

C/007/013 Incoming ✓
#5452



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Utah Division of Oil, Gas & Mining
Utah Coal Program
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June 30, 2017

RECEIVED

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DIV. OF OIL, GAS & MINING

Attn: Daron Haddock
Permit Supervisor

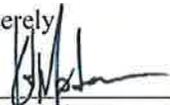
Re: Lila Canyon Mine, UtahAmerican Energy, Inc. C/007/013
L17-003 Text Cleanup Clean Copies

Dear Mr. Haddock,

Attached you will find Clean Copies for the Text Cleanup Revisions to the Lila Canyon MRP.

If you have any questions, or need any additional information regarding this submittal, please contact me directly at 435-888-4000.

Sincerely,



Karin Madsen
Engineering Tech
UtahAmerican Energy, Inc.

Lila Canyon Extension

Chapter 1 Legal

Volume 1 of 7

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(EA) has been submitted to the BLM. The EA was issued for public comment in the summer of 2000. A Finding of No Significant Impact (FONSI) and record of decision were issued in October 2000. An appeal was filed and a stay requested. The stay was not acted on and an uninhibited Right-of-Way could be issued in the spring of 2003. Appendix 1-6 contains BLM correspondence in regards to Right-of-Entry as provided by the pending Right-of-Way and its related use.

- 114.100.** **UtahAmerican Energy, Inc.**, currently holds 7,365.16 acres of federal coal contained in six federal leases, purchase in June 2000 from Intermountain Power Agency and assigned to UEI by the BLM. (See Table 1-1 and Plate 5-4). These leases are contained in the South Lease - North Block LMU filed May 1996. The leases as described in the North Block LMU are not under any pending litigation. **UtahAmerican Energy, Inc.**, bases its legal right to enter and conduct mining activities in the permit area pursuant to the language contained in the Federal Coal Lease, Part I Lease Rights Granted which reads as follows:

"That the lessor, in consideration of the rents and royalties to be paid and the covenants to be observed as hereinafter set forth, does hereby grant and lease to the lessee the exclusive right and privilege to mine and dispose of all the coal in, upon, or under the following described tracts of land, situated in the State of Utah.... together with the right to construct all such works, buildings, plants, structures and appliances as may be necessary and convenient for the mining and preparation of the coal for market, the manufacture of coke or other products of coal, the housing and welfare of employees, and subject to the conditions herein provided, to use so much of the surface as may reasonably be required in the exercise of the rights and privileges herein granted."

The surface right-of-entry is in the form of BLM right-of-ways. See Appendix 1-1 for a BLM letter assigning right-of-way numbers.

- 114.200.** Since no private mineral estate is involved this section does not apply.

- 114.210.** Since no private mineral estate is involved this section

does not apply.

114.220. Since no private mineral estate is involved this section does not apply.

114.230. Since no private mineral estate is involved this section does not apply.

Table 1-1
Federal Coal Leases Held by Permittee (See Plate 5-4)

Federal Coal Lease	Township & Range	Section	Description	Acres
#SL-066490 (Tract 1)	T16S, R14E	11	E1/2	2445.00
	T16S, R14E	12	W1/2	
	T16S, R14E	13	W1/2	
	T16S, R14E	14	E1/2, SW1/4	
	T16S, R14E	15	E1/2SE1/4	
	T16S, R14E	22	NE1/4NE1/4	
	T16S, R14E	23	N1/2, E1/2SW1/4, SE1/4	
	T16S, R14E	24	NW1/4, W1/2SW1/4	
	T16S, R14E	26	N1/2NE1/4	
(Tract 2)	T16S, R14E	15	SE1/4SE1/4, NW1/4SE1/4, NE1/4NE1/4SW1/4SE1/4	
#U-014218	T16S, R14E	12	E1/2	320.00
#U-0126947	T16S, R14E	13	E1/2	1992.15
	T16S, R14E	24	E1/2	
	T16S, R14E	25	N1/2NE1/4, SE1/4NE1/4	
	T16S, R15E	19	SE1/4SW1/4, Lots 3 & 4	
	T16S, R15E	29	SW1/4SW1/4	
#U-0126947 (continued)	T16S, R15E	30	Lots 1 & 2, E1/2NW1/4, E1/2SW1/4, SE1/4SE1/4, SW1/4NE1/4, W1/2SE1/4	
	T16S, R15E	31	Lot 4, E1/2, NE1/4NW1/4, SE1/4SW1/4	
	T17S, R15E	5	Lots 3 & 4	
	T17S, R15E	6	Lots 1, 2, 3 & 4	

#U-014217	T16S, R14E	25	SW1/4NE1/4	455.84
	T16S, R15E	30	Lots 3 & 4	
	T16S, R15E	31	Lots 1-3, SE1/4NW1/4, NE1/4SW1/4	
#SL-069291	T16S, R14E	24	E1/2SW1/4	600.00
	T16S, R14E	25	W1/2	
	T16S, R14E	26	SE1/4NE1/4, E1/2SE1/4	
	T16S, R14E	35	N1/2NE1/4	
#SL-066145	T16S, R14E	3	Lots 1-3 & 7-11, NE1/4SW1/4, SE1/4	1552.17
	T16S, R14E	4	Lot 4	
	T16S, R14E	10	E1/2, E1/2NW1/4, NE1/4SW1/4	
	T16S, R14E	11	W1/2	
	T16S, R14E	14	NW1/4	
	T16S, R14E	15	N1/2NE1/4, SE1/4NE1/4	
Totals	Six Leases			7365.16

115. Status of Unsuitability Claims.

115.100. The proposed permit area is not within an area designated as unsuitable for mining. **UtahAmerican Energy, Inc.**, is not aware of any petitions currently in progress to designate the area as unsuitable for coal mining and reclamation activities.

115.200. Since no exemption is requested this section does not apply.

115.300. UtahAmerican Energy, Inc., will not conduct mining operations within 300 feet of a currently occupied dwelling. However, UtahAmerican Energy, Inc., will conduct mining or mining related activities within 100 feet of a public road. UtahAmerican Energy, Inc., has received permission from

Emery County to construct facilities and operate coal mining activities within 100 feet of a public road. Refer to the Emery County letter found in Appendix 1-4.

116. Permit Term.

116.100. The anticipated starting and termination dates of the coal mining and reclamation operation are as follows:

<u>Phase</u>	<u>Begin</u>	<u>Complete</u>
Mining Pad, Support Structures, and Portals	June 2005	Dec. 2005
Begin Underground work	June 2005	
Terminate Mining	Dec. 2019	

Reclamation operation dates can be found in Table 3-3.

Approximately 4,663.3 surface acres, which include federal, state and private lands, are included within the permit area. These surface acres are described in Table 4-2, and coal acres within the permit area are shown on Table 4-2A. Coal lease acres exist outside the permit area, see Plate 5-4.

The perimeter of the surface facilities' disturbed area boundary (see Plate 5-2) contains approximately 37.7 acres. Within the disturbed area boundary, only approximately 33.7 acres are actually disturbed; leaving approximately 4.0 acres of undisturbed area within the disturbed area boundary.

116.200. The initial permit application is for a five year term with anticipated successive five year permit renewals.

116.210 Since the initial permit application is for a term of five years this section does not apply.

116.220 Since the initial permit application is for a term of five years this section does not apply.

117. Insurance, Proof of Publication and Facilities or Structures Used in Common

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132. Resumes for the professional qualified persons who planned, directed the collection of or analyzed data can be found in Appendix 1-5.

140. Maps and Plans.

141. Maps have been presented in a consolidated format, to the extent possible, and include all the types of information that are set forth on U.S. Geological Survey of the 1:24,000 scale series. Maps of the permit area are to the scale of 1:6,000 or larger. Maps of the adjacent area will clearly show the lands and waters within those areas.
142. Maps and plans submitted with the permit application distinguish among each of the phases during which coal mining and reclamation operations were or will be conducted at any place within the life of operations.

150. Completeness

This permit extension to the existing Horse Canyon Permit ACT/007-013 to conduct coal mining and reclamation operations is complete and includes the minimum information required under R645-301 and, if applicable, R645-302. Plates 1-1 and 1-2 show the permit area and proposed disturbed area boundaries.

This permit was originally submitted including "Part 'A'" (the original Horse Canyon Mine permit area) and "Part 'B'" (the extension of the Horse Canyon Mine permit for the Lila Canyon Mine). Part 'A' has received Phase III bond release and has been removed from the permit area. Part 'A' is included only for historical and reference data. The formerly referenced Part 'B' is the permit area henceforth. References to Part 'B' shall be construed as the permit area.

Permit Area Legal Description (formerly Permit Area 'B')

T16S R14E

Section 10:	Portions of SE1/4	76.0 Acres
Section 11:	E1/2; Portions of W1/2	450.1 Acres
Section 12:	All	640.0 Acres
Section 13:	All	640.0 Acres
Section 14:	All	640.0 Acres

Section 15:	Portions of E1/2; Portions of SW1/4	277.5 Acres
Section 22:	NE1/4 NE1/4	40.0 Acres
Section 23:	N1/2; SE1/4; E1/2 SW1/4	560.0 Acres
Section 24:	All	640.0 Acres
Section 25:	N1/2	320.0 Acres
Section 26:	E1/2 NE1/4	80.0 Acres

T16S R15E

Section 19:	W1/2 SW1/4; SE1/4 SW1/4	110.0 Acres
Section 30:	NW1/4; SW1/4 NE1/4	<u>190.0 Acres</u>

Existing Permit Total Area: 4,663.6 Acres

Proposed Incidental Boundary Change

T16S R14E; Sec. 26:	NW1/4NE1/4	<u>40.0 Acres</u>
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Proposed New Permit Total Area: 4,703.6 Acres

Former Permit Area 'A' (for historical and reference data purposes only)

Beginning at the SW corner of the SE1/4 SE1/4 of Section 5, T16S, R14E, SLBM; and running thence North 700 feet; thence East 2700 feet; thence North 700 feet; thence East 2025 feet; thence North 550 feet; thence approximately N50°E 4957 feet, more or less; thence approximately N18°W 1228 feet, more or less; thence East 256 feet; thence approximately N18°W 1328 feet, more or less; thence approximately N66°E 682 feet, more or less; thence approximately N11°E 636 feet, more or less; thence approximately N79°W 116 feet, more or less; thence approximately N11°E 1787 feet, more or less; thence approximately S88°E 1023 feet, more or less; thence South 272 feet; thence East 283 feet; thence South 2027 feet; thence East 278 feet; thence approximately S18°E 2111 feet, more or less; thence approximately N72°E 131 feet, more or less; thence approximately S18°E 222 feet, more or less; thence approximately N69°E 2218 feet, more or less; thence approximately N19°W 1092 feet, more or less; thence approximately N67°E 693 feet, more or less; thence East 160 feet; thence approximately S23°E 2921 feet, more or less; thence approximately S60°W 297 feet, more or less; thence South 353 feet; thence West 1071 feet; thence South 301 feet; thence East 450 feet; thence South 370 feet; thence West 322 feet; thence approximately S19°E 1451 feet, more or less; thence approximately S86°E 1200 feet, more or less; thence approximately S35°E 667 feet, more or less; thence approximately S04°W 1012 feet, more or less; thence approximately N87°W 2780 feet, more or less; thence approximately S20°E 2330 feet, more or less; thence approximately N66°E 1090 feet, more or less; thence approximately N24°W 710 feet, more or less; thence approximately N66°E 484 feet, more or less; thence approximately S24°E 618 feet, more or less; thence approximately S66°W 283 feet, more or less; thence approximately S24°E 610 feet, more or less; thence approximately S66°W 414 feet, more or less; thence

approximately N24°W 170 feet, more or less; thence approximately S66°W 898 feet, more or less; thence approximately S20°E 1177 feet, more or less; thence East 383 feet; thence South 168 feet; thence East 549 feet; thence South 2827 feet; thence approximately S73°W 341 feet, more or less; thence approximately N10°W 1155 feet, more or less; thence approximately N23°W 1306 feet, more or less; thence approximately S67°W 2297 feet, more or less; thence approximately N20°W 181 feet, more or less; thence approximately S70°W 1940 feet, more or less; thence approximately S20°E 1274 feet, more or less; thence approximately S30°W 427 feet, more or less; thence approximately N20°W 1916 feet, more or less; thence approximately N70°E 2276 feet, more or less; thence approximately N20°W 5822 feet, more or less; thence West 2020 feet; thence South 418 feet; thence West 1350 feet; thence South 1400 feet; thence West 697 feet to the NW corner of the NE1/4 NE1/4 of Section 9, T16S, R14E, SLBM; thence South 1400 feet; thence West 5400 feet; thence North 1400 feet to the Point of Beginning.

Less the following portions thereof:

(a) Beginning approximately 276 feet South and approximately 55 feet West of the NE corner of the NE1/4 SW1/4 of Section 3, T16S, R14E, SLBM; thence approximately S42°W 186 feet, more or less; thence West 942 feet; thence approximately N30°W 277 feet, more or less; thence North 714 feet; thence East 653 feet; thence North 882 feet; thence approximately S18°E 1785 feet, more or less to the Point of Beginning.

(b) Beginning approximately 263 feet South and approximately 540 feet East of the NW corner of the NW1/4 SE1/4 of Section 3, T16S, R14E, SLBM; thence approximately N18°W 2329 feet, more or less; thence East 340 feet; thence North 1157 feet; thence West 704 feet; thence approximately N20°W 762 feet, more or less; thence approximately N75°E 1443 feet, more or less; thence approximately S18°E 2137 feet, more or less; thence approximately S68°E 256 feet, more or less; thence approximately S18°W 2453 feet, more or less; thence West 1705 feet to the Point of Beginning.

© Beginning approximately 286 feet West and approximately 437 feet North of the SE corner of the NW1/4 SE1/4 of section 3, T16S, R14E, SLBM; thence East 1281 feet; thence approximately S20°E 4945 feet, more or less; thence approximately S67°W 1527 feet, more or less; thence approximately N20°W 4978 feet, more or less; thence approximately N14°E 582 feet, more or less to the Point of Beginning.

Emery County Road to be Excluded.

A strip of land, 100.0 feet wide, 50.00 feet on each side of the centerline of the Emery County roads within the above described permit boundary.

**Horse Canyon Extension
Lila Canyon Mine**

**Chapter 3
Biology**

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permit area or the proposed addition, and according to verbal information from UEI's consultant, there are few, if any, willows or similar riparian-type vegetation associated with the seeps and springs in the proposed addition to the permit area. There may have been a few willows or shrubs, but there were no dense patches as would be required by southwestern willow flycatchers.

Lila Canyon Mine will have above-ground electrical power lines. These lines will be designed and constructed in accordance with the guidelines set forth in Environmental Criteria for Electric Transmission Systems or as approved by DOGM.

322.220. The permit area for Lila Canyon Mine is located within the Price River Resource Area. Surface water in the adjacent areas drains into Grassy Trail Creek and Cottonwood Wash, both tributaries of the Price River. The environment around the 42.6 acre mine site is within the Upper Sonoran life zone. The dominate Vegetation communities within the proposed disturbed area are pinyon-juniper and grass-shrub. Community types surrounding the proposed disturbed area are primarily pinyon-juniper, mixed conifer, spruce-fir, grass, and sagebrush-grass.

The Upper Sonoran life zone can provide habitat for approximately one hundred and forty-two species of wildlife. Two separate reports by the Utah Division of Wildlife Resources (DWR) identify species having potential to inhabit the region. The species that is considered to be of high interest in the local area is the Pronghorn. Pronghorns are found as year-long residents within and adjacent to the permit area. These

animals were transplanted to this site by the DWR in 1972 and are part of the Iclander

Antelope Herd Unit II. Pronghorn prefer open sagebrush-desert and shrub-grassland habitats in areas of the Western United States. They are primarily browsers but are known to forage on grasses and forbs during spring and summer (FWS, 1978).

The pinyon-juniper woodlands, and interspersed sagebrush parks are winter range for mule deer. Many of the drier slopes are essentially juniper stands of scattered trees. The mule deer winter use is restricted to periods when snow is available or surface water is present during snow melt in the early spring, and the UDWR has rated this winter range as high priority.

Elk winter range is located at higher elevations than that of the disturbed area and is not a factor in the disturbed site.

Other wildlife in the pinyon-juniper woodlands are reptiles, passerine birds, lagomorphs, and small rodents.

The talus slopes in the canyon are home to rodents and reptiles. They are also used by chukars. Snake dens are unknown in the talus slopes.

The cliffs are generally north-facing and have potential as raptor nesting sites. Spring raptor inventories were initiated in the spring of 1998. The results of the annual raptor surveys are included in Appendix 3-5. Raptor Surveys will be completed in the Spring of every year the Mine is active. In the event of a cessation, Raptor Surveys will stop until mining continues.

TABLE 3-1

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The intermittent / ephemeral stream channels lack riparian vegetation; thus many bird species of high federal interest would not utilize this area example southwestern will flycatcher. The lack of trees or large shrubs precludes the use of woodpeckers. The stream channels do not support fish or an established invertebrate fauna.

The UDWR has submitted general information to be included in the wildlife plans of previous permit applications. Their information covers all the biogeological areas found on the Tavaputs Plateau which includes the Upper Sonoran, Transition, Canadian, and Hudsonian life zones. As noted previously only the Upper Sonoran life zone is represented within the permit area.

This UDWR general information is included in this application because it provides an overall description of the wildlife and wildlife habitats in the general area. The information is also useful in providing habitat information for design of the reclamation of the disturbed area. Thus the past wildlife habitat conditions can be emulated by reclamation and wildlife accommodated as they return to the mine site area upon final reclamation. (See Appendix 3-6, abbreviated)

The DWR has submitted information over the years in commenting on the various wildlife plans submitted in prior permit applications.

The ranking of wildlife values on coal-producing lands in Utah are found in Table 3-2 and are in the following list. The four rankings are in effect until June 30, 2006. The new rankings will have only two categories as shown.

Current

- 1 = Crucial-critical habitat
- 2 = High priority habitat
- 3 = Substantial value habitat
- 4 = Seasonal - Limited

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5. The Operator will ensure that DWR surveys for cliff nesting raptors within proposed facilities areas at least two years prior and one year following construction. The Operator will conduct annual raptor surveys.

As part of normal mining operation requirements, the Permittee must submit all results of the raptor surveys to the Division in Annual Reports and must immediately contact the Division, BLM, and USFWS following any raptor survey that shows that eagles are tending nests or nesting. The agencies will immediately coordinate to determine if the Permittee must implement appropriate measures. If the agencies recommend mitigation, the Permittee must submit all plans to the Division for incorporation into Appendix 3 of the MRP.

6. An active golden eagle nest, with young, was documented during the 1999 spring raptor survey. The nest is located in the left fork of Lila Canyon within the 1-mile buffer zone. (See Plate 3-1). A consultation with USF&W, BLM, and UDWR was held in the fall of 1999. Line of site and potential mitigation was addressed during this meeting. The results of this consultation are addressed in Sec 322.220 and the Lila Canyon EA. This nest was not active in 2000, 2001, 2002, or 2003. A survey was not done in 2004. In 2005 nest 946 contained a possibly dead chick. (See Appendix 3-5 for updated inventories)

7. The Operator will adhere to exclusionary periods when initiating construction and final reclamation projects. The exclusionary periods include: raptors (Feb 1 - July 15), Bighorn Sheep rut (Nov. 15 - Dec. 15), Bighorn sheep lambing (May 1 - June 15), and Pronghorn (May15 - June 20).

In the event of unforeseen changes in construction or mine plans, or in the case of emergency situations that may force the Permittee to conduct activity near or within the 0.5 mile buffer zone of raptor nest and during

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raptor exclusionary periods (February 1 to July 15 for golden eagles), the Permittee will immediately contact the Division, BLM, DWR, and USFWS. The agencies will immediately coordinate to determine appropriate measures that may include conducting ground surveys, in coordination with DWR, to determine if birds are tending nests or nesting and possibly determine the life stage of the offspring; developing a mitigation plan, in coordination with the agencies, for possible impacts to nests or birds; or ceasing operations until the end of breeding season to avoid 'take'. If the agencies recommend surveys, the Permittee must submit all survey results to the Division in Annual Reports. If the agencies recommend mitigation, the Permittee must submit all mitigation plans to the Division for incorporation into Appendix 3 of the MRP. Similar measures will be taken during Bighorn Sheep lambing exclusionary periods.

The Applicant does not plan to monitor any wildlife species during the life of the operation with the exception of raptors. Spring raptor surveys will be conducted at a minimum of a 1-mile radius around any new or potentially disruptive mining activity, 2-years prior and annually after the proposed activity. The Operator will contact the USFWS and the Division immediately following raptor surveys if raptors are observed tending nests or nesting.

The mine will emphasize their commitment to legal requirements of firearm and off-road vehicle-use by employees. This type of program has been adopted by the operator and will continue throughout the operation. An education program aimed at minimizing potential negative impacts by employees will be presented during the Operators annual retaining programs. Employees will be informed about the wildlife in the area and about which species are protected. They will be counseled to refrain from poaching or harassing animals and about the need to preserve the wildlife. They will also be instructed on the danger of animals on the road during dusk and night hours and consequently the need to reduce speed to avoid colliding with animals difficult to