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**CASTLE
GATE**
COAL COMPANY

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DIVISION OF
OIL, GAS & MINING

February 25, 1987

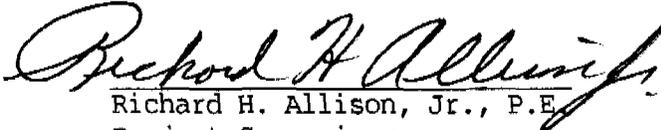
Mr. Lowell Braxton, Administrator
Division of Oil, Gas and Mining
Three Triad Center, Suite 350
Salt Lake City, UT 84180-1203

Dear Mr. Braxton:

Enclosed is a copy of the Corp of Engineers permit for the temporary crossing of the Price River at the site of the Unit Train Loadout project proposed by Castle Gate Coal Company. This copy is being furnished to you to include in the request for an Incidental Boundary Revision dated 29 January 1987, as Attachment No. 5.

All regulatory agencies with the exception of the Division of Oil, Gas and Mining, have given their approval or input into the Unit Train Loadout project. Your expediting the DOGM approval would be much appreciated.

Sincerely,


Richard H. Allison, Jr., P.E.
Project Supervisor

RHA:sk

Enclosure

cc: David Miller
Dennis Bryant
Charles Porterfield
Project file
Chrono

CC4036

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DEPARTMENT OF THE ARMY
SACRAMENTO DISTRICT, CORPS OF ENGINEERS
650 CAPITOL MALL
SACRAMENTO, CALIFORNIA 95814-4794

RECEIVED
FEB 27 1987

REPLY TO
ATTENTION OF

February 27, 1987

Salt Lake City Regulatory Office (N14-157)

DIVISION OF
OIL, GAS & MINING

Richard H. Allison, Jr.
Project Supervisor
Castle Gate Coal Company
P.O. Box 449
Helper, Utah 84526

Dear Mr. Allison:

This is in response to your letter of February 11, 1987 concerning the Castle Gate Coal Company's proposed construction of a temporary road crossing of the Price River. The project is located in Section 35, Township 12 South, Range 9 East in Carbon County, Utah.

Your project has been reviewed in accordance with Section 404 of the Clean Water Act, under which the U.S. Army Corps of Engineers regulates the discharge of dredged and fill materials into the waters of the United States, including wetlands. Based on your project plans and description, we have determined that the proposed work would involve such discharges into the Price River. The Price River is a water of the United States.

A nationwide general permit, described in the enclosed information sheet, has been issued which authorizes minor road crossing fills under 33 CFR 330.5 (a)(14) of the Clean Water Act. The proposed temporary crossing can be constructed under this authority with the understanding that all work complies with the conditions and best management practices listed in the enclosure. Failure to comply with these conditions invalidates the authorization and may result in a violation of the Clean Water Act.

A review of the calculations received in our office concerning the size, number and placement of culverts in the river channel indicates that your design should reasonably be expected to accommodate projected river flows while, at the same time, provide for the protection of the river's fish population. In addition, the proposed mitigation measures requested by Mr. Larry Dalton (on p.10

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of your attachment No. 1: "Construction Measures", sec. 3), and your indication that "...the same bank conditions should be exposed after removal of temporary structure as existed prior to construction" are considered essential components of the proposed project.

Thank you for your interest in our nation's water resources. If you have any questions, please call Mr. John Riley of our Salt Lake City Regulatory office, telephone (801) 524-6015.

Sincerely

A handwritten signature in cursive script, appearing to read "B Carter".

Brooks Carter
Chief, Salt Lake City
Regulatory Office

Enclosure

INFORMATION SHEET
NATIONWIDE GENERAL PERMIT FOR MINOR ROAD CROSSING FILLS

A nationwide permit is a Department of the Army permit that is issued on a nationwide basis for specific category of activities that are substantially similar and cause minimal environmental impacts. Nationwide permits are designed to allow the work to occur with little delay or paperwork. They are issued to satisfy the requirements of both Section 10 of the River and Harbor Act of 1899 and Section 404 of the Clean Water Act, unless otherwise stated. No permit application is required for an activity covered by a nationwide permit.

The Corps of Engineers has issued a nationwide general permit for minor road crossing fills including all attendant features both temporary and permanent that are part of a single and complete project for crossing of a non-tidal waterbody, provided that the crossing is culverted, bridged or otherwise designed to prevent the restriction of and to withstand expected high flows and provided further that discharges into any wetlands adjacent to the waterbody do not extend beyond 100 feet on either side of the ordinary high water mark of that waterbody. A "minor road crossing fill" is defined as a crossing that involves the discharge of less than 200 cubic yards of fill material below the plane of ordinary high water.

The following special conditions must be followed in order for this nationwide permit to be valid:

1. That any discharge of dredged or fill material will not occur in the proximity of a public water supply intake;
2. That any discharge of dredged or fill material will not occur in areas of concentrated shellfish production unless the discharge is directly related to a shellfish harvesting authorized by Paragraph (a)(4) of this section.
3. That the activity will not jeopardize a threatened or endangered species as identified under the Endangered Species Act, or destroy or adversely modify the critical habitat of such species. In the case of Federal agencies, it is the agency's responsibility to review its activities to determine if the action "may affect" any listed species or critical habitat. If so, the Federal Agency must consult with the Fish and Wildlife Service and/or National Marine Fisheries Service;
4. That the activity will not significantly disrupt the movement of those species of aquatic life indigenous to the waterbody (unless the primary purpose of the fill is to impound water);
5. That any discharge of dredged or fill material will consist of suitable material free from toxic pollutants in toxic amounts;
6. That any structure or fill authorized will be properly maintained;
7. That the activity will not occur in a component of the National Wild and Scenic River System; and
8. That the activity will not cause an unacceptable interference with navigation.

9. That, if the activity may adversely affect historic properties which the National Park Service has listed on, or determined eligible for listing on, or may be eligible for the National Register of Historic Places, the permittee will notify the district engineer.

10. That the construction or operation of the activity will not impair reserved tribal rights including, but not limited to, reserved water rights and treaty fishing and hunting rights.

11. That the activity will comply with regional conditions which may have been added by the division engineer.

12. That the management practices listed in the subsequent section of the Corp's regulations are followed to the maximum extent practicable.

In addition to the conditions specified above, the following management practices should be followed, to the maximum extent practicable, in the discharge of dredged or fill material under nationwide permits in order to minimize the adverse affects of these discharges on the aquatic environment. Failure to comply with these practices may be cause for the district engineer to recommend that the division engineer take discretionary authority to regulate the activity on an individual basis:

1. Discharges of dredged or fill material into waters of the United States shall be avoided or minimized through the use of other practical alternatives.

2. Discharges in spawning areas during spawning seasons shall be avoided.

3. Discharges shall not restrict or impede the movement of aquatic species indigenous to the waters or the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters).

4. If the discharge in wetlands creates an impoundment of water, adverse impacts on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow, shall be minimized.

5. Discharge in wetlands areas shall be avoided.

6. Heavy equipment working in wetlands shall be placed on mats.

7. Discharges into breeding areas for migratory waterfowl shall be avoided.

8. All temporary fills shall be removed in their entirety.

If the above conditions cannot be met, the work will have to be authorized by an individual or general permit issued by the district engineer.

If you have any questions, or need additional information concerning the nationwide general permit, please contact our Regulatory Section, at Room _____, or telephone _____.