

0058



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

*File*

*ACT/007/006  
#2*

Norman H. Bangerter, Governor  
Dee C. Hansen, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

June 19, 1987

Mr. John Spiecha  
Vice President & General Manager  
Plateau Mining Company  
Drawer P M C  
Price, Utah 84501

Dear *John* Mr. Spiecha:

Re: Approval for Permit Transfer, Star Point Mines,  
ACT/007/006, Folder #2 and #4, Carbon County, Utah

The Division has found that Plateau Mining Company has met all requirements for a permit transfer as required under UMC 788.18. Therefore, in accordance with the attached Findings, the request for transfer of the permit for the Star Point Mines is hereby approved.

As you are aware, Plateau Mining Company is responsible for all prior commitments relating to this operation as made by previous owners. Please contact me or Lowell Braxton if we can provide further assistance.

Best regards,

A handwritten signature in cursive script that reads "Dianne".

Dianne R. Nielson  
Director

JJW/pb  
Attachments  
cc: P. Rutledge, OSM  
B. Grimes, PMC  
L. Braxton  
J. Whitehead  
0800R/48

## FINDINGS

Star Point Mines  
Plateau Mining Company  
ACT/007/006  
Carbon County, Utah

June 8, 1987

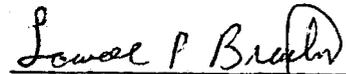
The applicant for transfer of permit rights, Plateau Mining Company has committed to continue to conduct the operations involved in full compliance with the terms and conditions of the original permit issued to Plateau Mining Company (UMC 788.18(c)(3)). Therefore, findings 2 through 6, and 10 through 16 of the original Decision Document (attached) are still pertinent.

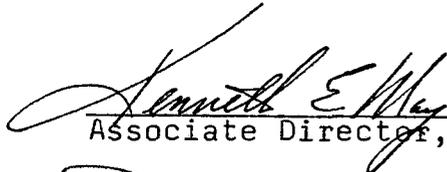
The following findings specifically apply to the application for transfer of permit rights.

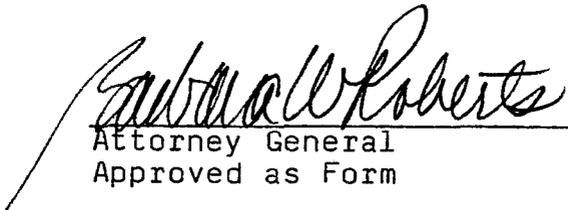
1. The State of Utah has determined that the application for transfer of permit rights is accurate and complete, and complies with the requirements of UMC 788.18(a) and (b).
2. The applicant has obtained a performance bond equivalent to the bonding requirements of the original permit, in the amount of \$3,407,322.00 (UMC 788.18(c)(2)).
3. The applicant has the legal right to enter and begin underground coal mining activities pursuant to the Sale Agreement between Getty Mineral Resources Company and Cyprus Western Coal Company.
4. The Office of Surface Mining (OSM) has assessed the applicant's compliance with Section 510(c) of the Surface Mining Control and Reclamation Act. It has been found that all AML fees have been paid and all outstanding Cessation Orders, civil penalties and violations have been resolved.

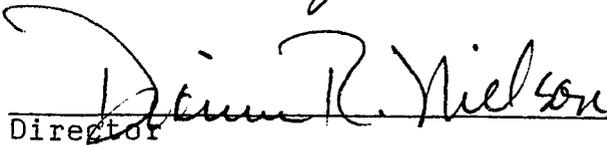
5. Procedures for public participation have complied with requirements of the Act and the Utah State Program. Notice was published as required by UMC 788.18(b)(1).

  
\_\_\_\_\_  
DOGM Lead Reviewer

  
\_\_\_\_\_  
Administrator, Mineral Resource  
Development and Reclamation Program

  
\_\_\_\_\_  
Associate Director, Mining

  
\_\_\_\_\_  
Attorney General  
Approved as Form

  
\_\_\_\_\_  
Director

## FINDINGS DOCUMENT

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

- I. The Office of Surface Mining (OSM) has determined that the permit application for a revision to the approved Mining and Reclamation Plan (MRP) originally submitted December 1, 1983 and updated through August 20, 1984 and the permit with conditions, are accurate, complete and comply with the requirements of the Utah State Regulatory Program, the Surface Mining Control and Reclamation Act (SMCRA) and the Federal Lands Program. (as required by UMC 786.19[a])
- II. The Utah Division of Oil, Gas and Mining has reviewed the permit application and mining plan, and prepared the technical analysis (TA). OSM has prepared an environmental assessment (EA) and reviewed the TA and incorporated documents; and, based on this has made the following findings:
  1. The information in the permit application for a revision and the approved MRP details acceptable practices for reclamation. The DOGM has determined that reclamation, as required by the Act, can be feasibly accomplished under the permit application for a revision (see TA Section UMC 817.111 - .117). (UMC 786.19[c])
  2. Cumulative hydrologic impacts have been assessed for the unit train loadout facility and coal preparation plant area by the DOGM (see Cumulative Hydrologic Impact Assessment [CHIA] in the Technical Analysis). The details of the type and extent of impacts are included in the CHIA. (UMC 786.19[c])
3. After reviewing the description of the proposed permit area, the OSM has determined that the area is:
  - a. Not included within an area designated unsuitable for coal mining operations. (UMC 786.19[d](1))
  - b. Not within an area under study for designating lands unsuitable for coal mining operations. (UMC 786.19[d](2))
  - c. Not on any land subject to the prohibitions or limitations of 30 CFR 761.11(a) (national parks, etc.), 761.11(f) (public building, etc.) and 761.11(g) (cemeteries). [UMC 786.19(d)(3)]

- d. Not within 100 feet of the outside right-of-way of a public road. (UMC 786.19[d][4])
  - e. Not within 300 feet of an occupied building. (UMC 786.19[d][5])
  - f. Not unsuitable in accordance with 522(b) and (a)(3) of SMCRA.
4. OSM's issuance of a permit and the Secretarial decision on the Mineral Leasing Act plan are in compliance with the National Preservation Act and implementing regulations (see concurrence letter from the State Historic Preservation Office (SHPO), December 19, 1983 and Star Point Mines Mining and Reclamation Plan, Volume 1, 3.5.2). (UMC 786.19[e])
  5. The applicant has the legal right to enter and begin surface mining activities in the permit area. The applicant has provided information required by UMC 782.15(b) (see BLM letter approving a right-of-way for use of the Federal estate issued April 10, 1984 and received by DOGM on August 22, 1984). (UMC 786.19[f])
  6. The applicant has submitted proof and the DOGM records indicate that prior violations of applicable laws and regulations have been or are in the process of being corrected (personal communication, David Lof, Field Specialist, Division of Oil, Gas and Mining [DOGM] August 28, 1984). (UMC 786.19[g])
  7. OSM records confirm that all fees for the Abandoned Mine Reclamation Fund have been paid (personal communication, John Sender, OSM Fee Compliance Officer, August 29, 1984). (UMC 786.19[h])
  8. OSM records show that the applicant does not control and has not controlled mining operations with a demonstrated pattern of willful violations of the Act of such nature, duration and with such resulting irreparable damage to the environment as to indicate an intent to comply with the provision of the Act (personal communication, Joe Helfrich, Field Supervisor, DOGM). (UMC 786.19[i])
  9. Reclamation operations to be performed under the permit will not be inconsistent with other underground mines in the general vicinity of the Star Point mine. (UMC 786.19[j])

10. The applicant posted a corporate surety bond for \$2,425,172.00 in May of 1983 for the Star Point mine. A revised bond (rider) in the amount \$3,246,317.00 (1985 dollars) will be posted by the applicant to cover the entire operation (including the unit train loadout facility). Of this amount, \$481,144.00 (1985 dollars) is for the unit train loadout facility and improvements in the coal preparation plant. This bond, as provided in the original permit approval, will be revised annually. See the bonding calculations attached to this document for specifics. (UMC 786.19[k])
11. The applicant has provided evidence and the OSM has found that there are no prime farmlands located in the permit area which are being protected as required by 30 CFR 785.17 (see letter from Soil Conservation Service dated July 7, 1981). (UMC 786.19[1])
12. OSM has determined that there are no alluvial valley floors (AVF) existing within the proposed permit area. There are no AVF's which may be negatively impacted by the utilization of the unit train loadout facility. (UMC 786.19[1])
13. The proposed postmining land-use for the permit area has been approved by OSM (see Technical Analysis section UMC 817.133). UMC 786.19[m])
14. OSM has made all specific approvals required by the Act, the approved Utah State Regulatory Program and the Federal Land Program. (UMC 786.19[n])
15. The proposed operation will not affect the continued existence of threatened or endangered species or result in the destruction of adverse modification of their critical habitats (see Technical Analysis section UMC 817.97 and letter dated July 23, 1984 from U.S. Fish and Wildlife Service). (UMC 786.19[o])
16. All procedures for public participation required by the Act, and the approved Utah State Regulatory Program have been complied with. (UMC 786.23[a][2]).

The applicant has complied with all other requirements of applicable Federal laws [30 CFR 746.13(g)].

  
Administrator  
Western Technical Center