AND ENFORCEMENT  
Western Region  
P.O. Box 25065  
Lakewood, CO 80225-0065



June 25, 2021

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

**Re: Partial Phase II Bond Release Application SL-3, 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) May 5, 2021 Proposed Decision and Findings of Compliance pertaining to Oxbow Mining, LLC's (Oxbow) SL-3 partial Phase II 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 federal and private. By email received on October 2, 2020, DRMS invited OSMRE to attend the bond release inspection on October 21, 2020. Although the BLM, USFS, and OSMRE were all notified of the inspection, none could attend. By letter dated June 22, 2021, USFS provided its concurrence with DRMS's proposed decision. By letter signed June 11, 2021, 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 surface use agreements and coal lease stipulations.

DRMS's proposed decision notes Oxbow's compliance with the approved Colorado regulatory program at Rules 3.03.1(2)(b) and recommends authorizing partial Phase II bond release on 50.44 acres. DRMS currently holds a performance bond in the amount of \$4,500,000.00 which covers the entire permit area, including the acreage proposed for release. Under SL-3, DRMS proposes to release a total of \$227,948.83 from Phase II bond liability. DFB concurs with DRMS's proposed decision and recommends Phase II 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 Dan MacKinnon, Natural Resources Specialist, at [dmackinnon@osmre.gov](mailto:dmackinnon@osmre.gov) or (970) 310-5993.

Sincerely,

Howard E. Strand, Manager  
Denver Field Branch

Cc: Oxbow Mining, LLC



United States  
Department of  
Agriculture

Forest  
Service

Paonia Ranger District

403 North Rio Grande Avenue  
P.O. Box 1030 Paonia CO 81428  
970-527-4131 970-527-4151

**File Code:** 2820  
**Date:** June 22, 2021

Mr. Daniel MacKinnon  
Natural Resource Specialist-OSMRE  
P.O. Box 25065  
Lakewood, CO  
80225-0065

Dear Mr. MacKinnon:

The Paonia Ranger District has reviewed the Proposed Decision and Findings of Compliance submitted by the Colorado Division of Reclamation, Mining and Safety for the Elk Creek Mine's SL-3 Phase II Bond Release. This bond release contains 50.44 acres of reclaimed lands on private and federal surface.

A representative of the Forest Service was present for the inspections and concurs with the decision of DRMS for Phase II bond release on the reclaimed roads and well pads on Forest Service lands.

If you have any questions, please contact Daniel Gray at [daniel.gray@usda.gov](mailto:daniel.gray@usda.gov) or at (970) 527-4131.

Sincerely,

LEVI BROYLES

District Ranger





# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Uncompahgre Field Office  
2465 South Townsend Ave  
Montrose, CO 81401

In Reply Refer To:  
COS05000, 3400

Howard Strand, Manager  
OSMRE - Denver Field Branch  
P.O. Box 25065  
Lakewood, Colorado 80225

RE: Proposed Decision of the Colorado Division of Reclamation, Mining and Safety (CDRMS) SL-3  
Phase II Bond Release at the Elk Creek Mine, PN C-1981-022

Dear Mr. Strand:

In Response to a CDRMS request to provide written concurrence, this is to inform you that my staff has reviewed the CDRMS Findings and Proposed Decision dated May 5, 2021.

We note that CDRMS accepts that Oxbow conducted reclamation of drill pads and access roads from 2015 through 2017 and has sufficiently replaced topsoil and established the success standard for vegetative cover in accordance with the approved reclamation plan thereby meeting all requirements of the Act and the Rules at all sites and further qualifying them for phase II bond release.

We acknowledge that the reclaimed lands included in the bond release area total 50.44 acres of which 7.18 acres are BLM managed surface. We also acknowledge that the reclaimed area was once used to support underground mining activities that included coal mined from federal mineral estate managed by the BLM. We have determined that all the facilities and the related surface they occupied had served their useful purpose and were no longer necessary. We agree that the subject reclamation acres are completed as CDRMS reported. If the private landowner (Hotchkiss Ranch) and the Grand Mesa, Uncompahgre, and Gunnison National Forest (GMUG) are also satisfied with the reclamation completed on their surface, then the BLM has no objection to the subject bond release. We are aware that Hotchkiss Ranch requests that certain access roads remain on their private surface and have no objection to their request.

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

Sincerely,

Suzanne Copping  
Acting Field Manager

CC Leigh Simmons, CDRMS  
Dan Gray, USFS  
Doug Smith, OML