



Canyon Fuel Company, LLC  
SUFCO Mine  
397 South 800 West  
Salina, UT 84654  
(435) 286-4880 Fax: (435) 286-4499

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SEP 26 2003

DIV. OF OIL, GAS &amp; MINING

September 22, 2003

Permit Supervisor  
Utah Coal Regulatory Program  
Utah Division of Oil, Gas and Mining  
1594 West North Temple, Suite 1210  
P. O. Box 145801  
Salt Lake City, Utah 84114-5801

Re: Fourth Submittal - Mine Plan Update M&RP Permit Amendment, Canyon Fuel Company, LLC, SUFCO Mine C/041/002

Dear Permit Supervisor:

In response to the Divisions Deficiency letter dated September 18, 2003 and the request for more information on the monitoring and mitigation plan for the Mining under 3LPE and 4LPE in the East Fork of Box Canyon. The enclosed eight copies of materials are being submitted to update the Mine Plan Update M&RP Permit Amendment originally submitted on July 30, 2003. Attached are DOGM forms C-1 and C-2 and appropriate pages.

These new additions or replacement pages and Plates 5-10A and 5-10B have been revised to address the deficiencies in the Division letter dated September 18, 2003 received on September 22, 2003, and need to be included in the original submittal binder submitted on July 30, 2003.

The deficiencies and responses to the Mine Plan Update MRP Permit Amendment are:

1. **R645-301-121.200**
  - ◆ (1) The Permittee must agree to contact the lead agency, DOGM, if mitigation for East Fork is necessary during this critical time. The Permittee must clearly reflect DOGM as the lead agency in the MRP for this matter. (2) The Permittee must correct comments in the MRP that reference the peregrine falcon as a TE species.

**Response:**

*Item #1 was addressed by modifying the permit in Section 3.2.2.2 to indicate DOGM would be contacted if mitigation was required during critical elk and deer seasons. Item #2 was also addressed in Chapter 3 through updating the lists of Threaten and Endangered Species and Sensitive Species.*

2. **R645-301-321.100**

- ◆ The current MRP does not contain quantitative vegetation information for the East Fork of Box Canyon. The Permittee must follow the DOGM vegetation monitoring and mitigation plan submitted to the Permittee in September 2003. The Permittee must incorporate the DOGM vegetation monitoring and mitigation plan into the MRP.

**Response:**

*Chapter 3 was modified to include the Division's recommended vegetation and mitigation plan for the East Fork of Box Canyon.*

3. **R645-301-322.210**

- ◆ The Permittee must address deficiency R645-301-321.100, which requires surveys for the Link Canyon columbine in the East Fork of Box Canyon.

**Response:**

*Chapter 3 of the permit was modified to include surveys for the Link Canyon Columbine in the East Fork of Box Canyon.*

4. **R645-301-322.100**

- ◆ The Permittee must modify the plan to include information about the sensitive species status of the sage grouse in the MRP.

**Response:**

*Item #4 was addressed in Chapter 3 through updating the lists of Threaten and Endangered Species and Sensitive Species.*

5. **R645-301-323.200**

- ◆ The Permittee must provide a map with the locations and elevations of the additional subsidence survey evaluation stations in the East Fork of Box Canyon.

**Response:**

*A map with the locations and elevations of the additional subsidence survey evaluation stations will be illustrated on Figure 7-8 on page 7-51C of the MRP. This Figure will be updated once the sites are located in the field in late September 2003.*

6. **R645-301-333**

- ◆ The Permittee must agree to contact the Division if mitigation for East Fork is deemed necessary during critical times for Elk and Deer - November 1 through April 1 and May 1 through July 1.

**Response:**

*See response to deficiency #1.*

7. **R645-301-342.100**

- ◆ The Permittee must address deficiency R645-301-321.100, which requires implementation, if necessary, a revegetation/enhancement plan as determined by DOGM in consultation with the USFS.

**Response:**

*Chapter 3 of the permit was modified to include the commitment to implement, if necessary, a revegetation/enhancement plan as determined by the Division in consultation with the Forest.*

8. **R645-301-411.142**

- ◆ The Permittee must follow the MOA and incorporate the DOGM cultural monitoring plan into the MRP. The Permittee must also incorporate the MOA as part of the MRP (public document). The Division suggests placing the MOA in the appendices of Chapter Four.

**Response:**

*The MOA was referenced in the MRP on page 4-9 and incorporated into the new appendix 4-5 of the MRP.*

9. **R645-301-521**

- ◆ The Permittee shall submit maps clearly identifying the new areas to be mined, areas to be deleted from the mine plan, location of the sand channel and permit boundary.

**Response:**

*Plate 5-7 'Upper Hiawatha Mine Plan – 5 Year Projection' identifies the new areas to be mined and the permit boundary. A copy of the updated BLM R2P2 is submitted to be included in Appendix 1-2 of the MRP. This updated R2P2 clearly identifies the changes required in the mine plan and location of the sand channel.*

10. **R645-301-525.110 and R645-300-124.330**

- ◆ The Permittee must remove all maps from the MRP that show the location or archeological site and replace the maps with ones that do not show the location of those sites. The Permittee will resubmit all maps that show archeological site separately and request that they be placed in the confidential file.

**Response:**

*New Plates 5-10A and 5-10B have been submitted with the cultural sites removed. The confidential Plates 5-10A and 5-10B previously submitted in the original amendment on July 30, 2003 were marked confidential and should be placed in the confidential file.*

11. **R645-301-525.110 and R645-300-124.330**

- ◆ The Permittee will remove all maps from the MRP that show the location or archeological site and replace the maps with ones that do not show the location of those sites. The Permittee will resubmit all maps that show archeological site separately and request that they be placed in the confidential file.

**Response:**

*See response to deficiency #10.*

12. **R645-301-525.300, R645-301-525.490, Subsidence Control**

- ◆ The information submitted by the applicant does not sufficiently describe how mitigation of subsidence fractures will be conducted, what equipment is available, how equipment will be used, what supplies are available or when mitigation will take place. The applicant shall commit to and implement the following requirements for mitigating any subsidence impacts.

**Response:**

*Chapter 5 was modified to describe how mitigation of cracks in the stream floor of the East Fork of Box Canyon would be accomplished including the tools, material, and methods to be used. Chapter 7 was also modified to include the intensive flow monitoring suggested by the Division to be conducted in the East Fork of Box in those areas to be undermined.*

13. **R645-301-620**

- ◆ The Permittee shall update the geologic and coal resource information, including maps showing the location of the sand channel and change in the amount of coal resources to be mined for this amendment. A copy of the updated R2P2 submitted in the MRP will be satisfactory to meet this concern.

**Response:**

*See response to deficiency #9.*

14. **R645-301-731**

- ◆ The Permittee shall establish a precipitation and temperature monitoring station on the Pines Tract Lease. Data from the station will be used in combination with stream and spring flow data to determine if mining has interrupted or diminished flows. The station will be placed as soon as possible pending U.S. Forest Service approval. The permit can be approved with a stipulation allowing time to get a U.S. Forest Service use permits approved.

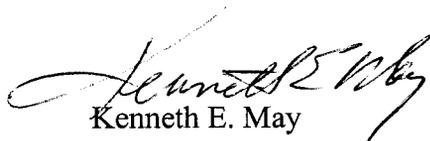
**Response:**

*A commitment was made in Chapter 7 to establish a rain and temperature monitoring station in the East Fork of Box Canyon as soon as it could be permitted.*

Sufco would like to clarify one point made erroneously in the Division's TA. One page 21, the first item under the first bullet note titled East Fork of Box Canyon: (September 4, 2003), it states that "Flowing water was present along the entire reach of the stream channel". This statement is not entirely correct since flowing water was only periodically noted in the stream channel in much of the stream below Joes' Mill Pond and the confluence of the east fork of the East Fork of Box Canyon Creek. The lack of perennial flow throughout the entire reach of the East Fork is further documented in the TA on page 39, 3<sup>rd</sup> paragraph. The mine, land owner, and regulatory agencies are sensitive to the issue of where streams are perennial in nature and the potential problems related to undermining such streams in the Pines tract. Sufco believes that statements as to where streams are perennial need to be as accurate as possible.

If you have any questions or need additional information, please contact Chris Hansen at (435) 448-2669 or Mike Davis at (435) 286-4421.

Sincerely,  
CANYON FUEL COMPANY, LLC  
SUFCO Mine



Kenneth E. May  
Mine Manager

Encl.

KEM/MLD:kb

cc: DOGM Price Office  
DOGM Correspondence File

## APPLICATION FOR COAL PERMIT PROCESSING

Permit Change  New Permit  Renewal  Exploration  Bond Release  Transfer

**Permittee:** CANYON FUEL COMPANY, LLC

**Mine:** SUFACO MINE

**Permit Number:** C/041/002

**Title:** Fourth Submittal - Mine Plan Update Amendment

**Description,** Include reason for application and timing required to implement:

Mine plan change for undermining East Fork Box Canyon. Plan needs to be approved by September 1, 2003.

**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: \_\_\_\_\_ 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, MINE MANAGER  
Print Name

*Kenneth E. May* 9/23/03  
Sign Name, Position, Date

Subscribed and sworn to before me this 23<sup>rd</sup> day of September, 2003

*Jill White*  
Notary Public

My commission Expires: 3-28, 2004;  
Attest: State of Utah } ss:  
County of Sevier



**NOTARY PUBLIC**  
**JILL WHITE**  
70 W. 300 So. • PO Box 5  
Gunnison, Utah 84634  
My Commission Expires  
March 28, 2004  
**STATE OF UTAH**

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Number:

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# APPLICATION FOR COAL PERMIT PROCESSING

## Detailed Schedule Of Changes to the Mining And Reclamation Plan

Permittee: CANYON FUEL COMPANY, LLC

Mine: SUFCO MINE

Permit Number: C/041/022

Title: Fourth Submittal - Mine Plan Update Amendment

Provide a detailed listing of all changes to the Mining and Reclamation Plan, which is required as a result of this proposed permit application. Individually list all maps and drawings that are added, replaced, or removed from the plan. Include changes to the table of contents, section of the plan, or other information as needed to specifically locate, identify and revise the existing Mining and Reclamation Plan. Include page, section and drawing number as part of the description.

### DESCRIPTION OF MAP, TEXT, OR MATERIAL TO BE CHANGED

			DESCRIPTION OF MAP, TEXT, OR MATERIAL TO BE CHANGED
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Pages 3-14 to 3-17, 3-22A to 3-25 in Mine Plan Update Amendment Submittal Binder.
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Pages 4-ii, 4-9 and 4-9A in Mine Plan Update Amendment Submittal Binder.
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Pages 5-39 and 5-39A in Mine Plan Update Amendment Submittal Binder.
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Pages 5-39B and 5-39C in Mine Plan Update Amendment Submittal Binder.
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Pages 7-38D, 7-38E, 7-38F, 7-54, and 5-54A in Mine Plan Update Amendment Submittal Binder.
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Pages 7-iv, 7-38C, 7-40, 7-51 to 7-51E in Mine Plan Update Amendment Submittal Binder.
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Add new Plates 5-10A and 5-10B in Mine Plan Update Amendment Submittal Binder.
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Add BLM R2P2 and DNA Appendix 1-2, in Mine Plan Update Amendment Submittal Binder.
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Add Memorandum of Agreement (MOA) Appendix 4-5, in Mine Plan Update Amendment Submittal Binder.
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<p>Any other specific or special instruction required for insertion of this proposal into the Mining and Reclamation Plan.</p>	<p>Received by Oil, Gas &amp; Mining</p> <p style="font-size: 1.2em; font-weight: bold;">RECEIVED</p> <p style="font-size: 1.2em; font-weight: bold;">SEP 26 2003</p> <p>DIV. OF OIL, GAS &amp; MINING</p>
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# APPLICATION FOR COAL PERMIT PROCESSING

## Detailed Schedule Of Changes to the Mining And Reclamation Plan

**Permittee:** CANYON FUEL COMPANY, LLC

**Mine:** SUFCO MINE

**Permit Number:** C/041/022

**Title:** Fourth Submittal - Final - Mine Plan Update Amendment

Provide a detailed listing of all changes to the Mining and Reclamation Plan, which is required as a result of this proposed permit application. Individually list all maps and drawings that are added, replaced, or removed from the plan. Include changes to the table of contents, section of the plan, or other information as needed to specifically locate, identify and revise the existing Mining and Reclamation Plan. Include page, section and drawing number as part of the description.

### DESCRIPTION OF MAP, TEXT, OR MATERIAL TO BE CHANGED

<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Pages 3-14 to 3-17, 3-22A, and 3-23 to 3-25 in Chapter 3, Volume 1 of MRP.
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<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Pages 4-ii, 4-9 and 4-9A in Chapter 4, Volume 1 of MRP.
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Pages 5-26, 5-27, and 5-39 in Chapter 5, Volume 1 of MRP.
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Add new Pages 5-27A and 5-39A to 5-39C in Chapter 5, Volume 1 of MRP.
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Pages 7-iv, 7-vi, 7-32 to 34, 7-38C to 7-38E, 7-39, 7-40, 7-51 and 7-54 in Chapter 7, Volume 2 of MRP.
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Add new Pages 7-38F, 7-39A, 7-51A to 7-51E, and 7-54A in Chapter 7, Volume 2 of MRP.
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Plates 5-7, 5-10A and 5-10B in Chapter 5, Volume 1 of MRP.
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Confidential Plates 5-10A and 5-10B in confidential file for MRP.
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Add pages to back of Appendix 1-2, Volume 4 of MRP.
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Add new Memorandum of Agreement (MOA) Appendix 4-5, Volume 6 of MRP.
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Add new Appendix 7-19, Volume 10 of MRP.
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**Any other specific or special instruction required for insertion of this proposal into the Mining and Reclamation Plan.**

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