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United States Department of the Interior

BUREAU OF LAND MANAGEMENT

file AV/007/007 #2
cc B. Malenick

2810
U-54740
(U-065)

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

Mr. Carl Winters
Kaiser Coal Corporation
P.O. Box 10
Sunnyside, Utah 84539

OCT 15 1987

Dear Mr. Winters:

Enclosed is executed right-of-way grant U-54740.

If you have any questions please feel free to contact Mark Mackiewicz of my staff at 637-4584.

Sincerely yours,

Area Manager

Enclosure
1-Right-of-way grant

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Issuing Office **Moab District**
Price River Resource Area

Serial Number
U-54740

RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

1. A (right-of-way) ~~XXXX~~ is hereby granted pursuant to:

- a. Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
- b. Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
- c. Other (describe) _____

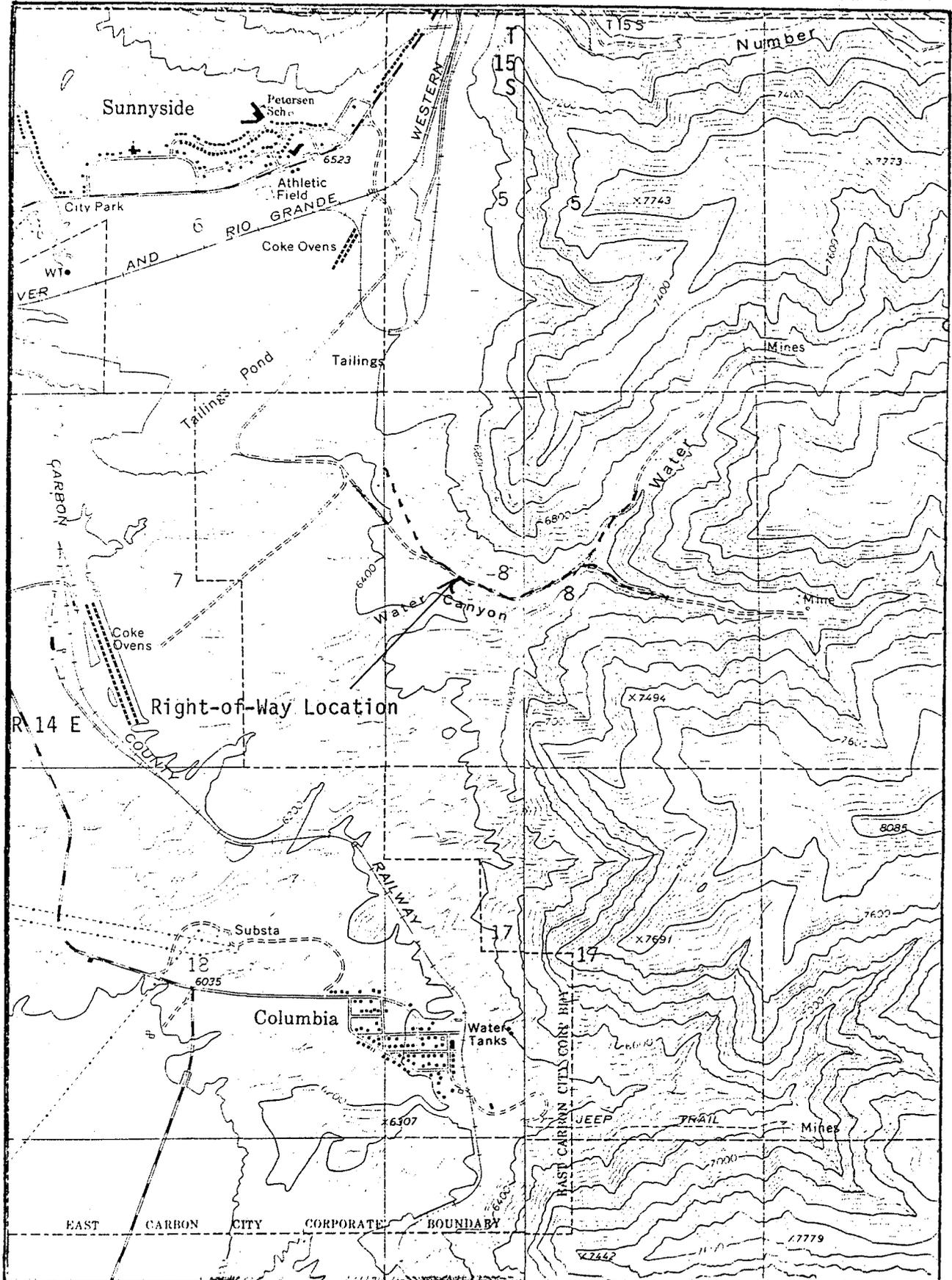
2. Nature of Interest:

- a. By this instrument, the holder Kaiser Coal Corp., 102 S. Tejon St., #800, Colorado Springs, Co. 80903 receives a right to construct, operate, maintain, and terminate a road on public lands (or Federal land for MLA Rights-of-Way) described as follows:

Salt Lake Meridian
 Township 15 South, Range 14 East
 Section 8, Lot 5, Lot 6,
 SW $\frac{1}{4}$ NE $\frac{1}{4}$
 NW $\frac{1}{4}$ SE $\frac{1}{4}$
 SE $\frac{1}{4}$ NW $\frac{1}{4}$
 NE $\frac{1}{4}$ SW $\frac{1}{4}$

- b. The right-of-way or ~~XXXX~~ area granted herein is 30 feet wide, 7,100 feet long and contains 4.88 acres, more or less. If a site type facility, the facility contains _____ acres.
- c. This instrument shall terminate on October 14, 2012, 25 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument may may not be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

EXHIBIT A



Sunnyside, Utah and Patmos Head 7½-minute USGS Quads showing right-of-way location.

2810
U-54740
(U-066)

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EXHIBIT B
STIPULATIONS

1. The holder shall generally follow BLM Class II Road Standards (copy enclosed) in survey design construction and maintenance of the road. Exceptions to these standards are possible since the access road falls under the jurisdiction of the Utah Division of Oil, Gas and Mining and the Office of Surface Mining Reclamation and Enforcement.

The right-of-way is part of an approved mine plan. As such, construction, maintenance and reclamation standards authorized in this grant may be superseded by other State or Federal laws and regulations. This may include 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.

2. The holder shall meet Federal, State, and local emission standards for air quality.

3. All persons in the area who are associated with the project will be informed by the holder that they will be subject to prosecution for disturbing archaeological sites or collecting artifacts. If subsurface cultural material is exposed during construction or maintenance, work at that spot will stop immediately and the BLM, San Rafael/Price River Resource Area Office will be contacted (phone (801) 637-4584). The holder will be responsible for the cost of evaluation of the discovery and proper mitigation measures. Any decision as to proper mitigation shall be made by the authorized officer after consulting with the holder.

4. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 6 inches deep, the soil shall be deemed too wet to adequately support construction equipment.

5. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments

or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands of the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.

6. The holder shall conduct all activities associated with construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.

7. The holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer. (A regular maintenance program shall include, but is not limited to, blading, ditching, culvert installation, and surfacing).

8. One (1) year prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.

9. The holder shall recontour, rip, and seed the right-of-way upon termination of the grant. Stabilization and rehabilitation of the right-of-way shall be accomplished as noted below.

The holder shall recontour the right-of-way, by grading to restore the site to approximately the original contour of the ground as determined by the authorized officer. Fill material may have to be brought in in order to approximate the original contour. The topsoil removed in new road construction shall be respread over the road. The holder shall uniformly spread topsoil over all unoccupied disturbed areas (outside the ditch line, fence line, work area). Spreading shall not be done when the ground or topsoil is frozen or wet.

A satisfactory growth medium shall be present after final topsoil distribution and recontouring. Satisfactory growth medium is defined as a soil base with adequate physical and chemical properties for sustaining nonweedy plant life. The holder shall bring topsoil in for this purpose, and/or fertilize, as determined necessary by the authorized officer.

The holder shall construct waterbars on all disturbed areas to the spacing and cross sections specified by the authorized officer. Waterbars are to be constructed to: (1) simulate the imaginary contour lines of the slope (ideally with a grade of one or two percent); (2) drain away from the disturbed area; and (3) begin and end in vegetation or rock whenever possible.

The holder shall seed all disturbed areas with the seed mixture(s) listed below. The seed mixtures(s) shall be planted in the amounts specified in pounds of pure live seed (PLS)/acre. There shall be no primary or secondary noxious weeds in the seed mixture. Seed shall be tested and the viability testing of seed shall be done in accordance with State law(s) and within 9 months prior to purchase. Commercial seed shall be either certified or registered seed. The seed mixture container shall be tagged in accordance with State law(s) and available for inspection by the authorized officer.

Seed shall be broadcast and the area shall be raked or chained to cover the seed. Seed may be drilled if feasible. Seeding shall be completed between October 1 and December 15. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of the second growing season after seeding. The authorized officer is to be notified a minimum of 10 days prior to seeding of the project.

Seed Mixture

<u>Species</u>	<u>Pounds/Acre PLS</u>
Western wheatgrass	8
Pubescent wheatgrass	4.2
Slender wheatgrass	3.3
Thick spike wheatgrass	3.3
Russian wildrye	3.0
Small burnett	2.5
Sainfoin	3.0
Yellow sweet clover	0.7
Birchleaf mountain mahogany	0.5
Antelope bitterbrush	1.0

Total 29.5/acre PLS

(PLS formula: percent of germination (x) percent of purity (x) 100 percent)

The holder shall fertilize all areas disturbed as a result of project operations. Fertilizer shall be water soluble commercial fertilizers supplied in a combination containing the following ratio:

Available nitrogen	16 percent
Available phosphoric acid	16 percent

Fertilizer shall be applied at a rate of 300 pounds per acre. If soil tests indicate a need for less fertilizer, the rate may be lowered with the approval of the authorized officer.

LOCAL ROADS
(CLASS II ROADS)

SEP 15 1987

SECTION 1

SURVEY AND DESIGN

Definition - Local roads are those existing or proposed roads which will serve the development of a depletable natural resource or temporary facility. When these roads are no longer required for access, they will be rehabilitated. If it is determined by the controlling authority (prior to rehabilitation) that the road continues to serve a useful purpose, that authority may retain the road as part of its active transportation system and assume maintenance responsibilities.

1. Field Survey Requirements

- (A) Establish a flag line survey along the route shown on the BLM's Transportation Plan Maps.
- (B) Flag line stationing shall be located to follow the route line with station intervals not exceeding 100 feet, or be intervisible, whichever is less.
- (C) Any significant deviation from the route line established by BLM (as shown on the Transportation Plan Maps) shall be approved by BLM prior to construction.

2. Design Requirements

All Local roads constructed by non-government entities across public lands must be designed by or under the direction of a licensed professional engineer (BLM Manual 9113.06 F).

- (A) Design speed, 20 mph.
- (B) Travel way width, minimum 20 feet, maximum 24 feet (exceptions may be made to width requirements if approved by BLM prior to construction).
- (C) Minimum horizontal curve radius, 115 feet (maximum degree of curve is 50 degrees unless a shorter radius is approved by BLM prior to construction).
- (D) Minimum length of vertical curves (see attached graph).
- (E) Maximum grade, 10% (except pitch grades*).

* Pitch grades are defined as those grades exceeding 10% which are necessary because of topography, i.e., low water crossings. Such grades shall not extend over 300 feet in length, nor shall they be used to circumvent the intent of these stipulations. Maximum pitch grade shall be 16%.

Mass diagrams and earthwork balancing will not be required; however, obvious areas of waste or borrow shall be noted on the road location map, as well as proposed locations of borrow or waste disposal areas.

- F. All culverts shall be designed for a 10-year frequency storm with an allowable head of one foot at the pipe inlet. All culverts planned shall be sized in accordance with accepted engineering practices. The minimum size culvert shall be 18 inches.
- G. Drainage dips shall be placed to control backslope and travel surface runoff on side hill sections when such drainage is not controlled by rolling topography on culverts. Dip placement shall be in accordance with the table in Section 2, paragraph 6, of these standards.

The Company shall submit to the BLM two copies of a road location map showing grades in excess of 10%, culvert location, as well as calculations made to determine the size of any culverts. The BLM shall review the proposed design and approve or suggest correction to the Company within ten (10) working days of the receipt of such maps.

3. Construction Control

The road shall be constructed along the approved flag line. All fill sections over three feet high shall be marked with 1' x 2' wood stakes on centerline showing the amount of fill. Road centerline flags or stakes shall be placed at maximum intervals of 300 feet.

THE COMPANY SHALL PROVIDE A COMPETENT ON-SITE INSPECTOR DURING CONSTRUCTION OF THE ROAD TO INSURE COMPLIANCE WITH ALL STIPULATIONS. THE INSPECTOR SHALL BE DESIGNATED AT THE PRE-DRILL CONFERENCE, AND SHALL BE GIVEN AN APPROVED COPY OF ALL MAPS AND STIPULATIONS PRIOR TO START OF CONSTRUCTION.

THE BLM WILL ALSO DESIGNATE A REPRESENTATIVE FOR THE PROJECT AT THE PRE-DRILL CONFERENCE.

CONSTRUCTION STANDARDS1. Public Convenience and Safety

The Company shall provide, erect, and maintain all necessary signs and other traffic control devices as may be deemed necessary by the BLM and shall take all necessary precautions for the protection of the work and safety of the public during construction of the road.

Warning signs shall be posted wherever directed during blasting operations.

2. Clearing and Grubbing

Clearing and grubbing shall be carried out on all sections of the road where side slopes are less than 60 percent.

All clearing and grubbing shall be confined to the limits of actual construction unless otherwise authorized by the BLM.

All surface objects and all trees, stumps, roots and other protruding obstructions not designated to remain shall be cleared and/or grubbed, except as provided below:

Low hanging branches and unsound or unsightly branches on trees or shrubs designated to remain shall be trimmed as directed. Branches of trees extending over the roadbed shall be trimmed to give a clear height of 20 feet above the roadbed surface. All perishable material resulting from clearing and grubbing operations shall be disposed of through one of the following methods:

- (A) By Burning: If perishable material is burned, it shall be burned under the constant care of competent watchmen at such times and in such a manner that the surrounding vegetation, other adjacent property or anything designated to remain on the right-of-way will not be jeopardized. If permitted, burning shall be done in accordance with applicable laws, ordinances and regulations.

In the event that the Company is directed by the BLM not to start burning operations or to suspend such operations because of hazardous weather conditions, material to be burned which interferes with subsequent construction operations shall be moved temporary locations clear of construction operations and later placed on a designated spot and burned.

- (B) By Burying: Materials and debris which cannot be burned and perishable materials may be disposed of by methods and at locations approved on or off the project. If disposal is by burying, the debris shall be placed in layers with the materials so distributed to avoid nesting. Each layer shall be covered or mixed with earth material by the landfill method to fill all voids. The top layer of material buried shall be covered with at least 24 inches of earth or other approved material and shall be graded, shaped and compacted to present a pleasing appearance.

(C) By Chipping: Woody material smaller than three inch diameter may be disposed of by chipping. The wood chips may be used for mulch, slope erosion control, or may be uniformly spread over selected areas as directed by the BLM. Woody material larger than three inch diameter shall be disposed of as directed by BLM.

3. Excavation

Prior to beginning excavation and fill placement operations, all vegetation or debris within the designated limits of the roadway, except such objects as are designated to remain in place, are to be removed and disposed of as provided in Paragraph #2. All suitable material removed during excavation operation shall be used as far as practicable in the formation of the embankments.

4. Embankment Construction

Embankment material shall not be placed when either the materials or the surface on which they will be placed are frozen or too wet (as determined by BLM) for satisfactory compaction.

Embankment materials shall be placed parallel to the axis of the roadway in even, continuous, approximately horizontal layers not more than eight (8) inches in thickness. The full cross section of the fill shall be maintained as each successive layer is placed. Successive layers of material shall be placed on embankment areas so as to produce the best practical distribution of the material. The distribution of the materials throughout the embankment shall be such that it shall be free from lenses, pockets, streaks or layers of material differing substantially in texture, gradation or compaction from the surrounding material. The combined excavation and placing operation shall be such that the materials when placed in the embankment shall be blended sufficiently to secure the best practicable degree of compaction and stability.

The Contractor shall route his construction equipment over the layers of embankment material already in place and shall distribute the travel evenly over the entire width of the embankment so as to obtain the maximum compaction while placing the material and to avoid uneven compaction anywhere along the travel route.

Borrow material shall not be used until all of the accessible roadway excavation has been placed in the embankments, unless otherwise permitted by the BLM.

Roadside ditches shall conform to the slope, grade and shape of the required cross section, with no projections of roots, stumps, rocks or similar matter. Roadside ditches shall be "V" type ditches excavated to a depth of one foot minimum below finished road surface. All slopes, shoulders and road surfaces shall be finished smoothly and in accordance with the lines and grades shown on the drawings and as staked.

Roadside ditch backslopes shall not be cut flatter than 3:1. Roadside ditch "turn outs" shall be constructed at intervals not exceeding 500 feet when the cross slope does not exceed 5%.

5. Culvert Pipe Installation

(A) Materials

The Company shall furnish all corrugated metal or aluminum pipe of the types, sizes, gauges and lengths shown on the approved design sheets. Galvanized corrugated metal pipe shall be new and conform to the requirements of AASHTO M36. All spots on the pipe where the zinc coating has been injured or destroyed shall be painted with two coats of hot asphaltic paint or otherwise repaired in a satisfactory manner. In no case shall pipes be dragged on the ground.

(B) Excavation

Excavation of trenches for pipe culverts shall be to the lines and grades or elevations shown on the plans or as staked on the ground. Culvert outlets shall be at ground level unless otherwise approved by BLM. The width of the pipe trench shall be two feet wider than the pipe diameter to permit satisfactory placement of the pipe and thorough tamping of the bedding material under and around the pipe.

(C) Bedding

Bed the culvert pipe in a trench cut in natural ground or existing embankment to a depth of not less than 30 percent of the outside pipe diameter plus the thickness of bedding material. The pipe shall be bedded on a minimum of four inches of fine well-graded material. Such material shall be free of stones larger than one-half (1/2) inch in diameter, sticks and other deleterious matter and shall be the best material available at the site.

(D) Backfill

After the trench and bedding have been completed, the pipe may be installed. The pipe shall be laid carefully and true to line and grades as given. Any pipe which is not in true alignment or which shows any undue settlement after being laid, or is damaged, shall be taken up and relaid or replaced. The trench shall then be backfilled with well graded compactable soil selected from excavation or borrow. The material shall be placed along each side of the pipe in layers not over six (6) inches in depth. Each layer of material shall then be thoroughly compacted with hand or mechanical tampers or other approved methods. Special care shall be taken to compact thoroughly the material under the haunches of the pipe and to insure that the backfill material is in intimate contact with the sides of the pipe. The backfill shall be brought up evenly on both sides of the pipe to a depth of at least two feet above the top of the pipe and for its full length.

6. Drainage Dip Construction

Drainage dips shall be spaced in accordance with the following table:

<u>Road Grade %</u>	<u>Drainage Dip Spacing Feet</u>
2	300
4	230
6	200
8	170
10	160

Culvert pipes shall be used for cross drains on grades in excess of 10%.

This table is intended as a guide only and may require adjustment in the field for site-specific conditions.

(A) Construction Requirements

Construction shall be as specified in paragraphs 3 and 4, and as shown on the drawings.

7. Seeding

- (A) The Company shall carry out erosion control items of vegetation establishment during the season established for seeding. Vegetation establishment shall be completed on areas of disturbance as they are completed if actual construction is being accomplished during the seeding season.

Seeding shall be carried out on all of the areas described as follows:

- (1) On cut slopes, and shall extend from the bottom of the ditch to the top of the cut slope.
 - (2) On embankment slopes, and shall extend from the roadway shoulder to the toe of the embankment slope.
 - (3) On all areas used for disposal of clearing and grubbing debris.
 - (4) On all borrow pit areas.
 - (5) On all "side cast" in areas of full bench construction.
- (B) Seeding season shall be from September 15 to December 15, or as otherwise allowed by the BLM.

LOCAL ROADS

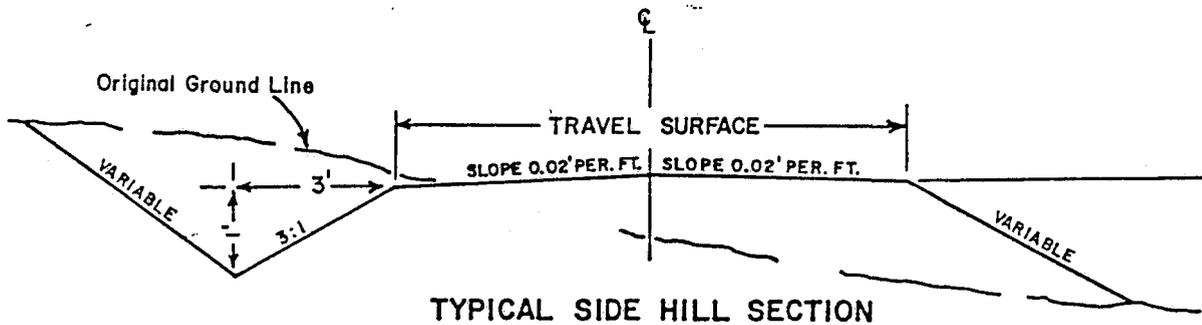
SECTION 3

ROAD MAINTENANCE STANDARDS

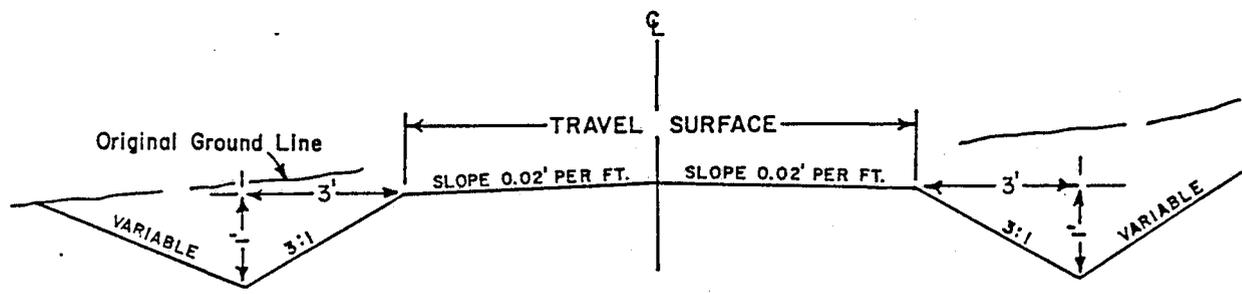
The completed road shall be maintained to the following standards as applicable for the term of use.

1. Travel Way
 - (A) Roadbed is smooth, free of ruts, chuckholes, rocks, slides, washboards; crowned and/or sloped for drainage.
 - (B) Free from excessive accumulation of dust pockets or layers which are a driving hazard or public nuisance.
 - (C) Berms shall be absent along the shoulder.
 - (D) Soft spots, such as those resulting from springs and seeps, shall be absent.
2. Shoulders
 - (A) Shoulders are straight and present a uniform line with the surface free from large rocks, limbs, or stumps.
3. Ditches and Drainage Pits
 - (A) Original cross section shall be maintained. Drainage area clear of rocks, slides and sediments.
 - (B) Vegetation or sedimentation does not restrict ditch flow or reduce the waterway area.
 - (C) Ditch bottom is stable and is not excessively eroded.
 - (D) Back slope area above ditches is stable.
4. Culverts
 - (A) The barrel is uniform in shape, free from bends which may restrict the flow, separations, rust, wear holes, sedimentation, obstructions, and have sufficient cover to protect the pipe.
 - (B) The entrance is the original shape, free from bends, tears, brush, or debris.

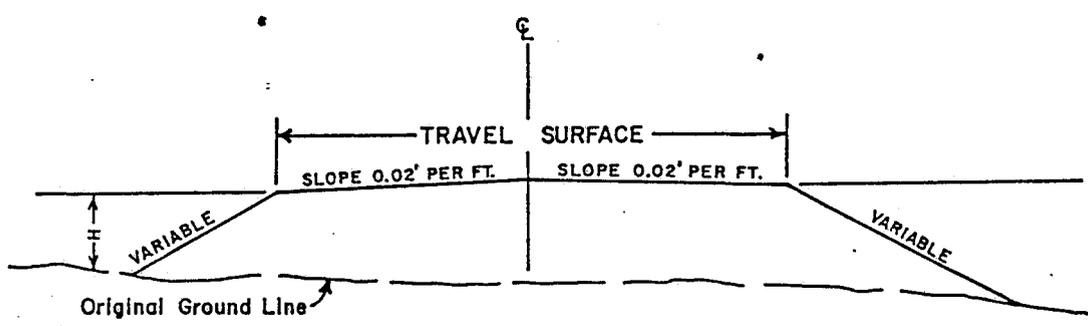
- (C) No excessive camber or reverse camber which cause water pockets in the pipe.
 - (D) Erosion at inlets and outlets is controlled.
 - (E) Riprap is stable and free from undercutting.
5. Other Related Road Features
- (A) Right-of-way free of excessive or objectional litter.
6. Fences, Gates and Cattleguards
- (A) Posts are sound, plumb and secure.
 - (B) Wire is tight and securely fastened to the posts.
 - (C) Stays are uniformly spaced and vertical between posts and affixed to keep the strands properly spaced.
 - (D) Rock deadmen are properly secured to the fence.
 - (E) Gates are free from deterioration, damage to structural sections or loose hardware.
 - (F) Cattleguard pits are clean and functional. End wings securely fastened and in the serviceable condition. Cattleguard and base in serviceable condition.
7. Fords and Low Water Crossings
- (A) There is a smooth transition between road and ford.
 - (B) No excessive erosion adjacent to the structure.
 - (C) The surface of the structure is clear of debris, brush, rocks and sediment.
 - (D) Bottom of crossing is level with stream bottom.
8. Safety and Hazard Control
- (A) Sight distance free of shrubs, trees and obstacles and meets design standards.
 - (B) Travel way and ditches free of overhanging trees and limbs. No down trees or branches in ditch area.
 - (C) No unstable material above the roadway.



TYPICAL SIDE HILL SECTION



TYPICAL FULL CUT SECTION



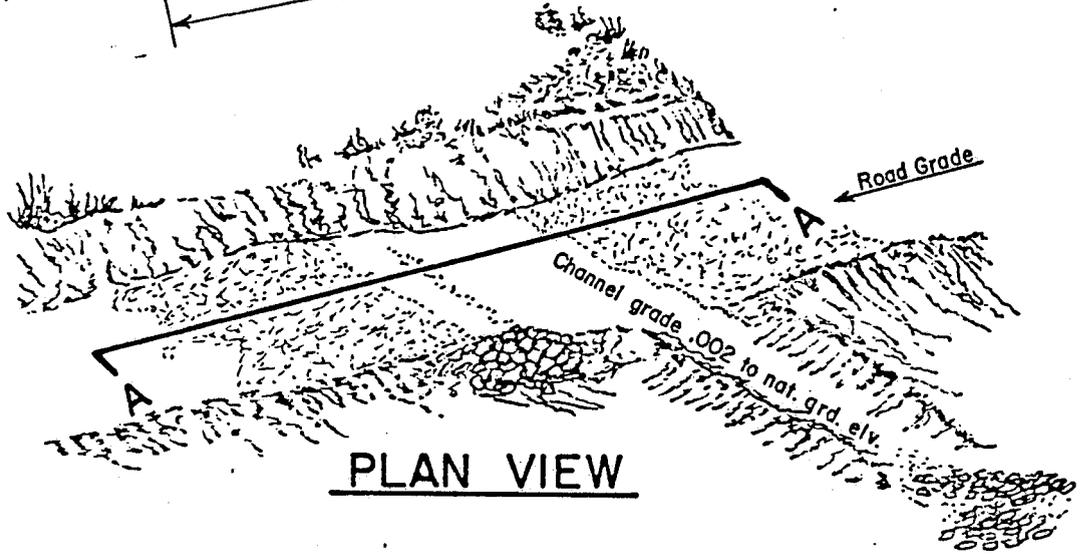
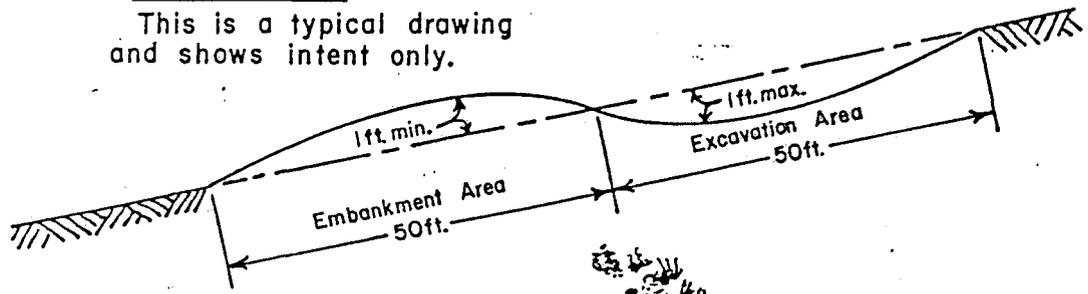
TYPICAL EMBANKMENT SECTION

Height of Cut or Fill	Cut Slope	Fill Slope
0' - 3'	3:1	4:1
3' - 10'	2:1	3:1
OVER 10'	1 1/2:1	2:1
ROCK	1/4:1	—

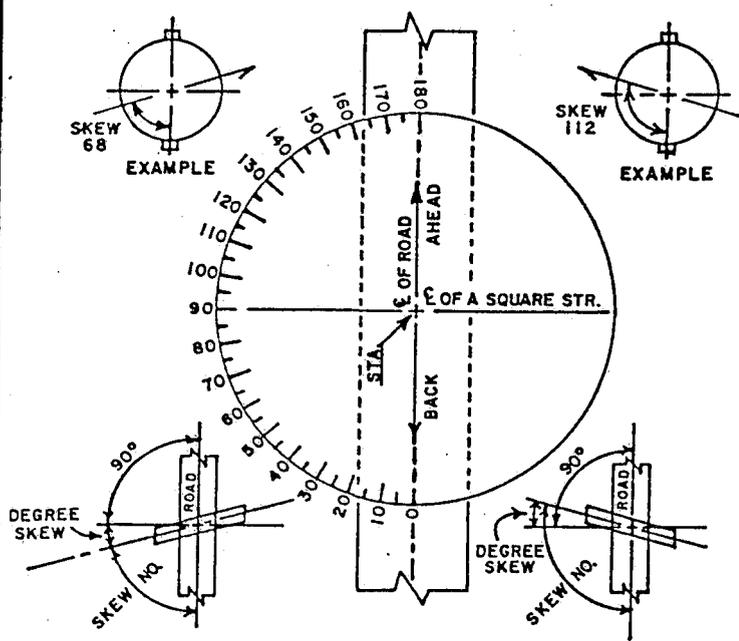
U. S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT	
TYPICAL ROAD SECTIONS	
DESIGNED <u>R.A.D.</u>	RECOMM. _____
DRAWN <u>J.H.S.</u>	RECOMM. <u>Robert A. Dulla</u>
CHECKED <u>RAP</u>	APPROVED <u>Colin P. [Signature]</u>
SCALE NONE	
DATE <u>8-5-81</u>	SHEET <u> </u> OF <u> </u>
DRAWING NO. _____	

TYPICAL DRAINAGE DIP SECTION A-A

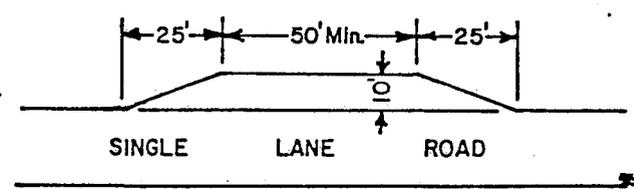
NOTE:
This is a typical drawing and shows intent only.



PLAN VIEW

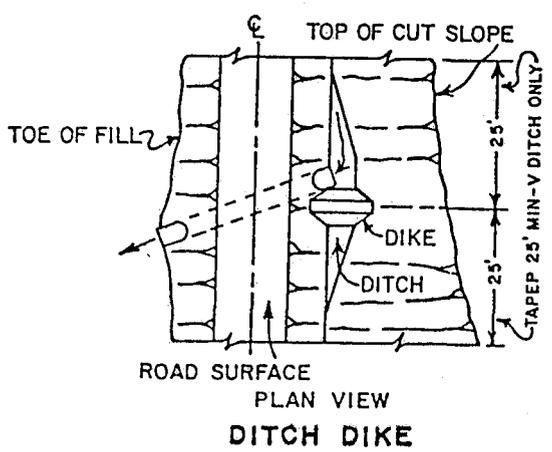
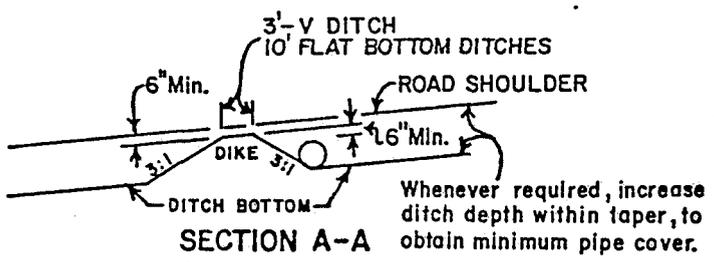
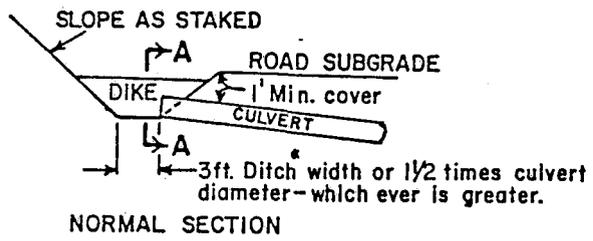
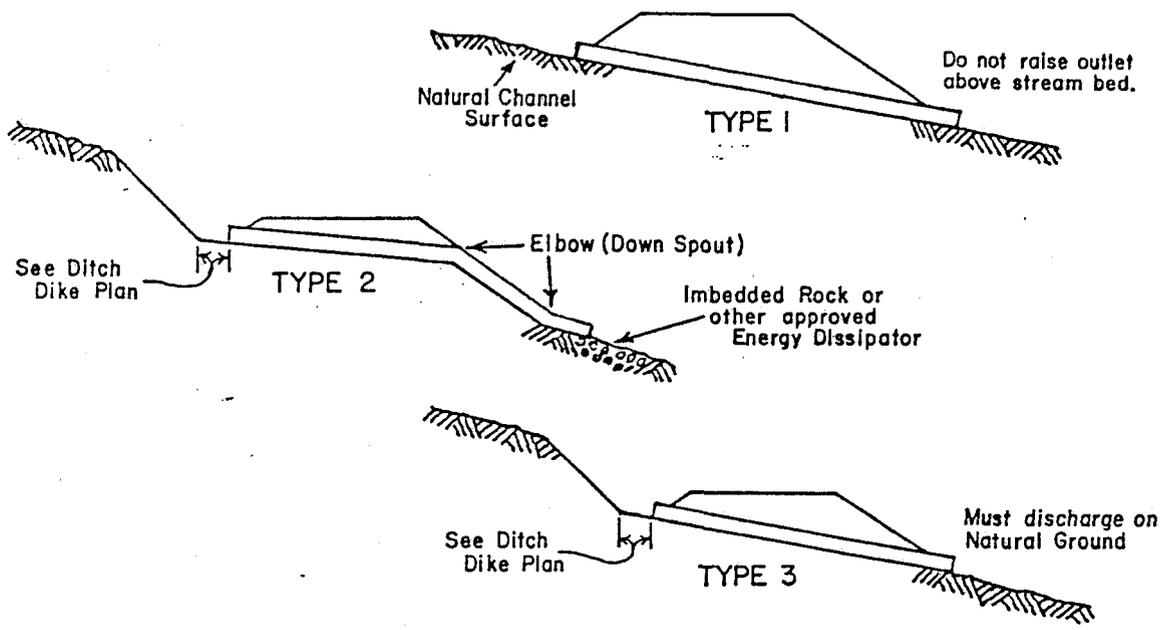


SKEW NUMBER DEFINITION
(Culverts and Drainage Dips)



TYPICAL TURNOUT

U. S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT	
TYPICAL ROAD SECTIONS	
DESIGNED <u>R.A.D.</u>	RECOMM. _____
DRAWN <u>J.H.S.</u>	RECOMM. <i>Robert J. Butler</i>
CHECKED <u>RAD</u>	APPROVED <i>C. P. Cl... L.</i>
SCALE NONE	
DATE <u>8-5-81</u>	SHEET <u> </u> OF <u> </u>
DRAWING NO. _____	



U. S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT	
TYPICAL CULVERT INSTALLATIONS	
DESIGNED R.A.D.	RECOMM. _____
DRAWN J.H.S.	RECOMM. <i>John C. Dallas</i>
CHECKED <i>AD</i>	APPROVED <i>Chas. P. Christ</i>
SCALE NONE	
DATE 8-5-81	SHEET ___ OF ___
DRAWING NO.	