



JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

**State of Utah**  
**DEPARTMENT OF NATURAL RESOURCES**  
**Division of Oil, Gas & Mining**

MICHAEL R. STYLER  
Executive Director

JOHN R. BAZA  
Division Director

Outgoing  
C0070013  
#3539  
R

June 16, 2010

Jay Marshall, Resident Agent  
UtahAmerican Energy, Inc.  
P.O. Box 910  
East Carbon, Utah 84520-0910

Subject: 2009 Annual Report Review, Horse Canyon Mine, C/007/0013, Task ID #3539,  
Outgoing File

Dear Mr. Marshall:

The Division staff has completed the 2009 Annual Report Review. Enclosed is a copy of the review for Horse Canyon Mine, C/007/0013 completed on June 16, 2010.

Thank you for your diligence in completing the Annual Report. If you have any questions, please call me at (801) 538-5325.

Sincerely,

Daron R. Haddock  
Permit Supervisor

DRH/sqs  
Enclosure  
cc: Price Field Office  
O:\007013.HOR\FINAL\reviewletter.doc

This Annual Report shows information the Division has for your mine. Please review the information to see if it is current. If the information needs to be updated please do so in this document. At the end of each section the operator is asked to verify if the information is correct. Please answer these questions and make all comments on this document. Submit the completed document and any additional information identified in the Appendices to the Division by April 30, 2010. During a complete inspection an inspector will check and verify the information. To enter text, click in the cell and type your response. You can use the tab key to move from one field to the next. To enter an X in a box, click next to the box, right click, and select properties, then the checked circle, then hit enter, or hit the unchecked circle if the X is to be removed.

### GENERAL INFORMATION

Permittee Name	UTAHAMERICAN ENERGY, INC.
Mine Name	Horse Canyon Mine
Operator Name (If other than permittee)	
Permit Expiration Date	May 6, 2011
Permit Number	C/007/0013
Authorized Representative Title	R. Jay Marshall
Phone Number	(435) 888-4007
Fax Number	(435) 888-4002
E-mail Address	jmarshall@coalsource.com
Mailing Address	UtahAmerican Energy, Inc. P.O. Box 910 East Carbon, Utah 84520-0910
Designated Representative	R. Jay Marshall
Resident Agent	R. Jay Marshall
Resident Agent Mailing Address	UtahAmerican Energy, Inc. P.O. Box 910 East Carbon, Utah 84520-0910
Number of Binders Submitted	2

Operator, please update any incorrect information.

### IDENTIFICATION OF OTHER PERMITS

Identify other permits that are required in conjunction with mining and reclamation activities.

Permit Type	ID Number	Description	Expiration Date
MSHA Mine ID(s)	42-00100	Horse Canyon	None
	42-02241	Lila Canyon	None
MSHA Impoundment(s)	1211-UT-09-02241-01	Lila Canyon	None
NPDES/UPDES Permit(s)	UtG040013		April 30, 2008
	UTG040024		April 30, 2008
PSD Permit(s) (Air)	DAQE-702-99		None
<b>Other</b>			

Operator, please update any incorrect information.

**CERTIFIED REPORTS**

List the certified inspection reports as required by the rules and under the approved plan that must be periodically submitted to the Division. Specify whether the information is included as Appendix A to this report or currently on file with the Division.

Certified Reports:	Required		Included Included	or	DOGM file location Vol, Chapter, Page
	Yes	No			
Excess Spoil Piles	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Refuse Piles	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Impoundments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<b>Annual pond inspections are included in Appendix "A"</b>
<b>Other</b>					
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

**Operator Comments:**

**Inspector:**

Has the operator complied with this section? Yes  No

**Inspector Comments:**

Both ponds were built during 2009, with construction being initiated sometime during February. Pond construction inspections were P.E. certified by Mr. R. Jay Marshall on April 15, 2009.

**COMMITMENTS AND CONDITIONS**

The Permittee is responsible for ensuring annual technical commitments in the MRP and conditions accepted with the permit are completed throughout the year. The Division has identified these commitments below and has provided space for you to report what you have done during the past year for each commitment. If the particular section is blank, no commitment has been identified and no response is required for this report. If additional written response is required, it should be filed under Appendix B to this report.

Admin R645-301-100
Soils R645-301-200

**Title.** Lila Canyon Mine Site Topsoil Salvage Monitoring**Objective.** Monitor and maintain records of materials removed and placement of materials in the topsoil storage pile.**Frequency.** During construction a qualified soil scientist will oversee the soil salvage and maintain records of materials removed.**Status.** During Phase 1 and Phase 2 construction.**Reports.** Annual Report. Report volumes of soil salvaged and placed in the topsoil stockpile, map acreage of salvage, and report acreage of salvage and acreage remaining undisturbed.**Citation.** N10045 abatement.**Operator:** Has this commitment been acted on this year?Yes  No  Not required this year.  If yes, comment;**Operator Comments:****Inspector:**Has the operator complied with this commitment? Yes  No **Inspector Comments**

The Permittee initiated topsoil removal for Phase I (December 24, 2008) from the employee parking area, the west end of the proposed coal pile area (middle pad), the portal access road, surface areas of ponds #1 and #2, the warehouse pad and the topsoil storage pad area. A total of 40,247 CY's of material were recovered This is 80% of the total volume to be recovered. This topsoil recovery is relevant to N10045. All Phase I Construction Activities and soil collection are documented by J. Tom Paluso, EIS Environmental Engineering in the document "Topsoil Movement & Construction Record / Phase I / UtahAmerican Energy / Lila Canyon Mine (received 2/1/2010 @ PFO/DOGM and included in the 2009 Annual Report). The Permittee started to recover additional volumes of topsoil from undisturbed areas of the mine facilities area on April 26, 2010, following snow melt.

**Soil Scientist comments (6/3/2010):** The north side of the topsoil pile was roughened in the spring of 2009. In accordance with the extension to the abatement plan (2010 Outgoing document 0011.pdf), fresh cryptogams were collected and added to slurry of mulch and seed applied to the topsoil stockpile (north, east and west sides only) on March 31, 2009 (see Inspection Report #2317). The pile was seeded with the mix in Table 3-4 (Section 231.400). Table 3-4 is a mix of native grasses, forbs and shrubs. Further additions to the pile will occur to the south end of the pile. The figure provided with the Topsoil and Movement Construction Record in the the 2009 annual report records 20.29 acres disturbed as of December 2009 and 13.54 acres to be disturbed during the next phase of construction. The figure dated February 2010 shows the projected and current disturbed area boundary. Areas of Phase 2 topsoil and subsoil salvage will occur within the area between the projected and current disturbed area boundaries and includes areas around the truck loop, the bathhouse and office, the warehouse storage yard and coal stockpiles.

**Title. Lila Canyon Mine Monitoring Location and Protection of Designated Subsoil for Use Cover.**

**Objective.** Monitor placement of suitable subsoil material for use in final reclamation. Note whether subsoil is protected by asphalt, concrete or gravel over an impervious membrane.

**Frequency.** During construction of Lila Canyon facilities.

**Status.** During construction of the Lila Canyon Mine.

**Reports.** Update MRP with as built map showing the location of subsoil with suitable reclamation characteristics for use as cover during reclamation.

**Citation.** MRP Section 232.500, Section 241, Section 242.100.

**Operator:** Has this commitment been acted on this year?

Yes  No  Not required this year.  If yes, comment;

**Operator Comments:**

**Inspector:**

Has the operator complied with this commitment? Yes  No

**Inspector Comments:**

**Soil Scientist Comments (6/3/2010):** Subsoils are located in the bathhouse parking area, protected during operations by asphalt, concrete, or gravel over an impervious membrane (Section 232.500). The impervious membrane has not been documented by Division inspection. Subsoil from the rocky slopes beneath the portal bench (reported to be inaccessible in Section 232.710) was salvaged and placed against the warehouse pad outsoles in September 2009 (see photographs and Inspection Report #2152).

**Title. Lila Canyon Mine Replacement of Cryptogams on Topsoil Pile.**

**Objective.** Salvaged cryptogams will be added to the wood fiber mulch and hydrosprayed on the surface of the gouged topsoil pile.

**Frequency.** Immediately after seeding of the topsoil pile.

**Status.** During construction of the Lila Canyon Mine.

**Reports.** Confirm cryptogamic replacement.

**Citation.** MRP Section 232.100 and Section 234.230.

**Operator:** Has this commitment been acted on this year?

Yes  No  Not required this year.  If yes, comment;

**Operator Comments:**

**Inspector:**

Has the operator complied with this commitment? Yes  No

**Inspector Comments:**

Seeding of the north, east and west sides of the topsoil storage pile was initiated on March 31 and completed on April 1, 2010. An area of approximately 3 acres was seeded, (See inspection report # 2317). This was interim seeding, as approximately 10,000 CY of topsoil material remained to be collected. Three 5 gallon buckets of cryptogams were collected and added into the spray mixture. The outslope of the coal stockpile pad was also hydro-seeded with this mixture.

**Title.** Lila Canyon Mine Salvage of Cryptogams on Topsoil Pile Prior to Reclamation.

**Objective.** Salvaged cryptogams will be added to the wood fiber mulch and hydrosprayed on the surface of the reclaimed site.

**Frequency.** Immediately after seeding of the reclaimed site

**Status.** During reclamation of the Lila Canyon Mine.

**Reports.** Success of cryptogamic establishment will be evaluated (by Division and Permittee) prior to collection from topsoil stockpile.

**Citation.** MRP Section 232.100 and Section 234.230.

**Operator:** Has this commitment been acted on this year?

Yes  No  Not required this year.  If yes, comment;

**Operator Comments:**

**Inspector:**

Has the operator complied with this commitment? Yes  No

**Inspector Comments:**

This commitment is not applicable until backfilling / grading and topsoil placement is completed at reclamation.

Biology R645-301-300

**Title:** Habitat enhancement/mitigation.

**Objective:** Install 2 guzzlers as part of the BLM enhancement/mitigation plan to offset expected impacts to bighorn sheep as well as mule deer, elk, raptors, and chuckars from the initial construction of the main facilities site.

**Frequency:** NA.

**Status:** Implement within one year following mine plan approval.

**Reports:** Provide location of guzzlers as an appendix to the MRP-Part B.

**Citation:** MRP-Part B, Sec. 333, p. 18; EA UT-070-99-22 July 2000.

**Operator:** Has this commitment been acted on this year?

Yes  No  Not required this year.  If yes, comment;

**Operator Comments:**

**Inspector:**

Has the operator complied with this commitment? Yes  No

**Inspector Comments:**

Refer to Appendix "E" of the 2009 Annual Report for C/007/013. A mitigation plan has been developed by the BLM in cooperation with DOGM and the DWR. The plan includes a timeline for installation of the guzzlers and mechanical vegetation treatment beginning in June of 2010 and being completed after October 15<sup>th</sup> of 2011. The plan is acceptable for inclusion in the MRP pending receipt of clean copies.

**Title:** Habitat enhancement/mitigation.

**Objective:** Implement the BLM 70+-acre wildlife enhancement/mitigation plan to offset expected impacts to bighorn sheep as well as mule deer, elk, raptors, and chukars from the initial construction of the main facilities site.

**Frequency:** NA.

**Status:** Implement the BLM's plan within one year following mine plan approval.

**Reports:** Provide the BLM's detailed plan and a follow-up report as an appendix to the MRP-Part B.

**Citation:** MRP-Part B, Sec. 322.220, p. 10, 11; Sec. 333, p. 17, 18; EA UT-070-99-22 July 2000.

**Operator:** Has this commitment been acted on this year?

Yes  No  Not required this year.  If yes, comment;

**Operator Comments:**

**Inspector:**

Has the operator complied with this commitment? Yes  No

**Inspector Comments:**

See comments in the previous section.

**Title:** Raptor and nest protection.

**Objective:** For possible subsidence impacts to raptor nests, the Permittee will develop a mitigation plan that must be submitted and approved within 6 months after issuance of permit and apply for 'take permit' through USFWS 2 years prior to subsidence of the nests.

**Frequency:** NA.

**Status:** On going starting in 2007.

**Reports:** Dependent on the requirements of the mitigation plan.

**Citation:** MRP-Part B - Narrative showing this commitment must be added to the MRP Sec. 333.300 within 30 days after issuance of the permit.

**Operator:** Has this commitment been acted on this year?

Yes  No  Not required this year.  If yes, comment;

**Operator Comments:**

**Inspector:**

Has the operator complied with this commitment? Yes  No

**Inspector Comments:**

**Title:** Sensitive plant.

**Objective:** Implement a protection program for known populations of canyon sweetvetch during construction of the main facilities site.

**Frequency:** NA.

**Status:** NA.

**Reports:** None.

**Citation:** MRP-Part B, App. 7-3.

**Operator:** Has this commitment been acted on this year?

Yes  No  Not required this year.  If yes, comment;

**Operator Comments:**

**Inspector:**

Has the operator complied with this commitment? Yes  No

**Inspector Comments:****Title:** Seed mix tags.

**Objective:** Provide the Division biologist with seed mix tags prior to or during interim, contemporaneous, and final reclamation projects.

**Frequency:** NA.

**Status:** On going.

**Reports:** NA.

**Citation:** NA.

**Operator:** Has this commitment been acted on this year?

Yes  No  Not required this year.  If yes, comment;

**Operator Comments:**

The Permittee has provided seed mix tags to a Division representative during re-seeding activities conducted in 2009. The tags were received on March 29, 2010.

**Inspector:**

Has the operator complied with this commitment? Yes  No

**Inspector Comments:**

The tags were inspected by Priscilla Burton, soils scientist for the Division. And filed in the M drive.

**Title:** Vegetation test plot.

**Objective:** To test whether summer seeding will increase establishment of the warm season species.

**Frequency:** NA.

**Status:** Implement immediately following construction of sediment pond.

**Reports:** Provide three years of monitoring results in Annual Reports.

**Citation:** MRP-Part B, Sec. 341.300 p. 26; Sec. 354, p. 28.

**Operator:** Has this commitment been acted on this year?

Yes  No  Not required this year. X If yes, comment;

**Operator Comments:****Inspector:**

Has the operator complied with this commitment? Yes  No

**Inspector Comments:**

The inspector has been visiting the site almost weekly during construction of the surface facilities. The sediment pond was completed in may of 2010. No vegetation information would be required at this time.



Landuse, Cultural Resources, Air Quality R645-301- 400

Engineering R645-301-500

**Title. Lila Canyon Mine Rock Tunnel Waste Rock Operational Sampling**

**Objective.** Monitor chemical quality of rock brought to surface from tunnels

**Frequency.** Five grab samples taken as follows: during the initial start up, at the 1/4 mark, and the 3/4 mark and near completion of the rock slope tunnels. Parameters to be monitored are found in Table 1.

**Status.** During tunnel construction.

**Reports.** Annual Report

**Citation.** MRP App. 5-7 Table 1

**Operator:** Has this commitment been acted on this year?

Yes  No  Not required this year.  If yes, comment;

**Operator Comments:**

Submitted with submissions 0-003, 10-004. Samples of rock tunnel material were collected from temporary muck piles and analyzed for the parameters listed in Appendix 5-7 Table 1.

**Inspector:**

Has the operator complied with this commitment? Yes  No

**Inspector Comments:**

Sample collection was observed during several site inspections, and samples analysis was given to site inspector, who forwarded the data to the DOGM soils scientist located in the PFO.

Geology R645-301-600

Hydrology R645-301-700

**Title: SUBMIT WATER MONITORING DATA IN AN ELECTRONIC FORMAT****Objective:** Put water data in DOGM water quality database.**Frequency:** Submit quarterly.**Status:** Submit quarterly monitoring data during operational and reclamation phases of mining.**Reports:** Submit field data, laboratory analyses and UPDES data to electronic database.**Citation:** Special Conditions December 21, 2007.**Operator:** Has this commitment been acted on this year?Yes  No  Not required this year.  If yes, comment;**Operator Comments:**

Ongoing: submitted electronically on a quarterly basis.

**Inspector:**Has the operator complied with this commitment? Yes  No **Inspector Comments:**

All data inserted into the DOGM permanent data base pipeline by the Permittee is uploaded by the assigned Division hydrologist. This is monitored and checked on a quarterly basis during the Complete inspection by DOGM personnel. The assigned Division hydrologist completes a hydrologic review on the quarterly data submitted.

**Title: RAIN GAUGES****Objective:** Establish on-site climatological database.**Frequency:** No less than monthly from May 1 through October 30, monthly when feasible during the remaining months.**Status:** To be implemented within 30 days of Board's approval of the Stipulation for Dismissal.**Reports:** Data will be downloaded quarterly and included in the Annual Report**Citation:** Conditions to the Permit, Attachment A, Special Conditions (December 21, 2007).**Operator:** Has this commitment been acted on this year?Yes  No  Not required this year.  If yes, comment;**Operator Comments:****Inspector:**Has the operator complied with this commitment? Yes  No **Inspector Comments:**

See Appendix "B", Reporting of Technical Data in the 2009 Annual Report, Tables 1,2,3 and 4. This data was reviewed by a DOGM Hydrologist.

**Title: CREST STAGE GAUGES AND SIPHON SAMPLERS****Objective:** additional water-quality and -quantity data.**Frequency:** Quarterly monitoring for 2 years; Installation, maintenance, and inspection to follow USGS protocols and on a frequency established by the Division.**Status:** Devices to be installed by March 31, 2008. At the end of the first year, the data will be analyzed and additional monitoring locations may be required.**Reports:** Included in regular quarterly monitoring reports. The MRP (and CHIA) to be updated as needed.**Citation:** Conditions to the Permit, Attachment A, Special Conditions (December 21, 2007).**Operator:** Has this commitment been acted on this year?Yes  No  Not required this year.  If yes, comment;**Operator Comments:****Inspector:**Has the operator complied with this commitment? Yes  No **Inspector Comments:**

See Appendix "B", Reporting of Technical Data in the 2009 Annual Report, Table 5, and attachment "A".

**Title: USE GPS TO SURVEY LOCATIONS OF ALL KNOWN AND NEWLY IDENTIFIED SEEPS AND SPRINGS****Objective:** More precise identification and location of seeps and springs**Frequency:** Annual.**Status:** Survey to be commenced by March 31, 2008.**Reports:** The MRP (and CHIA) to be updated.**Citation:** Conditions to the Permit, Attachment A, Special Conditions (December 21, 2007).**Operator:** Has this commitment been acted on this year?Yes  No  Not required this year.  If yes, comment;**Operator Comments:**

Was satisfied with submittal 08-009 submitted 8/29/2008 to DOGM.

**Inspector:**Has the operator complied with this commitment? Yes  No **Inspector Comments:**

The permit condition required the Permittee to initiate a spring and seep review by March 31, 2008. The Permittee met this requirement with the aforementioned submittal.

**Title:** TWO MONITORING WELLS TO BE ESTABLISHED IN FUTURE BOREHOLES.

**Objective:** Monitor water levels and water quality within the permit and adjacent areas.

**Frequency:** If wells are established.

**Status:** To be done when and if additional holes are bored from the surface to the coal seam.

**Reports:** Water-quality and -quantity data will be included in the quarterly hydrology reports. The MRP (and CHIA) to be updated as needed.

**Citation:** Conditions to the Permit, Attachment A, Special Conditions (December 21, 2007)

**Operator:** Has this commitment been acted on this year?

Yes  No  Not required this year.  If yes, comment;

**Operator Comments:**

**Inspector:**

Has the operator complied with this commitment? Yes  No

**Inspector Comments:**

The Mine is still being developed as of 5/5/2010. No degasification wells or coal exploration holes have been drilled to date.

Bonding & Insurance R645-301-800

**Other Commitments**


\*Reminder: If equipment has been abandoned during 2009, an amendment must be submitted that includes a map showing its location, a description of what was abandoned, whether there were any hazardous or toxic materials and any revision to the PHC as necessary.

**REPORTING OF OTHER TECHNICAL DATA**

List other technical data and information as required under the approved plan, which must be periodically submitted to the Division. Specify whether the information is included as Appendix B to this report or currently on file with the Division.

**Operator Comments:**

**Inspector:**

Has the operator complied with this section? Yes  No

**Inspector Comments:**

Other than the additional water monitoring information required in Appendix "B" (crest gauge / rain gauge / siphon samplers), and the topsoil removal / volume reporting document, no other information has been submitted in Appendix B.

**LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION**

Change in administration or corporate structure can often bring about necessary changes to information found in the mining and reclamation plan. The Division is Requesting that each permittee review and update the legal, financial, compliance and related information in the plan as part of the annual report. Please provide the Department of Commerce, Annual Report of Officers, or other equivalent information as necessary to ensure that the information provided in the plan is current. Provide any other change as necessary regarding land ownership, lease acquisitions, legal results from appeals of violations, or other changes as necessary to update information required in the mining and reclamation plan. Include certified financial statements, audits or worksheets, which may be required to meet bonding requirements. Specify whether the information is currently on file with the Division or included as Appendix C to the report.

Legal / Financial Update	Required		Included or DOGM File location Included Vol, Chapter, Page	Comments
	Yes	No		

Department of Commerce, Annual Report Officers	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Other</b>				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

**Operator Comments:**

**Inspector:**

Has the operator complied fully with this section? Yes  No

**Inspector Comments:**

Ownership and Control information for UtahAmerican Energy, Inc. and the properties permitted in the State of Utah (West Ridge Mine, Crandall Canyon Mine, Centennial Mine, Wildcat Loadout, and the Lila Canyon Mine) is on file with the Division in both the Salt Lake City and Price, Utah offices.

**MAPS**

Copies of mine maps, current and up-to-date through at least December 31, 2009, are to be provided to the Division as Appendix D to this report in accordance with the requirements of R 645-301-525.240. The map copies shall be made in accordance with 30 CFR 75.1200 as required by MSHA. Mine maps are not considered confidential. (Please provide a CD.)

Confidential information is limited to:

R645-300-124.310. Information that pertains only to the analysis of the chemical and physical properties of the coal to be mined, except information on components of such coal which are potentially toxic in the environment.

R645-300-124.330. Information on the nature and location of archeological resources on public land and Indian land as required under the Archeological Resources Protection Act of 1979 (P. L. 96-95, 93 Stat. 721, 16 U.S.C. 470).

R645-301-322, Fish and Wildlife Information; R645-301-322.100, the scope and level of detail for such information will be determined by the Division in consultation with state and federal agencies with responsibilities for fish and wildlife and will be sufficient to design the protection and enhancement plan required under R645-301-333 and R645-301-322.230, other species or habitats identified through agency consultation as requiring special protection under state or federal law; R645-301-333.300, Include protective measures that will be used during the active mining phase of operation.

The Division will provide procedures, including notice and opportunity to be heard for persons both seeking and opposing disclosure.

**Map Number(s)                      Map Title/ Description**

Annual subsidence map			
Mine map	Found in Appendix "D"		
Other map		<b>Confidential</b>	
		Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
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		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

**Operator Comments:**

**Inspector:**

Has the operator complied with this section? Yes  No

**Inspector Comments:**

The Map contained in Appendix "D" shows the anticipated Mine projection, as of the date of this review, May 5, 2010. The confidential map is P.E. certified by Mr. R. Jay Marshall, General Manager of the project.

**OTHER INFORMATION**

Please provide any comments of further information to be included as part of the Annual Report. Any other attachments are to be provided as Appendix E to this report. If information is submitted as a group rather than by individual mine, please identify each of the mine's data in the list below.

**Additional attachment to this report?**                      Yes                       No

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