



United States Department of the Interior

OFFICE OF SURFACE MINING
Reclamation and Enforcement
Western Region Office
P.O. Box 25065
Lakewood, Colorado 80225



January 17, 2024

Jason Musick
Coal Program Supervisor
Colorado Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

Re: Partial Phase III Bond Release SL-8; Oxbow Mining, LLC; Elk Creek Mine; C-1981-022

Dear Mr. Musick:

This letter acknowledges the Office of Surface Mining Reclamation and Enforcement's (OSMRE) receipt and review of the Colorado Division of Reclamation, Mining and Safety's (DRMS) December 13, 2023 Proposed Decision and Findings of Compliance for the Elk Creek Mine SL-8 partial Phase III bond release application. OSMRE agrees with the proposed decision and hereby provides concurrence in accordance with 30 CFR 740.15(d)(3) and 30 CFR 906.30, Article IX, Section 24 of the State-Federal Cooperative Agreement.

By email dated October 6, 2023 DRMS invited OSMRE to attend the rescheduled SL-8 field inspection at the Elk Creek Mine. OSMRE participated in the inspection which was held on October 25, 2023. Portions of the surface and mineral ownership associated with SL-8 are federal. Accordingly, by letters dated December 21, 2023 and January 5, 2024 the Bureau of Land Management – Uncompahgre Field Office and US Forest Service – Paonia Ranger District, respectively, provided their concurrence with DRMS's proposed decision. OSMRE interprets this to mean Oxbow Mining, LLC (OMLLC) is in compliance with all stipulations related to its federal leases.

DRMS's proposed decision notes OMLLC's compliance with the Colorado regulatory program at Rule 3.03.1(2)(c) and recommends approving partial Phase III bond release on 9.50 acres at the Elk Creek Mine. DRMS currently holds a performance bond in the amount of \$2,000,000.00 which covers the entire permit area including the acreage proposed for release. Under SL-8 DRMS proposes to release a total of \$297.00 from reclamation liability. OSMRE concurs with DRMS's proposed decision.

Sincerely,

Howard E. Strand, Manager
Denver Field Branch

Cc: Oxbow Mining, LLC