



STATE OF  
COLORADO

Simmons - DNR, Leigh <leigh.simmons@state.co.us>

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## C1981022, Elk Creek Mine, July Inspection Report

1 message

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**Simmons - DNR, Leigh** <leigh.simmons@state.co.us>  
To: Doug Smith <Doug.Smith@oxbow.com>

Fri, Jul 14, 2023 at 3:37 PM

Attached

Leigh Simmons  
Environmental Protection Specialist



**COLORADO**  
Division of Reclamation,  
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Department of Natural Resources

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**INSP-REPORTC\_C1981022\_LDS\_07142023031902.pdf**  
5804K



**PERMIT INFORMATION**

<b>Permit Number:</b> C-1981-022 <b>Mine Name:</b> Elk Creek Mine <b>Operator:</b> Oxbow Mining, LLC <b>Operator Address:</b> Mr Doug Smith 3737 Hwy 133 P. O. Box 535 Somerset, CO 81434	<b>County:</b> Delta, Gunnison <b>Operation Type:</b> Underground <b>Permit Status:</b> Active <b>Ownership:</b> Private
	<b>Operator Representative Present:</b>  None
<b>Operator Representative Signature: (Field Issuance Only)</b>  	

**INSPECTION INFORMATION**

<b>Inspection Start Date:</b> July 12, 2023 <b>Inspection Start Time:</b> 10:30 <b>Inspection End Date:</b> <b>Inspection End Time:</b>	<b>Inspection Type:</b> Coal Partial Inspection <b>Inspection Reason:</b> Normal I&E Program <b>Weather:</b> Clear
<b>Joint Inspection Agency:</b>  None	<b>Joint Inspection Contacts:</b>
<b>Post Inspection Agency:</b>  None	<b>Post Inspection Contacts:</b>
<b>Inspector(s):</b>  Leigh Simmons	<b>Inspector's Signature:</b>  <b>Signature Date:</b>  July 14, 2023

**Inspection Topic Summary**

NOTE: Y=Inspected N=Not Inspected R=Comments Noted V=Violation Issued NA=Not Applicable

N - Air Resource Protection

N - Availability of Records

N - Backfill &amp; Grading

R - Excess Spoil and Dev. Waste

N - Explosives

N - Fish &amp; Wildlife

R - Hydrologic Balance

N - Gen. Compliance With Mine Plan

R - Other

N - Processing Waste

N - Roads

N - Reclamation Success

R - Revegetation

N - Subsidence

N - Slides and Other Damage

N - Support Facilities On-site

N - Signs and Markers

N - Support Facilities Not On-site

N - Special Categories Of Mining

N - Topsoil

**COMMENTS**

This was a partial inspection by Leigh Simmons of the Division of Reclamation, Mining and Safety (Division). The weather was hot, clear and dry. The status of the Elk Creek Mine is “active” however no coal is being mined and the only activity since the last inspection was site maintenance.

**EXCESS SPOIL and DEVELOPMENT WASTE – Rule 4.09**

Placement; Drainage Control; Surface Stabilization:

Both the West Valley Fill and the II West Valley Fill were stable and well vegetated.

**HYDROLOGIC BALANCE - Rule 4.05**

Drainage Control 4.05.1, 4.05.2, 4.05.3; Siltation Structures 4.05.5, 4.05.6; Discharge Structures 4.05.7, 4.05.10; Diversions 4.05.4; Effluent Limits 4.05.2; Ground Water Monitoring 4.05.13; Surface Water Monitoring 4.05.13; Drainage – Acid and Toxic Materials 4.05.8; Impoundments 4.05.6, 4.05.9; Stream Buffer Zones 4.05.18:

The water level in Elk Creek had dropped lower still since the last inspection, but it continued to flow. No repairs to the stream channel had been attempted yet.

Ponds C and E were both completely dry. The concrete embankments of each were both stable.

**OTHER (SPECIFY):**

The railroad company continued to use the flat area adjacent to the mine entrance for their ongoing track maintenance project.

**REVEGETATION – Rule 4.15**

Vegetative Cover; Timing:

Scotch thistle *Onopordum acanthium* was quite prevalent on the reclaimed Valley Fills and the surrounding areas, and will need to be treated. More details are given in the photograph captions.

Number of Partial Inspection this Fiscal Year: 1Number of Complete Inspections this Fiscal Year: 0

**DOCUMENTS RECEIVED**

N/A

**OTHER (SPECIFY)**

N/A

**ENFORCEMENT ACTIONS/COMPLIANCE**

No enforcement actions were initiated as a result of this inspection, nor are any pending.

Number of Partial Inspection this Fiscal Year: 1

Number of Complete Inspections this Fiscal Year: 0



## **PHOTOGRAPHS**



*Figure 1: Elk Creek*



*Figure 2: Pond C*

Number of Partial Inspection this Fiscal Year: 1

Number of Complete Inspections this Fiscal Year: 0





Figure 3: West Valley Fill (1 of 2)



Figure 4: West Valley Fill (2 of 2)

Number of Partial Inspection this Fiscal Year: 1

Number of Complete Inspections this Fiscal Year: 0





*Figure 5: Scotch thistle on lower access road to West Valley Fill (1 of 2)*



*Figure 6: Scotch thistle on lower access road to West Valley Fill (2 of 2)*

Number of Partial Inspection this Fiscal Year: 1

Number of Complete Inspections this Fiscal Year: 0





Figure 7: Scotch thistle, *Onopordum acanthium*

Number of Partial Inspection this Fiscal Year: 1

Number of Complete Inspections this Fiscal Year: 0





*Figure 8: Top of West Valley Fill*



*Figure 9: Reclaimed road to II West Valley Fill. Not too weedy. Lots of penstemon and Cicer Milk Vetch.*

Number of Partial Inspection this Fiscal Year: 1

Number of Complete Inspections this Fiscal Year: 0





*Figure 10: Top of II West Valley Fill, patch of thistle should be treated*



*Figure 11: II West Valley Fill and Pond E*

Number of Partial Inspection this Fiscal Year: 1

Number of Complete Inspections this Fiscal Year: 0





*Figure 12: Isolated thistle along lower access road and at site of topsoil pile should be treated*



*Figure 13: Lower section of reclaimed Elk Creek channel*

Number of Partial Inspection this Fiscal Year: 1

Number of Complete Inspections this Fiscal Year: 0