



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

March 1, 2023

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

Re: Permit No. C-1983-059, Permit Renewal No. 8, Oxbow Mining, LLC., Terror Creek Loadout

Dear Mr. Simmons:

The purpose of this letter is to initiate the permit renewal process for the Terror Creek Loadout in accordance with CDMG Rule 2.08.5 *Right of Successive Renewal*.

Name and address of Permittee: Oxbow Mining, LLC.
Terror Creek Loadout
P. O. Box 535
Somerset, CO 81434

Term of the requested renewal: 5 years

Permit Number: C-1983-059

Description of any changes proposed by RN-8: None proposed at this time.

Copy of proposed newspaper notice in accordance with Rule 2.07.3(2): See Attached

Evidence of liability Insurance: See Attached

In addition, TCC has included with this renewal application an "APPLICATION FORM – RENEWAL OF A VALID, EXISTING PERMIT TO CONDUCT COAL MINING IN COLORADO."

Upon notification by the Division that the renewal application is complete the attached public notice will be published in the *Delta County Independent* for four consecutive weeks.

Please contact me at 970-929-6034 if you any questions or comments regarding this permit renewal application.

Sincerely,

A handwritten signature in blue ink that reads "Doug A. Smith". The signature is written in a cursive style with a large, stylized 'D' and 'S'.

Doug A. Smith

Attachments
Mike Ludlow
Paonia Library
Delta County
Files

PUBLIC NOTICE

Oxbow Mining, LLC., Terror Creek Loadout, located at 43440 Bowie Road, Paonia, CO 81428 has submitted to the Colorado Division of Reclamation, Mining and Safety, (CDRMS) an application for renewal of a valid, existing permit to conduct coal mining in Colorado for it's mining permit C-1983-059.

The Terror Creek Loadout is located approximately 3.5 miles NE of Paonia, Colorado south of old Highway 133 (Bowie Road) and north of both the Union Pacific Railroad and the North Fork of the Gunnison River. The permit area is located within the area shown on the U.S. Geological Survey 7.5 minute Bowie Quadrangle map and more particularly located within the area described as follows:

Township 13 South, Range 91 West, 6th P.M.

Section 15: E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ containing approximately 20 acres.

The surface of the permit area is owned by the Terror Creek, LLC. and the Union Pacific Railroad Company.

A copy of the permit renewal application is available for public inspection at the Paonia Public Library, 2 3rd Street, Paonia, Co. 81428, the Delta County Planning Offices and at the Offices of the Colorado Division of Reclamation, Mining and Safety (CDRMS), 1313 Sherman Street, Room 215, Denver, CO 80203, telephone number 303-866-3567.

Written comments, objections or requests for an informal conference on the renewal application may be submitted to and additional information obtained from the CDRMS at the address noted above. Comments may be submitted to the CDRMS within 30 days of the last publication of this notice.



CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY)
05/23/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Aon Risk Services Southwest, Inc. Dallas TX Office 5005 Lyndon B Johnson Freeway Suite 1500 Dallas TX 75244 USA	CONTACT NAME:	
	PHONE (A/C, No. Ext): (866) 283-7122	FAX (A/C, No.): (800) 363-0105
INSURED Oxbow Mining, LLC 1601 Forum Place Suite 1400 West Palm Beach FL 33401-8101 USA	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	NAIC #	
	INSURER A: Zurich American Ins Co	16535
	INSURER B: American Guarantee & Liability Ins Co	26247
	INSURER C:	
	INSURER D:	
INSURER E:		
INSURER F:		

COVERAGES**CERTIFICATE NUMBER:** 570093186883**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

Limits shown are as requested

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WYD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:		GLO926594912 SIR applies per policy terms & conditions	06/01/2022	06/01/2023	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$1,000,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$4,000,000 PRODUCTS - COMP/OP AGG \$2,000,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY		BAP 9265950-12	06/01/2022	06/01/2023	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$10,000		AUC926593712	06/01/2022	06/01/2023	EACH OCCURRENCE \$15,000,000 AGGREGATE \$15,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N / A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT E.L. DISEASE-EA EMPLOYEE E.L. DISEASE-POLICY LIMIT

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RE: Permit number C - 1983-059 Terror Creek Loadout

Division of Reclamation, Mining and Safety is included as Additional Insured as required by written contract, but limited to the operations of the Insured under said contract, per the applicable endorsement with respect to the General Liability, Automobile Liability, and Umbrella Liability policies.

CERTIFICATE HOLDER**CANCELLATION**

Division of Reclamation, Mining and Safety 1313 Sherman Street, Room 215 Denver CO 80203 USA	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>Aon Risk Services Southwest, Inc.</i>

Holder Identifier :

Certificate No : 570093186883



COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY

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

APPLICATION FORM RENEWAL OF A VALID, EXISTING PERMIT TO CONDUCT MINING IN COLORADO

This form is an application for successive renewal of a valid, existing permit to conduct surface or underground mining and reclamation activities or other surface coal mining and reclamation operations in Colorado pursuant to C.R.S. 34-33-101, *et seq.* This application form is designed to revise and update the application form currently included in your permit application. The right of successive renewal applies only to lands and activity which were permitted during the previous term. Extensions of the permit area and significant new activity within the permit area are subject to the review procedures applicable to new permit applications, in accordance with Rule 2.08.5(1)(c) and 2.08.4.

For a renewal application to be deemed complete by the Division pursuant to C.R.S. 34-33-109(7), an applicant must submit: (1) all information as specified on this application form; (2) a copy of the newspaper notice; (3) evidence that a liability insurance policy will be provided for the proposed period of renewal; and (4) five reproducible copies of the permit renewal application with original signatures.

For federal mines, a copy of the renewal application must be submitted to all agencies on the federal agency mailing list at the same time the application is submitted to the Division, and proof of distribution must be submitted to the Division. Copies of renewal 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 renewal.

GENERAL OPERATION INFORMATION

Type or print clearly the appropriate information as listed below. Supplemental sheets may be used as necessary. Such sheets must be attached to the form and referenced or keyed to the numbers on the form.

1. Permittee: OXBOW MINING, LLC.
2. Name of Operation: TERROR CREEK LOADOUT
3. Permit Number (same as current permit number): C - 1983- 059
4. Type of Revision: R N Renewal Number: 08
5. Application Submittal Date: 03 / 01 / 23

6. Correspondence Information

APPLICANT/OPERATOR (Name, Address and Phone of Name to be used on Permit)

Individual's Name: MIKE LUDLOW
 Company Name: OXBOW MINING, LLC.
 Street: 3737 HWY. 133, P.O. BOX 535
 City: SOMERSET
 State: CO
 Telephone: 970) 929-5122

PERMITTING CONTACT (If different from Applicant/Operator above)

Individual's Name: DOUG SMITH
 Company Name: OXBOW MINING, LLC.
 Street: 3737 HWY. 133, P.O. BOX 535
 City: SOMERSET
 State: CO
 Telephone: 970) 929-6034

INSPECTION CONTACT (If different from Applicant/Operator above)

Individual's Name: DOUG SMITH
 Company Name: OXBOW MINING, LLC.
 Street: 3737 HWY. 133, P.O. BOX 535
 City: SOMERSET
 State: CO
 Telephone: 970) 929-6034

7. Location Information: The center of the operation lies in -County: DELTAUSGS Quadrangle: BOWIEPrincipal Meridian (check one): ☒ 6th (Colorado) ☐ 10th (New Mexico) ☐ UteTownship (Write number and check direction): 13 ☐ North ☒ SouthRange (Write number and check direction): 91 ☐ East ☒ WestSection: 15 Quarter Section (Check one): ☐ NE ☐ NW ☒ SE ☐ SWQuarter-Quarter Section (Check one): ☐ NE ☒ NW ☐ SE ☐ SWLongitude (Write number): 107 Degrees (102-110) 32 Minutes (0-60)22 . 0 Seconds (0.00-60.0)Latitude (Write number): 38 Degrees (37-41) 55 Minutes (0-60)15 . 0 Seconds (0.00-60.0)

General Description (Miles and direction from nearest town and approximate elevation):
APPROXIMATELY 3.5 MILES NE OF PAONIA, CO ON OLD HIGHWAY 133.

APPROXIMATE ELEVATION OF 5900 FEET ABOVE MEAN SEA LEVEL.

(Not for DP Entry)			
	Permitted	Actual	Proposed
8. Mineral ownership: Indicate currently permitted acreage for each			
Federal: _____ acres			
State: _____ acres			
Private: _____ acres			
Indian: _____ acres			
9. Surface ownership: Indicate currently permitted acreage for each			
Federal: _____ acres	0	0	0
State: _____ acres	0	0	0
Private: _____ acres	20	20	20
Indian: _____ acres	0	0	0
10. Affected area (in acres)	13.6	13.6	13.6
11. Disturbed area (in acres)	13.6	13.6	13.6
12. Acreage of area reclaimed in previous permit term			
A. Backfilled and graded	N/A	0	N/A
B. Retopsoiled	N/A	0	N/A
C. Reseeded	N/A	0	N/A
13. Acreage for which bond has been released			
A. 60 percent	N/A	0	N/A
B. 85 percent	N/A	0	N/A
C. 100 percent	N/A	0	N/A
14. Renewal Term Requested (Years)	N/A	N/A	5
<i>Note: If the application contains proposed (new) acreage, then a permit revision application form must also be completed for those acreages.</i>			

15. Type of Mine (Check one): ☐ Underground ☐ Surface
☐ Combined Surface and Underground
☒ Loadout ☐ Other

16. Current Permit Status (Check one): ☒ Active ☐ Temporary Cessation
☐ Permanent Cessation (Reclamation Only) ☐ Inactive/Phase II Bond Release
☐ Suspended

17. Current Estimated Life of Mine (in years):

APPLICATION REQUIREMENTS

Type or clearly print the appropriate original or revised page number(s) of the permit application in the spaces below. Where a map has been used to supplement or clarify the narrative, indicate in the space provided where the appropriate map(s) may be found in the application. The asterisk (*) denotes sections where maps are required.

Each application for permit renewal must provide appropriate information which minimally addresses each of the following requirements. The narrative should describe the conditions which have been encountered during the previous permit term, and analyze how those conditions compare with those anticipated in the original permit application. These narratives should be submitted as revised pages.

In cases where any item is not applicable, the applicant should so specify.

		Location in Application	
INFORMATION CATEGORY		NARRATIVE	MAPS
2.03.4	Identification of Interests	2.03-5R	MAP NO. 1, EXHIBIT 1
2.03.5	Compliance Information	2.03-10R	
2.03.6	Rights of Entry and Operation Information	2.03-12R	
2.03.7	Relationship to Areas Designated Unsuitable for Mining	2.03-12R	
2.03.8	Permit Term Information	2.03-12R	
2.03.9	Personal Injury and Property Damage Information	2.03-12R, EXHIBIT 3	
2.08.5	Bonding Information	EXHIBIT 10	
2.03.10	Identification of Other Licenses and Permits	2.03-13, EXHIBIT 2	
2.03.12	Newspaper Advertisement (Submit a copy of the proposed newspaper advertisement)	2.03-14, EXHIBIT 4	
2.04.3	Site Description and Land Use Information	2.04-2R	*Land Use 2.04(2)(a)
2.04.4	Cultural and Historic Resource Information	2.04-5, EXHIBIT 5	
2.04.5	General Description of Hydrology and Geology	2.04-7	*Geology, surface and ground water systems of the permit, adjacent and general area 2.04.5(1)

		Location in Application	
INFORMATION CATEGORY		NARRATIVE	MAPS
2.04.6	Geology Description	2.04-8	*Geology of the permit area 2.04.6(1)(a) or 2.04.6(2)(a)
2.04.7(1)	Ground Water Information	2.04-10	*Hydrology 2.04.7(4)
2.04.7(2)	Surface Water Information	2.04-10	*Hydrology 2.04.7(4)
2.04.7(3)	Alternative Water Supply Information	2.04-10	MAP 14
2.04.8	Climatological Information	2.04-12	EXHIBIT 6
2.04.9	Soils Resource Information	2.04-13	*Soils 2.04.9(1)(c)
2.04.10	Vegetation Information	2.04-14	*Vegetation 2.04.10(1)
2.04.11	Fish and Wildlife Resources Information	2.04-15	
2.04.12	Prime Farmland Investigation	2.04-18	MAP 3 EXHIBIT 8
2.05.2	Operation Plan: Estimated Area for Life of Operation	2.05-1	MAPS 5 AND 6
2.05.3	Operation Plan: Permit Area	2.05-1	*Operation Plan 2.05.3
2.05.3(1)	Production Methods and Equipment	2.05-1	
2.05.3(2)	Operation Description	2.05-2R	
2.05.3(3)	Mine Facilities	2.05-2R	MAPS 5 AND 6
2.05.3(4)	Ponds, Impoundments and Diversions	2.05-3	MAPS 7, 10C AND 14, EXHIBIT 9
2.05.3(5)	Topsoil (removal and storage)	2.05-4R	MAP 8
2.05.3(6)	Overburden	2.05-5R	
2.05.3(7)	Coal Handling Structures	2.05-5R	
2.05.3(8)	Coal Processing Waste and Non-Coal Processing Waste	2.05-6R	
2.05.3(9)	Return of Coal Processing Waste to Abandoned Workings	2.05-6R	
2.05.4	Reclamation Plan	2.05-6R	

INFORMATION CATEGORY	Location in Application	
	NARRATIVE	MAPS
2.05.4(2)(a) Timetables	2.05-7RA	
2.05.4(2)(b) Reclamation Cost Estimates	EXHIBIT 10	
2.05.4(2)(c) Backfilling and Grading	2.05-8	*Post-mining topography 2.05.4(2)(c)
2.05.4(2)(d) Topsoil (Redistribution)	2.05-10	MAP 8
2.05.4(2)(e) Revegetation	2.05-10	
2.05.4(2)(f) Disposal of Debris, Acid-Forming and Toxic-Forming Materials	2.05-8	
2.05.4(2)(g) Sealing or Managing Mine Openings, Exploration Holes, Other Boreholes or Wells	2.05-15RA	
2.05.5 Post-Mining Land Uses	2.05-16R	*Post-Mining Land Use 2.05.5(1)(c) or (2)(c)
2.05.6 Mitigation of the Impacts of Mining Operations	2.05-16R	
2.05.6(1) Air Pollution Control Plan	2.05-16R	EXHIBIT 2
2.05.6(2) Fish and Wildlife Plan	2.05-18	
2.05.6(3) Protection of the Hydrologic Balance	2.05-19	
2.05.6(4) Protection of Public Parks and Historic Places	2.05-26	
2.05.6(5) Surface Mining Near Underground Mining	N/A	
2.05.6(6) Subsidence Survey, Subsidence Monitoring and Subsidence Control Plan	2.05-26	
2.06 Special Categories of Mining	2.06-1	
2.06.8 Alluvial Valley Floors (If not applicable, demonstrate why)	2.06-1	*Reconnaissance Level AVF Investigation 2.06.8(5)(b)
Additional Information the Applicant May Wish to Submit		

To the best of my knowledge, all the information presented in this application is true and correct.

BY: Michael J. Sullivan
 TITLE: PRESIDENT, OXBOW MINING, LLC.

(Signature by Individual Legally Authorized to Bind the Operator to this Application)