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State of Utah

DEPARTMENT OF NATURAL RESOURCES

BRIAN STEED
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

September 26th, 2019

Kirk Tatton, General Manager
Fossil Rock Resources, LLC
9815 South Monroe, Suite 203
Sandy, Utah 84070

Subject: Update Surface Ownership, Canyon Fuel Company, LLC, Inc., Soldier Canyon Mine, C/007/0018, Task ID #5983

Dear Mr. Tatton,

The Division of Oil, Gas and Mining (the Division) has reviewed the revised surface ownership information your staff provided. A deficiency has been identified that must be addressed prior to final approval.

The deficiency's author is identified to facilitate communication should questions arise. The plans as submitted are denied. Please resubmit the entire amendment by October 25th, 2019.

If you have questions, please call me at (801) 538-5350.

Sincerely,

Steve Christensen
Coal Program Manager

SKC



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Technical Analysis and Findings
Utah Coal Regulatory Program

PID: C0070018
TaskID: 5983
Mine Name: SOLDIER CANYON MINE
Title: UPDATE SURFACE OWNERSHIP

General Contents

Identification of Interest

Analysis:

The application meets the State of Utah R645 requirements for Identification of Interest.

Recently a large swath of land adjacent to and including the Soldier Canyon coal mine permit area boundary was sold to Pine Canyon Ranch LLC. Surface Ownership Plate 1.12-1 has been updated to reflect these changes. Section 112.500 and 112.600 have also been updated to reflect the change in surface ownership. Addresses have been updated for the following owners: Pine Canyon Ranch LLC., Iriart Properties LLC., Canyon Fuels Company LLC., Carbon County, David and Mildred Cave, et al., Deloris and Shane Lynn Nelson, Jerry Birch, Verdis and Pauline Barker, and the State of Utah SITLA.

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Right of Entry

Analysis:

The application does not meet the State of Utah R645 requirements for Right of Entry.

According to the Utah Coal Rules, in cases where the private mineral estate has been severed from the surface estate, the Permittee must submit to the State of Utah written documentation from the surface owner that consents to the extraction of coal by certain coal mining and reclamation operations. In short, the surface owner must legally consent to the mining and reclamation activities that the Permittee might perform over the life of the mine.

Deficiencies Details:

The application does not meet the State of Utah R645 requirements for Right of Entry. The following deficiency must be addressed prior to final approval:

R645-301-114.200 thru -114.230: The Permittee must provide a mining consent agreement with Pine Canyon Ranch LLC., the new owners of the surface lands adjacent to and within the permitted area for any projected mining and/or reclamation activities that may affect those lands.

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