

UNITED STATES  
DEPARTMENT OF THE INTERIOR

This mining plan approval document is issued by the United States of America to:

Oxbow Mining, LLC.  
3737 Hwy 133  
P. O. Box 535  
Somerset, CO 81434

for a lease by application Federal lease COC-70615 (Elk Creek East Tract Coal Lease) at the Somerset / Sanborn Creek / Elk Creek Mine. The approval is subject to the following conditions. Oxbow Mining, LLC. is hereinafter referred to as the operator.

1. Statutes and Regulations.--This mining plan approval is issued pursuant to Federal lease COC-70615; the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.); and in the case of acquired lands, the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351 et seq.). This mining plan approval is subject to all applicable regulations of the Secretary of the Interior which are now or hereafter in force; and all such regulations are made a part hereof. The operator shall comply with the provisions of the Federal Water Pollution Control Act or Clean Water Act, (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and other applicable Federal laws.
2. This document approves the mining plan for Federal lease COC-70615 at the Elk Creek Mine and authorizes coal development or mining operations on the Federal lease within the area of mining plan approval. This authorization expands the approved mining plan area into the following Federal coal lands in all or part of:

T 13 S, R 90 W, 6<sup>th</sup> PM

Sec. 3, lots 8, 9, and 16;  
Sec. 4, lots 5 to 16, inclusive  
Sec. 5, lots 12, 13, 20 and 24.

These lands encompass approximately 726 acres more or less and are found on the following Colorado USGS 7.5 minute Quadrangle maps of Bowie and Somerset, and as shown on the map appended hereto as Attachment A.

3. The operator shall conduct coal development and mining operations only as described in the complete permit application package, and approved by the Colorado Division of Reclamation, Mining and Safety (CDRMS), except as otherwise directed in the conditions of this mining plan approval.
4. The operator shall comply with the terms and conditions of the lease, this mining plan approval, and the requirements of the Colorado State Permit No. C-1981-022 issued under the Colorado State program, approved pursuant to the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).
5. This mining plan approval shall be binding on any person conducting coal development or mining operations under the approved mining plan and shall remain in effect until superseded, canceled, or withdrawn.
6. If during mining operations unidentified prehistoric or historic resources are discovered, the operator shall ensure that the resources are not disturbed and shall notify CDRMS and the Office of Surface Mining Reclamation and Enforcement (OSM). The operator shall take such actions as are required by the CDRMS in coordination with the OSM.
7. The Secretary retains jurisdiction to modify or cancel this approval, as required, on the basis of further consultation with the U.S. Fish and Wildlife Service pursuant to section 7 of the Endangered Species Act, as amended, 16 U.S.C. " 1531 *et seq.*

  
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Acting Assistant Secretary,  
Land and Minerals Management

4/3/13  
\_\_\_\_\_  
Date