



STATE OF  
COLORADO

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

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## Elk Creek SL-5 Concurrence Letters

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

Thu, Feb 3, 2022 at 6:54 AM

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

Hello all, please see the attached concurrence letters for the SL-5 bond release at Elk Creek.

Let me know if you'd like any more information, thanks for your time,

Dan M.

Dan MacKinnon  
AML and Regulatory Program Specialist  
OSMRE - Denver  
(303) 236-4681

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

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### 3 attachments



**OSMRE Concurrence Elk Creek SL-5\_Signed.pdf**  
289K



**USFS Concurrence.pdf**  
42K



**BLM Concurrence.pdf**  
208K

# United States Department of the Interior



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



February 3, 2022

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

**Re: Partial Phase I, II, and III Bond Release Application SL-5, 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) January 19, 2022 Proposed Decision and Findings of Compliance pertaining to Oxbow Mining, LLC's (Oxbow) SL-5 partial Phase I, II, and III 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. On February 16, 2021, DRMS invited the Bureau of Land Management (BLM), the U.S. Forest Service (USFS), and OSMRE to attend the bond release inspection on May 4-6, 2021: all three federal agencies attended. By letter signed January 28, 2022, BLM provided its concurrence with DRMS's proposed decision. By letter signed January 31, 2022, USFS provided its concurrence. 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)(a) through (c) and recommends authorizing partial Phase I, II, and III bond release on 31.12 acres at the Elk Creek Mine. 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-5, DRMS proposes to release a total of \$118,186.32 from Phase I, II, and III bond liability. DFB concurs with DRMS's proposed decision and recommends Phase I, II, and III 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, AML/Regulatory Program Specialist, at [dmackinnon@osmre.gov](mailto:dmackinnon@osmre.gov) or (303) 236-4681.

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  
Fax: 970-527-4151

**File Code:** 2820  
**Date:** January 31, 2022

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 Elk Creek Mine's SL-5, Phase I, II and III Bond Release. The bond release contains 31.12 acres of reclamation that occurred on federally administered and private surface. A Forest Service representative was present for the SL-5 inspection on May 5, 2021 and was involved with the inspection of the 10.84 acres of roads and well pads that were reclaimed on Forest Service lands. The Paonia Ranger District concurs with the decision for Phase III bond release.

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

Dan MacKinnon  
Natural Resource Specialist  
USDOI Office of Surface Mining (OSMRE)  
P.O. Box 25065  
Lakewood, CO 80225-0065

RE: Proposed Decision of the Colorado Division of Reclamation, Mining and Safety (CDRMS) SL-5  
Phase I, II, and III Bond Release at the Elk Creek Mine, PN C-1981-022

Dear Mr. MacKinnon:

In Response to your request to provide written concurrence or objection prior to the close of the CDRMS 30-day comment period, this is to inform you that my staff has reviewed the CDRMS Findings and Proposed Decision dated January 19, 2022.

We note that CDRMS accepts that Oxbow has successfully completed all surface coal mining reclamation operations in accordance with the approved reclamation plan and met all requirements of the Act and the Rules at all sites thereby qualifying them for phase III bond release.

We acknowledge that the reclaimed lands included in the bond release area total 31.12 acres of which 11.40 acres are BLM managed surface. The remaining acres are either private surface or managed by the USDOA Forest Service (FS). We further 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 FS and private landowner are also satisfied with the reclamation completed on their surface, then the BLM has no objection to the subject 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