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

RECEIVED

SEP 28 1984

DIVISION OF OIL
GAS & MINING

Mr. Walter Mueller, Jr.
Vice President, General Manager
Plateau Mining Company
Price, Utah 84501

Dear Mr. Mueller:

The Utah Division of Oil, Gas and Mining (DOGM) and the Office of Surface Mining (OSM) have reviewed the Star Point unit train loadout and coal preparation plant package submitted December 1, 1983 and updated through August 20, 1984. OSM has received a copy of the bond rider increasing the total amount for the Star Point Mine to \$3,246,317.00, as required by DOGM and OSM.

This letter will constitute OSM's approval of the proposed permit revision upon receipt, by OSM, of a copy of this letter signed and dated by the permittee. A signature block has been provided on the last page.

Please read the enclosed conditions to the permit revision approval to be sure you understand the requirements. Based on your letter of September 12, 1984 to DOGM, condition 784.17-(1)-DWH has been satisfied. Pursuant to 30 CFR 775.11, Plateau Mining Company will have 30 days from the date of notice of the permit revision decision to appeal the Administrator's decision on the application. This approval is no way modifies the conditions of the permanent program permit approved January 21, 1982.

Enclosed is a copy of the newspaper notice we are sending to the Sun Advocate, Carbon County, Utah to be published as soon as possible. When published, this notice will constitute official public notification of our action. Any person with an interest which is or may be adversely affected may request a hearing on the reasons for the final decision within 30 days from the date that notice is published.

This letter has been provided in duplicate, so you can retain one copy with original signatures and return one copy with original signatures to use as an expressed acknowledgement that you have read and understood it. The complete decision package is available upon request.

File ACT/007/006
4
+ copy to
Wayne

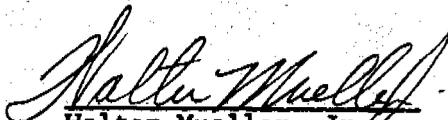
If you have any questions, please feel free to call either Walter Swain or me at (303) 844-3806.

Sincerely,



Allen D. Klein
Administrator
Western Technical Center

I have read and understand the permit revision approval and attached conditions.



Walter Mueller, Jr.
Vice President, General Manager
Plateau Mining Company

Sept 28, 1984
Date

enclosures

cc: Mr. Jackson Moffitt, Chief
Branch of Solid Minerals
Bureau of Land Management
136 E. South Temple
Salt Lake City, Utah 84111

Mr. Gene Nodine
District Manager
Bureau of Land Management
P.O. Box 970
Moab, Utah 84532

Dr. Dianne Nielson, Director
Division of Oil, Gas and Mining
4241 State Office Building
Salt Lake City, Utah 84114

Mr. Robert Hagen, Director
Albuquerque Field Office
Office of Surface Mining
219 Central Avenue, N.W., Room 216
Albuquerque, New Mexico 87102

PERMIT CONDITIONS

Plateau Mining Company
Star Point Mines MRP Permit Revision
Carbon County, Utah

Condition 784.17-(1)-DWH

1. The applicant must provide a written commitment to follow the SHPO recommendation as stated in the December 21, 1983 letter to the Division (suggesting that some form of loan program be worked out between an accredited museum and the Helper Mining Museum regarding display of artifacts), or arrange for placement of the historic artifacts in an accredited museum. This commitment must be received by the DOGM prior to final approval of this revision.
2. Standard permit conditions as outlined under Section UMC 786.29 (appended to this document).
3. All of the special conditions as attached to the BLM right-of-way/special use permit #U-52409 issued April 10, 1984 (appended to this document).

UMC 786.29 Conditions Of Permits: Environment, Public Health, And Safety

Each permit issued by the Division shall ensure and contain specific conditions requiring that the-

(a) Permittee shall take all possible steps to minimize any adverse impact to the environment or public health and safety resulting from non-compliance with any term or conditions of the permit, including, but not limited to:

(1) Any accelerated or additional monitoring necessary to determine the nature and extent of noncompliance and the results of the noncompliance;

(2) Immediate implementation of measures necessary to comply; and

(3) Warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the non-compliance.

(b) The permittee shall dispose of solids, sludge, filter backwash, or pollutants removed in the course of treatment or control of waters or emissions to the air in the manner required by Subchapter K of this Chapter, the regulatory program, and which prevents violation of any other applicable State or Federal law.

(c) The permittee shall conduct its operations-

(1) In accordance with any measures specified in the permit as necessary to prevent significant, imminent environmental harm to the health or safety of the public; and,

(2) Utilizing any methods specified in the permit by the Division in approving alternative methods of compliance with the performance standards of the Act and the regulatory program in accordance with the provisions of the Act, UMC 786.19(m), and Subchapter K.

2890
U-52409
(U-066)

Hoab District
Price River Resource Area
P. O. Drawer AB
Price, Utah 84501

RIGHT-OF-WAY

U-52409

Section A

1. There is hereby granted, pursuant to Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761), a nonexclusive, nonpossessory right-of-way to:

Getty Minerals Marketing Incorporated
P. O. Box 7900
Salt Lake City, UT 84107

In case of change of address the Holder shall immediately notify the Authorized Officer.

2. To use, subject to terms and conditions set out below, the following described Public Land.

Salt Lake Base and Meridian, Utah
Township 15 South, Range 8 East,
Section 15, NE $\frac{1}{4}$

3. Description of the right-of-way facility and purpose:

The right-of-way is for an access road, conveyor, sedimentation pond, diversion ditches and culverts, associated with a unit train loadout facility. The right-of-way contains 25.19 acres.

A map showing the location of the right-of-way over the above described public land is attached hereto as "Exhibit A".

TERMS AND CONDITIONS

Section B

1. The right-of-way Holder agrees to comply with all the applicable regulations contained in 43 CFR 2800.

2. This grant is subject to all valid rights existing on the effective date of this grant.

3. The holder shall comply with the applicable Federal and State laws and regulations concerning the use of pesticides (i.e., insecticides, herbicides, fungicides, rodenticides and other similar substances) in all activities/operations under this grant. The holder shall obtain from the Authorized Officer approval of a written plan prior to the use of such substances. The plan must provide the type and quantity of material to be used; the pest, insect, fungus, etc., to be controlled; the method of application; the location for storage and disposal of containers; and other information that the Authorized Officer may require. The plan should be submitted no later than December 1 or any calendar year that covers the proposed activities for the next fiscal year (i.e., December 1, 1983 deadline for a fiscal year 1985 action). Emergency use of pesticides may occur. The use of substances on or near the right-of-way shall be in accordance with the approved plan. A pesticide shall not be used if the Secretary of the Interior has prohibited its use. A pesticide shall be used only in accordance with its registered uses and within other limitations if the Secretary has imposed limitations. Pesticides shall not be permanently stored on public lands authorized for use under this grant.

4. The holder agrees not to exclude any person from participating in employment or procurement activity connected with this grant on the grounds of race, creed, color, national origin or sex, and to ensure against such exclusions, the holder further agrees to develop and submit to the proper reviewing official specific goals and time tables with respect to minority and female participation in employment and procurement activity connected with this grant. The holder will take affirmative action to utilize business enterprises owned and controlled by minorities or women in its procurement practices connected with this grant. Affirmative action will be taken by the holder to assure all minorities or women applicants full consideration of all employment opportunities connected with this grant. The holder also agrees to post in conspicuous places on its premises which are available to contractors, subcontractors, employees and other interested individuals, notices which set forth equal opportunity terms; and to notify interested individuals, such as bidders, contractors, purchasers and labor unions or representatives of workers with whom it has collective bargaining agreements, of the holder's equal opportunity obligations.

5. There is hereby reserved to the Secretary of the Interior, or his lawful delegate, the right to grant additional rights-of-way or permits for compatible uses on, over, under or adjacent to the land involved in this grant.

6. If the right-of-way Holder violates any of the terms and conditions to this grant, the authorized officer, after giving written notice may declare this grant terminated.

7. The holder acknowledges and agrees that the grant of this right-of-way is subject to the express condition that the exercise thereof will not interfere with the management, administration or disposal by the United States of the lands affected thereby, or the full and safe utilization thereof by the United States, for necessary operations incident to such management, administration or disposal. The holder agrees and consents to the occupancy and use by the United States, its grantees, permittees or lessees of any part of the right-of-way not actually occupied or required by the project for purposes which are not in conflict with holder's use of the right-of-way.

8. The right-of-way shall be relinquished to the United States if the authorized uses are no longer needed.

9. The holder shall construct and maintain right-of-way facilities and structures in strict conformity with the descriptive and technical data which it has heretofore furnished the Bureau of Land Management in connection with its application. Activities which are not in accord with such data may not be initiated without the prior written approval of the Authorized Officer. Approval of variances will not be given unless the need therefore is fully justified by the holder.

10. If at any time hereafter the holder wishes to reconstruct, remodel or relocate any portion of the right-of-way hereby granted, or any of the improvements thereon, the prior written approval of the Authorized Officer must be obtained. No such approval will be given unless the request is fully justified by the holder and is authorized by law. Where necessary, the holder shall make application under appropriate regulations.

11. The holder shall comply with all State and Federal regulations and laws pertaining to water quality, public health and safety, and environmental protection. Compliance shall be made with State standards when those standards are more stringent than Federal Standards.

12. The holder shall comply with applicable Federal and State laws and regulations issued thereunder, existing or hereafter enacted or promulgated, affecting in any manner construction, operation, maintenance or termination of facilities located on the right-of-way to include all applicable regulations in 30 CFR Chapter VII and regulations developed to implement the Coal Mining Reclamation Act of 1978 (U.C.A. 40-10-1 et. seq.) Chapter I Parts U.M.C. 700-845.

13. Topsoil shall be removed and stockpiled from all areas to be disturbed before any surface disturbance occurs. The performance guidelines outlined in 30 CFR 816.22 shall be followed in the removal of topsoil.

14. All topsoil removed for storage shall be stockpiled on the right-of-way and protected from wind and water erosion, unnecessary compaction and contaminants. Immediately following stockpiling, topsoil shall be seeded with a quick growing cover plant and a permanent perennial plant to protect the soil until reclamation operations begin. When reclamation operations commence, topsoil shall be evenly distributed over the final prepared site. Soil nutrients or other amendments may be required if, in final reclamation, soil test results so determine.

15. Discharge of water from areas impacted by surface disturbance on the right-of-way shall be made in compliance with all Federal and State laws and regulations.

16. The holder shall remove and dispose of all waste material including trash, oil, grease, chemicals and similar substances in accordance with local, State and Federal laws and regulations. Under no circumstances shall waste material be disposed of on public lands without the written approval of the Authorized Officer.

17. All structures constructed on the right-of-way shall be painted, utilizing a nonobstrusive color approved by the Authorized Officer.

18. The holder shall seed all areas disturbed by construction operations not required for operation or maintenance of the facility.

19. All disturbed areas shall be seeded or planted to achieve a permanent vegetative cover. The seeding/plant mixture will be developed by the holder and authorized BLM official in conjunction with recommendations made by the Utah Division of Oil, Gas and Mining. Seeding and planting shall take place from mid October through November unless supplemental irrigation is used. The holder shall apply a suitable mulch on all disturbed areas to control erosion and to promote germination of seeds and growth of plants. Mulch shall be mechanically or chemically anchored to the soil surface. If straw or hay is used as mulch, the rate of application shall be at least 1.5 tons per acre.

20. The holder shall install permanent monuments at each corner of the right-of-way. Each monument shall have the survey bearing and right-of-way number inscribed on a brass cap. Monument specifications are attached.

21. The Holder shall submit to the Authorized Officer a report verifying the success of wildlife mitigation efforts. The report shall discuss the success of seeding and planting of transplant stock as well as the improvement in shrub density and vegetative production. Additional measures may be required to mitigate impacts to mule deer critical winter range, if current efforts appear unsuccessful.

22. Upon termination of the right-of-way all structures shall be removed and the site restored to as natural a state insofar as possible, subject to the approval of the Authorized Officer.

U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
NOTICE OF A DECISION AND AVAILABILITY
OF BOTH A TECHNICAL ANALYSIS AND AN
ENVIRONMENTAL ASSESSMENT FOR
PLATEAU MINING COMPANY
PERMANENT PROGRAM PERMIT
STAR POINT MINE
CARBON COUNTY, UTAH

The United States Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSM), has approved, with conditions, a permit for Plateau Mining Company to construct and operate a unit train loadout facility and modify the coal preparation plant area at the Star Point mine.

The Star Point mine is located near the Town of Wattis, Carbon County, Utah, located approximately 12 air miles west-southwest of Price, Utah. The proposed permit area will cover approximately 25 acres of a Bureau of Land Management right-of-way lease. A significant portion of the proposed facilities will be located on previously disturbed land.

Any person with an interest which is or may be adversely affected by this Federal permit approval action may request an adjudicatory hearing on the final decision within 30 days after publication of this notice, in accordance with Section 514(c) of the Surface Mining Control and Reclamation Act (SMCRA). Any hearing will be governed by provisions of 5 U.S.C. Section 554. A petition for review of the OSM decision should be submitted to:

Hearing Division
Office of Hearings and Appeals
U.S. Department of the Interior
4015 Wilson Boulevard
Arlington, Virginia 22203

Pursuant to 40 C.F.R. Sections 1501.4(c) and 1506.6, notice is hereby given that the Utah Division of Oil, Gas and Mining has completed a technical analysis (TA) for the permit revision application for the Star Point mine unit train loadout facility and modification of the coal preparation plant area in Carbon County, Utah. OSM has supplemented this TA with its own environmental assessment (EA). OSM's recommendation to approve the revised Plateau Mining Company permit revision application with conditions is in accordance with Sections 510 and 523 of SMCRA. OSM's analysis is that no significant environmental impacts would result from such approval. For information or clarification concerning the approval of the proposed Star Point mine application, please contact Walter Swain or William Kovacic at (303) 844-3806, Office of Surface of Mining, Denver, Colorado.

Both the TA and the EA are available for public review at the following locations:

Office of Surface Mining Reclamation and Enforcement
Western Technical Center
1020 15th Street
Denver, Colorado 80202

Office of Surface Mining Reclamation and Enforcement
Enforcement and Inspection
219 Central Avenue, NW., Room 216
Albuquerque, New Mexico 87102

Utah Division of Oil, Gas and Mining
4241 State Office Building
Salt Lake City, Utah 84114