



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

April 6, 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, Oxbow Mining, LLC, Terror Creek Loadout, Request for Minor Revision No. 32 (MR32).

Dear Mr. Simmons:

On behalf of Oxbow Mining, LLC's Terror Creek Loadout, we are submitting this application to request Minor Revision No. 32 (MR32) to the referenced CDRMS Permit. The attached materials, and an executed Application Form for a Revision, are included herein for the Division's consideration.

MR-32 is submitted to address updates to the Permit.

This application includes revisions to Section 2.03.04. Revised items include the Corporate Ownership and Control section (pages 2.03-5 through 2.03-7a).

USFWS and Colorado CPW web sites for Delta County Colorado were examined and an updated discussion of Threatened and Endangered species (Rule 2.04.11(4)) is included. Page 2.04-17 is revised and a 2.04-17a is added.

Please contact me at 970-929-6034 if you have questions.

Sincerely,

A handwritten signature in blue ink that reads 'Doug A. Smith'.

Doug A. Smith
Chief Engineer

Attachments

Xc: Mike Ludlow, OMLLC
Files



COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY

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

APPLICATION FORM FOR A REVISION TO A COAL MINING AND RECLAMATION PERMIT

This form must be completed and submitted with all requests for minor revisions, as defined in Rule 1.04(73), technical revisions, as defined in Rule 1.04(136), and permit revisions, as defined in Rule 1.04(90). All revisions are to address the requirements of Rule 2.08.4. Three (3) copies of the revision, including maps, must be submitted in order for it to be complete.

All revisions are to be formatted so they can be inserted into the permit to replace the revised sections, maps, tables and/or figures, with a revised table of contents, if necessary. The revision submittal date should be printed in the lower right corner of each revision page. A cover letter to the revision should explain the nature of the revision and reference the specific permit sections being revised.

For federal mines, a copy of the revision application must be submitted to all agencies on the federal mailing list (except OSM) at the same time the application is submitted to the Division, and proof of distribution must be submitted to the Division along with the application. Copies of revision 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 revision.

Permit No.: C - 1983 - 059 Date: 04 / 06 / 2023

Permittee: OXBOW MINING, LLC

Street: PO BOX 535
3737 HWY 133

City: SOMERSET

State: CO Zip Code: 81434

Brief Description of Revision: UPDATE SECTIONS 2.03.04 AND 2.04.11(4) OF
THE PERMIT

Public Notice Attached: Yes ☐ No ☒ (Required for PRs and TRs)

Bond Increase: Yes ☐ No ☒ Federal ☐ Non-Federal ☒ Mine

Proposed Change in:

Permit Area -

Disturbed (+/-) NA . . . Acres

Permit (+/-) NA . . . Acres

Affected (+/-) NA . . . Acres

Surface Ownership -

Private Land (+/-) NA . . . Acres

Federal Land (+/-) NA . . . Acres

State Land (+/-) NA . . . Acres

Mineral Ownership -

Mineral Private (+/-) NA . . . Acres

Mineral State (+/-) NA . . . Acres

Mineral Federal (+/-) NA . . . Acres

The certification that this information within the permit application is true and correct to the best of current knowledge and information, is set forth following the cover letter of this document.

2.03.4 Identification of Interests

(1) The applicant is a Delaware Limited Liability company

(2)(a) Permit Applicant:

Oxbow Mining, LLC
Colorado DRMS Permit #C-1983-059
MSHA ID 05-03818
EIN 65-1135317
Phone (970) 929-5122

(b) Applicant's Resident Agent

Doug A. Smith
Oxbow Mining, LLC.
3737 Highway 133
Somerset, CO 81434

(c) Person paying the abandoned mine land reclamation fee

Not applicable – No coal is being mined

(3)(a-c) persons who own or control the applicant

Oxbow Mining, LLC
1601 Forum Place, Suite P2
West Palm Beach, Florida 33401
EIN # 65-1135317

Officers of Oxbow Mining, LLC

<u>Name</u>	<u>Title</u>	<u>Date Elected</u>
Michael W. Ludlow	President	09/28/2013
William D. Parmelee	Chief Financial Officer	01/03/2011
Benjamin L. Klein	Chief Accounting Officer	03/03/2014
John M. Barnhart	Vice President-Sales	04/16/2010
Susan M. Borland	Vice President and Controller	04/22/2005
Benjamin L. Klein	Treasurer	01/03/2011
	Chief Accounting Officer	03/03/2014
David W. Clark	Secretary	02/02/2016
Adam K. Weinstein	Assistant Secretary	02/02/2016

Manager of Oxbow Mining, LLC

Michael W. Ludlow	Manager	09/28/2013
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Oxbow Carbon LLC owns 100% of the interest in Oxbow Mining, LLC

Oxbow Carbon LLC
1601 Forum Place, Suite P2
West Palm Beach, Florida 33401
EIN # 20-8709417

Directors of Oxbow Carbon LLC

	<u>Date Elected</u>	<u>End Date</u>
William I. Koch	05/08/2007	
Robert J. Hurst	05/08/2007	
Thomas W. Garges, Jr.	05/08/2007	
John G. Coumantaros	03/22/2010	
Richard P. Callahan	08/14/2015	
Peter C. Morse	02/10/2016	
David A. Rosow	10/05/2015	
Robert V. Hale	05/13/2019	
Darla Moore	10/24/2019	

Officers of Oxbow Carbon LLC

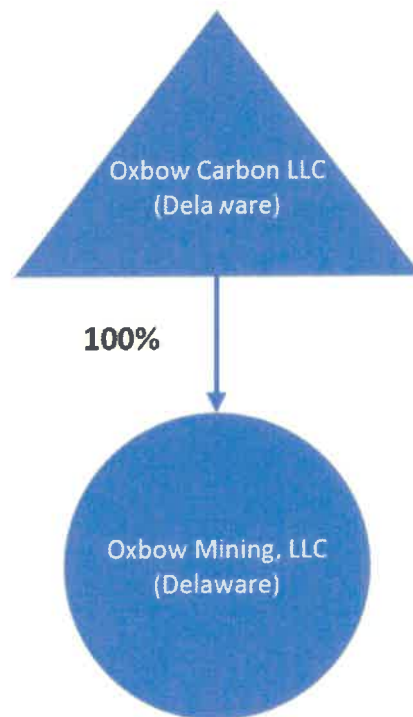
<u>Name</u>	<u>Title</u>	<u>Date Elected</u>	<u>End Date</u>
William I. Koch	Chairman and Chief Executive Officer	05/08/2007	
William D. Parmelee	Chief Financial Officer	01/03/2011	
Roy J. Schorsch	Executive Vice President-Operations	06/13/2016	
Craig J. Cynor	Executive Vice President	06/13/2016	
Benjamin L. Klein	Chief Accounting Officer	03/03/2014	
Gordon K. McIntosh	Executive Vice President	06/13/2016	
Patrick S. Brüning	Vice President-International Business	02/01/2012	
David W. Clark	Secretary	02/10/2016	
Benjamin L. Klein	Treasurer	01/03/2011	

Oxbow Carbon & Minerals Holdings, Inc., a Delaware corporation, owns 57.5616% of the interest in Oxbow Carbon LLC as the major shareholder.

Crestview-Oxbow Acquisition, LLC, a Delaware limited liability company owns 21.9778% of the interest in Oxbow Carbon LLC, as a minority shareholder, with no other owners in excess of 10% ownership.

Oxbow Mining LLC Organizational Chart

As of April 5, 2023



Oxbow Carbon & Minerals
Holdings, Inc. (Delaware) owns
57.5616% of Oxbow Carbon LLC

Oxbow Carbon & Minerals Holdings, Inc.

1601 Forum Place, Suite P2
West Palm Beach, Florida 33401
EIN # 23-2432218

Officers of Oxbow Carbon & Minerals Holdings, Inc.

<u>Name</u>	<u>Title</u>	<u>Date Elected</u>	<u>End Date</u>
William I. Koch	Chief Executive Officer	10/24/1990	
	President	05/24/2007	
David A. Rosow	Executive Vice President	11/04/2015	
Frederick M. Bennett	Treasurer	12/17/2018	
Pierre E. Azzi	Secretary	05/14/2015	

Directors of Oxbow Carbon & Minerals Holdings, Inc.

	<u>Date Elected</u>	<u>End Date</u>
William I. Koch	10/24/1986	
David A. Rosow	11/04/2015	

Game Birds

Mourning Dove, Blue grouse and Band-tailed Pigeons

Water Fowl and Other Birds

Mallards, Common goldeneye, Robin, Dark-eyed Junco, Blue Gray Gnatcatcher, Yellow Warbler, Green-tailed Towhee, and Rufous-sided Towhee

Amphibians and Reptiles

Gopher Snake, Wandering Garter Snake and Chorus Frog

Endangered or Threatened Species

Periodic review of threatened and endangered species (T&E) and their Delta County habitats is required. The T&E species lists provided on the Colorado Parks and Wildlife (CPW) and the United States Fish and Wildlife Service (USFWS) websites were reviewed for inclusion in Minor Revision-32. The CPW site listed species in the state of Colorado and the USFWS site listed species found in Delta County Colorado. There are no plans to expand the TCC coal handling facilities at this time. In fact, all screening and associated transportation facilities were removed in 2015 and operations have ceased.

The USFWS site describes eleven T&E species and one candidate that may occur in Delta County. None of these species has been discovered on the TCC property.

Yellow-billed Cuckoo is listed as federally threatened. Populations are believed to occur in parts of Western Colorado as well as in many other western states.

Gunnison sage-grouse is listed as federally threatened. Populations are believed to occur in parts of Central Western Colorado and in parts of Eastern Utah.

Mexican Spotted Owl is listed as federally threatened. Populations are believed to occur in Arizona, Colorado, New Mexico, Texas, and Utah

Colorado pikeminnow, is listed as federally endangered. These populations are known to exist in offsite areas in the lower parts of the Gunnison River. No populations are known to appear near TCC.

Razorback sucker and Humpback chub are listed as federally endangered. These populations are known to exist in offsite areas in the lower parts of the Gunnison River. No populations are known to appear near TCC.

Bonytail chub is listed as federally endangered. Populations are known to exist in offsite areas in the Gunnison River. No populations are known to appear near TCC.

Hookless cactus is listed as federally threatened and is known to exist between Montrose and Grand Junction. TCC operation has no effect on this species.

Clay-Loving wild buckwheat is listed as federally endangered and is found between Montrose and Delta. The TCC operation has no effect on this species.

Parachute beardtongue is listed as federally threatened and is found in Colorado. No populations are known to appear near TCC.

Canada Lynx is listed as federally threatened. There is no suitable habitat for the Canada Lynx located at or near TCC.

Monarch Butterfly is noted as a federal candidate. Populations are believed to occur in parts of Western Colorado as well as in many other western states as they migrate from Canada to Mexico. No populations are known to appear near TCC.

Based upon current information for these twelve species, the continued existence of the TCC property will not adversely affect or contribute to a loss of viability for any of these T&E or candidate species or their habitats.