

0004



Canyon Fuel Company, LLC

Dugout Canyon Mine

P.O. Box 1029

Wellington, Utah 84542

(435) 637-6360

Fax (435) 636-2897

cc: DD ✓
INCOMING
10070034

FACSIMILE TRANSMITTAL

DATE: 7-19-04 No. of Pages (Including Cover) 4

TO: DANA DEAN

COMPANY: UDOG-M

FROM: Vicky Miller

REMARKS: Public Notice

BANNING LOADOUT

RECEIVED
JUL 19 2004

DIV. OF OIL, GAS & MINING

CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual or entity designated above, is confidential and may contain information that is legally privileged or exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution, copying or use of or reliance upon the information contained in and transmitted with this facsimile transmission by or to anyone other than the recipient designated above by the sender is not authorized and strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone and return it to the sender by U.S. Mail, or destroy it if authorization is granted by the sender. Thank you.

APPLICATION FOR COAL PERMIT PROCESSING

Permit Change New Permit Renewal Exploration Bond Release Transfer

Permittee: Canyon Fuel Company, LLC

Mine: Banning Loadout

Permit Number: C/007/034

Title: Post Mining Land Use Change - Public Notice

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: 0.83 Disturbed Area: 0.41 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 G. Spillman
Print Name

David G. Spillman, Engineering Manager
Sign Name, Position, Date

Subscribed and sworn to before me this 16 day of July, 2004

Vicky Sue Miller
Notary Public

My commission Expires: 1-5, 2008

Attest: State of UTAH) ss:
County of CARBON



For Office Use Only:

Assigned Tracking Number:

Received by Oil, Gas & Mining

LEGAL NOTICE

Canyon Fuel Company, LLC, of Salt Lake City, Utah, has submitted to the Utah Division of Oil, Gas and Mining, a complete application for a Post Mining Land Use Change at the Banning Loadout. The land use change to industrial will cause removal of approximately 0.83 acres from the existing permit area including 0.41 acres of existing disturbed area acreage. The land proposed for removal was purchased for industrial purposes by East Carbonics, Inc., a Utah corporation.

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

Canyon Fuel Company, LLC, operates the Banning Loadout which is currently in temporary cessation. Banning Loadout is located approximately nine (9) miles southeast of Wellington, Utah, within the west half of the southwest quarter of Section 15 and the east half of the southeast quarter of Section 16, Township 15 South, Range 12 East, Salt Lake Base Meridian. The area designated for post mining land use is in the SE1/4SE1/4 of Section 16 on land belonging to East Carbonics, Inc. The currently approved Banning Loadout mining permit number is C/007/034. The permit area is within the Sunnyside Junction, USGS 7.5 minute quadrangle map.

A copy of the permit will be available for inspection at the Utah Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Salt Lake City, Utah or the Price, Utah field office at 455 West Railroad Avenue. Written comments or requests for an informal conference regarding this application must be submitted 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 within 30 days of the last publication date of this notice.