



February 7, 2024

Mr. Leigh Simmons
Environmental Protection Specialist
Colorado Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

Re: Oxbow Mining, LLC., Terror Creek Loadout, Permit C-1983-059
2023 Annual Reclamation Report

Dear Mr. Simmons,

Please accept this letter as the 2023 Annual Reclamation Report for the Oxbow Mining, LLC, Terror Creek loadout facility.

The coal sorting and loadout facility equipment was dismantled and removed from the property prior to 2017. Railroad track and ties, associated with the sidings used to load coal cars in the past, were removed from the property during 2017 and the ballast was left in place. The Union Pacific Rail Road (UPRR) continues to store rock in this area, which is in the right of way. The Shower facility was inspected and no asbestos was found. The Shower facility was then demolished and removed to the Delta County Landfill during late 2019. During October of 2020, remaining concrete structures of the main production level were removed and buried in preparation to pursue the commercial post mine land use.

During 2023, Oxbow made progress toward achieving the post mine land use, per Minor Revision 33, as a multiuse storage facility, that will accommodate construction materials such as sand, gravel, and heavy equipment in addition to storage of RV's and Boats. A Temporary Fabric Building, 85'x 240'x 50', was assembled and presently stores 8,500 tons of sand.

Coal fines and concrete pedestals and rail ballast located to the south of the main production level, along the UPRR right of way, were removed and buried during 2023. No topsoil was disturbed during 2023. Approximately 1.7 acres in this area were supplementally seeded with the appropriate approved seed mixes. 11 lbs of Terror Creek Table 1 Seed Mix were spread on flat areas and 10.5 lbs of Terror Creek Table 2 Seed Mix were spread upon sloped areas. Straw waddles were installed to provide sediment control in this industrial area. Certification letters and seed analysis accompany this submittal.

The property was spot sprayed for minor invasions of the noxious weeds whitetop (*cardaria draba*) and Canada thistle (*Cirsium arvense*), using Curtail and Escort herbicides in accordance with the requirements of the labels.

Attached is an executed *CDRMS Annual Reclamation Report for the year 2023* form, as required for Division records.

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

Sincerely,

A handwritten signature in black ink that reads "Doug A. Smith". The signature is written in a cursive, flowing style.

Doug A. Smith
Chief Engineer

Attachment

Xc; Mike Ludlow (OMLLC)

Colorado Division of Reclamation, Mining and Safety

Annual Reclamation Report for Calendar Year – 2023

TERROR CREEK LOADOUT C-1983-059 OXBOW MINING, LLC.

Mine Name Permit Number Permittee

P.O. BOX 535, SOMERSET, CO 81434

Address

This report, required by Rule 2.04.13, is due by February 15 of each year, or other date, as agreed upon by the Division. It should include text, discussion, and maps, at a minimum, in addition to any other reclamation monitoring data as required by the approved permit. The location of the acreage reported under each land status category and year of seeding (if applicable) should be clearly identified on a map included with the report.

Land Category	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
Acreage in Active Mining Areas ¹	13	0	0	=	13

Land Category	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
Acres Disturbed ²	0	0	0	=	0
Acres Backfilled and Graded	0	0	0	=	0
Acres Topsoiled	0	0	0	=	0

Acreage in Long-term Facilities ³	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
Non-Permanent Facilities	0	0	0	=	0
Permanent Facilities (permitted)	0	0	0	=	0
Totals	0			=	0

Acres Seeded (permanent)	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
9 Years and Less	0	0	0	=	0
10 Years and Greater	0	0	0	=	0
Totals	0			=	0

Bond Release	Last Year's Cumulative Total (from last year's ARR)	This Calendar Year			Cumulative Total
		Acres Added (+)	Acres Subtracted (-)		
Phase I Released	0	0	0	=	0
Phase II Released	0	0	0	=	0
Phase III Released	0	0	0	=	0

¹Includes pits, topsoil stripped areas in advance of pits, and spoil not backfilled and graded

²Surface Mine Acres Disturbed = B&G + Long-Term Facilities + Active Mining Areas; Underground Mine Acres Disturbed = B&G + Long-Term Facilities; Separately-permitted Loadouts = B&G + Long-Term Facilities

³Includes haul, access and light-use roads, temporary dams and impoundments; permanent dams and impoundments; diversion and collector ditches, water and air monitoring sites; topsoil stockpiles; overburden stockpiles; repair, storage and construction areas; office area, repair shops, and parking; coal stockpiles, loading, and processing areas; railroads; coal conveyors; refuse piles and coal mine waste impoundments; head-of-hollow fills; valley fills; ventilation shafts and entryways; and non-coal waste disposal area (garbage dumps and coal combustion by-products disposal areas).

From:
Granite Seed - Denver

490 East 76th Ave., Unit A
Denver, CO 80229

CERTIFIED COPY OF SEED ANALYSIS

Separate Seed Certification
3-66816

Kind and Variety: ORCHARDGRASS - Paiute

Lot Number:	L195-20-OG1	Origin:	OR
Pure Seed:	89.69 %	Germ % + Hard %	92 -G&TZ
Other Crop:	0.87 %	Total Viable %:	92.00
Inert Matter:	9.44 %	Date Tested:	03-JAN-23
Weed Seed:	0.00 %	Prohibited or Restricted Noxious Weed:	None
Pure Live Seed:	82.51 %		

Laboratory Names:
NST Labs
(Purity: Oregon State University)

Kind and Variety: INTERMEDIATE WHEATGRASS - Rush

Lot Number:	BTS-2245	Origin:	WY
Pure Seed:	95.31 %	Germ % + Hard %	96 -G&TZ
Other Crop:	0.00 %	Total Viable %:	96.00
Inert Matter:	4.69 %	Date Tested:	30-JUN-23
Weed Seed:	0.00 %	Prohibited or Restricted Noxious Weed:	None
Pure Live Seed:	91.50 %		

Laboratory Names:
NST Labs
(Purity: Wyoming Seed Analysis Lab)

Kind and Variety: ALFALFA - Ladak 65

Lot Number:	1791-8-AVS1150	Origin:	CAN
Pure Seed:	99.52 %	Germ % + Hard %	85 + 4 = 89-G&TZ
Other Crop:	0.00 %	Total Viable %:	89.00
Inert Matter:	0.40 %	Date Tested:	30-MAR-23
Weed Seed:	0.08 %	Prohibited or Restricted Noxious Weed:	None
Pure Live Seed:	88.57 %		

Laboratory Names:
Montana State Seed Lab
(Purity: AG Seed Lab)

Kind and Variety: SLENDER WHEATGRASS - San Luis

Lot Number:	1791-8-AVS1063	Origin:	CAN
Pure Seed:	98.29 %	Germ % + Hard %	96 -P&TZ
Other Crop:	0.00 %	Total Viable %:	96.00
Inert Matter:	1.68 %	Date Tested:	17-AUG-23
Weed Seed:	0.03 %	Prohibited or Restricted Noxious Weed:	None
Pure Live Seed:	94.36 %		

Laboratory Names:
Montana State Seed Lab

Kind and Variety: TIMOTHY - Climax

Lot Number:	1791-8-AVS1082	Origin:	CAN
Pure Seed:	99.73 %	Germ % + Hard %	97 -TZ
Other Crop:	0.05 %	Total Viable %:	97.00
Inert Matter:	0.22 %	Date Tested:	27-FEB-23
Weed Seed:	0.00 %	Prohibited or Restricted Noxious Weed:	galium tricomutum
Pure Live Seed:	96.74 %		

Laboratory Names:
NST Labs
(Purity: Henricks Seed Lab, Inc.)

Kind and Variety: BROMEGRASS, SMOOTH - Lincoln

Lot Number:	H12212	Origin:	KS
Pure Seed:	88.19 %	Germ % + Hard %	90 -P&G
Other Crop:	0.11 %	Total Viable %:	90.00
Inert Matter:	11.67 %	Date Tested:	17-AUG-23

Laboratory Names:
NST Labs

Granite Seed - Denver certifies that this analysis accurately represents the original copy of seed analysis and, where applicable, all testing has been conducted by a certified Seed Technologist using the sanctioned rules established by the Association of Official Seed Analysts.

Certified By: Miranda McCutchen

Signature:



Date: 01/22/2024

From:
Granite Seed - Denver

490 East 76th Ave., Unit A
Denver, CO 80229

Weed Seed: 0.03 %
Pure Live Seed: 79.37 %

CERTIFIED COPY OF SEED ANALYSIS

Separate Seed Certification
3-66816

Prohibited or Restricted Noxious Weed: galium spp.

Granite Seed - Denver certifies that this analysis accurately represents the original copy of seed analysis and, where applicable, all testing has been conducted by a certified Seed Technologist using the sanctioned rules established by the Association of Official Seed Analysts.

Certified By: Miranda McCutchen

Signature:



Date: 01/22/2024



490 East 76th Ave., Unit A
Denver, Colorado 80229
Toll Free (888) 577-5650
Fax (888) 695-5450

Granite Seed - Denver
490 East 76th Ave., Unit A
Denver, CO 80229

3-66816

Date Shipped: 18-Sep-23

Sold To:
Oxbow Mining Company
Accounts Payable
1601 Forum Place
Suite 1400
West Palm Beach, FL 33401

Project Name: Terror Creek Table 1
Mix Name: Terror Creek Table 1
Seed Mix Number: 251200
Customer PO:

Letter of Certification

This memo is written to certify that this seed mix is true to label and has been duly tested by a fully accredited seed testing laboratory using rules sanctioned by the Association of Official Seed Analysts. The specifications of the seed used in the mix are as follows:

Common Name	Variety	Origin	Lot #	Purity	G+D+H	%PLS
Intermediate wheatgrass	Rush	WY	BTS-2245	95.31	96	91.50
Bromegrass, Smooth	Lincoln	KS	H12212	88.19	90	79.37
Orchardgrass	Paiute	OR	L195-20-OG1	89.69	92	82.51
Slender wheatgrass	San Luis	CAN	1791-8-AVS1063	98.29	96	94.36
Alfalfa	Ladak 65	CAN	1791-8-AVS1150	99.52	85 + 4 = 89	88.57
Timothy	Climax	CAN	1791-8-AVS1082	99.73	97	96.74

Lot #	Number of Bags	Bulk Lbs. Per Bag
251200	1	17.05 partial

Common Name	Lot #	Total Bulk Lbs.	Total PLS Lbs.	% Total Bulk Lbs.
Intermediate wheatgrass	BTS-2245	8.42	7.70	49.35
Bromegrass, Smooth	H12212	3.04	2.41	17.81
Orchardgrass	L195-20-OG1	2.02	1.67	11.87
Slender wheatgrass	1791-8-AVS1063	1.46	1.38	8.58
Alfalfa	1791-8-AVS1150	1.40	1.24	8.21
Timothy	1791-8-AVS1082	0.71	0.69	4.18
Grand Total Lbs:		17.05	15.09	

Noxious Weeds: galium tricomutum, galium spp.

If you have any questions, please call.

Sincerely,

Miranda McCutchen - 01/22/2024
Granite Seed - Denver

From:
Granite Seed - Denver

490 East 76th Ave., Unit A
Denver, CO 80229

CERTIFIED COPY OF SEED ANALYSIS

Separate Seed Certification
3-66815

Kind and Variety: INDIAN RICEGRASS - Nezpar

Lot Number:	NBS-NB22-IRG-1	Origin:	WA	Laboratory Names:	NST Labs
Pure Seed:	99.09 %	Germ % + Hard %	1 + 96 = 97-P,G,&TZ		
Other Crop:	0.03 %	Total Viable %:	97.00		
Inert Matter:	0.66 %	Date Tested:	18-MAY-23		
Weed Seed:	0.22 %	Prohibited or Restricted Noxious Weed:	galium spp.		
Pure Live Seed:	96.12 %				

Kind and Variety: TALL WHEATGRASS - Jose

Lot Number:	LM-22-HY9	Origin:	ND	Laboratory Names:	NST Labs
Pure Seed:	95.00 %	Germ % + Hard %	94 -P&G		
Other Crop:	0.12 %	Total Viable %:	94.00		
Inert Matter:	4.88 %	Date Tested:	21-DEC-22		
Weed Seed:	0.00 %	Prohibited or Restricted Noxious Weed:	avena fatua		
Pure Live Seed:	89.30 %				

Kind and Variety: WESTERN WHEATGRASS - Rosana

Lot Number:	22-2-21	Origin:	MT	Laboratory Names:	Montana State Seed Lab (Purity: Montana State Seed Lab)
Pure Seed:	97.58 %	Germ % + Hard %	93 -G&TZ		
Other Crop:	0.00 %	Total Viable %:	93.00		
Inert Matter:	2.36 %	Date Tested:	10-APR-23		
Weed Seed:	0.06 %	Prohibited or Restricted Noxious Weed:	None		
Pure Live Seed:	90.75 %				

Kind and Variety: SLENDER WHEATGRASS - San Luis

Lot Number:	1791-8-AVS1063	Origin:	CAN	Laboratory Names:	Montana State Seed Lab
Pure Seed:	98.29 %	Germ % + Hard %	96 -P&TZ		
Other Crop:	0.00 %	Total Viable %:	96.00		
Inert Matter:	1.68 %	Date Tested:	17-AUG-23		
Weed Seed:	0.03 %	Prohibited or Restricted Noxious Weed:	None		
Pure Live Seed:	94.36 %				

Kind and Variety: STREAMBANK WHEATGRASS - Sodar

Lot Number:	22-0-49	Origin:	MT	Laboratory Names:	Montana State Seed Lab
Pure Seed:	98.69 %	Germ % + Hard %	97 -P&TZ		
Other Crop:	0.05 %	Total Viable %:	97.00		
Inert Matter:	1.22 %	Date Tested:	06-JUL-23		
Weed Seed:	0.04 %	Prohibited or Restricted Noxious Weed:	None		
Pure Live Seed:	95.73 %				

Kind and Variety: BITTERBRUSH, ANTELOPE - VNS

Lot Number:	SIS5742	Origin:	ID	Laboratory Names:	Wyoming Seed Analysis Lab (Purity: Tangent Seed Lab)
Pure Seed:	98.87 %	Germ % + Hard %	59 -TZ		
Other Crop:	0.00 %	Total Viable %:	59.00		
Inert Matter:	1.13 %	Date Tested:	28-AUG-23		

Granite Seed - Denver certifies that this analysis accurately represents the original copy of seed analysis and, where applicable, all testing has been conducted by a certified Seed Technologist using the sanctioned rules established by the Association of Official Seed Analysts.

Certified By: Miranda McCutchen

Signature:



Date: 01/22/2024

From:
Granite Seed - Denver

490 East 76th Ave., Unit A
Denver, CO 80229

Weed Seed: 0.00 %
Pure Live Seed: 58.33 %

CERTIFIED COPY OF SEED ANALYSIS

Separate Seed Certification
3-66815

Prohibited or Restricted Noxious Weed: None

Kind and Variety: YARROW, WESTERN - Columbia

Lot Number: 2039-1
Pure Seed: 95.39 %
Other Crop: 0.00 %
Inert Matter: 4.08 %
Weed Seed: 0.53 %
Pure Live Seed: 87.76 %

Origin: WA
Germ % + Hard % 92 -TZ
Total Viable %: 92.00
Date Tested: 24-MAY-23
Prohibited or Restricted Noxious Weed: None

Laboratory Names:
NST Labs
(Purity: Montana State Seed Lab)

Kind and Variety: SMALL BURNET - Delar

Lot Number: 1829-1
Pure Seed: 99.83 %
Other Crop: 0.08 %
Inert Matter: 0.09 %
Weed Seed: 0.00 %
Pure Live Seed: 90.85 %

Origin: WA
Germ % + Hard % 91 -TZ
Total Viable %: 91.00
Date Tested: 19-JUN-23
Prohibited or Restricted Noxious Weed: None

Laboratory Names:
NST Labs
(Purity: NST Labs)

Kind and Variety: CICER MILKVETCH - Lutana

Lot Number: 21-0-47
Pure Seed: 99.99 %
Other Crop: 0.00 %
Inert Matter: 0.01 %
Weed Seed: 0.00 %
Pure Live Seed: 90.99 %

Origin: MT
Germ % + Hard % 39 + 52 = 91-G&TZ
Total Viable %: 91.00
Date Tested: 10-JAN-23
Prohibited or Restricted Noxious Weed: None

Laboratory Names:
Montana State Seed Lab
(Purity: Montana State Seed Lab)

Kind and Variety: RABBITBRUSH, RUBBER - VNS

Lot Number: V-131136
Pure Seed: 59.91 %
Other Crop: 0.00 %
Inert Matter: 40.09 %
Weed Seed: 0.00 %
Pure Live Seed: 49.73 %

Origin: UT
Germ % + Hard % 83 -TZ
Total Viable %: 83.00
Date Tested: 24-MAY-23
Prohibited or Restricted Noxious Weed: None

Laboratory Names:
NST Labs
(Purity: NST Labs)

Kind and Variety: TIMOTHY - Climax

Lot Number: 1791-8-AVS1082
Pure Seed: 99.73 %
Other Crop: 0.05 %
Inert Matter: 0.22 %
Weed Seed: 0.00 %
Pure Live Seed: 96.74 %

Origin: CAN
Germ % + Hard % 97 -TZ
Total Viable %: 97.00
Date Tested: 27-FEB-23
Prohibited or Restricted Noxious Weed: galium tricomutum

Laboratory Names:
NST Labs
(Purity: Henricks Seed Lab, Inc.)

Granite Seed - Denver certifies that this analysis accurately represents the original copy of seed analysis and, where applicable, all testing has been conducted by a certified Seed Technologist using the sanctioned rules established by the Association of Official Seed Analysts.

Certified By: Miranda McCutchen

Signature:



Date: 01/22/2024



490 East 76th Ave., Unit A
Denver, Colorado 80229
Toll Free (888) 577-5650
Fax (888) 695-5450

Granite Seed - Denver
490 East 76th Ave., Unit A
Denver, CO 80229

3-66815

Date Shipped: 18-Sep-23

Sold To:
Oxbow Mining Company
Accounts Payable
1601 Forum Place
Suite 1400
West Palm Beach, FL 33401

Project Name: Terror Creek Table 2
Mix Name: Terror Creek Table 2
Seed Mix Number: 251198
Customer PO:

Letter of Certification

This memo is written to certify that this seed mix is true to label and has been duly tested by a fully accredited seed testing laboratory using rules sanctioned by the Association of Official Seed Analysts. The specifications of the seed used in the mix are as follows:

Common Name	Variety	Origin	Lot #	Purity	G+D+H	%PLS
Tall wheatgrass	Jose	ND	LM-22-HY9	95.00	94	89.30
Slender wheatgrass	San Luis	CAN	1791-8-AVS1063	98.29	96	94.36
Western wheatgrass	Rosana	MT	22-2-21	97.58	93	90.75
Small burnet	Delar	WA	1829-1	99.83	91	90.85
Cicer milkvetch	Lutana	MT	21-0-47	99.99	39 + 52 = 91	90.99
Indian ricegrass	Nezpar	WA	NBS-NB22-IRG-1	99.09	1 + 96 = 97	96.12
Streambank wheatgrass	Sodar	MT	22-0-49	98.69	97	95.73
Bitterbrush, Antelope	VNS	ID	SIS5742	98.87	59	58.33
Rabbitbrush, Rubber	VNS	UT	V-131136	59.91	83	49.73
Yarrow, Western	Columbia	WA	2039-1	95.39	92	87.76
Timothy	Climax	CAN	1791-8-AVS1082	99.73	97	96.74

Lot #	Number of Bags	Bulk Lbs. Per Bag
251198	1	17.31 partial

Common Name	Lot #	Total Bulk Lbs.	Total PLS Lbs.	% Total Bulk Lbs.
Tall wheatgrass	LM-22-HY9	3.06	2.73	17.66
Slender wheatgrass	1791-8-AVS1063	2.90	2.73	16.73
Western wheatgrass	22-2-21	2.26	2.05	13.05
Small burnet	1829-1	1.50	1.36	8.65
Cicer milkvetch	21-0-47	1.49	1.36	8.64
Indian ricegrass	NBS-NB22-IRG-1	1.41	1.36	8.17
Streambank wheatgrass	22-0-49	1.42	1.36	8.21
Bitterbrush, Antelope	SIS5742	1.17	0.68	6.73
Rabbitbrush, Rubber	V-131136	1.37	0.68	7.90
Yarrow, Western	2039-1	0.39	0.34	2.23
Timothy	1791-8-AVS1082	0.35	0.34	2.03
Grand Total Lbs:		17.31	14.99	

Noxious Weeds: galium tricomutum, avena fatua, galium spp.

If you have any questions, please call.

Sincerely,

Miranda McCutchen - 01/22/2024
Granite Seed - Denver