

0024

Document Information Form

Mine Number: C1007/006

File Name: Outgoing

To: DOGM

From:

Person N/A

Company N/A

Date Sent: AUGUST 5, 1991

Explanation:

FINDINGS FOR INCIDENTAL BOUNDARY CHANGE

cc:

File in: C1 007 , 006 , Outgoing

Refer to:

- Confidential
- Shelf
- Expandable

Date _____ For additional information

Federal

FINDINGS
Cyprus-Plateau Mining Corporation
Star Point Mine
ACT/007/006
Carbon County, Utah
August 5, 1991

(Findings for Incidental Boundary Change)
Lease UTU-64263

1. The permit application for the incidental boundary change is accurate and complete and all requirements of the Surface Mining Control and Reclamation Act (the "Act"), and the approved Utah State Program have been complied with (R614-300-133.100).
2. This incidental boundary change addition to the permit area is:
 - (a) not included within an area designated unsuitable for underground coal mining operations;
 - (b) not within an area under study for designated lands unsuitable for underground coal mining operations;
 - (c) not on any lands subject to the prohibitions or limitations of 30 CFR 761.11{a} (national parks, etc.), 761.11{f} (public buildings, etc.) and 761.11{g} (cemeteries);
 - (d) within 100 feet of a public road (R614-300-133.220); and
 - (e) not within 300 feet of any occupied dwelling (R614-300-133.220).
3. The Division has made an assessment of the probable cumulative impacts of all anticipated coal mining and reclamation operations on the hydrologic balance in the cumulative impact area and has determined that the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area. The permit application has been designed to prevent damage to the hydrologic balance in the proposed permit area (R614-300-133.400 and UCA 40-10-11{2}(c)).
4. The operation would not affect the continued existence of any threatened or endangered species or result in the destruction or adverse modification of their critical habitats as determined under the Endangered Species Act of 1973 (16 U.S.C. 1531 et. seq.) (R614-300-133.500).

5. The Division's issuance of a permit is in compliance with the National Historic Preservation Act and implementing regulations (36 CFR 800) and (R614-300-133.600).

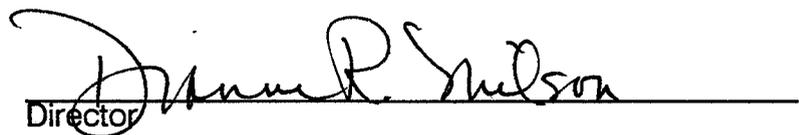
6. The applicant has paid all reclamation fees from previous and existing coal mining and reclamation operations as required by 30 CFR Part 870. A 510{c} report has been run on the Applicant Violator System (AVS), which shows that: prior violations of applicable laws and regulations have been corrected; Cyprus-Plateau Mining Corporation is not delinquent in payment of fees for the Abandoned Mine Reclamation Fund; and the applicant does not control and has not controlled mining operations with a demonstrated pattern of wilful violations of the Act of such nature, duration, and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the provisions of the Act [R614-300-132 (OSM Relatedness Report dated August 5, 1991)].

7. The applicant has satisfied the applicable requirements of R614-302.

8. The applicant has filed a reclamation performance bond in the amount of \$4,830,000 made payable to the Division and the Office of Surface Mining, Reclamation and Enforcement (OSM).


Pamela Embaugh Litzig
Permit Supervisor


James P. Brayton
Associate Director, Mining


James R. Nelson
Director

FEDERAL

PERMIT
ACT/007/006

July 17, 1991

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
(801) 538-5340

This permit, ACT/007/006, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (Division) to:

Plateau Mining Company
P.O Drawer P M C
Price, Utah 84501
(801) 637-2875

for the Star Point Mine. A Surety Bond is filed with the Division in the amount of \$4,830,800, payable to the State of Utah, Division of Oil, Gas and Mining and the Office of Surface Mining Reclamation and Enforcement (OSM). The Division must receive a copy of this permit signed and dated by the permittee.

Sec. 1 STATUTES AND REGULATIONS - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act.

Sec. 2 PERMIT AREA - The permittee is authorized to conduct underground coal mining activities on the following described lands within the permit area at the Star Point Mine, situated in the state of Utah, Carbon County, and located in:

Township 15 South, Range 7 East

Section 1: S1/2;
Section 2: SE1/4 SE1/4;
Section 11: E1/2 NE1/4, NE1/4 SE1/4;
Section 12: All;
Section 13: N1/2;
Section 14: S1/2, E1/2 NE1/4, SW1/4 NE1/4;
Section 15: Portions of E1/2 E1/2, SE1/4;
Section 22: Portions of E1/2 E1/2 NE1/4 NE1/4;
Section 23: All;
Section 25: W1/2 NW1/4;
Section 26: N1/2.

Township 15 South, Range 8 East

- Section 5: W1/2 NW1/4, NW1/4 SW1/4;
Section 6: E1/2 NW1/4, E1/2 SW1/4, SW1/4 SW1/4 W1/2 NE1/4, SE1/4
NE1/4, SE1/4;
Section 7: All;
Section 8: W1/2 NW1/4, SW1/4, SE1/4 SE1/4, S1/2 SW1/4 SE1/4;
Section 9: SW1/4 SW1/4, SE1/4, E1/2 SW1/4;
Section 10: SW1/4, W1/2 SE1/4, SE1/4 SE1/4;
Section 11: Portions of S1/2 SW1/4;
Section 15: N1/2 NW1/4, N1/2 NE1/4;
Section 16: All;
Section 17: E1/2, NW1/4, portions of NW1/4 SW1/4;
Section 18: N1/2, portions of N1/2 SE1/4, N1/2 SW1/4;
Section 20: NE1/4;
Section 21: E1/2 NW1/4.

This legal description is for the permit area of the Star Point Mine. The permittee is authorized to conduct underground coal mining activities and related surface activities on the foregoing described property subject to the conditions of all applicable conditions, laws and regulations.

- Sec. 3 COMPLIANCE** - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.
- Sec. 4 PERMIT TERM** - This permit becomes effective on July 17, 1991, and expires on January 27, 1992.
- Sec. 5 ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the prior written approval of the Division Director. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13{e} and R614-303-300.
- Sec. 6 RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the Division, including but not limited to inspectors, and representatives of the Office of Surface Mining Reclamation and Enforcement (OSM), without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:
- (a) have the rights of entry provided for in 30 CFR 840.12, R614-400-220, 30 CFR 842.13 and R614-400-110;

- (b) be accompanied by private persons for the purpose of conducting an inspection in accordance with R614-400-100 and R614-400-200 when the inspection is in response to an alleged violation reported to the Division by the private person.

Sec. 7 SCOPE OF OPERATIONS - The permittee shall conduct underground coal mining activities only on those lands specifically designated as within the permit area on the maps submitted in the approved plan and approved for the term of the permit and which are subject to the performance bond.

Sec. 8 ENVIRONMENTAL IMPACTS - The permittee shall take all possible steps to minimize any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of the permit, including, but not limited to:

- (a) Any accelerated or additional monitoring necessary to determine the nature and extent of noncompliance and the results of the noncompliance;
- (b) immediate implementation of measures necessary to comply; and
- (c) warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

Sec. 9 CONDUCT OF OPERATIONS - The permittee shall conduct its operations:

- (a) in accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and
- (b) utilizing methods specified as conditions of the permit by the Division in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.

Sec. 10 EXISTING STRUCTURES - As applicable, the permittee will comply with R614-301 and R614-302 for compliance, modification, or abandonment of existing structures.

Sec. 11 RECLAMATION FEE PAYMENTS - The operator shall pay all reclamation fees required by 30 CFR Part 870 for coal produced under the permit, for sale, transfer or use.

- Sec. 12 AUTHORIZED AGENT** - The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.
- Sec. 13 COMPLIANCE WITH OTHER LAWS** - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq.) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.
- Sec. 14 PERMIT RENEWAL** - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act, the approved Utah State Program and the Federal Lands Program.
- Sec. 15 CULTURAL RESOURCES** - If during the course of mining operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify the Division. The Division, after coordination with OSM, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by Division within the time frame specified by Division.
- Sec. 16 APPEALS** - The permittee shall have the right to appeal as provided for under R614-300-200.
- Sec. 17 SPECIAL CONDITIONS** - There are special conditions associated with this permitting action, as described in Attachment A.

The above conditions (Secs. 1-17) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease. The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of the Division and the permittee at any time to adjust to changed conditions or to correct an oversight. The Division may amend these conditions at any time without the consent of the permittee in order to make them consistent with any federal or state statutes and any regulations.

THE STATE OF UTAH

By: 
Date: July 19, 1991

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I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

George C. Newhouse

**Authorized Representative of
the Permittee**

Date: 7-25-91

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Attachment A

CONDITION

Incidental Boundary Change
UTU-64263

The operator must conduct horizontal drilling ahead of the advance of the workings to the west into the incidental boundary change/lease modification area. This drilling must be conducted in coordination with the authorized officer of the BLM and be designed to detect significant flows of ground water well in advance of the mine workings, in accordance with the authorized officer of the BLM, and notify the Division of Oil, Gas and Mining. Further advance of mine workings within the wet area will not be authorized unless the operator can demonstrate that significant impacts will not occur.

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