



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

July 19, 2016

Corey Heaps, Mine Manager
Canyon Fuel Company, LLC
HC 35 Box 380
Helper, Utah 84526

Subject: Approval of Swens Canyon Ventilation Facility Addition, Canyon Fuel Company, LLC, Skyline Mine, C/007/0005, Task ID #4935

Dear Mr. Heaps:

Enclosed is the Division's Decision Document for the Swens Canyon Ventilation Facility addition to the Canyon Fuel Company, LLC's Skyline Mine. The Division finds that Canyon Fuel Company, LLC has met the regulatory requirements and approves this significant revision.

Enclosed are the Exhibits and Affidavits of Qualification to update the Reclamation Agreement for the Skyline Mine. The update will increase the permit area 14.50 acres, from 125.31 to 139.81 acres. Please return the necessary forms to the Division by no later than August 31, 2016. A fully signed and executed copy of the documents will be returned to you.

Enclosed are two copies of the revised permit. Please read the permit to be sure you understand the requirements, then have both copies signed by the appropriate representative and return one copy to the division.

A stamped incorporated copy of the approved plans are also being returned to you at this time for insertion into your copy of the Mining and Reclamation Plan.

If you have any questions or need further information, please feel free to call Daron Haddock at (801) 538-5325.

Sincerely,

John R. Baza
Director

JRB/DRH/ss
Enclosure

cc: Alan Boehms, OSM
O:\007005.SKY\WG4935 SWENS VENTILATION\Decision Document\001 Approval ltr.doc



EXHIBIT “D”

**Stipulation to Revise
Reclamation Agreement
(Federal)**

Mine Name: _____
Permit Number: _____
Effective Date: _____
Bond Number: _____

**COAL
STIPULATION TO REVISE RECLAMATION AGREEMENT**

--ooOOoo--

This **STIPULATION TO REVISE RECLAMATION AGREEMENT** entered into by and between the **PERMITTEE** and **DIVISION** incorporates the following revisions or changes to the **RECLAMATION AGREEMENT**: (Identify and Describe Revisions below)

The Approval of the Swens Canyon Ventilation Facility Addition (Task #4935) increases the permit area 14.50 acres, from 125.31 to 139.81 acres.

In accordance with this **STIPULATION TO REVISE RECLAMATION AGREEMENT**, the following Exhibits have been replaced by the **PERMITTEE** and are approved by the **DIVISION**.

- Replace the Reclamation Agreement in its entirety.
- Replace Exhibit "A"- bonded area.
- Rider added to existing Exhibit "B"- bonding agreement
- Replace Exhibit "C"- liability insurance

The bonding amount is revised from \$ ____ to \$ ____

The bonding type is changed from _____ to _____.

The surface disturbance is revised from 125.31 acres to 139.81 acres.

The expiration date is revised from _____ to _____.

The liability insurance carrier is changed from _____ to _____.

The amount of insurance coverage for bodily injury and property damage is changed from \$ _____ to \$ _____.

Exhibit "D"
Stipulation to Revise
Reclamation Agreement
Federal

IN WITNESS WHEREOF, _____ the PERMITTEE has hereunto set
its signature and seal this _____ day of _____, 20__.

PERMITTEE

By: _____

Title: _____

ACCEPTED BY THE STATE OF UTAH this ___ day of _____, 20__.

Director,
Division of Oil, Gas and Mining

NOTE: An **Affidavit of Qualification** must be completed and attached to this form for each authorized agent or officer. Where one signs by virtue of Power or Attorney of a company, such Power of Attorney must be filed with this Agreement. If the **PERMITTEE** is a corporation, the Agreement shall be executed by its duly authorized officer.

EXHIBIT “A”

Bonded Area Legal Description

(Federal Coal)

Exhibit "A"
Legal Description
Federal
Bond Number _____

EXHIBIT "A"

Pursuant to R645-301- 820.110, the surety bond covers an identified increment of land within the permit area upon which the operator will initiate and conduct coal mining and reclamation operations during the initial term of the permit. This area is identified as:

Map(s) showing the BONDED AREA within the approved PERMIT AREA :

Legal description of BONDED AREA:

The above described area shall be modified as necessary to correspond to an increase in the area disturbed as a result of an expansion of coal mining and reclamation operations. The described area may also be decreased as a result of partial reclamation.

IN WITNESS WHEREOF the **SURETY** has hereunto set its signature and seal this

_____ day of _____, 20__.

SURETY

By:

Title:

FEDERAL

October 22, 2013
Revised July 19, 2016

PERMIT
C/007/0005

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple
Box 145801
Salt Lake City, Utah 84114-5801
(801) 538-5340

This permit, C/007/0005, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOGM) to:

Canyon Fuel Company, LLC
225 North 5th Street, Suite 900
Grand Junction, Colorado 81501

for the Skyline Mine. Canyon Fuel Company, LLC is the lessee of federal, state and fee-owned property. A performance bond is filed with the DOGM in the amount of \$5,799,000, payable to the state of Utah, Division of Oil, Gas and Mining and the Office of Surface Mining Reclamation and Enforcement (OSMRE). DOGM must receive a copy of this permit signed and dated by the permittee.

Sec. 1 STATUTES AND REGULATIONS - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act.

Sec. 2 PERMIT AREA - The permittee is authorized to conduct surface disturbing activities only as described in the approved Mining and Reclamation Plan and within areas covered by the Performance Bond which are within the described permit area at the Skyline Mine situated in the state of Utah, Carbon County, and located as follows:

Township 12 South, Range 6 East, SLBM

Section 26: Portions of SW1/4SW1/4

Section 34: Portions of NE1/4NE1/4

Township 12 South, Range 7 East, SLBM

Section 32: Portion SE1/4SE1/4

Township 13 South, Range 6 East, SLBM

Section 1: Portions of S1/2NW1/4, S1/2NE1/4,

Section 13: Portions of SW1/4, S1/2SE1/4

Section 23: Portions of E1/2NE1/4,

Section 24: Portions of W1/2, NE1/4,
Section 25: Portions of S1/2S1/2,
Section 26: Portions of NW1/4NE1/4, N1/2NW1/4, SW1/4NW1/4
Section 27: Portions of the S1/2NE1/4, S1/2NW1/4
Section 35: Portions of NE1/4, S1/2,
Section 36: Portions of N1/2NW1/4

Township 13 South, Range 7 East, SLBM

Section 4: Portions of S1/2NW1/4, NW1/4SW1/4,
Section 5: Portions of E1/2NE1/4,
Section 6: Portions of S1/2N1/2,
Section 17: Portions of S1/2S1/2,
Section 18: Portions of S1/2S1/2,
Section 19: Portions of N1/2N1/2

Township 14 South, Range 6 East, SLBM

Section 2: Portions of W1/2NW1/4,
Section 3: Portions of SE1/4NE1/4

This legal description is for the permit area of the Skyline Mine included in the mining and reclamation plan on file at the Division as shown on Drawing 1.6-3 Skyline Mines Permit Area.

Sec. 3 AUTHORIZED MINING AREA - The permittee is authorized to conduct underground coal mining and reclamation activities only as described in the approved Mining and Reclamation Plan and on lands where the "Right-of-Entry" has been acquired. This area includes the area above underground works and areas subject to subsidence and is described as follows:

Township 12 South, Range 6 East, SLBM

Section 25: SE1/4NE1/4, S1/2SE1/4, lots 3 and 4, SW1/4NE1/4,
W1/2SE1/4, SW1/4
Section 26: S1/2SE1/4, SE1/4SW1/4, lots 1-4, N1/2S1/2, SW1/4SW1/4
Section 34: Portions of S1/2N1/2, S1/2, NE1/4NE1/4
Section 35: All
Section 36: W1/2, N1/2NE1/4, SW1/4NE1/4, NW1/4SE1/4, N1/2NE1/4

Township 12 South, Range 7 East, SLBM

Section 32: Portions of SE1/4SE1/4,

Township 13 South, Range 6 East, SLBM

Section 1: W1/2, portions of S1/2NE1/4
Section 2: All,
Section 3: All,

Section 10: All,
Section 11: All,
Section 12: W1/2SW1/4, W1/2NW1/4, NE1/4NW1/4,
Section 13: W1/2, portions of S1/2SE1/4,
Section 14: All,
Section 15: E1/2NE1/4
Section 22: All,
Section 23: W1/2, NE1/4, W1/2SE1/4,
Section 24: NW1/4, Portions of NE1/4,
Section 25: Portions of SE1/4SW1/4,
Section 26: W1/2, W1/2E1/2,
Section 27: All,
Section 34: All,
Section 35: All
Section 36: Portions of N1/2NW1/4

Township 13 South, Range 7 East, SLBM

Section 4: Portions of W1/2,
Section 5: Portions of NE1/4,
Section 6: Portions of S1/2N1/2
Section 17: Portions of S1/2S1/2
Section 18: Portions of S1/2S1/2
Section 19: Portions of N1/2NW

Township 14 South, Range 6 East, SLBM

Section 2: Portions of W1/2NW1/4
Section 3: Portions of E1/2NE1/4

This legal description is for the authorized mining area of the Skyline Mine. The permittee is authorized to conduct coal mining and reclamation operations connected with mining on the foregoing described property subject to the conditions of the leases, the approved mining plan, including all conditions and all other applicable conditions, laws and regulations.

Sec. 4 COMPLIANCE - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.

Sec. 5 PERMIT TERM - This permit expires on April 30, 2017.

Sec. 6 ASSIGNMENT OF PERMIT RIGHTS - The permit rights may not be transferred, assigned or sold without the approval of the Director, DOGM. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13(e) and R645-303.

Sec. 7 RIGHT OF ENTRY - The permittee shall allow the authorized representative of the DOGM, including but not limited to inspectors, and representatives of OSMRE, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:

- A. have the rights of entry provided for in 30 CFR 840.12, R645-400-110, 30 CFR 842.13 and R645-400-220; and,
- B. be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-100 and 30 CFR 842, when the inspection is in response to an alleged violation reported by the private person.

Sec. 8 SCOPE OF OPERATIONS - The permittee shall conduct surface disturbing activities only on those lands specifically designated as within the permit area (in section 2 above) on the maps submitted in the mining and reclamation plan and permit application and approved for the term of the permit and which are subject to the performance bond. All coal mining and reclamation operations are to be conducted within the bounds of the authorized mining area.

Sec. 9 ENVIRONMENTAL IMPACTS - The permittee shall minimize any adverse impact to the environment or public health and safety through but not limited to:

- A. accelerated monitoring to determine the nature and extent of noncompliance and the results of the noncompliance;
- B. immediate implementation of measures necessary to comply; and
- C. warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

Sec. 10 DISPOSAL OF POLLUTANTS - The permittee shall dispose of solids, sludge, filter backwash or pollutants in the course of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program and the Federal Lands Program which prevents violation of any applicable state or federal law.

Sec. 11 CONDUCT OF OPERATIONS - The permittee shall conduct its operations:

- A. in accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and
- B. utilizing methods specified as conditions of the permit by DOGM in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.

Sec. 12 EXISTING STRUCTURES - As applicable, the permittee will comply with R645-301 and R645-302 for compliance, modification, or abandonment of existing structures.

Sec. 13 RECLAMATION FEE PAYMENT - The permittee shall pay all reclamation fees required by 30 CFR part 870 for coal produced under the permit, for sale, transfer or use.

Sec. 14 AUTHORIZED AGENT - The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.

Sec. 15 COMPLIANCE WITH OTHER LAWS - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq,) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.

Sec. 16 PERMIT RENEWAL - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act, the approved Utah State Program and the Federal Lands Program.

Sec. 17 CULTURAL RESOURCES - If during the course of mining operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify DOGM. DOGM, after coordination with OSMRE, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by DOGM within the time frame specified by DOGM.

Sec. 18 APPEALS - The permittee shall have the right to appeal as provided for under R645-300.

Sec. 19 SPECIAL CONDITIONS - There are special conditions associated with this permitting action attached as Attachment A.

The above conditions (Secs. 1-19) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease. The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of DOGM and the permittee at any time to adjust to changed conditions or to correct an oversight. DOGM may amend these conditions at any time without the consent of the permittee in order to make them consistent with any new federal or state statutes and any new regulations.

THE STATE OF UTAH

By: _____

Date: _____

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

Authorized Representative of the Permittee

Date: _____

ATTACHMENT A
Special Conditions
C/007/0005
July 6, 2016

- 1) Canyon Fuel Company, LLC must submit water quality data for the Skyline Mine in an electronic format through the Electronic Data Input web site, <http://linux1.ogm.utah.gov/cgi-bin/appx-ogm.cgi>
- 2) Canyon Fuel Company, LLC must submit cumulative monthly flow data for discharges into Electric Lake and Eccles Creek. This monthly data must be submitted in the first week of the following month.
- 3) Canyon Fuel Company, LLC must submit updated Reclamation Agreement documents to increase the permit area 14.50 acres, from 125.31 acres to 139.81 acres.

Swens Canyon Ventilation Facility Addition
Canyon Fuel Company, LLC
Skyline Mine
C/007/005
Carbon County, Utah

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DECISION DOCUMENT

Swens Canyon Ventilation Facility Addition
Canyon Fuel Company, LLC
Skyline Mine
C/007/0005
Carbon County, Utah

ACTION

The permittee has applied to add the Swens Canyon Ventilation Facility to the existing permit area. The addition will increase the permit area 14.50 acres, from 125.31 permit acres to 139.81 permit acres.

BACKGROUND

The Skyline mine received an initial mining permit by OSM on June 20, 1980 and started initial operations on April 30, 1982. A permit by the Division of Oil, Gas & Mining was issued in 1984 and mining has continued at this site since that date mostly on federal leases. The permit was renewed in 1989, 1992, 1997, 2002, 2007 and 2012. As the mining has gotten further and further away from the main portals and facilities area, there is the need for additional ventilation and power. The Swens Canyon Ventilation Facility will be constructed to provide adequate ventilation and necessary power for mining both in existing leases and the future Flat Canyon lease. The facility includes two vertical shafts of 16 foot and 8 foot diameters, respectively. Each shaft will be lined with either a concrete or steel liner which will remain in place –below grade-- at reclamation. When sealing at reclamation, the shafts will be completely backfilled to the surface using engineered fill.

CHRONOLOGY FOR SWENS CANYON FACILITY ADDITION

January 5, 2015	Canyon Fuel Company, LLC submits an application to the Division for the addition of Swens Canyon Ventilation Facility.
January 26, 2015	The Division determines the application to be incomplete.
June 15, 2015	Canyon Fuel Company, LLC submits a revised application to the Division for the addition of Swens Canyon Ventilation Facility.
July 14, 2015	The Division determines the application to be administratively complete.

July 29, 2015	The Division notifies state, federal and local planning agencies of the complete permit application and soliciting their comments.
October 27, November 3, 10 and 17, 2015	This permitting action at the Skyline Mine is published in the Sun Advocate and Emery County Progress for four consecutive weeks.
October 27, 2015	The Division requests additional information from Canyon Fuel Company, LLC
December 17, 2015	The comment period closes.
February 10, 2016	Canyon Fuel Company, LLC submits revised information to the Division.
May 5, 2016	The Division requests additional information from Canyon Fuel Company, LLC
June 8, 2016	Canyon Fuel Company, LLC submits revised information to the Division.
June 13, 2016	Canyon Fuel Company, LLC submits additional information to the Division.
July 6, 2016	The Technical Analysis is completed.
July 19, 2016	AVS Check completed with issue recommendation.
July 19, 2016	Decision Document completed and application is approved.

ANALYSIS

The Division of Oil, Gas and Mining has conducted an Administrative and Technical Analysis of the proposed increase in the boundary and disturbed area increase and has produced a written TA. All appropriate State and Federal agencies have been consulted regarding this proposal. All requirements for public participation have been satisfied. The application meets the requirements of the Utah Coal Regulatory Program.

RECOMMENDATION

It is recommended that approval be given for the addition of the Swens Canyon Ventilation Facility at the Skyline Mine.



State of Utah
DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

Technical Analysis and Findings

Utah Coal Regulatory Program

July 6, 2016

PID: C0070005
TaskID: 4935
Mine Name: SKYLINE MINE
Title: SWENS CANYON VENTILATION FACILITY

Summary

The Swens Canyon application describes a 2.62 mile powerline (Sec 2.9.7) which will disturb a 15 ft wide swath along its length. (The total powerline disturbance is 4.8 acres.) The powerline is a 3-phase, 12.5 kV, single pole line with adaptation for raptors. No road building is involved in construction of the powerline. To minimize visual impact, the powerline will be buried under Huntington Creek (p. 2-68 and p2-131).

The Swens Canyon facility will be 120 -150 feet from state highway 264. At Swen's Canyon, 6.8 acres will be disturbed, although 9.7 acres is included in the permit area (Sec 2.1 and Sec 2.9). The Swen's Canyon facility will include construction of a 900 ft access road (p. 4-114(a)); two vertical shafts: a 16 foot diameter escapeway and a 6 or 8 foot diameter exhaust shaft, without a fan (Sec. 2.2, p. 2-21b and Sec 2.9.7 and p. 3-31b); a sediment pond to contain drill cuttings (Sec 2.3 and p 3-21 and p. 3.2.2); a topsoil stockpile; and the installation of a transformer.

Deficiencies Details:

[Empty box for deficiencies details]

pburton

General Contents

Identification of Interest

Analysis:

The information provided meets the requirements of R645-301-112, Identification of Interests.

The Permittee and Operator is Canyon Fuel Co. The legal and financial information for Canyon Fuel Co is provided in General Chapter 1. The resident agent is Corporation Service Company, Salt Lake City. The contact person is Eugene E. DiClaudio. He is also responsible for AML fee payment.

Canyon Fuel is owned by Bowie Resource Holdings, LLC. and Bowie Resource Partners, LLC. both with corporate offices in Louisville, Kentucky. Ultimate ownership of the above companies is by Galena US Holdings Inc and Cedars Energy, LLC. Both Galena US Holdings Inc and Cedars Energy LLC are in turn controlled by individuals and corporate entities. The ownership tree is illustrated on Figure 1-1 of General Chapter 1. The The list of officers and directors for Canyon Fuel Co and all its owners is found in Appendix 1-1 of General Chapter 1, which remains unchanged since 2013.

The ownership entities were evaluated in the Applicant Violator System on June 29, 2015 with no violations reported.

pburton

Violation Information

Analysis:

The application meets the requirements of R-645-301-113, Violations, which requires that the applicant provide, "a list of all violation notices received by the applicant during a three year period preceding the application date." Section 113 and Table 1-2 of General Chapter 1 provide information on violations issued at Canyon Fuel Co., LLC mines and mines controlled by the owners of Canyon Fuel Co., LLC. The current practice in Table 1-2 is to report violations, even those vacated. In 2014 and 2015, there were violations issued, and subsequently vacated at the Skyline Mine and the Gordon Creek Mine.

pburton

Right of Entry

Analysis:

The application meets the requirements of R645-301-114, Right of Entry. Swens Canyon shaft will be located in T 13 S, R 6 E Section 27 adjacent to Hwy 264 (shown on Dwg 1.6-3). The powerline will stretch over Section 27, 28, 23 and 13 of T13S, R6E. Both the powerline and surface disturbance all lie within Lease UTU-44076. The United State Forest Service is the surface managing agency and was consulted during the site planning process.

The Permittee states that the shaft is required for the existing mine and will be used to access federal coal lease UTU-771114 (Flat Canyon) in the future. The lease boundaries are portrayed on Dwg 1.6-3 and described in Table 1.114 and pp. 1-32 and 1-39.

pburton

Legal Description

Analysis:

The information provided meets the requirements of R645-301-121.100, Legal Description and R645-300-141 Bonded Area Description.

The legal description provided on page 1-38 identifies the S1/2NW1/4 and S1/2NE1/4 in Sec 27 T13S, R6E being added to the permit area. The shaft is located at the mouth of Swen's Cyn (North side) in the SW 1/4 NW 1/4 Sec 27 T 13 S, R 6 E. on USFS managed land within Lease UTU-44076. The precise legal description is provided on p. 1-34a for the 9.63 acres ventilation facility and the 4.8 acre (fifteen foot wide and 2.62 mile long) powerline. Total acreage for both powerline and shaft is stated as 14.50 acres on p. 1-37 and in the public notice.

The path of the powerline and the location of the shaft are shown on Dwg 1.6-3, Skyline Mine Permit Area. With this action, the total permit areas to be disturbed (bonded area) totals 139.81 acres (p. 1-37). The table states that the powerline disturbance of 4.8 acres will not be reclaimed.

pburton

Permit Term

Analysis:

The information provided meets the requirements of R645-301-116, Permit Term.

The existing 5 year permit issued 2012 with right of successive renewal. The life of mine with existing leases is through June 2019 (p. 1-36).

pburton

Public Notice and Comment

Analysis:

The application has met the public notice requirements of R645-300-120, public notice. A public notice ran in the Emery County Progress and the Sun Advocate for four consecutive weeks (October 27 - November 17). An affidavit of publication is included in Appendix 118-A.

pburton

Reporting of Technical Data

Analysis:

The Swens Canyon facility will have two vertical shafts: a 16 foot diameter escapeway and a smaller exhaust shaft that is eight feet in diameter (Sec. 2.2, p. 2-21b and Sec. 2.9.7 p. 3-31b). The application meets the requirements of R645-301-130, Reporting of Technical Data.

The application includes the following reports:

2002 Flat Canyon EIS produced by USFS and BLM is found in Vol. 2, App.. A-3

The PHC in Vol 2., App. N and O was written by Peterson Hydrologic, Inc
Peterson Hydrologic Investigation of Groundwater and Surface-Water Systems Aug 13, 2014.

Peterson Hydrologic. Aug. 18, 2104. Groundwater Conditions in the Star Point Sandstone.

Alpine Ecological.2013. Wildlife Survey Report Powerline, Ventilation Hole, Access Road Analysis Area, Subsidence Area, and Spring Survey.

Alpine Ecological. November 16, 2014. 2014 Wildlife Survey Report Power Line and Ventilation Pad.

Environmental Planning Group, LLC. Oct 7, 2014. Cultural Resource Inventory For the Skyline Mine Expansion and Transmission Line Construction Project, Carbon and Emery Counties, Utah.

Mt. Nebo Scientific Dec. 2014. Vegetation of the Powerline Corridor & Swen Canyon Pad.

Joseph Dyer. June 19, 2014. NRCS Prime Farmland Determination.

Long Resource Consultants. December 4, 2014. Powerline Corridor Soil Survey Report.

Earthfax Engineering December 2014. Skyline Mine Swen Canyon Ventilation Shaft Pad Design Report.

pburton

Environmental Resource Information

Geologic Resource Information

Analysis:

The application meets the R645-301-620 requirements for describing the Geologic Environment.
R645-301-624. Geologic information will include, at a minimum, the following:

624.100. A description of the geology of the proposed permit and adjacent areas down to and including the deeper of either the stratum immediately below the lowest coal seam to be mined or any aquifer below the lowest coal seam to be mined which may be adversely impacted by mining. This description will include the regional and structural geology of the permit and adjacent areas, and other parameters which influence the required reclamation and it will also show how the regional and structural geology may affect the occurrence, availability, movement, quantity and quality of potentially impacted surface and ground water. It will be based on:

624.110. The cross sections, maps, and plans required by R645-301-622.100 through R645-301-622.400.

624.120. The information obtained under R645-301-624.200, R645-301-624.300 and R645-301-625; and

624.130. Geologic literature and practices.

The plan now contains the required geologic information. In the cover letter with this application was a response that discusses how issues raised in the ACR were addressed. It indicates that Section 2.2.14 was modified to refer to the location of the lithologic log and a statement that a drill hole will be done at the shaft location prior to shaft construction.

There is a lithologic log of drill hole 95-28-1 that is included in Appendix A-4. This drill hole is located approximately 1/2 mile west of the Swens Canyon area. The 95-28-1 drill hole log does contain descriptions of the lithology down to 1650 feet. The coal seam is located from approximately 1211 feet to 1219 feet with another seam located from about 1157 feet to 1164 feet and a third from 1341 to 1348 and a another from 1357 to 1365 feet. From the log there is no indication of strata that would be toxic or acid forming or cause delirious effects to the environment. The applicant has committed to putting in a drill hole at the shaft location prior to installing the shafts to verify the lithology of the strata at this location.

dhaddock

Vegetation Resource Information

Analysis:

Section 2.7.9, page 2-63a, describes general vegetation of the poweline corridor & Swens Canyon pad. A detailed report conducted by Mt. Nebo Scientific describes those plant communities that could be impacted and provides qualitative and quantitative data from sampling within them. The report also provides data from reference areas that could be used for future revegetation success standards at the time of final reclamation. A list of potential threatened, endangered, candidate and sensitive plant species known to occur in the general area is provided including the potential impacts that could occur from proposed construction activities at Skyline Mine. The report contains numerous photos of the vegetation communities and a map indicates general locations of veg study areas and powerline route.

Findings: The information provided is adequate to predict the potential for reestablishing vegetation and productivity of land before mining and meets the requirements of R645-301-321.

lreinhart

Hydro Sampling and Analysis

Analysis:

The amendment meets the State of Utah R645 requirements for Hydro: Sampling and Analysis.

Methods used to conduct water sampling are described in the PHCs. Laboratory analysis of water samples are typically performed by SGS Laboratories and Chemtech Ford Laboratory. These labs are both NELAC certified. Any isotopic analysis done of water samples were conducted at the University of Miami, Florida, the BYU Department of Geology, and Geochron Laboratories of Cambridge, Massachusetts.

adaniels

Hydro Baseline Information

Analysis:

The amendment meets the State of Utah R645 requirements for Hydro: Baseline Information.

The Permittee has states that there are no groundwater springs in the vicinity of the Swens Canyon Ventilation Facility. This facility is located on a south-facing, sagebrush covered ridge.

Monitoring location CS-16 is located on Swens Creek, downstream of disturbance related to this facility. This monitoring point is already part of the Skyline operational water monitoring program and has been monitored since 2001.

Monitoring location CS-28 has been added to the monitoring program, and is a stream monitoring location located on Swens Creek above any potential disturbances related to the Swens Canyon Ventilation Facility. This site has had baseline data collected that was for the purpose of mining the proposed Flat Canyon Coal Lease.

adaniels

Hydro Baseline Cumulative Impact Area

Analysis:

The amendment meets the State of Utah R645 requirements for Hydro: Baseline Cumulative Impact Area.

Hydrologic and geologic information has been provided for the proposed ventilation facility area. Much of this area has

already been discussed in the MRP and the CHIA.

adaniels

Hydro Modeling

Analysis:

The amendment meets the State of Utah R645 requirements for Hydro: Modeling.

No additional modeling was required for the proposed ventilation facility.

adaniels

Probable Hydrologic Consequences Determination

Analysis:

The amendment meets the State of Utah R645 requirements for Probable Hydrologic Consequences Determination.

Section 2.3 of the MRP contains the probable hydrologic consequences of mining at the Skyline Mine. This section was revised to discuss sediment control features that will be used at the proposed ventilation facility, and references section 3.2, which describes in more detail how these sediment control features will be placed and functioned. A report prepared by EarthFax Engineering also details a design report of the facility as well.

The application describes the operations that will be taken to prevent hydrologic consequences during construction, operation, and reclamation of the ventilation facility. Page 2-51a of the MRP contains the PHC determination statement.

adaniels

Hydro GroundWater Monitoring Plan

Analysis:

The amendment meets the State of Utah R645 requirements for Hydro: Groundwater Monitoring Plan.

There is no new ground water monitoring needed for the small amount of disturbance required for the proposed Swens Canyon Ventilation Facility.

adaniels

Hydro SurfaceWater Monitoring Plan

Analysis:

The amendment meets the State of Utah R645 requirements for Hydro: Surface Water Monitoring Plan.

There are two surface water monitoring locations that will be utilized to evaluate any potential impacts to surface water. These points are stream monitoring locations CS-16 and CS-28. CS-28 will provide an upstream of disturbance monitoring point on Swens Creek, and CS-16 will provide a downstream monitoring point on Swens Creek. Between these two point, there will be sufficient data to evaluate whether there are any impacts to the creek from the new surface disturbance. CS-16 has had data collected and submitted to the Division since 2001. Tables 2.3.7-1 and 2.3.7-2 were updated with these monitoring requirements. Baseline monitoring occurred along Swens Creek from 2001 to 2004. This baseline monitoring included the entire suite of laboratory parameters, including the required monitoring listed in the rules. Since then, monitoring has been quarterly field data, and baseline monitoring every 5 years.

adaniels

Maps Monitoring and Sampling Locations

Analysis:

The amendment meets the State of Utah R645 requirements for Maps Monitoring and Sampling Locations.

Map 2.3.6-1 has been updated to include the new surface water monitoring point, CS-28, on Swens Creek.

Maps Subsurface Water Resources

Analysis:

The amendment meets the State of Utah R645 requirements for Maps Subsurface Water Resources.

This application did not require any updates to subsurface water resource mappings.

adaniels

Maps Surface Water Resource

Analysis:

The amendment meets the State of Utah R645 requirements for Maps Surface Water Resources.

Maps already contained within the approved MRP display all relevant surface water resources associated with this application. There is a perennial stream, Swens Creek, that runs just to the south of the proposed facility. There are no proposed disturbances to this creek.

adaniels

General

Analysis:

The application meets the minimum requirements of R645-301-521 in regards to environmental information related to engineering due to information stated in Chapter 2 section 2.1 general environmental resources summary. The additional text to the section details the preliminary studies for permitting conducted in 2014. The study area covered 13 acres for the 9.7 acres for the proposed pad site and 200 ft corridor for the 4.8 acres for a 15 ft wide 2.6 mile long power line corridor.

cparker

Permit Area

Analysis:

The application meets the minimum requirements of R645-301-521.140 due to information stated in Chapter 2 Section 2.1 that states the disturbed area will included a total of 14.5 acres of pad and power line corridor. Updated plates which match the provided legal description of the mine boundary were provided in plates 3.2.4-4A through 3.2.4-4 F and 1.6-3.

cparker

Maps Affected Area Boundary Maps

Analysis:

The application meets the minimum requirements of R645-301-521.100 through-521.130 by updating all the relevant maps for the entire area relevant to Swens Canyon ventilation pad as shown on the mine drawings detailed on plates 3.2.4-4A through 3.2.4-4F and 1.6-3.

The application meets the minimum requirements of R645-301-521.110.R645-301-521.110 which requires previously mined areas to be shown on Drawing 2.2.7-7. The previously mined areas are also discussed in Chapter 2 section 2.12.2. No changes were made to the MRP text within the above section at the time of this amendment.

cparker

Maps Existing Structures and Facilities

Analysis:

The application meets the minimum requirements of R645-301-521.120 which require a map that clearly shows the location of all buildings in and within a 1000 ft of the proposed permit area, along with identifying the current use of said buildings.

Such information is provided on Drawing 2.2.7-7 and discussed in Chapter 2 section 2.12.2. No changes were made to the MRP text in section 2.12.2 at the time of this amendment.

cparker

Maps Existing Surface Configuration

Analysis:

The application meets the minimum requirements of R645-301-521.150 as it includes a drawing or plate that clearly calls out the existing surface of the entire mine permit and adjacent area. The application included updates to such information on plates 1.6-3 and 1.6-3A to include the Swens Canyon ventilation facility.

cparker

Maps Mine Working

Analysis:

The application does not meet the minimum requirements of R645-301-521.140 which requires maps that clearly show all mine plans. Plate 3.3-2 Rev10 clearly show proposed mining operations to meet said regulations, however, the operations show planned mining outside the current lease and permitted area. The Skyline mine recently acquired the Flat Canyon lease, however, the Flat Canyon lease area has not been permitted by the Division for mining operations. As discussed with the Permittee previously in an email sent August 26, 2015, the Permittee will add a note to all plates that include planned mining operations outside currently approved leases or permits stating, "Any projected mining shown beyond existing lease boundary lines is subject to future lease modifications and approvals."

For the purposes of the Swens Canyon ventilation facility plate 3.3-2 Rev10 will be amended to include the following note:

"Any projected mining shown beyond existing lease boundary lines is subject to future lease modifications and approvals."

cparker

Maps Permit Area Boundary

Analysis:

The application meets the minimum requirements of R645-301-521.140 as relevant permit boundary drawings were updated within the application to detail the new permit boundary, lease boundary, and adjacent areas to the current mine plan. Plate 1.6-3 details the updated permit boundary, current lease boundary, and adjacent areas to include the Swens Canyon ventilation facility. The pad and power line corridor are located within the permit boundary of the current leases held by Canyon Fuel Company. The fan installation at Swens Canyon will be utilized for mining operations within the Flat Canyon Lease area, which has yet to be approved by the Division.

cparker

Maps Surface and Subsurface Manmade Features

Analysis:

The application meets the minimum requirement of R645-301-521.122 as the application includes a drawing or plate that clearly calls out the existing surface and subsurface man made features within, passing through, or passing over the permit area. R645-301-521.120 through-521.125 require maps to clearly show existing surface and subsurface facilities. Plate 1.6-3A was updated within the application to show the surface and sub surface man made features that would include the Skyline buried pipe and power lines in the Swens Canyon area.

cparker

Maps Surface and Subsurface Ownership

Analysis:

The application meets the minimum requirements of R645-301-521.130 which requires landowners, right of entry, and public interest maps. Chapter 1 details the ownership and control information for the current Skyline mine lease areas. Drawing 1.6-1 details the surface ownership within the Skyline permit and adjacent areas. Drawing 1.6-2 details the coal

ownership within the Skyline permit and adjacent areas. The current application contemplates modifications to areas already incorporated within the existing Skyline permit and adjacent areas and changes were made Drawings 1.6-1 and 1.6-2 to include the Swens Canyon ventilation pad and power line disturbances. Chapter 1 edits were made to add the surface disturbance associated with the Swens Canyon pad and powerline to the permit area.

cparker

Historic and Archeological Resource Information

Analysis:

As noted on page 2-4c2, an intensive class III cultural resource survey was conducted on the areas to be disturbed, including those areas that are associated with other amendments. The report identifies the areas associated with this project as third and fourth parcels. A total of five (5) isolated occurrences and three (3) new resources were identified. None of the sites were recommended for eligibility in the NRHP. Cultural resource report No. U-14-EO-0753f; ML-14-1535 has been provided as evidence of SHPO consultation and concurrence. None of the three new sites found within the project area are eligible for the NRHP (isolated occurrences are not recorded). No historic properties will be affected by the proposed project.

A map of the survey location is provided as figure 2-2 in the cultural resources report.

Findings: Information provided in the application meets the minimum requirements of R645-301-411

ireinhart

Soils Resource Information

Analysis:

Analysis:

The information provided meets the requirements of R645-301-200, Soils Resource.

Chap 2, Sec 2.7 & Sec 2.11 & 2.12. describe the pre-mining resources. The description is based on the Order II Powerline Corridor Soil Survey Report by Long Resource Consultants, December 4, 2014 found in App. A2, Vo. 2. this soil survey includes 11.8 acres in the coal pile expansion area; 18.9 acres at Swen's Canyon; and, 77 acres of powerline corridor. But it stops short at the location where the powerline goes underground. The soil survey did not include the 0.3 mile long corridor for power line burial because the buried section of power line will not be disturbed. The power line will be bored below the surface along that length [Sec. 2.11 p 2-120(l) and 2-120(m)].

Two soil sample locations are shown on Figure 2 on the Swen's Canyon pad area. They are sample 14SKY14 and 14SKY15. Appendix A of App. A2 provides the soil profile descriptions for those locations. Appendix B provides soil profile location photographs. Appendix C provides soil profile box photographs. Appendix D provides laboratory analysis for 14SKY14 and 14SKY15. Soil location 14SKY14 was mapped in the Kamack family sandy loam on convex slopes (10 - 35%). Soil location 14SKY15 was mapped as Hailman family sandy loam on concave slopes (5-15%). The Kamack family is map Unit S2 is the Typic Haplocryoll and the Hailman family is map unit S2, a Pachic Haplocryoll. This mapping corresponds to the Manti La-Sal soil map unit 32, Pando-Toze families 2-15% slopes. Dominant vegetation is mountain big sagebrush, quaking aspen, Oregon grape, buckwheat, mountain brome, grasses and forbs. The Manti LaSal soil survey mentions silver sage as a dominant forb. The elevation is 8,687 feet.

Three sample locations are shown on Figure 2 for the transmission line corridor. They are 14SKY10, 14SKY09, and 14SKY08. These soils are also mapped on Figure 2. They are Sout-Merino families (15-60% slopes) and Lotex-McCadden families (5-25% slopes). These are shallow sandstone derived soils. The average depth to bedrock is 20 inches along the ridge. Vegetation is mixed conifer, aspen and mountain shrubs. The transmission corridor was mapped by the Manti-LaSal National Forest as Map Units 32, 42 and 560. These map units are Pando-Toze families (2-15% slopes); Becks-Cryaquolls-Silas families (0-5% slopes); and Lucky Star-Skylick families (30-60% slopes), respectively.

Table 11 in Appendix A2 provides an estimated topsoil salvage depths for map unit S1 (16 inches) and S2 (10 inches). A subsoil salvage depth is also proposed for S1 (27 inches) and for S2 (31 inches).

Page 2-120 (m) states that just prior to disturbance in Swens Canyon, soil samples will be collected from the A and B horizon at sample locations 14SKY14 and 14SKY15 for analysis of nutrients nitrogen, phosphorus and potassium in accordance with Table 3 of the Division's January 2008 Guidelines for Topsoil and Overburden, in accordance with R645-301-222.400 and R645-301-231.300.

Prime Farmland

Analysis:

Analysis:

The application meets the requirements of R645-301-221, prime farmland reconnaissance investigation. An email discussing the potential for prime from Joseph Dyer, Area Resource Soil Scientist with the NRCS/Price Field Office is included in Appendix A-2 Volume 2. It is accompanied by two files showing the locations of the sections evaluated and the terrain. However, the files sent with the maps were not included and therefore evaluation of the information presented is not readily available to the Division. However, having been at Swen's Canyon and seen the location of the proposed ventilation shafts, I agree that there is no prime farmland present. And soil mapping units described for the shaft location are not prime farmland soils (App. A-2, Vol. 2).

pburton

Fish and Wildlife Resource Information

Analysis:

R645-301-322. Information provided in the application is adequate to meet the minimum requirements of the regulations.

The approved MRP includes an updated T&E species list utilizing the IPaC Trust Resource Report provided by Fish and Wildlife Service. The 2013 & 2014 wildlife report is provided for explanation of potential habitat for species that may be impacted. The reports adequately cover Northern Goshawk, other general raptors and Western Boreal Toad. An on-site field visit was conducted on October 6, 2015 with representatives from the Division, Utah Division of Wildlife, and US Forest Service for evaluation of habitat for Greater Sage-grouse, American three-toed woodpecker, Mexican spotted owl, Southwestern willow flycatcher and Yellow-billed cuckoo. Consensus of all wildlife biologists™ concur that habitat for these species does not exist in the project area and therefore, a monitoring and/or mitigation plan is not required. The Division determined that approval of this amendment would not affect a listed species or designated critical habitat and therefore did not initiate informational consultation with U.S. Fish and Wildlife Service.

Ireinhart

Land Use Resource Information

Analysis:

R645-301-411: Information provided in the application meets the minimum requirements of the regulations. Section 2.12.2 discusses land use, which is primarily grazing, and wildlife and forestry use. Table 2.12.2-1 incorporates AUM's from the Swens vent pad. Section 2.12 of the MRP discusses land use of the adjacent area and further explanation is not warranted in this amendment.

Ireinhart

Maps Vegetation Reference Area

Analysis:

The amendment meets the State of Utah R645-301-323.100 requirement to provide a map showing the location and boundary of proposed reference areas.

Plate 2-7.2-1 has been updated to include all vegetation reference areas, including those for Swens pad and powerline. The Plate also added reference areas for the NOG shaft, the Waste Rock Disposal Site, and the Winter Quarters Site.

Ireinhart

Operation Plan

Mining Operations and Facilities

Analysis:

The application meets the minimum requirements of R645-301-523, -526, and 528 by addressing the Swens Canyon Ventilation facility in Chapter 2 Section 2.2.13 and Chapter 3 Section 3.2.

The application meets the minimum requirements of R645-301-523 by updating relevant Chapter 3 sections 3.2.4 and 3.2.1 changes to included the description of the Swens Canyon ventilation and power line. The majority of Chapter 3 remained unchanged detailing the mining operation, method of coal mining, engineering techniques, anticipated annual and total production of coal by tonnage, and major equipment to be used for all aspects of those operations proposed to be conducted during the life.

cparker

Existing Structures

Analysis:

The application meets the minimum requirements of R645-301-526 by no changes in the information to include the discussion of the existing buildings already approved within the MRP.

cparker

Protection Public Places

Analysis:

As evidenced by the land use map (2.12.1-1) and section 4.41 of the MRP, there are no public parks, cultural or historical resources listed or eligible for listing in the National Register of Historic Places, cemeteries, National System of Trails or the Wild and Scenic Rivers Systems, in the permit or adjacent area.

Information provided in the MRP meets the minimum requirements of R645-301-411.

Ireinhart

Relocation or Use of Public Roads

Analysis:

The application meets the minimum requirements of R645-301-521.133 due to no change in the information detailing measures to be used such as a general mining method that will be employed under or within 100 ft of public roads to protect interest of the public in Chapter 2 Section 2.12.2.

cparker

Air Pollution Control Plan

Analysis:

Analysis: Information provided in the application meets the minimum requirements of R645-301-422. The Air Pollution Control Plan is described in Section 4.22 of the MRP.

Ireinhart

Coal Recovery

Analysis:

The application meets the minimum requirements of R645-301-522 due to no change in Chapter 3 in regards to the discussion of the measures to be used to maximize the use and conservation of the coal resources.

cparker

Subsidence Control Plan Renewable Resource

Analysis:

The minimum requirements of R645-301-525.130 are met in the application as the Permittee followed the subsidence plan for protected areas. Changes were made to Chapter 4 Section 4.17 detailing that a pre-subsidence survey was conducted

over the Flat Canyon Lease area to insure that no adverse effect from subsidence would impact public road SR-264, the ventilation shaft and pad, and the power line. Plate 4.17-3-1A was updated to illustrate the anticipated areas of subsidence within the Flat Canyon Lease area.

cparker

Subsidence Control Plan Subsidence

Analysis:

The minimum requirements of R645-301-525.400 are met in the application as the Permittee presented a clear subsidence plan for protected areas. Text was added to Chapter 4 Section 4.17 detailing that the subsidence control plan was followed by conducting a pre-subsidence survey of the area prior to any mining operations. Plate 4.17-3-1A was update showing the areas of expected subsidence in the proposed Flat Canyon Lease mining area.

cparker

Subsidence Control Plan Subsidence

Analysis:

The application meets the requirements of R645-301-632 with respect to a Subsidence Control Plan. The subsidence control plan is detailed in section 4.17. Subsidence Control will be confirmed annually with Aerial Surveys and Field checks. Verbiage has been added to section 4.17 indicating that Boulger reservoir and Flat Canyon are not planned for undermining at this time. While the Company may choose to undermine these areas in the future, they recognize that additional approval will be required by the BLM, USFS, DOGM and other agencies prior to undermining these areas.

A pre-subsidence survey map (DWG. 4.17.3-1 A) has been provided which shows areas of projected subsidence and areas where subsidence cracking might occur. The initial plan calls for mining that could cause subsidence to 4500 linear feet of SR-264. Overburden in this area ranges from 700 to 1300 feet. An agreement has been entered with UDOT that will allow for the undermining of the road provided that repairs will be made immediately upon any subsidence damage.

A public notice should be advertised for those areas of the public road where mining would be within 100 feet of the outside right of way.

dhaddock

Subsidence Control Plan Performance STD

Analysis:

The application meets the minimum requirements of R645-301-525.300 due to no change in the discussion in Chapter 4 Section 4.17.3 that addresses the measures the Permittee will utilized to minimize and prevent subsidence in protected areas.

cparker

Subsidence Control Plan Notification

Analysis:

The minimum requirements of R645-301-525.700 are met in the application as the Permittee presented a clear subsidence plan for protected areas that includes the appropriate notification at least six months prior to mining in Chapter 4 Section 4.17. No changes were made to the notification section of the MRP within this amendment due to no additional new owners or effected parties.

cparker

Subsidence Control Plan Slides and Other Damage

Analysis:

The application meets the minimum requirements of R645-301-515.100 with procedures already described within the existing MRP detailing the emergency contact procedures in the event of a slide. No changes were made to MRP text in relation to the Swens Canyon ventilation facility.

cparker

Fish and Wildlife Protection and Enhancement Plan

Analysis:

R645-301-333: Information provided in the application is considered adequate to meet the minimum requirements of the regulations. Section 2.10 Raptors Page 2-111 has been modified to include potential of additional raptor monitoring and mitigation if necessary due to active Northern Goshawk nest in 2015. A power pole design is provided to illustrate avian protection on the power poles. Section 2.9, pages 2-104(1) and 2-104(m) have been modified to include the Western boreal Toad survey conducted in 2014 confirming no boreal toads are present in the Swens Canyon. The survey of the Western Toad is also provided.

The application states there will be no impact to the adjacent stream. The disturbance of the shaft area will be a minimum of 350 north of the creek. Silt fencing or BMP's will also be used along the road to minimize any debris from entering Swens Canyon Creek thus disturbing the benthic community.

Ireinhart

Topsoil and Subsoil

Analysis:

Analysis:

The application meets the requirements of R645-301-230, soils handling operation plan.

At Swen's Canyon, 6.8 acres will be disturbed, although 9.7 acres is included in the permit area (Sec 2.1 and Sec 2.9). The Swen's Canyon facility will include construction of an access road; two vertical shafts: a 16 foot diameter escapeway and an 8 foot diameter exhaust shaft, without a fan (Sec. 2.2, p. 2-21b and Sec 2.9.7 and p. 3-31b); a sediment pond to contain drill cuttings (Sec 2.3 and p 3-21 and p. 3.2.2); a topsoil stockpile; a topsoil sediment basin (ASCA 41, electronic page 56) ; and the installation of a transformer.

Chap 2. Sec 2.12. Chap 3, Sec. 3.2. Chap. 4 Section 4.6 (p. 4-34a) and Dwg 3.2.4-4F describe the soils handling during construction of the pad. Topsoil will be removed from a depth of 10 inches to 16 inches, depending on soil type (either Hailman Soil or the more shallow Kamack soil). Another 24 - 31 inches of subsoil will be removed, depending on soil type (page 2-120(1). Plate 3.2.4-4F maps the topsoil removal depths which are stated to be 1.1 ft. to 2.4 feet of topsoil and subsoil. This plate outlines the projected topsoil and subsoil volumes as 8,295 CY topsoil and 5,705 CY of subsoil.

Efforts will be made to segregate topsoil and subsoil (p. 4-34b). Topsoil and subsoil stockpile locations are shown on the facilities layout Dwg 3.2.4-4A and on Plate 3.2.4-4F. The Division previously questioned the need for salvage of subsoil, because storage of the additional subsoil would create additional disturbance and a larger stockpile. By Division calculations, one foot of topsoil and 1.5 feet of subsoil over the 6.8 acres would generate 7,421 CY of topsoil and 11,132 CY of subsoil. This amendment estimates about half that (or nine inches of subsoil) will be salvaged to produce 5,705 CY (Plate 3.2.4-4F) or perhaps 6,350 CY of subsoil (p 4-34b). This amendment states an estimated 8,750 CY of topsoil will be salvaged (p. 4-34b). Dedicating more of the limited space to storage of topsoil in a shallow pile with gentle side slopes is preferable to creating steep sided piles. Limiting subsoil salvage will enable more easily vegetated stockpiles.

The topsoil stockpile area is shown on Plate 3.2.4-4F. It has a capacity of 16,400 CY. The topsoil area ASCA 41 is shown on Plate 3.2.4-4D. A sediment basin and berm will retain topsoil material on site until vegetatino is established [p.2-120(m)]. The plans state that soil collected in the sediment basin will either be re-applied to the pile or utilized at final reclamation.

The topsoil pile will cover an area 120 x 60 ft. (Dwg 3.2.4-4A). The topsoil pile will be 20 ft deep at its greatest depth. It appears from the cross-sections that the south facing slope of the pile will be 2h:1v (Dwg 3.2.4-4B).

Establishing vegetation on the topsoil pile is alluded to in the description of ASCA 41. An interim seed mix is listed in Table 4.7-8F (p. 4-58f) that would likely be applied. This mix includes a nitrogen fixing legume to improve the quality of the subsoil and topsoil in the long term.

The Swens Canyon application describes a 2.62 mile powerline (Sec 2.9.7) which will disturb a 15 ft wide swath along its length. (The total powerline disturbance is 4.8 acres.) The powerline is a 3-phase, 12.5 kV, single pole line with adaptation for raptors. No road building is involved in construction of the powerline and no topsoil will be salvaged. To minimize visual impact, the powerline will be buried under Huntington Creek (p. 2-68 and p2-131) for a distance of 0.3 miles (App. A2). The construction will not substantially disturb the surface. Soils will not be salvaged. Areas disturbed by the pipeline will be

watched for one growing season and repaired if necessary following the seeding described in Section 4.7 (p. 4-103B) and soil sampling described on p. 2-120 (m). Areas disturbed along the pipeline will be repaired, seeded, mulched (Sec.4.6.8).

pburton

Vegetation

Analysis:

The disturbance has been reduced to the smallest practical area. Section 2.9.7 indicates there will be minimal disturbance along the powerline corridor since there will be no roads established and access is limited to rubber-tired or tracked vehicles.

Findings: Information provided in the application meets the minimum requirements of R645-301-331

lreinhart

Road Systems Classification

Analysis:

The application meets the minimum requirements of R645-301-527.100 by classify each road as primary or ancillary. Chapter 4 Section 4.20.5 was updated to detail the additional ancillary roads associated with the Swens Canyon ventilation facility. A pre-existing road will be temporary realigned to create the access road for the pad.

cparker

Road System Plans and Drawings

Analysis:

The application meets the requirements of R645-301-534.100 by submitting plans and drawing for each road to be maintained within the permit area. Earthfax was retained by the Permittee to design the roads associated with the Swens Canyon ventilation facility. The geotechnical report supplied in Appendix D details that the road will have a minimum width of 17 feet, with an outside radius of 90 feet around the curves. The road surface will be constructed from road base or similar material with drainage along the road designed to safely convey storm water from a 10-year, 6-hour event. The maximum slope of the road will not exceed 7.25%.

The application was amended to meet the requirements of R645-301-521.170, -534.150 that requires each permit application to describe each road. The description includes a map, appropriate cross sections, specification for each road width, road gradient, road surface, road cut, fill embankment, culvert, bridge, drainage ditch, drainage structure in Section 3.2, page 3-31c. The Permittee added call outs the swale described in the MRP text on plate 3.2.4-4A and on the appropriate cross section on plate 3.2.4-4B. Cross section E-E' on plate 3.2.4-4B is also was amended to show the pad elevation.

cparker

Road System Performance Standards

Analysis:

The application meets the minimum requirements of R645-301-534.150 by submitting plans and drawing for each road to be maintained within the permit area to prevent and control erosion. Cross section of the various road typical show appropriate road drainage along the length of the pad access road.

cparker

Road System Certification

Analysis:

The application meets the minimum requirements of R645-301-521.170 by submitting plans and drawing for each road to be prepared by or under the direction of and certified by a qualified registered professional engineer. Plate 3.2.4-4A contains appropriate cross sections and is stamped by PE Richard White.

cparker

Road System Other Transportation Facilities

Analysis:

The application meets the minimum requirements of R645-301-521.170 by updating the relevant plates to detail the power line corridor that will be associated with the Swens Canyon ventilation facility. Plate 1.6-3A details the location of subsurface lines associated with the power line. No changes made to the already approved plans and drawing for each conveyor, and rail system to be used within the proposed permit area.

cparker

Spoil Waste Disposals of Noncoal Mine Wastes

Analysis:

The application meets the minimum standards of R645-301-528.330 due to no changes in the MRP text noncoal mine waste disposal located in the current MRP.

cparker

Spoil Waste Coal Mine Waste

Analysis:

The application meets the minimum standards of R645-301-528.320 due to no changes in the MRP text in regards to spoil and coal mine waste placement.

cparker

Spoil Waste Refuse Piles

Analysis:

The application meets the minimum standards of R645-301-528.322 due to no changes in the MRP text in regards to refuse piles at the Skyline mine.

cparker

Spoil Waste Impounding Structures

Analysis:

The application meets the minimum standards of R645-301-533 due updates within Chapter 3 Section 3.2.1 of the MRP text detailing the impoundments at the Swens Canyon ventilation facility for the topsoil pile.

cparker

Spoil Waste Burning and Burned Waste Utilization

Analysis:

The application meets the minimum standards of R645-301-528.323 due to no changes in the MRP text in regards to burning and burned waste utilization.

cparker

Spoil Waste Coal Processing Waste to Abandoned

Analysis:

The application meets the minimum standards of R645-301-528.340 due to no changes in the MRP text in regards to returning waste to abandoned underground workings.

cparker

Spoil Waste Excess Spoil

Analysis:

The application meets the minimum standards of R645-301-535 due to no changes in the MRP text in regards to excess spoil.

cparker

Hydrologic Ground Water Monitoring

Analysis:

The amendment meets the State of Utah R645 requirements for Hydro: Groundwater Monitoring.

There is no additional ground water monitoring required with the disturbance associated with the proposed Swens Canyon Ventilation Facility. As stated in the application, there are no springs within the area of the disturbance.

adaniels

Hydro Surface Water Monitoring

Analysis:

The amendment meets the State of Utah R645 requirements for Hydro: Surface Water Monitoring.

CS-16 is a monitoring location on Swens Creek that is already part of the Skyline water monitoring program. This point has been monitored since 2001. This point will provide a downstream of disturbance monitoring location. CS-28 will be added to Swens Creek above the proposed disturbance.

These two stream monitoring locations will give a clear indication if there is any impact occurring to Swens Creek.

Baseline monitoring occurred along Swens Creek from 2001 to 2004. This baseline monitoring included the entire suite of laboratory parameters, including the required monitoring listed in the rules. Since then, monitoring has been quarterly field data, and baseline monitoring every 5 years. With the proposed surface disturbances associated with the ventilation pad, quarterly monitoring at sites CS-16 and CS-28 will include field data as well as TDS, TSS and oil and grease. Baseline monitoring will still occur every five years.

adaniels

Hydrologic Acid and Toxic forming Materials

Analysis:

The amendment meets the State of Utah R645 requirements for Hydrologic Acid and Toxic Forming Materials.

Any cuttings from the shafts will be placed in the cuttings plan, and then used to backfill the shafts during reclamation.

adaniels

Hydrologic Transfer Wells

Analysis:

The amendment meets the State of Utah R645 requirements for Hydrologic Transfer Wells.

There are no proposed wells within this application.

adaniels

Hydrologic Discharge Into an Underground Mine

Analysis:

The amendment meets the State of Utah R645 requirements for Hydrologic Discharge Into an Underground Mine.

The Permittee has clarified in the plan that any storm water runoff will not drain into the shaft. They have stated that the pad

is sloped to the south, away from the shaft, and that there is a 2 foot collar on the shaft that will prevent runoff from getting into the shaft.

adaniels

Hydrologic Gravity Discharge From Underground Mine

Analysis:

The amendment meets the State of Utah R645 requirements for Hydrologic Gravity Discharge From Underground Mine.

The proposed vent and escape shaft are vertical shafts that will prohibit any type of mine discharge.

adaniels

Hydrologic Water Quality Standards

Analysis:

The information provided and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The Permittee has proposed using ASCAs to control disturbed runoff from leaving the site. These ASCAs employ ditches, berms and sedimentation areas to prevent untreated water from leaving the disturbed area. The application does not call for the use of any UPDES outfalls. See Hydrologic Sediment Control Measures for further analysis.

adaniels

Hydrologic Diversion General

Analysis:

The amendment meets the State of Utah R645 requirements for Hydrologic Diversions General.

The ventilation facility is located on the top of a hill, and there are no ephemeral, intermittent, or perennial streams that will required diverting through or around the site.

adaniels

Hydrologic Diversion Perennial and Intermittent

Analysis:

The amendment meets the State of Utah R645 requirements for Hydrologic Diversion Perennial and Intermittent.

See analysis under ""Diversions General"".

adaniels

Hydrologic Stream Buffer Zones

Analysis:

The amendment meets the State of Utah R645 requirement for Hydrologic Stream Buffer Zone.

Page 3-31(c) of the amendment discusses the protection of Swens Creek. The stream will be monitored above and below mining activities to establish if there are any impacts to the stream occurring. The access road to the pad utilizes a section of a previous Forest Service road, but will be re-aligned to create access to the pad. This road will disturb closer than 100 feet of Swens Creek, a perennial stream. Through the use of the proposed sediment control measures along the access road, the Division finds that the operations will not adversely affect the water quality or quantity of Swens Creek.

The Permittee has committed to do disturb riparian vegetation and the floodplain associated with Swens Creek. They clearly state in the MRP that this area is a stream buffer zone and that the area will be marked with stream buffer zone signs prior to construction so that the area not to be disturbed is clearly delineated.

Hydrologic Sediment Control Measures

Analysis:

The amendment meets the State of Utah R645 requirements for Hydrologic Sediment Control Measures.

The analysis of proposed sediment controls for the Swens Canyon Ventilation Facility will be broken into the following four categories: Cuttings Pond, Vent Pad, Topsoil Pile, and Access Road.

Cuttings Pond Analysis:

The Permittee has proposed a cutting pond for the north end of the facility. This pond will receive approximately 13,000 CY of cutting material, which will be approximately 50% water. The cuttings will be allowed to dry and will end up with a volume of approximately 6,500 CY. This material will remain in the pond. The pond will also receive storm water runoff from watersheds UW-2 and DW-1 as displayed on Plate 3.2.4-4D. For a more detailed design analysis of the impoundment, see section ""Hydrologic Impoundment"".

Vent Pad Analysis:

This area is proposed as ASCA Area 40. Area 40 is described in Section 3.2 as a combination of undisturbed (UW-3) and disturbed (DW-3) area totaling 1.5 acres. The MRP explains that the sediment from this area is controlled by a small catch basin located at the southern end of the pad, this is displayed on plate 3.2.4-4D. Also, Plate 3.2.4-4D indicates that sediment controls on the west side of the pad (DB-2) will either be a berm or a silt fence.

Topsoil Pile Analysis:

The topsoil pile will be surrounded by berms UB-2, DB-1, and DB-3. These berms will direct any runoff from the topsoil pile to a small basin on the southwest side of the stockpile. From here, if any topsoil has eroded it can be place back on the topsoil pile. It appears from the design and drawings of this pile, that any runoff from topsoil pile will be contained to prevent drainage from leaving the pile. The EarthFax engineering report provides calculations for these berms and indicates that they were designed to safely convey the runoff from a 100 year, 24 hour storm event.

Access Road Analysis:

The access road to the facility will be lined with ditches DD-1, DD-2, and DD-3. To convey runoff away from the road, there are also three culverts, C1, C2, and C3. These ditches and culverts have been designed to convey runoff from a 10 year, 6 hour storm event. The culverts will be HDPE material and be 18 inch in diameter. The calculations for the culverts are provided in the EarthFax report.

adaniels

Hydrologic Exemptions

Analysis:

The amendment meets the State of Utah R645 requirements for Hydrologic Exemptions.

The permittee has proposed using two ASCAs, Area 40 and 41 to control and treat storm water. For further analysis and deficiencies, see Hydrologic Sediment Control Measures.

adaniels

Hydrologic Discharge Structures

Analysis:

The amendment meets the State of Utah R645 requirements for Hydrologic Discharge Structures.

For analysis, see section ""Hydrologic Impoundments"".

adaniels

Hydrologic Impoundments

Analysis:

The amendment meets the State of Utah R645 requirements for Hydrologic Impoundments.

The cuttings ponds for the ventilation facility will be in place throughout the life of the operating facility. The ponds will also receive a small amount of runoff from watersheds UW-2 and DW-1 as displayed on Plate 3.2.4-4D. Pond cross sections are also displayed on Plate 3.2.4-4C.

The pond is designed to contain the cuttings from the shaft drilling process. These cuttings will have a maximum wet volume of 13,000 CY (6,500 CY dry). The pond has been designed to contain the runoff from a 10 year, 24 hour storm event (430 CY) and one year of accumulated sediment from watersheds UW-2 and DW-1. The impoundment design is detail further in the EarthFax engineering report included in the application.

The application goes on to state that the pond has been designed to convey the peak flow from a 25 year, 6 hour storm event immediately following a 10 year, 24 hour storm event via the design of the emergency spillway. The spillway is shown on Plates 3.2.4-4A, -4C, and -4D. These include detailed designs of the spillway.

The cuttings pond, although not a sedimentation pond, will be inspected quarterly and PE-certified.

adaniels

Support Facilites and Utility Installations

Analysis:

The application meets the requirements of R645-301-521.180 and -526 the require the description, plans, and drawing for each support facility to be constructed, used, or maintained within the proposed permit area. Chapter 3 Section 3.2.4 was updated to detail the general purpose and function of the Swens Canyon ventilation facility. The Earthfax geotechnical report was included in Appendix D of the application. The report found that the field investigation generally encountered Sandy Loam topsoil on top of fractured sandstone with a shale bedrock. The report states on page 13, "The actual rock structure of the shale bedrock is unknown and should be evaluated during construction."

Slide 5.0 was utilized to develop a slope stability analysis from the Long Resource field investigation for the topsoil pile, access road and pond. The stockpile will be constructed to a maximum height of 20 feet with a maximum side slope of 2H:1V. The pond will be constructed to an inner slope of 17 feet at a 3H:1V, a crest of maximum 17 feet, and an outer slope of 52.3 feet at a 2H:1V. All analysis results show a minimum factor of safety against slope failure of the topsoil stockpile to be 1.9. The minimum factor of safety for the sediment basins and pond without ponded water is 2.3. The sediment basin and pond embankment factor of safety, under rapid drawdown is 5.4. The minimum factor of safety for the road side slope is 3.3.

R645-301-521.180, -526.220 requires a description, plans, and drawing for each support facility to demonstrate compliance with preventing erosion, damage to public or private property and minimize damages to environmental values. The Permittee updated information and supplied details of the surface of the ventilation shaft such as the extent above grade and cover material. The Permittee also detailed how the shaft will be constructed, i.e. raised bore drilling, and if blasting will be implemented. The Permittee added text to Chapter 3 Section 3.2.4 clarifying the extent above grade the ventilation shaft will extend, and how the shaft will be constructed such as if a raised bore drill will be used and/or if blasting will be expected.

R645-301-514.312 requires inspection by a professional engineer will promptly provide to the Division a certified report that the impoundment has been constructed and maintained as designed. Due to the technical aspect of the recommendations stated in the Earthfax Geotechnical report the Division requires language be added into the MRP Chapter 3.2.4 pg 3-31(b) detailing that a certified inspection report will promptly be provided to the Division upon the completion of the Swens Canyon ventilation pad detailing that pad was indeed constructed to design and all assumptions made in the Earthfax geotechnical report are still valid. The report will include common Quality Control/Quality Assurance measures used in the construction industry, such photography and compaction tests.

cparker

Signs and Markers

Analysis:

The application meets the minimum requirements of R645-301-521.200 by the general discussion of signs.

Explosives General

Analysis:

The application meets the minimum requirements of R645-301-524 by no changes made to the blasting plan of the MRP Chapter 3 Section 3.2.9. within the application. The Skyline mine currently does not have an approved blasting plan and may not utilize explosive larger than five pounds on the site.

cparker

Explosives Preblasting Survey

Analysis:

The application meets the minimum requirements of R645-301-524.300 by no changes made to of the MRP Chapter 3 Section 3.2.9. within the application. The Skyline mine currently does not have an approved blasting plan and may not utilize explosive larger than five pounds on the site.

cparker

Explosives General Performance Standards

Analysis:

The application meets the minimum requirements of R645-301-524.430 by no changes made to MRP Chapter 3 Section 3.2.9 within the application. The Skyline mine currently does not have an approved blasting plan and may not utilize explosive larger than five pounds on the site.

cparker

Explosives Blasting Signs Warnings Access Control

Analysis:

The application meets the minimum requirements of R645-301-524.460 and -524.530 by no changes the MRP Chapter 3 Section 3.2.9. The Skyline mine currently does not have an approved blasting plan and may not utilize explosive larger than five pounds on the site.

cparker

Explosives Control of Adverse Effects

Analysis:

The application meets the minimum requirements of R645-301-524.600 by no changes made to the MRP Chapter 3 Section 3.2.9. The Skyline mine currently does not have an approved blasting plan and may not utilize explosive larger than five pounds on the site.

cparker

Explosives Records of Blasting Operations

Analysis:

The application meets the minimum requirements of R645-301-524.700 by no changes made to the MRP Chapter 3 Section 3.2.9. The Skyline mine currently does not have an approved blasting plan and may not utilize explosive larger than five pounds on the site.

cparker

Maps Affected Area

Analysis:

The application meets the minimum requirements of R645-301-521.100 through-521.130 by updating all the relevant maps for the entire area shown on the mine plan as detailed on plates 3.2.4-4A through 3.2.4-4F and 1.6-3.

The application meets the minimum requirements of R645-301-521.110.R645-301-521.110 requires previously mined areas to be shown on Drawing 2.2.7-7 and discussed in Chapter 2 section 2.12.2. No changes were made to the MRP text within the above section at the time of this amendment.

cparker

Maps Facilities

Analysis:

The application meets the minimum requirements of R645-301-521.120 through-521.125 which require maps to clearly show existing surface and subsurface facilities. The application included update plates 1.-3A, 3.2.4-4A through 3.2.4-4F detail all surface and sub surface facilities related to the Skyline mining operations.

cparker

Maps Mine Workings

Analysis:

The application meets the requirements of R645-301-521.140 which requires maps that clearly show all mine plans. Plate 3.3-2 Rev10 clearly show proposed mining operations outside the current lease, which includes Flat Canyon. The Flat Canyon lease has been issued to the Skyline Mine but the Flat Canyon lease area has not been permitted by the Division. As discussed with the Permittee previously in an email sent August 26, 2015, the Permittee will add a note to all plates that details show planned mining operations outside currently approved leases or permits stating, "Any projected mining shown beyond existing lease boundary lines is subject to future lease modifications and approvals."

For the purposes of the Swens Canyon ventilation facility plate 3.3-2 Rev10 was be amended to include the following note: "Any projected mining shown beyond existing lease boundary lines is subject to future lease modifications and approvals."

cparker

Maps Monitoring and Sampling Locations

Analysis:

The amendment meets the State of Utah R645 requirements for Maps, Monitoring and Sampling Locations.

Map 2.3.6-1 has been updated to include the new surface water monitoring point, CS-28, on Swens Creek.

adaniels

Maps Certification Requirements

Analysis:

R645-301-512 minimum requirements are met as all mine drawings and plates are stamped by a Utah certified professional engineer Richard B White, with experience in underground mining operations.

cparker

Reclamation Plan

General Requirements

Analysis:

The minimum requirements of R645-301-540 are met within the application due to updated Chapter 4 sections and plates 4.4.2-4A, 4.4.2-4B, and 4-9D that detail the Swens Canyon ventilation facility reclamation contours to AOC as a stable slope. Text was edited within Chapter 4 Section 4.9 also details how the mine opening of the ventilation shaft will be reclaimed as shown in Drawing 4-9D.

cparker

PostMining Land Use

Analysis:

Information provided in the application is adequate to meet the minimum requirements of the R645-301-412 or R645-301-413. Table 4.12-1 has the SCVF added and Page 4-78(a) has been modified to reference other sections of Section 4 of the M&RP for the various management plans and performance standards.

lreinhart

WildLife Protection

Analysis:

Information provided in the application meets the minimum requirements of R645-301-342 and R645-301-3582. Section 9.7 states habitat disturbed by the SCVF will be revegetated at reclamation with increased forbs and grasses to provide better post mining habitat.

lreinhart

Approximate Original Contour Restoration

Analysis:

The application meets the minimum R645-301-512.200 and -553.110 as there is no change in the MRP and all grading will be place back to approximate original contours. Plates 4.4.2-4 A and 4.4.2-4B detail the reclamation contours of the Swens canyon ventilation facility shown to match existing AOC.

cparker

Backfill and Grading General

Analysis:

Plate 4.4.2-4 A through B meets the requirements of R645-301-553 detailing how AOc will be restored at the point of reclamation of the Swens Canyon ventilation facility.

The requirements of R645-301-553 are now met within the application as information regarding the Swens Canyon ventilation facility was added to Chapter 4 Section 4.1.2 where similar discussion is currently present within the MRP regarding Winter Quarters. The Permittee did supply updated text within the grading section of Chapter 4 Section 4.4.2 to include the required information for backfilling of the Swens Canyon ventilation facility that meets the R645-301-553 requirements.

cparker

Backfill and Grading Previously Mined

Analysis:

The minimum requirements of R645-301-553.500 are met within the application as there is no change to the existing MRP grading reclamation details on previously mined areas.

cparker

Backfill and Grading on Steep Slopes

Analysis:

The minimum requirements of R645-301-553.130 are met within the application as there is no change to the existing MRP grading reclamation details on steep slopes.

cparker

Backfill and Grading Steep Special Provisions

Analysis:

The minimum requirements of R645-301-537 and -553 are met within the application as there is no change to the existing MRP grading reclamation details.

cparker

Mine Openings

Analysis:

Finding: This application meets the minimum regulatory requirements for backfilling and sealing of the Swens Canyon Vent Shafts as required by R645-301-631.

R645-301-631. Casing and Sealing of Exploration Holes and Boreholes. Each permit application will include a description of the methods used to backfill, plug, case, cap, seal or otherwise manage exploration holes or boreholes to prevent acid or toxic drainage from entering water resources, minimize disturbance to the prevailing hydrologic balance and to ensure the safety of people, livestock, fish and wildlife, and machinery in the permit and adjacent area.

Chapter 4 Section 4.9 contains the description of the Opening and Sealing Plan for the shafts. There are two shafts planned for construction that will ultimately require backfilling and sealing. The first is the Vent shaft which is 16 feet in diameter. The second shaft is an 8 foot shaft and will be an Escape shaft. Both shafts will be completely backfilled at the time of reclamation. There is a diagram labeled DWG #4.9-D that shows the backfill design. It shows rock, gravel, sand, bentonite and 5 feet of concrete and another bentonite layer. The rest of the shaft will then be filled with pit run gravel. This is approximately 855 feet for the vent shaft.

dhaddock

Mine Openings

Analysis:

The minimum requirements of R645-301-529,542.710 and -551 are met within the application as there is no change to the existing MRP sealing of mine openings at the time of final reclamation. Drawing 4-9D was added detailing how the Swens Canyon and ventilation shaft will be backfilled following all required regulations. Text within Chapter 4 Section 4.9 of the MRP was also added to detail the backfilling of the ventilation and escape shafts. Cuttings from the original drilling that will be stored in the impoundment on the pad will be utilized as backfill material.

cparker

Topsoil and Subsoil

Analysis:

Analysis:

Plates 4.4.2-4A and 4.4.2-4B show the final reclamation topography and cross-sections. The site and access road (p. 4-114a) will be brought to final grade which for the shafts means 20 ft above ground level (Section 4.9, p. 4-62a). Page 4-41(e) describes ripping of compacted areas (such as roads and other surfaces) prior to soil replacement in accordance with R645-301-242.200. Subsoil (6,345 CY) will be redistributed over the site (p 4-41e). Then, 8,755 CY of topsoil will be spread one foot deep over 5.4 acres (Table 4.6-4). Page 4-41(e) states that the redistributed topsoil will be sampled and analyzed for available N:P:K nutrients prior to mulching and seeding. Topsoil will be placed with a dozer and pocked with a trackhoe (Section 4.6.7). Final seed mix is listed in Table 4.7-8E. Noxious weeds will be controlled (Section 4.8.9).

pburton

Road System Reclamation

Analysis:

The minimum requirements of R645-301-534 are met within the application as Chapter 4 Section 4.20.6 details that all pre-existing roads will be slightly rerouted while the ventilation facility if function but will be re-established in the original location at reclamation. Approximately 900 feet of access road to the pad will be removed during reclamation as shown on Plates 3.2.4-4A and 4.4.2-4A.

cparker

Road System Retention

Analysis:

The minimum requirements of R645-301-534 and -552 are met within the application as there is no change to the existing MRP reclamation of roads that will be retained at the end of mining that exist throughout the permitted area. Chapter 4 Section 4.20.6 details that all pre-existing roads will be slightly rerouted while the ventilation facility if function but will be re-established in the original location at reclamation.

cparker

Hydrological Information Reclamation Plan

Analysis:

The amendment meets the State of Utah R645 requirements for Hydrologic Information Reclamation Plan.

During reclamation, the facility structures will be removed. Any cuttings in the pond will be used to backfill the shafts, and the site will be returned to approximate original contour. The ditches, berms, and culverts will be removed.

adaniels

Contemporaneous Reclamation General

Analysis:

The minimum requirements of R645-301-553 of backfill and grading are met within the application as there is no change to the existing MRP grading reclamation details.

cparker

Revegetation General Requirements

Analysis:

Information provided in the application meets the minimum requirements of R645-301-341. Section 4.7 of the MRP discusses the revegetation plan for the mine. A specific seed mix for this project is based on existing conditions with some modifications for habitat improvement.

ireinhart

Revegetation Timing

Analysis:

Information provided in the application meets the minimum requirements of the R645-301-354. Interim vegetation is referenced on page 3-31 and table 4.7-8F, and includes a narrative describing when the interim seedmix will be planted.

ireinhart

Revegetation Mulching and Other Soil Stabilization

Analysis:

Information provided in the application is adequate to meet the minimum requirements of R645-301-355. Section 4.7.11 addresses mulch and soil stabilization methods that may be used. Section 4.4.2 indicates the surface will be roughened with deep gouging.

ireinhart

Revegetation Standards for Success

Analysis:

Information provided in the application meets the minimum requirements of R645-301-356. Section 4.7.11 (page 4-50(a)) was modified to indicate a current commitment to a success standard of 2,500 woody-species per acre, with the caveat that it may be modified with consultation with USFS, DWR, DOGM, and mine personnel. This is based on the interpretation of the report that a higher percentage of grasses and forbes are more desirable for the post mining land use than the current

high percentage of sage brush. Table 4.7-11B was also modified with the added qualifier, ""Containerized shrubs may be used as warranted to achieve reclamation standards"".

Ireinhart

Stabilization of Surface Areas

Analysis:

Analysis:

Areas disturbed by the pipeline will be watched for one growing season and repaired if necessary following the seeding described in Section 4.7 (p. 4-103B). Areas disturbed along the pipeline will be repaired, seeded, mulched (Sec.4.6.8).

Surface roughening is described as a soil stabilization measure (Section 4.6.7). Surface mulch is also describe in accordance with R645-301-244.100 (Section 4.6.8).

pburton

Cessation of Operations

Analysis:

The minimum requirements of R645-301-515 and -541 are met within the application as there is no change to the existing MRP plan of communication with the appropriate parties in the event of the cessation of operations and final reclamation.

cparker

Maps Affected Area Boundary

Analysis:

The minimum requirements of R645-301-542 are met within the application as updated reclamation maps were provided in regards to the reclamation of the Swens Canyon ventilation facility on plates 4.4.2-4A and 4.4.2-4B.

cparker

Maps Bonded Area

Analysis:

The minimum requirements of R645-301-800 are meet within the application as the bonded area map was updated in Plate 1.6-3.

cparker

Maps Reclamation BackFilling and Grading

Analysis:

The minimum requirements of R645-301-542 are met within the application as there Plate 4.4.2-4A and 4.4.2-4B detail the required backfill and grading associated with the Swens Canyon Ventilation facility.

cparker

Maps Reclamation Facilities

Analysis:

The minimum requirements of R645-301-542 are met within the application as there is no change to the existing MRP plan of facilities that will remain post mining operations. All structures associated with the Swens Canyon ventilation facility will be reclaimed at final mine reclamation as detailed on Plate 4.4.2-4A.

cparker

Maps Reclamation Final Surface Configuration

Analysis:

The minimum requirements of R645-301-542 are met within the application as updated Plate 4.4.2-4A and 4.4.2-5B detail the final surface configuration back to AOC for the Swens Canyon ventilation facility along with all previous pre-existing roads will be returned to the original location.

cparker

Maps Reclamation Monitoring and Sample Locations

Analysis:

The amendment meets the State of Utah R645 requirements for Maps, Reclamation Monitoring and Sampling Locations. Map 2.3.6-1 has been updated to include the new surface water monitoring point, CS-28, on Swens Creek.

adaniels

Maps Reclamation Surface and Subsurface Man Made

Analysis:

The minimum requirements of R645-301-542 are met within the application all surface man made features will be reclaimed and all subsurface manmade features within the permit area will be reclaimed below grade and sealed to applicable R645 regulations as shown on Plate 4.4.2-4A.

cparker

Maps Reclamation Certification Requirements

Analysis:

R645-3010-512 minimum requirements are met as all mine drawings and plates are stamped by a Utah certified professional engineer Richard White, with experience in underground mining operations.

cparker

Bonding and Insurance General

Analysis:

The application meets the minimum requirements of R645-301-800 as the applicant is current on the bond and insurance standings.

cparker

Bonding Form of Bond

Analysis:

The application meets the minimum requirements of R645-301-860.100 as the applicant currently maintains a surety bond amount of \$5,799,00 which is held by Lexon Insurance Co with a rider held by Ironshore Indemnity Inc.

cparker

Bonding Determination of Amount

Analysis:

The application meets the minimum requirements of R645-301-830.140 as the Permittee submitted detailed bond information in regards to the application. This amendment can be conditionally approved pending an additional bond increase of \$790,000. The new required reclamation bond for the Skyline mine in 2019 dollars is \$5,382,000.

The Swens Canyon ventilation shaft increased the demolition, earthwork and revegation costs of reclamation. The demolition cost increased \$28,640 with the additional removal of the new Swens Canyon sheet for fence, building and concrete removal on demolition sheet 44. The backfilling and grading total was increased to \$84,726 for the additional

regarding out of the pad area and 900 feet of road on earthwork sheet 17. The revegetation was increased \$12,293 for the addition 9.7 acres of seeding for the Swens Canyon.

This amendment is a significant revision and the Division took the opportunity to revisit the Skyline bond in entirety following DOGM Technical Directive 007. Several amendments have occurred since the original submittal of the Swens Canyon Ventilation facility: Task 4968, 4978, and 4981. Task 4968 included updates to the rail loadout demolition sheets 27 and 34. These edits can be seen on Drawing 3.2.1-3. Task 4978 was approved under task 5022 for the addition of a culvert at the waste rock facility, seen on Drawing 3.2.8-1a. Demolition sheet 37 was updated to include the removal of the culvert. Task 4981 was approved adding a three sided addition to the sweeper garage on demolition sheet 14, the addition can be seen on drawing 3.2.1-1.

Several errors described below were corrected in the demolition, earthwork, and revegetation cost estimate sheets. The demolition sheets had three reoccurring errors that were corrected. The concrete demolition was updated on demolition sheets 1, 3, 5, 6, 9, 11, 14, and 24-33. There were various line item errors that were corrected on demolition sheets 10, 23, 34, and 39. Several sheets did not detail a disposal on or off site that was corrected on demolition sheets 15-19, 21, and 22. The resulting new demolition subtotal is \$2,127,747

The earthwork sheets had some general errors in the operator wages. The wages were corrected to use the bare cost that does not include overhead and profit, following OSM Bonding reclamation cost estimate guidelines. Another major edit was the shaft and escape shaft at the Winter Quarters ventilation facility were never built and were removed from the bond at this time bring the Winter Quarters earthwork subtotal to \$16,841. Drawing 3.2.4-3A through G show the Winter Quarters site only had one portal which remains bonded for in the amended sheet. The new earthwork subtotal is \$1,333,999

The revegetation sheet had several cells that were not being properly calculated, including the cost of mulch and the conversion from acres to MSF. These error were corrected to bring the new revegetation total to \$372,135

The Permittee must resubmit updated reclamation costs using the 2014 R.S. Means Heavy Construction Cost Data catalog. The three categories re-calculated in this new estimate, and their sub-totals are as follows:

Facility Demolition and Removal.....	\$2,127,747
Disturbance Backfilling and Grading.....	\$1,333,999
Re-vegetation of Disturbed Areas.....	\$372,135

The Total Direct Cost to reclaim all disturbed areas associated with the Skyline Mine

Indirect Costs have been calculated to Total.....	\$1,027,480
Total Reclamation Cost in 2014 dollars	\$4,861,362
Total minimum Bond Required in 2019 dollars	\$5,382,000
Current Bond post March 18,2015	\$5,799,000

Percent and cost difference 7.19% or \$417,000 over bonded

cparker

Bonding Terms and Conditions Liability Insurance

Analysis:

The application meets the minimum requirements of R645-301-850 as the applicant currently holds liability insurance through National Union Fire Ins Co, effective until 2/1/16. The insurance includes the required Marsh from, explosives and claims made per occurrence.

cparker

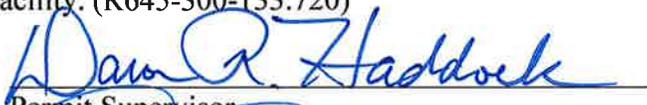
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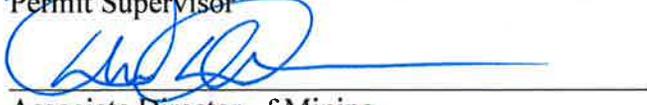
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Skyline Mine
Swens Canyon Ventilation Facility
C/007/0005
Carbon County, Utah
July 19, 2016

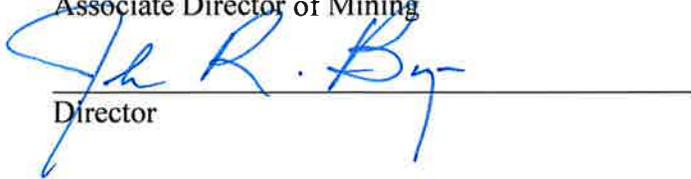
1. The permit application for the addition of the Swens Canyon Ventilation Facility is accurate and complete and all requirements of the Surface Mining Control and Reclamation Act, and the approved Utah State Program are in compliance. See Technical Analysis dated July 6, 2016. (R645-300-133.100)
2. The applicant proposes acceptable practices for the reclamation of the disturbed lands. The Division has determined that reclamation, as required by the Act can be feasibly accomplished following the approved plan. New surface disturbance will occur with the addition of the Swens Canyon Ventilation Facility. (R645-300.133.710)
3. An assessment of the probable cumulative impacts of all anticipated coal mining and reclamation activities in the general area on the hydrologic balance has been conducted by the Division and no significant impacts were identified. The Mining and Reclamation Plan (MRP) proposed under the revised application has been designated to prevent damage to the hydrologic balance in the permit area and in associated off-site areas (R645-300-133.400 and UCA 40-10-11 (2)(c))
4. The proposed lands to be included in the area are:
 - a. Not included within an area designated unsuitable for underground coal mining operations (R645-300-133.220);
 - b. Not within an area under study for designated land unsuitable for underground coal mining operations (R645-300-133.210);
 - c. Not on any lands subject to the prohibitions or limitation of 30 CFR 761.11 {a} (national parks, etc), 761.11 {f} (public buildings, etc.) and 761.11 {g} (cemeteries);
 - d. Not within 100 feet of a public road except at the location where the public road accesses the property (R645-300-133.220); and
 - e. Not within 300 feet of any occupied dwelling (R645-300-133.220).
5. The operations would not affect the continued existence of any threatened or endangered species or result in the destruction or adverse modification of their critical habitats as determined under the Endangered Species Act of 1973. See Technical Analysis dated July 6, 2016. (16 USC 1531 et seq.) (R645-300-133.500)
6. The Division's issuance of a permit is in compliance with the National Historic Preservation Act and implementing regulations (36 CFR 800). See Technical Analysis dated July 6, 2016. There are planned surface disturbances associated addition of the Swens Canyon Ventilation Facility which have been determined to have no affect to historic properties. (See

Determination of Significance and Effect signed by SHPO on 8/12/15) (R645-300-133.600)

7. The applicant has the legal rights to enter and complete mining activities in the permit area. (R645-300-133.300)
8. A 510(c) report has been run on the Applicant Violator System (AVS), which shows that prior violations or applicable laws and regulations have been corrected; neither Intermountain Power Agency nor any affiliated company are delinquent in payment of fees for the Abandoned Mine Reclamation Fund; and the applicant does not control and has not controlled mining operations with demonstrated pattern of willful violations of the Act of such nature, duration and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the provisions of the Act (A 510 (c) report was run on July 19, 2016, see memo to file. (R645-300-133.730)
9. The coal mining and reclamation operations to be performed under the permit will not be inconsistent with other operations anticipated to be performed in the areas adjacent to the proposed permit area.
10. The applicant has posted a surety bond for the Skyline Mine in the amount of \$5,799,000 in the form a surety bond held with Lexon Insurance Co/Ironshore Indemnity Inc. (R645-300-134)
11. No lands designated as prime farmlands or alluvial valley floors occur on the permit area. See Technical Analysis dated July 6, 2016 (R645-302-313.100) and R645-302-321.100)
12. The proposed postmining land use will not be affected by this action.
13. The Division has made all specific approvals required by the Act, the Cooperative Agreement and the Federal Lands Program.
14. All procedures for the public participation required by the Act, and the approved Utah State Program are in compliance. The public advertisement was published October 27, November 3, 10 and 17, 2015 in the Sun Advocate and Emery County Progress. (R645-300-120)
15. All existing structures at the mine comply with performance standards. This application is an increase in the permit and disturbed area boundary (14.50 acres) with the addition of the Swens Canyon Ventilation Facility. (R645-300-133.720)


Permit Supervisor


Associate Director of Mining


Director

AFFIDAVIT OF PUBLICATION

STATE OF UTAH)

ss.

County of Carbon,)

I, Jenni Fasselin, on oath, say that I am the Publisher of the Sun Advocate, a twice-weekly newspaper of general circulation, published at Price, State of Utah a true copy of which is hereto attached, was published in the full issue of such newspaper for 4 (Four) consecutive issues, and on the Utah legals.com website, the first publication was on the 27th day of October, 2015, and that the last publication of such notice was in the issue of such newspaper dated the 17th day of November 2015.

Jenni Fasselin – Publisher

Subscribed and sworn to before me this 17th day of November, 2015.

Notary Public My commission expires January 10, 2019 Residing at Price, Utah

Publication fee, \$ 436.80



LEGAL NOTICE

Canyon Fuel Company, LLC, has filed a complete application with the Division of Oil, Gas, and Mining for a revision of the existing Mining and Reclamation Plan, C/0070005 for the Skyline Mine. Canyon Fuel Company, LLC operates the Skyline Mines with surface facilities located in Eccles Canyon which is approximately 4 miles southwest of the town of Scofield, Utah. The revision includes the addition of a power line approximately 3 miles in length providing power to a ventilation facility located in Upper Huntington Canyon.

Underground coal mining will take place in coal reserves owned or leased by Canyon Fuel Company, LLC. A legal description of the proposed areas for these new surface facilities is described as follows:

Proposed Additional Areas Authorized for Coal Mining and Reclamation Activities

Township 12 South, Range 6 East, SLBM

- Section 23: Portions of E1/2E1/2, SW1/4SE1/4
- Section 24: Portions of N1/2
- Section 25: Portions of S1/2S1/2
- Section 26: Portions of NW1/4NE1/4, N1/2NW1/4, SW1/4NW1/4
- Section 27: Portions of S1/2NE1/4, S1/2NW1/4

Total acres within the affected area: 4.8 acre power line and 9.7 acre ventilation facility

The address of the applicant is: Canyon Fuel Company, LLC
225 North 5th Street, Suite 900
Grand Junction, CO 81501

After filing, copies of this permit application will be available for inspection at the following location: Utah Division of Oil, Gas, and Mining, 1594 West North Temple, Suite 1210, Salt Lake City Utah, and the Division of Oil, Gas, and Mining website under the Coal Permit files.

Written comments or requests regarding this permit renewal must be made within 30 days of the last publication of this notice, and may be addressed to the Utah Division of Oil, Gas, and Mining, 1594 West North Temple, Suite 1210, Salt Lake City, Utah 84114-5801.

Published in the Sun Advocate October 27, November 3, 10 and 17, 2015.

AFFIDAVIT OF PUBLICATION

STATE OF UTAH)

ss.

County of Emery,)

I, Jenni Fasselin, on oath, say that I am the Publisher of the Emery County Progress, a weekly newspaper of general circulation, published at Castle Dale, State of Utah and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for 4 (Four) consecutive issues, and on the Utah legals.com webwsite; the first publication was on the 27th day of October, 2015, and that the last publication of such notice was in the issue of such newspaper dated the 17th day of November, 2015.

Jenni Fasselin – Publisher

Subscribed and sworn to before me this 17th day of November 2015.

Notary Public My commission expires January 10, 2019 Residing at Price, Utah

Publication fee, \$ 312.00



LEGAL NOTICE

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- Section 27: Portions of S1/2NE1/4, S1/2NW1/4

Total acres within the affected area: 4.8 acre power line and 9.7 acre ventilation facility

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Published in the Emery County Progress October 27, November 3, 10 and 17, 2015.



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

July 19, 2016

To: Internal File

From: Daron R. Haddock, Coal Program Manager

Subject: 510 (c) Recommendation for Canyon Fuel Company, LLC, Skyline Mine, C/007/0005, Task ID #4935

As of writing of this memo, there are no NOV's or CO's which are not corrected or in the process of being corrected for the Skyline Mine. There are no finalized civil penalties, which are outstanding and overdue in the name of Canyon Fuel Company, LLC. Canyon Fuel Company, LLC does not have a demonstrated pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

Attached is a recommendation from the OSM Applicant Violator System for the Skyline Mine that states there are no outstanding violations.

O:\007005.SKY\WG4935 SWENS VENTILATION\Decision Document\007 510c.doc



U.S. Department of the Interior Office of Surface Mining
Applicant/Violator System

suzanne.steab (UT) | [Logou](#)

[Click for the Office of Surface Mining Website](#)

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[HOME](#) > ENTITY EVALUATE

Evaluation on Permit Number: C0070005 SEQ:7

0 Violations

[Print Report](#)

Permit Evaluation

Permit Number	C0070005 SEQ:7
Permitee Name	142816 Canyon Fuel Company LLC
Date of Request	7/19/2016 1:41:37 PM
Requestor	suzanne.steab

CAUTION: The Applicant/Violator System (AVS) is an informational database. Permit eligibility determinations are made by the regulatory authority with jurisdiction over the permit application not by the AVS. Results which display outstanding violations may not include critical information about settlements or other conditions that affect permit eligibility. Consult the AVS Office at 800-643-9748 for verification of information prior to making decisions on these results.

There were no violations retrieved by the system

Evaluation OFT

Entities: 26

-
- 249037 Rickmeier Advisors Inc - ()
 - 249034 Cedars Energy LLC - (Subsidiary Company)
 - 254567 Bowie Resource Partners, LLC - (Subsidiary Company)
 - 128807 James J Wolff - (Chief Financial Officer)
 - 129465 Eugene E Diclaudio - (Chief Operations Officer)
 - 153972 Paul Warner - (Vice President)
 - 249036 Steve Rickmeier - (Director)
 - 254566 Bowie Resource Holdings, LLC - (Subsidiary Company)
 - 128807 James J Wolff - (Chief Financial Officer)
 - 129465 Eugene E Diclaudio - (Chief Operations Officer)
 - 142816 Canyon Fuel Company LLC - (Subsidiary Company)
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-----254619 John DeRosa - (Director)
-----254620 Jesus Fernandez - (Director)
-----255477 Johannes Dreyer - (Chief Executive Officer)
-----254572 John Siegel - (Manager)
---249036 Steve Rickmeier - (Owner)
---249036 Steve Rickmeier - (President)
249039 Halas Energy LLC - ()
---249034 Cedars Energy LLC - (Subsidiary Company)
-----254567 Bowie Resource Partners, LLC - (Subsidiary Company)
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- 255477 Johannes Dreyer - (Chief Executive Officer)
- 254572 John Siegel - (Manager)
- 249043 John J Siegel III - (Manager)
- 249043 John J Siegel III - (Member)
- 249044 Gillian L Rickmeier Trust - ()
- 249038 Rickmeier Partners LP - (Subsidiary Company)
- 249034 Cedars Energy LLC - (Subsidiary Company)
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 254568 Galena US Holdings, Inc. - ()

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---254574 Jeffrey Kopp - (President)
---254575 Bryan Keogh - (Treasurer)
---254576 Jesus Fernandez Lopez - (Secretary)

NarrativeRequest Narrative



United States
Department of
Agriculture

Forest
Service

Manti-Lasal National Forest

C/007/005 Incoming
Supervisor's Office cc: Priscilla
599 West Price River Drive Lisa
Price, UT 84501
435-637-2817
FAX: 435-637-4940 #4935

File Code: 2820
Date: September 23, 2015

Daron R. Haddock
Coal Program Manager
Coal Regulatory Program
Division of Oil, Gas and Mining
P.O. Box 145801
Salt Lake City, Utah 84114-5801

RECEIVED

SEP 25 2015

DIV. OF OIL, GAS & MINING

Dear Mr. Haddock:

In response to your letter dated July 29, 2015 we have reviewed the Swens Canyon Ventilation Facility permit application submitted by Canyon Fuel Company, LLC. Thank you for the opportunity to review and provide comment on this permit application.

On May 20, 2014 an onsite visit was conducted where the Skyline mine introduced the Swens Canyon Ventilation Facility project to Forest Service resource specialists at the project site location. This onsite visit gave the resource specialists an opportunity to provide comments and concerns to the mine in preparation for the mine developing their permit application. The primary resource concerns identified by resource specialist were:

- Visual impacts to the scenic byway caused by the development of an above ground powerline
- Visual impacts to the scenic byway caused by the development of a ventilation facility
- The proposed powerline route crossing through a timber sale area
- Cultural and wildlife surveys needing to be completed

The mine has adequately addressed these concerns by doing the following:

- Burying the powerline through the bottom of the canyon and under HWY 264 and adjusting the powerline route to avoid ridgelines thereby mitigating scenic view shed impacts to scenic byway passerby's
- Adjusting the vent shaft pad design and top soil placement to buffer the pad to the extent possible from passerby view shed
- Adjusted the powerline route to avoid concerns and conflicts with timber sale area
- Completed cultural and wildlife surveys and will avoid sites and seasons of impact

We appreciate the process by which this project proposal has occurred and our ability to work together with the mine by incorporating project design features that address our concerns prior to



the permit application being submitted. We feel that the permit application complies with our Forest Land and Resource Management Plan and that upon final reclamation post mining land use will not change from what land use exists today.

Should there be a need for additional clarification, please contact Kyle Beagley, Minerals Specialist, at 435-636-3577.

Sincerely,

A handwritten signature in blue ink that reads "Brian Pentecost". The signature is written in a cursive style with a large initial "B" and "P".

BRIAN PENTECOST
Forest Supervisor



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
*Lieutenant
Governor*

Office of the Governor
PUBLIC LANDS POLICY COORDINATING

KATHLEEN CLARKE
Director

October 16, 2015

Sent via electronic mail: lreinhard@utah.gov

Lisa Reinhart
Reclamation Engineer
Department of Natural Resources
Division of Oil, Gas and Mining
1594 West North Temple
Salt Lake City, UT 84116

Subject: Swens Canyon Ventilation Facility Project, Skyline Mine

Dear Ms. Reinhart:

The State of Utah supports Swens Canyon Ventilation Facility Project. With regard to the Division of Oil, Gas and Mining's request for sage-grouse impact information, the Utah Division of Wildlife Resources (UDWR) has reviewed the Ventilation Facility proposal, and provides the following comments.

The project occurs within the Carbon Sage-Grouse Management Area; however the area is defined as non-habitat. In the *Conservation Plan for Greater Sage Grouse in Utah (Plan)*, Section 3.6.2, non-habitat is described as "lands that do not contribute to the annual life-cycle of sage-grouse." UDWR has conducted an on-site review, and has determined that this area is in fact non-habitat. The sagebrush occurring on site is on steep slopes confined to a fairly narrow canyon. Additionally, Section 6.5.2 of the Plan states that "no specific management provisions are proposed for non-habitat areas within SGMA's, except to consider noise and permanent structure stipulations around a lek, and to note that, birds may fly over the non-habitat as they connect to other populations or seasonal habitat areas." The nearest known lek is over 11 air miles from the project area, and as such, any noise related activities should not affect lekking grouse.

Lisa Reinhart
October 16, 2015
Page 2

Thank you for the opportunity to review the proposed action and provide comment. Please direct any other written questions regarding this correspondence to the Public Lands Policy Coordination Office at the address below, or call to discuss any questions or concerns.

Sincerely,



Kathleen Clarke
Director



11-1-98

DETERMINATION OF SIGNIFICANCE AND EFFECT
USDA-Forest Service - Intermountain Region
(Ref FSM 2360)

R4-2300-4 (6/04)

To be completed by a cultural resource specialist and attached to the CR report and project EA. Type all entries.

A Cultural Resource Inventory for the Skyline Mine Expansion and
Transmission Line Construction Project, Carbon and Emery
Counties, Utah
Project Title

U-14-EO-0753f; ML-14-1535

Cultural Resource Report No.

A cultural resource investigation has been conducted for this project and cultural values have been identified. Based on the attached report, the Forest Service has made the following determinations:

CULTURAL SIGNIFICANCE

Class	No. of Sites	USFS Site Numbers
I - Eligible	0	
II - Unevaluated	0	
III - Not Eligible	3	42CB3254 (ML-5134), 42EM4583 (ML-5135); 2CB3253 (ML-5136)

EFFECT - There will be no historic properties affected because:

- They are outside the project area.
 - They are outside impact zones.
 - Final project plans will avoid them.
 - National Register characteristics will not be changed.
 - Other (explain below)
- Check here if sites will be affected, and attach a detailed explanation.

COMMENTS AND COORDINATING REQUIREMENTS

The following actions are proposed to ensure the protection of known or suspected sites. None

None of the three sites found within the project area are recommended eligible for the National Register of Historic Places. As a result, we recommend that there will be no historic properties affected by the proposed Skyline Mine Expansion and Transmission Project.

FOREST SERVICE CERTIFICATION

<i>Charmaine Thompson</i> Professional CRM Specialist	<i>Aug 2015</i> Date	Line Officer Approval *	Date
--	-------------------------	-------------------------	------

* Required when significant sites may be affected and/or when non-routine action is recommended.

S.H.P.O. COMMENTS

I have reviewed the documentation provided by the Forest Service.
 I agree with the determinations. I disagree, as explained below or in the attached letter.

[Signature] Deputy S.H.P.O. *8/12/15*
 Signature Title Date