

0018

File ACT/007/011

orig mine file
after Route thru
L. Braxton



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



16 MAR 1987

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

RECEIVED
MAR 18 1987

Mr. Robert Eccli, Chief Engineer
United States Fuel Company
P. O. Box A
Hiawatha, Utah 84527

DIVISION OF
OIL, GAS & MINING

Dear Mr. Eccli:

Enclosed is the Hiawatha mine permit with conditions. This permit became effective March 13, 1987. The Office of Surface Mining Reclamation and Enforcement (OSMRE) has accepted the surety bond in the amount of \$1,450,000.00 and the self-bond in the amount of \$2,329,000.00, payable to both the State of Utah and the United States of America.

Please read the permit to be sure you understand the requirements and conditions. Pursuant to 30 CFR 775.11, United States Fuel Company will have 30 days from the date of notice of the permit decision to appeal OSMRE's decision on the application.

Enclosed is a copy of the newspaper notice we are sending to the Price-Sun Advocate, Carbon County, Utah, to be published as soon as possible. When published, this notice will constitute official 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.

The Assistant Secretary for Land and Minerals Management approved the mining plan on July 16, 1986. The enclosed permit has been determined to be consistent with this plan.

If you have any questions, please feel free to call either me or Meg Estep-Johnston at (303) 844-2451.

Sincerely,

Allen D. Klein, Acting Chief
Federal Programs Division

Enclosures

District Manager
Bureau of Land Management-Moab, Utah

Area Manager
Bureau of Land Management-Price, Utah

Mr. Gordon Whitney
Bureau of Land Management-Salt Lake City, Utah

Mr. Reed Christensen, Supervisor
Manti-LaSal National Forest
USDA - Forest Service

Field Supervisor
U. S. Fish & Wildlife Service-Salt Lake City, Utah

Dr. Dianne Nielson, Director
Utah Division of Oil, Gas and Mining

Mr. Robert Hagen
Albuquerque Field Office

0375M

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

This permit, UT-0006, which is issued concurrently with Utah Permit ACT/007/011, is issued for the United States of America by the Office of Surface Mining Reclamation and Enforcement (OSMRE) to

United States Fuel Company
Hiawatha, Utah 84527

for the Hiawatha Mines Complex (King 4, 5, and 6). U.S. Fuel Company is the lessee of Federal coal leases SL-025431, SL-069985, U-058261 and U-026583.

Sec. 1 STATUTES AND REGULATIONS - This permit is issued pursuant to the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 et seq., hereafter referred to as SMCRA, and the Federal coal leases issued pursuant to the Mineral Leasing Act of 1920, as amended, 30 U.S.C. 181 et seq., the Federal Coal Leasing Amendments Act of 1976, as amended 30 U.S.C. 201 et seq. and in the case of acquired lands, the Mineral Leasing Act for Acquired Lands of 1947, as amended, 30 U.S.C. 351 et seq. This permit is also subject to all regulations of the Secretary of the Interior including, but not limited to, 30 CFR Chapter VII and 43 CFR Group 3400, and to all regulations of the Secretary of Energy promulgated pursuant to Section 302 of the Department of Energy Organization Act of 1977, 42 U.S.C. 7152, which are now in force or, except as expressly limited herein, hereafter in force, and all such regulations are made a part hereof.

Sec. 2 The permittee is authorized to conduct surface coal mining and reclamation operations on Federal lands in the permit area within the State of Utah, Emery and Carbon Counties, and located within:

- T. 15 S., R. 7 E., SLM, sec. 13, 24, 25, 36;
- T. 15 S., R. 8 E., SLM, sec. 17-21, 26-35;
- T. 16 S., R. 8 E., SLM, sec. 3-6, 8, 9;

excluding 55 acres for the town of Hiawatha in:

- T. 15 S., R. 8 E., SLM, sec. 27, 34; as shown on attached maps P-1 and P-2; subject to the conditions of Federal coal leases, the approved mining plan, and all other applicable conditions, laws and regulations.

- Sec. 3 This permit is issued for a term of 5 years commencing on the date the permit is signed by the permittee, except that this permit will terminate if the permittee has not begun the underground coal mining and reclamation operations covered herein within 3 years from the date of permit issuance.
- Sec. 4 The permit rights may not be transferred, assigned, or sold without the approval of the Director, OSMRE. Transfer, assignment, or sale of permit rights must be done in accordance with 30 CFR 740.13(e) and UMC 788.18.
- Sec. 5 The permittee shall allow the authorized representatives of the Secretary, and the Utah Division of Oil, Gas, and Mining including but not limited to, inspectors and fee compliance officers, 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 842.13 and UMC 840.12 and 842.13; and,
 - b. Be accompanied by private persons for the purpose of conducting an inspection in accordance with 30 CFR 842.12 and UMC 842.12, when the inspection is in response to an alleged violation reported by the private person.
- Sec. 6 The permittee shall conduct surface and underground coal mining activities and reclamation operations only on those lands specifically designated as being within the permit area on the maps submitted in the permit application and approved for the term of the permit and which are subject to the performance bond.
- Sec. 7 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 this 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. 8 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 the approved Utah State Program and the Federal Lands Program which prevents violation of any applicable State or Federal law.
- Sec. 9 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 permits by OSMRE and the Utah Division of Oil, Gas and Mining, the approved Utah State Program, and the Federal Lands Program.
- Sec. 10 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. 11 Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with SMCRA, the approved Utah State Program and the Federal Lands Program.
- Sec. 12 If during the course of mining operations previously unidentified prehistoric or historic resources are discovered, the permittee shall ensure that the resources are not disturbed and shall notify the Utah Division of Oil, Gas and Mining and OSMRE. The permittee shall take such necessary actions as are required by the Utah Division of Oil, Gas and Mining, in coordination with OSMRE.
- Sec. 13 The operator shall pay all reclamation fees required by 30 CFR Chapter VII, Subchapter R for coal produced under this permit.
- Sec. 14 APPEALS - The permittee shall have the right to appeal: (a) under 30 CFR 775 from actions or decisions of any official of OSMRE; (b) under 43 CFR 3000.4 from an action or decision of any official of the Bureau of Land Management; (c) under 30 CFR 290 from an action, order, or decision of any official of the Minerals Management Service; or (d) under applicable regulations from any action or decision of any other official of the Department of the Interior arising in connection with this permit.

Sec. 15 SPECIAL CONDITIONS - The permittee shall comply with the terms and conditions set out in the leases and this permit. In addition, the permittee shall comply with the conditions appended hereto as Attachment A. These conditions 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. In accordance with 30 CFR Part 774, these conditions may be revised or amended, in writing, by the mutual consent of OSMRE and the permittee at any time to adjust to changed conditions or to correct an oversight. OSMRE may, by order, require reasonable revisions of this permit to ensure compliance with SMCRA and the regulatory program.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT



Administrator, Western Technical Center

3/13/87

Date

Attachment A

Condition No. 1

Prior to the initiation of any ground disturbance activities, the permittee shall contact OSMRE, Utah DOGM and SHPO concerning the need for a cultural resources inventory of the impact area. If an inventory is required, the operator shall ensure that all cultural resources are properly evaluated in terms of National Register of Historic Places eligibility criteria. Where a significant site will be affected by mining, the permittee will consult with OSMRE, Utah DOGM, and the SHPO to develop and implement appropriate impact mitigation measures according to a mutually agreed upon schedule.

Condition No. 2

Within sixty (60) days of the effective date of this permit, the permittee must submit a revised surface-water monitoring program to include alkalinity, dissolved iron, and oil and grease. Streams will be monitored monthly during the period of April through October in accordance with Utah DOGM's abbreviated sampling analytical schedule. Measurements of turbidity may be substituted for the measurement of total suspended solids following the development of an adequate site-specific relationship between the two parameters. Twice per year, the full suite of water-quality parameters will be analyzed using the comprehensive analytical schedule developed by Utah DOGM.

Condition No. 3

Within sixty (60) days of the effective date of this permit, the permittee must submit to the RA a revised plan demonstrating adequate runoff storage for Slurry Pond 5A. Slurry Pond 5A is not to be used to contain runoff from the undisturbed areas flowing through culverts Nos. 2 and 12 until a revised plan is submitted and approved by the regulatory authority.

Condition No. 4

Within sixty (60) days of the effective date of this permit, the permittee must submit to the RA a plan for a physical inspection of each seal impounding the underground reservoir and a contingency plan if inspections identify a possibility of failure. Starting in September 1987, each curved bulkhead must be inspected at least annually using the following as a minimum:

- 1) Photo monitor each curved bulkhead abutment using permanent picture points and camera mounts.

- 2) Establish a survey net to monitor horizontal and vertical movement at several selected points in and around each bulkhead. This net should be to second order survey accuracy.
- 3) Establish a bulkhead leakage monitoring system that measures the water flow through each bulkhead and adjacent materials to measure leakage. This escaping water must be less than 0.25 gallons of water per bulkhead per 24 hour period. This item must be monitored monthly.

Condition No. 5

Within sixty (60) days of the effective date of this permit, the permittee must revise and submit to the RA for approval a revised spring monitoring schedule and must include in its monitoring program the USFS spring (Water Right 91-1633).

Condition No. 6

Within sixty (60) days of the effective date of this permit, the permittee must revise the in-mine ground water monitoring program in consultation with Utah DOGM. This monitoring program shall be submitted to the regulatory authority for final approval.

Condition No. 7

Within sixty (60) days of the effective date of this permit, the permittee must provide results of sampling to a minimum of seven feet and laboratory analyses of soil from the equipment storage yard confirming that the projected quantity and quality of soil are accurate.

Condition No. 8

Within ninety (90) days of the effective date of this permit, the permittee must provide the results of sampling and laboratory analysis of the soils in the nonrefuse portion of the preparation plant area to insure that a minimum of 18 inches of suitable subsoil material is available for redistribution after backfilling and grading.

Condition No. 9

Within sixty (60) days of the effective date of this permit, the permittee must provide the location (exhibit) and proposed protective measures to be used for any and all substitute topsoil stockpiles in the nonrefuse portion of the preparation plant area.

Condition No. 10

The permittee must, by July 1, 1987, submit the necessary data collected during 1985, that reevaluates the cover value for all vegetation reference areas. Discussions evaluating the new data and how it relates to the vegetation type must also be provided.

Condition No. 11

As a condition of the U. S. Fish and Wildlife Service's Windy Gap analysis for impacts to threatened and endangered species, the permittee must implement within thirty (30) days of the effective date of this permit the mitigation measures identified in the USFWS letter dated August 13, 1984, and submit proof of such compliance to the regulatory authority.

Condition No. 12

Prior to initiating soil salvage activities in Area D borrow area or developing the existing access road through the adjacent riparian zone, the permittee shall consult with the regulatory authority to determine whether any design changes are required due to changes in the condition of the stream crossing. At such time, at a minimum, the disturbance to established riparian vegetation, topsoil salvage, the need for temporary culverts, and spillage into the perennial stream shall be considered.

Condition No. 13

The permittee shall comply with all terms of the Reclamation Fee Installment Agreement entered into on November 11, 1985, by and between U.S. Fuel Company and OSMRE, U.S. Department of the Interior. OSMRE may immediately suspend or revoke the permittee's permit or right to mine if the U.S. Fuel Company fails to comply with any of the terms of the agreement.

Condition No. 14

The applicant shall commit, within 30 days of permit approval, to restoring areas impacted by subsidence-caused surface cracks or other subsidence features such as escarpments (not to include naturally occurring escarpments which are not a result of mining) which are of a size or nature that could, in the Division's determination, either injure or kill grazing livestock or wildlife. Restoration shall include recontouring of the affected land surface including measures to prevent rilling, and revegetation in accordance with the approved permanent revegetation plan in the MPR. Restoration shall be undertaken after annual subsidence survey data indicate that the surfaced has stabilized, but in all cases restoration and revegetation shall be completed prior to bond release.

Condition No. 15

The applicant shall commit, within 30 days of permit approval, to compensate surface owners (except for land owned by the applicant) for lands which cannot be safely grazed due to hazards caused by surface effects of subsidence, with land (in close proximity) of comparable size and grazing capacity to be used for grazing until restoration of the damaged land is achieved.

Condition No. 16

The applicant shall commit, within 30 days of permit approval, to compensate, at a fair market value, owners of livestock which are injured or killed as a direct result of surface hazards caused by subsidence.

Condition No. 17

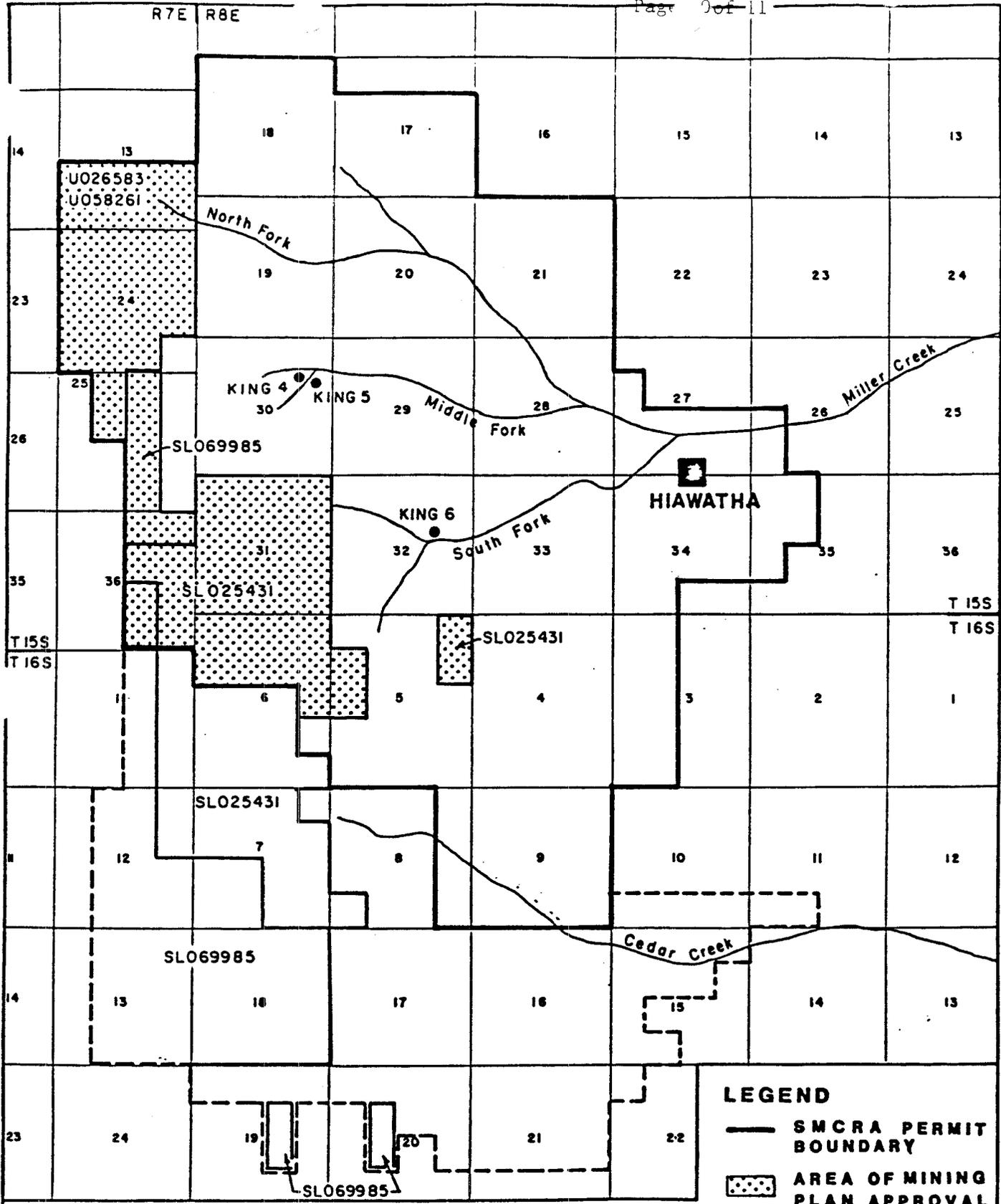
The permittee shall replace any water demonstrated to have been lost or adversely affected by mining operations with water from an alternate source in sufficient quantity and quality to maintain the current and postmining land use. The permittee will advise the regulatory authority of the loss or adverse occurrence within two working days of becoming aware that it has occurred, and within 14 days of notification shall submit to the regulatory authority for approval a plan to replace the affected water. Upon acceptance of the plan by the regulatory authority, the plan shall be implemented in the time-frame dictated by the regulatory authority's approval notification.

Condition No. 18

Existing raptor nests adversely affected by mine related subsidence shall be replaced or otherwise mitigated by the permittee in consultation with the U.S. Fish and Wildlife Service and the Utah Division of Wildlife Resources according to the requirements of UMC 784.21 and UMC 817.97. Notification of the loss to the above-named agencies and the regulatory authority shall take place within two working days of the permittee becoming aware that the loss has occurred.

Condition No. 19

At least 60 days prior to beginning second seam mining inside a perennial stream buffer zone as defined by a 20 degree angle of draw from vertical, measured from the limit of mining in the lowest seam to the center of the stream channel, the permittee shall present a detailed evaluation of the anticipated effects of multiple seam mining on perennial streams to the regulatory authority for review and approval as required by UMC 817.126(a). This evaluation must be based upon subsidence monitoring information collected on multiple seam mining in areas with similar overburden depth and surface topography.



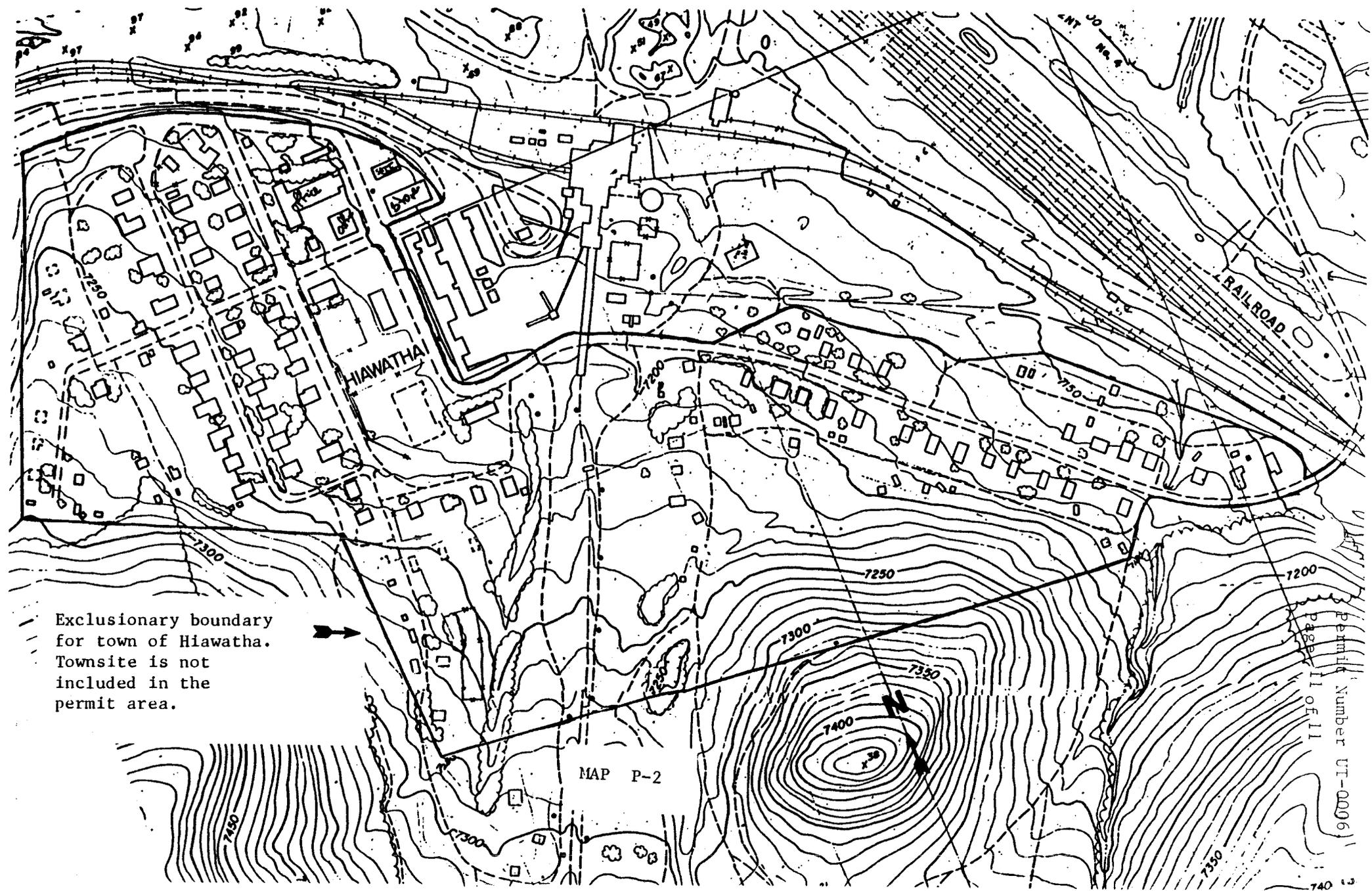
LEGEND

-  SMCRA PERMIT BOUNDARY
-  AREA OF MINING PLAN APPROVAL
-  LIFE OF MINE BOUNDARY
-  FEDERAL LEASE BOUNDARY


NORTH

MAP P-1

HIAWATHA MINES COMPLEX



Exclusionary boundary
for town of Hiawatha.
Townsite is not
included in the
permit area.

MAP P-2

Permit Number UT-0006
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740 15

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
U.S. FUEL COMPANY
PERMANENT PROGRAM PERMIT
HIAWATHA MINES COMPLEX
CARBON AND EMERY COUNTIES, UTAH

The United States Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE), has approved, with conditions, a 5-year permit for U.S. Fuel Company to mine coal at its Hiawatha Mines Complex (King 4, 5, and 6).

The Hiawatha Mines Complex is an underground coal mine located in Carbon and Emery Counties, Utah. The mine has been in operation since the 1890's. The proposed permit area will cover approximately 12,605 acres, approximately 435 of which have been disturbed to date. Maximum mine production is at a rate of 1.76 million tons of coal over 30 years.

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 OSMRE decision should be submitted to:

Hearings 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 OSMRE has completed a technical analysis (TA) and an environmental assessment (EA) for the mining and reclamation plan (mining plan) for the Hiawatha Mines Complex (King 4, 5 and 6), Carbon and Emery Counties, Utah. OSMRE's recommendation to approve U.S. Fuel Company's mining plan and the permit application with conditions is in accordance with Sections 510 and 523 of SMCRA. OSMRE's analysis is that no significant environmental impacts would result from such approval. For information or clarification concerning the approval of the Hiawatha Mines Complex Plan, please contact Ron Naten or Richard Holbrook at (303) 844-2451, Office of Surface Mining Reclamation and Enforcement, 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
Brooks Towers
1020 15th Street
Denver, Colorado 80202

Utah Division of Oil, Gas, and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Office of Surface Mining Reclamation and Enforcement
Albuquerque Field Office
219 Central Avenue NW
Albuquerque, NM 87102

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