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L. Bratton

United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
BROOKS TOWERS
1020 15TH STREET
DENVER, COLORADO 80202



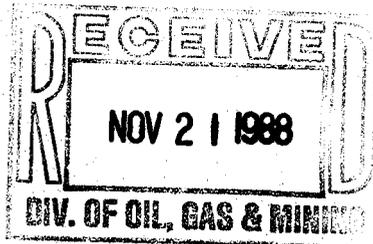
In Reply Refer To:

2155M

November 17, 1988

4441
UT-0010

Mr. Richard Pick
Beaver Creek Coal Company
P.O. Box 1378
Price, Utah 84501



Dear Mr. Pick:

The Office of Surface Mining Reclamation and Enforcement (OSMRE) has terminated, effective immediately, Federal permit UT-0010, issued on August 27, 1984, for Beaver Creek Coal Company's Gordon Creek No. 2 mine. The Federal permit was terminated in accordance with OSMRE's Directive on the Termination of Federal Permits because the State has a cooperative agreement that delegates the permitting responsibilities on Federal lands to the State, and Utah Division of Oil, Gas and Mining (DOGGM) has issued State permit ACT/007/016 for the Gordon Creek No. 2 mine in accordance with the Utah State program and cooperative agreement.

I have enclosed the memorandum terminating the Federal permit. Attached to the memorandum are the applicable standard conditions of approval of the Gordon Creek No. 2 mine mining plan approved by the Assistant Secretary on August 24, 1984, for Federal leases U-8319 and U-47975. These conditions were previously incorporated in the Federal permit. Notwithstanding the termination of the Federal permit, these conditions remain in full force and effect.

Utah DOGM is now the regulatory authority for surface coal mining and reclamation operations on Federal lands at the Gordon Creek No. 2 mine under the Utah State permit ACT/007/016, the Utah State program, and the cooperative agreement. Mining operations on Federal leases U-8319 and U-47975 must be conducted in accordance with the approved mining plan including the standard conditions, the leases, the Mineral Leasing Act of 1920, as amended, and its implementing regulations, as well as the State permit.

If you have any questions, please contact Richard Holbrook at (303) 844-5658.

Sincerely,

acting *M Z Granberg*
Ranvir Singh, Chief
Federal Lands Branch

Enclosures

cc: BLM, Utah State Office
BLM, Price Resource Area
BLM, Moab District Office
Director, DOGM ✓
Robert Hagen, Albuquerque Field Office Field Office
B. McCue, U.S. Fish and Wildlife Service



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RECLAMATION AND ENFORCEMENT
BROOKS TOWERS
1020 15TH STREET
DENVER, COLORADO 80202

November 17, 1988



In Reply Refer To:
4441
UT-0010

2155M

MEMORANDUM

TO: Chief, Federal Programs Division

THROUGH *acting* Chief, Federal Lands Branch *m72*

FROM: Richard Holbrook, Project Leader

SUBJECT: Recommendation to Terminate Federal Permit UT-0010 for the Beaver Creek Coal Company Gordon Creek No. 2 Mine, Carbon County, Utah

I. Recommendation

I recommend termination of Federal permit UT-0010, issued on August 27, 1984, for the Beaver Creek Coal Company Gordon Creek No. 2 mine. My recommendation is based on the existence of the Utah cooperative agreement which provides for the delegation to the Utah Division of Oil, Gas and Mining (DOGM) of the permitting responsibilities for operations on Federal lands pursuant to Section 523 of the Surface Mining Control and Reclamation Act (SMCRA); the issuance of the Utah State permit ACT/007/016 in accordance with the Utah State program and cooperative agreement; incorporation of all necessary Federal permit conditions in the State permit; and the approved mining plan for Federal leases, U-8319 and U-47975. Attached to this memorandum are the applicable standard conditions of approval of the Gordon Creek No. 2 mine mining plan approved by the Assistant Secretary on August 24, 1984, for Federal leases U-8319 and U-47975. These conditions were previously incorporated in the Federal permit. Notwithstanding the termination of the Federal permit, these conditions will remain in full force and effect.

Utah DOGM has reviewed the permit application package (PAP) for the Gordon Creek No. 2 mine under the Utah State program and cooperative agreement (30 CFR 944.30) and has issued Utah permit ACT/007/016 authorizing surface coal mining and reclamation operations on Federal and non-Federal lands in the permit area pursuant to the State program and cooperative agreement. A copy of the bond in the amount of \$641,443, payable to the United States and the State of Utah, is on file with OSMRE.

This permit termination is categorically excluded from the National Environmental Policy Act (NEPA) process because the Federal permit and mining plan approval were previously covered by the NEPA process (i.e., OSMRE's Environmental Assessment and Finding of No Significant Impact dated August 3 1984)

II. Background

The Gordon Creek No. 2 underground coal mine is located in Carbon County, Utah, 20 miles northwest of Price, Utah. The Utah State permit area contains approximately 2300 acres, approximately 1726 acres of which are leased Federal coal in the mining plan area for Federal leases U-8319 and U-47975.

The Gordon Creek No. 2 mine mining plan was originally approved under the Federal lands program on August 24, 1984, and the mine was permitted by OSMRE under the Federal lands program and Utah State program on August 27, 1984. Since the original approval of the mining plan, there have been no mining plan modifications.

OSMRE's Albuquerque Field Office Field Office was consulted on November 10, 1988 and has indicated that no pending enforcement actions are associated with the Federal permit for the Gordon Creek No. 2 mine.

The Federal permit contained 12 special conditions of approval.

Special Conditions 1 and 2 required erosion protection measures for certain ditches and were satisfied on March 11, 1985.

Special Condition 3 required monitoring of mine inflows and was satisfied on August 5, 1988.

Special Condition 4 required monitoring of surface water at two locations and was satisfied on October 6, 1988.

Special Condition 5 required the permittee to establish riparian habitat at the Gordon Creek #3 minesite and was satisfied on August 5, 1988.

Special Condition 6 required submittal of a USFWS permit for removal of a raptor nest and was satisfied on February 13, 1985.

Special Condition 7 required the permittee to notify Utah DOGM if mass movement occurs in the permit area and is carried forward in the State permit as Condition No. 1.

Special Condition 8 requires submittal of subsidence information and was satisfied on October 6, 1988.

Special Condition 9 required the permittee to contribute to the endangered fishes conservation fund and was satisfied on June 13, 1985.

Special Condition 10 requires modification of power poles for raptor protection and was carried forward in the State permit as Condition 2.

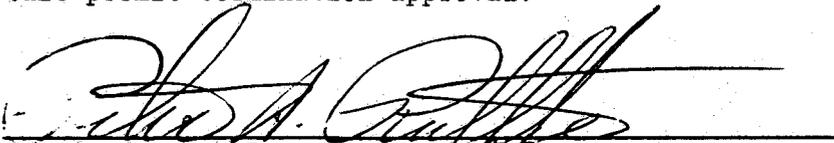
Special Condition 11 requires a survey for endangered plant species prior to any redisturbance and was carried forward in the State permit as Condition No. 3.

Special Condition 12 requires use of all spoil material in reclamation of the highwall and was carried forward in the State permit as Condition No. 4.

The standard conditions of the existing mining plan approval are appended to this memorandum as Attachment A. There are no remaining special conditions of approval of the mining plan.

III. Approval:

I approve the termination of Federal permit UT-0010, issued on August 27, 1984, for the Gordon Creek No. 2 mine. The applicable standard conditions of the mining plan approved by the Assistant Secretary on August 24, 1984, are appended as Attachment A and remain in full force and effect notwithstanding this permit termination approval.



Chief, Federal Programs Division
Western Field Operations
Office of Surface Mining Reclamation and Enforcement

11/17/88
Date

CONDITIONS
OF
MINING PLAN APPROVAL

This document contains the applicable conditions of approval of the Gordon Creek No. 2 mine mining plan approved on August 24, 1984, for Federal coal leases U-8319 and U-47975. Beaver Creek Coal Company is hereinafter referred to as the lessee/operator.

Condition 1. Statutes and Regulations.--The mining plan approval was made pursuant to Federal coal leases U-8319 and U-47975; the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 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.). The mining plan approval is subject to all applicable 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, which are now or hereafter in force; and all such regulations are made a part hereof. The lessee/operator shall comply with the provisions of the Water Pollution Control Act (33 U.S.C. 1151 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.) and other applicable Federal laws.

Condition 2. The current mining plan approved on August 24, 1984, covers all or portions of Federal coal leases U-8319 and U-47975 as described below:

T. 13 S., R. 7 E., S.L.M

Sec. 12: E1/2, E1/2 W1/2

Sec. 13: NE1/4 NE1/4, N1/2 NW1/4 NE1/4,
N1/2 S1/2 NW1/4 NE1/4, S1/2 S1/2, NW1/4 NE1/4
S1/2 NE1/4, E1/2 W1/2, SE1/4

Sec. 24: N1/2 NE1/4, NE1/4 NW1/4

T. 13 S., R. 8 E., S.L.M.

Sec. 18: Lots 1-4, NW1/4 NE1/4, S1/2 NE1/4, E1/2 NW1/4,
NE1/4 SW1/4

Sec. 19: Lots 1 and 2, SE1/4 NW1/4

as shown on the map appended hereto as Exhibit A.

- Condition 3. The lessee/operator shall conduct coal development and mining operations only as described in the complete permit application package approved by the Utah Division of Oil, Gas and Mining, except as otherwise directed in the conditions of the mining plan approval as contained herein.
- Condition 4. The lessee/operator shall comply with the terms and conditions of the leases and the approved mining plan, and the requirements of the Utah Permit number ACT/007/016 issued under the Utah State program, approved pursuant to the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).
- Condition 5. The mining plan approval shall be binding on any person conducting coal development or mining operations under the approved mining plan and shall remain in effect until superseded, cancelled, or withdrawn.
- Condition 6. The lessee/operator shall allow the authorized representatives of the Secretary, and the Utah Division of Oil, Gas and Mining, 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, 43 CFR Group 3400, and UMC/SMC 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/SMC 842.12, when the inspection is in response to an alleged violation reported by the private person.
- Condition 7. If during the course of mining operations previously unidentified prehistoric or historic resources are discovered, the lessee/operator shall ensure that the resources are not disturbed and shall notify Utah Division of Oil, Gas and Mining and OSMRE. The lessee/operator shall take such necessary actions as are required by Utah Division of Oil, Gas and Mining in coordination with OSMRE.

