



U.S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING
Mine Site Evaluation
State Program



1. Permittee/Person OXBOW MINING LLC		9. Permit Number C1981022	10. Permit Type PP
2. Address 1601 FORUM PLACE SUITE 1400		11. Field Visit Date 7/12/2022 <small>mm - dd - yyyy</small>	12. Purpose OB3
3. City WEST PALM BEACH		13. SRA Present Y	
4. State FL		14. Permit Status IN	15. Site Status AN
5. Zip Code 33401	6. Phone Number (561) 697-4300	16. Facility Type BE	
7. Operator Name, if Different than Permittee OXBOW MINING LLC		17. OSM Office # 140	18. CCID #
8. Mine Name ELK CREEK/SANBORN CRK/SOMMERSET		19. Land Code SF	
		20. M.S.H.A. ID # 05-04674	21. State Abbrev. CO
		22. County/Burrough GUNNISON	
		23. AVS Permittee Entity ID Number 151178	24. State Office

25. Hours	26. Signature Block	27. Reviewing Official:
1.0 a. Permit Review	Signature:	Signature:
18.0 b. Site Visit Time	Daniel MacKinnon, ID#554	Howard Strand
6.0 c. Travel Time	Inspector's Name:	Reviewer's Name:
12.0 d. Report Writing	Date: 8/15/2022	Date: 8/15/2022

Permit Type - Item 10 IP = Interim Program PP = Permanent Program NP = No Permit

Purpose Type Codes - Item 12

Oxx...Oversight
Axx...Assistance

RFx...Reclamation Fees
Fxx...Federal Actions

CCR...Citizen Complaint Referral (non-site visit)
CC...Citizen Complaint (initial site visit)
CCF...Assistance

Joint Inspection - Item 13 A joint inspection is when a state inspector accompanies an OSM inspector at any time during the review of the mine site

Permit Status - Item 14

A Active: Coal mining activities occurring or permitted but not yet disturbed.
IN Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. (Interim Program Permit): Coal mining completed and reclamation activities initiated.
BR Bond Release: Reclamation completed and State Regulatory Authority(RA) has released all of the bond (Phase III Release).

AB Abandoned: All surface and underground coal mining activities have ceased and operator has left the site without completing reclamation as defined in 30 CFR 840:11(g).
AB1 Bond Forfeiture: Bond forfeiture officially in process or completed and reclamation in progress or not yet commenced.
AB2 Partially Reclaimed Forfeiture: Forfeited site where all bonds have been used to reclaim site, but site not reclaimed to Program standards.
AB3 Reclaimed Forfeiture: Forfeited site that has been reclaimed to Program standards.
NA Not Applicable: When site is unpermitted.

Site Status - Item 15

ND No Disturbance: No coal mining and reclamation operations have been started.
EX Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.
AP Active Coal Producing: Coal surface mining activities are occurring.
AN Active Non-Producing: Active non-producing facility such as tipple or preparation plant.
NM No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.

MC Mining Complete: No mining activity on site, site regraded and awaiting bond release.
TC Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/817:13(b).
P1 Phase I Release: At least Phase I bond release granted for entire permitted area. For interim permits, partial bond release.
P2 Phase II Release: At least Phase II bond release for the entire permitted area.
P3 Phase III Release: Reclamation completed and the RA has released all bond.

NS Non-Site Visit: Status of site not determined.
FP Forfeiture Pending: The RA is pursuing actions to revoke the permit, collect the performance bond(s), and/or reclamation of forfeited site is in progress.
FR Forfeited and Reclaimed: Forfeiture reclamation completed.
FO Abandoned Site: Abandoned site that is permitted but there is no bond.
WC Wildcat: Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA.

Facility Type Codes - Item 16

A...Surface
B...Underground
C...Preparation Plant

D...Ancillary (Haulroad, Conveyor, and/or Rails)
E...Refuse and/or Impoundment
F...Loading Facility and/or Tipple
G...Stockpiles

H...Exploration Permits
I...Notice of Intent to Explore
J...Exempt 16 and 2/3

K...Government Financed Construction Exemption
L...Remining site permitted under 30 CFR 785.25

Small Business Regulatory Enforcement Fairness Act (SBREFA)

Your Comments are Important

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 500 or fewer employees including those of affiliates) and wish to comment on the enforcement or compliance activities of OSM, call 1-888-REG-FAIR (1-888-734-3247).

U.S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING
Mine Site Evaluation

Permittee/
Person **OXBOW MINING LLC**

Permit
Number **C1981022**

Field Visit
Date **7/12/2022**

State Program
Continuation Page

28. Performance Standard Categories

Codes:1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere, 6=Previously Cited, 7=Permit Defect

A. Administrative

1. Mining within Valid Permit
2. Mining within Bonded Area
3. Terms & Conditions of Permit
4. Liability Insurance
5. Ownership and Control
6. Temporary Cessation
7. AML Rec. Fees - Non-Respondent
8. AML Rec. Fees - Failure to Pay

B. Hydrologic Balance

1. 1 Drainage Control
2. Inspections & Certifications
3. 1 Siltation Structures
4. 1 Discharge Structures
5. Diversions
6. Effluent Limits
7. Ground Water Monitoring
8. Surface Water Monitoring
9. Drainage - Acid-Toxic Materials
10. Impoundments
11. 1 Stream Buffer Zones

C. Topsoil & Subsoil

1. Removal
2. Substitute Materials
3. Storage and Protection
4. 1 Redistribution

D. Backfilling & Grading

1. Exposed Openings
2. Contemporaneous Reclamation
3. 1 Approximate Original Contour
4. Highwall Elimination
5. Steep Slopes (includes downslope)
6. Handling of Acid and Toxic Materials
7. Stabilization (rills and gullies)

E. Excess Spoil Disposal

1. Placement
2. Drainage Control
3. Surface Stabilization
4. Inspections & Certifications

F. Coal Mine Waste (Refuse Piles/Impoundments)

1. Drainage Control
2. Surface Stabilization
3. Placement
4. Inspections & Certifications
5. Impounding Structures

G. Use of Explosives

1. Blaster Certification
2. Distance Prohibitions
3. Blast Survey/Schedule
4. Warnings & Records
5. Control of Adverse Effects

H. Subsidence Control Plan

I. Roads

1. Road Construction
2. Certification
3. Drainage
4. Surfacing and Maintenance
5. Reclamation

J. Signs & Markers

1. Signs
2. Markers

K. Distance Prohibitions

L. Revegetation

1. 1 Vegetative Cover
2. Timing

M. Postmining Land Use

N. Other

General
Performance
Category

_____	_____	_____
_____	_____	_____
_____	_____	_____

Performance Standard Categories 30 CFR Counterparts

A. Administrative

- | | |
|-----------------------------------|-------------------------|
| 1. Valid Permit | 773.11 |
| 2. Mining within Bonded Area | 773.11 |
| 3. Terms & Conditions of Permit | 773.17 |
| 4. Liability Insurance | 800.60 |
| 5. Ownership and Control | 778.13 |
| 6. Temporary Cessation | 842.11(e) & 816/817.131 |
| 7. AML Rec. Fees - Non-Respondent | 870.15(b) |
| 8. AML Rec. Fees - Failure to Pay | 870.15(a) |

B. Hydrologic Balance (816/817.41-57)

- | | |
|-------------------------------------|-----------|
| 1. Drainage Control | 45 |
| 2. Inspections & Certifications | 49(a)(10) |
| 3. Siltation Structures | 46 |
| 4. Discharge Structures | 47 |
| 5. Diversions | 43 |
| 6. Effluent Limits | 42 |
| 7. Ground Water Monitoring | 41(c) |
| 8. Surface Water Monitoring | 41(e) |
| 9. Drainage--Acid - Toxic Materials | 41(f) |
| 10. Impoundments | 49 |
| 11. Stream Buffer Zones | 57 |

C. Topsoil & Subsoil (816/817.22)

- | | |
|---------------------------|-------|
| 1. Removal | 22(a) |
| 2. Substitute Materials | 22(c) |
| 3. Storage and Protection | 22(c) |
| 4. Redistribution | 22(d) |

D. Backfilling & Grading (816/817.95-107)

- | | |
|---------------------------------------|-----------------------------------|
| 1. Exposed Openings | 816/817.13, 14, 15, & 823.11 & 21 |
| 2. Contemporaneous Reclamation | 100 |
| 3. Approximate Original Contour | 102(a)(1) |
| 4. Highwall Elimination | 102(a)(2) |
| 5. Steep Slopes (includes downslope) | 107 |
| 6. Handling of Acid & Toxic Materials | 102(c) |
| 7. Stabilization (rills and gullies) | 95(b) |

E. Excess Spoil Disposal (816/817.71-74)

- | | |
|---------------------------------|-------|
| 1. Placement | 71(e) |
| 2. Drainage Control | 71(f) |
| 3. Surface Stabilization | 71(g) |
| 4. Inspections & Certifications | 71(h) |

F. Coal Mine Waste (Refuse Piles/Impoundments) (816/817.81-84)

- | | |
|-----------------------------------|-------|
| 1. Drainage Control | 83(a) |
| 2. Surface Stabilization | 83(b) |
| 3. Placement | 83(c) |
| 4. Inspections and Certifications | 83(d) |
| 5. Impounding Structures | 84 |

G. Use of Explosives (816/817.61-68)

- | | |
|-------------------------------|---------|
| 1. Blaster Certification | 61(c) |
| 2. Distance Prohibitions | 61(d) |
| 3. Blast Survey/Schedule | 62-64 |
| 4. Warnings & Records | 66 & 68 |
| 5. Control of Adverse Effects | 67 |

H. Subsidence Control Plan (817.121-122)

I. Roads (816/817.150-151)

- | | |
|------------------------------|---------------|
| 1. Road Construction | 150(c) |
| 2. Certification | 151(a) |
| 3. Drainage | 150(b)-151(d) |
| 4. Surfacing and Maintenance | 150(e)-151(d) |
| 5. Reclamation | 150(f) |

J. Signs & Markers (816/817.11)

- | | |
|------------|-----------------------|
| 1. Signs | 11(a),(b),(c) |
| 2. Markers | 11(a),(b),(d),(e),(f) |

K. Distance Prohibitions (761.11)

L. Revegetation (816/817.111-116)

- | | |
|---------------------|-----------|
| 1. Vegetative Cover | 111 & 116 |
| 2. Timing | 113 |

M. Postmining Land Use (816/817.133)

OSM Action

- | | |
|-----------------------------|--|
| 1) Deferred to State Action | 6) ID-CO Issued (Imminent Danger to Public) |
| 2) TDN Issued | 7) Previously cited by RA, abatement pending |
| 3) NOV Issued | 8) Abated during or before OSM inspection |
| 4) FTA-CO Issued | 9) Follow-up of Federal Action |
| 5) IH-CO Issued | 0) Off-site impact with no violation |

Off-Site Impacts

For each type of impact and resource affected, enter "N, D, or J" to describe the degree of off-site impact:
N - Minor Occurrence
D - Moderate Occurrence
J - Major Occurrence

MINE SITE INSPECTION NARRATIVE

COMPANY: Oxbow Mining, LLC

MINE: Elk Creek Mine

PERMIT NO: C-1981-022

DATES OF INSPECTION: July 12 & 13, 2022

WEATHER: Hot and dry.

Company Official (i.e. operator's representative): Doug Smith

Division of Reclamation, Mining and Safety (DRMS) Official: Leigh Simmons

Bureau of Land Management Official: None

U.S. Forest Service Official: Dan Gray

OSMRE Official: Dan MacKinnon (badge #554)

Overview

This bond release inspection focused on the parcels under consideration for Phase III bond release detailed in the operator's SL-7 bond release application. The group found no problems or concerns with the reclamation success on the 21.24 acres of reclaimed surface disturbance including drill holes, site pads, and roads.

Application Review

OSMRE reviewed the application, including the results of the 2020 and 2021 vegetation sampling and found no issue with the interpretation of the results.

Inspection

The parcels totaling 21.24 acres under consideration for bond release were graded, topsoiled, and seeded in 2011. All sites were stable with the establishment of a diverse, effective, and self-perpetuating vegetative community of the same seasonal variety native to the land disturbed (Figures 1-3). Species included penstemon, yarrow, western wheatgrass, timothy, Indian paintbrush, sweet clover, alfalfa, cicer milkvetch, snowberry, Great Basin wild rye, sage, rabbitbrush, bitterbrush, choke cherry, and wild rose.

The areas inspected include: GVB-LW-15-03, GVB-LW-15-04, GVB-LW-15-05, GVB-LW-15-06, GVB-LW-15-07, GVB-LW-16-02/02B/02C, GVB-LW-16-03, GVB-LW-16-04, GVB-LW-16-05, GVB-LW-16-06, GVB-LW-16-07, GVB-LW-17-01C, GVB-LW-18-01A pilot pad, and GVB-LW-19-03 pilot pad.

Conclusion

OSMRE concludes that phase III bond release is appropriate, barring any change in conditions before bond release is officially approved.



Figure 1 - An example of the diverse vegetation found on this bond release inspection.



Figure 2 - An example of the reclamation with the oak scrub-dominated undisturbed lands in the background. The oak was seen establishing into the reclamation from these edges at the time of inspection.



Figure 3 - An example of a reclaimed pad as seen from a distance (yellow oval). All sites were stable at the time of inspection.