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Canyon Fuel Company, LLC
Soldier Canyon Mine
P.O. Box 1029
Wellington, Utah 84542
(435) 637-6360 Fax: (435) 637-0108

September 28, 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

Heering
C/007/0034 *OK*

RE: Post Mining Land Use Public Notice Affidavit, Canyon Fuel Company, LLC,
Banning Loadout, C/007/034

Dear Ms. Grubaugh-Littig:

Enclosed please find four copies of the Affidavit of Publication for the Banning Post Mining Land Use change.

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: Dave Spillman (enclosures)

RECEIVED

SEP 28 2004

DIV. OF OIL, GAS & MINING

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 Public Notice Affidavit

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)

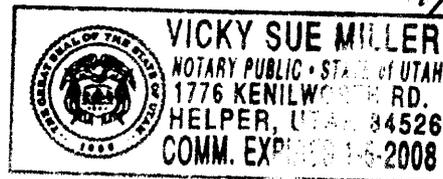
I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations herein.

David Spillman
Print Name

David Spillman, Engineering Manager
Sign Name, Position, Date

Subscribed and sworn to before me this 27 day of September, 2004

Vicky Sue Miller
Notary Public
My commission Expires: 1-5, 2008
Attest: State of UTAH } ss:
County of CARBON



<p>For Office Use Only:</p>	<p>Assigned Tracking Number:</p>	<p>Received by Oil, Gas & Mining</p> <p style="text-align: center; font-size: 1.2em; font-weight: bold;">RECEIVED</p> <p style="text-align: center; font-size: 1.2em; font-weight: bold;">SEP 28 2004</p> <p style="text-align: center;">DIV. OF OIL, GAS & MINING</p>
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Canyon Fuel Company, LLC
Banning Loadout

Mining and Reclamation Plan
September 2004

Add the attached information to the back of :

Appendix 1-2

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 the first publication was on the 31st of August, 2004, and that the last publication of such notice was in the issue of such newspaper dated the 21st day of September, 2004.

Ken G. Larson

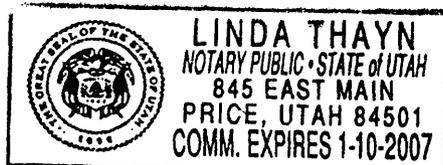
Ken G Larson - Publisher

Subscribed and sworn to before me this 21st day of September, 2004.

Linda Thayne

Notary Public My commission expires January 10, 2007 Residing at Price, Utah

Publication fee, \$ 299.52



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.

Published in the Sun Advocate August 31, September 7, 14 and 21, 2004.