



STATE OF
COLORADO

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

C1980007, West Elk Mine, SL-13, Federal Concurrence Letters

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

Mon, Nov 1, 2021 at 2:22 PM

To: "Poulos, Nicki" <npoulos@archrsc.com>

Cc: "Mackinnon, Daniel" <dmackinnon@osmre.gov>, "Welt, Kathy" <KWelt@archrsc.com>

Nicki,

Please find attached concurrence letters from the BLM, USFS and OSMRE for SL-13.

Let me know if you have questions.

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>

----- Forwarded message -----

From: **Mackinnon, Daniel K** <dmackinnon@osmre.gov>

Date: Mon, Nov 1, 2021 at 2:16 PM

Subject: West Elk SL-13 All Three Fed. Bond Release Concurrence Letters

To: Simmons - DNR, Leigh <leigh.simmons@state.co.us>, Dyer, Desty D <ddyer@blm.gov>, Dan Gray <degray@fs.fed.us>

Hi all, please see the attached for your records.

Leigh, could you send to the operator and Cc me?

Please let me know if you would like any paper copies, and thanks for your time.

Dan M.

Dan MacKinnon
AML and Regulatory Program Specialist
OSMRE - Denver
970-310-5993

Mailing Address:
OSMRE
Attn: Daniel MacKinnon
P.O. Box 25065
Lakewood, CO 80225-0065

3 attachments

 **West Elk SL-13 OSMRE Concurrence_Signed.pdf**
247K

 **West Elk SL-13 Forest Service Concurrence.pdf**
42K

 **West Elk SL-13 BLM Concurrence.pdf**
208K



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-13
Partial Phase II Bond Release at the West Elk Mine, PN C-1980-007

Dear Mr. Strand:

This is to inform you that my staff has reviewed the CDRMS "Proposed Decision and Findings of Compliance" dated October 13, 2021. We note that CDRMS considers that based upon a review of the mine permit, the applicant's bond release application, and site inspections, the Division finds that Mountain Coal Company, LLC has successfully completed partial phase II surface coal mining reclamation operations encompassing 50.04 acres in accordance with the approved reclamation plan and met all requirements of the Act and the Rules.

We have determined that the lands included in the bond release area were federal surface lands managed by the Grand Mesa, Uncompahgre, and Gunnison National Forest (GMUG) while the coal mined there was federal mineral estate managed by the BLM. All the drill holes and the related pads and roads have served their useful purpose and are no longer necessary.

The reclamation appears to be properly carried out as CDRMS reported. If the GMUG is satisfied with the reclamation completed, then the BLM has no objection to the partial Phase II Bond Release.

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

Sincerely,

Suzanne Copping
Field Manager

CC Leigh Simmons, CDRMS
Dan Gray, USFS



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
Fax: 970-527-4151

File Code: 2820
Date: October 26, 2021

Howard Strand
Manager OSMRE Denver Field Branch
P.O. Box 25065
Lakewood, CO
80225-0065

Dear Mr. Strand

The Paonia Ranger District has reviewed the Proposed Decision and Findings of Compliance for the West Elk Mine's SL-13, Partial Phase II Bond Release. The SL-13 bond release package contains 50.04 acres of predominantly mine ventilation borehole pads and associated access roads on the surface of the West Elk Mine. A representative of the Paonia Ranger District was present for the entire inspection process June 8-10, 2021 and agrees with the findings of the Colorado Division of Reclamation, Mining and Safety's report of October 13, 2021. The Paonia Ranger District concurs with the decision for Phase II Bond Release.

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

Sincerely,



Levi Broyles

Paonia District Ranger





United States Department of the Interior

OFFICE OF SURFACE MINING
Reclamation and Enforcement
Western Region Office
P.O. Box 25065
Lakewood, Colorado 80225



November 1, 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 SL-13; Mountain Coal Company, LLC; West Elk Mine; C-1980-007

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) October 13, 2021 Proposed Decision and Findings of Compliance regarding the West Elk Mine SL-13 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.

By email dated February 16, 2021 DRMS invited OSMRE to attend the June 8-10, 2021 field inspection at the West Elk Mine; OSMRE did not participate in the inspection. The surface and mineral ownership associated with SL-13 is federal. Accordingly, by letter dated October 20, 2021 the Bureau of Land Management, Uncompahgre Field Office provided its concurrence with DRMS's proposed decision. Likewise, by letter dated October 26, 2021 the US Forest Service, Paonia Ranger District provided its concurrence with DRMS's proposed decision. OSMRE interprets this to mean Mountain Coal Company, LLC (MCC) is in compliance with all stipulations associated with its federal leases.

DRMS's proposed decision notes MCC's compliance with the approved Colorado regulatory program at Rule 3.03.1 (2) (b) and recommends approving partial Phase II bond release on 50.04 acres at the West Elk Mine. DRMS currently holds a performance bond in the amount of \$15,000,000 which covers the entire permit area including the acreage proposed for release. Under SL-13, DRMS proposes to release a total of \$81,667.48 from reclamation liability. OSMRE concurs with DRMS's proposed decision.

Thank you and your staff for coordinating this bond release action through the OSMRE Denver Field Branch. Please direct any questions to Dan MacKinnon, AML and Regulatory Program Specialist, at dmackinnon@osmre.gov.

Sincerely,

Howard E. Strand, Manager
Denver Field Branch

C: Mountain Coal Company, LLC