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C/041/002 Incoming

Canyon Fuel Company, LLC.
Sufco Mine
A Subsidiary of Arch Western Bituminous Group, LLC.

Ken May, General Manager
597 South SR 24
Salina, UT 84654
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#3358
K

August 31, 2009

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: Final Raptor Survey Amendment, Canyon Fuel Company, LLC, SUFCO Mine C/041/002

Dear Permit Supervisor:

The enclosed eight complete clean copies of the Raptor Survey Amendment are being submitted per the Division conditional approval letter dated August 19, 2009. Attached are DOGM forms C-1 and C-2 and appropriate pages.

Text on page 3-9 was modified to remove DWR as conducting the annual raptor survey and changing it to have the annual raptor survey conducted following the Division Raptor Survey Protocol.

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

Sincerely,
CANYON FUEL COMPANY, LLC
SUFCO Mine

Kenneth E. May
General Manager

Encl.

KEM/MLD:kb

cc: DOGM Correspondence File

sufpub\govt2009\dogmmrp\MRP Raptor Survey-Final ltr.doc

RECEIVED
SEP 03 2009
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: SUFCO MINE **Permit Number:** C/041/002
Title: Raptor Survey Amendment-Final
Description, Include reason for application and timing required to implement:
MRP change due to the Division of Wildlife Resources no longer conducting Raptor Surveys

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 — Kenneth E May 8/31/09
Print Name — Sign Name, Position, Date

Subscribed and sworn to before me this 31st day of August, 20 09

Jill White
Notary Public

NOTARY PUBLIC JILL WHITE 1000 EAST 100 SOUTH PO BOX 1029 Emery, UT 84522 My Commission Expires March 28, 2012 STATE OF UTAH

My commission Expires: _____, 20____}
Attest: State of _____} } ss:
County of _____

For Office Use Only:	Assigned Tracking Number:	Received by Oil, Gas & Mining
		RECEIVED SEP 03 2009 DIV. OF OIL, GAS & MINING

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/041/002
Title: Raptor Survey Amendment-Final

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
☐ Add	☒ Replace	☐ Remove	Pages 3-9 and 3-10 in Chapter 3, Volume 1 of MRP.
☐ Add	☐ Replace	☐ Remove	
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Any other specific or special instruction required for insertion of this proposal into the Mining and Reclamation Plan.	**Received by Oil, Gas & Mining**

Form DOGM - C2 (Revised March 12, 2002)

A raptor survey conducted April 14, 1987, located three Golden Eagle nests (Appendix 3-4). Two of the nests were tended and contained greenery, the third had an adult eagle incubating eggs.

In October of 1988 an environmental assessment of the Quitchupah Lease area was performed by personnel from the Forest Service and Bureau of Land Management. During the assessment 6 Golden Eagle nests were located.

The SUFCO Mine portions of the annual raptor surveys conducted by UDWR are located in Appendix 3-4 in the Sufco Mine MRP Confidential file. Future annual raptor surveys will be submitted each year in the annual report to the Division.

Most raptor nest locations are located outside the current planned mining subsidence areas. Any raptor nest that has a potential to be disturbed by subsidence will be evaluated with DWR and FWS. An appropriate plan of action will be developed on a case by case basis.

The Prairie Falcon has also been reported by U.S. Forest Service and Bureau of Land Management personnel for the planning unit that encompasses the SUFCO Mine area.

The Quitchupah Drainage, of which Link Canyon is a tributary, was identified in the Quitchupah Creek Road DEIS (2001) as not likely to contain Mexican Spotted Owls and dedicated surveys were not necessary. However, the Manti-La Sal National Forest reported that a Mexican Spotted Owl survey of the area was being conducted as part of their Muddy Creek EIS Data Adequacy study. Results of surveys conducted in 2002 and 2003 indicated no Mexican Spotted Owls were found in the Link Canyon Portal area or the Muddy Tract area (Appendix 3-12). Additionally, Sufco does not plan to conduct construction activities during the nesting and rearing times (February 1 through August 31) of the owl.

The lack of permanently running water has an effect on raptors. Many species, such as accipiters, appear to rely on streams and the associated riparian vegetation (Hennessy, 1978).

Any area with suitable habitat where raptor nests could be adversely affected by subsidence will be monitored during the year that it will be subsided for both known and potential new nests on a yearly basis using aerial or ground surveys near the end of May. Known raptor nests are shown on Plate 3-3.

Information about raptors specific to the Pines Tract Project area is provided in the VWP report (Appendix 3-9). Information about raptors specific to the Muddy Tract area is provided in the Cirrus report (Appendix 3-11).

Elk

The elk herd (#14) is a significant wildlife resource to the citizens of Utah and there is considerable hunting pressure. Winter and summer range is in generally good conditions, but drought is an immediate concern (Big Game Annual Report, 1991).

Although the potential area of impact is not critical to the continued existence and perpetuation of the herd, it is important to maintenance of current population levels, and portions of the entire lease area are used annually on a seasonal basis. The aspen areas of Duncan Mountain serve as calving areas for the small herd, (10-20 animals observed during the 1980 summer in that area) but based on pellet counts (WIL, Table 7) the major portion of the lease area is utilized in late fall, winter, and early spring.

In May, while there was still snow on the ground, considerable fresh elk sign (pellets and tracks) was found around the Acord Lakes. By June 5, 1980, when access was available to the other areas, elk tracks were concentrated in the ponderosa, mahogany, aspen and manzanita communities along the ridges and rims of the canyon, plus in the canyons such as Duncan's Draw and Lizonbee Springs. During the summer the elk and elk signs were sighted near the top of Duncan Mountain and at the head of the South Fork of Quitchupah. It seems that the elk in question do not always winter on the rims nor the plateau but in the lower elevation areas to the southeast. This observation was substantiated by a conversation with a local forest ranger out of Richfield. The amount of snow is probably the determinant, with the elk wintering wherever there is available forage from the rim to the low brush areas in the southeast.