



United States Department of the Interior  
OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
BROOKS TOWERS  
1020 15TH STREET  
DENVER, COLORADO 80202

OFFICE OF THE REGIONAL DIRECTOR

March 12, 1980

*Rt and file in Plateau Mining*  
*MAN*  
*JWS*  
*TIS*

**RECEIVED**

MAR 17 1980

DIVISION OF  
OIL, GAS & MINING

Ms. Hope M. Babcock  
Blum & Nash  
1015 Eighteenth Street, N.W.  
Washington, D.C. 20036

Dear Hope:

This letter follows my meeting last Friday with Mike Dmitrich and your request on behalf of UNC Plateau for review and approval of a modification to their existing mine to allow operation in a by-pass lease area.

As we discussed at that time, the regional office of OSM will provide review and action on such modifications providing that we find the operation has a current State permit, and 30 CFR 211 approval, the extension is a small part of the overall operation, no new access roads, plant support areas or other surface facilities are necessary, the rate of production remains about the same, and that a mine plan sufficient for review for the entire new area is pending or review of the adequate mine plan is near completion.

As your letter points out, many of these conditions are existent. In addition, on Monday (March 10) Mr. Steven W. Rigby delivered copies of all the material UNC Plateau plans to submit to OSM, in early April, as a complete mine plan, including the formal update of the existing 30 CFR 211 approval. Murray Smith, of my office, discussed the plan with Mr. Rigby and reviewed the submission. Mr. Smith identified several areas in which UNC should submit more detail in their mining plan and he has addressed these in a separate letter to Steven Rigby. Mr. Smith found no indication that environmental damage would result from allowing a temporary extension of mine works into the new lease land. In addition, my office has informally contacted the primary State and Federal officials who are responsible for mine plan review. None of these officials object to a limited extension of the underground workings, so long as the time and distance limitations and the conditions of approval are clearly spelled out.

In light of the above, after the lease is obtained, and based on the information at hand, we are prepared to authorize the extension of UNC's entry system into Section 6, T15S, R8E, SLM, to the limits shown on the attached print providing that all of the conditions detailed below are accepted.

The proposed approval would allow UNC to advance the northwesterly five entry system about 700 feet northwest of the point where the middle entry crosses the section line between Section 6 and Section 7. UNC may also advance the northeasterly set of five entries about 800 feet from the point where the middle entry crosses the section line. By limiting this action to advance only, sufficient support will remain to prevent subsidence damage to surface hydrology. The proposed approval would allow UNC to mine in Section 6 for three months beyond the time of entry into the lease area, and would be limited to that period of time. After three months, we should have finished our initial completeness review of the UNC revised overall mine plan, provided UNC has submitted the plan in early April, as UNC has indicated. If the completeness review indicates mining can be further expanded with little or no environmental damage, I will consider a second and final limited extension of underground works prior to approval of the revised overall mining plan.

I understand that UNC is working with the Utah Division of Oil, Gas and Mining to upgrade surface facilities pursuant to State inspection and enforcement actions last year. This work must be completed or progressing in a manner satisfactory to OSM prior to any future extension of workings into Section 6 beyond the extension authorized in this letter.

The proposed approval is also conditioned upon UNC's compliance with appropriate State laws and Federal laws including on-the-ground compliance with applicable Federal laws under revised 30 CFR 211. In order to avoid any problems with respect to on-the-ground compliance, I am willing to promptly schedule an OSM inspection (presumably a joint inspection with the State) to identify any compliance activities that must be undertaken.

The proposed approval would also carry with it the acceptance by UNC of the attached "Standard Stipulations" for all 30 CFR 211 actions as well as agreement that whatever special stipulations are made part of the action for the entire lease unit and the revised 30 CFR 211 submission will retroactively apply to all of the operations undertaken in Section 6 pursuant to the proposed approval.

If there are any questions pertaining to our position please contact me or Murray Smith.

Sincerely,

  
DONALD A. CRANE

Enclosures

cc: Mike Dmitrich  
USFS - Price  
USGS - Salt Lake  
BLM - Wicks  
Ron Daniels  
Murray Smith



Standard Stipulations Attached to  
Approval of a Limited Extension of Underground  
Coal Mining Workings of the Star Point #2 Mine  
Carbon County, Utah  
Federal Lease # U-37045

The approval to conduct limited mining at the site(s) described in the attached approval is subject to the following standard and special conditions and stipulations. This approval shall be revocable at the discretion of the Director, Office of Surface Mining, if the operator fails to comply with any condition or stipulation. The term "Regulatory Authority" as used herein (including the Special Stipulations) means both the federal Office of Surface Mining and the Utah Division of Oil, Gas and Mining unless otherwise specified.

1. The operator agrees to be bound by the provisions of Section 517 of the Surface Mining Control and Reclamation Act of 1977, 30 USC 1267 (P.L. 95-87, hereinafter referred to as "Act"), and agrees to allow the authorized representatives of the Secretary, without advance notice or search warrant, upon presentation of appropriate credentials, and without delay to:

A. Enter upon or through any surface coal mining and reclamation operations to:

1. Inspect any coal mining and reclamation operation, monitoring equipment, or procedure conducted pursuant to the permit;
2. Collect samples and other relevant information regarding air or water, fish and wildlife, soils, vegetation and other resources protected under the Act, this Chapter and the State program; and
3. Obtain access to any copy of any records required to be maintained under the terms and conditions of the permit or the regulatory program.

B. Be accompanied by private persons for the purpose of conducting an inspection in accordance with Section 521(a) of the Act.

The term "authorized representative of the Secretary" as used in Section 517 and this paragraph shall be construed to include, but not be limited to, employees of the United States who are supervised by, or detailed or assigned to the Office of Surface Mining, any person under contract who is acting on behalf of the Secretary or any person employed by the State Regulatory Authority if it is authorized to regulate surface coal mining operations on federal lands; or any other person identified as an authorized representative by a letter signed by the Director, Office of Surface Mining.

2. The operator shall comply at all times with the provisos of the Surface Mining Control and Reclamation Act of 1977, the Mineral Leasing Act of 1920, as amended, and the rules and regulations promulgated pursuant to said Acts, and such other requirements as the Regulatory Authority shall promulgate by rule.

Standard Stipulations - Star Point #2 Mine (cont.)

3. The operator shall conduct surface mining and reclamation operations only on those lands specifically designated on the map(s) submitted and approved for the term of the permit, and only in the manner or with the processes and techniques described in the approved mining and reclamation plan.
4. The operator shall (a) install, maintain, and use any monitoring equipment required by the Regulatory Authority as a condition of this approval or required subsequent to approval during the life of the mine; (b) establish and maintain appropriate records of such monitoring; (c) evaluate the results in accordance with such methods, at such location, intervals, and in such manner as the Regulatory Authority shall prescribe; (d) make reports of the results of monitoring as required by the Regulatory Authority and (e) provide such other information as the Regulatory Authority shall require.
5. The operator shall comply with the Surface Mining Control and Reclamation Act of 1977; the Federal Metal and Nonmetallic Mine Safety Act; the Federal Coal Mine Health and Safety Act of 1969; the Federal Water Pollution Control Act, as amended; the Clean Air Act, as amended; the Resource Conservation and Recovery Act, as amended; the Refuse Act of 1899; the Fish and Wildlife Coordination Act of 1934; the Mineral Leasing Act of 1920, as amended; and any regulation, performance standard, effluent limit, emission limit, water quality standard, or ambient air quality standard promulgated or approved there under, as well as all applicable state and local laws, ordinances, regulations, standards, and limitations.
6. Compliance with any design criteria, or technology requirement, even where design criteria or the technology has been approved by the Regulatory Authority, shall not relieve the operator of the duty to comply with any applicable effluent limitations, emission limitation, applicable performance standard, water quality standard, ambient air quality standard, or any order issued by the Regulatory Authority under Section 521 of the Surface Mining Control and Reclamation Act.
7. The operator shall file a request with the Regulatory Authority seeking the release of all or part of a performance bond only during those seasonal periods when it is possible for the Regulatory Authority to inspect the area subject to the proposed release and make determination (a) regarding the completeness of reclamation; (b) the degree of difficulty to complete any remaining reclamation, including success of revegetation; (c) whether pollution of surface or subsurface water is occurring; and (d) the probability and estimated cost of abating such pollution or other applicable reclamation requirements.
8. Each of the mining, reclamation or monitoring procedures, techniques, methods or descriptions contained in the approved mining and reclamation plan or in any requirement, stipulation or condition established by the Regulatory Authority as part of any approval of a mining plan, or revision or modification thereof, or by order of the Regional Director following such approval shall be deemed a "permit condition required by this Act" for the purposes of enforcement under Section 521 of the Act and "a condition of a permit issued pursuant to a Federal Lands Program" for the purposes of Section 518 of the Act.