

July 8, 2020

Steve Christensen  
Coal Program Supervisor  
Utah Division of Oil, Gas and Mining  
1594 West North Temple, Suite 1210  
Salt Lake City, Utah 84114-5801

RE: Swens Canyon Power Line Non-Road Crossings, Canyon Fuel Company, LLC, Skyline Mine,  
C/007/005,

Dear Mr. Christensen:

Attached is information to acquire sections of an overhead power line from the main Skyline Mine site to the Swens Canyon Ventilation Facility (SWVF). Modifications from the original permitting in 2016 include the following: 1) an increase of the corridor width from 15-ft to 50-feet; 2) an increase in voltage from 12.6 kV to 46 kV; 3) an increase of the pole height to 60-feet; and the section through Huntington Canyon that was proposed as underground will now be an overhead line; and 4) This amendment does not include sections of power line being constructed within 100-feet of a public road. An application for a Special Use Permit (SUP) for the section of the USFS corridor that is not On-Mine permit was submitted to the Forest on May 1, 2020. The USFS interna review has been completed, with external scoping being completed on July 5, 2020. An application for installation of the portions of the power line within 100-feet of a road will be submitted separately to allow for a public notice and comment period.

To expedite the staff's review I have included a folder titled, "Previous Studies" in the electronic submittal (not formally listed on the C2) that provides the various studies supporting that the original studies accommodate the increase in easement width.

Attached to this cover letter are completed C1 and C2 forms, and .pdf files of the information to be incorporated into the M&RP. Your help in expediting approval of this application would be greatly appreciated as installation of the power line needs to be completed in this field season. The information is being submitted electronically. Two (2) hard copies will be sent upon Division approval.

If you have any questions, please call me at (435) 448-2636.

Sincerely,



Gregg A. Galecki  
Sr. Environmental Engineer, Skyline Mine  
Canyon Fuel Company, LLC

# APPLICATION FOR COAL PERMIT PROCESSING

Permit Change  New Permit  Renewal  Exploration  Bond Release  Transfer

**Permittee:** Canyon Fuel Company, LLC

**Mine:** Skyline Mine

**Permit Number:** C/007/005

**Title:** Swens Power Line - Non Road Crossing

**Description,** Include reason for application and timing required to implement:

Modification to install sections of an overhead power line to Swens Canyon, not crossing public roads.

**Instructions:** If you answer yes to any of the first eight (gray) questions, this application may require Public Notice publication.

- Yes  No 1. Change in the size of the Permit Area? **Increases permit area 10.29 acres, from 136.45 to 146.74 acres.**
- Yes  No 2. Is the application submitted as a result of a
- Yes  No 3. Does the application include operations outside the Permit Area?
- Yes  No 4. Does the application include operations in hydrologic basins other than as currently approved?
- Yes  No 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?
- Yes  No 6. Does the application require or include public notice publication?
- Yes  No 7. Does the application require or include ownership, control, right-of-entry, or compliance information?
- Yes  No 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
- Yes  No 9. Is the application submitted as a result of a Violation? NOV # \_\_\_\_\_
- Yes  No 10. Is the application submitted as a result of other laws or regulations or policies?

*Explain:* \_\_\_\_\_

- Yes  No 11. Does the application affect the surface landowner or change the post mining land use?
- Yes  No 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2)
- Yes  No 13. Does the application require or include collection and reporting of any baseline information?
- Yes  No 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
- Yes  No 15. Does the application require or include soil removal, storage or placement?
- Yes  No 16. Does the application require or include vegetation monitoring, removal or revegetation activities?
- Yes  No 17. Does the application require or include construction, modification, or removal of surface facilities?
- Yes  No 18. Does the application require or include water monitoring, sediment or drainage control measures?
- Yes  No 19. Does the application require or include certified designs, maps or calculation?
- Yes  No 20. Does the application require or include subsidence control or monitoring?
- Yes  No 21. Have reclamation costs for bonding been provided?
- Yes  No 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?
- Yes  No 23. Does the application affect permits issued by other agencies or permits issued to other entities?

**Please attach four (4) review copies of the application. If the mine is on or adjacent to Forest Service land please submit five (5) copies, thank you.** (These numbers include a copy for the Price Field Office)

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

Dewey Tanna  
Print Name

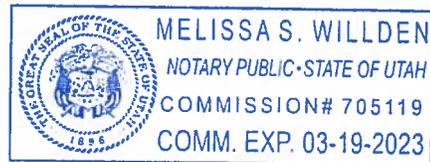
Dewey Tanna GM 7/2/20  
Sign Name, Position, Date

Subscribed and sworn to before me this 2 day of July, 2020

Melissa S. Willden  
Notary Public

My commission Expires:

Attest: State of Utah 03-19, 2023 } ss:  
County of Carbon



<b>For Office Use Only:</b>	<b>Assigned Tracking Number:</b>	<b>Received by Oil, Gas &amp; Mining</b>

# APPLICATION FOR COAL PERMIT PROCESSING

## Detailed Schedule Of Changes to the Mining And Reclamation Plan

**Permittee:** Canyon Fuel Company, LLC

**Mine:** Skyline Mine

**Permit Number:** C/007/005

**Title:** Swens Power Line - Non Road Crossing Task#6175

Provide a detailed listing of all changes to the Mining and Reclamation Plan, which is required as a result of this proposed permit application. Individually list all maps and drawings that are added, replaced, or removed from the plan. Include changes to the table of contents, section of the plan, or other information as needed to specifically locate, identify and revise the existing Mining and Reclamation Plan. Include page, section and drawing number as part of the description.

### DESCRIPTION OF MAP, TEXT, OR MATERIAL TO BE CHANGED

<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter 1, Pages 1-34(a), 1-37
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter 1, Plates 1.6-3, 1.6-3A
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter 2, Section 2.1, page 2-4c2
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter 2, Section 2.5, page 2-51 (i)
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter 2, Section 2.5, Exhibit 2.5.1 (immediately following page 2-51(i))
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter 2, Section 2.9 page 2-104(l)
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter 2, Section 2.10 page 2-111
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter 2, Section 2.11 page 2-120(l)
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<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter 3, Section 3.2 pages 3-31( c), 3-58, 3-72c
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter 3, Section 3.2 Figures 3.2.10-1, 3.2.10-2, 3.2.10-3, and 3.2.10-4 (immediately following page 3-58),
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter 3, Section 3.4, Page 3-83
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter 4, Section 4.2, Bond: Total page, Demo Total, Swens Demo, Reveg Cost
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter 4, Section 4.4 page 4-28
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter 4, Section 4.7 page 4-50(a)
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Appendix A-4, CONFIDENTIAL, Archeology: map3, Shalom report
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Appendix A-4 CONFIDENTIAL, Archeology: ML 12 1321 Shalom TS Report
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Appendix A-4 CONFIDENTIAL, Archeology: Shalom shpo concurrence
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter 1, Appendix 118A, USFS Special Use Permit
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter 1, Page 1-24d
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**Any other specific or special instruction required for insertion of this proposal into the Mining and Reclamation Plan.**

Submitted electronically. Hard copies will be shipped for incorporation following approval.

**Received by Oil, Gas & Mining**

## Swens Non-Road Power Line

### Response to Division Overhead Power Line Amendment

#### Comments Received 7/21/20

Below are responses to items identified by DOGM staff during an initial review of the Swens Overhead Power Line amendment received from Priscilla Burton 7-21-20. The regulation and deficiency are cited, followed by the Skyline response is identified with blue text.

1. **Drawing 1.6-3 comment 'Power line will not be reclaimed':** comment in legend concerning power line reclamation has been removed. Also note the acreage of the Swen Pad has been increased from 4.2-acres to 6.33 acres. This discrepancy was realized when redrafting the legal description of the pad. The 6.33-acre modification has been adjusted throughout the permit; page 1-37, plate 1.6-3, Revegetation bond acreage, etc.
2. **Power line Legal Description:** The power line legal description has been modified for the realignment.
3. **Swens Pad Legal Description:** The legal description has been modified to reflect the removal of the cuttings pond. During the exercise, the size of the permit area was recalculated at 6.33 acres. This acreage change has been changed throughout the permit.
4. **Reseeding in Bond:** Section 4.7 has been modified to reflect that vegetation disturbance occurring during construction will be addressed with contemporaneous reseeding. The Revegetation section of the bond has been modified to reflect adding approximately 1-acre of seed to the project. Also, in Section 4.4 a sentence was added to reflect a USFS request that poles easily accessible from Trough Springs Road will be salvaged for USFS reuse at reclamation.
5. **USFS Special Use Permit:** As of 7/23/20, all that is needed is the USFS Forest Service Supervisor signature on the permit (final copy). It has been signed by Canyon Fuel Company, LLC.
6. **SHPO Documentation:** SHPO Information forwarded by T. Miller has been added to the C2 and included in the submittal as CONFIDENTIAL information.

Ch. 1

point of tangency; thence South 38° 32' 29" West 334.32 feet to the point of a 2031.74 foot radius curve to the right; thence along the arc of said curve; (whose long chord bears South 40°17' 48" West 124.48 feet), a length of 124.50 feet to the point of tangency; thence South 42°03' 09" West 180.47 feet to the true point of beginning and containing 42.57 acres.

No surface disturbance or underground mining will be conducted on the lands controlled by the Permittee lying outside the mining permit area.

The Swens Canyon Ventilation Shaft is necessary to provide adequate ventilation within the existing lease. However, Canyon Fuel Company, LLC, has acquired the Flat Canyon Lease (UTU-77114) and the shaft will also service the ventilation needs of that area.

A portion of the Swens power line required a USFS Special Use Permit (SUP) because it was no longer on-lease. The portion of the power line requiring the SUP is located in the SE/SE Section 23 and the NW/SW Section 24, T13S, R6E, SLBM. The SUP is located in Appendix 118-A.

In 2017, the bond release of the access road and topsoil pile area for the South Fork Breakout, in the NE/SW of Section 24, was implemented to accommodate logging as approved by the US Forest Service (see plate 3.2.11-1). The disturbed area was reduced from 0.96 acres to 0.60 acres.

Canyon Fuel Company, LLC, does not own or control, indirectly or indirectly, legally or equitably any interest in the areas contiguous to the permit area other than the interests described above.

The permittee has no option, bid or other interest in any contiguous acreage other than that stated above. No application for leasing unleased Federal lands adjacent to the permit area is currently pending.

distance of 313.62 feet; thence S78° 31' 42" E a distance of 394.22 feet; thence S67° 59' 19" a distance of 162.86 feet; thence S67° 11' 48" E a distance of 184.95 feet; thence S66° 35' 22" E a distance of 7.51 feet; thence S68° 17' 21" E a distance of 16.44 feet; thence N14° 02' 53" E a distance of 13.25 feet; thence N 17° 36' 35" W a distance of 64.21 feet; thence N19° 35' 52" W a distance of 101.75 feet; thence N04° 54' 23" W a distance 110.10 feet; N15° 34' 28" E a distance of 118.18 feet; thence N43° 46' 10" E a distance of 1,079.17 feet; thence N51° 35' 31" E a distance of 860.51 feet; thence N21° 49' 54" W a distance of 0.62 feet; S51° 35' 33" W a distance of 860.56 feet; thence S43° 45' 55" W a distance of 1,079.56 feet; thence S15° 34' 30" W a distance of 118.17 feet; S04° 54' 20" E a distance of 110.32 feet; thence S19° 32' 19" E a distance of 102.69 feet; thence S17° 39' 42" E a distance of 63.38 feet; thence S15° 04' 51" W a distance of 12.36 feet; thence N67° 17' 42" W a distance of 205.91 feet; thence N67° 52' 22" W a distance of 49.97 feet; thence N67° 58' 39" W a distance of 114.38 feet; thence N68° 31' 43" W a distance of 394.17 feet; thence S89° 10' 54" W a distance of 313.96; thence S84° 21' 11" W a distance of 44.32 feet; thence S05° 39' 41" E a distance of 4.00 feet; which is the point of beginning and containing .3 acres, more or less.

#### Swens Canyon Ventilation Facility Power Line

The followings is a tract of land identified for use of an approximately ~~45-50~~-foot wide power line corridor located in Sections 13, 23, 24, 26, and 27, Township 13 South, Range 6 East, Salt Lake Base and Meridian, Carbon County, Utah, being further described as follows:

Commencing at a point North 539 feet and East 171 feet from the SW Corner of the SE Quarter of Section 13, Township 13S, Range 6E, SL B&M;

Thence south AZ194°05'06" 1353.94 feet, thence southwest AZ246°46'25" 807.13 feet, thence southwest AZ228°18'05" 1538.41 feet, thence south AZ201°06'45" 520.38 feet, thence south AZ207°45'36" 321.26 feet, thence south AZ14°56'30" 304.65 feet, thence south AZ202°46'26" 616.88 feet, thence south AZ37°21'11" 296.38 feet, thence southwest AZ237°13'33" 640.31 feet, thence south AZ42°46'28" 302.43 feet, thence southwest AZ243°34'57" 2641.97 feet, thence southwest AZ57°16'42" 499.93 feet, thence west AZ261°45'33" 3508.94 feet, thence southwest AZ242°59'46" 1143.28 feet, thence west AZ277°31'59" 1128.30 feet, thence north west AZ286°52'17" 374.04 feet terminating at the Swens Canyon Ventilation Facility, containing approximately 18.46 acres. Approximately 0.46 acres of the said 18.46 acres is currently not permitted. The public is currently being given the opportunity to comment on the construction of the power line as it is within 100-feet of two public roads; SR-264 and USFS road 0018, respectively.

#### Swens Canyon Ventilation Facility

The following is a tract of land identified for use of Swen's Canyon Ventilation facility located in Section 27, Township 13 South, Range 6 East, Salt Lake Base and Meridian, Emery Country, Utah, being further described as follows:

Commencing at a point North 371 feet and East 1165 feet from the SW Corner of the NW Quarter of Section 27, Township 13S, Range 6E SL B&M;

thence west AZ258°23'35" 358.0 feet, thence north west AZ292°35'36" 72.0 feet, thence north AZ334°56'11" 21.6 feet, thence north west AZ280°08'31" 23.2 feet, thence south west AZ223°25'49" 32.4 feet, thence south AZ202°45'58" 49.3 feet, thence south west AZ229°56'52" 29.4 feet, thence west AZ274°41'45" 112.6 feet, thence north west AZ314°20'20" 39.2 feet, thence north AZ349°02'28" 82.4 feet, thence north AZ08°59'36" 46.4 feet, thence north AZ358°11'20" 55.5 feet, thence north AZ15°34'12" 44.0 feet, thence north east AZ32°49'27" 35.2 feet, thence north east AZ50°05'56" 22.1 feet, thence north west AZ300°02'35" 58.3 feet, thence north west AZ307°17'32" 38.9 feet, thence north AZ344°42'54" 74.7 feet, thence north AZ17°15'47" 18.4 feet, thence north east AZ45°34'06" 44.7 feet, thence north AZ17°28'10" 54.4 feet, thence north AZ26°17'10" 61.1 feet, thence north east AZ42°42'29" 78.7 feet, thence north east AZ61°50'50" 42.6 feet, thence east AZ90°00'00" 45.8 feet, thence east AZ83°08'05" 62.2 feet, thence east AZ98°12'30" 51.8 feet, thence east AZ96°19'01" 32.2 feet, thence east AZ107°27'07" 43.9 feet, thence south east AZ131°01'17" 35.4 feet, thence south east AZ169°19'27" 27.8 feet, thence south AZ180°00'42" 138.4 feet, thence south AZ182°53'07" 30.6 feet, thence south AZ162°40'18" 13.0 feet, thence south east AZ144°51'41" 50.9 feet, thence south AZ152°42'51" 29.0 feet, thence south AZ167°33'46" 42.1 feet, thence south east AZ186°54'18" 43.5 feet, thence south AZ208°45'57" 49.8 feet, thence south west AZ230°41'30" 44.5 feet, thence south east AZ155°07'33" 41.9 feet, thence east AZ86°15'45" 51.5 feet, thence east AZ74°05'29" 98.8 feet, thence east AZ89°17'02" 63.6 feet, thence south east AZ148°54'26" 63.4 feet

to the true point of beginning and containing approximately ~~9.636.33~~ acres.

Revised ~~5-27-167-22-20~~

1-34(a)

of Mine Workings Workings (Life of Mine)	Surface to 1,500' max	Surface to 2,300' max	Surface to 1,500' max
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The anticipated number of total surface land acres to be affected (life of mines) is less than the combined total of the affected acreages for each of the three mines due to the overlapping of mining operations which is inherent to this multi-seam mining operation. The total surface acreage to be disturbed by surface facilities associated with underground mining is 136.45 acres.

The following information was based on projection for the next five years (2012-2016).

	<u>Mine No. 1</u>	<u>Mine No. 2</u>	<u>Mine No. 3</u>
Extent of Horizontal Workings	240 acres	375 acres	1,400 acres
Extent of Vertical Workings	Surface to 1,250'	Surface to 2,250'	Surface to 2,125'

**Permit Area**

The construction/installation of surface facilities at the mine site, loading area, conveyor belt route, well houses, water tank pad, waste rock disposal site, and South Fork Breakout, and Winter Quarters Ventilation Facility comprise the Permit Area. The permit area acreage listed adequately accommodate areas of disturbance.

PERMIT AREAS TO BE RECLAIMED

<u>AREA</u>	<u>ACREAGE</u>
Loadout	13.86
Portal Yard	42.55
Water tanks, water lines, and Well pads (water lines not reclaimed)	0.60
Conveyor Bench	14.18
Waste Rock Disposal Site and Road	32.48
South Fork Breakout	0.60
James Canyon Buried Power Line	0.30
James Canyon Buried Pipeline	1.60
James Canyon Water Wells and Road	2.95
Winter Quarters Ventilation Facility	7.93
Winter Quarters Road (not reclaimed)	4.90
<del>Swens Power line (not reclaimed)</del>	<del>4.80</del>
Swens Power line reclaimed	18.46 (including 0.46 acres currently under public review)
Swens Canyon Pad	9.706.33 (cutting pond never built)
<b>TOTAL</b>	<b>136.45</b> <del>146.74</del>

Authorization ID: PRI2008  
Contact Name: CANYON FUEL COMPANY, LLC  
Expiration Date: 12/31/2050  
Use Code: 643

FS-2700-4j(VER. 03/17)  
OMB No. 0596-0082

**U.S. DEPARTMENT OF AGRICULTURE  
FOREST SERVICE**

**ELECTRIC TRANSMISSION LINE PERMIT FOR NON-FEDERAL ENTITIES**

**AUTHORITY:**

**Section 501(a)(4) of the Federal Land Policy and Management Act, 43 U.S.C. 1761(a)(4)**

This electric transmission line permit for the 46 kV, Swens Canyon Transmission Line, Skyline Mine (the permit), dated \_\_\_\_\_, is issued by the United States Department of Agriculture, Forest Service (the Forest Service), to Canyon Fuel Company, LLC - Skyline Mine (the holder).

This permit gives the holder, subject to existing rights-of-way and other valid existing rights, a non-exclusive right-of-way for an electric transmission line ("right-of-way"), consisting of towers, poles, or other structures (including all necessary foundations, footings, cross-arms, and other fixtures), cables, underground and overhead wires, and fiber (including fiber optic cable, conduit space, or space within fiber optic regeneration or amplification sites) for the transmission of electric energy, as well as communications equipment for communications uses ("communications uses") that directly support the holder's operation and maintenance of the electric transmission line, hereinafter collectively referred to as "transmission facilities."

This right-of-way is located across National Forest System lands in the Counties of Carbon and Emery, State of Utah. This right-of-way is **50 feet wide and 2700 feet long** and covers approximately 3.1 acre(s) in the **Sec. 23, T. 13 S., R. 6 E., SALT LAKE MERIDIAN, Sec. 24, T. 13 S., R. 6 E., SALT LAKE MERIDIAN**, as shown on the map attached as Appendix A. This and any other appendices are hereby incorporated into this permit. The right-of-way and access roads and trails, as defined below, shall be referred to collectively as "the permit area."

In addition, this permit gives the holder:

1. The right of ingress to and egress from the right-of-way along private roads and trails that are necessary to access the right-of-way (hereinafter "access roads and trails"), listed in Appendix B, and the right to construct, reconstruct, and maintain the access roads and trails, in accordance with the following provisions:

(a) All plans for development, layout, construction, reconstruction, or alteration of access roads and trails, as well as revisions to those plans, must be prepared by a professional engineer (PE) or other qualified professional acceptable to the authorized officer. These plans and plan revisions must have written approval from the authorized officer before they are implemented. The authorized officer may require the holder to furnish as-built plans, maps, or surveys upon completion of the work.

(b) The Forest Service does not have an obligation to maintain the access roads and trails.

(c) The rights granted in paragraph 1 shall be subordinate to any right to use an access road or trail subsequently granted by the United States to a local public road authority for a public road, provided that the holder shall continue to have access to that right-of-way to operate and maintain the transmission facilities, manage vegetation, and address public safety related to the transmission facilities.

2. The right to install, maintain, and use gates and fences in the permit area with the prior written approval of the authorized officer. All gates shall have reflective markings in accordance with Forest Service Engineering Manual EM 7100-15.

The following are attached to and incorporated into this permit:

APPENDIX A: Maps, with Location of Access Road

APPENDIX B: Operating Plan (Due to National Forest By 10/01/2020)

This permit is issued subject to the following terms and conditions.

#### **I. GENERAL TERMS**

**A. AUTHORITY.** This permit is issued pursuant to Section 501(a)(4) of the Federal Land Policy and Management Act, 43 U.S.C. 1761(a)(4), and 36 CFR Part 251, Subpart B, as amended, and is subject to their provisions.

**B. AUTHORIZED OFFICER.** The authorized officer is the Regional Forester or Forest Supervisor or a subordinate officer with delegated authority.

**C. TERM.** This permit shall expire at midnight on 12/31/2050, 30 Years, depending on application of the criteria in 36 CFR 251.56(b)(1) years from the date it is issued.

**D. RENEWAL.** The use and occupancy authorized by this permit shall be renewed upon expiration, provided that, as determined by the authorized officer, (1) the holder desires to renew this permit; (2) the transmission facilities are still being used for the purposes authorized; (3) the transmission facilities are being operated and maintained in accordance with all the provisions of the permit; and (4) the holder is in compliance with all the terms and conditions of this permit. The authorized officer may prescribe new terms and conditions when a new permit is issued.

**E. AMENDMENT.** This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms that may be required by law, regulation, directive, the applicable land management plan, or projects and activities implementing the land management plan pursuant to 36 CFR Part 215. The authorized officer shall review this permit every 10 years from the date of issuance and shall amend the permit in whole or in part when deemed necessary or appropriate by the authorized officer to reflect changes in applicable law, regulation, directive, the applicable land management plan, projects or activities implementing the plan, or other circumstances.

**F. COMPLIANCE WITH LAWS, REGULATIONS, AND OTHER LEGAL REQUIREMENTS.** In exercising the rights and privileges granted by this permit, the holder shall comply with all present and future federal laws and regulations and all present and future state, county, and municipal laws, regulations, and other legal requirements that apply to the permit area, to the extent they do not conflict with federal law, regulation, or policy. The Forest Service assumes no responsibility for enforcing laws, regulations, and other legal requirements that fall under the jurisdiction of other governmental entities.

**G. RESERVATIONS.** All rights not specifically and exclusively granted to the holder are reserved to the Forest Service, including:

1. The right of access to the permit area, including a continuing right of physical entry to the permit area for inspection, monitoring, or any other purpose consistent with any right or obligation of the United States under any law or regulation.
2. The right to use, administer, and dispose of all natural resources and improvements other than the transmission facilities, including the right to use roads and trails and authorize rights-of-way and other uses in the permit area in any way that is not inconsistent with the holder's rights and privileges under this permit, after consultation with all parties involved. Except for any restrictions that the holder and the Forest Service agree are necessary to protect public health and safety, property, and the installation and operation of the transmission facilities, the permit area shall remain open to the public for all lawful purposes.

**H. ASSIGNABILITY.** This permit is not assignable or transferable.

#### **I. TRANSFER OF TITLE TO THE IMPROVEMENTS.**

1. **Notification of Transfer.** The holder shall notify the authorized officer when a transfer of title to all or part of the authorized improvements is planned.

2. **Transfer of Title.** Any transfer of title to the improvements covered by this permit shall result in termination of the permit. The party who acquires title to the improvements must submit an application for a permit. The Forest Service is not obligated to issue a new permit to the party who acquires title to the improvements. The authorized officer shall determine that the applicant meets requirements under applicable federal regulations.

## **J. CHANGE IN CONTROL OF THE BUSINESS ENTITY.**

1. **Notification of Change in Control.** The holder shall notify the authorized officer when a change in control of the business entity that holds this permit is planned.

(a) In the case of a corporation, control is an interest, beneficial or otherwise, of sufficient outstanding voting securities or capital of the business so as to permit the exercise of managerial authority over the actions and operations of the corporation or election of a majority of the board of directors of the corporation.

(b) In the case of a partnership, limited partnership, joint venture, or individual entrepreneurship, control is a beneficial ownership of or interest in the entity or its capital so as to permit the exercise of managerial authority over the actions and operations of the entity.

(c) In other circumstances, control is any arrangement under which a third party has the ability to exercise management authority over the actions or operations of the business.

2. **Effect of Change in Control.** Any change in control of the business entity as defined in clause I.J.1 shall result in termination of this permit. The party acquiring control must submit an application for a special use permit. The Forest Service is not obligated to issue a new permit to the party who acquires control. The authorized officer shall determine whether the applicant meets the requirements established by applicable federal regulations.

## **II. IMPROVEMENTS**

**A. LIMITATIONS ON USE.** Nothing in this permit gives or implies permission to build or maintain any structure or facility or to conduct any activity unless specifically provided for in this permit. Any use not specifically authorized by this permit must be proposed in accordance with 36 CFR 251.54. Approval of such a proposal through issuance of a new permit or permit amendment is at the sole discretion of the authorized officer.

**B. PLANS.** All plans for development, layout, construction, reconstruction, or alteration of improvements in the permit area, as well as revisions to those plans, must be prepared by a PE, architect, landscape architect, or other qualified professional based on federal employment standards who is acceptable to the authorized officer. These plans and plan revisions must have written approval from the authorized officer before they are implemented. The authorized officer may require the holder to furnish as-built plans, maps, or surveys upon completion of the work.

**C. RELOCATION.** This permit is issued with the express understanding that should future location of federally owned improvements or road rights-of-way require relocation of the transmission facilities, the relocation will be conducted by and at the expense of the holder within a reasonable period specified by the authorized officer.

## **III. OPERATIONS**

### **A. OPERATING PLAN.**

1. **Preparation.** The holder shall prepare an operating plan in consultation with the authorized officer or the authorized officer's designated representative. The operating plan shall be submitted by the holder and approved by the authorized officer or the authorized officer's designated representative prior to commencement of operations and shall be attached to this permit as Appendix C. The operating plan shall be reviewed and updated as necessary by the holder and reapproved by the authorized officer at least every 5 years.

2. **Contents.** The operating plan shall cover all operations authorized by this permit. The operating plan shall outline steps the holder will take to protect public health and safety and the environment and shall include sufficient detail and standards to enable the Forest Service to monitor the holder's operations for compliance with the terms and conditions of this permit. At a minimum, the operating plan shall address access to and operation and maintenance performed by the holder or its lessees of all authorized transmission facilities, including dates or season of operations; activities and procedures to prevent and control the spread of invasive species; a vegetation management plan; any plan for pesticide use developed pursuant to clause V.E; and restrictions on use, such as fire restrictions, established by the Forest Service.

3. **Vegetation Management Plan.** The vegetation management plan shall enumerate criteria and methods for removal, destruction, and trimming of vegetation that are in conformance with generally accepted practices for vegetation management. The vegetation management plan shall address prevention and control of noxious weeds and exotic plants arising from the authorized use. For purposes of this clause, noxious weeds and exotic plants include those species

recognized as such by federal, state, or local authority. The holder shall follow prevention and control measures prescribed by federal, state, or local authority. In addition, the vegetation management plan shall provide for integration of native, non-invasive, low-growing vegetation that does not interfere with the transmission facilities and that promotes their reliability, reduces their maintenance costs, and is compatible with the aesthetics and health of the native plant and animal life in the permit area.

**B. REMOVAL AND PLANTING OF VEGETATION.** Non-emergency and emergency removal of trees, brush, shrubs, and other plants ("vegetation") and planting of vegetation, both inside and outside the right-of-way, must be conducted in accordance with the vegetation management plan in Appendix C and clauses III.B.1 through III.B.3.

1. Non-Emergency Removal and Planting of Vegetation. Except as provided in emergencies pursuant to clause III.B.2, vegetation may be removed, destroyed, or trimmed only after the authorized officer or the authorized officer's designated representative has marked or otherwise identified what may be removed, destroyed, or trimmed. Planting of trees, shrubs, and other plants in the permit area must have prior written approval from the authorized officer.

2. Emergency Removal of Vegetation. When vegetation has compromised or threatens to compromise a power line and there has been loss of power or loss of power is imminent, the holder may remove, destroy, or trim the vegetation, either inside or outside the right-of-way, without the vegetation being marked or otherwise identified by the authorized officer or the authorized officer's designated representative. The holder shall notify the authorized officer as soon as possible of any emergency removal under this clause.

3. Payment and Disposal. Timber cut or destroyed shall be paid for at current stumpage rates for similar timber in the MANTI-LASAL NATIONAL FOREST. The Forest Service reserves the right to dispose of the merchantable timber to those other than the holder at no stumpage cost to the holder. Unmerchantable material shall be disposed of as directed by the authorized officer.

**C. USE OF NATIONAL FOREST SYSTEM ROADS AND TRAILS.** The holder's use of National Forest System roads and National Forest System trails shall comply with applicable requirements in 36 CFR Part 212, Subpart A; 36 CFR Part 261, Subpart A; and orders issued under 36 CFR Part 261, Subpart B. Motor vehicle use shall be consistent with designations made under 36 CFR Part 212, Subpart B, unless specifically provided otherwise in the operating plan. Over-snow vehicle use shall be consistent with designations made under 36 CFR Part 212, Subpart C, unless specifically provided otherwise in the operating plan.

**D. RESERVATION OF EXCESS CAPACITY AND LEASING.**

1. Reservation of Excess Capacity. The holder may reserve transmission facilities authorized by this permit for the holder's expansion and may utilize the reserved transmission facilities during the term of this permit without additional approval from the authorized officer. Leasing of transmission facilities by third parties is not authorized by this permit, except as provided in clause III.D.2.

2. Leasing of Operation and Maintenance of the Transmission Facilities. Leasing of operation and maintenance of transmission facilities authorized by this permit must have prior written approval from the authorized officer. The Forest Service reserves the right to disapprove requests to lease transmission facilities. The holder shall remain responsible for the lessees' compliance with all the terms and conditions of this permit. The holder shall pay a land use fee of \$ Amount for the lessees' use of transmission facilities, provided that the lessees are not exempt from a land use fee. The land use fee for any leased transmission facilities shall be adjusted annually in accordance with the fee schedule in 43 CFR 2806.20. The holder shall include in the lease provisions requiring the lessee to obtain liability insurance for the lessee's operation or use of the transmission facilities that names the United States as an additional insured.

3. Transmission Facility Map. Upon request, the holder shall submit to the authorized officer a transmission facility map reflecting ownership of and leases for operation and maintenance for all authorized transmission facilities, which shall be attached to this permit as an appendix. The transmission facility map must specify the total number of transmission facilities (for fiber optic cable, the total number of installed conduits and fibers); the total number of transmission facilities (for fiber optic cable, the total number of conduits and fibers) in active use; and the type of use (holder's, commercial, or public purpose) for transmission facilities (for fiber optic cable, for conduits and fibers) in active use. The authorized officer may request any additional information from the holder deemed necessary for proper administration of the leased transmission facilities. The holder shall update the transmission facility map annually as necessary.

**E. CONDITION OF OPERATIONS.** The holder shall maintain the transmission facilities and permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other

provisions of this permit. Standards are subject to periodic change by the authorized officer when deemed necessary to meet statutory, regulatory, or policy requirements or to protect national forest resources.

**F. GROUND SURFACE PROTECTION AND RESTORATION.** The holder shall prevent and control soil erosion and gully on National Forest System lands in and adjacent to the permit area resulting from construction, operation, maintenance, and termination of the authorized use. The holder shall construct authorized improvements so as to avoid accumulation of excessive amounts of water in the permit area and encroachment on streams. The holder shall revegetate or otherwise stabilize (e.g., by constructing a retaining wall) all ground where the soil has been exposed as a result of the holder's construction, maintenance, operation, or termination of the authorized use.

**G. MONITORING BY THE FOREST SERVICE.** The Forest Service shall monitor the holder's operations and reserves the right to inspect the permit area and transmission facilities at any time for compliance with the terms of this permit. The holder shall comply with inspection requirements deemed appropriate by the authorized officer. The holder's obligations under this permit are not contingent upon any duty of the Forest Service to inspect the permit area or transmission facilities. A failure by the Forest Service or other governmental officials to inspect is not a justification for noncompliance with any of the terms and conditions of this permit.

#### **IV. RIGHTS AND LIABILITIES**

**A. LEGAL EFFECT OF THE PERMIT.** This permit, which is revocable and terminable, is not a contract or a lease, but rather a federal license. The benefits and requirements conferred by this authorization are reviewable solely under the procedures set forth in 36 CFR Part 214 and 5 U.S.C. 704. This permit does not constitute a contract for purposes of the Contract Disputes Act, 41 U.S.C. 601. The permit is not real property, does not convey any interest in real property, and may not be used as collateral for a loan.

**B. VALID EXISTING RIGHTS.** This permit is subject to all valid existing rights. Valid existing rights include those derived from mining and mineral leasing laws of the United States. The Forest Service is not liable to the holder for the exercise of any such right.

**C. ABSENCE OF THIRD-PARTY BENEFICIARY RIGHTS.** The parties to this permit do not intend to confer any rights on any third party as a beneficiary under this permit.

**D. SERVICES NOT PROVIDED.** This permit is for the use and occupancy of land for the purposes stated in this permit and does not provide for the furnishing of road maintenance, water, fire protection, or any other such service by a government agency, association, or individual.

**E. RISK OF LOSS.** The holder assumes all risk of loss to the transmission facilities. Loss to the transmission facilities may result from but is not limited to theft, vandalism, fire and any fire-fighting activities (including prescribed burns), avalanches, rising waters, winds, falling limbs or trees, and other forces of nature. If the transmission facilities are destroyed or substantially damaged, the authorized officer shall, in consultation with the holder and other affected agencies, conduct an analysis to determine whether the transmission facilities can be safely used in the future and whether rebuilding should be allowed. If rebuilding is not allowed, the permit shall terminate.

**F. DAMAGE TO UNITED STATES PROPERTY.** The holder has an affirmative duty to protect from damage the land, property, and other interests of the United States. Damage includes but is not limited to fire suppression costs and damage to government-owned improvements covered by this permit.

1. The holder shall be liable for all injury, loss, or damage, including fire suppression, prevention and control of the spread of invasive species, or other costs resulting from rehabilitation or restoration of natural resources, associated with the holder's use and occupancy of the permit area. Compensation shall include but is not limited to the value of resources damaged or destroyed, the costs of restoration, cleanup, or other mitigation, fire suppression or other types of abatement costs, and all associated administrative, legal (including attorney's fees), and other costs. Such costs may be deducted from a performance bond required under clause IV.K.

2. The holder shall be liable for damage other than ordinary wear and tear caused by use of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees to all roads and trails of the United States to the same extent as provided under clause IV.E.1.

**G. HEALTH AND SAFETY.** The holder shall take all measures necessary to protect the health and safety of all persons affected by the use and occupancy authorized by this permit. The holder shall promptly abate as completely as possible

and in compliance with all applicable laws and regulations any physical or mechanical procedure, activity, event, or condition existing or occurring in connection with the authorized use and occupancy during the term of this permit, that causes or threatens to cause a hazard to the health or safety of the public or the holder's employees or agents. The holder shall as soon as practicable notify the authorized officer of all serious accidents that occur in connection with these procedures, activities, events, or conditions. The Forest Service has no duty under the terms of this permit to inspect the permit area or operations of the holder for hazardous conditions or compliance with health and safety standards.

#### **H. ENVIRONMENTAL PROTECTION.**

1. For purposes of clause IV.H and section V, "hazardous material" shall mean (a) any hazardous substance under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601(14); (b) any pollutant or contaminant under section 101(33) of CERCLA, 42 U.S.C. 9601(33); (c) any petroleum product or its derivative, including fuel oil, and waste oils; and (d) any hazardous substance, extremely hazardous substance, toxic substance, hazardous waste, ignitable, reactive or corrosive materials, pollutant, contaminant, element, compound, mixture, solution or substance that may pose a present or potential hazard to human health or the environment under any applicable environmental laws.

2. The holder shall avoid damaging or contaminating the environment, including but not limited to the soil, vegetation (such as trees, shrubs, and grass), surface water, and groundwater, during the holder's use and occupancy of the permit area. Environmental damage includes but is not limited to all costs and damages associated with or resulting from the release or threatened release of a hazardous material occurring during or as a result of activities of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees on, or related to, the lands, property, and other interests covered by this permit. If the environment or any government property covered by this permit becomes damaged in connection with the holder's use and occupancy, the holder shall as soon as practicable repair the damage or replace the damaged items to the satisfaction of the authorized officer and at no expense to the United States.

3. The holder shall as soon as practicable, as completely as possible, and in compliance with all applicable laws and regulations abate any physical or mechanical procedure, activity, event, or condition existing or occurring in connection with the authorized use and occupancy during, or after the term of this permit that causes or threatens to cause harm to the environment including areas of vegetation or timber, fish or other wildlife populations, their habitats, or any other natural resources.

**I. INDEMNIFICATION OF THE UNITED STATES.** The holder shall indemnify, defend, and hold harmless the United States for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the holder in connection with the use and occupancy authorized by this permit. This indemnification and hold harmless provision includes but is not limited to acts and omissions of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees in connection with the use and occupancy authorized by this permit which result in (1) violations of any laws and regulations which are now or which may in the future become applicable; (2) judgments, claims, demands, penalties, or fees assessed against the United States; (3) costs, expenses, and damages incurred by the United States; or (4) the release or threatened release of any hazardous material into the environment. The authorized officer may prescribe terms that allow the holder to replace, repair, restore, or otherwise undertake necessary curative actions to mitigate damages in addition to or as an alternative to monetary indemnification.

**J. STRICT LIABILITY.** The holder shall be strictly liable (liable without proof of negligence) to the United States for \$amount up to 1 million per occurrence for any injury, loss, or damage arising in tort under this permit. Liability in tort for injury, loss, or damage to the United States exceeding the prescribed amount of strict liability in tort shall be determined under the law of negligence.

**K. INSURANCE.** The holder shall furnish proof of insurance, such as a certificate of insurance, to the authorized officer prior to issuance of this permit and each year thereafter that this permit is in effect. The Forest Service reserves the right to review the insurance policy and require any changes needed to ensure adequate coverage of the United States in connection with the authorized use and occupancy. The holder shall send an authenticated copy of any insurance policy obtained pursuant to this clause to the authorized officer immediately upon issuance of the policy. Any insurance policies obtained by the holder pursuant to this clause shall name the United States as an additional insured, and the additional insured provision shall provide for insurance coverage for the United States as required under this clause and to the extent of the full limits of insurance available to the holder. The holder shall give 30 days prior written notice to the authorized officer of cancellation of or any modification to the insurance policy. The certificate of insurance, the authenticated copy of the insurance policy, and written notice of cancellation or modification of insurance policies should be sent to Manti-La Sal National Forest, Supervisors Office, 599 W Price River Drive, Price, UT 84501. Minimum amounts of coverage and other insurance requirements are subject to change at the sole discretion of the authorized officer on the anniversary date of this permit.

The holder shall have in force liability insurance covering losses associated with the use and occupancy authorized by this permit arising from personal injury or death and third-party property damage in the minimum amount of \$300,000.00 as a combined single limit per occurrence.

2. Depending on the holder's operations, the Forest Service may require the holder to demonstrate the availability of funds to address any release or threatened release of hazardous materials that may occur in connection with the holder's use and occupancy. Any requirements imposed would be established case by case by the authorized officer based on the degree of environmental risk from the holder's operations. The use and storage of normal maintenance supplies in nominal amounts generally would not trigger financial assurance requirements.

**L. BONDING.** The authorized officer may require the holder to furnish a surety bond or other security for any of the obligations imposed by the terms and conditions of this permit or any applicable law, regulation, or order.

## **V. RESOURCE PROTECTION**

**A. COMPLIANCE WITH ENVIRONMENTAL LAWS.** The holder shall in connection with the use and occupancy authorized by this permit comply with all applicable federal, state, and local environmental laws and regulations, including but not limited to those established pursuant to the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq., the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq., the Oil Pollution Act, as amended, 33 U.S.C. 2701 et seq., the Clean Air Act, as amended, 42 U.S.C. 7401 et seq., CERCLA, as amended, 42 U.S.C. 9601 et seq., the Toxic Substances Control Act, as amended, 15 U.S.C. 2601 et seq., the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 et seq., and the Safe Drinking Water Act, as amended, 42 U.S.C. 300f et seq.

**B. WATER POLLUTION.** No waste or by-product shall be discharged into water if it contains any substance in concentrations which will result in harm to fish and wildlife, or to human water supplies. Storage facilities for materials capable of causing water pollution, if accidentally discharged, shall be located so as to prevent any spillage into waters or channels leading into water that would result in harm to fish and wildlife or to human water supplies.

**C. ESTHETICS.** The holder shall protect the scenic esthetic values of the permit area and the adjacent land to the greatest extent possible during construction, operation, and maintenance of the transmission facilities.

**D. VANDALISM.** The holder shall take reasonable measures to prevent and discourage vandalism or disorderly conduct and when necessary shall contact the appropriate law enforcement officer to address these problems.

### **E. PESTICIDE USE.**

1. **Authorized Officer Concurrence.** Pesticides may not be used outside of buildings in the permit area to control pests, including undesirable woody and herbaceous vegetation (including aquatic plants), insects, birds, rodents, or fish without prior written concurrence of the authorized officer. Only those products registered or otherwise authorized by the U.S. Environmental Protection Agency and appropriate State authority for the specific purpose planned shall be authorized for use within areas on National Forest System lands.

2. **Pesticide-Use Proposal.** Requests for concurrence of any planned uses of pesticides shall be provided in advance using the Pesticide-Use Proposal (form FS-2100-2). Annually the holder shall, on the due date established by the authorized officer, submit requests for any new, or continued, pesticide usage. The Pesticide-Use Proposal shall cover a 12-month period of planned use. The Pesticide-Use Proposal shall be submitted at least 60 days in advance of pesticide application. Information essential for review shall be provided in the form specified. Exceptions to this schedule may be allowed, subject to emergency request and approval, only when unexpected outbreaks of pests require control measures which were not anticipated at the time a Pesticide-Use Proposal was submitted.

3. **Labeling, Laws, and Regulations.** Label instructions and all applicable laws and regulations shall be strictly followed in the application of pesticides and disposal of excess materials and containers. No pesticide waste, excess materials, or containers shall be disposed of in any area administered by the Forest Service.

**F. ARCHAEOLOGICAL AND PALEONTOLOGICAL DISCOVERIES.** The holder shall immediately notify the authorized officer of all antiquities or other objects of historic or scientific interest, including but not limited to historic or prehistoric ruins, fossils, or artifacts discovered in connection with the use and occupancy authorized by this permit. The holder shall follow the applicable inadvertent discovery protocols for the undertaking provided in an agreement executed pursuant to

section 106 of the National Historic Preservation Act, 54 U.S.C. 306108; if there are no such agreed-upon protocols, the holder shall leave these discoveries intact and in place until consultation has occurred, as informed, if applicable, by any programmatic agreement with tribes. Protective and mitigation measures developed under this clause shall be the responsibility of the holder. However, the holder shall give the authorized officer written notice before implementing these measures and shall coordinate with the authorized officer for proximate and contextual discoveries extending beyond the permit area.

**G. NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT (NAGPRA).** In accordance with 25 U.S.C. 3002(d) and 43 CFR 10.4, if the holder inadvertently discovers human remains, funerary objects, sacred objects, or objects of cultural patrimony on National Forest System lands, the holder shall immediately cease work in the area of the discovery and shall make a reasonable effort to protect and secure the items. The holder shall follow the applicable NAGPRA protocols for the undertaking provided in the NAGPRA plan of action or the NAGPRA comprehensive agreement; if there are no such agreed-upon protocols, the holder shall as soon as practicable notify the authorized officer of the discovery and shall follow up with written confirmation of the discovery. The activity that resulted in the inadvertent discovery may not resume until 30 days after the forest archaeologist certifies receipt of the written confirmation, if resumption of the activity is otherwise lawful, or at any time if a binding written agreement has been executed between the Forest Service and the affiliated Indian tribes that adopts a recovery plan for the human remains and objects.

**H. PROTECTION OF THREATENED AND ENDANGERED SPECIES, SENSITIVE SPECIES, AND SPECIES OF CONSERVATION CONCERN AND THEIR HABITAT.**

**1. Threatened and Endangered Species and Their Habitat.** The location of sites within the permit area needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act (ESA) of 1973, 16 U.S.C. 531 et seq., as amended, or within designated critical habitat shall be shown on a map in an appendix to this permit and may be shown on the ground. The holder shall take any protective and mitigation measures specified by the authorized officer as necessary and appropriate to avoid or reduce effects on listed species or designated critical habitat affected by the authorized use and occupancy. Discovery by the holder or the Forest Service of other sites within the permit area containing threatened or endangered species designated critical habitat not shown on the map in the appendix shall be promptly reported to the other party and shall be added to the map.

**2. Sensitive Species and Species of Conservation Concern and Their Habitat.** The location of sites within the permit area needing special measures for protection of plants or animals designated by the Regional Forester as sensitive species or as species of conservation concern pursuant to FSM 2670 shall be shown on a map in an appendix to this permit and may be shown on the ground. The holder shall take any protective and mitigation measures specified by the authorized officer as necessary and appropriate to avoid or reduce effects on sensitive species or species of conservation concern or their habitat affected by the authorized use and occupancy. Discovery by the holder or the Forest Service of other sites within the permit area containing sensitive species or species of conservation concern or their habitat not shown on the map in the appendix shall be promptly reported to the other party and shall be added to the map.

**I. CONSENT TO STORE HAZARDOUS MATERIALS.** The holder shall not store any hazardous materials in the permit area without prior written approval from the authorized officer. This approval shall not be unreasonably withheld. If the authorized officer provides approval, this permit shall include, or in the case of approval provided after this permit is issued, shall be amended to include specific terms addressing the storage of hazardous materials, including the specific type of materials to be stored, the volume, the type of storage, and a spill plan. Such terms shall be proposed by the holder and are subject to approval by the authorized officer.

**J. CLEANUP AND REMEDIATION**

1. The holder shall immediately notify all appropriate response authorities, including the National Response Center and the authorized officer, of any oil discharge or of the release of a CERCLA hazardous material in the permit area in an amount greater than or equal to its reportable quantity, in accordance with 33 CFR Part 153, Subpart B, and 40 CFR Part 302. For the purposes of this requirement, "oil" is defined by section 311(a)(1) of the Clean Water Act, 33 U.S.C. 1321(a)(1). The holder shall immediately notify the authorized officer upon knowledge of any release or threatened release of any hazardous material at or in the vicinity of the permit area which may be harmful to public health or welfare or which may adversely affect natural resources under the management of the United States.

2. Except with respect to any federally permitted release as that term is defined under Section 101(10) of CERCLA, 42 U.S.C. 9601(10), the holder shall clean up or otherwise remediate any release, threat of release, or discharge of hazardous materials that occurs either in the permit area or in connection with the holder's activities, whether or not those activities are authorized under this permit. The holder shall perform cleanup or remediation immediately upon discovery of

the release, threat of release, or discharge of hazardous materials. The holder shall perform the cleanup or remediation to the satisfaction of the authorized officer and at no expense to the United States. Upon revocation or termination of this permit, the holder shall deliver the permit area to the Forest Service free and clear of contamination.

#### **VI. LAND USE FEE AND DEBT COLLECTION.**

**A. HOLDER'S USE AND OCCUPANCY.** The holder shall pay an initial annual land use fee of \$102.58 for the period from 07/16/2020 to 12/31/2020, and thereafter on **January 01**, shall pay an annual land use fee of **\$102.58**. The land use fee shall be adjusted annually in accordance with the fee schedule in 43 CFR 2806.20.

**B. MODIFICATION OF THE LAND USE FEE.** The land use fee may be revised whenever necessary to reflect the market value of the authorized use or when the fee system used to calculate the land use fee is modified or replaced.

**C. LESSEES' USE AND OCCUPANCY.** The holder shall pay in advance an annual land use fee to the Forest Service as determined from the fee schedule in 43 CFR 2806.20 for each lessee's use of fiber under clause III.D.3 that is not exempt from a land use fee. The land use fee for any leased fiber shall be adjusted annually in accordance with the applicable fee schedule.

#### **D. FEE PAYMENT ISSUES**

**1. Crediting of Payments.** Payments shall be credited on the date received by the deposit facility, except that if a payment is received on a non-workday, the payment shall not be credited until the next workday

**2. Disputed Fees.** Fees are due and payable by the due date. Disputed fees must be paid in full. Adjustments will be made if dictated by an administrative appeal decision, a court decision, or settlement terms

#### **3. Late Payments.**

**(a) Interest.** Pursuant to 31 U.S.C. 3717 et seq., interest shall be charged on any fee amount not paid within 30 days from the date it became due. The rate of interest assessed shall be the higher of the Prompt Payment Act rate or the rate of the current value of funds to the United States Treasury (i.e., the Treasury tax and loan account rate), as prescribed and published annually or quarterly by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins. Interest on the principal shall accrue from the date the fee amount is due.

**(b) Administrative Costs.** If the account becomes delinquent, administrative costs to cover processing and handling the delinquency shall be assessed.

**(c) Penalties.** A penalty of 6% per annum shall be assessed on the total amount that is more than 90 days delinquent and shall accrue from the same date on which interest charges begin to accrue.

**4. Administrative Offset and Credit Reporting.** Delinquent fees and other charges associated with the permit shall be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 et seq. and common law. Delinquencies are subject to any or all of the following:

**(a)** Administrative offset of payments due the holder from the Forest Service.

**(b)** If in excess of 60 days, referral to the United States Department of the Treasury for appropriate collection action as provided by 31 U.S.C. 3711(g)(1).

**(c)** Offset by the Secretary of the Treasury of any amount due the holder, as provided by 31 U.S.C. 3720 et seq.

**(d)** Disclosure to consumer or commercial credit reporting agencies.

#### **VII. REVOCATION, SUSPENSION, AND TERMINATION**

**A. REVOCATION AND SUSPENSION.** The authorized officer may revoke or suspend this permit in whole or in part:

1. For noncompliance with applicable federal, state, or local laws and regulations.
2. For noncompliance with the terms of this permit.
3. For failure to exercise the rights or privileges granted.
4. With the consent of the holder.
5. At the discretion of the authorized officer, for specific and compelling reasons in the public interest.

Prior to revocation or suspension, other than immediate suspension under clause VII.B, the authorized officer shall give the holder written notice of the grounds for revocation or suspension and a reasonable period, not to exceed 90 days, to cure any noncompliance.

**B. IMMEDIATE SUSPENSION.** The authorized officer may immediately suspend this permit in whole or in part when necessary to protect public health or safety or the environment. The suspension decision shall be in writing. The holder may request an onsite review with the authorized officer's supervisor of the adverse conditions prompting the suspension. The authorized officer's supervisor shall grant this request within 48 hours. Following the onsite review, the authorized officer's supervisor shall promptly affirm, modify, or cancel the suspension.

**C. APPEALS AND REMEDIES.** Written decisions by the authorized officer relating to administration of this permit are subject to administrative appeal pursuant to 36 CFR Part 214, as amended. Revocation or suspension of this permit shall not give rise to any claim for damages by the holder against the Forest Service.

**D. TERMINATION.** This permit shall terminate when by its terms a fixed or agreed upon condition, event, or time occurs without any action by the authorized officer. For example, this permit terminates upon expiration or upon a change in ownership of the transmission facilities. Termination of this permit does not require notice, a decision document, or any environmental analysis or other documentation. Termination of this permit is not subject to administrative appeal and shall not give rise to any claim for damages by the holder against the Forest Service.

**E. RIGHTS AND RESPONSIBILITIES UPON REVOCATION OR TERMINATION WITHOUT ISSUANCE OF A NEW PERMIT.** Upon revocation of this permit or termination of this permit without issuance of a new permit, the holder shall remove all structures and improvements in the permit area, except those owned by the United States, within a reasonable period prescribed by the authorized officer and shall restore the site to the satisfaction of the authorized officer. If the holder fails to remove all structures or improvements in the permit area within the prescribed period, they shall become the property of the United States and may be sold, destroyed, or otherwise disposed of without any liability to the United States. However, the holder shall remain liable for all costs associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the permit area.

**F. CONTINUATION OF OBLIGATIONS AND LIABILITIES BEYOND TERMINATION OR REVOCATION.** Notwithstanding the termination or revocation of this permit, its terms and conditions shall remain in effect and shall be binding on the holder and the holder's personal representative, successors, and assignees until all the holder's obligations and liabilities accruing before or as a result of termination or revocation of this permit have been satisfied.

## **VIII. MISCELLANEOUS PROVISIONS**

**A. MEMBERS OF CONGRESS.** No member of or delegate to Congress or resident commissioner shall benefit from this permit either directly or indirectly, except to the extent the authorized use provides a general benefit to a corporation.

**B. CURRENT ADDRESSES.** The Forest Service and the holder shall keep each other informed of current mailing addresses.

**C. SUPERIOR CLAUSES.** If there is any conflict between any of the preceding printed clauses and any of the following clauses, the preceding printed clauses shall control.

**D. Disputes (X-96).** Appeal of any provisions of this authorization or any requirements thereof shall be subject to the appeal regulations at 36 CFR 214, as amended or revisions thereto.

**THIS PERMIT IS GRANTED SUBJECT TO ALL ITS TERMS AND CONDITIONS.**

**BEFORE ANY PERMIT IS ISSUED TO AN ENTITY, DOCUMENTATION MUST BE PROVIDED TO THE AUTHORIZED OFFICER OF THE AUTHORITY OF THE SIGNATORY FOR THE ENTITY TO BIND IT TO THE TERMS AND CONDITIONS OF THE PERMIT.**

Brian S. Settles, Chief Administrative Officer BS 7/20/2020  
CANYON FUEL COMPANY, LLC SIGNATURE DATE  
HOLDER NAME, PRECEDED BY NAME  
AND TITLE OF PERSON SIGNING ON BEHALF  
OF HOLDER, IF HOLDER IS AN ENTITY

APPROVED:

RYAN NEHL RYAN NEHL DATE: 2020.07.23 15:24:34 -06'00'  
MANTI-LA SAL FOREST SUPERVISOR SIGNATURE DATE

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082.

This information is needed by the Forest Service to evaluate requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and address public health and safety concerns. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Federal Land Policy and Management Act of 1976, which authorizes the Secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. This statute authorizes the Secretary of Agriculture to issue authorizations for the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

Public reporting burden for collection of information, if requested, is estimated to average 1 hour per response for annual financial information; 1 hour per response to prepare or update an operating plan; 1 hour per response for inspection reports; and 1 hour for each request that may include such things as reports, logs, facility and user information, and other similar miscellaneous information requests. These averages include the time for reviewing instructions, searching data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to United States Department of Agriculture, Clearance Officer, OCIO, AG Box 7630, Washington D.C. 20250, and to the Office of Management and Budget, Paperwork Reduction Project (OMB #0596-0082), Washington, D.C. 20503



Swens Canyon Ventilation Facility (SCVF)

In 2014 preliminary studies for permitting construction of the Swens Canyon Ventilation Facility and power line were initiated. An area of approximately 9.7 acres was proposed for addition into the permit area for the SCVF pad site. A power line corridor of approximately ~~1550~~-foot by ~~3.052~~.6 miles, totaling ~~18.464~~.8 acres was proposed for addition into the permit area. The 18.46 acres includes approximately 0.46 acres currently not permitted. The public is currently being given the opportunity to comment on the construction of the power line as it is within 100-ffeet of two public roads; SR-264 and USFS road 0018, respectively. A Cultural Resource survey was conducted by Environmental Planning Group, LLC (EPG) covered areas of approximately 13 acres for the pad area and a 200-foot wide corridor for the power line respectively. A Class I cultural resource file search and Class III cultural resource inventory was conducted in the area. A total of five (5) isolated occurrences and three (3) new cultural resources sites were identified, documented, and evaluated for inclusion in the National Register of Historic Places (NRHP). None of the sites were recommended for eligibility in the NRHP. Therefore, the project will have no adverse effect on those sites. See Confidential File for EPG report (A CULTURAL RESOURCES INVENTORY FOR THE SKYLINE MINE EXPANSION AND TRANSMISSION LINE CONSTRUCTION PROJECT, CARBON AND EMERY COUNTIES, UTAH)

Revised ~~1-27-14~~-20

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modern water from sources that do not normally flow into the mine, and the inflow rate of ground water to 10 Left is approximately 3,000 gpm (as estimated in March 2004), the inflow rate of modern water to 10 Left might be between 234 gpm and 816 gpm. Combining the calculated inflow rates of modern water from JC-1 and the 10 Left area results in a range of 538 gpm to 1,877gpm of a total of 6,900 gpm of water removed from the ground from JC-1 and the mine.

JC-3 pumps water from the flooded portions of the mine that include the 6 Left through 12 Left A and B panel areas. Water from the 11 Left and 12 Left A and B areas do not appear to contain modern waters. Without the JC-3 well, the from these flooded portion of the mine would be pumped to Eccles Creek and not Electric Lake. The pumping of the JC-3 well could be considered to further mitigate for the maximum possible inflow of modern water to the mine. The JC-3 well is expected to be operated for at least several years or until the persistent drought conditions end.

If a determination were made that Skyline Mine impacted Electric Lake and upper Huntington Creek waters, the JC-1 and JC-3 wells would continue to be operated by the mine to discharge water into the Huntington Creek drainage. Thus, through the mine's effort to dewater the Star point Sandstone to allow for the continuation of mining in the southwest portions of Mine 2, specifically to maintain the West Mains, any potential mitigation for the loss of water has been and continues to be accomplished.

In 2020 an overhead power line was extended from the main mine facility to Swens Canyon. Details of the power line construction are outlined in Section 3.2.10. No impacts to the hydrology of either Huntington Creek or the small ephemeral drainage paralleling the power line corridor to the south are anticipated. No crossing of either drainage with equipment is anticipated. Power cables will be extended over Huntington Creek using temporary structures on either the east or west side of the creek. Installation of the power line will utilize a D6 dozer with no blading anticipated. No work will be conducted within the Stream Buffer Zone of Huntington Creek, and the line is no closer than approximately 200 feet to the ephemeral drainage. Exhibit 2.5.1 characterizes the ephemeral stream channel. Sediment control will be treated with existing vegetation. Any possible contribution of sediment to the two drainages will overwhelmingly come from the north-facing side of the ephemeral drainage that was clear cut earlier in 2020.

~~Sec. 3.2 Appendix C~~

Ch. 2, Sec. 2.5

Exhibit 2.5.1

## Richard B. White, PE, PLLC

13441 South Lone Peak Lane • Draper, Utah 84020 • 801-673-6647

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July 2, 2020

Gregg Galecki  
Sr. Environmental Engineer  
Canyon Fuel Company, LLC  
HC 35 Box 380  
Helper, UT 84526

Subject: Evaluation of Unnamed Tributary of Upper Huntington Creek

Dear Gregg:

Pursuant to your request, I evaluated hydrologic conditions associated with an unnamed tributary of upper Huntington Creek in Emery County, Utah at the location shown in Figure 1. It is my understanding that Canyon Fuel Company is planning to commission BODEC Electric to construct a power line across this channel to service the Skyline Mine.

UDOGM regulations (R645-301-724.200) require mining companies to characterize baseline surface water conditions in areas of potential impact. Although a cursory evaluation indicates that this unnamed tributary is ephemeral, the purpose of this letter is to present the results of a more rigorous investigation to determine the hydrological, physical, and biological attributes of this channel as a means of formally designating its baseline condition.

I conducted this investigation in general accordance with protocols developed by the Surface Water Quality Bureau of the New Mexico Environment Department (2011). These protocols were developed for determining whether individual streams are ephemeral, intermittent, or perennial to assist in determining potential beneficial uses of the waters in those streams.

Photographs of the subject channel, taken on June 29, 2020, are provided in Attachment A. Field observations are summarized in the field sheets provided in Attachment B. The channel is approximately 1.5 to 2.0 feet wide in the reach where the power line will cross. No water was present at the time of the field reconnaissance, nor were there signs of water recently being in the channel. No substantial compositional or density differences were observed in the vegetation on the streambanks and that which is present in the adjacent uplands. Furthermore, rooted upland plants are prevalent within the channel bed.

Based on my investigation of the hydrological, physical, and biological attributes of the subject channel, including classification of the channel in accordance with the New Mexico Environment Department protocols, it is my professional opinion that the channel should be classified as ephemeral as defined in R645-100-200 – namely that the channel “flows only in direct response to precipitation in the immediate watershed, or in response to the melting of a cover of snow and ice, and ... has a channel bottom that is always above the local water table.”

Gregg Galecki  
July 2, 2020  
Page 2

Please feel free to contact me if you have any questions.

Sincerely,



Richard B. White, P.E.  
Consulting Civil and Environmental Engineer



Attachments

Reference

New Mexico Environment Department, Surface Water Quality Bureau. 2011. Statewide Water Quality Management Plan and Continuing Planning Process - Appendix C: Hydrology Protocol for the Determination of Uses Supported by Ephemeral, Intermittent, and Perennial Waters. Santa Fe, NM. Document downloaded from <https://www.env.nm.gov/swqb/Hydrology/index.html>.

**ATTACHMENT A**

Photographs of Unnamed Tributary  
Taken June 29, 2020

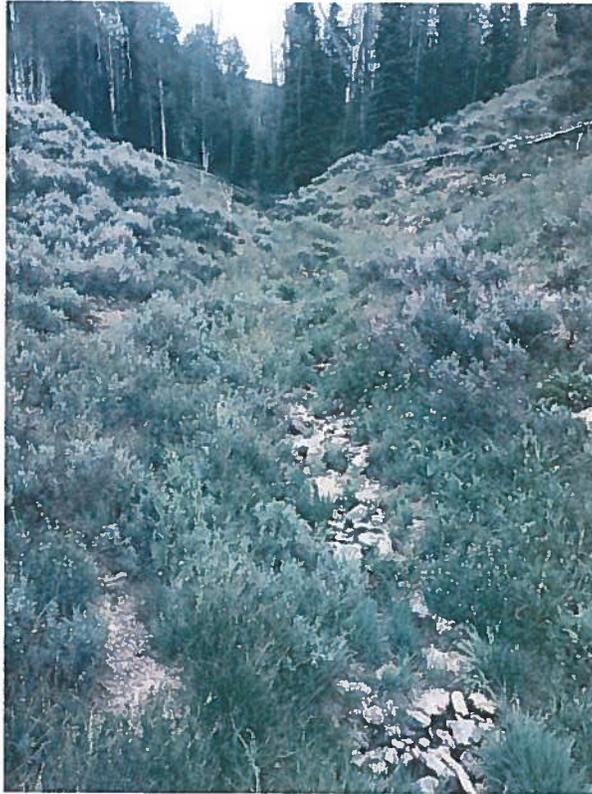


Photo 1 – Upstream (east) view at proposed power line crossing.



Photo 2 – Downstream (west) view at proposed power line crossing.



Photo 3 – View to the east approx. 20 yards upstream of proposed crossing.

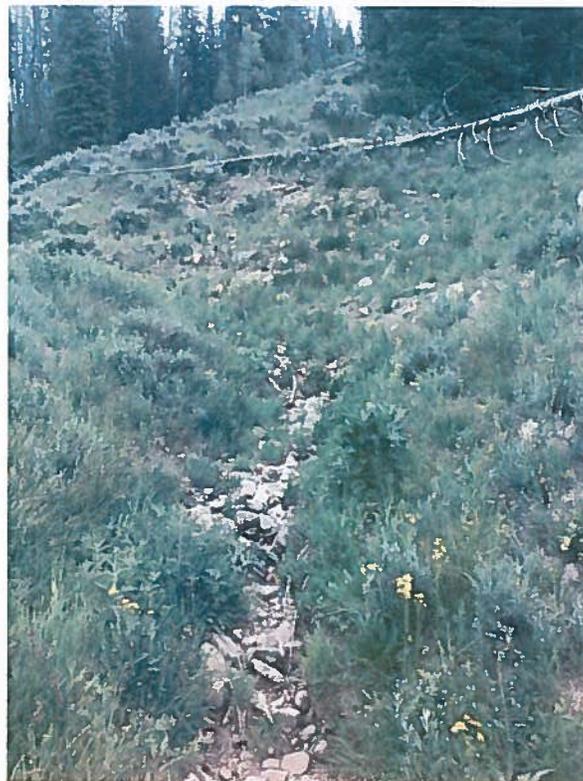


Photo 4 – View to the east approx. 40 yards upstream of proposed crossing.



Photo 5 – View to the west approx. 20 yards downstream of proposed crossing. Channel ~2 ft wide.



Photo 6 – View to the west approx. 40 yards downstream of proposed crossing. Channel ~1.5 ft wide.

**ATTACHMENT B**

Channel Classification Field Form

NMED Surface Water Quality Bureau – LEVEL 1 Hydrology Determination Field Sheet

Date: <u>1 July 2020</u>	Stream Name: <u>Unnamed tributary of Huntington Creek</u>	Latitude: <u>39.663182</u>	
Evaluator(s): <u>RB White</u>	Site ID:	Longitude: <u>-111.237625</u>	
<b>TOTAL POINTS:</b> <i>Stream is at least intermittent if <math>\geq 12</math></i>	Assessment Unit:	Drought Index (12-mo. SPI Value): <u>0.0</u>	
<b>WEATHER CONDITIONS</b>	<b>NOW:</b> <input type="checkbox"/> storm (heavy rain) <input type="checkbox"/> rain (steady rain) <input type="checkbox"/> showers (intermittent) <input checked="" type="checkbox"/> 80% cloud cover <input type="checkbox"/> clear/sunny	<b>PAST 48 HOURS:</b> <input type="checkbox"/> storm (heavy rain) <input type="checkbox"/> rain (steady rain) <input checked="" type="checkbox"/> showers (intermittent) <input type="checkbox"/> %cloud cover <input type="checkbox"/> clear/sunny	Has there been a heavy rain in the last 48 hours? ___ YES <input checked="" type="checkbox"/> NO  **Field evaluations should be performed at least 48 hours after the last known major rainfall event.  <b>OTHER:</b> Stream Modifications ___ YES <input checked="" type="checkbox"/> NO Diversions ___ YES <input checked="" type="checkbox"/> NO Discharges ___ YES <input checked="" type="checkbox"/> NO  **Explain in further detail in NOTES section

LEVEL 1 INDICATORS	STREAM CONDITION			
	Strong	Moderate	Weak	Poor
<b>1.1. Water In Channel</b>	Flow is evident throughout the reach. Moving water is seen in riffle areas but may not be as evident throughout the runs. <b>6</b>	Water is present in the channel but flow is barely discernable in areas of greatest gradient change (i.e. riffles) or floating object is necessary to observe flow. <b>4</b>	Dry channel with standing pools. There is some evidence of base flows (i.e. riparian vegetation growing along channel, saturated or moist sediment under rocks, etc) <b>2</b>	Dry channel. No evidence of base flows was found. <b>0</b>
<b>1.2. Fish</b>	Found easily and consistently throughout the reach. <b>3</b>	Found with little difficulty but not consistently throughout the reach. <b>2</b>	Takes 10 or more minutes of extensive searching to find. <b>1</b>	Fish are not present. <b>0</b>
<b>1.3. Benthic Macroinvertebrates</b>	Found easily and consistently throughout the reach. <b>3</b>	Found with little difficulty but not consistently throughout the reach. <b>2</b>	Takes 10 or more minutes of extensive searching to find. <b>1</b>	Macroinvertebrates are not present. <b>0</b>
<b>1.4. Filamentous Algae/Periphyton</b>	Found easily and consistently throughout the reach. <b>3</b>	Found with little difficulty but not consistently throughout the reach. <b>2</b>	Takes 10 or more minutes of extensive searching to find. <b>1</b>	Filamentous algae and/or periphyton are not present. <b>0</b>
<b>1.5. Differences in Vegetation</b>	Dramatic compositional differences in vegetation are present between the stream banks and the adjacent uplands. A distinct riparian vegetation corridor exists along the entire reach – riparian, aquatic, or wetland species dominate the length of the reach. <b>3</b>	A distinct riparian vegetation corridor exists along part of the reach. Riparian vegetation is interspersed with upland vegetation along the length of the reach. <b>2</b>	Vegetation growing along the reach may occur in greater densities or grow more vigorously than vegetation in the adjacent uplands, but there are no dramatic compositional differences between the two. <b>1</b>	No compositional or density differences in vegetation are present between the streambanks and the adjacent uplands. <b>0</b>
<b>1.6. Absence of Rooted Upland Plants in Streambed</b>	Rooted upland plants are absent within the streambed/thalweg. <b>3</b>	There are a few rooted upland plants present within the streambed/thalweg. <b>2</b>	Rooted upland plants are consistently dispersed throughout the streambed/thalweg <b>1</b>	Rooted upland plants are prevalent within the streambed/thalweg. <b>0</b>
<b>SUBTOTAL (#1.1 – #1.6)</b>				<b>0</b>
If the stream being evaluated has a subtotal $\leq 2$ at this juncture, the stream is determined to be EPHEMERAL. If the stream being evaluated has a subtotal $\geq 18$ at this point, the stream is determined to be PERENNIAL. YOU MAY STOP THE EVALUATION AT THIS POINT. If the stream has a subtotal between 2 and 18 continue the Level 1 Evaluation.				

CONCLUSION → CHANNEL IS EPHEMERAL

Ch. 2, Sec. 2.9

The area is considered critical summer habitat for deer and elk. During development of the facility, daily activity will include vehicle traffic and construction activities. After construction, the use of the area will return to historic uses, with only an exhaust fan operation remaining. Construction of the pad will occur in Fall of 2015, so the critical summer fawning/walving period will not be impacted. Construction of the fan facility will occur in spring/summer of 2016, since the ventilation facility is needed by Fall of 2016. If construction begins after June 1<sup>st</sup>, when the peak fawning/calving period begins, the area will be surveyed to detect the presence of any potentially fawning/calving individuals. This will consist of walking the area 1000 feet below the construction area. If any individuals are encountered, they will be monitored, and construction will not begin until the individual is no longer in the area (See Alpine memo dated July 2015). After construction, the impacts will be minimal since the fan system that is being installed will be equipped with an Exhaust Silencer with an overall pressure level of 76dBA at 36" from the fan. Access will be limited by a locked gate. No sage grouse habitat exists in the area. Figure 2.9-8 has been added which shows Utah DWR's Sage Grouse Management Area threat analysis, including habitat areas. Skyline Mine lease area is shown relative to the Sage Grouse Management Areas. A wildlife survey report conducted in 2014 which addressed goshawk, raptors, American three-toed woodpecker, and Threatened and Endangered species determined no species of concern would be impacted by the construction of the shaft (See Appendix A-2, Volume 2 for Alpine Ecological report and Alpine memo dated July 2015).

#### 2.9.8 Swens Canyon Ventilation Facility (SCVF)

The SCVF is permitted to encompass approximately 9.76.33 acres. The project also includes an approximately 2.623.05 mile power line, with a permitted 1550-foot wide corridor which totals approximately 18.464.8 acres. Minimal disturbance is anticipated with the power line as the 3-phase, 12.546 kV, single pole power line, with compact construction has been adapted for raptors and no road building will be involved with the installation. Access to the power corridor will be limited to minimal cross-country travel with either a rubber-tired or tracked vehicle.

General wildlife and raptor surveys conducted in both 2013 and 2014 were consistent with previous studies with no threatened or endangered species being observed in either the power line corridor or the SCVF site. A specific Western Boreal Toad survey was also conducted in 2014 indicating the absence of the species. (See Appendix A-3, Volume 2 for studies conducted by Alpine Ecological). Noise will not be an issue after construction as



Prior to the construction of the Swens Canyon Vent Facility (SCVC) raptor and wildlife surveys were conducted in both 2013, 2014, and 2015 (see Appendix A-2, Volume 2 for reports). A juvenile goshawk nest was found on the edge of the power line corridor and will be monitored in 2016. Because of the location, wildlife biologist Mace Crane anticipates the nest will not be occupied in the future.

Subsequently the area was extensively logged in 2017 and 2018 significantly altering the raptor habitat in the area. USFS personnel reviewed the information again in 2020 in conjunction with a Special Use Permit determining no additional studies were necessary. Assuming it is occupied during construction, appropriate mitigation measures will be implemented per US Forest Service personnel instructions. See Figure 2.10-1 for avian protection on the line posts and power line clearing area. No long-term impacts due to increased vehicle and human activity are anticipated at the vent facility after construction because the site is adjacent SR-264 with moderate daily traffic and a popular campsite is located adjacent to the road and Swens Canyon Creek.

Raptor surveys indicate that there may be raptors nesting in the vicinity of the Scofield Waste Rock Disposal site. A raptor survey was conducted in 1995 by Skyline Mines to determine if there were any active nests within a 1/2 mile radius of the disposal site. No nests were found by environmental personnel from Skyline Mine. Another raptor survey was conducted in 2007 for the waste rock expansion site and one raptor nest was identified within 3 mile. According to the analysis, the nest has been in place for some time and the raptors have habituated to the activities of the waste rock site. This nest will be monitored in spring 2008 for its status. Results of the status will be reported in the Annual report.

#### 2.10.1 Conclusion

Raptor species, normally found in conifer forests, occur in small numbers on the Skyline Mine area. Nesting habitat for tree nesting species provides the only readily available habitat there. Bald eagles pass through the area and stop over in adjacent regions during that migration. They, however, move on as winter sets in. Peregrine falcons may also pass over the area in migration, but any number that would do so is certainly small. No nesting sites of either species are known nor suspected in the Skyline area. The nearest known sites are in excess of 20 miles from the Skyline area. The overall elevation of the mining region is high enough and the habitat such as to restrict the density and diversity of raptors. It is concluded that development of the skyline Mine area will not have and adverse effect on critical raptor species, and any species that may be affected are common enough that the impact will be minimal on the populations.



## Swens Canyon Ventilation Facility (SCVF)

A detailed description of the soils associated with the Swens Canyon Ventilation Facility (SCVF) and associated power line is available in Appendix A-2, Volume 2, titled, "Order 2 Soil Survey of the Powerline Corridor Swens Pad Ventilation and Escape Shafts Coal Pile Expansion at the Skyline Mine" (December 2014). The survey conducted by Long Resources Consultants, Inc. provides a comprehensive assessment of the various soils that are within the power line corridor and the pad site. No soils are anticipated to be disturbed along the power line with the exception of soils moved for the placement of the single, wooden poles, and the area where the buried section of cable daylights, which are both exempt due to the limited disturbance. In the event minor sections of the power line corridor needs to be bladed/disturbed, topsoil will be stripped, salvaged, and replaced immediately following power line installation. Salvaged topsoil will be contained with silt-fencing or other sediment control measure until replaced. The contractor anticipates any areas not accessible using a D6 Cat dozer, poles will be placed using a helicopter.~~The buried section of power line will be bored from the Swens pad using a directional drilling method. Where the buried cable connects to the above-ground section, any potentially disturbed topsoil will be salvaged and a sample collected to test nitrogen, phosphorus, and potassium analyzing for future treatment when reclaiming.~~ The power line corridor is approximately 2.63.05 miles in length and will be approximately 50±5-feet wide with no disturbance of the topsoil anticipated. Installation will be conducted using rubber-tired vehicles or tracked vehicles keeping the number of access trips necessary for construction to a minimum.

Revised: 5-207-14-2020

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TABLE 2.12.2-1  
GRAZING POTENTIAL FOR THE AREA TO BE AFFECTED BY MINING SURFACE OPERATIONS AND FACILITIES  
(Does not include State Highway SR-264)

Surface Facilities Area	General Area Classification	Land Area (Acres)	Average Forage Production (lbs/ac)	Total Animal Unit Month (AUM)	Grazing Potential-Animal Unit Month (AUM) with 25% Harvest Efficiency for proper grazing utilization
1 Portal Yard Area	Spruce Fir	16.47	0	0.0	0.00
	Aspen	7.93	586	5.9	1.47
	Sagebrush	2.50	917	2.9	0.73
	Disturbed	8.50	0	0.0	0.00
	Riparian	1.00	182	0.2	0.06
Subtotal		36.40		9.0	2.25
2 Conveyor Corridor	Aspen	3.20	586	2.4	0.59
	Sagebrush	5.77	917	6.7	1.67
Subtotal		8.97		9.1	2.27
3 Railroad Loadout Area	Grass-Forb	10.32	746	9.7	2.44
	Spruce Fir	3.50	0	0.0	0.00
	Riparian	0.04	182	0.01	0.00
Subtotal		13.86		9.8	2.44
4 Waste Rock Disposal Area	Disturbed	12.81	0	0.0	0.00
Subtotal		12.81		0.0	0.00
5 Water Tank & Well Pads	Aspen	0.26	586	0.2	0.05
	South Fork Breakout Spruce-Fir	0.96	0	0.0	0.00
Subtotal		1.22		0.2	0.05
6 WQ Vent Pad	Sagebrush	2.36	1300	3.9	0.97
Subtotal		2.36		3.9	0.97
7 NOG Bleeder Shaft	Grass-Aspen		586	0.0	0.00
Subtotal	DELETE NOG			0	0
8 Swens Vent Pad	Sagebrush	6.33	917	7.3	1.84
	Subtotal	6.33		7.3	1.84
9 Powerline	Aspen	14.5	586	10.8	2.69
	Sage	1.62	917	1.9	0.47
	spruce Fir	1.44	0	0.0	0.00
Subtotal		17.56		12.6	3.16
TOTAL		99.51		51.87	12.98

Revised 7-22-2020

2-128



## Swens Canyon Ventilation Facility

The Swens Canyon Ventilation Facility (SCVF) and Power Line project are needed for the future of the Skyline Mine for multiple reasons. The 3-phase, ~~12.546~~ kV, single pole power line, with compact construction is necessary to supply the power needs as mining moves southwest. Attempts to supply the power through the mine is not practical due to the voltage-drop associated with running an insulated cable for a significant distance. Running the power overland eliminates the voltage-drop problem. Similarly, the ventilation shaft in Swens Canyon is necessary to exhaust the air from the mine closer to actual workings (See Section 3.2.10 for Electrical Power installation). No fan is planned for the ventilation shaft. In addition to the 16-foot ventilation shaft, a 8-foot escape shaft may be installed at the facility as an additional safety measure to enable the evacuation of the mine in an emergency situation (See Plate 3.2.4-4G for details). The approximately ~~9.746.33~~ acre disturbed area also includes space for a transformer, and a topsoil pile protecting the topsoil for reclamation, ~~and a drill cuttings pond designed solely to collect and store the cuttings from drilling of the shafts. The pond is not designed as a sediment control device for the site, and is designed to contain runoff from a 100-year, 24-hour storm event of the surface area represented by the pond itself. Storm water from the pad is controlled as an Alternate Sediment Control Area (ASCA), see Section 3.2.12 for details.~~

The SCVF includes the construction of a 1,200-foot auxiliary access road to the site, beginning with approximately 500-feet of existing USFS road 0228 adjacent to Swens Canyon creek. Approximately 240-foot road 0228 will be re-aligned approximately 60-feet south of its current location to accommodate the auxiliary road to the pad. The re-alignment is through a pre-existing 'dispersed campground' that has already disturbed the upland vegetation in the area. Specific care has been taken to insure the floodplain and riparian vegetation will not be disturbed. This area is considered a Stream Buffer Zone and will be marked with signs prior to construction for delineation to insure no construction activity takes place in the area. The remainder of the access road is 17-feet wide, supported by roadbase and gravel, sloping at 2 percent into a 1.5H:1V ditch, with a minimum turning radius of 90-feet. Road drainage reports to ditches DD-1 through DD-3 as shown on Plate 3.2.4-4D, with flow from DD-1 reporting to culvert C-1 and comingling with flow from DD-2 at a tie-in pad and discharging to Swens Creek through C-2. Ditch DD-3 reports to Swens Creek through C-3. The disturbed area ditches are temporary and designed to convey runoff from a 10-year 24-hour storm event. The existing road grade begins at 2.3 percent to 3.3 percent, increases to 7.25 percent and tops out at the site at 1.99 percent. Plate 3.2.4-4A and -4B outline details of the road. The pad and associated cut are designed as an ASCA where storm water will report to the south end of the pad and settled out against the highwall/berm. Water from the east side of the pad will flow south then west through a swale to the settling area. Runoff from the settling area will not drain into either shaft as there is a minimum of 1.5-foot freeboard from the maximum height of the settling basin to the collar of the shafts as the collar of the shafts

Utah Power and Light Company policy dictated that the separation of responsibility would be at the connection to the electrical sub-station which means that the power line corridor was established by Utah Power and Light and the line construction and maintenance remains their responsibility. Consequently, the Permittee was not in position to require a particular power line construction technique. The Permittee did, however, relay the Division request to provide raptor protection to Utah Power and Light. (See Division correspondence dated June 19, 1981, James W. Smith Jr. to Vernal J. Mortensen; Re: Guidelines on Perimeter Markers and Raptor Protection on Power Lines - Exhibit 1.) Utah Power and Light responded that it is their standard procedure to adhere to raptor protection practices. A copy of the Utah Power and Light correspondence is attached. (See Exhibit 2.)

#### Swens Power Line

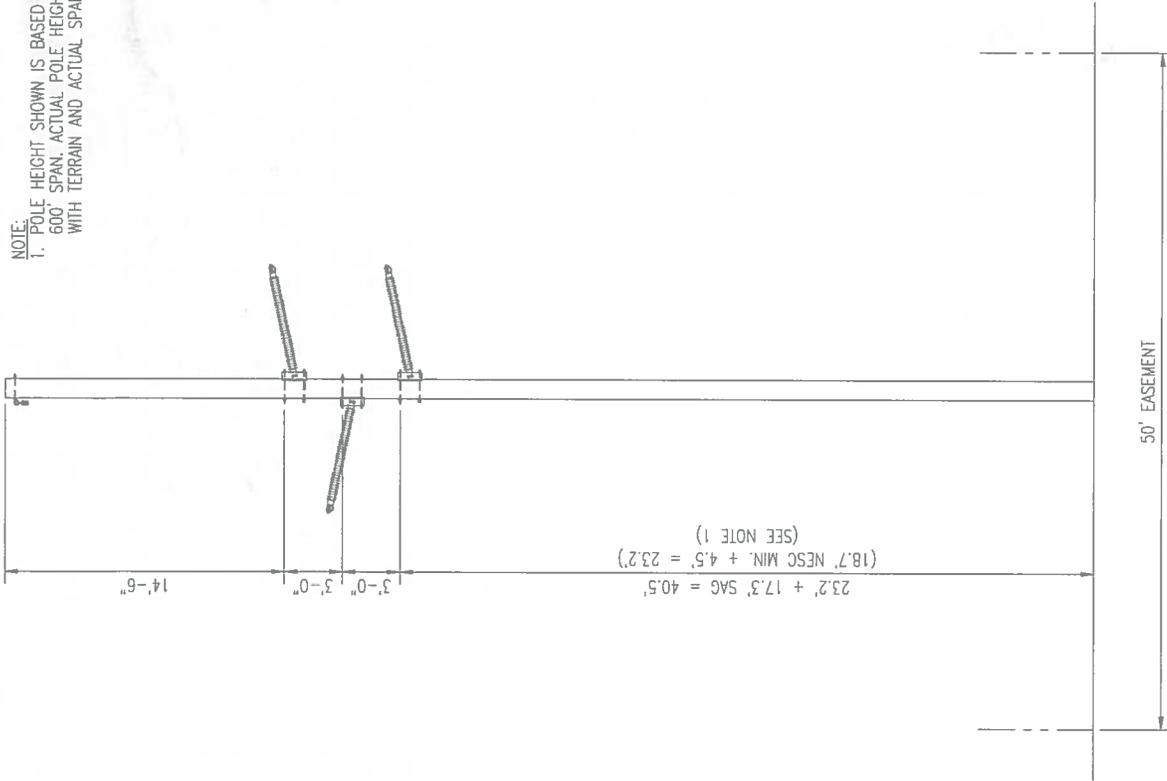
To meet the increased power demands of mining in the Southwest Reserves district, a ~~combination-overhead-buried~~ power line was extended from Eccles Canyon to Swens Canyon. The 3-phase, ~~12.546~~ kV, single pole power line, with compact construction is necessary to supply the power needs as mining moves southwest. Between permitting in 2016 and installation in 2020 the power line voltage was increased from 12.6 kV to 46 which required the easement to be increased from 15- to 50-feet. Figures 3.2.10-1 and 3.2.10-2 illustrate the pole configuration and use of the easement, respectively. Attempts to supply the power through the mine is not practical due to the voltage-drop associated with running an insulated cable for a significant distance. Running the power overland eliminates the voltage-drop problem. ~~The powerline is overhead, with the exception of a section running from the pad, under Huntington Creek, to the base of the valley bottom.~~Installation of the power line will not affect the Stream Buffer Zone of Huntington Creek as installation of power poles will be greater than 100-feet from the stream. Figure 3.2.10-3 illustrates the approximate pole locations and wire configuration through the Huntington drainage. Figure 3.2.10-4 illustrates the power line corridor and approximate pole locations. Access from the east will be from Trough Springs Road utilizing the designated easement. Pole locations prohibiting D6 CAT access will likely use a helicopter for installation. Sediment control is addressed in Section 3.2.12 as ASCA area 43.

#### 3.2.11 South Fork Breakout Area

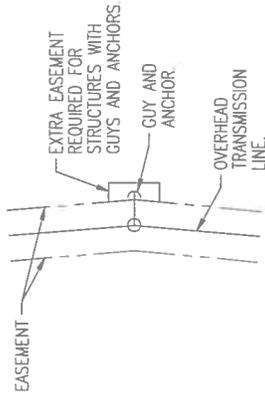
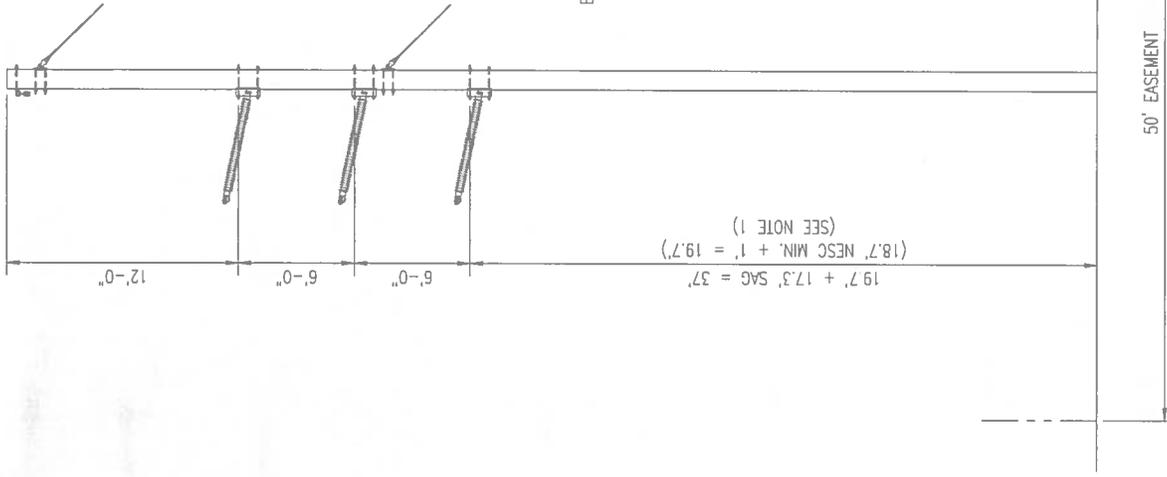
The Upper O'Connor seam required a breakout to improve ventilation. The breakout is on a south facing slope in a side canyon of the South Fork of Eccles Creek (see map 3.2.11-1).

Access to the breakout area is via an existing road up the South Fork of Eccles Creek to the Manti-LaSal National Forest boundary. From the Forest boundary on, the road had been water barred and was reopened. Where the road leaves the main South Fork tributary, it crosses two side drainages. Temporary 18" culverts were installed in these drainages during the construction period. The Forest Service road then continues up the side drainage. Approximately 600 feet up the side drainage a new ancillary life of project road was constructed for a distance of 75' across the drainage to the breakout area (see map 3.2.11-1). During installation of the culverts silt fence and/or straw bales, dikes were placed downstream to control sediment in the stream.

NOTE:  
1. POLE HEIGHT SHOWN IS BASED ON LEVEL  
600' SPAN. ACTUAL POLE HEIGHT WILL VARY  
WITH TERRAIN AND ACTUAL SPAN LENGTHS.



NOTE:  
1. POLE HEIGHT SHOWN IS BASED ON LEVEL  
600' SPAN. ACTUAL POLE HEIGHT WILL VARY  
WITH TERRAIN AND ACTUAL SPAN LENGTHS.



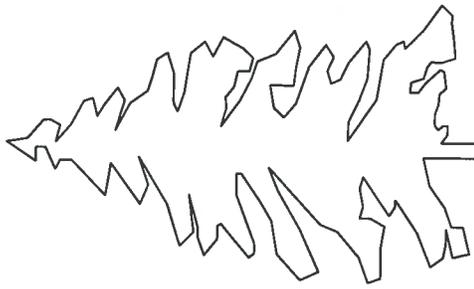
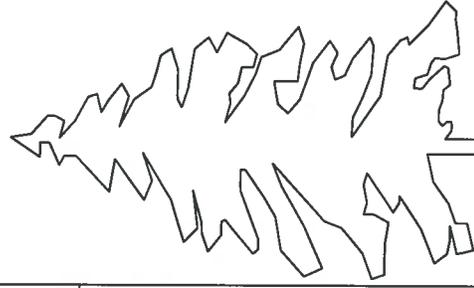
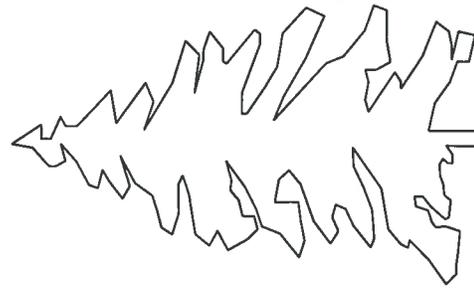
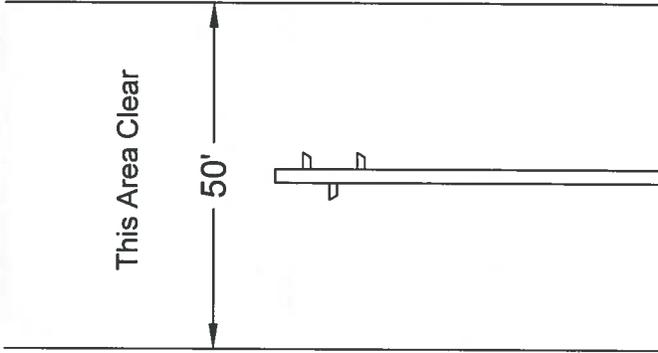
PLAN VIEW

Skyline Mine  
Swens Canyon Powerline  
Pole Details



DATE: 6/8/20	CK BY: Ggolecki	REVISION: 0
SCALE: NIS	DR BY: Teert	
DWG NO.: 3.2.10-1		

Wooden Poles  
Approximately 24 Structures  
Any Roads Built For Construction Will Be  
Reclaimed



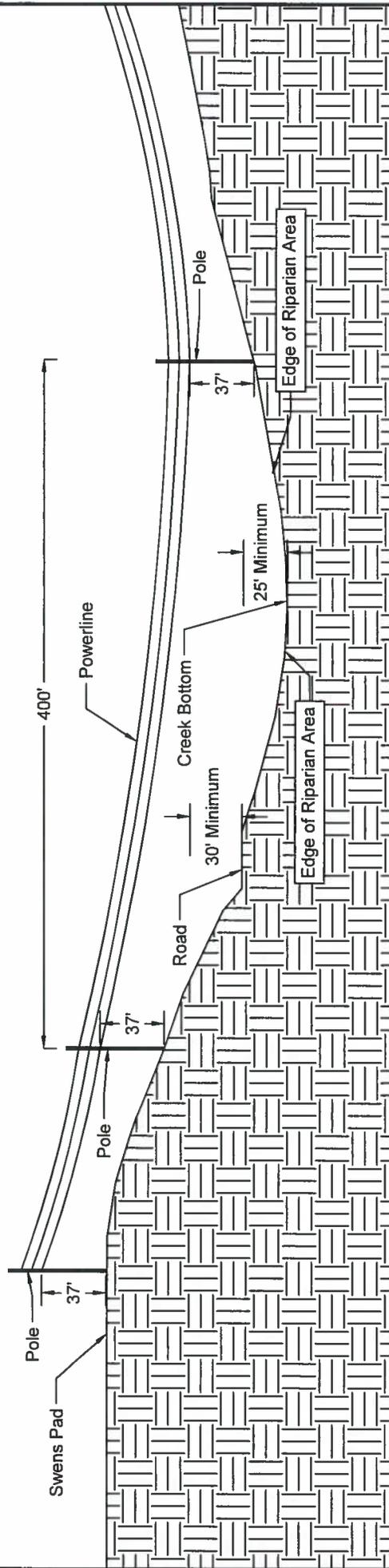
### Powerline Clear Area

Skyline Mine  
Swens Powerline  
Clear Area



Canyon Fuel Company, LLC  
Skyline Mines

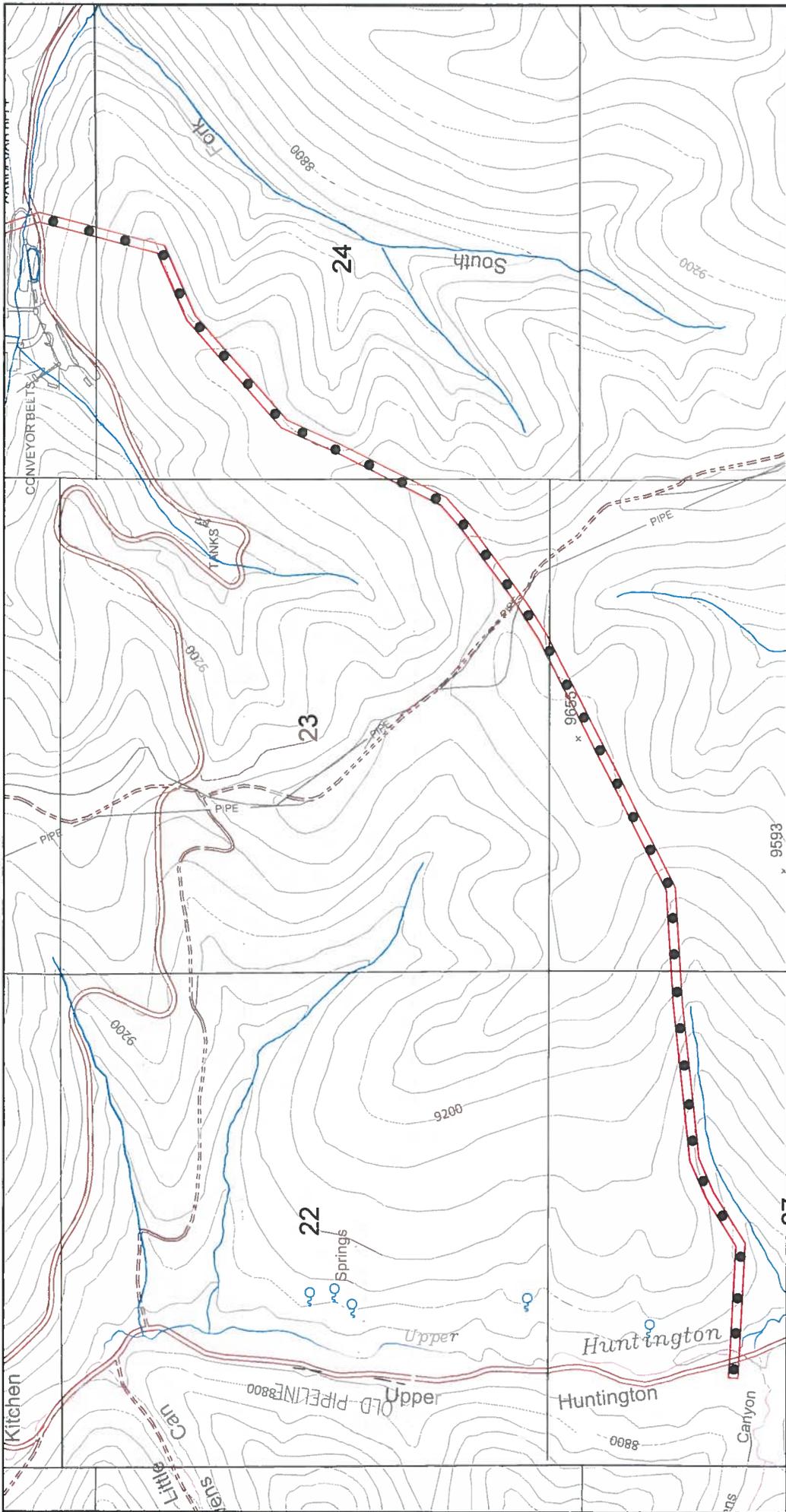
DATE: 6/8/2020	CK BY: GCollecti	REVISION:
SCALE: NTS	DR BY: Teart	0
DWG. NO.: 3.2.10-2		



Swens Canyon Powerline  
Road and Creek Crossing  
Approximate Representation

**Canyon Fuel Company, LLC**  
Skyline Mines

DATE: 7/6/20	CK BY: GGalecki	REVISION: 0
SCALE: NTS	DR BY: Teart	
DWG. NO.: 3-2.10-3		



**Legend**

- Power Pole
- Power Pole Corridor

Swents Canyon  
Approximate Power Line  
and Pole locations



Canyon Fuel Company, LLC  
Skyline Mines

DATE: 4/20/20  
CK BY: CGolecki  
SCALE: 1"=1000'  
DWG. NO.: 3.2-10-4

REVISION:  
0

**Area 39.** This 1.01 acre area addresses both the undisturbed area between the upper undisturbed ditch (UDW-4 from Earth Fax report ) and the primary portion of the WQVF access road (DW-5 from Earth Fax report). Sediment from the area is controlled by a catch basin that incorporates a wattle to trap sediment prior entering a culvert taking water under the road (Plate 3.2.4-3A). The ditch has been widened in the vicinity of catch basin to accommodate the installation of the wattles. The outfall of the culvert, although not having a erosive velocity, is armored with riprap to further reduce any sediment loading.

**Area 40:** The Swens Canyon Ventilation Facility pad is an area that addresses both a small undisturbed area (UW3) and the pad (DW3) totaling 1.5 acres (Plate 3.2.4-4D). Storm water runoff and sediment from the area flows to the east-southeast area of the pad. Water and sediment reaching the east side of the pad will either be treated by a silt fence or directed to the south portion of the pad using a berm. Water and sediment reaching the south end of the pad is controlled by a swale and small catch basin located at the southern portion of the pad. At that location, the small amount of water will collect to a maximum depth of 1.28-inches and eventually evaporate. The maximum design velocity is 1.02 ft/sec which is not considered erosive. See Attachment A of Earthfax Swens Canyon Design Report in Appendix Volume 5, Engineering Calculations, Section 24 for details.

**Area 41:** The Swens Canyon Ventilation Facility Topsoil Pile is designed to safely retain runoff from a 100-year, 24-hour storm event (176 cu-yds.) and one year of predicted sediment yield (195 cu-yds.) Topsoil will be collected/contained in the sediment basin and will either be retained in-place or re-deposited on the pile. Once vegetation is established on the Topsoil Pile, the sediment yield will be significantly reduced. Plate 3.2.4-4D illustrates the area.

**Area 42:** Attachment 4.17-1 of Section 4.17 Subsidence Control Plan, Chapter 4 of this M&RP contains the Boulger Dam Subsidence Monitoring Plan. The plan includes six (6) Seismic sites (A-F) shown of Figure 1-1 of Attachment 4.17-1. The sites are approximately 0.01-acres in size. Sediment is controlled by existing vegetation as the sites were located on level ground with minimal disturbance during installation.

Area 43: The Swens power line corridor is approximately 3.05 miles long by 50-feet wide extending from the Mine site to the Swens Canyon Vent Facility. Construction was conducted using primarily D6 CAT tracked dozer and rubber-tired vehicles. No blading of trails is anticipated but soil protection is outlined in Section 4.4.2. Based on USFS personnel request, trees removed during clearing of the power line corridor will be placed back on the corridor perpendicular to the slope for both sediment protection and to minimize ATV travel.

On all areas not reporting to a sediment pond, and classified as Alternate Sediment Control Areas, the alternate sediment control measure such as straw bales, silt fences, catch basins, excelsior mats, etc. will be maintained until there is adequate vegetative cover to properly filter any surface runoff (see Sec. 20, Vol. 5 for design). When this can be demonstrated, the alternate control measures will be removed and the area reclassified as an "Exempt area". (See Sec. 21, Vol. 5 for Demonstrations) On all areas classified as Exempt Areas, if they should become redisturbed they will be reclassified as ASCA areas and will have the runoff treated with a designed treatment.

Ch. 3, Sec. 3.4

### 3.4 AREA AFFECTED BY EACH PHASE OF OPERATIONS

The area affected by the Skyline Mines project can be divided into two major categories:

- (a) Surface acreage disturbed by construction/installation of coal handling and associated facilities or permitted areas, and
- (b) Surface acreage overlying underground mine workings or adjacent areas.

#### Permitted Disturbed Surface Acreage

The offices, bathhouse, workshop, portal, fans, and other necessary facilities utilize a site of 42.55 acres. Approximately 0.26 acres is used for water tank and well pads. The coal loading and handling facility at the mouth of Eccles Canyon utilizes approximately 13.86 acres. The covered pipe belt conveyor, transporting material from the mine portals to loading points, disturbs approximately 14.18 acres. The waste rock disposal site is permitted to include utilizes approximately 32.48 acres. The South Fork breakout area has disturbed 0.60 acres. The James Canyon buried power line, buried pipeline, water wells pad and road include 4.85 acres. The Winter Quarters Ventilation Facility utilizes 7.93 acres with an additional 4.9 acres permitted to include the existing Winter Quarters Canyon road. The Swens Canyon Ventilation Facility utilizes 6.33 acres with an additional 18.46 acres permitted in the power line. In total, the surface acres disturbed permitted area is ~~118.89~~146.74 acres. The disturbed and permitted area and bonded area for the Mine Portal area, Loadout area, Waste Rock Disposal area, Winter Quarters Ventilation Facility area, Swens Canyon Ventilation Facility and power line, and miscellaneous areas are shown on maps 3.2.1-1, 3.2.1-3, 3.2.8-1, 3.2.4-3a, 3.2.3-3 through 3.2.3-3f, and NEW MAP 3.2.4-4A through -4G, respectively.

The pre-mining phase of earth work and dirt removal commenced in the spring of 1980 and was completed in 1981. The actual construction and installation of facilities necessary for coal mining and handling began in early 1981.



#### 4.4.2 Grading and Final Contour

All highwalls and cutslopes will be reclaimed using geotechnically stable fill slopes with surfaces that have been sufficiently roughened with deep gouging. The operational bench slopes will be graded back to the approximate original contour at a two horizontal to one vertical slope (2h:1v) or shallower upon abandonment, utilizing a bulldozer working along the slopes. A geotechnical analysis will be made of this slope at the time of reclamation and design adjustment made as necessary to insure slope stability. The sediment pond at the portal area will be removed during the initial reclamation phase.

The reclamation plan is shown on in maps 4.4.2-1A, 4.4.2-1AA, 4.4.2-1B, 4.4.2-1BA, 4.4.2-1B1 and 4.4.2-1AC. Costs and mass balance data associated with reclamation may be found in the Engineering Calculations, Volume 5.

Grading operations will be possible at the railroad load-out site which will be returned to the approximate original contour and shown on Maps 4.4.2-1C and 4.4.2-1D. Water Tank final reclamation contours are shown on Maps 4.4.2-1E and 4.4.2-1F. The waste rock disposal site final reclamation contours are shown on Map 4.16.1-1B.

The Winter Quarters Ventilation Facility grading and final contour plan will be similar to the sites listed above. Once excess material has been used in sealing the slope and shaft as outlined in Sections 4.1.2 and 4.9, any retaining walls, highwalls or cutslopes will be reclaimed using geotechnically stable fill slopes with the final surface being roughened with deep gouging. The pad will be graded back to the approximate original contour, unless the post-mining land use changes. The sedimentation pond will be removed once sufficient re-contouring of the pad has taken place. See Plates 4.4.2-3A and 4.4.2-3B for the reclaimed site configuration. Riprap from the outfall apron will be placed in the bottom of the pond prior to pond slopes being regraded.

The Swens Canyon Ventilation Facility will continue with the grading and contour plans listed above, using geotechnically stable fill slopes. Material generated during construction of the shafts and stored in the cuttings pond area, will be used as backfill for the shafts following the backfill designs located in Section 4.9 and Figure 4.9-B. The pad will be graded back to the approximate original contour. The small section of the USFS road that was rerouted for access to the pad will be re-established in its former location. Plates 4.4.2-4A and 4.4.2-4B illustrate the proposed final reclamation designs.

During installation of the power line, in the event small sections of blading or trail-cuts take place, topsoil will be salvaged, replaced, and roughened following construction. Salvaged topsoil will be contained with silt-fencing or other sediment control measure until replaced. Pole locations prohibiting D6 CAT access will likely utilize a helicopter for installation. At final reclamation, poles will be exposed approximately 1-foot below ground-level, the pole felled, with the remaining pole buried. Portions of poles lying on the ground will not be recovered. Poles easily accessible from Trough Springs road will be salvaged for USFS personnel reuse.

Ch. 4, Sec. 4.7

#### 4.7.9 Winter Quarters Ventilation Facility (WQVF)

Refer to both Section 2.7 and the Mt. Nebo Vegetation report located in Appendix A-2, Volume 2 for a discussion of the vegetation for the WQVF. The interim and final revegetation seed mixes for the WQVF area are listed in Tables 4.7-8A through 4.7-8C. Reclamation success standards are based on the reference area(s) identified in the Mt. Nebo report. Noxious plants invading the WQVF permit area will be controlled by hand-grubbing, and/or approved herbicides. Surveillance will be monitored annually during the liability period.

#### 4.7.11 Swens Canyon Ventilation Facility (SCVF)

Refer to both Section 2.7 and the Mt. Nebo Vegetation report located in Appendix A-2, Volume 2 for a discussion of the vegetation for the SCVF. The interim and final revegetation seed mixes for the SCVF area are listed in Tables 4.7-11A, and 4.7-11B, respectively. Following topsoil and subsoil handling outlined in Section 4.6, seed distribution, and any remedial soil treatments, seed will be retained using a hydro-mulch, certified weed-free straw, erosion control blankets, a combination or other best technology currently available at the time. Reclamation standards are based on a combination of the reference area identified in the Mt. Nebo report, and the recommendations within the report. Any reseeding necessary along the power line corridor will be done contemporaneously during construction and use seed mixes outlined in Tables 4.7-1, -4, or -5 depending on the directional aspect of the slope. The area has been mapped as crucial summer range for deer and elk by the Utah Division of Wildlife Resources (DWR). Consequently, a pre-set woody species value of 2,500 plants per acre is currently proposed for a revegetation success standard at the proposed disturbed Sagebrush/Grass area. However, that may be re-evaluated at bond release if an increased percentage of forbs and grasses is determined more desirable for the post-mining land uses. A modification in the woody-species will be based on consultation with USFS, DWR, DOGM, and mine personnel. Noxious plants invading the SCVF permit area will be controlled by hand-grubbing, and/or approved herbicides. Surveillance will be monitored annually during the liability period.

Ch. 4, Sec. 4.3  
Bond

## Bonding Calculations

### Direct Costs

Subtotal Demolition and Removal	\$1,938,577
Subtotal Backfilling and Grading	\$1,492,730
Subtotal Revegetation	\$465,191
<b>Direct Costs Subtotal</b>	<b>\$3,896,499</b>

### Indirect Costs

Mob/Demob	\$389,650	10.0%
Contingency	\$194,825	5.0%
Engineering Redesign	\$97,412	2.5%
Main Office Expense	\$264,962	6.8%
Project Management Fee	\$97,412	2.5%
<b>Subtotal Indirect Costs</b>	<b>\$1,044,261</b>	<b>26.8%</b>

<b>Total Cost 2019</b>	<b>\$4,940,760</b>
------------------------	--------------------

<i>Escalation factor</i>		5
<i>Number of years</i>		0.0232
<i>Escalation</i>	\$573,128	

Reclamation Cost Escalated	\$5,513,888
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<b>Reclamation Bond Amount (rounded to nearest \$1,000) 2019 Dollars</b>	<b>\$5,514,000</b>
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Posted Bond March 18, 2015	\$5,799,000
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Difference Between Cost Estimate and Bond	\$285,000
Percent Difference	4.91%

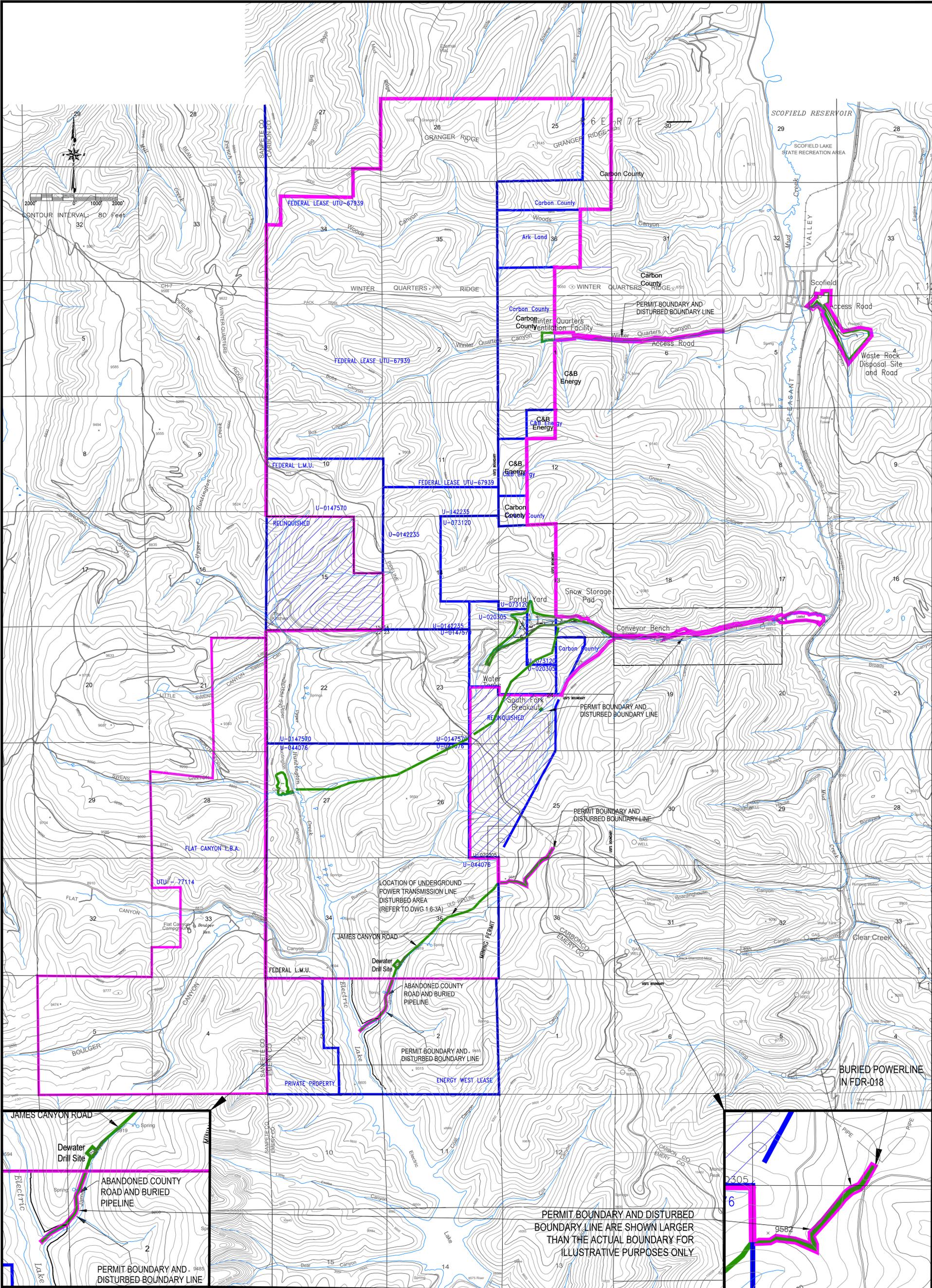
Errors in permittee's total sheet: indirect should be updated, escalation should be held constant at \$479,715, TOTAL rec bond amount in 2019 \$5,455,000

Ref.	Description	Materials	Means Reference Number	Unit Cost	O&P	Unit	Length	Width	Height	Diameter	Area	Volume	Weight	Density	Time	Number	Unit	Swell Factor	Quantity	Unit	Cost	
	Sverns Canyon Vent Facility 44																					
	Structure																					
	Substation Transformers																					
	Structure's demo	Steel Bld. Large	02 41 16 13 0020	0.27	0.36	KCF						1000							1000	CF	360	
	Fuel Containment cover	Steel Bld. Large	02 41 16 13 0020	0.27	0.36	KCF						12000							12000	CF	4536	
	Structure's demo																					
	Fencing	Fencing barbed wire 3 strand chain link remove 8'-10'	02 41 13 80 1600	2.1	2.1	LF	1050													1650	LF	2205
	Trussal pole	Fencing barbed wire 3 strand	02 41 13 80 1700	4.22	4.22	LF	1000													1000	LF	4220
	ventilation pad																					
	Cuttings Prod																					
	Subtotal						1100															1100
	substation pad	Nielson Concrete <15"	Nielson Quarte	13.75	13.75	CY							36							36	CY	495
	Host pad	Nielson Concrete <15"	Nielson Quarte	13.75	13.75	CY							45							45	CY	619
	Fuel Bay	Nielson Concrete <15"	Nielson Quarte	13.75	13.75	CY							54							54	CY	743
	Shaft collar and pad	Nielson Concrete <15"	Nielson Quarte	13.75	13.75	CY							100							100	CY	1375
	misc (gravel bin)	Nielson Concrete <15"	Nielson Quarte	13.75	13.75	CY							30							30	CY	413
	Concrete's vol	Nielson Concrete <15"	Nielson Quarte	13.75	13.75	CY							25							25	CY	344
	Loading Cost																					
	Disposal Costs	Front and Loader 3 CY	31 23 18 42 1300	1.87	2.05	CY												13		260	CY	533
	Loading Cost	On site disposal	02 41 16 17 4200	8.65	10.8	CY														260	CY	2806
	Subtotal																					15307
	Transmission line removal	Power Line		0.23	0	LF																
		Power Poles	02 41 13 80 0100	320		EA										30						15307
	demo cost	DKR Series II (P-54) (1#114)	(P-54) at 14	180.4	235.56	HR									120							3521
	Subtotal																					12460
	Subtotal																					4432
	Subtotal																					65225
	Total																					65225

Ref.	Description	Materials	Means Reference Number	Unit Cost	Q&P	Unit	Length	Width	Height	Dia	Area	Volume	Weight	Dens	Time	Num	Unit	Unit	Unit	Cost
<b>1 South Facing Slopes 1H,3H or Greater</b>																				
	Seeding	South Facing Slope Seed 1H, 3H or gentler	Table 4.7-1	300.15	/AC						39.81						AC	39.81	AC	11,949
	Equipment	Hydro Spreader (equip. & labor) B-81/mulch & fertilizer	32 92 19 14 5800	41.50	/MSF						39.81						AC	1734	MSF	71,966
		Fertilizer Hydro Spread	32 92 19 14 7025	289.00	/AC						39.81						AC	39.81	AC	11,505
	<b>Subtotal</b>																			<b>95,430</b>
<b>2 North Facing Slopes</b>																				
	Seeding	North Facing Slopes Seed	Table 4.7-2	267.03	/AC						20.33						AC	20.33	AC	6,429
	Equipment	Hydro Spreader (equip. & labor) B-81/mulch & fertilizer	32 92 19 14 5800	41.50	/MSF						20.33						AC	888	MSF	36,751
		Fertilizer Hydro Spread	32 92 19 14 7025	289.00	/AC						20.33						AC	20.33	AC	6,875
	<b>Subtotal</b>																			<b>48,955</b>
<b>3 Riparian Habitat</b>																				
	Seeding	Riparian Habitat Seed	Table 4.7-3	68.26	/AC						0.04						AC	0.04	AC	3
	Equipment	Hydro Spreader (equip. & labor) B-81/mulch & fertilizer	32 92 19 14 5800	41.50	/MSF						0.04						AC	2	MSF	72
		Fertilizer Hydro Spread	32 92 19 14 7025	289.00	/AC						0.04						AC	0.04	AC	12
	<b>Subtotal</b>																			<b>87</b>
<b>4 South West Facing Slopes</b>																				
	Seeding	South West Facing Riparian Habitat Seed	Table 4.7-4	450.73	/AC						39.81						AC	39.81	AC	17,943
	Equipment	Hydro Spreader (equip. & labor) B-81/mulch & fertilizer	32 92 19 14 5800	41.50	/MSF						39.81						AC	1734	MSF	71,966
		Fertilizer Hydro Spread	32 92 19 14 7025	289.00	/AC						39.81						AC	39.81	AC	11,505
	<b>Subtotal</b>																			<b>101,415</b>
<b>5 North to East Facing Slopes</b>																				
	Seeding	North to East Facing Riparian Habitat Seed	Table 4.7-5	343.31	/AC						20.33						AC	20.33	AC	6,580
	Equipment	Hydro Spreader (equip. & labor) B-81/mulch & fertilizer	32 92 19 14 5800	41.50	/MSF						20.33						AC	888	MSF	36,751
		Fertilizer Hydro Spread	32 92 19 14 7025	289.00	/AC						20.33						AC	20.33	AC	6,875
	<b>Subtotal</b>																			<b>49,606</b>
<b>6 Waste Rock</b>																				
	Seeding	Waste Rock Slopes Seed	Table 4.7-6A	136.52	/AC						12.81						AC	12.81	AC	1,749
	Equipment	Hydro Spreader (equip. & labor) B-81/mulch & fertilizer	32 92 19 14 5800	41.50	/MSF						12.81						AC	568	MSF	23,157
		Fertilizer Hydro Spread	32 92 19 14 7025	289.00	/AC						12.81						AC	12.81	AC	3,702
	<b>Subtotal</b>																			<b>28,608</b>
<b>7 James Canyon</b>																				
	Seeding	Waste Rock Slopes Seed	Table 4.7-6A	136.52	/AC						4.85						AC	4.85	AC	662
	Equipment	Hydro Spreader (equip. & labor) B-81/mulch & fertilizer	32 92 19 14 5800	41.50	/MSF						4.85						AC	211	MSF	8,768
		Fertilizer Hydro Spread	32 92 19 14 7025	289.00	/AC						4.85						AC	4.85	AC	1,402
	<b>Subtotal</b>																			<b>10,831</b>
<b>8 Riparian Stem Supplement</b>																				
	Stems	Bare root seedlings, 11" to 16" med. soil	32 93 43 10 0562	1.91	Ea													9800	Ea	18718
	<b>Subtotal</b>																			<b>35,751</b>
<b>9 Silt Fence Interim Vegetation</b>																				
	Stems	Bare root seedlings, 11" to 16" med. soil	32 93 43 10 0562	1.91	Ea	20000													ea	20000
	<b>Subtotal</b>																			<b>38,200</b>
<b>10 Reveg Loadout Sediment Pond</b>																				
	Seeding	Riparian Habitat Seed	Table 4.7-3	68.26	/AC						0.3						AC	0.3	AC	20
	Equipment	Hydro Spreader (equip. & labor) B-81/mulch & fertilizer	32 92 19 14 5800	41.50	/MSF						0.3						AC	13	MSF	542
		Fertilizer Hydro Spread	32 92 19 14 7025	289.00	/AC						0.3						AC	0.3	AC	87
	<b>Subtotal</b>																			<b>650</b>
<b>11 Winter Quarters Ventilation Facility Bond</b>																				
	Seeding	Final Reveg Seed Mix Rip Commun Win Qu Ven Fac	Table 4.7-9B	1007.86	/AC						2.36						AC	2.36	AC	2,379
	Equipment	Hydro Spreader (equip. & labor) B-81/mulch & fertilizer	32 92 19 14 5800	41.50	/MSF						2.36						AC	103	MSF	4,268
		Fertilizer Hydro Spread	32 92 19 14 7025	289.00	/AC						2.36						AC	2.36	AC	652
		Quaking Aspen Bare root seedlings, 11" to 16" med. soil	32 93 43 10 0562	1.91	ea						2.36		400				ea	400	ea	764
		Blue Elderberry Bare root seedlings, 11" to 16" med. soil	32 93 43 10 0562	1.91	ea						2.36		400				ea	400	ea	764
	<b>Subtotal</b>																			<b>8,855</b>
<b>12 North of Graben Bleeder Shaft THIS SITE WAS NEVER BUILT</b>																				
	REVEGETATION																			
	NGS																			
	Seeding	South facing slope seed mix	Table 4.7-10B	208.80	/AC						1.7						AC	1.7	AC	1,817
	Equipment	Hydro Spreader (equip. & labor) B-81/mulch & fertilizer	32 92 19 14 5800	41.50	/MSF						1.7						AC	74	MSF	3,000
		Fertilizer Hydro Spread	32 92 19 14 7025	289.00	/AC						1.7						AC	1.7	AC	1,817
		Quaking Aspen Bare root seedlings, 11" to 16" med. soil	32 93 43 10 0562	1.91	ea						1.7		200				ea	200	ea	380
		red Elderberry Bare root seedlings, 11" to 16" med. soil	32 93 43 10 0562	1.91	ea						1.7		20				ea	20	ea	38
		Mountain Snowberry Bare root seedlings, 11" to 16" med. soil	32 93 43 10 0562	1.91	ea						1.7		100				ea	100	ea	190
	<b>Subtotal</b>																			<b>16,918</b>
<b>13 Swens Canyon Ventilation Facility</b>																				
	Seeding	Final Reveg Sage/Grass Swens Can Ven Fac south facing slope seed m	Table 4.7-11B	287.10	/AC						6.33						AC	6.33	AC	1,817
	Equipment	Power line contemporaneous reseeding following construction	Table 4.7-1	300.15	/AC						1.7						AC	1	AC	300
	Equipment	Hydro Spreader (equip. & labor) B-81/mulch & fertilizer	32 92 19 14 5800	41.50	/MSF						6.33						AC	276	MSF	11,443
		Fertilizer Hydro Spread	32 92 19 14 7025	289.00	/AC						6.33						AC	6.33	AC	1,829
		Sagebrush Bare root seedlings, 11" to 16" med. soil	32 93 43 10 0562	1.91	ea						6.33		400				ea	400	ea	764
		rabbitbrush Bare root seedlings, 11" to 16" med. soil	32 93 43 10 0562	1.91	ea						6.33		400				ea	400	ea	764
	<b>Subtotal</b>																			<b>16,918</b>
	Revegetation																			
	25% of Initial Seeding																			
	<b>Subtotal</b>																			<b>30,796</b>
	<b>Total</b>										<b>147</b>									<b>465,394</b>

\* Hay material only; assume 2 tons/ac (1 to 2 tons recommended in The Practical Guide to Reclamation in Utah pp. 112-113)  
\*2014 R.S. Means and 2014 Nevada SRCE use \$0.15/lb (\$300/ton)

Note: MRP Hay costs vary from line item. Varies other errors in cell calcs



PERMIT AREA	SITE DESCRIPTION	ACREAGE
13.86	RAIL LAYOUT	13.86
42.55	PORTAL YARD	42.55
0.60	WATER TANKS & WELL PADS	0.60
0.60	SOUTH FORK PORTALS	0.60
14.18	CONVEYOR BENCH	14.18
32.48	WASTE ROCK DISPOSAL SITE	32.48
7.93	WINTER QUARTERS VENTILATION FACILITY	7.93
4.90	WINTER QUARTERS ROAD (not reclaimed)	4.90
1.60	JAMES CANYON BURIED PIPELINE	1.60
0.30	JAMES CANYON BURIED POWER LINE	0.30
2.95	JAMES CANYON WATER WELLS AND ROAD	2.95
24.79	Swens Shaft and Power line	24.79
146.74		146.74

LEGEND	ADJACENT AREA
	ADJACENT AREA: Areas Authorized for Coal Mining and Reclamation Activities (SEE CHA FOR HYDROLOGIC ADJACENT AREA)
	PERMIT BOUNDARY
	LEASE BOUNDARY

- NOTES:
- COORDINATE BASE ON MINE GRID DATA.
  - MAP DIGITIZED FROM 1:24000 USGS QUADRANGLE MAPS, SCOTFIELD, UTAH AND FAIRVIEW LAKES, UTAH.
  - MINE FACILITY, CONVEYOR AND NEW ECCLES CANYON ROAD LOCATIONS FROM EXISTING RECORD DATA AND INCORPORATED TO MAP IN BEST FIT LOCATIONS.
  - UTM GRID TICK VALUES SHOWN ARE IN METERS.

BASE PREPARED BY INTERMOUNTAIN AERIAL SURVEYS, SALT LAKE CITY, UTAH - M96147

FEDERAL/LOCAL	ACREAGE	NON-FEDERAL/LOCAL	ACREAGE
U-0147570	1532.70	C&B COAL	120.00
U-0142235	520.00	CARBON COUNTY	811.25
U-073120	557.22	ARK LAND COMPANY	240.00
U-044076	2489.32	Cunningham / Tracy	346.68
U-020305	279.40		
UTU-67939	4061.52	TOTAL	1,517.93
UTU-771114	2692.16	NOT ALL ACREAGE FOR EACH LEASE IS WITHIN THE PERMIT BOUNDARY. REFER TO PART 1, TABLE 1.114.	
TOTAL	12,132.32		

ADJACENT AREA SITE DESCRIPTION:  
Active Lease Areas, Permit Boundary, and 1/2 Mile beyond Waste Rock Disposal Site

13,525 ACRES SITE PERMIT BOUNDARY

DATE	No.	REVISIONS	DATE	No.	REVISIONS
AUG 02	1		OCT 17	12	Removed South Fork Road
NOV 02	2		1/2/20	13	Removed NOG shaft from drawing and legend
JUNE 07	3	MODIFIED PERMIT BOUNDARY (IBC & WASTE ROCK) SKYLINE MINES PERMIT AREA, LEASE AREAS.	7/2/20	10	Removed Road Crossings from Swens Powerline
MAR 2010	4	ADDED ADJACENT AREA, MODIFIED PERMIT AND LEASE BOUNDARIES			
JUL 2010	5	ADDED WINTER QUARTERS ACCESS ROAD			
AUG 2010	6	MODIFIED ADJACENT AREA			
OCT 2012	7	Modified Adjacent Area with Lease Mod. and Relinquishments			
July 2014	8	Corrected permit boundary to include water line from Tanks			
April 2015	9	Added the NOG shaft pad			
May 2016	10	Added Swens shaft pad and power line			
Dec. 2016	11	Added Flat Canyon Lease - UTU-77114			

PERMIT BOUNDARY AND DISTURBED BOUNDARY LINE ARE SHOWN LARGER THAN THE ACTUAL BOUNDARY FOR ILLUSTRATIVE PURPOSES ONLY

**SKYLINE MINE PERMIT AREA**

**Canyon Fuel Company, LLC**  
Skyline Mines

HC35 BOX 380, HELPER, UTAH 84526  
435-448-9463

SCALE: 1" = 2000'	DATE: 9/24/01	CK.BY: G. Galecki	REVISION: 14
DWG. NO.: 1.6-3		DR.BY: JCA	7-22-20
CAD FILE: 1.6-3REV12			

