GARY R. HERBERT
Governor
GREG BELL
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

Technical Analysis and Findings

Utah Coal Regulatory Program

PID: C0150009
TaskID: 5161
Mine Name: FOSSIL ROCK MINE
Title: REVISED LEGAL DESCRIPTION

General Contents

Violation Information

Deficiencies Details:

The amendment does not meet the State of Utah R645-301-113 requirements for Violation Information.

The following deficiency must be addressed prior to final approval:

R645-301-113: The Permittee must update General Chapter 1, Table 1-2 to include recent violations of record.

lreinhart

Right of Entry

Deficiencies Details:

The amendment does not meet the State of Utah R645-301-114 for Right of Entry Information.

The following deficiency must be addressed prior to final approval:

R645-301-114: The Permittee must identify the lease documents by type and date of execution, identify the specific lands to which the document pertains, and explain the legal rights claimed by the applicant. On fee land recently acquired, a copy of the conveyance must be provided. Appendix 4-2 does provide copies of leases but these are out of date and not issued to the Permittee.

For clarity pursuant to R645-301-121.200, it is acceptable to modify this Mine Site Permit Area Legal Description to the following: S1/2NW1/4, SWÂ¼, SW1/4NE1/4: that part west of the County Road, NW1/2SE1/4: that part west of the County Road.

lreinhart

Permit Term

Deficiencies Details:

The amendment does not meet the State of Utah R645-301-116 requirements for the Permit Term.

The following deficiency must be addressed prior to final approval:

R645-301-116: The Permittee must state the anticipated or actual starting and termination date of each phase of the coal mining and reclamation operation and the anticipated number of acres of land to be affected during each phase of mining over the life of the mine.
116.200. If the applicant requires an initial permit term in excess of five years in order to obtain necessary financing for equipment and the opening of the operation, the application will: 116.210. Be complete and accurate covering the specified longer term; and 116.220. Show that the proposed longer term is reasonably needed to allow the applicant to obtain financing for equipment and for the opening of the operation with the need confirmed, in writing, by the applicant's proposed source of financing.

lreinhart

Maps and Plans

Deficiencies Details:

The amendment does not meet the State of Utah R645-301-140 requirements for providing correct maps of the permit area.

The following deficiency must be addressed prior to final approval:

R645-301-140: The Permittee must update all maps with the permit boundary to reflect the new boundary (remove relinquished leases from boundary).

lreinhart

Environmental Resource Information

Permit Area

Deficiencies Details:

R645-301-521: The Permittee will amend all references in disturbance acres to the correct acreage to include the new area between the road and river.

cparker

Operation Plan

Mining Operations and Facilities

Deficiencies Details:

R645-301-121.200, R645-301-523, R645-301-526: The Permittee will retain the first two sentences of Section 3.2.1 that were removed in the revision. The Permittee will retain the topic sentence of the first paragraph in Chapter 3 Section 3.3.4.2 for clarity. The Permittee will supply references to justify changes made to quantities in Table 3-1. Text in Section 3.2.10 will be retained to clearly show access to the facilities area.

R645-301-527.121: The Permittee shall amend the narrative in Chapter 3, Section 3.2.10 to detail the one primary hauls road already shown on Plate 3-1A and descriptive design narrative.

R645-301-527.200: The Permittee shall amend the Narrative in Chapter 3 Section 3.2.10 to detail the number of additional ancillary roads utilized at the site. The narrative should include a description and map showing approximate cross sections and detailing specifications.

cparker

Coal Recovery

Deficiencies Details:

R645-301-121.200, R645-301-522:The Permittee must add a reference to justify the original 1,026,564 tons of recoverable coal are no longer recoverable.

R645-301-523: The Permittee must add narrative to Section 3.3.6 describing mining operations if all the presented information is only historic in nature.

cparker

Vegetation

Deficiencies Details:

The amendment does not meet the State of Utah R645-301-331 requirements for vegetation. The following deficiency must be addressed prior to final approval:

R645-301-331: The Permittee must provide a reasonable explanation for the removal of commitments to seed before the next growing season and apply treatments of fertilizer and additional seedings until it is determined stable for bond release and the commitment to remove the stream diversion culvert and restore the channel was also removed.

lreinhart

Road Systems Classification

Deficiencies Details:

R645-301-527: The Permittee will amend the narrative in Section 3.2.10 to meet R645-301-527 requirements.

cparker

Road System Plans and Drawings

Deficiencies Details:

R645-301-527: The Permittee will amend the narrative in Section 3.2.10 to meet R645-301-527 requirements.

cparker

Road System Performance Standards

Deficiencies Details:

R645-301-534.150: The Permittee will amend the narrative in Section 3.2.10 to address R645-301-534.150.

cparker

Road System Certification

Deficiencies Details:

R645-301-527: The Permittee will amend the narrative in Section 3.2.10 to meet R645-301-527 requirements.

cparker

Support Facilites and Utility Installations

Deficiencies Details:

R645-301-521.180,-526.110,-830.140: The Permittee shall amend the text in Chapter 3 Section 3.2.7 to clarify if the said four inch pipe was removed, properly sealed and reclaimed, or remains and needs to be reclaimed at final reclamation. The Permittee will clarify text edits to Section 3.3.5.2 to state the number of gates and fence heights. The current text is to vague for the Division to understand what is being approved.

R645-301-121.200,R645-301-530, R645-301-830.140: The Permittee must provide clear engineered designs and details on Page 44 of Chapter 7.

cparker

Explosives General

Deficiencies Details:

R6945-301-121.200, R645-301-524: The Permittee will clarify the first paragraph of Section 33.5.4 by either adding the historic denotation before the paragraph and add a narrative clarifying at the end of the paragraph that said storage was removed from the site and presumably no explosives will be stored at the site.

cparker

Maps Affected Area

Deficiencies Details:

R645-301-521.100: The Permittee will amend narrative in Section 3.3.7 to state the number of acres covered in the Mine plane shown on Plate 3-2.

cparker

Reclamation Plan

Hydrological Information Reclamation Plan

Deficiencies Details:

R645-301-742: The amendment does not meet the State of Utah R645 requirements for Sediment Control Measures. The following deficiency must be addressed prior to final approval:

The amendment provides a narrative for the three culverts passing under the county road and draining into the reclaimed channel. The amendment must provide calculations and designs to support this narrative. These design criteria must show the outlets of the culverts will be stable and will prevent additional contributions of sediment to stream flow.

kstorrar

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

May 13, 2016

Richard S. Parkins, General Manager
Fossil Rock Resources, LLC
225 North 5th Street, Suite 900
Grand Junction, Colorado 81501

Subject: Revised Legal Description, Fossil Rock Resources, LLC, Fossil Rock Mine, C/015/0009, Task ID #5161

Dear Mr. Parkins:

The Division has reviewed your application. The Division has identified deficiencies that must be addressed before final approval can be granted. The deficiencies are listed as an attachment to this letter.

The deficiencies authors are identified so that your staff can communicate directly with that individual should questions arise. The plans as submitted are denied. Please resubmit the entire application.

If you have any questions, please call me at (801) 538-5325.

Sincerely,

Daron R. Haddock
Coal Program Manager

DRH/sqs
O:\015009.FR\WG5161 REVISED LEGAL DESCRIPTION\Deficiencies.doc