

C/015/009 Incoming
cc: Lisa
#5246

Fossil Rock Mine

July 19, 2016

Permit Supervisor, Utah Coal Regulatory Program
Utah Division of Oil, Gas and Mining
1594 West North Temple, Suite 121
PO Box 145801
Salt Lake City, UT 84114-5801

Re: Disturbed Area Boundary Change, Fossil Rock Resources, LLC, Permit Number C/015/0009

Dear Sirs:

Please find enclosed with this letter an amendment to the Fossil Rock Permit to address a change to the disturbed area boundary. Approximately 2.86 acres have been added along the eastern edge of the current disturbed area.

If you have questions or need addition information please contact Vicky Miller at (435)286-4481.

CANYON FUEL COMPANY, Fossil Rock Mine

Vicky S Miller
for

Rick Parkins
General Manager

RECEIVED
JUL 27 2016

DIV. OF OIL, GAS & MINING
DIV. OF OIL, GAS & MINING

Encl.

cc: DOGM Correspondence File

APPLICATION FOR COAL PERMIT PROCESSING

Permit Change New Permit Renewal Exploration Bond Release Transfer

Permittee: Canyon Fuel Company, LLC

Mine: Fossil Rock Resources, LLC

Permit Number: C/015/0009

Title: Disturbed Area Boundary Change

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: 2.86 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.

KENNETH E. MAY
Print Name

[Signature] 7/19/16
Sign Name, Position, Date

Subscribed and sworn to before me this 19 day of July, 2016

[Signature]
Notary Public
My commission Expires: _____, 20____ }
Attest: State of _____ } ss:
County of _____



<p>For Office Use Only:</p>	<p>Assigned Tracking Number:</p>	<p>Received by Oil, Gas & Mining <i>RECEIVED</i> JUL 27 2016 DIV. OF OIL, GAS & MINING</p>
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Fossil Rock Resource, LLC

Fossil Rock Mine

**CHAPTER 2
LEGAL AND FINANCIAL**

**FOSSIL ROCK MINE
LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION**

This application for a mining and/or reclamation permit is submitted to the State of Utah, Department of Natural Resources, Division of Oil, Gas and Mining, in accordance with the Utah Coal Mining and Reclamation Act, Title 40, Chapter 10, U.C.A., 1953 (as amended); the applicable rules and regulations adopted thereunder; the Surface Mining Control & Reclamation Act of 1977, and applicable regulations adopted thereunder (30 CFR 770, et seq.), the Cooperative Agreement between the State of Utah and the United States Secretary of Interior, and other applicable laws and regulations.

R645-301-100 GENERAL CONTENTS

Additional Legal and Financial Information pertaining to the Fossil Rock Mine is located in the Supplemental Volume entitled: GENERAL CHAPTER 1

Business Entity: Fossil Rock Resources, LLC is a Limited Liability Company organized under the laws of Delaware on August 29, 2014 and is owned 100% by Canyon Fuel Company, LLC. Canyon Fuel Company LLC a Limited Liability Company organized under the laws of Delaware in December 1996 which in turn is owned 100% by Bowie Resource Partners, LLC a Delaware Limited Liability Company. Refer to General Chapter 1 for addition organizational structure.

Applicant: Operations, Administration, Permit Revisions and Amendments
Fossil Rock Resources, LLC
225 North 5th Street, 9th Floor
Grand Junction, CO 81501
Telephone: (970)263-5130

Operator: Fossil Rock Resources, LLC (See information above)

Resident Agent: CSC Lawyers Incorporating Service Company
421 West Main
Frankfort, KY 40601
(800) 927-9800

Fossil Rock Resources, LLC

Fossil Rock Mine

Contact Person: Eugene E. DiClaudio
Canyon Fuel Company, LLC
225 North 5th Street, 9th Floor
Grand Junction, CO 81501
Telephone: (970) 263-5130

Person Who Will Pay Abandoned Mine Reclamation Fees:

Eugene E. DiClaudio
Canyon Fuel Company, LLC
225 North 5th Street, 9th Floor
Grand Junction, CO 81501
Telephone: (970) 263-5130

Employer ID#: 47-1742876

Right of Entry Information

See information below regarding surface and subsurface ownership and right of entry to underground coal mining operations. For surface and coal ownership, see Plate 4-1.

		Right of Entry Acres	Permit Acres
Fossil Rock	Federal Coal Leases		
	UTU-64375	260	260
	UTU-49332	380	380
	UTU-82996	80	80
	UTU-65027	25.87	25.85
	Private Coal Leases		
	Fee	56.36	56.36
	Total	802.23	802.21

Surface Right of Entry Information: The disturbed area at the Fossil Rock Mine is owned by Fossil Rock Resources, LLC. The disturbed area at the waste rock site is leased under Federal Lease UTU-65027.

Disturbed Area Acreage: In 2016 approximately 2.86 acres was added to the disturbed area acreage of 10.39, increasing the acreage to 13.25 acres. The additional acreage includes lands between the center line of Cottonwood Creek to the western edge of the county road and from the northern to the southern end of the disturbed area. Also see Section 3.2.11 in Chapter 3.

Mine Site Permit Area Legal Description – (776.36 Acres more or less)

Township 17 South, Range 6 East, SLM

Section 25: S1/2 NW1/4, SW1/4, Portions of the SW1/4 NE1/4, Portions of the NW1/4SE1/4, and Portions of the SW1/4SE1/4: (280 Acres)

Section 26: S1/2 SW1/4, SE1/4 NE1/4, E ½ SW1/4 NE ¼, E1/2 SE1/4, E1/2 SW1/4 NE 1/4, SW1/4 SE1/4: (280 Acres)

Section 27: S1/2 S1/2 (160 Acres)

Waste Rock Site Permit Area Legal Description – (25.85 Acres more or less)

Township 17 South, Range 7 East, SLM

Section 34: Beginning at point N82° 39'28"W, 809.58 feet from the east 1/4 corner of Sec. 34; thence, S 74° 09' 46" W, 246.23 feet; thence, S 27° 14' 28" W, 647.59 feet; thence, S 46° 59' 05" W, 165.64 feet; thence, S 76° 41' 51" W, 264.72 feet; thence, N 72° 09' 12" W, 670.20 feet; thence, S 06° 10' 47" W, 105.57 feet; thence, S 23° 08' 12" W, 35.27 feet; thence, S 36° 59' 41" W, 71.59 feet; thence, S 40° 44' 45" W, 114.04 feet; thence, S 23° 37' 34" W, 93.77 feet; thence, S 60° 40' 32" W, 113.86 feet; thence, S 05° 17' 52" E, 108.19 feet; thence, S 23° 20' 37" E, 105.29 feet; thence, S 24° 38' 51" W, 61.70 feet; thence, S 31° 19' 19" E, 129.90 feet; thence, S 29° 19' 58" E, 80.45 feet; thence, S 24° 11' 44" E, 104.97 feet; thence, S 47° 47' 54" E, 168.95 feet; thence, S 40° 17' 54" E, 87.31 feet; thence, S 17° 50' 49" W, 43.32 feet; thence, S 72° 11' 49" E, 213.13 feet; thence, S 78° 08' 28" E, 287.64 feet; thence, N 11° 43' 23" E, 86.24 feet; thence, N 73° 40' 14" E, 120.87 feet; thence, N 17° 04' 33" E, 74.31 feet; thence, N 14° 20' 36" W, 65.70 feet; thence, N 17° 05' 06" E, 75.21 feet; thence, N 09° 13' 24" W, 65.92 feet; thence, N

Surface Right of Entry Information: The disturbed area at the Fossil Rock Mine is owned by Fossil Rock Resources, LLC. The disturbed area at the waste rock site is leased under Federal Lease UTU-65027.

Disturbed Area Acreage: In 2016 approximately 2.86 acres was added to the disturbed area acreage of 10.39 at the mine site, increasing the acreage to 13.25 acres. The additional acreage includes lands between the center line of Cottonwood Creek to the western edge of the county road and from the northern to the southern end of the disturbed area. The disturbed area acreage was 27.83, which includes the mine site and waste rock site, with the addition of 2.86 acres the disturbed area acreage is now 30.69 acres. Also see Section 3.2.11 in Chapter 3.

Mine Site Permit Area Legal Description – (776.36 Acres more or less)

Township 17 South, Range 6 East, SLM

Section 25: S1/2 NW1/4, SW1/4, Portions of the SW1/4 NE1/4, Portions of the NW1/4SE1/4, and Portions of the SW1/4SE1/4: (280 Acres)

Section 26: S1/2 SW1/4, SE1/4 NE1/4, E ½ SW1/4 NE ¼, E1/2 SE1/4, E1/2 SW1/4 NE 1/4, SW1/4 SE1/4: (280 Acres)

Section 27: S1/2 S1/2 (160 Acres)

Waste Rock Site Permit Area Legal Description – (25.85 Acres more or less)

Township 17 South, Range 7 East, SLM

Section 34: Beginning at point N82° 39'28"W, 809.58 feet from the east 1/4 corner of Sec. 34; thence, S 74° 09' 46" W, 246.23 feet; thence, S 27° 14' 28" W, 647.59 feet; thence, S 46° 59' 05" W, 165.64 feet; thence, S 76° 41' 51" W, 264.72 feet; thence, N 72° 09' 12" W, 670.20 feet; thence, S 06° 10' 47" W, 105.57 feet; thence, S 23° 08' 12" W, 35.27 feet; thence, S 36° 59' 41" W, 71.59 feet; thence, S 40° 44' 45" W, 114.04 feet; thence, S 23° 37' 34" W, 93.77 feet; thence, S 60° 40' 32" W, 113.86 feet; thence, S 05° 17' 52" E, 108.19 feet; thence, S 23° 20' 37" E, 105.29 feet; thence, S 24° 38' 51" W, 61.70 feet; thence, S 31° 19' 19" E, 129.90 feet; thence, S 29° 19' 58" E, 80.45 feet; thence, S 24° 11' 44" E, 104.97 feet; thence, S 47° 47' 54" E, 168.95 feet; thence, S 40° 17' 54" E, 87.31 feet; thence, S 17° 50' 49" W, 43.32 feet; thence, S 72° 11' 49" E, 213.13 feet; thence, S 78° 08' 28" E, 287.64 feet; thence, N 11° 43' 23" E, 86.24 feet; thence, N 73° 40' 14" E, 120.87 feet; thence, N 17° 04' 33" E, 74.31 feet; thence, N 14° 20' 36"

W, 65.70 feet; thence, N 17° 05' 06" E, 75.21 feet; thence, N 09° 13' 24" W, 65.92 feet; thence, N 12° 54' 35" W, 99.73 feet; thence, N 02° 44' 30" W, 82.47 feet; thence, N 08° 32' 17" W, 85.51 feet; thence, N 01° 39' 36" W, 104.82 feet; thence, N 17° 50' 48" E, 218.03 feet; thence, N 76° 41' 51" E, 353.88 feet; thence, N 27° 14' 28" E, 629.52 feet; thence, N 50° 42' 06" E, 123.74 feet; thence, N 74° 09' 48" E, 113.70 feet; thence, N 15° 50' 13" W, 150.00 feet; to the point of beginning. Said parcel contains 25.85 acres more or less.

Reclamation

Reclamation is discussed in Chapter 3, Section 3.5.

APPENDIX 2

Ent 410237 Page 1 of 3
Date: 05-Jun-2015 02:18PM
Fee: \$14.00
Filed By: CJ
Connie Jensen, Recorder
EMERY COUNTY CORPORATION
For: FIRST AMERICAN TITLE INSURANCE

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Stoel Rives, LLP
Attn: Richard R. Hall
201 S. Main St., Suite 1100
Salt Lake City, Utah 84111

(Space Above For Recorder's Use)

FIRST AMERICAN TITLE
689406 CP

GRANT of TEMPORARY EASEMENT

Tax Parcel No. L3-0011-0003

PACIFICORP, an Oregon corporation, having a mailing address of 1407 West North Temple, Suite 310, Salt Lake City, Utah 84116, as "**Grantor**", for good and valuable consideration, receipt and sufficiency of which is hereby acknowledged hereby GRANTS, BARGAINS, SELLS, and CONVEYS to FOSSIL ROCK RESOURCES, LLC, a Delaware limited liability company, having a mailing address of 6100 Dutchmans Lane, 9th Floor, Louisville, Kentucky 40205, as "**Grantee**," a non-exclusive temporary easement and right of way for vehicular and pedestrian ingress and egress (the "**Temporary Easement**") over and across that certain parcel of real property owned by Grantor located in Emery County, State of Utah, together with any and all interests, rights and appurtenances thereto, as well as access to and the right to utilize any and all improvements thereon, as more particularly described in Exhibit A attached hereto (described hereinafter as the "**Real Property**").

TO HAVE AND TO HOLD the Temporary Easement unto Grantee and its successors and assigns, until such time as Grantor amends its mine permit from the Utah Board of Oil, Gas and Mining for the Cottonwood Wilberg Mine (the "**Mine Permit**") and removes the Real Property from the Mine Permit.

Grantor covenants that as soon as practicable after amendment of the Mine Permit, Grantor will convey fee title for the Real Property to Grantee by Special Warranty Deed, and this Temporary Easement shall terminate.

IN WITNESS WHEREOF, Grantor has executed this Grant of Temporary Easement as of this 5th day of June, 2015.

PACIFICORP,
an Oregon corporation

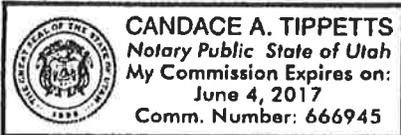


Cindy A. Crane
President/CEO - PacifiCorp dba Rocky Mountain Power

STATE OF UTAH)
 :SS
COUNTY OF SALT LAKE)

The forgoing instrument was acknowledged before me this 5th day of June, 2015, CINDY A. CRANE, the President/CEO of the PacifiCorp dba Rocky Mountain Power, an Oregon corporation.

Witness my hand and official seal.



Candace A. Tippetts

Notary Public

My Commission expires: 6/4/2017

Residing at: Mesa, UT

Exhibit A

Parcel East of Cottonwood Creek and West of Cottonwood Canyon Road

Legal Description

That certain parcel of land located in Emery County, State of Utah, as more particularly described as follows:

Beginning at a point which is West, 116 Rods, more or less from the Northeast corner of the Southeast quarter of the Northeast quarter of Section 25, Township 17 South, Range 6 East, SLB&M (S 89°46'01" W, 1898.88 feet along 40 acre line by survey), said point being at the center of Cottonwood creek and running thence in a Southerly direction along center of said Creek to a point 84 Rods more or less, West of the Southeast corner of the Northeast quarter of the Southeast quarter of said Section 25 (S 89°20'20" W, 1482.82 feet along 40 acre line by survey); thence N 89°20'20" E, 68.64 feet to the centerline of Cottonwood Canyon Road; thence N 18°32'22" W, 211.65 feet along centerline of said road; thence N 18°00'23" W, 236.55 feet along centerline of said road; thence N 13°36'45" W, 219.23 feet along centerline of said road; thence N 10°17'37" W, 104.54 feet along centerline of said road; thence N 08°20'49" W, 350.40 feet along centerline of said road; thence N 10°33'11" W, 476.22 feet along centerline of said road; thence N 24°01'08" W, 163.55 feet along centerline of said road; thence N 20°01'04" W, 87.46 feet along centerline of said road; thence N 10°00'01" W, 150.85 feet along centerline of said road; thence N 02°27'38" W, 152.52 feet along centerline of said road; thence N 01°54'03" E, 211.25 feet along centerline of said road; thence N 00°12'51" W, 242.02 feet along centerline of said road; thence N 10°41'22" E, 106.12 feet along centerline of said road to the north line of the South half of the Northeast quarter of said Section 25; thence S 89°46'01" W, 48.79 feet along 40 acre line to the point of beginning.

Containing 2.86 acres more or less.

To Pacificorp Forest Resources, L.L.C. and First American Title Insurance Company

This is to certify that this map or plan and the survey on which it is based were made in accordance with the 2011 Minimum Standards Detail Requirements for ALTA/ACSM Land Title Surveys jointly established and adopted by ALTA and NPSI, and adhere to the rules of Title A thereof. The field work was completed on May 14, 2015.

Date of Plot or Map: May 15, 2015

Lee M. Swasey
Professional Land Surveyor



LOCATION OF SURVEY

Located within the Northwest quarter of the Southeast quarter and the Southwest quarter of the Northeast quarter of Section 25, Township 17 South Range 8 East, Salt Lake Base and Meridian.

SCHEDULE A AMENDMENT NO. 3 PROPERTY DESCRIPTION

Beginning at the Southwest corner of the Northwest quarter of the Southeast quarter of Section 25, Township 17 South, Range 8 East, S.L.B.M. thence North 150.000 feet, thence East 64.000 feet, more or less, to the center line of Cottonwood Creek, thence in a Southerly direction along the center line of said Cottonwood Creek to a point 75.000 feet, more or less, East of beginning, thence West, 75.000 feet, more or less to the point of beginning. Containing 54.29 acres more or less.

BASIS OF BEARING

For bearings shown as measured the basis of bearing is N 89° 46' 01" E along the North line of the South half of the Northeast quarter of Section 25, T 17 S R 8 E, S.L.B.M.

PURPOSE OF SURVEY

Surveyed at the request of Pacificorp to perform an ALTA/ACSM Land Title Survey. The survey was based on a Commitment by Title Insurance issued by First American Title Insurance Company National Commercial Services, Order number NCS-08440-SL-C1, Effective date May 5, 2015.

NARRATIVE

The survey was based on found Section Corner monuments. The Section was established in accordance with the BLM Manual of Instructions.

MONUMENTS FOUND

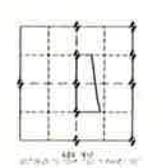
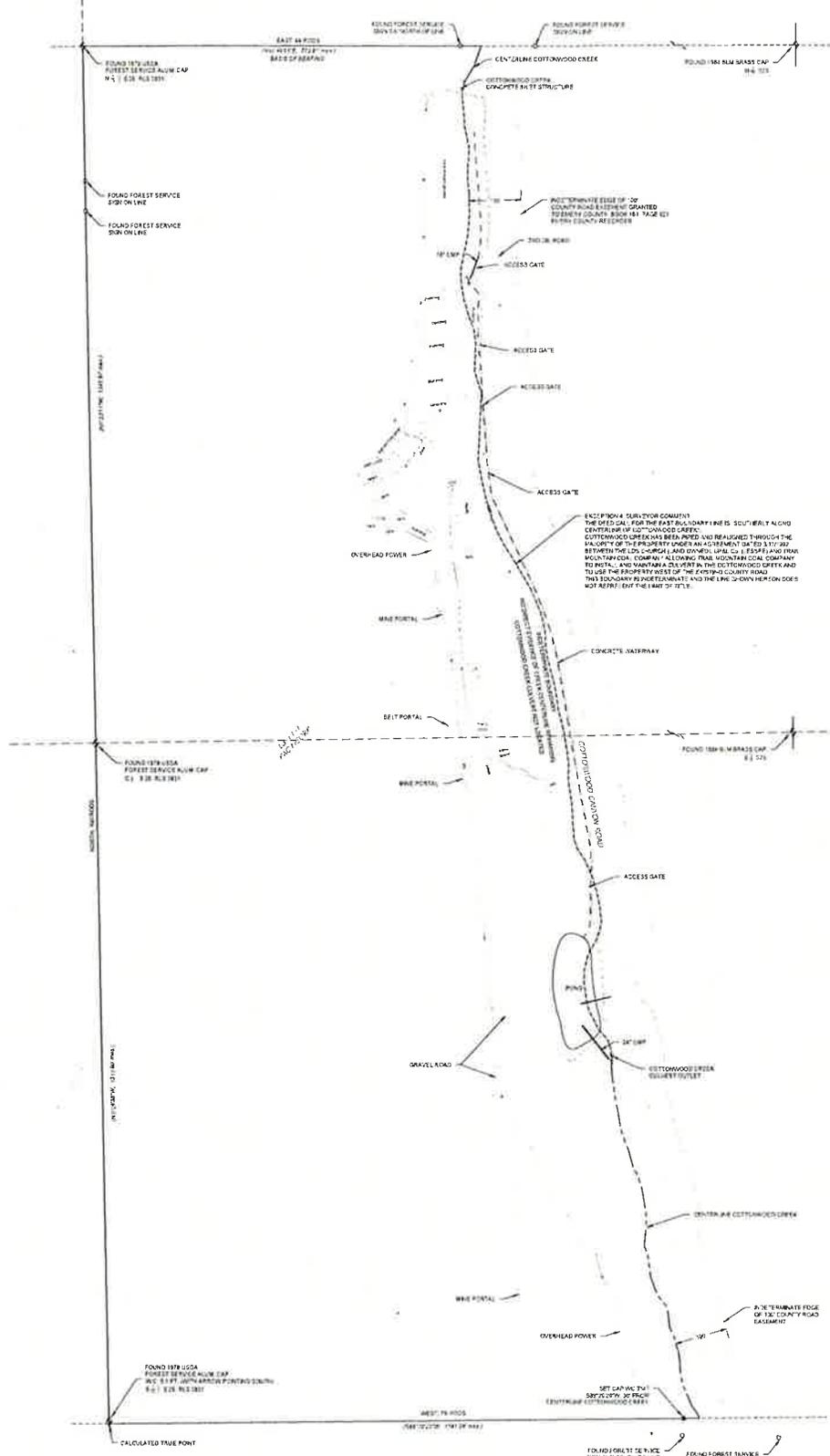
◆ Section Corner monument found

MONUMENT SET

● Dismantle a 1/2" iron nail with a 1" aluminum cap set on top marked LMS-JST-ENG 15 10324 and additionally stamped as shown on drawing.

SCHEDULE B - SECTION 2 EXCEPTIONS AMENDMENT NO. 2

- Exception 1: Not applicable to survey.
- Exception 2: Any liens, rights, interest or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession of the said land.
- Surveyor Comment: No rights, interests or claims were apparent at the time of the survey.
- Exception 3: Easements, claims of easements or encumbrances which are not shown by the public records.
- Surveyor Comment: No easements, claims of easements or encumbrances were apparent at the time of this survey.
- Exception 4: Discrepancies, conflicts in boundary lines, shortage areas, encroachments and any other facts which a competent surveyor would disclose, and which are not shown by the public records.
- Surveyor Comment: See Exception 4 Surveyor comment on plat. Each area could not be determined because of indeterminate boundary along the East side of property. Unless shown hereon no encroachments were apparent at the time of this survey.
- Exception 5: 6, 7, 8, 9, 10, 11: Not applicable to survey.
- Exception 12: Any rights associated with the County Road or Cottonwood Canyon Road as indicated on an aerial of said land and in the Acknowledgment of Right of Way by the USA, as recorded on May 7, 2008 as entry No. 300502.
- Surveyor Comment: Document does not apply to private property.
- Exception 14: Not applicable to survey.



**CHAPTER 3
ENGINEERING**

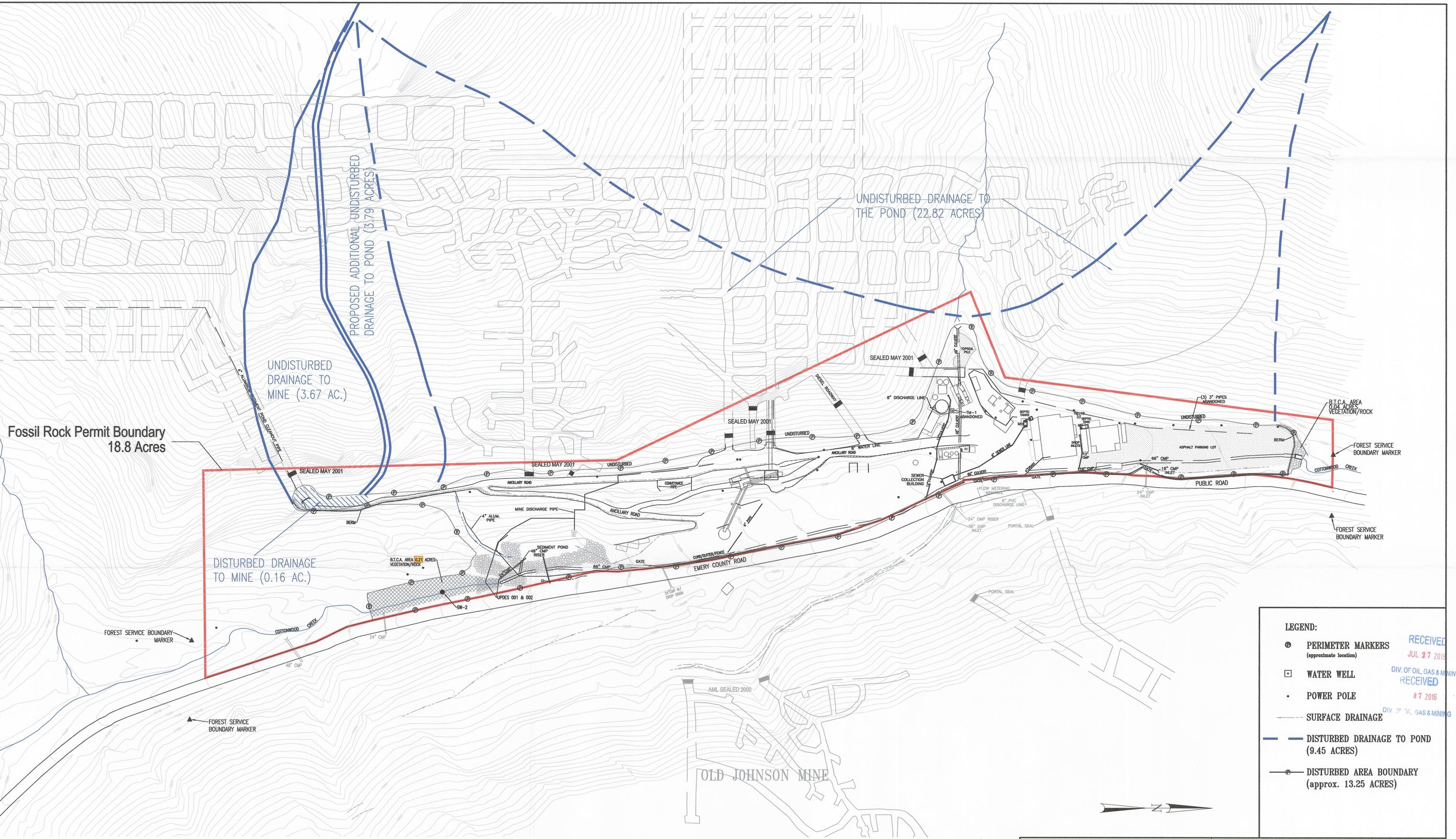
- (1) This is a pre-law operation, and has always been located adjacent to the public road which provides access to the public and private lands in and beyond Cottonwood Canyon;
- (2) The road has been upgraded and paved through cooperation of the Mine, Emery County Road Department, and the US Forest Service;
- (3) Necessary approvals for the road have been obtained from the authorities with jurisdiction over the public road through the cooperative effort of upgrading and paving of the road to the mine site. Necessary encroachment permits have been obtained from Emery County for accesses to and from the public road.
- (4) Required public notices concerning the operation have been posted in local newspapers for Permit Approvals, Permit Renewals and Permit Transfers.

3.2.11 Total Area for Surface Disturbance During the Permit Term

The total area of present surface disturbance at the Mine plan area, including all compliance activities (sediment pond, upper and lower culvert installation, borrow area, portal areas, and surface pad extension), is ~~40.39~~ 13.25 acres (see Plate ~~7-5 3-4~~ in Volume 3). Other disturbed areas include the waste rock site area which covers 15.85 acres of disturbance (refer to Plate 4-1) in Volume 4

3.2.12 Detailed Construction Schedule

Construction of basic facilities was completed prior to the 1977 Act. Sediment controls, including the sediment pond, curb/gutter and bypass culverts were completed in late 1987. Minor system enhancements were completed from 1987 through the fall of 1990. Construction details and schedules for these projects are found in Appendices 7-13, 3-7, 3-8, 3-9 and 3-10 respectively.



LEGEND:

- ⊙ PERIMETER MARKERS (approximate location)
- ☐ WATER WELL
- POWER POLE
- SURFACE DRAINAGE
- DISTURBED DRAINAGE TO POND (9.45 ACRES)
- DISTURBED AREA BOUNDARY (approx. 13.25 ACRES)

RECEIVED
JUL 27 2016
DIV. OF OIL, GAS & MINING
RECEIVED
8 7 2016
DIV. OF OIL, GAS & MINING

REVISIONS				
NO.	DATE	REQ. BY	DWG. BY	REMARKS
1	7/3/2002	K.J.L.	K.J.L.	ADDED 8" DISCHARGE LINE AT WATER TANK
2	8/26/2002	K.J.L.	K.J.L.	REVISED B.T.C.A. AREAS & REMOVED SILT FENCE
3	4/21/2009	K.J.L.	K.J.L.	ADDED LOADING/UNLOADING AREA
4	3/8/2016	V.M.	J.K.M.	UPDATED TO FOSSIL ROCK TITLEBLOCK
5	7/19/2016	V.M.	J.G.C.	ADDED DISTURBED AREA BOUNDARY ACRAGE

Fossil Rock Resources, LLC
Fossil Rock Mine
597 South SR 24 - Salina, UT 84654
(435) 286-4880 Phone
(435) 286-4499 Fax

DRAINAGE CONTROLS

TMS1371D

PEN TBL: -1Stndr-SUFENP1.ctb
SHT SET: ###

SCALE: 1" = 100'
DATE: 7/20/2016
DRAWN BY: J.K.M.
ENGINEER: A.E.
CHECKED BY: V.M.

PROJECT NUMBER: ###
FILE NAME: H:\DRAWINGS\Trail Mountain\Fossil Rock Permit Drawings\PLATE 7-5 temp.dwg

SHEET NO. 7-5
PLATE 7-5

Source: D:\challenges\7/20/2016 12:56 PM