



United States Department of the Interior

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



October 25, 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 Bond Release SL-15; 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) September 26, 2022 Proposed Decision and Findings of Compliance regarding the West Elk Mine SL-15 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 May 24, 2022, DRMS invited OSMRE to attend the July 14, 2022, field inspection at the West Elk Mine; OSMRE participated in the inspection. The surface and mineral ownership associated with SL-15 is federal. Accordingly, by letter dated October 21, 2022 the Bureau of Land Management, Uncompahgre Field Office provided its concurrence with DRMS's proposed decision. Likewise, by letter dated October 20, 2022 the U.S. 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)(a) and recommends approving partial Phase I bond release on 11.67 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-14 DRMS proposes to release a total of \$143,551.21 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