

0006



Canyon Fuel Company, LLC  
Dugout Canyon Mine  
P.O. Box 1029  
Wellington, Utah 84542

File in:

- Confidential
- Shelf
- Expandable

Refer to Record No. 0006  
In C 0070018, 2004 Incoming  
For additional information

Date 02/19/2004

**COPY**

February 19, 2004

Ms. Pamela Grubaugh-Littig  
Department of Natural Resources  
Division of Oil, Gas and Mining  
1594 West North Temple  
Suite 1210  
Salt Lake City, UT 84114-5801

*Incoming  
2/007/0018/00*

**RE:** Revisions to Chapter 1, Canyon Fuel Company, LLC, Soldier Canyon Mine,  
C/007/018

Dear Ms. Grubaugh-Littig:

Enclosed please find four copies of the submittal to address revisions to Chapter 1 of the Dugout Canyon Mine permit. The revisions include the update of AVS information. The organizational chart that is being removed with this submittal was previously revised and submitted and approved in September 2003 and begins on Page 1-22 of the currently approved M&RP. In addition Table 1-1 has been revised, much of the information previously on Table 1-1 has been incorporated into Table 1-2, which is in the approved (September 2003) M&RP beginning on page 1-23. There are several pages which have been intentionally left blank, upon approval of the SITLA lease all of Chapter 1 will be resubmitted and these pages will be removed. An updated insurance liability certificate is being provided for inclusion in Appendix 1-2 as is a copy of a proof of publication.

This submittal is to address your request and to prepare for the eventual submittal of a General Chapter 1 for Canyon Fuel Company, LLC operations.

An additional copy of the submittal has been delivered to the Price Field Office.

Please contact Vicky Miller at (435) 636-2869, if there are any questions concerning this submittal.

Sincerely yours,

Vicky S. Miller

Cc: Chris Hansen (no enclosures)  
Dave Spillman (enclosures)  
Price Field Office (enclosures)

RECEIVED

FEB 20 2004

DIV. OF OIL, GAS & MINING



# APPLICATION FOR COAL PERMIT PROCESSING

Permit Change  New Permit  Renewal  Exploration  Bond Release  Transfer

COPY

**Permittee:** Canyon Fuel Company, LLC

**Mine:** Dugout Canyon Mine

**Permit Number:** C/007/039

**Title:** Revisions to Chapter 1 - AVS and Appendix 1-2

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

**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? Acres: \_\_\_\_\_ Disturbed Area: \_\_\_\_\_  increase  decrease.
- Yes  No 2. Is the application submitted as a result of a Division Order? DO# \_\_\_\_\_
- Yes  No 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact 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.

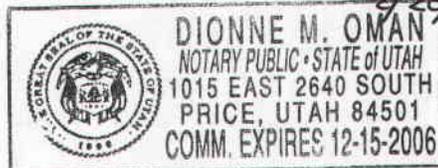
David Spillman  
Print Name

David Spillman, Engineering Manager  
Sign Name, Position, Date

Subscribed and sworn to before me this 20 day of February, 2004

Dionne M. Oman  
Notary Public

My commission Expires: \_\_\_\_\_  
Attest: State of Utah } ss:  
County of Carbon



<p><b>For Office Use Only:</b></p>	<p><b>Assigned Tracking Number:</b></p>	<p>Received by Oil, Gas &amp; Mining</p> <p style="font-size: 1.5em; font-weight: bold;">RECEIVED</p> <p style="font-size: 1.2em; font-weight: bold;">FEB 20 2004</p> <p>DIV. OF OIL, GAS &amp; MINING</p>
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CHAPTER 1

LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION

**CHAPTER 1**  
**LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION**

**110 MINIMUM REQUIREMENTS FOR LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION**

**111 Introduction**

The permit is presently held by Canyon Fuel Company, LLC, a Delaware limited liability company ("CFC"). Under the Purchase and Sale Agreement dated as of March 22, 1998, closed effective June 1, 1998, Arch Western Resources, LLC, a Delaware limited liability company, purchased the 65% membership interest of Arco Uinta Coal Company, a fully owned subsidiary of Atlantic Richfield Company, in CFC. Itochu Coal International, Inc., a fully owned subsidiary of Itochu Corporation, retained its ownership of the remaining 35% membership interest. The common membership interests in Arch Western Resources, LLC, are in turn owned 99% by Arch Western Acquisition corporation, a Delaware corporation fully owned by Arch Coal, Inc., also a Delaware corporation, and 1% by Delta Housing, Inc., a Delaware corporation fully owned by Atlantic Richfield Company, a Delaware corporation. Soldier Creek Coal Company became Soldier Canyon Mine through the merge and subsequent sale of Coastal Coal, Inc. on or about December 20, 1996.

Soldier Canyon Mine (SCM) will provide in this chapter all information pertaining to the Dugout Canyon Mine required by R645-301-100 and provide the information required by R645-301-112 and R645-301-113 in a format prescribed by OSM.

Where possible the Mining and Reclamation Plan has been updated to reflect the legal and financial information associated with Canyon Fuel Company, LLC (CFC). Other portions of the Mining and Reclamation Plan remain unmodified. Any charts, maps, drawings, diagrams, exhibits, tables, and so forth in the unmodified portions of the Mining and Reclamation Plan bearing the

name(s) Coastal States Energy Company, and/or Soldier Creek Coal Company should be read with the name Canyon Fuel Company, LLC substituting for any and all of these other entities, which have been merged into Canyon Fuel Company.

## **112 Identification of Interests**

### **112.100 Business Entity**

The Dugout underground coal mining operation will be located in Carbon County, Utah. The surface facilities for the Dugout Canyon Mine will be within Section 23, Township 13 South, Range 12 East, SLBM approximately 11 miles northeast of Wellington, Utah.

Canyon Fuel Company, LLC is a Limited Liability Company organized under the laws of Delaware in December 1996 and now owned 65% by Arch Western Resources, LLC, a Delaware limited liability company, and 35% by Itochu Coal International Inc., a Delaware Corporation. Itochu Coal International Inc. is a wholly owned subsidiary of Itochu Corporation, a Japanese Corporation. Arch Western Resources, LLC, is owned 99% by Arch Western Acquisition Corporation, a Delaware corporation wholly owned by Arch Coal, Inc., a Delaware corporation, and 1% by Delta Housing, Inc., a Delaware corporation wholly owned by Atlantic Richfield Company, a Delaware corporation.

### **112.200 Applicant and Operator**

APPLICANT : Operations, Administration, Permit Revisions, and Amendments

Canyon Fuel Company, LLC  
6955 South Union Park Center  
Suite 540  
Midvale, UT 84047  
Telephone: (801) 569-4700  
EMPLOYER ID: 87-0567183

Canyon Fuel Company, LLC  
SCM/Dugout Canyon Mine

Mining and Reclamation Plan  
February 2004 ~~September/January 2003~~

OPERATOR: Canyon Fuel Company, LLC  
6955 South Union Park Center, Suite 540  
Midvale, UT 84047  
Telephone: (801) 569-4700

RESIDENT AGENT: C.T. Corporation Systems  
50 West Broadway  
Salt Lake City, UT 84104  
Telephone: (801) 531-7090

CONTACT PERSON: Richard D. Pick  
Canyon Fuel Company, LLC  
6955 South Union Park Center, Suite 540  
Midvale, UT 84047  
Telephone: (801) 569-4700

PERSON WHO WILL PAY ABANDONED MINE RECLAMATION FEES:

Richard D. Pick  
Canyon Fuel Company, LLC  
6955 South Union Park Center, Suite 540  
Midvale Utah 84047

### **112.300 Officers of the Applicant**

This section identifies those persons who own or control Canyon Fuel Company, LLC. Canyon Fuel Company, LLC, is a Delaware limited liability company with two members; Arch Western Resources, LLC holding 65% interest, and Itochu Coal International, Inc. holding 35% interest.

Arch Western Resources, LLC, is owned 99% by Arch Western Acquisition Corporation, a wholly owned subsidiary of Arch Coal, Inc., and 1% by Delta Housing, Inc., a wholly owned subsidiary of Atlantic Richfield Company.

Canyon Fuel Company, LLC  
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**ADDRESS:**

Arch Western Resources, LLC  
City Place One, Suite 300  
St. Louis, MO 63141-7056

**EMPLOYER IDENTIFICATION:**

43-1811130

**ADDRESS:**

Arch Western Acquisition Corporation  
City Place One, Suite 300  
St. Louis, MO 63141-7056

**EMPLOYER IDENTIFICATION:**

43-1811084

**ADDRESS:**

Arch Coal, Inc.  
CityPlace One, Suite 300  
St. Louis, MO 63141-7056

**EMPLOYER IDENTIFICATION:**

43-0921172

**ADDRESS:**

Delta Housing, Inc.  
515 South Flower Street  
Los Angeles, CA 90071

**EMPLOYER IDENTIFICATION:**

94-2314688

**ADDRESS:**

Atlantic Richfield Company  
515 South Flower Street  
Los Angeles, CA 90071

**EMPLOYER IDENTIFICATION:**

23-0371610

Itochu Coal International, Inc. is a wholly owned subsidiary of Itochu Corporation, a Japanese corporation.

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**ADDRESS:**

Itochu Coal International, Inc.  
555 17th Street, Suite 845  
Denver, Colorado 80202

**EMPLOYER IDENTIFICATION:** 52-2003963

**ADDRESS:**

Itochu Corporation, 5-1  
Kita-Aoyama 2-Chome  
Minato-ku, Tokyo 107-77, Japan

**EMPLOYER IDENTIFICATION:** 98-0053818

The following lists describe the officers and directors of Canyon Fuel Company, LLC, Arch Western Resources, LLC, Arch Coal, Inc., Itochu Corporation, and Itochu Coal International, Inc. The addresses for the officers, directors, representatives to the management board listed are the same as those of the respective business entities as listed above, for which the individuals are officers, directors or representatives. Social Security numbers for the officers and directors are no longer required to be disclosed according to Bonnie Edens of the Office of Surface Mining (e-mail from Bonnie Edens, January 10, 2003, 6:25am).

**CANYON FUEL COMPANY, LLC:**

(9/12/03)

**Directors:**

Robert W. Shanks  
Effective: 06/01/1998

Chairman

Masayoshi Araya  
Effective: 06/01/2001

Yuzo Hirono  
Effective: 12/14/1999

Steven F. Leer  
Effective: 06/01/1998

Kenneth G. Woodring  
Effective: 12/01/2000

John W. Eaves  
Effective: 12/01/2000

Joe Y. Nakazawa  
Effective: 06/01/2001

Tsutomu Niwa  
Effective: 10/09/2001

Alternative Representative

Alternative Representative

Alternative Representative

**Officers**

Richard D. Pick  
Effective: 06/01/1998

President, Chief Executive Officer and General Manager

Robert G. Messey  
Effective: 10/09/2001

Chief Financial Officer

James E. Florczak  
Effective: 05/25/1999

Vice President, Finance

John W. Eaves  
Effective: 06/23/1998

Vice President, Marketing

Robert G. Jones  
Effective: 03/08/2000

Vice President, General Counsel and Assistant Secretary

Janet L. Horgan  
Effective: 10/11/2000

Secretary

William H. Rose  
Effective: 06/01/1998

Assistant Secretary

**ARCH COAL, INC.:**

(9/12/03)

**Directors:**

James R. Boyd  
Effective: 07/01/1997

Chairman



David B. Peugh  
Effective: 07/01/1997

Vice President - Business Development

Robert W. Shanks  
Effective: 07/01/1997

Vice President - Operations

Robert J. Messey  
Effective: 12/1/2000

Senior Vice President, Chief Financial Officer

Robert G. Jones  
Effective: 10/16/2000 and 3/01/2000

Vice President, General Counsel and Secretary

James E. Florczak  
Effective: 08/17/1998

Treasurer

Deck S. Slone  
Effective: 04/26/2001

Vice President, Investor and Public Relations

Bradley M. Allbritten  
Effective: 03/1/2000

Vice President, Marketing

Shiela B. Feldman  
Effective: 02/03/2003

Vice President, Human Resources

Janet L. Horgan  
Effective: 10/16/2000

Assistant Secretary and Counsel

John W. Lorson  
Effective: 04/9/1999

Comptroller

Charles David Steele  
Effective: 04/24/2003

Vice President, Tax Planning

Bennett K. Hatfield  
Effective: 04/24/2003

Vice President

**Arch Western Resources, LLC, Representatives to the Management Board:**

Name: Steven F. Leer  
Effective: 06/01/98

Name: Robert W. Shanks

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Effective: 06/01/98

**Alternate:**

Name: Kenneth G. Woodring  
Effective: 06/01/98

**Itochu Coal International, Inc. Representatives to the Management Board:**

**Board:**

Akio Shigetomi  
Effective: 11/30/1996

Masayoshi Araya  
Effective: 11/30/1996

Yuzo Hirono  
Effective: 12/31/1999

**Alternates:**

Yutaka Nakazawa  
Effective: 12/20/1996

Tsutomu Niwa  
Effective: 6/01/2001

**ARCH WESTERN RESOURCES, LLC**

(9/12/03)

**Directors:**

Patrick A. Kriegshauser  
Effective: 05/07/98

David B. Peugh  
Effective: 05/07/98

Jeffry N. Quinn  
Effective: 05/07/98

Thomas A. Lockhart

Effective: 02/24/2003

**Officers:**

Robert W. Shanks                      President - Operations  
Effective: 06/28/98

David B. Peugh                              Vice President  
Effective: 05/17/98

William H. Rose                              Assistant Secretary  
Effective: 05/07/98

Robert G. Jones                              Vice President and Assistant Secretary  
Effective: 03/01/00 and 6/2/98

Janet L. Horgan                              Secretary  
Effective: 3/17/98

James E. Florczak                              Vice President, Finance, Treasurer  
Effective: 05/15/98 and 9/15/98

**ITOCHU CORPORATION**

<u>Name</u>	<u>Title</u>	<u>Date of Appointment</u>
Minoru Murofushi	Chairman	April 1998
Masahisa Naitoh	Vice Chairman	April 2000
Uichiro Niwa	President, CEO	April 1998
Hiroshi Sumie	Executive Vice President	April 2000
Makoto Kato	Executive Vice President	April 2001
Yushin Okazaki	Executive Vice President	April 2001
Sumitaka Fujita	Executive Vice President	April 2001
Mitsuaki Fukuda	Sr. Managing Director	April 2000
Akira Yokota	Sr. Managing Director	April 2001

Canyon Fuel Company, LLC  
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Kiyomi Yamada	Managing Director	April 2001
Motonori Toyota	Managing Director	June 2001
Kouhei Wantanabe	Managing Director	April 2002
Hiroshi Ueda	Managing Director	April 2002

**ITOCHU COAL INTERNATIONAL INC.**

Masayoshi Araya	Chairman of the Board	Dec. 1999
Yuzo Hirono	President and Chief Executive Officer	Dec. 1999
Tsutomu Niwa	Chief Financial Officer	June 1996
Dietz Fry	Vice President, Finance and Administration	March 1997
Yutaka Nakazawa	Vice President Commercial and Secretary	Dec. 1996
Hiroshi Akiba	Assistant Secretary	Feb. 2000

**112.400 Coal Mining and Reclamation Operation Owned or Controlled**

The following list describes all permits held by Canyon Fuel Company, LLC, all pending applications for permits, and any permit recognized as necessary in the future for which no application has been filed. Identification numbers of applications or permits are contained in the following list. Many of the agencies listed, however, have review responsibility only and may not have submitted a numbered permit.

<u>Permit</u>	<u>Issuing Authority</u>	<u>Approval Status/ Identification No.</u>
Mining and Reclamation Permit <del>AGFC</del> /007/039	State of Utah Department of Natural Resources Division of Oil, Gas and Mining	Approved

	Department of Interior U.S. Geological Survey and Office of Surface Mining	
	Department of Agriculture U.S. Forest Service Manti La Sal National Forest	
U.P.D.E.S. Permit <del>UT-6-640020</del> <b>UTG-040020</b>	Environmental Protection Agency and Utah D.E.Q.	Approved
Business License	Carbon County	Approved
Mine Health and Safety Permits 42-01890 and 42-01888, 1211-UT-09-01890-01	Mine Safety and Health Administration - Utah	Approved
Radio Permits	Federal Communications Commission	Approved
Certificate of Insurance and Authorization to do Business in State	State Industrial Development Commission	Approved
Road Agreement	Carbon County	Approved
Air Quality Approval Order	State of Utah Utah Air Conservation Committee Department of Health Division of Environmental Health	Approved
Stream Channel Alteration Permit	State Engineer	Approved

The Canyon Coal Company, LLC mining permits and operations are:

SUFCO Mine	<b>C/041/002</b>
Skyline Mine	<b>C/007/005</b>
Soldier Canyon Mine	<b>C/007/018</b>
Banning Loadout	<b>C/007/034</b>

Dugout Canyon Mine

C/007/039

The issuing authority for the Canyon Fuel Company permits is the UDOGM.

Information pertaining to permits and operations held by subsidiary companies of Arch Coal, Inc. are set forth in Table 1-1.

Neither Arch Coal, Inc. nor any of its subsidiaries owns or controls any other coal mining or reclamation operation. Itochu Corporation does not own or control any interest, direct or indirect, in any other entity having coal mining operations in the United States. None of the executive officers of Itochu Corporation are directors or officers of any other entity that owns or controls an interest, direct or indirect, in any entity having coal mining operations in the United States.

The corporate structure is presented in Figure 1-1. below:

### 112.500 Legal or Equitable Owner of the Surface and Mineral Properties

The legal and equitable owners of the surface and mineral properties to be affected by this mining operation during the duration of the permit period are the State of Utah, Bureau of Land Management and Canyon Fuel Company, LLC. Refer to Refuse Pile Amendment for additional ownership information.

Canyon Fuel Company, LLC  
6955 South Union Park Center  
Suite 540  
Salt Lake City, UT 84047  
Telephone: (801)569-4700

Milton & Ardith Thayne Trust  
Sunnyside Star Route  
Price, Utah 84501

State of Utah  
School and Institutional  
Trust Lands Administration  
675 East 500 South  
Salt Lake City, Utah 84102-2818

George & Alice Conover Etal  
2701 Georgia Way  
Sandy, Utah 84092

United States of America  
Department of Interior  
Bureau of Land Management  
Price Coal Office  
125 South 600 West  
Price, Utah 84501

No area within the lands to be affected by surface operations and facilities or within the area of coal to be mined is under a real estate contract.

**112.600 Owners of Record of Property Contiguous to Proposed Permit Area**

Owners of record for surface and mineral properties contiguous to the proposed permit area are shown on Plate 1-1 and 1-2, with the names and addresses listed below.

United States of America  
Department of Interior  
Bureau of Land Management  
Price Coal Office  
125 South 600 West  
Price, Utah 84501

State of Utah  
School and Institutional Trust Lands Admin.  
675 East 500 South  
Salt Lake City, Utah 84102-2818

KFJ Ranch Partnership  
C/O Kerwin Jensen  
Cleveland, Utah 84518

George & Alice Conover Etal  
2701 Georgia Way  
Sandy, Utah 84092

Milton & Ardith Thayne Trust  
Sunnyside Star Route  
Price, Utah 84501

Surface ownership along the county road is shown on Plate 1-3. In addition refer to the Refuse Pile Amendment for additional information.

### 112.700 MSHA Numbers

The Dugout Canyon Mine MSHA numbers are:

MSHA No. 42-01890 Rock Canyon seam (west side of canyon)

MSHA No. 42-01888 Gilson seam (west side of canyon)

MSHA No. 1211-UT-09-01890-01 Dugout Canyon Mine Refuse Pile

### 112.800 Interest in Contiguous Lands

A State Institutional Trust Lands coal tract is contiguous to the east of the Dugout Canyon Mine permit boundary. Canyon Fuel Company, LLC does not intend to mine the coal reserves in this lease during the current five-year term of this permit application.

### 112.900 Certification of Submitted Information

CFC ~~The undersigned hereby~~ attests that the information contained in this application ~~Notice of Change in Ownership and Contract Information~~ is true and correct to the best of **their information and knowledge**. ~~undersigned's information and belief.~~

~~On behalf of CANYON FUEL COMPANY, LLC~~

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Richard D. Pick  
~~Its: President, Chief Executive Officer and General Manager~~

STATE OF UTAH \_\_\_\_\_ )  
\_\_\_\_\_) : ss  
COUNTY OF SALT LAKE)



Canyon Fuel Company, LLC  
SCM/Dugout Canyon Mine

Mining and Reclamation Plan  
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The legal description of the CFC leases is:

State Lease ML-42648 - (3640 acres) - Approved

T. 13 S., R. 12 E., SLBM, Utah

Section 8: E1/2

Section 10: S1/2

Section 11: S1/2

Sections 14 and 15: All

**TABLE 1-1**  
**COAL MINING AND RECLAMATION OPERATIONS**

Facility	State	Parent Mailing Address	Permit Number	Issuing Authority
SUFCO Mine	Utah	Canyon Fuel Company LLC 6995 South Union Park Center Suite 550 Midvale, UT 84047	C/041/002	Utah Division of Oil, Gas and Mining
Skyline Mines	Utah	Canyon Fuel Company LLC 6995 South Union Park Center Suite 550 Midvale, UT 84047	C/007/005	Utah Division of Oil, Gas and Mining
Soldier Canyon Mine	Utah	Canyon Fuel Company LLC 6995 South Union Park Center Suite 550 Midvale, UT 84047	C/007/018	Utah Division of Oil, Gas and Mining
Banning Loadout	Utah	Canyon Fuel Company LLC 6995 South Union Park Center Suite 550 Midvale, UT 84047	C/007/034	Utah Division of Oil, Gas and Mining
Dugout Canyon Mine	Utah	Canyon Fuel Company LLC 6995 South Union Park Center Suite 550 Midvale, UT 84047	C/007/039	Utah Division of Oil, Gas and Mining

Canyon Fuel Company, LLC  
SCM/Dugout Canyon Mine

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Canyon Fuel Company, LLC  
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CHAPTER 1

LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION

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**CHAPTER 1**  
**LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION**

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Canyon Fuel Company, LLC substituting for any and all of these other entities, which have been merged into Canyon Fuel Company.

## **112 Identification of Interests**

### **112.100 Business Entity**

The Dugout underground coal mining operation will be located in Carbon County, Utah. The surface facilities for the Dugout Canyon Mine will be within Section 23, Township 13 South, Range 12 East, SLBM approximately 11 miles northeast of Wellington, Utah.

Canyon Fuel Company, LLC is a Limited Liability Company organized under the laws of Delaware in December 1996 and now owned 65% by Arch Western Resources, LLC, a Delaware limited liability company, and 35% by Itochu Coal International Inc., a Delaware Corporation. Itochu Coal International Inc. is a wholly owned subsidiary of Itochu Corporation, a Japanese Corporation. Arch Western Resources, LLC, is owned 99% by Arch Western Acquisition Corporation, a Delaware corporation wholly owned by Arch Coal, Inc., a Delaware corporation, and 1% by Delta Housing, Inc., a Delaware corporation wholly owned by Atlantic Richfield Company, a Delaware corporation.

### **112.200 Applicant and Operator**

APPLICANT : Operations, Administration, Permit Revisions, and Amendments

Canyon Fuel Company, LLC  
6955 South Union Park Center  
Suite 540  
Midvale, UT 84047  
Telephone: (801) 569-4700  
EMPLOYER ID: 87-0567183

Canyon Fuel Company, LLC  
SCM/Dugout Canyon Mine

Mining and Reclamation Plan  
February 2004

OPERATOR: Canyon Fuel Company, LLC  
6955 South Union Park Center, Suite 540  
Midvale, UT 84047  
Telephone: (801) 569-4700

RESIDENT AGENT: C.T. Corporation Systems  
50 West Broadway  
Salt Lake City, UT 84104  
Telephone: (801) 531-7090

CONTACT PERSON: Richard D. Pick  
Canyon Fuel Company, LLC  
6955 South Union Park Center, Suite 540  
Midvale, UT 84047  
Telephone: (801) 569-4700

**PERSON WHO WILL PAY ABANDONED MINE RECLAMATION FEES:**

Richard D. Pick  
Canyon Fuel Company, LLC  
6955 South Union Park Center, Suite 540  
Midvale Utah 84047

**112.300 Officers of the Applicant**

This section identifies those persons who own or control Canyon Fuel Company, LLC. Canyon Fuel Company, LLC, is a Delaware limited liability company with two members; Arch Western Resources, LLC holding 65% interest, and Itochu Coal International, Inc. holding 35% interest.

Arch Western Resources, LLC, is owned 99% by Arch Western Acquisition Corporation, a wholly owned subsidiary of Arch Coal, Inc., and 1% by Delta Housing, Inc., a wholly owned subsidiary of Atlantic Richfield Company.

Canyon Fuel Company, LLC  
SCM/Dugout Canyon Mine

Mining and Reclamation Plan  
February 2004

**ADDRESS:**

Arch Western Resources, LLC  
City Place One, Suite 300  
St. Louis, MO 63141-7056

**EMPLOYER IDENTIFICATION:**

43-1811130

**ADDRESS:**

Arch Western Acquisition Corporation  
City Place One, Suite 300  
St. Louis, MO 63141-7056

**EMPLOYER IDENTIFICATION:**

43-1811084

**ADDRESS:**

Arch Coal, Inc.  
CityPlace One, Suite 300  
St. Louis, MO 63141-7056

**EMPLOYER IDENTIFICATION:**

43-0921172

**ADDRESS:**

Delta Housing, Inc.  
515 South Flower Street  
Los Angeles, CA 90071

**EMPLOYER IDENTIFICATION:**

94-2314688

**ADDRESS:**

Atlantic Richfield Company  
515 South Flower Street  
Los Angeles, CA 90071

**EMPLOYER IDENTIFICATION:**

23-0371610

Itochu Coal International, Inc. is a wholly owned subsidiary of Itochu Corporation, a Japanese corporation.

Canyon Fuel Company, LLC  
SCM/Dugout Canyon Mine

Mining and Reclamation Plan  
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**ADDRESS:**

Itochu Coal International, Inc.  
555 17th Street, Suite 845  
Denver, Colorado 80202

**EMPLOYER IDENTIFICATION:** 52-2003963

**ADDRESS:**

Itochu Corporation, 5-1  
Kita-Aoyama 2-Chome  
Minato-ku, Tokyo 107-77, Japan

**EMPLOYER IDENTIFICATION:** 98-0053818

The following lists describe the officers and directors of Canyon Fuel Company, LLC, Arch Western Resources, LLC, Arch Coal, Inc., Itochu Corporation, and Itochu Coal International, Inc. The addresses for the officers, directors, representatives to the management board listed are the same as those of the respective business entities as listed above, for which the individuals are officers, directors or representatives. Social Security numbers for the officers and directors are no longer required to be disclosed according to Bonnie Edens of the Office of Surface Mining (e-mail from Bonnie Edens, January 10, 2003, 6:25am).

**CANYON FUEL COMPANY, LLC:**

(9/12/03)

**Directors:**

Robert W. Shanks  
Effective: 06/01/1998

Chairman

Masayoshi Araya  
Effective: 06/01/2001

Yuzo Hirono  
Effective: 12/14/1999

Steven F. Leer  
Effective: 06/01/1998

Kenneth G. Woodring  
Effective: 12/01/2000

John W. Eaves  
Effective: 12/01/2000

Alternative Representative

Joe Y. Nakazawa  
Effective: 06/01/2001

Alternative Representative

Tsutomu Niwa  
Effective: 10/09/2001

Alternative Representative

**Officers**

Richard D. Pick  
Effective: 06/01/1998

President, Chief Executive Officer and General Manager

Robert G. Messey  
Effective: 10/09/2001

Chief Financial Officer

James E. Florczak  
Effective: 05/25/1999

Vice President, Finance

John W. Eaves  
Effective: 06/23/1998

Vice President, Marketing

Robert G. Jones  
Effective: 03/08/2000

Vice President, General Counsel and Assistant Secretary

Janet L. Horgan  
Effective: 10/11/2000

Secretary

William H. Rose  
Effective: 06/01/1998

Assistant Secretary

**ARCH COAL, INC.:**

(9/12/03)

**Directors:**

James R. Boyd  
Effective: 07/01/1997

Chairman

Frank M. Burke  
Effective: 09/07/2000



Robert J. Messey  
Effective: 12/1/2000

Senior Vice President, Chief Financial Officer

Robert G. Jones  
Effective: 10/16/2000 and 3/01/2000

Vice President, General Counsel and Secretary

James E. Florczak  
Effective: 08/17/1998

Treasurer

Deck S. Slone  
Effective: 04/26/2001

Vice President, Investor and Public Relations

Bradley M. Allbritten  
Effective: 03/1/2000

Vice President, Marketing

Shiela B. Feldman  
Effective: 02/03/2003

Vice President, Human Resources

Janet L. Horgan  
Effective: 10/16/2000

Assistant Secretary and Counsel

John W. Lorson  
Effective: 04/9/1999

Comptroller

Charles David Steele  
Effective: 04/24/2003

Vice President, Tax Planning

Bennett K. Hatfield  
Effective: 04/24/2003

Vice President

**Arch Western Resources, LLC, Representatives to the Management Board:**

Name: Steven F. Leer  
Effective: 06/01/98

Name: Robert W. Shanks  
Effective: 06/01/98

**Alternate:**

Name: Kenneth G. Woodring  
Effective: 06/01/98

**Itochu Coal International, Inc. Representatives to the Management Board:**

**Board:**

Akio Shigetomi  
Effective: 11/30/1996

Masayoshi Araya  
Effective: 11/30/1996

Yuzo Hirono  
Effective: 12/31/1999

**Alternates:**

Yutaka Nakazawa  
Effective: 12/20/1996

Tsutomu Niwa  
Effective: 6/01/2001

**ARCH WESTERN RESOURCES, LLC**

(9/12/03)

**Directors:**

Patrick A. Kriegshauser  
Effective: 05/07/98

David B. Peugh  
Effective: 05/07/98

Jeffry N. Quinn  
Effective: 05/07/98

Thomas A. Lockhart  
Effective: 02/24/2003

**Officers:**

Robert W. Shanks                      President - Operations  
Effective: 06/28/98

David B. Peugh                      Vice President  
Effective: 05/17/98



**ITOCHU COAL INTERNATIONAL INC.**

Masayoshi Araya	Chairman of the Board	Dec. 1999
Yuzo Hirono	President and Chief Executive Officer	Dec. 1999
Tsutomu Niwa	Chief Financial Officer	June 1996
Dietz Fry	Vice President, Finance and Administration	March 1997
Yutaka Nakazawa	Vice President Commercial and Secretary	Dec. 1996
Hiroshi Akiba	Assistant Secretary	Feb. 2000

**112.400 Coal Mining and Reclamation Operation Owned or Controlled**

The following list describes all permits held by Canyon Fuel Company, LLC, all pending applications for permits, and any permit recognized as necessary in the future for which no application has been filed. Identification numbers of applications or permits are contained in the following list. Many of the agencies listed, however, have review responsibility only and may not have submitted a numbered permit.

<u>Permit</u>	<u>Issuing Authority</u>	<u>Approval Status/ Identification No.</u>
Mining and Reclamation Permit C/007/039	State of Utah Department of Natural Resources Division of Oil, Gas and Mining  Department of Interior U.S. Geological Survey and Office of Surface Mining  Department of Agriculture U.S. Forest Service Manti La Sal National Forest	Approved
U.P.D.E.S. Permit UTG-040020 and Utah D.E.Q.	Environmental Protection Agency	Approved

Business License	Carbon County	Approved
Mine Health and Safety Permits 42-01890 and 42-01888, 1211-UT-09-01890-01	Mine Safety and Health Administration - Utah	Approved
Radio Permits	Federal Communications Commission	Approved
Certificate of Insurance and Authorization to do Business in State	State Industrial Development Commission	Approved
Road Agreement	Carbon County	Approved
Air Quality Approval Order	State of Utah Utah Air Conservation Committee Department of Health Division of Environmental Health	Approved
Stream Channel Alteration Permit	State Engineer	Approved

The Canyon Coal Company, LLC mining permits and operations are:

SUFCO Mine	C/041/002
Skyline Mine	C/007/005
Soldier Canyon Mine	C/007/018
Banning Loadout	C/007/034
Dugout Canyon Mine	C/007/039

The issuing authority for the Canyon Fuel Company permits is the UDOGM.

Information pertaining to permits and operations are set forth in Table 1-1.

Neither Arch Coal, Inc. nor any of its subsidiaries owns or controls any other coal mining or reclamation operation. Itochu Corporation does not own or control any interest, direct or indirect,

in any other entity having coal mining operations in the United States. None of the executive officers of Itochu Corporation are directors or officers of any other entity that owns or controls an interest, direct or indirect, in any entity having coal mining operations in the United States.

The corporate structure is presented in Figure 1-1.

### **112.500 Legal or Equitable Owner of the Surface and Mineral Properties**

The legal and equitable owners of the surface and mineral properties to be affected by this mining operation during the duration of the permit period are the State of Utah, Bureau of Land Management and Canyon Fuel Company, LLC. Refer to Refuse Pile Amendment for additional ownership information.

Canyon Fuel Company, LLC  
6955 South Union Park Center  
Suite 540  
Salt Lake City, UT 84047  
Telephone: (801)569-4700

Milton & Ardith Thayne Trust  
Sunnyside Star Route  
Price, Utah 84501

State of Utah  
School and Institutional  
Trust Lands Administration  
675 East 500 South  
Salt Lake City, Utah 84102-2818

George & Alice Conover Etal  
2701 Georgia Way  
Sandy, Utah 84092

United States of America  
Department of Interior  
Bureau of Land Management  
Price Coal Office  
125 South 600 West  
Price, Utah 84501

No area within the lands to be affected by surface operations and facilities or within the area of coal to be mined is under a real estate contract.

**112.600 Owners of Record of Property Contiguous to Proposed Permit Area**

Owners of record for surface and mineral properties contiguous to the proposed permit area are shown on Plate 1-1 and 1-2, with the names and addresses listed below.

United States of America  
Department of Interior  
Bureau of Land Management  
Price Coal Office  
125 South 600 West  
Price, Utah 84501

State of Utah  
School and Institutional Trust Lands Admin.  
675 East 500 South  
Salt Lake City, Utah 84102-2818

KFJ Ranch Partnership  
C/O Kerwin Jensen  
Cleveland, Utah 84518

George & Alice Conover Etal  
2701 Georgia Way  
Sandy, Utah 84092

Milton & Ardith Thayne Trust  
Sunnyside Star Route  
Price, Utah 84501

Surface ownership along the county road is shown on Plate 1-3. In addition refer to the Refuse Pile Amendment for additional information.

**112.700 MSHA Numbers**

The Dugout Canyon Mine MSHA numbers are:

MSHA No. 42-01890 Rock Canyon seam (west side of canyon)

MSHA No. 42-01888 Gilson seam (west side of canyon)

MSHA No. 1211-UT-09-01890-01 Dugout Canyon Mine Refuse Pile

### **112.800 Interest in Contiguous Lands**

A State Institutional Trust Lands coal tract is contiguous to the east of the Dugout Canyon Mine permit boundary. Canyon Fuel Company, LLC does not intend to mine the coal reserves in this lease during the current five-year term of this permit application.

### **112.900 Certification of Submitted Information**

CFC attests that the information contained in this application is true and correct to the best of their information and knowledge.

### **113 Violation Information**

Neither Canyon Fuel Company, LLC nor any major stockholder of the company having any interest, either legal or equitable, in Canyon Fuel Company, LLC have had a State or Federal mining permit suspended or revoked or a security deposited in lieu of a bond revoked. Neither Canyon Fuel Company, LLC, any of its mining operations, nor any person who owns or controls Canyon Fuel Company has any unabated cessation orders or unabated air or water quality violation notices.

As a newly formed entity, Canyon Fuel Company, LLC received no violations within the three years prior to filing of this application. The company mines, however, have been operating for several years and have received some NOV's. The violations for the Canyon Fuel Company, LLC operations, including the SUFCO Mine, ACT/041/002; Skyline Mine, ACT/007/005; Soldier Canyon Mine, ACT/007/018; Banning Loadout, ACT/007/034 are set forth below in Table 1-2.

### **114 Right-of-Entry Information**

The right to enter the leaseholds conveyed by the State coal leases is conferred to the lessee by the Mineral Leasing Act of 1920 and the leases themselves. Copies of State coal leases ML-42648

and ML-42649, and Federal Lease U07064-027821 which grant CFC the right to enter and conduct underground mining operations, are presented in Appendix 1-1.

The legal description of the CFC leases is:

State Lease ML-42648 - (3640 acres) - Approved

T. 13 S., R. 12 E., SLBM, Utah

Section 8: E1/2

Section 10: S1/2

Section 11: S1/2

Sections 14 and 15: All

**TABLE 1-1**  
**COAL MINING AND RECLAMATION OPERATIONS**

Facility	State	Parent Mailing Address	Permit Number	Issuing Authority
SUFCO Mine	Utah	Canyon Fuel Company LLC 6995 South Union Park Center Suite 550 Midvale, UT 84047	C/041/002	Utah Division of Oil, Gas and Mining
Skyline Mines	Utah	Canyon Fuel Company LLC 6995 South Union Park Center Suite 550 Midvale, UT 84047	C/007/005	Utah Division of Oil, Gas and Mining
Soldier Canyon Mine	Utah	Canyon Fuel Company LLC 6995 South Union Park Center Suite 550 Midvale, UT 84047	C/007/018	Utah Division of Oil, Gas and Mining
Banning Loadout	Utah	Canyon Fuel Company LLC 6995 South Union Park Center Suite 550 Midvale, UT 84047	C/007/034	Utah Division of Oil, Gas and Mining
Dugout Canyon Mine	Utah	Canyon Fuel Company LLC 6995 South Union Park Center Suite 550 Midvale, UT 84047	C/007/039	Utah Division of Oil, Gas and Mining

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**APPENDIX 1-2**

Insurance and Proof of Publication

AFFIDAVIT OF PUBLICATION

STATE OF UTAH)

ss.

County of Carbon,)

I, Ken Larson, on oath, say that I am the Publisher of the Sun Advocate, a twice-weekly newspaper of general circulation, published at Price, State a true copy of which is hereto attached, was published in the full issue of such newspaper for 4 (Four) consecutive issues, and that the first publication was on the 19th day of December, 2002, and that the last publication of such notice was in the issue of such newspaper dated the 9th day of January, 2003.

*Ken G. Larson*

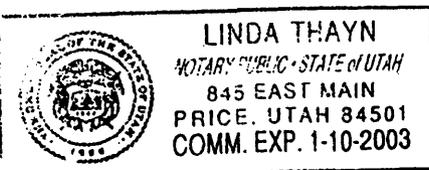
Ken G Larson - Publisher

Subscribed and sworn to before me this 9th day of January, 2003.

*Linda Thayn*

Notary Public My commission expires January 10, 2003 Residing at Price, Utah

Publication fee, \$ 595.84



**LEGAL NOTICE**

Canyon Fuel Company, LLC of Midvale, Utah, hereby announces its intent to renew its coal mining permit for the Dugout Canyon Mine under the laws of the State of Utah and the U.S. Office of Surface Mining. The currently approved mining permit is number C/007/039.

Canyon Fuel Company, LLC, operates the Dugout Canyon Mine which is located thirteen (13) miles northeast of Wellington, Utah, with facilities in Dugout Canyon located in the west half of Section 23, Township 13 South, Range 12 East, Salt Lake Base Meridian.

Underground coal mining will take place in coal reserves owned or leased by Canyon Fuel Company, LLC. A legal description of the permit boundary includes:

**Township 13 S., Range 12 E., Salt Lake Base and Meridian**

- Section 9: S1/2SE1/4
- Section 10: S1/2
- Section 11: S1/2
- Section 13: All except N1/2N1/2
- Section 14: All
- Section 15: All
- Section 16: All
- Section 17: E1/2SW1/4; SE1/4
- Section 20: E1/2NW1/4; SW1/4NW1/4; N1/2NE1/4
- Section 21: N1/2NW1/4; NE1/4
- Section 22: N1/2; N1/2S1/2; N1/2NE1/4SE1/4SE1/4; SW1/4NE1/4SE1/4; S1/2NW1/4SE1/4SE1/4; N1/2SE1/4SW1/4SE1/4; S1/2SW1/4SW1/4SE1/4; NE1/4SW1/4SW1/4SE1/4
- Section 23: NW1/4; NE1/4; SE1/4; NW1/4NW1/4SW1/4; N1/2NE1/4NW1/4SW1/4; NW1/4SW1/4NW1/4SW1/4; NE1/4SW1/4
- Section 24: All
- Section 25: N1/2N1/2
- Section 26: N1/2NE1/4
- Section 27: NE1/4SE1/4NE1/4NW1/4; S1/2SE1/4NE1/4NW1/4; SE1/4NE1/4NE1/4NW1/4; W1/2NW1/4NW1/4NE1/4

**Township 13 S., Range 13 E., Salt Lake Base and Meridian**

- Section 17: SW1/4NW1/4; W1/2SW1/4
- Section 18: All except N1/2N1/2
- Section 19: All
- Section 20: W1/2W1/2
- Section 30: NW1/4NW1/4

Topsoil to be used in reclamation of the Dugout Canyon Mine disturbed areas is being stored in T14S, R12E, Section 8, a storage area permitted to Soldier Canyon Mine.

A copy of the permit renewal application will be available for inspection at the following locations:

Utah: Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Salt Lake City, Utah 84114 and Carbon County Courthouse, 120 East Main Street, Price, Utah 84501

The address of the applicant is: Canyon Fuel Company, LLC, 6955 South Union Park Center, Suite 540, Midvale, Utah 84047

Written comments or request for a hearing regarding this application must be submitted within 30 days of the last publication date of this notice, to the Utah Division of Oil, Gas and Mining, Attention Coal Regulatory Program, 1594 West North Temple, Suite 1210, Salt Lake City, Utah 84114-5801.

Published in the Sun Advocate December 19 and 26, 2002 and January 2 and 9, 2003.

# MARSH

# CERTIFICATE OF INSURANCE

CERTIFICATE NUMBER  
CHI-000333513-04

**PRODUCER**  
Marsh USA Inc.  
800 Market Street, Suite 2600  
St. Louis, MO 63101-2500

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER OTHER THAN THOSE PROVIDED IN THE POLICY. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES DESCRIBED HEREIN.

001950-state-GL8-03-04

Y

**INSURED**  
Canyon Fuel Company, LLC  
6955 Union Park Center  
Suite 540  
Midvale, UT 84047

**COMPANIES AFFORDING COVERAGE**

- COMPANY  
**A** FEDERAL INSURANCE CO
- COMPANY  
**B**
- COMPANY  
**C**
- COMPANY  
**D**

**COVERAGES** This certificate supersedes and replaces any previously issued certificate for the policy period noted below. 6  
THIS IS TO CERTIFY THAT POLICIES OF INSURANCE DESCRIBED HEREIN HAVE BEEN ISSUED TO THE INSURED NAMED HEREIN FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THE CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, CONDITIONS AND EXCLUSIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	<b>GENERAL LIABILITY</b>	3711-00-10 ***\$500,000 general aggregate "per location"	07/31/03	07/31/04	GENERAL AGGREGATE \$ * 500,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				PRODUCTS - COMP/OP AGG \$ 500,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				PERSONAL & ADV INJURY \$ 300,000
	OWNER'S & CONTRACTOR'S PROT				EACH OCCURRENCE \$ 300,000
	<input checked="" type="checkbox"/> Includes XCU				FIRE DAMAGE (Any one fire) \$ 50,000
					MED EXP (Any one person) \$ 5,000
					COMBINED SINGLE LIMIT \$
	<b>AUTOMOBILE LIABILITY</b>				BODILY INJURY (Per person) \$
	<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per accident) \$
	<input type="checkbox"/> ALL OWNED AUTOS				PROPERTY DAMAGE \$
	<input type="checkbox"/> SCHEDULED AUTOS				
	<input type="checkbox"/> HIRED AUTOS				
	<input type="checkbox"/> NON-OWNED AUTOS				
	<b>GARAGE LIABILITY</b>				AUTO ONLY - EA ACCIDENT \$
	<input type="checkbox"/> ANY AUTO				OTHER THAN AUTO ONLY:
					EACH ACCIDENT \$
					AGGREGATE \$
	<b>EXCESS LIABILITY</b>				EACH OCCURRENCE \$
	<input type="checkbox"/> UMBRELLA FORM				AGGREGATE \$
	<input type="checkbox"/> OTHER THAN UMBRELLA FORM				\$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>				WC STATUTORY LIMITS OTH-ER
	THE PROPRIETOR/PARTNERS/EXECUTIVE OFFICERS ARE: <input type="checkbox"/> INCL <input type="checkbox"/> EXCL				EL EACH ACCIDENT \$
					EL DISEASE-POLICY LIMIT \$
					EL DISEASE-EACH EMPLOYEE \$
	<b>OTHER</b>				

**DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS**  
Permit Dug Out Canyon Mine ACT/007/039

**CERTIFICATE HOLDER**

Utah Dept. Of Natural Resources  
Division of Oil, Gas and Mining  
1594 W. North Temple  
Suite 1210  
Salt Lake City, UT 84114-5801

**CANCELLATION**

SHOULD ANY OF THE POLICIES DESCRIBED HEREIN BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE INSURER AFFORDING COVERAGE WILL SEND BY MAIL 45 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED HEREIN.

MARSH USA INC.

BY: Alfred A. Peterfeso

MM1(3/02)

*Alfred A. Peterfeso*

VALID AS OF: 07/25/03