



## FIRST QUARTER 2023 POND INSPECTION REPORT

Pond Inspection Date: March 28, 2023

|                             |                                       |                                     |                     |
|-----------------------------|---------------------------------------|-------------------------------------|---------------------|
| OPERATOR:                   | Oxbow Mining, LLC.                    |                                     |                     |
| MINE:                       | Elk Creek Mine and Surface Facilities |                                     |                     |
| POND IDENTIFICATION:        | <u>Hubbard</u>                        | <u>Substation #3 <sup>(4)</sup></u> | <u>Pond D</u>       |
| CDPS NUMBER:                | 007                                   | 013                                 | 016                 |
| TYPE OF POND:               | Sediment                              | Sediment                            | Sediment            |
| APPROXIMATE WATER LEVEL:    | 0.0'                                  | 0.3'                                | Pond Removed        |
| SEDIMENT (% total storage): | <5%                                   | <5%                                 | <5%                 |
| OUTFLOW:                    | None                                  | None                                | None                |
| FEATURES                    | <u>PROBLEM</u>                        | <u>PROBLEM</u>                      | <u>PROBLEM</u>      |
| EROSIONAL                   |                                       |                                     |                     |
| Rills & Gullies             | No                                    | No                                  | No                  |
| Inadequate Vegetation       | No                                    | No                                  | No                  |
| Outlet Channel Erosion      | No                                    | No                                  | No                  |
| Burrows                     | No                                    | No                                  | No                  |
| Other                       | No                                    | No                                  | No                  |
| STRUCTURAL                  |                                       |                                     |                     |
| Differential Settling       | No                                    | No                                  | No                  |
| Cracks or Slides            | No                                    | No                                  | No                  |
| Seepage                     | No                                    | No                                  | No                  |
| Other                       | No                                    | No                                  | No                  |
| APPURTENANT STRUCTURES      |                                       |                                     |                     |
| Defective Spillways         | No                                    | No                                  | No                  |
| Dewatering Devices Clogged  | No                                    | No                                  | No                  |
| Faulty Gates, Etc.          | No                                    | No                                  | No                  |
| Other                       | No                                    | No                                  | No                  |
| MAINTENANCE REQUIRED        | No                                    | No                                  | No                  |
| REFERENCE DRAWINGS:         | 2.05-M5E                              | 2.05-M5F                            | 2.05-M5D<br>2.05-M6 |

Inspected By: \_\_\_\_\_

*Doug A. Smith*  
Doug A. Smith



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MINE: Elk Creek Mine and Surface Facilities

| POND IDENTIFICATION:        | <u>Pond A1</u> | <u>Pond B</u> | <u>Pond C</u> | <u>East Yard</u> |
|-----------------------------|----------------|---------------|---------------|------------------|
| CDPS NUMBER                 | 009            | 012           | 014           | 010              |
| TYPE OF POND:               | Sediment       | Sediment      | Sediment      | Sediment         |
| APPROXIMATE WATER LEVEL:    | 0.0'           | 0.5'(6060.5') | 0.2'          | 0.2'             |
| SEDIMENT (% total storage): | <5%            | <5%           | <5%           | <5%              |
| OUTFLOW:                    | None           | None          | None          | None             |

| FEATURES                      | PROBLEM  | PROBLEM  | PROBLEM  | PROBLEM  |
|-------------------------------|----------|----------|----------|----------|
| <b>EROSIONAL</b>              |          |          |          |          |
| Rills & Gullies               | No       | No       | No       | No       |
| Inadequate Vegetation         | No       | No       | No       | No       |
| Outlet Channel Erosion        | No       | No       | No       | No       |
| Burrows                       | No       | No       | No       | No       |
| Other                         | No       | No       | No       | No       |
| <b>STRUCTURAL</b>             |          |          |          |          |
| Differential Settling         | No       | No       | No       | No       |
| Cracks or Slides              | No       | No       | No       | No       |
| Seepage                       | No       | No       | No       | No       |
| Other                         | No       | No       | No       | No       |
| <b>APPURTENANT STRUCTURES</b> |          |          |          |          |
| Defective Spillways           | No       | No       | No       | No       |
| Dewatering Devices Clogged    | No       | No       | No       | No       |
| Faulty Gates, Etc.            | No       | No       | No       | No       |
| Other                         | No       | No       | No       | No       |
| <b>MAINTENANCE REQUIRED</b>   | No       | No       | No       | No       |
| <b>REFERENCE DRAWINGS:</b>    | 2.05-M5A | 2.05-M5B | 2.05-M5C | 2.05-M5E |

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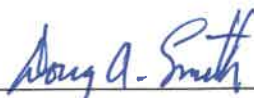
| POND IDENTIFICATION:        | <u>Pond E</u> | <u>Pond F <sup>(4)</sup></u> |
|-----------------------------|---------------|------------------------------|
| CDPS NUMBER                 | 017           | 019                          |
| TYPE OF POND:               | Sediment      | Sediment                     |
| APPROXIMATE WATER LEVEL:    | 0.0'          | 0.0'                         |
| SEDIMENT (% total storage): | <5%           | <5%                          |
| OUTFLOW:                    | None          | None                         |

| FEATURES                      | PROBLEM | PROBLEM |
|-------------------------------|---------|---------|
| <b>EROSIONAL</b>              |         |         |
| Rills & Gullies               | No      | No      |
| Inadequate Vegetation         | No      | No      |
| Outlet Channel Erosion        | No      | No      |
| Burrows                       | No      | No      |
| Other                         | No      | No      |
| <b>STRUCTURAL</b>             |         |         |
| Differential Settling         | No      | No      |
| Cracks or Slides              | No      | No      |
| Seepage                       | No      | No      |
| Other                         | No      | No      |
| <b>APPURTENANT STRUCTURES</b> |         |         |
| Defective Spillways           | No      | No      |
| Dewatering Devices Clogged    | No      | No      |
| Faulty Gates, Etc.            | No      | No      |
| Other                         | No      | No      |

MAINTENANCE REQUIRED No No

REFERENCE DRAWINGS: 2.05-M5I 2.05-M5J

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### Miscellaneous Comments:

1. The SWMP control devices were inspected and all SWMP control devices were found to be in fair condition. Routine quarterly maintenance to sumps was conducted.
2. Sediment and Water Level Determination – When sediment enters a pond, it is deposited unevenly, usually collecting at the inlets rather than evenly across the bottom of the pond. Reported sediment levels are based upon the inspector's observations made throughout the quarter during routine inspections in combination with knowledge of the pond structure. The reported pond water level is also determined by observations relative to the various landmarks in the pond (depth to bottom, primary riser, etc.)
3. Pond D was necessarily removed due to ongoing reclamation activities per the permit. Best Management Practices have been installed to protect stream flows.
4. Ponds at Substation #3 and Hubbard Creek Fan (Pond F) were Phase 3 released by Colorado Division of Reclamation, Mining, and Safety with Surety Release 4 in March of 2021.

Notwithstanding comments above, ponds have been maintained as designed and in accordance with the approved plan.

Inspected By: \_\_\_\_\_

  
Doug A. Smith

Under Direction of: \_\_\_\_\_

  
Michael V. Sullow  
Colorado Registered Professional Engineer No. 24046