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## United States Department of the Interior

### OFFICE OF SURFACE MINING

Reclamation and Enforcement  
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February 25, 2013

### MEMORANDUM

TO: Terry Deben, Assistant Regional Solicitor  
Denver Field Office

FROM: Foster E. Kirby, Colorado Federal Lands Coordinator *Foster Kirby*

SUBJECT: Mining Plan Modification Decision Document for Oxbow Mining, LLC's  
Elk Creek Mine/ Sanborn Creek

I have attached the draft mining plan modification decision document for Federal lease COC-70615 Elk Creek / Sanborn Creek Mine.

This is a mining plan modification for Federal lease COC-70615 to extend mining and coal recovery from the "D" coal seam, of the Elk Creek Coal Lease Tract, Federal coal lease COC-70615, within the area covered by Colorado State permit C-81-022.

The company is in need of a rapid turn-a-round because the Elk Creek Mine has been shut down by MSHA due to a mine thermal event in the long wall gob. The longwall is presently sealed in an inert atmosphere and the company is waiting for an extended period of time for the effected area to cool down before they can breach the temporary seals in order to recover the long wall equipment. In the mean time, MSHA's approval to restart 3 minor sections in the area of the subject East Lease is imminent. The development schedule for the gateroads in the East District has been expedited as they prepare the next location for moving the long wall. The mining engineers indicate that they will be at the lease line with development in about one month.

Please review the document and provide me your comments by March 8 so we can expedite the process. If you have any questions, please me at 303-293-5039.

Thank you for your consideration,

Foster Kirby

Attachment: Mine Plan Recommendation Documentation

