



U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation  
State Program



1. Permittee/Person <b>OXBOW MINING LLC</b>		9. Permit Number <b>C1981022</b>		10. Permit Type <b>PP</b>	
2. Address <b>1601 FORUM PLACE SUITE 1400</b>		11. Field Visit Date <b>10/25/2023</b> <small>mm - dd - yyyy</small>		12. Purpose <b>OB3</b>	
3. City <b>WEST PALM BEACH</b>		13. SRA Present <b>Y</b>		14. Permit Status <b>A</b>	
4. State <b>FL</b>		15. Site Status <b>MC</b>		16. Facility Type <b>BE</b>	
5. Zip Code <b>33401</b>		17. OSM Office # <b>140</b>		18. CCID # <b></b>	
6. Phone Number <b>(561) 697-4300</b>		19. Land Code <b>SF</b>		20. M.S.H.A. ID # <b>05-04674</b>	
7. Operator Name, if Different than Permittee <b>OXBOW MINING LLC</b>		21. State Abbrev. <b>CO</b>		22. County/Burrough <b>GUNNISON</b>	
8. Mine Name <b>ELK CREEK/SANBORN CRK/SOMMERSET</b>		23. AVS Permittee Entity ID Number <b>151178</b>		24. State Office <b></b>	

25. Hours		26. Signature Block		27. Reviewing Official:	
a. Permit Review <b>6.0</b>		Signature: <b>Thomas Medlin, ID#562</b> Inspector's Name:		Signature: <b>Howard Strand</b> Reviewer's Name:	
b. Site Visit Time <b>7.0</b>		Date: <b>11/6/2023</b>		Date: <b>11/7/2023</b>	
c. Travel Time <b>5.0</b>					
d. Report Writing <b>10.0</b>					

Permit Type - Item 10 IP = Interim Program PP = Permanent Program NP = No Permit

**Purpose Type Codes - Item 12**

Oxx...Oversight  
Axx...Assistance

RFx...Reclamation Fees  
Fxx...Federal Actions

CCR...Citizen Complaint Referral (non-site visit)  
CC...Citizen Complaint (initial site visit)  
CCF...Assistance

**Joint Inspection - Item 13** A joint inspection is when a state inspector accompanies an OSM inspector at any time during the review of the mine site

**Permit Status - Item 14**

**A** Active: Coal mining activities occurring or permitted but not yet disturbed.  
**IN** Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. (Interim Program Permit): Coal mining completed and reclamation activities initiated.  
**BR** Bond Release: Reclamation completed and State Regulatory Authority(RA) has released all of the bond (Phase III Release).

**AB** Abandoned: All surface and underground coal mining activities have ceased and operator has left the site without completing reclamation as defined in 30 CFR 840:11(g).  
**AB1** Bond Forfeiture: Bond forfeiture officially in process or completed and reclamation in progress or not yet commenced.  
**AB2** Partially Reclaimed Forfeiture: Forfeited site where all bonds have been used to reclaim site, but site not reclaimed to Program standards.  
**AB3** Reclaimed Forfeiture: Forfeited site that has been reclaimed to Program standards.  
**NA** Not Applicable: When site is unpermitted.

**Site Status - Item 15**

**ND** No Disturbance: No coal mining and reclamation operations have been started.  
**EX** Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.  
**AP** Active Coal Producing: Coal surface mining activities are occurring.  
**AN** Active Non-Producing: Active non-producing facility such as tipple or preparation plant.  
**NM** No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.

**MC** Mining Complete: No mining activity on site, site regraded and awaiting bond release.  
**TC** Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/817:13(b).  
**P1** Phase I Release: At least Phase I bond release granted for entire permitted area. For interim permits, partial bond release.  
**P2** Phase II Release: At least Phase II bond release for the entire permitted area.  
**P3** Phase III Release: Reclamation completed and the RA has released all bond.

**NS** Non-Site Visit: Status of site not determined.  
**FP** Forfeiture Pending: The RA is pursuing actions to revoke the permit, collect the performance bond(s), and/or reclamation of forfeited site is in progress.  
**FR** Forfeited and Reclaimed: Forfeiture reclamation completed.  
**FO** Abandoned Site: Abandoned site that is permitted but there is no bond.  
**WC** Wildcat: Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA.

**Facility Type Codes - Item 16**

**A**...Surface  
**B**...Underground  
**C**...Preparation Plant

**D**...Ancillary (Haulroad, Conveyor, and/or Rails)  
**E**...Refuse and/or Impoundment  
**F**...Loading Facility and/or Tipple  
**G**...Stockpiles

**H**...Exploration Permits  
**I**...Notice of Intent to Explore  
**J**...Exempt 16 and 2/3

**K**...Government Financed Construction Exemption  
**L**...Remining site permitted under 30 CFR 785.25

**Small Business Regulatory Enforcement Fairness Act (SBREFA)**

**Your Comments are Important**

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 500 or fewer employees including those of affiliates) and wish to comment on the enforcement or compliance activities of OSM, call 1-888-REG-FAIR (1-888-734-3247).

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Permit  
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Field Visit  
Date **10/25/2023**

State Program  
Continuation Page

## 28. Performance Standard Categories

Codes: 1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere, 6=Previously Cited, 7=Permit Defect

### A. Administrative

1. ☐ Mining within Valid Permit
2. ☐ Mining within Bonded Area
3. ☐ Terms & Conditions of Permit
4. ☐ Liability Insurance
5. ☐ Ownership and Control
6. ☐ Temporary Cessation
7. ☐ AML Rec. Fees - Non-Respondent
8. ☐ AML Rec. Fees - Failure to Pay

### B. Hydrologic Balance

1. ☒ Drainage Control
2. ☐ Inspections & Certifications
3. ☐ Siltation Structures
4. ☐ Discharge Structures
5. ☐ Diversions
6. ☐ Effluent Limits
7. ☐ Ground Water Monitoring
8. ☐ Surface Water Monitoring
9. ☐ Drainage - Acid-Toxic Materials
10. ☐ Impoundments
11. ☐ Stream Buffer Zones

### C. Topsoil & Subsoil

1. ☐ Removal
2. ☐ Substitute Materials
3. ☐ Storage and Protection
4. ☒ Redistribution

### D. Backfilling & Grading

1. ☐ Exposed Openings
2. ☐ Contemporaneous Reclamation
3. ☒ Approximate Original Contour
4. ☐ Highwall Elimination
5. ☐ Steep Slopes (includes downslope)
6. ☐ Handling of Acid and Toxic Materials
7. ☒ Stabilization (rills and gullies)

### E. Excess Spoil Disposal

1. ☐ Placement
2. ☐ Drainage Control
3. ☐ Surface Stabilization
4. ☐ Inspections & Certifications

### F. Coal Mine Waste (Refuse Piles/Impoundments)

1. ☐ Drainage Control
2. ☐ Surface Stabilization
3. ☐ Placement
4. ☐ Inspections & Certifications
5. ☐ Impounding Structures

### G. Use of Explosives

1. ☐ Blaster Certification
2. ☐ Distance Prohibitions
3. ☐ Blast Survey/Schedule
4. ☐ Warnings & Records
5. ☐ Control of Adverse Effects

### H. ☐ Subsidence Control Plan

#### I. Roads

1. ☐ Road Construction
2. ☐ Certification
3. ☐ Drainage
4. ☐ Surfacing and Maintenance
5. ☒ Reclamation

#### J. Signs & Markers

1. ☐ Signs
2. ☐ Markers

#### K. ☐ Distance Prohibitions

#### L. Revegetation

1. ☒ Vegetative Cover
2. ☒ Timing

#### M. ☒ Postmining Land Use

#### N. Other

General  
Performance  
Category


## Performance Standard Categories 30 CFR Counterparts

### A. Administrative

- |                                   |                         |
|-----------------------------------|-------------------------|
| 1. Valid Permit                   | 773.11                  |
| 2. Mining within Bonded Area      | 773.11                  |
| 3. Terms & Conditions of Permit   | 773.17                  |
| 4. Liability Insurance            | 800.60                  |
| 5. Ownership and Control          | 778.13                  |
| 6. Temporary Cessation            | 842.11(e) & 816/817.131 |
| 7. AML Rec. Fees - Non-Respondent | 870.15(b)               |
| 8. AML Rec. Fees - Failure to Pay | 870.15(a)               |

### B. Hydrologic Balance (816/817.41-57)

- |                                     |           |
|-------------------------------------|-----------|
| 1. Drainage Control                 | 45        |
| 2. Inspections & Certifications     | 49(a)(10) |
| 3. Siltation Structures             | 46        |
| 4. Discharge Structures             | 47        |
| 5. Diversions                       | 43        |
| 6. Effluent Limits                  | 42        |
| 7. Ground Water Monitoring          | 41(c)     |
| 8. Surface Water Monitoring         | 41(e)     |
| 9. Drainage--Acid - Toxic Materials | 41(f)     |
| 10. Impoundments                    | 49        |
| 11. Stream Buffer Zones             | 57        |

### C. Topsoil & Subsoil (816/817.22)

- |                           |       |
|---------------------------|-------|
| 1. Removal                | 22(a) |
| 2. Substitute Materials   | 22(c) |
| 3. Storage and Protection | 22(c) |
| 4. Redistribution         | 22(d) |

### D. Backfilling & Grading (816/817.95-107)

- |                                       |                                   |
|---------------------------------------|-----------------------------------|
| 1. Exposed Openings                   | 816/817.13, 14, 15, & 823.11 & 21 |
| 2. Contemporaneous Reclamation        | 100                               |
| 3. Approximate Original Contour       | 102(a)(1)                         |
| 4. Highwall Elimination               | 102(a)(2)                         |
| 5. Steep Slopes (includes downslope)  | 107                               |
| 6. Handling of Acid & Toxic Materials | 102(c)                            |
| 7. Stabilization (rills and gullies)  | 95(b)                             |

### E. Excess Spoil Disposal (816/817.71-74)

- |                                 |       |
|---------------------------------|-------|
| 1. Placement                    | 71(e) |
| 2. Drainage Control             | 71(f) |
| 3. Surface Stabilization        | 71(g) |
| 4. Inspections & Certifications | 71(h) |

### F. Coal Mine Waste (Refuse Piles/Impoundments) (816/817.81-84)

- |                                   |       |
|-----------------------------------|-------|
| 1. Drainage Control               | 83(a) |
| 2. Surface Stabilization          | 83(b) |
| 3. Placement                      | 83(c) |
| 4. Inspections and Certifications | 83(d) |
| 5. Impounding Structures          | 84    |

### G. Use of Explosives (816/817.61-68)

- |                               |         |
|-------------------------------|---------|
| 1. Blaster Certification      | 61(c)   |
| 2. Distance Prohibitions      | 61(d)   |
| 3. Blast Survey/Schedule      | 62-64   |
| 4. Warnings & Records         | 66 & 68 |
| 5. Control of Adverse Effects | 67      |

### H. Subsidence Control Plan (817.121-122)

### I. Roads (816/817.150-151)

- |                              |               |
|------------------------------|---------------|
| 1. Road Construction         | 150(c)        |
| 2. Certification             | 151(a)        |
| 3. Drainage                  | 150(b)-151(d) |
| 4. Surfacing and Maintenance | 150(e)-151(d) |
| 5. Reclamation               | 150(f)        |

### J. Signs & Markers (816/817.11)

- |            |                       |
|------------|-----------------------|
| 1. Signs   | 11(a),(b),(c)         |
| 2. Markers | 11(a),(b),(d),(e),(f) |

### K. Distance Prohibitions (761.11)

### L. Revegetation (816/817.111-116)

- |                     |           |
|---------------------|-----------|
| 1. Vegetative Cover | 111 & 116 |
| 2. Timing           | 113       |

### M. Postmining Land Use (816/817.133)

#### OSM Action

- |                             |  |
|-----------------------------|--|
| 1) Deferred to State Action | 6) ID-CO Issued (Imminent Danger to Public)  |
| 2) TDN Issued               | 7) Previously cited by RA, abatement pending |
| 3) NOV Issued               | 8) Abated during or before OSM inspection    |
| 4) FTA-CO Issued            | 9) Follow-up of Federal Action               |
| 5) IH-CO Issued             | 0) Off-site impact with no violation         |

#### Off-Site Impacts

For each type of impact and resource affected, enter "N, D, or J" to describe the degree of off-site impact:  
N - Minor Occurrence  
D - Moderate Occurrence  
J - Major Occurrence