

OXBOW MINING, LLC



3737 Hwy 133 P.O. Box 535 Somerset, Colorado 81434 USA Tel (970)929-5122 Fax (970)929-5177

November 2, 2021

Mr. Leigh Simmons
Environmental Protection Specialist
Colorado Division of Reclamation, Mining and Safety
1313 Sherman St., Rm 215
Denver, CO 80203

Re: Oxbow Mining, LLC, Permit C-1981-022, request for Minor Revision 113 to Section 2.05-e6 of the Permit to Describe vegetation failure rate based on site history

Dear Mr. Simmons,

This letter is to request an addition to Section 2.05-e6 of the Permit which describes the vegetation failure rates, based on site history. This addition is necessary to allow more realistic estimation of items related to revegetation within bond calculations, based upon the successful revegetation practices that have been implemented by Oxbow Mining, LLC.

This MR consists of a revised Page H-22 of Section 2.05-e6 of the permit which is included in this application. Also included is a revision application form.

Please contact me at (970) 929-6034 should you have questions or require more information.

Sincerely,

Doug Smith
Chief Engineer
Oxbow Mining, LLC
(970) 929-6034

Attachments

Xc Mike Ludlow (OMLLC)



COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY

1313 Sherman Street, Room 215, Denver, Colorado 80203, (303) 866-3567

APPLICATION FORM FOR A REVISION TO A COAL MINING AND RECLAMATION PERMIT

This form must be completed and submitted with all requests for minor revisions, as defined in Rule 1.04(73), technical revisions, as defined in Rule 1.04(136), and permit revisions, as defined in Rule 1.04(90). All revisions are to address the requirements of Rule 2.08.4. Three (3) copies of the revision, including maps, must be submitted in order for it to be complete.

All revisions are to be formatted so they can be inserted into the permit to replace the revised sections, maps, tables and/or figures, with a revised table of contents, if necessary. The revision submittal date should be printed in the lower right corner of each revision page. A cover letter to the revision should explain the nature of the revision and reference the specific permit sections being revised.

For federal mines, a copy of the revision application must be submitted to all agencies on the federal mailing list (except OSM) at the same time the application is submitted to the Division, and proof of distribution must be submitted to the Division along with the application. Copies of revision pages modified during the review process must be distributed in the same manner, along with proof of distribution. Proof of distribution must be submitted prior to implementation of the revision.

Permit No.: C - 1981 - 022 Date: 11 / 02 / 2021

Permittee: OXBOW MINING, LLC.

Street: P.O. BOX 535

City: SOMERSET

State: CO Zip Code: 81434 -

Brief Description of Revision: MINOR REVISION 113 TO 2.05-e6 OF THE PERMIT

DESCRIBES VEGETATION FAILURE RATE
BASED ON SITE HISTORY

Public Notice Attached: Yes ☐ No ☒ (Required for PRs and TRs)

Bond Increase: Yes ☐ No ☒ Federal ☒ Non-Federal ☐ Mine

Proposed Change in:

Permit Area -

Disturbed (+/-) 0.00 Acres

Permit (+/-) 0.00 Acres

Affected (+/-) 0.00 Acres

Surface Ownership -

Private Land (+/-) 0.00 Acres

Federal Land (+/-) 0.00 Acres

State Land (+/-) 0.00 Acres

Mineral Ownership -

Mineral Private (+/-) 0.00 Acres

Mineral State (+/-) 0.00 Acres

Mineral Federal (+/-) 0.00 Acres

2.9.8 METHOD FOR SAMPLING POST-SMCRA, INDUSTRIAL/COMMERCIAL RECLAIMED AREAS (CATEGORY H)

In post-SMCRA reclaimed areas that have and industrial/commercial post-mining land use, no revegetation sampling to determine reclamation success will be necessary as these areas will not be revegetated per the surface landowner's request.

2.9.9 REVEGETATED AREA FAILURE RATE BASED UPON SITE HISTORY

There has never been re-seeding conducted upon USFS, BLM or Hotchkiss Ranch Properties. Only "minimal supplemental" inter-seeding has been used on reclaimed areas around the Elk Creek Facilities. Neither has hay, mulch or fertilizer been employed anywhere within the permit area for revegetation purposes.

Additionally, in the vegetation sampling conducted by Savage and Savage, inc., since 2019, in the Hubbard and Bear Creek drainage, the facilities area and east area, no areas of failed revegetation have been observed, with revegetation from three to twenty years in age. The quantitative sampling encompassed revegetation in mountain shrub and pinyon-juniper woodland vegetation communities, on slopes from one to forty percent, and with soils ranging from rocky sand to clay in texture. All vegetation analyses submitted to the Division since 2019 for Phase I, II, and III bond releases have shown the revegetation to be successful at every level, and for every bond release parameter, evidence of the robust nature of the seed mixes employed, and the quality of the revegetation practices implemented.

A two percent vegetation failure rate for Gob Vent Borehole pads and roads, and a ten percent vegetation failure rate for other Elk Creek facilities shall be used when calculating inter-seeding, hay, mulch, fertilizer, or other revegetation costs for the purposes of determining a reclamation bond amount.