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February 7, 2023

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

Re: Oxbow Mining, LLC., Permit C-1981-022
2022 Annual Reclamation Report

Dear Mr. Simmons:

The following information is submitted as the 2022 Annual Reclamation Report for the Oxbow Mining, LLC, Sanborn Creek and Elk Creek Mines. The contents of this report are submitted to satisfy the requirements of CDMG Rule 2.04.13 Annual Reclamation Reports. Also included is an executed *CDRMS, Annual Reclamation Report for Calendar Year 2022* form.

Basically, all that remains to complete demolition, backfill and grading for the property are the dams that remain at the bottom of the refuse piles, (Pond C and Pond E), and the reclamation of the West Valley II lower access road. Phase 2 release of these areas was achieved in 2022 and this reclamation may be scheduled for 2023.

Surety Release 01 (SL-01) for the Elk Creek facilities area was completed during 2019. SL-01 included 19.4 acres of phase 1 bond release in areas known as the Middle and Lower Pads. A 1.3 acre area composed of a two foot barrier surrounding the reclaimed Elk Creek was not included in the release, but will be eligible for phase 3 release in 2028.

Elk Creek Surety Release 02 (SL-02) was submitted in September of 2019 and was completed in 2021. Elk Creek Surety Release 03 (SL-03) was submitted in August of 2020 and was completed in 2021. Elk Creek Surety Release 04 (SL-04) was submitted in January of 2021 and was subdivided into an additional Elk Creek Release 05 (SL-05) to increase inspection efficiencies. SL-04 was completed in 2021 and SL-05 was completed in February of 2022. Elk Creek Surety Release 06 (SL-06) was submitted in October 2021 and was completed in November 2022. Elk Creek Surety Release 07 (SL-07) was submitted in April of 2022 and is nearing completion now in 2023. SL-07 is not included in this annual report for 2022.

Seed Purchases:

No seed was purchased during 2022. Minimal "supplemental" spreading of surplus USFS and BLM seed mixes were appropriately cast on reclaimed exploration roads in the "Coal Bank" area. Minimal "supplemental" spreading of surplus Oxbow seed mix was spread on Oxbow lands. The seed mixes used were purchased in 2018 and may have exceeded their shelf life.

Weed Control

Scattered thistles, hounds tongue, white top and other noxious weeds were sprayed by Oxbow employees. *Curtail* and *Escort* herbicides were used in accordance with the labels. Areas sprayed included general disturbance areas such as road cuts, reclaimed areas, warehouse storage areas, pond out slopes, reclaimed borehole roads and borehole pad sites, etc.

Rill and Gully Survey

The Lower Hubbard Creek site, the Bear Creek site, the reclaimed areas of the II West and West Valley fill coal refuse disposal area and East Yard coal refuse disposal area and the reclaimed degas wells sites, etc. were inspected for the formation of rills and gullies deeper than nine inches. No such gullies were encountered which would require follow-up repair and seeding.

Reclamation Map

The Division has, within the PAP, a number of maps showing the location of the particular reclaimed areas. As in years past, rather than maps, this report contains an updated: EXHIBIT 1 – SUMMARY OF DISTURBANCE/ SEEDED AREAS, summarizing the OMLLC disturbance and reclaimed areas. It is implied that the areas noted as reclaimed include applicable backfilling, grading, topsoil spreading, and seeding activities.

EXHIBIT 1

Last years EXHIBIT 1 was updated to highlight areas that were reclaimed in 2012.

EXHIBIT 2

EXHIBIT 2 is included in this report to show the calculation used to account for Light Use drill roads that were left on Hotchkiss Ranch property, at their request. The request was approved in MR108. The road lengths listed in the drill hole descriptions were multiplied by an estimated average width of 17 feet, which was converted to acres. The total acreage for roads left is 5.6 acres.

EXHIBIT 3

EXHIBIT 3 is a copy of the spreadsheet included to show sums used to complete the 2022 Annual Reclamation Report Form. An error of 0.62 acres that occurred in Surety Release 3 was discovered during the review of of Surety Release 7. EXHIBIT 3 reflects this correction which also is carried onto the attached ARR Form.

Please let me know what further corrections you would like to see and how you would like to proceed. Please contact me at 970-929-6034 with questions.

Sincerely,



Doug A. Smith
Chief Engineer

Attachments

Xc: Mike Ludlow (OMLLC)
Files

OXBOW MINING, LLC
2022 ARR

Exhibit 1 – Summary of Disturbance/ Seeded Areas

LONG TERM FACILITIES

Elk Creek mine surface facilities	24.2	Permanent
Power line road	17.0	Permanent
Power line road, Hubbard Creek	0.7	Permanent
Upper Hubbard Creek(Somerset Mine)	3.3	NonPermanent
Rock dust site – Elk Creek	0.5	Permanent
Bear Creek Fan and Shaft (2009)	2.3	Permanent
Substation No. 3 and ventilation shaft	1.6	Permanent
Water treatment plant area	1.5	Permanent
Sewage effluent absorption field	0.3	Permanent
Bear Creek Cutoff LU Road	2.1	Permanent
Hotchkiss Ranch Roads retained (exhibit 2)	5.6	Permanent
subtotal	59.1	

SEEDED AREAS (B&G)

<u>Area</u>	<u>Acres</u>	<u>Year Seeded</u>	<u><=9 years</u>	<u>>=10 years</u>
Lower Hubbard Creek(Somerset Mine)	2.6	1996		2.6
Bear Creek fan area (U.S. Steel)	3.0	1996		3.0
East Yard coal mine waste (gob) pile	1.1	2002 and 2003		1.1
A-Gulch	5.0	2003		5.0
Sanborn Creek Portal area	2.3	2003		2.3
Sanborn Creek mine, SC-1	4.1	2003		4.1
Sanborn Creek Portal Borrow area	0.4	2003		0.4
Hubbard Fansite	3.2	2011		3.2
Coal Gulch drill holes	0.4	2017	0.4	
Temporary conveyor Elk Creek	0.3	2018	0.3	
West Valley Fill	0.6	2002		0.6
West Valley Fill	0.5	2003		0.5
West Valley Fill remaining completed	11.8	2018	11.8	
II West up to 6,100'	0.4	2009		0.4
II West – 6100' to 6113'	0.1	2010		0.1
II West - 6113' to 6122'	0.1	2011		0.1
II West – 6122' to 6128'	0.1	2012		0.1
II West – 6128' to 6141'	0.2	2013	0.2	
II West remaining completed	2.5	2018	2.5	
Elk Creek facilities area	39.0	2018	39.0	
seeded areas (B&G) subtotal	77.7		54.1	23.6
longterm /seeded (B&G) total	136.8			

Degasification (Gob Vent Borehole) borehole sites and light use roads

			<u>HR ROAD LEFT</u>	<u><=9 years</u>	<u>>=10 years</u>
GVB-LW3-01, GVB-LW4-03					
(4000' road and pads)	2.1	2005			2.1
GVB-LW3-02	0.5	2005			0.5
GVB-LW4-01 (1915' road and pad)	1.5	2005			1.5
GVB-LW4-02	0.5	2005			0.5
GVB-LW6-02 (1600' road and pad)	0.9	2006			0.9
GVB-LW6-03 pad plus 535' road	0.6	2006			0.6
GVB-LW7-02 pad plus 600' road	0.7	2006			0.7
GVB-LW8-01	0.5	2006 and 2007			0.5
GVB-LW7-03 pad	0.3	2007			0.3
GVB-LW12-01 (pad and 709' road)	0.8	2007			0.8

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2022 ARR

GVB-LW11-01B	0.2	2007			0.2
GVB-LW10-01 pad plus 1190' road	0.9	2007			0.9
TC1 and TC2 wells	1.2	2007			1.2
GVB-LW9-01 pad + 3500' road	1.7	2008			1.7
GVB-LW11-01A pad	0.3	2008			0.3
GVB-LW12-03 pad	0.5	2008			0.5
GVB-LW9-01B pad + 5600' road	2.8	2009			2.8
GVB-LW10-02 pad	0.3	2009			0.3
GVB-LW9-02 pad	0.4	2009			0.4
GVB-LW10-03BC pad	1.2	2009			1.2
GVB-LW9-03 pad plus 132' road	0.4	2009			0.4
GVB-LW8-02 pad and 1425' road	1.4	2010			1.4
GVB-LW8-03 pad only	0.2	2010			0.2
GVB-LW9-04 pad	0.4	2010			0.4
GVB-LW10-04 pad	0.4	2010			0.4
GVB-LW11-02 pad on road	0.4	2010			0.4
GVB-LW12-02 pad on road	0.0	2010			0.0
VB-1S-01, B-1S-02 pad + 800' road	0.4	2010			0.4
ECM-10-68 pad + 500' road	0.4	2010			0.4
ECM-10-69 pad + 770' road	0.5	2010			0.5
ECM-10-70 pad	0.3	2010			0.3
ECM-10-71 pad + 420' road	0.4	2010			0.4
ECM-10-72 pad + 370' road	0.4	2010			0.4
ECM-10-73 pad + 700' road	0.4	2010	-0.3		0.4
ECM-10-74 pad + 1,360' road	0.6	2010	-0.5		0.6
ECM-10-75 pad + 475' road	0.4	2010	-0.2		0.4
ECM-10-76 pad + 225' road	0.3	2010	-0.1		0.3
GVB-LW15-03 pad + 5500' road	3.9	2011			3.9
GVB-LW15-04 pad + 1,207' road	1.8	2011			1.8
GVB-LW15-05 pad + 2,000' road	1.4	2011			1.4
GVB-LW15-06 pad + 830' road	1.2	2011			1.2
GVB-LW15-07 pad + 1,500' road	1.3	2011			1.3
GVB-LW16-02, 02B, 02C pad + 1,300' road	2.0	2011			2.0
GVB-LW16-03 pad + 333' road	1.5	2011			1.5
GVB-LW16-04B, pad + 1100' road	2.0	2011	-0.4		2.0
GVB-LW16-05 pad + 1000'	1.5	2011	-0.4		1.5
GVB-LW16-06 pad + 750' road	0.9	2011			0.9
GVB-LW16-07, 07B pad + 600' road	0.8	2011			0.8
GVB-LW18-07 pad	0.8	2011			0.8
GVB-LW18-01A pad + 1500' road	1.3	2011	-0.6		1.3
GVB-LW17-01C pad	0.3	2011			0.3
GVB-LW19-03 pilot- pad+537' road	1.4	2011			1.4
GVB-LW15-02, 01A, 01B pad	1.8	2012			1.8
GVB-LW15-08 pad + 200' road	0.9	2012			0.9
GVB-LW17-01AB pad + 319' road	1.1	2012			1.1
GVB-LW17-03 pad + 500' road	0.9	2012			0.9
GVB-LW17-04, 04B, 04C	1.0	2012			1.0
GVB-LW17-09 pad only	1.0	2012			1.0
GVB-LW9-05 + 1300' road	1.2	2012			1.2
GVB-LW10-05 pad plus 896' road	0.8	2012	-0.3		0.8
GVB-LW12-03 - 2013' road	0.8	2012	-0.8		0.8
GVB-LW11-03 pad along road	0.2	2012			0.2
GVB-LW18-07 B,C,D pad	0.8	2016		0.8	
GVB-LW18-07 B,C,D pad + 1900' road	0.8	2016		0.8	
GVB-LW18-08 pad + 600' road	0.9	2016		0.9	

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2022 ARR

GVB-LW19-08 + road 1833'	1.9	2016		1.9	
Dewater #1,#2 5082' road only	2.1	2016		2.1	
Dewater #1,#2 pad only	1.6	2016		1.6	
Sanborn Creek Mine (#s 1-14)	6.1	2017		6.1	
GVB-LW7-04	0.2	2017		0.2	
GVB-LW8-04	0.1	2017		0.1	
GVB-LW16-01,B,C,D, E (2 pads + 790' road) (lower pad)	2.5	2017	-0.3	2.5	
GVB-LW16-08 pad + 670' road	0.6	2017		0.6	
GVB-LW17-02, 02B, 02C pad + 35' road	0.7	2017		0.7	
GVB-LW17-05, 05B pad + 700' road	1.5	2017	-0.3	1.5	
GVB-LW17-06, 06B, 06C pad + 757' road	1.2	2017		1.2	
GVB-LW17-07 pad	0.4	2017		0.4	
GVB-LW17-08, 08B pad + 1477' road	1.2	2017		1.2	
GVB-LW18-03 pilot- pad + 569'	0.6	2017	-0.2	0.6	
GVB-LW18-09 + 1600' road	1.7	2017		1.7	
GVB-LW19-01A pilot- pad+ 440' (see HGBMP)	1.3	2017	-0.2	1.3	
GVB-LW19-07 + road 525'	1.0	2017		1.0	
GVB-LW19-09 + road 755'	1.3	2017		1.3	
GVB-LW17-09 pad + 517' road	1.2	2017		1.2	
GVB-LW18-01B	0.7	2017	0.0	0.7	
GVB-LW18-02 pad + 146 road	1.0	2017		1.0	
GVB-LW18-02B + 417' road	1.0	2017	-0.2	1.0	
GVB-LW18-03B + 297' road	0.9	2017		0.9	
GVB-LW18-04	0.5	2017		0.5	
GVB-LW18- 04B +78' road	1.0	2017		1.0	
GVB-LW18-04C + 371' road	0.8	2017	-0.1	0.8	
GVB-LW18-05 + 328' road	1.2	2017	-0.1	1.2	
GVB-LW18-06 + 100' road	0.8	2017		0.8	
GVB-LW19-01B +116' road	0.7	2017		0.7	
GVB-LW19-01C on road	0.7	2017		0.7	
GVB-LW19-01D on road	0.9	2017		0.9	
GVB-LW19-02 + 275' road	1.1	2017	-0.1	1.1	
GVB-LW19-02B + 450' road	0.8	2017	-0.2	0.8	
GVB-LW19-03B + 49' road	1.1	2017		1.1	
GVB-LW19-04 on road	0.7	2017		0.7	
GVB-LW19-04B + 52' road	1.1	2017	0.0	1.1	
GVB-LW19-05 + 222' road	1.0	2017	-0.1	1.0	
GVB-LW19-06 + 1423' road	1.4	2017		1.4	
TGBMPA +556' road	1.1	2017	-0.2	1.1	
HGBMP + (19-01A location)	0.0	2017	0.0	0.0	
HGA	1.5	2017		1.5	
TGA	0.8	2017		0.8	
5B	0.8	2017		0.8	
Hotchkiss Ranch road retained (exhibit 2)	-5.6			-2.0	-3.6
subtotal	102.4				

Cumulative Total Reclamation 239.2

	<=9 years	>=10 years
b&g	54.1	23.6
degas	49.3	53.0
	103.5	76.6

road left per land owners request (see MR108)

adjusted for 2012 reclamation

change for 2012 8.6

corrected lines

OXBOW MINING, LLC
2022 ARR

EXHIBIT 2

HOTCHKISS LIGHT USE ROADS LEFT AS PERMANENT FACILITIES

AT 17 FEET WIDE

	FEET OF ROAD AC @17"W		PERMIT AC.
GVB-16-04B, pad + 1100' road	1100	0.4	2.0
GVB-LW16-05 pad +1000'	1000	0.4	1.5
GVB-LW17-05, 05B pad + 700' road	700	0.3	1.5
GVB-LW10-05 pad plus 896' road	896	0.3	0.8
GVB-LW12-03 - 2013' road	2013	0.8	0.8
GVB-LW16-01,B,C,D, E (2 pads + 790' road) (lower pad)	790	0.3	2.5
GVB-LW18-03 pilot- pad + 569'	569	0.2	0.6
GVB-LW18-02B + 417' road	417	0.2	1.0
GVB-LW19-01A + 440' (see HGBMP)	440	0.2	1.7
HGBMP + (19-01A location)	0	0.0	0.0
GVB - LW18-01B	0	0.0	0.7
TGBMPA +556' road	556	0.2	1.1
GVB-LW18-04C + 371' road	371	0.1	0.8
GVB-LW18-05 + 328' road	328	0.1	1.2
GVB-LW19-02 + 275' road	275	0.1	1.1
GVB-LW19-02B + 450' road	450	0.2	0.8
GVB-LW19-04B + 52' road	52	0.0	1.1
GVB-LW19-05 + 222' road	222	0.1	1.0
GVB-LW18-01A pilot -pad+1,500'	1500	0.6	1.3
ECM-10-73 pad + 700' road	700	0.3	0.4
ECM-10-74 pad + 1,360' road	1360	0.5	0.6
ECM-10-75 pad + 475' road	475	0.2	0.4
ECM-10-76 pad + 225' road	225	0.1	0.3
	<u>14439</u>	<u>5.6</u>	

OXBOW MINING, LLC
2022 ARR

EXHIBIT 3

TOTALS FOR ARR FORM

Acres Disturbed= B&G + Long term facilities	239.2
Acres B&G = GVB & LU ROADS & RECLAIMED FACILITIES	180.1
Acres Topsoiled = topsoiled & seeded	180.1

Acres long term facilities	59.10
permitted long term s= haul, LU roads	
Totals	59.10

9 years and less (2021-9 >=2012)	GVB	49.33
	SEEDED (B&G)	<u>54.13</u>
		103.5

10 years and greater (2021-10 <= 2011)	GVB	53.0
	SEEDED (B&G)	<u>23.6</u>
		76.61

180.1

FOR 2020 ARR USE

	Phase 1 (ac.)	Ph. 2 (ac.)	Ph. 3 (ac.)
SL-1 2019	19.4		
SL-2	0		
SL-3	0		

FOR 2021 ARR USE

	Phase 1 (ac.)	Ph. 2 (ac.)	Ph. 3 (ac.)
SL-1 2019	19.4	0	0
SL-2 2021	138.74	72.69	2.33
SL-3 2021*	0	50.44	0
SL-4 2021	5.7	5.7	16.4
	163.84	128.83	18.73

FOR 2022 ARR USE

	Phase 1 (ac.)	Ph. 2 (ac.)	Ph. 3 (ac.)
SL-1 2019	19.4	0	0
SL-2 2021	138.74	72.69	2.33
SL-3 2021*	0	49.82	0
SL-4 2021	5.7	5.7	16.4
SL-5 2022	2.2	2.2	31.12
SL-6 2022	0	35.63	0
	166.0	166.0	49.85

* SL3 CORRECTION DISCOVERED AND APPLIED IN SL7 FINDINGS

Colorado Division of Reclamation, Mining and Safety

Annual Reclamation Report for Calendar Year – 2022

ELK CREEK MINE

C1981022

OXBOW MINING, LLC.

Mine Name

Permit Number

Permittee

P.O. BOX 535, SOMERSET CO 81434

Address

This report, required by Rule 2.04.13, is due by February 15 of each year, or other date, as agreed upon by the Division. It should include text, discussion, and maps, at a minimum, in addition to any other reclamation monitoring data as required by the approved permit. The location of the acreage reported under each land status category and year of seeding (if applicable) should be clearly identified on a map included with the report.

Land Category	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
Acreage in Active Mining Areas ¹	NA			=	NA

Land Category	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
Acres Disturbed ²	239.2			=	239.2
Acres Backfilled and Graded	180.1			=	180.1
Acres Topsoiled	180.1			=	180.1

Acreage in Long-term Facilities ³	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
Non-Permanent Facilities	3.3			=	3.3
Permanent Facilities (permitted)	55.8			=	55.8
Totals	59.1			=	59.1

Acres Seeded (permanent)	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
9 Years and Less	112.0		8.6	=	103.4
10 Years and Greater	68.1	8.6		=	76.7
Totals	180.1			=	180.1

Bond Release	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
Phase I Released	163.8	2.2		=	166.0
Phase II Released	128.8	37.2*		=	166.0
Phase III Released	18.7	31.1		=	49.8

¹Includes pits, topsoil stripped areas in advance of pits, and spoil not backfilled and graded

²Surface Mine Acres Disturbed = B&G + Long-Term Facilities + Active Mining Areas; Underground Mine Acres Disturbed = B&G + Long-Term Facilities; Separately-permitted Loadouts = B&G + Long-Term Facilities

³Includes haul, access and light-use roads, temporary dams and impoundments; permanent dams and impoundments; diversion and collector ditches, water and air monitoring sites; topsoil stockpiles; overburden stockpiles; repair, storage and construction areas; office area, repair shops, and parking; coal stockpiles, loading, and processing areas; railroads; coal conveyors; refuse piles and coal mine waste impoundments; head-of-hollow fills; valley fills; ventilation shafts and entryways; and non-coal waste disposal area (garbage dumps and coal combustion by-products disposal areas).

February 8, 2019