

**STATE OF
COLORADO**

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

Notice of Proposed Decision for Permit: C1983059 Revision: SI2

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

Tue, Sep 28, 2021 at 5:14 PM

To: Mike Ludlow <Mike.Ludlow@oxbow.com>

Cc: Doug Smith <Doug.Smith@oxbow.com>, Roy Schorsch <Roy.Schorsch@oxbow.com>, Scott Stewart <Scott.Stewart@oxbow.com>, Jason Musick <jason.musick@state.co.us>

Mike,

Thanks for your email commenting on the Reclamation Cost Estimate for the Terror Creek Loadout. I have scanned it to the laserfiche file, so it is now part of the documentary record.

The window in which to request an informal conference passed before I received your comment (per the notice of Surety Increase No. 2, the date was September 17), so I went ahead and proposed the formal decision to approve SI-2 on September 19. The public notice of the proposed decision should run in tomorrow's Delta County Independent, which will initiate a 30-day public comment period. As the decision letter states, the next course of action available to you is to formally object to the proposed decision and request an adjudicatory hearing before the Mined Land Reclamation Board.

Unless the Division receives a formal objection and request for hearing the decision will become final at the end of the comment period.

The revised cost estimate that triggered SI-2 was completed with the recent Mid-term Review (MT-8). No tasks in the cost estimate were changed from what was previously agreed, through an informal conference, with Permit Revision No. 1 (PR-1); the estimate was simply updated with new unit costs (for fuel, equipment, labor, etc.) as is required with every Permit Renewal and Mid-term Review..

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 | <https://drms.colorado.gov>

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