

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3567

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John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta E. Pineda
Director

July 22, 2013

Dick Wolfe
Department of Natural Resources
Division of Water Resources
1313 Sherman Street, Room 818
Denver, CO 80203

Re: Elk Creek Mine (Permit No. C-1981-022)
Technical Revision No. 75 (TR-75)
TR-75 Sanborn Creek Pipeline and Borehole

Dear Mr. Wolfe:

The Division of Reclamation, Mining and Safety hereby issues notice, in accordance with Title 34, Article 33, Section 116, Paragraph 4, of the Colorado Revised Statutes, that on July 22, 2013 an application to revise coal mining operations at the Elk Creek Mine was considered complete for the purposes of filing. The revision was submitted by Oxbow Mining, LLC. All review and comment periods as provided in the Act and the Regulations initiate from this date of filing.

Oxbow Mining, LLC proposes to construct an elevated pad to facilitate a drill rig, methane pump and monitoring equipment at the sealed and reclaimed Sanborn Creek portal area. Oxbow plans to drill a degas borehole into the Sanborn Creek sealed mine to recover methane gas and transfer the gas via a pipeline to the Elk Creek electrical generating facility that was approved in TR-73. The proposed project will be on surface owned by Oxbow, LLC. No new disturbance is proposed and a COGCC permit will be obtained for the degas borehole.

The Underground coal mining operation is on land located approximately 0 miles North of Somerset, Colorado. The permit area is further described as follows:

Township 12 South, Range 90 West, 6th PM - all or parts of Sections 29 - 32 Township 12 South, Range 91 West, 6th PM - all or parts of Sections 25 - 27 and 34 - 36 Township 13 South, Range 89 West, 6th PM - all or parts of Sections 6 and 7 Township 13 South, Range 90 West, 6th PM - all or parts of Sections 1 - 12 and 17 Township 13 South, Range 91 West, 6th PM - all or parts of Sections 1 - 3 and 11 - 13

The above-mentioned tracts of land are shown on the following USGS 7.5 minute Quadrangle map(s): Somerset.

The applicant is required to publish notice in a local newspaper that this application has been deemed complete. At the time of publication of this notice, the applicant is additionally required to

place a copy of this application at the Delta County Clerk and Recorder, 501 Palmer Street, Room 211, Delta, CO 81416, and at the Division office. For additional information or to provide written comments, contact the Division of Reclamation, Mining and Safety, Room 215, 1313 Sherman Street, Denver, Colorado 80203, (303) 866-3567. In order for us to comply with regulatory time frames, we request that comments be submitted within fifteen (15) days of this letter. If no comments are received by then, we will proceed on the assumption that you have no concerns with, or objections to, the applicant's proposal.

Sincerely,



Brock F. Bowles
Environmental Protection Specialist
Brock.bowles@state.co.us