

007 001

# JOINT PERMIT APPLICATION FORM

## U. S. ARMY CORPS OF ENGINEERS - FOR SECTIONS 404 AND 10 UTAH STATE ENGINEER'S OFFICE - FOR NATURAL STREAM CHANNELS

Application Number 00-91-24 SA  
 (Assigned by: \_\_\_\_\_ Corps \_\_\_\_\_ State Engineer)

Applicant's Name (Last, First M.I.) <b>Lodestar Energy, Inc.</b>	Authorized Agent <b>David B. Miller</b>	Telephone Number and Area Code <b>(435) 448-9420</b>
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Applicant's Address (Street, RFD, Box Number, City, State, Zip)  
**HC 35 Box 370 Helper, Utah 84526**

**PROJECT LOCATION**

Quarter Section(s) <b>NW 1/4</b>	Section <b>30</b>	Township <b>T135</b>	Range <b>R7E</b>	Base & Meridian <b>Salt Lake</b>
County <b>Carbon</b>	Watercourse to be altered <b>Whiskey Creek</b>	Check one: <input type="checkbox"/> Within city limits <input checked="" type="checkbox"/> Outside city limits List town or nearest town <b>Clear Creek</b>		

Project location or address:  
**White Oak Mine Site Scofield Route Helper, Utah**

Brief description of project:  
 During removal of barrier coal by surface mining methods, the buffer zone and the stream within the disturbed area boundary will be altered. The coal under the stream bed will be removed. The stream will flow through sediment control before entering the downstream waterway. Once vegetation is re-established, the sediment control will be removed allowing natural flow.

Purpose (justification) of project:  
 Recovery of mineable coal reserves approximating 125,000 tons during the reclamation of the west side of the mine site that includes the portals and building facilities.

Is this a single and complete project or is it part of a larger project, continuing project, or other related activities? If so, please describe the larger project or other related activities.  
 This is part of a larger project that results in the reclamation of approximately 60% of the mine site. The stream alteration portion encompasses approximately 20% of the barrier coal removal and reclamation to be completed at the mine site.

If project includes the discharge of dredged or fill material: **N/A**

Cubic yards of material:

Acreage or square footage of waters of the United States, including wetlands, affected by the project:

Source and type of fill material:

ACT/007/001  
Incoming

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UTAH STATE ENGINEER'S OFFICE - FOR NATURAL STREAM CHANNELS

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 (Assigned by: \_\_\_\_\_) Corps \_\_\_\_\_ State Engineer \_\_\_\_\_

Applicant's Name (Last, First M.I.) <b>Lodestar Energy, Inc.</b>		Authorized Agent <b>David B. Miller</b>	Telephone Number and Area Code <b>(435) 448-9420</b>	
Applicant's Address (Street, RFD, Box Number, City, State, Zip) <b>HC 35 Box 370 Helper, Utah 84526</b>				
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If project includes the discharge of dredged or fill material: <b>N/A</b>				
Cubic yards of material:				
Acreage or square footage of waters of the United States, including wetlands, affected by the project:				
Source and type of fill material:				

Channels/Wetlands

Alternatives (other ways to accomplish the project purpose): There are no other ways to extract the mineral without altering the stream bed.	
Names and addresses of adjacent property owners or other individuals who may be affected by this project: Milton A. & Bessie Oman 61 South Main Salt Lake City, Utah 84115 Della L. & Hilda M. Madsen Meadow, Utah 84644	
List other authorizations required by Federal, state or local governments (i.e., National Flood Insurance Program), and the status of those authorizations. Division of Oil, Gas and Mining Permit No. ACT/007/001 currently approved	
Estimated starting date of project 3/1/2001	Estimated completion date 12/31/2004

(If project has already been partially or totally completed, indicate date of work. Indicate existing work on drawings).

Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in the application, and that to the best of my knowledge and belief such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities or am acting as the duly authorized agent of the applicant.

Signature of applicant <i>David B. Miller for Ledestar Energy</i>	Date 12/13/00
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I hereby certify that DAVID B. MILLER is acting as my agent for this project.

Agent's address and telephone number HC 35 Box 370 Helper, UT 84526
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## INSTRUCTIONS

Applications which do not include the following will not be processed.

For a complete application, you **MUST** include the following on 8 1/2 by 11 paper (for large projects, multiple sheets with a key may be used). Clear, hand-drawn plans approximately to scale are acceptable.

1. An accurate location map (USGS quadrangle map preferred)
2. A plan view of the proposed activity (as seen from above) including dimensions of work.
3. A cross-section view of the proposed activity (may use typical cross-section for large projects) including dimensions.
4. For projects which include wetlands, an accurate wetland delineation must be prepared in accordance with the current method required by the Corps.

# BEFORE MINING

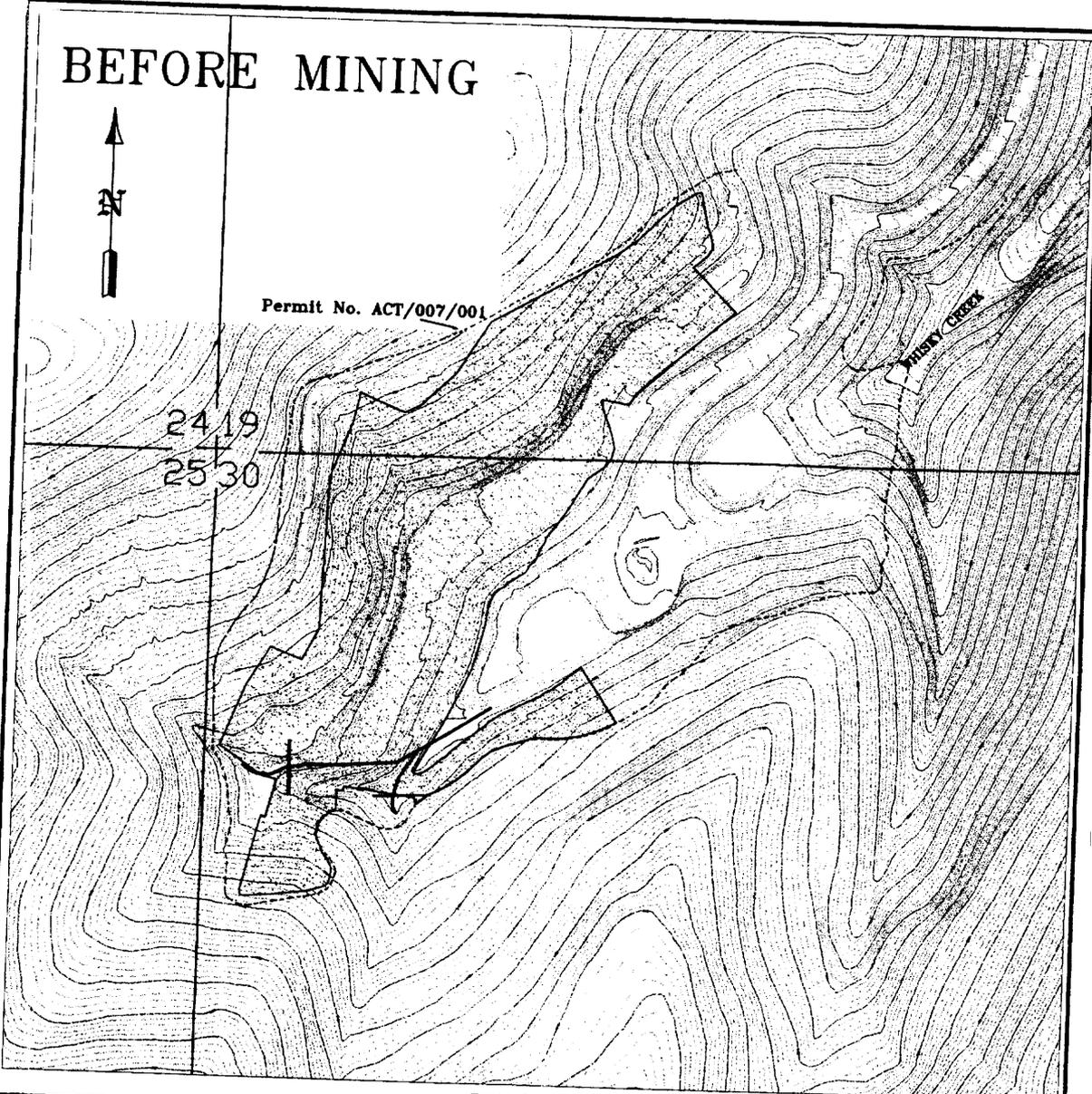


Permit No. ACT/007/001

24 19

25 30

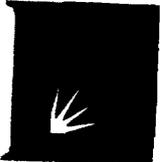
MUSTY CREEK



TOWNSHIP & RANGE BASED ON SALT LAKE BASE & MERIDIAN

## LEGEND:

-  Profile #1
-  Profile #2
-  Profile #3
-  Profile #4
-  Disturbed Area
-  Area to be Mined



**ENERGY**  
**MOUNTAIN**  
**OPERATIONS**

**Lodestar Energy Inc.**  
Mountain Operations, White Oak Mine  
HC 35, Box 370, Helper Ut. 84526  
PH #: 435-637-9200 Fax #: 435-448-9456

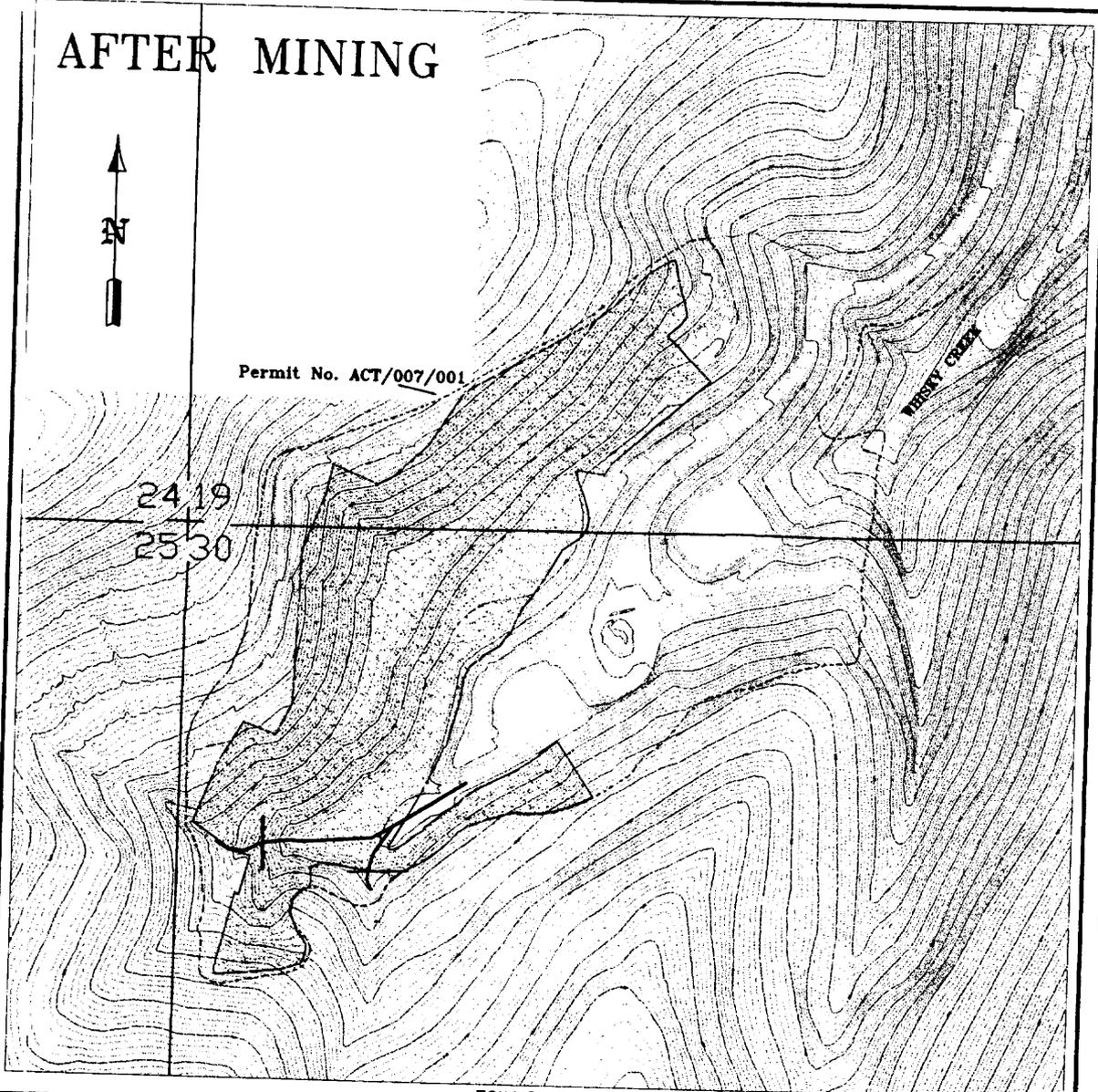
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DRAWING: C:\Jason\White Oak\Mt-2000\99078-b.dwg	REV. DATE:

VERIFY SCALE  
0"  1" BAR IS 1" ON ORIGINAL DRAWING. IF NOT 1" ON THIS SHEET ADJUST SCALE ACCORDINGLY

# AFTER MINING



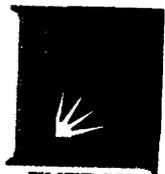
Permit No. ACT/007/001



TOWNSHIP & RANGE BASED ON SALT LAKE BASE & MERIDIAN

**LEGEND:**

-  Profile #1
-  Profile #2
-  Profile #3
-  Profile #4
-  Disturbed Area
-  Area to be Mined



**ENERGY  
MOUNTAIN  
OPERATIONS**

**Lodestar Energy Inc.**

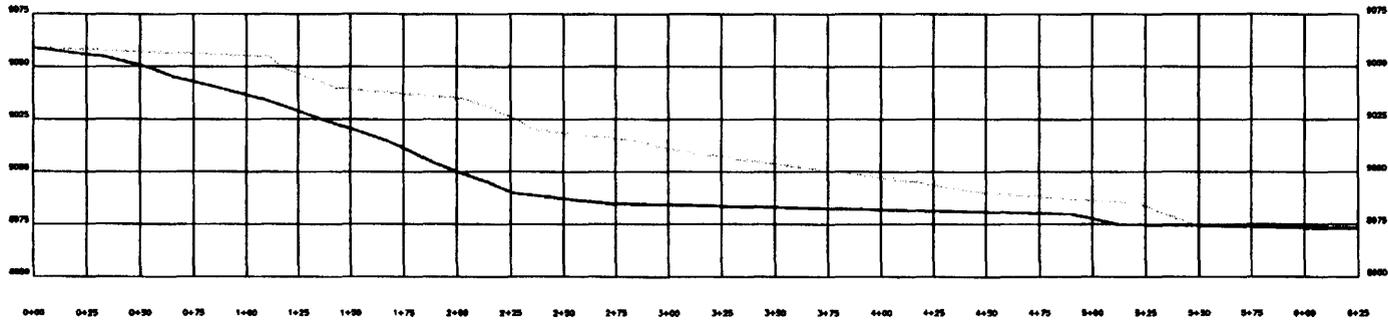
Mountain Operations, White Oak Mine  
HC 35, Box 370, Helper Ut. 84526

PH #: 435-637-9200 Fax #: 435-448-9456

DRAWN BY: JASON BENNETT	SCALE: 1" = 400'
APPROVAL:	SHEET: 2 of 6
TITLE: BACK FILL-2 (total tab)	DATE: DEC. 11, 2000
DRAWING: C:\Jason\White Oak\Hol-2000\Back Fill-2.dwg	REV. DATE:

VERIFY SCALE BAR IS 1" ON ORIGINAL DRAWING.  
IF NOT 1" ON THIS SHEET ADJUST  
SCALE ACCORDINGLY

# PROFILE #1



NOTE:  
SEE PAGE 1 FOR PROFILE LOCATION

TOWNSHIP & RANGE BASED ON SALT LAKE BASE & MERIDIAN

## LEGEND:

 FINISHED GRADE  
 EXISTING GROUND

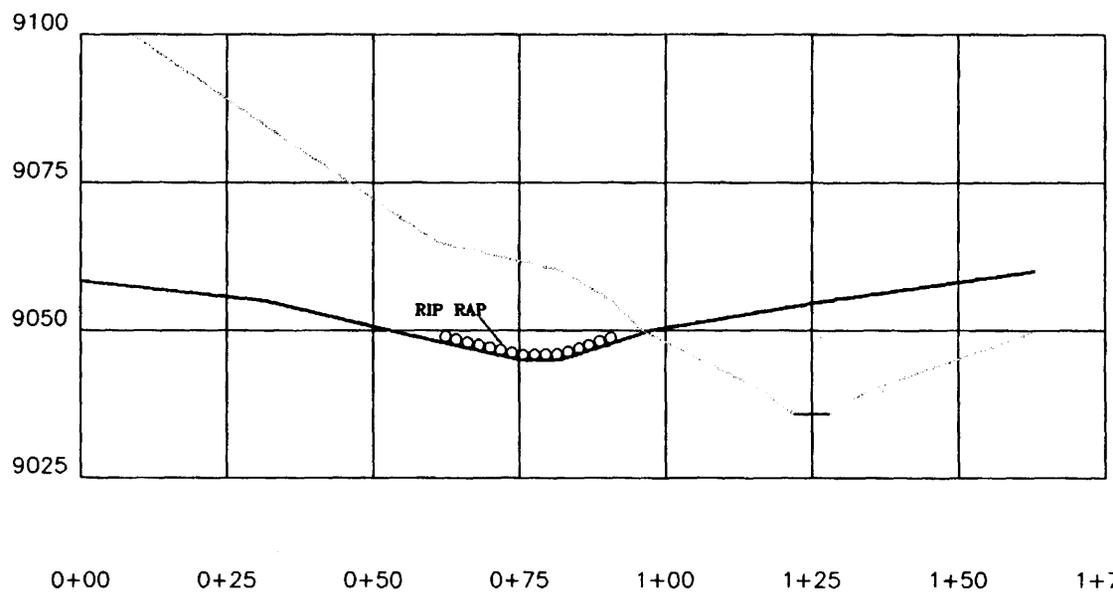


**Lodestar Energy Inc.**  
 Mountain Operations, White Oak Mine  
 HC 35, Box 370, Helper Ut. 84526  
 PH #: 435-637-9200 Fax #: 435-448-9456

DRAWN BY: JASON BENNETT	SCALE: NTS
APPROVAL:	SHEET: 3 of 6
TITLE: BACK FILL-2 (pro-1 sm lab)	DATE: DEC. 11, 2000
DRAWING: C:\Jason\White Oak\Hol-2000\Back Fill-2.dwg	REV. DATE:

VERIFY SCALE BAR IS 1" ON ORIGINAL DRAWING.  
 IF NOT 1" ON THIS SHEET ADJUST  
 0"  1" SCALE ACCORDINGLY

# PROFILE #2



**NOTE:**  
SEE PAGE 1 FOR PROFILE LOCATION

TOWNSHIP & RANGE BASED ON SALT LAKE BASE & MERIDIAN

**LEGEND:**

-  FINISHED GRADE
-  EXISTING GROUND

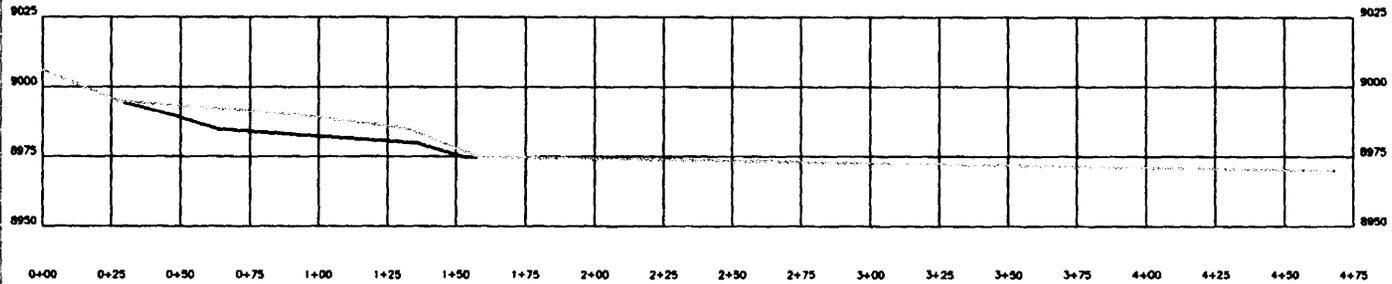


**Lodestar Energy Inc.**  
Mountain Operations, White Oak Mine  
HC 35, Box 370, Helper Ut. 84526  
PH #: 435-637-9200 Fax #: 435-448-9456

DRAWN BY: JASON BENNETT	SCALE: 1" = 25'
APPROVAL:	SHEET: 5 of 6
TITLE: BACK FILL-2 (pro-2 sm tab)	DATE: DEC. 11, 2000
DRAWING: C:\Jason\White Oak\Mal-2000\Back Fill-2.dwg	REV. DATE:

VERIFY SCALE BAR IS 1" ON ORIGINAL DRAWING.  
IF NOT 1" ON THIS SHEET ADJUST  
0"  1" SCALE ACCORDINGLY

# PROFILE #3



NOTE:  
SEE PAGE 1 FOR PROFILE LOCATION

TOWNSHIP & RANGE BASED ON SALT LAKE BASE & MERIDIAN

## LEGEND:

-  FINISHED GRADE
-  EXISTING GROUND

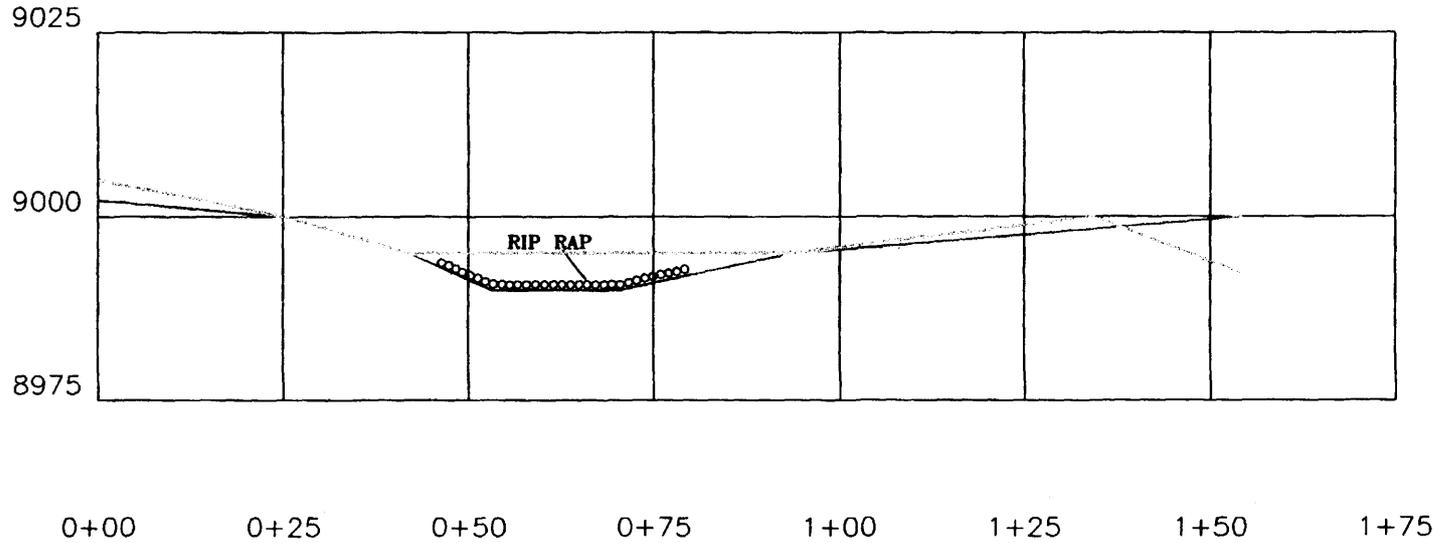


**Lodestar Energy Inc.**  
Mountain Operations, White Oak Mine  
HC 35, Box 370, Helper Ut. 84526  
PH #: 435-637-9200 Fax #: 435-448-9456

DRAWN BY: JASON BENNETT	SCALE: NTS
APPROVAL:	SHEET: 4 of 6
TITLE: BACK FILL-2 (pro-3 sm tab)	DATE: DEC. 11, 2000
DRAWING: C:\Jason\White Oak\Mal-2000\Back Fill-2.dwg	REV. DATE:

VERIFY SCALE BAR IS 1" ON ORIGINAL DRAWING.  
IF NOT 1" ON THIS SHEET ADJUST SCALE ACCORDINGLY

# PROFILE #4



**NOTE:**  
SEE PAGE 1 FOR PROFILE LOCATION

TOWNSHIP & RANGE BASED ON SALT LAKE BASE & MERIDIAN

## LEGEND:

— FINISHED GRADE  
 ..... EXISTING GROUND



**ENERGY  
MOUNTAIN  
OPERATIONS**

**Lodestar Energy Inc.**  
 Mountain Operations, White Oak Mine  
 HC 35, Box 370, Helper Ut. 84526  
 PH #: 435-637-9200 Fax #: 435-448-9456

DRAWN BY: JASON BENNETT	SCALE: 1" = 20'
APPROVAL:	SHEET: 6 of 6
TITLE: BACK FILL-2 (pro-4 gm tab)	DATE: DEC. 11, 2000
DRAWING: C:\Jason\White Oak\Hol-2000\Back Fill-2.dwg	REV. DATE:

VERIFY SCALE BAR IS 1" ON ORIGINAL DRAWING.  
 IF NOT 1" ON THIS SHEET ADJUST  
 0" 1" SCALE ACCORDINGLY

**JOINT DECISION MEMO**  
**for**  
**Modification of**  
**Federal Coal Lease U-017354**

**September 29, 1997**

**USDA, Forest Service, Region 4**  
**Manti-La Sal National Forest**  
**Ferron-Price Ranger District**  
**Carbon and Emery Counties, Utah**

**and**

**USDI, BUREAU OF LAND MANAGEMENT**  
**Utah State Office**

**Purpose and Need and Proposed Action**

On April 28, 1997, White Oak Mining and Construction Company (White Oak) filed an amended application with the Bureau of Land Management (BLM) to modify Federal Coal Lease U-017354. The modification is to add lands in section 1, lots 2, 3, and 4, N 1/2, SE 1/4, NW 1/4, and the N 1/2, SW 1/4, NW 1/4, T 14 S, R 6 E, SLM, containing 159.61 acres to their existing lease. The proposed lease modification lies immediately south of the existing lease on National Forest System Lands administered by the Manti-La Sal National Forest. The coal leases are administered by the BLM. The BLM has determined that it is in the public interest to modify this lease to allow mining of federal coal reserves that would otherwise be bypassed. The Office of Surface Mining (OSM) is participating in this action as a cooperating agency because they are the regulatory authority for subsequent mine permitting under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), and implement regulations in 30 CFR 700 to end.

The White Oak No. 1 Mine and related surface facilities are located on private (fee) lands in Whiskey Canyon, about 6 miles southwest of Scofield, in Emery County, UT. Federal Coal Lease U-017354 is included within the approved permit area for the White Oak No. 1 mine. Environmental assessments were performed for the original lease, and subsequent lease readjustments in September 1977, March 1986, and September 1995. All resulted in issuance of a Finding of No Significant Impact (FONSI) and are contained in the project file. An environmental impact statement was completed in 1979 for site-specific analyses on mines in central Utah which included the current proposed lease area (Development of Coal Resources in Central Utah, Final Environmental Impact Statement, Site Specific Analysis - Part 2, USDI-Geological Survey, 1979). The EIS considered the cumulative effects of mines in the area.

The Mineral Leasing Act of 1920, as amended by the Federal Coal Leasing Amendments Act of 1975, makes provisions for the Surface Management Agency, the surface of which is under the jurisdiction

*ACT/007/001*  
*Incoming*  
*2000 file*

of any Federal agency other than the Department of Interior, to consent to leasing and to prescribe conditions to insure the use and protection of the lands. Pursuant to established procedure (43 CFR 3432.3), the BLM has requested that the Forest Service conduct an environmental analysis and identify stipulations for application to the lease.

The Forest Service included Special Coal Lease Stipulations as described in Appendix B of the Forest Plan on the original lease and have been updated to reflect current language at times of lease readjustment. These stipulations will also apply to the lands in this lease modification area. The stipulations have proven effective in protecting non-mineral resources, and monitoring has shown that there are no new issues to be considered, and that no unexpected effects have occurred.

### **Decision and Rationale**

After careful review of the proposal, the Forest Plan, public comments, and the environmental analyses contained in the project file, the Forest Service has decided to consent to, and the BLM has decided to modify, coal lease U-017354. Consent is contingent upon applying the terms and conditions described by the Special Coal Lease Stipulations to the lease modification area, as they are applied to the present lease. All stipulations are designed to mitigate potential adverse impacts to the resources. The Special Coal Lease Stipulations listed in the Forest Plan and already included in the lease, adequately address and mitigate anticipated impacts to the resource issues and are hereby incorporated into this decision as conditions of approval.

BLM has determined that the proposed mine plan submitted by White Oak will not cause surface disturbance, including subsidence. Further development in the future, or addition of land for coal leasing where subsidence or other surface-disturbing activities could occur, will require additional site-specific environmental analyses.

Coal leasing and development are implemented under the authority of the following actions: the Mineral Leasing Act of 1920, as amended; the Federal Land Policy and Management Act (FLPMA) of 1976; the Surface Mining Control and Reclamation Act (SMCRA) OF 1977; the National Environmental Policy Act of 1969 (NEPA); the Federal Coal Leasing Amendments Act of 1976, as amended; regulations: Title 43 CFR Group 3400, and Title 30 CFR Group 700; and the Manti-La Sal National Forest Land and Resource Management Plan, Final Environmental Impact Statement, and Record of Decision, 1986, and Bureau of Land Management, Price River/San Rafael Resource Area, Management Framework Plan.

The currently approved White Oak Mine Mining and Reclamation Plan (MRP) is consistent with all special stipulation requirements. The Utah Division of Oil, Gas and Mining has performed a Cumulative Hydrologic Impact Assessment (CHIA) and determined that there would be no impacts to the hydrologic balance. The addition of the lands in the lease modification area will not cause impacts to the hydrologic balance.

### **Reasons for Categorically Excluding the Proposed Action**

Based on the environmental analysis disclosed in the project file, no extraordinary circumstances or effects (FSH 1909.15, 30.3 and 30.5) were found to exist that might cause this action to have significant effects on the quality of the human environment (40 CFR 1508.27).

No known prime or unique farmlands, wetlands, timber lands, or rangelands; floodplains; alluvial valley floors; cultural or significant paleontological resources; nor Threatened, Endangered, or Sensi-

tive floral or faunal species will be affected by modification of this lease. Evaluations from the Utah State Historic Preservation Office and Biological Evaluations in the project file, developed for this action, contain "no effect" determinations.

Currently, the land is used for grazing and recreation (mainly hunting). Cumulatively, the impacts of the existing land uses together with coal mining are considered minimal and are consistent with Forest Plan thresholds.

Finding no extraordinary circumstances, the proposed action may be categorically excluded under FSH 1909.15, Chapter 31.1b, category 7; sale or exchange of land or interest in land and resources where resulting land use remains essentially the same. The proposed action has also been reviewed against the ten criteria for an exception to a Categorical Exclusion, as identified in 516 DM 6, Appendix 5 (USDI-BLM). The proposed action does not fall under any exception, and is, therefore, categorically excluded from further assessment.

#### **Public Involvement**

Scoping was initiated June 17, 1997. Legal notices were published in the *Sun Advocate* and *Emery County Progress* newspapers, and letters were sent to individual parties. Responses were received from Mr. Sterling Boren, a private landowner with property adjacent to the lease modification area, and the Utah Mining Association. Both parties supported the proposal.

#### **Findings Required by other Laws**

The analysis is tiered to the Manti-La Sal National Forest Land and Resources Management Plan, EIS, and Record of Decision (1986), as amended, and the Final EIS for the Development of Coal Resources in Central Utah, 1979 (USDI-Geological Survey). Referenced are the Environmental Analysis Report/Technical Examination Readjustment of Federal Coal Lease U-017354, 9/77; Environmental Assessment for Readjustment of Federal Coal Lease U-017354, 3/86; Readjustment of Federal Coal Lease U-017354, 9/95.

Management prescriptions contained in the Forest Plan for the lease area emphasize forage production, wood-fiber production, and riparian area management. Mineral activities are allowed with "appropriate mitigation measures to assure continued livestock access and use"; mitigate detrimental disturbance to riparian areas. "Those being authorized to conduct developments will be required to replace losses where development adversely affects long-term production or management" of range land (Forest Plan, page III-66). The analysis considered potential amendments and their effects on Forest Plan direction and standards.

These decisions are consistent with the Forest Plan and will not require amendments. The decision is consistent with the National Forest Management Act requirements as expressed in 36 CFR 219.27. The decision complies with the Endangered Species Act of 1973 and Section 106 of the National Historic Preservation Act of 1966 (Project File).

**Implementation Date**

These decisions may be implemented on or after the date of signature.

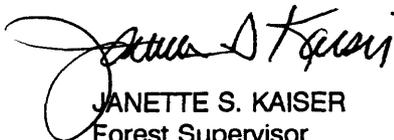
**Administrative Review or Appeal Opportunities**

White Oak may appeal these decisions. The Forest Service decision can be appealed under 36 CFR 251, Subpart C. Any written notice of appeal must be fully consistent with 36 CFR 251.90 including the reasons for the appeal and must be filed by November 19, 1997. The decision is not subject to appeal under 36 CFR 215 and 217. The BLM decision can be appealed to the Interior Board of Land Appeals under 43 CFR 4.411-413, and must be received within 30 days from the date of signature.

Notice of Appeal and statement of reasons must be submitted in writing to ATTN: Regional Forester, Reviewing Officer, USDA Forest Service, 324 25th Street, Ogden, UT 84401. Simultaneously send a copy of the Notice of Appeal to: ATTN: Forest Supervisor, Manti-La Sal National Forest, 599 West Price River Drive, Price, UT 84501 and ATTN: Utah State Director, Bureau of Land Management, 324 South State Street, Salt Lake City, UT, 84145-0155.

**Contact Person**

Persons with questions related to this decision may contact Liane Mattson at the Manti-La Sal National Forest Office, 599 West Price River Drive, Price, Utah 84501 or call (801) 637-2817.



JANETTE S. KAISER  
Forest Supervisor  
Manti-La Sal National Forest

10-3-97  
Date

**ACTING** 

G. WILLIAM LAMB  
State Director  
Utah State Office, Bureau of Land Management

10/9/97  
Date

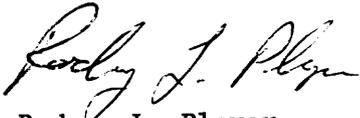
Biological Evaluation

Threatened, Endangered, Proposed, and Sensitive Fauna/Flora Species

For  
Modification of Federal Coal Lease U-017354  
White Oak Mining and Construction Co.  
Manti-LaSal National Forest

ACT/007/001  
Incoming

After a review of the Scoping Document and other materials for the subject modification and because no disturbances to the surface vegetation or other habitat will be allowed, without further site-specific environmental analysis, there will be no effect on Proposed, Threatened, Endangered, or Sensitive fauna/flora species or their habitats. Application of Forest Service Special Stipulations from Appendix B of the Manti-La Sal National Forest Land and Resource Management Plan numbers 2,5,9, and 17 require that additional analyses be conducted prior to any surface-disturbing activities. Specifically, these stipulations allow no surface subsidence (or other disturbance), escarpment failure, or impact to surface water without further site-specific analysis.



Rodney L. Player  
Forest Wildlife Biologist

Date:

July 27 1997



Bob Thompson  
Forest Range Conservationist

Date:

7/22/97