



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

April 7, 2016

Dan Baker, President
Bronco Utah Operations, LLC
P.O. Box 527
Emery, Utah 84522

Subject: Approval of Permit Transfer, Hidden Valley Mine, Bronco Utah Operations, LLC from CONSOL Mining Company, LLC, C/015/0007, Task ID #5057

Dear Mr. Baker:

The permit transfer for the Hidden Valley Mine is approved. Enclosed are two (2) copies of the revised permanent program permit. Please note the special condition attached. Please have both permits signed by the designated authority and return one signed copy to the Division.

Also enclosed is a copy of the fully-signed and executed Reclamation Agreement.

The Division received 2 clean copies of the permit transfer application. A stamped incorporated copy is enclosed for insertion into your MRP.

Good luck in your mining endeavors. If you have any questions, please call Daron Haddock at (801) 538-5325 or myself at (801) 538-5334.

Sincerely,

John R. Baza
Director

JRB/DRH/sqs
Enclosures
O:\015007.HID\PERMIT\2016 Transfer\BazaLetter.doc

**UTAH DIVISION OF OIL, GAS AND MINING
STATE DECISION DOCUMENT
For
PERMIT TRANSFER**

**Bronco Utah Operations, LLC
Hidden Valley Mine
C/015/0007
Emery County, Utah**

April 6, 2016

- * Administrative Overview
- * Permitting Chronology
- * Findings
- * Permit
- * Affidavit of Publication
- * AVS Recommendation

ADMINISTRATIVE OVERVIEW

Bronco Utah Operations, LLC
Hidden Valley Mine
C/015/0007
Emery County, Utah

April 6, 2016

PROPOSAL

The Hidden Valley Permit currently held by CONSOL Mining Company, LLC will be transferred to the Bronco Utah Operations, LLC.

BACKGROUND

The Hidden Valley Mine is located in Emery County about three miles east of Highway 10 in Township 23 South, Range 6 East, SLBM, Sections 17 and 18. This coal mine never operated as a commercial venture. The original reclamation permit was issued January 29, 1987. Reclamation was performed during that year. Phase I bond release was determined effective on June 17, 1988. The current bond liability at the Hidden Valley Mine is \$112,000.

A revised postmining land use was approved April 27, 1991. The first permit renewal was approved on January 30, 1992. The reclamation permit was transferred from Hidden Valley Coal Company to Consolidation Coal Company on November 2, 1995. The permit was successively renewed on January 29, 1997, January 29, 2002, January 29, 2007 and January 29, 2012.

A transfer application was approved on February 21, 2014 assigning the permit to CONSOL Mining Company, LLC.

A transfer application that will assign the permit to Bronco Utah Operations, LLC was received on December 18, 2015 and approved April 6, 2016.

PUBLIC NOTICE

The applicant published notice for the permit transfer on December 29, 2015 in the Emery County Progress. No comments, objections, or requests for informal conference were received by the Division during the 30-day comment period.

AVS CHECK

A review of the AVS system was conducted on April 6, 2016. The system showed that there were no unsettled violations for Bronco Utah Operations, LLC. Bronco Utah Operations, LLC is clear to receive a permit.

RECOMMENDATION

The Division made the decision on April 6, 2016 to approve the permit transfer on the fact that 1) The terms and conditions of the existing permit are being satisfactorily met; 2) The present coal mining and reclamation operations are in compliance with the environmental protection standards of the State Program; 3) The transfer does not substantially jeopardize the operator's continuing ability to comply with the State Program on existing permit areas; and 4) The operator has provided evidence of having liability insurance and a performance bond which will be in effect for the operation and will continue in full force and effect.

PERMITTING CHRONOLOGY

Bronco Utah Operations, LLC
Hidden Valley Mine
C/015/0007
Emery County, Utah

April 6, 2016

December 16, 2015	Bronco Utah Operations, LLC posts reclamation bond with the Division in the amount of \$132,000 and it is accepted by the Division.
December 18, 2015	Bronco Utah Operations, LLC submits the permit transfer application.
December 29, 2015	Bronco Utah Operations, LLC advertises public notice of permit transfer for the Hidden Valley Mine in the Emery County Progress.
January 30, 2016	No comments received.
February 17, 2016	The Division identifies application deficiencies to be addressed by Bronco Utah Operations, LLC.
March 15, 2016	Bronco Utah Operations, LLC addresses deficiencies in permit transfer application.
April 6, 2016	A compliance check through the AVS system is completed showing no unsettled violations for Bronco Utah Operations, LLC.
April 6, 2016	Division approves the transfer of the Hidden Valley Mine permit.

PERMIT TRANSFER FINDINGS

Hidden Valley Mine Permit Transfer
Bronco Utah Operations, LLC
C/015/0007
Emery County, Utah

April 6, 2016

1. The permit transfer application was submitted and contained all of the information required under R645-303-321.
2. The application for transfer was advertised in a newspaper of general circulation. (Published December 29, 2015) (R645-303-322).
3. The applicant is eligible to receive a permit. (See AVS Evaluation dated April 6, 2016.)
4. The public was provided opportunity to provide comment on the transfer application through advertisement in the local newspaper. No comments were received. (R645-303-330).
5. The permittee has provided evidence of maintaining liability insurance (Illinois National Insurance Company #GL9875833) (R645-303-233.140).
6. The operator has posted a reclamation surety in the required amount and has provided evidence that the surety will remain in full effect for the permit period. (Ironshore Indemnity Inc. #SUR60000570 in the amount of \$132,000). (R645-303-342).
7. The operator has submitted all information as required to date, by the Division for this transfer. (R645-303-343).



Permit Supervisor



Associate Director of Mining



Director

NON-FEDERAL

Permit Number
C/015/0007

April 6, 2016

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84114-5801
(801) 538-5340

This permit, C/015/0007, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOGM) to:

Bronco Utah Operations, LLC
P.O. Box 527
Emery, Utah 84522
(801) 286-2301

for the Hidden Valley Mine. A Surety Bond is filed with the Division in the amount of \$132,000, payable to the State of Utah, Division of Oil, Gas and Mining. DOGM must receive a copy of this permit signed and dated by the permittee.

Sec. 1 STATUTES AND REGULATIONS - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act.

Sec. 2 PERMIT AREA - The permittee is authorized to conduct reclamation activities on the following described lands within the permit area at the Hidden Valley Mine, situated in the state of Utah, Emery County, and located:

Township 23 South, Range 6 East, SLBM

Section 17: W1/2

Section 18: All

This legal description is for the permit area of the Hidden Valley Mine. The permittee is authorized to conduct reclamation activities on the foregoing described property subject to the conditions of all applicable conditions, laws and regulations.

Sec. 3 COMPLIANCE - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.

Sec. 4 PERMIT TERM - This permit expires on January 29, 2017.

Sec. 5 ASSIGNMENT OF PERMIT RIGHTS - The permit rights may not be transferred, assigned or sold without the prior written approval of the Director, DOGM. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13{e} and R645-303-300.

Sec. 6 RIGHT OF ENTRY - The permittee shall allow the authorized representative of the DOGM, including but not limited to inspectors, and representatives of the OSMRE, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:

- (a) Have the rights of entry provided for in 30 CFR 840.12, R645-400-110, 30 CFR 842.13 and R645-400-220; and,
- (b) Be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-210 and 30 CFR 842, when the inspection is in response to an alleged violation reported by the private person.

Sec. 7 SCOPE OF OPERATIONS - The permittee shall conduct reclamation activities only on those lands specifically designated as within the permit area on the maps submitted in the approved plan and approved for the term of the permit and which are subject to the performance bond.

Sec. 8 ENVIRONMENTAL IMPACTS - The permittee shall take all possible steps to minimize any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of the permit, including, but not limited to:

- (a) Any accelerated or additional monitoring necessary to determine the nature and extent of noncompliance and the results of the noncompliance;
- (b) Immediate implementation of measures necessary to comply; and
- (c) Warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

Sec. 9 DISPOSAL OF POLLUTANTS - The permittee shall dispose of solids, sludge, filter backwash or pollutants in the court of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program which prevents violation of any applicable state or federal law.

Sec. 10 CONDUCT OF OPERATIONS - The permittee shall conduct its operations:

- (a) In accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and

- (b) Utilizing methods specified as conditions of the permit by DOGM in approving alternative methods of compliance with the performance standards of the Act and the approved Utah State Program.

- Sec. 11** **EXISTING STRUCTURES** - As applicable, the permittee will comply with R645-301 and R645-302 for compliance, modification, or abandonment of existing structures.
- Sec. 12** **RECLAMATION FEE PAYMENTS** - The operator shall pay all reclamation fees required by 30 CFR part 870 for coal produced under the permit, for sale, transfer or use.
- Sec. 13** **AUTHORIZED AGENT** - The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.
- Sec. 14** **COMPLIANCE WITH OTHER LAWS** - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq.) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.
- Sec. 15** **PERMIT RENEWAL** - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act and the approved Utah State Program.
- Sec. 16** **CULTURAL RESOURCES** - If during the course of reclamation operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify DOGM. DOGM, after coordination with OSMRE, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by DOGM within the time frame specified by DOGM.
- Sec. 17** **APPEALS** - The permittee shall have the right to appeal as provided for under R645-300.
- Sec. 18** **SPECIAL CONDITIONS** - There are special conditions associated with this permitting action as described in Attachment A.

The above conditions (Secs. 1-18) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease. The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of DOGM and the permittee at any time to adjust to changed conditions or to correct an oversight. DOGM may amend these conditions at any time without the consent of the permittee in order to make them consistent with any federal or state statutes and any new regulations.

THE STATE OF UTAH

By: John R. Byrnes
Date: 4/7/2016

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

Authorized Representative
Date: _____

ATTACHMENT A

Special Conditions

1. Bronco Utah Operations, LLC must submit water quality data for the Hidden Valley Mine in an electronic format through the Electronic Data Input web site, <http://linux3.ogm.utah.gov/cgi-bin/appx-ogm.cgi>

AFFIDAVIT OF PUBLICATION

STATE OF UTAH)

ss.

County of Emery,)

I, Jenni Fasselin, on oath, say that I am the Publisher of the Emery County Progress, a weekly newspaper of general circulation, published at Castle Dale, State of Utah and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for 1 (One) consecutive issues, and on the Utah legals.com website; the first publication was on the 29th day of December, 2015, and that the last publication of such notice was in the issue of such newspaper dated the 29th day of December, 2015.

Jenni Fasselin

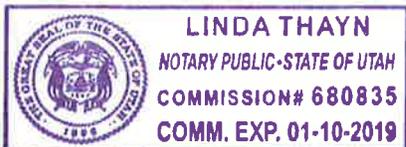
Jenni Fasselin – Publisher

Subscribed and sworn to before me this 29th day of December 2015.

Linda Hayn

Notary Public My commission expires January 10, 2019 Residing at Price, Utah

Publication fee, \$ 114.00

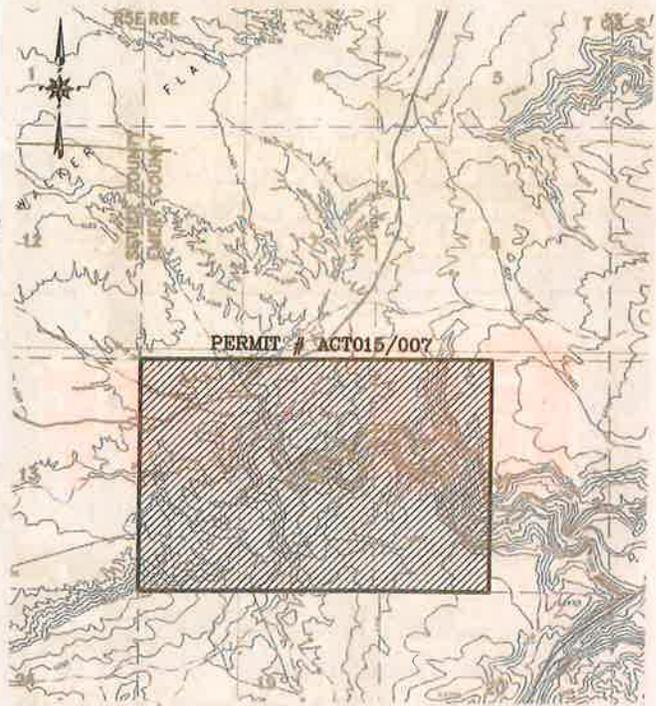


NOTICE

Notice is hereby given that Bronco Utah Operations, LLC (BUOLLC), P.O. Box 527, Emery Utah, 84522 has filed application with the State of Utah, Department of Natural Resources, Division of Oil, Gas and Mining for a permit transfer of Permit No. ACT/015/007 from CONSOL Mining Company LLC (CMCLLC) to Bronco Utah Operations LLC. BUOLLC will operate the Emery Mine under the provisions of the Utah Coal Mining and Reclamation Act and the Utah R645 Coal Mining Rules.

The permit area, as shown on the map below, is located on U.S. Geological Survey 7.5 minute Walker Flat quadrangle map as follows:

Sections 17 and 18, Township 23S, Range 6E, of the Walker Flat Quadrangle;



Consolidation Coal Company
Emery Valley Mine



BASE MAP:
U.S.G.S. 7.5 MINUTE QUADRANGLE'S
WALKER FLAT 1968 PHOTO REVISED 1978

1" = 2000'

SCALE: 1"=2000'
CONTOUR INTERVAL: 40 FEET
DATUM IS MEAN SEA LEVEL

Copies of the application for this permit are available for inspection at:

Emery County Recorder's Office Utah Division of Oil, Gas and Mining
Emery County Courthouse Coal Program
Castle Dale, Utah 84513 1594 West North Temple,
Suite 1210, P.O. Box 145801
Salt Lake City, Utah 84114-5801

Written comments on this application should be submitted to the State of Utah, Division of Oil, gas & Mining at the above address. Such comments should be filed within thirty (30) days from the date of the last publication of this notice.

Published in Emery County Progress December 29, 2015.



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State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

April 6, 2016

TO: Internal File

FROM: Daron R. Haddock, Permit Supervisor 

RE: Compliance Review for Section 510 (c) Findings, Bronco Utah Operations, LLC

As of the writing of this memo, there are no NOVS or COs which are not corrected or in the process of being corrected. There are no finalized Civil Penalties, which are outstanding and overdue in the name of Bronco Utah Operations, LLC. Bronco Utah Operations, LLC does not demonstrate a pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

The recommendation from the Applicant Violator System (AVS) denotes that all connected entities either do not have any civil penalties or are under a settlement agreement (attached).

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Entity Evaluation

Entity Number 256596
 Entity Name Bronco Utah Operations LLC
 Date Of Narrative 4/6/2016 11:45:35 AM
 Requestor suzanne.steab

CAUTION: The Applicant/Violator System (AVS) is an informational database. Permit eligibility determinations are made by the regulatory authority with jurisdiction over the permit application not by the AVS. Results which display outstanding violations may not include critical information about settlements or other conditions that affect permit eligibility. Consult the AVS Office at 800-643-9748 for verification of information prior to making decisions on these results.

18 Violations Found.

1: Bond Forfeiture	<u>2985329</u>	KY	Permit:2985329	Outstanding	5/14/1987
Violator 1:	078176 Adkins & Webb Inc				
2: State Civil Penalty	<u>053004</u>	KY	Permit:2985329	Outstanding	3/27/1986
Violator 1:	078176 Adkins & Webb Inc				
3: Bond Forfeiture	<u>2985332</u>	KY	Permit:2985332	Outstanding	8/19/1988
Violator 1:	108056 J & H Coal Co				
4: State Civil Penalty	<u>053764</u>	KY	Permit:2985332	Outstanding	9/18/1987
Violator 1:	108056 J & H Coal Co				
5: State Civil Penalty	<u>054149</u>	KY	Permit:2985332	Outstanding	3/28/1988
Violator 1:	108056 J & H Coal Co				
6: Bond Forfeiture	<u>4985319</u>	KY	Permit:4985319	Outstanding	1/20/1989
Violator 1:	034732 Price Coal Co				
7: State Civil Penalty	<u>053671</u>	KY	Permit:4985319	Outstanding	5/22/1987
Violator 1:	034732 Price Coal Co				
8: State Civil Penalty	<u>054020</u>	KY	Permit:4985319	Outstanding	4/26/1988
Violator 1:	034732 Price Coal Co				
9: State Civil Penalty	<u>054058</u>	KY	Permit:4985319	Outstanding	11/20/1987
Violator 1:	034732 Price Coal Co				
10: State Civil Penalty	<u>054148</u>	KY	Permit:4985319	Outstanding	3/24/1988
Violator 1:	034732 Price Coal Co				
11: State Civil Penalty	<u>054323</u>	KY	Permit:4985319	Outstanding	6/15/1988
Violator 1:	034732 Price Coal Co				
12: Bond Forfeiture	<u>6985333</u>	KY	Permit:6985333	Outstanding	1/16/1990
Violator 1:	108056 J & H Coal Co				
13: State Civil Penalty	<u>053568</u>	KY	Permit:6985333	Outstanding	6/5/1987
Violator 1:	108056 J & H Coal Co				
14: State Civil Penalty	<u>053757</u>	KY	Permit:6985333	Outstanding	7/6/1987
Violator 1:	108056 J & H Coal Co				
15: State Civil Penalty	<u>053934</u>	KY	Permit:6985333	Outstanding	10/2/1987
Violator 1:	108056 J & H Coal Co				
16: State Civil Penalty	<u>054316</u>	KY	Permit:6985333	Outstanding	3/28/1988
Violator 1:	108056 J & H Coal Co				
17: State Civil Penalty	<u>054442</u>	KY	Permit:6985333	Outstanding	6/15/1988
Violator 1:	108056 J & H Coal Co				
18: State Civil Penalty	<u>504587</u>	KY	Permit:8985157	Outstanding	8/23/1988
Violator 1:	007928 Past Coal Company Incorporated				

Evaluation OFT

Entities: 15

256582 Sandton Fund Advisors, LLC - ()
 ---256583 Rael Nurick - (Manager)
 ---256584 Thomas Wood - (Manager)
 ---256587 Sandton Credit Solutions III GP, LLC - (Subsidiary Company)
 -----256583 Rael Nurick - (Member)
 -----256584 Thomas Wood - (Member)
 -----256585 Sandton Credit Solutions Off-Shore III, LP - (Subsidiary Company)
 -----256583 Rael Nurick - (Member)
 -----256584 Thomas Wood - (Member)
 -----256586 Sandton Credit Solutions Fund III Subsidiary VIII, LLC - (Subsidiary Company)
 -----256583 Rael Nurick - (Member)
 -----256584 Thomas Wood - (Member)
 -----256589 Sandton Credit Solutions Cayman Fund III, LP - (Subsidiary Company)
 -----256583 Rael Nurick - (Member)
 -----256584 Thomas Wood - (Member)
 -----256590 Sandton Credit Solutions Master Fund III, LP - (Subsidiary Company)
 -----256583 Rael Nurick - (Member)
 -----256584 Thomas Wood - (Member)
 -----256591 Sandton Fund III Holdings III, LLC - (Subsidiary Company)
 -----256583 Rael Nurick - (Member)
 -----256584 Thomas Wood - (Member)
 -----256592 Bronco Coal Resources LLC - (Subsidiary Company)
 -----118472 Dan R Baker - (Chief Executive Officer)
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Narrative

4/6/2016 - Violations 1-18 are under Island Creek settlement. Linking entity is Dan R Baker. DB