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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

ACT/007/016
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Norman H. Bangertter
Governor
Dee C. Hansen
Executive Director
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Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

October 11, 1988

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

Dear Mr. Pick:

Re: Revised State Permit, Beaver Creek Coal Company, Gordon
Creek No. 2 and 7 Mines, ACT/007/016, Folder No. 3, Carbon
County, Utah

Enclosed is a revised permanent program mining permit for the Gordon Creek No. 2 and 7 Mines. Two copies of the permit are included. Please read the stipulations in Attachment A, then sign both copies of the permit and return one to the Division.

This permit incorporates remaining stipulations from the OSM permit, along with DOGM stipulations. Please note the revised permit will still expire on the original permit expiration date, August 27, 1989.

Best regards,

A handwritten signature in cursive script, appearing to read 'Dianne'.

Dianne R. Nielson
Director

JJW/djh
Enclosures
cc: P. Rutledge
R. Hagen
WP+28/8

FEDERAL
(April 1987)

Permit Number ACT/007/016, October 11, 1988
(Revised)

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/007/016, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOGM) to:

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

for the Gordon Creek No. 2 and 7 Mines. Beaver Creek Coal Company (BCCC) is the lessee of federal coal leases U-8319 and U-47975, and the owner/lessee of certain fee-owned parcels. A performance bond is filed with the DOGM in the amount of \$641,443.00, payable to the state of Utah, Division of Oil, Gas and Mining and the Office of Surface Mining Reclamation and Enforcement (OSMRE). DOGM 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 (as shown on the map appended as Attachment B) within the permit area at the Gordon Creek No. 2 and 7 Mines, situated in the state of Utah, Carbon County, and located:

Federal

Township 13 South, Range 7 East, SLM

Section 12: E1/2, E1/2 W1/2;
Section 13: E1/2, E1/2 W1/2
Section 24: N1/2 NE1/4, NE1/4 NW1/4;

Township 13 South, Range 8 East, SLM

Section 7: Lots 3 and 4, SE1/4 SW1/4;
Section 17: SW1/4 SW1/4, Portions of NW1/4 SW1/4, Portions of SE1/4 SW1/4, Portions of SW1/4, NW1/4
Section 18: Lots 1, 2, 3 and 4, E1/2 W1/2, W1/2 E1/2, E1/2 SE1/4, SE1/4 NE1/4;
Section 19: Lots 1, 2, and 3, NE1/4, E1/2 NW1/4, NE1/4 SW1/4, NW1/4 SE1/4;

Fee

Township 13 South, Range 8 East, SLM

Section 17: SW1/4 SW1/4;
Section 18: SE1/4, SE1/4 SW1/4;
Section 19: NE1/4, NE1/4 NW1/4, N1/2 SW1/4, NW1/4 SE1/4.

This legal description is for the permit area (as shown on Attachment B) of the Gordon Creek No. 2 and 7 Mines. The permittee is authorized to conduct underground coal mining activities and related surface activities on the foregoing described property subject to the conditions of the leases, the approved mining plan, including all conditions and all other applicable conditions, laws and regulations.

- Sec. 3 PERMIT TERM - This revised permit becomes effective on October 7, 1988 and expires on August 27, 1989.
- Sec. 4 ASSIGNMENT OF PERMIT RIGHTS - The permit rights may not be transferred, assigned or sold without the approval of the Director, DOGM. 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 UMC 788.17-.19.

- Sec. 5 RIGHT OF ENTRY - The permittee shall allow the authorized representative of the DOGM, including but not limited to inspectors, and representatives of OSMRE, 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, UMC 840.12, 30 CFR 842.13 and UMC 842.13; and
 - B. be accompanied by private persons for the purpose of conducting an inspection in accordance with UMC 842.12 and 30 CFR 842, when the inspection is in response to an alleged violation reported by the private person.
- Sec. 6 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 mining and reclamation plan and permit application and approved for the term of the permit and which are subject to the performance bond.
- Sec. 7 ENVIRONMENTAL IMPACTS - The permittee shall minimize any adverse impact to the environment or public health and safety through but not limited to:
- A. accelerated monitoring 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 DISPOSAL OF POLLUTANTS - The permittee shall dispose of solids, sludge, filter backwash or pollutants 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 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 DOGM 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 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. 11 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. 12 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. 13 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 DOGM. DOGM, after coordination with OSMRE, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by DOGM within the time frame specified by DOGM.
- Sec. 14 APPEALS - The permittee shall have the right to appeal as provided for under UMC 787.
- Sec. 15 SPECIAL CONDITIONS - In addition to the general obligations and/or requirements set out in the leases, the federal mining plan approval, and this permit, the permittee shall comply with the special conditions appended hereto as Attachment A.

Gordon Creek No. 2 and 7 Mines
Attachment "A"
Special Conditions
October 7, 1988

Condition No. 1

If there is mass movement of material in the mine permit area, the permittee will notify the Division immediately and within 30 days of such notice, submit mitigation plans for the slide area. Within 60 days of such notice, the permittee shall achieve compliance with applicable standards.

Condition No. 2

The permittee shall modify existing power poles and lines within the permit area by November 7, 1988, to the raptor protection design standards specified by the Fish and Wildlife Service.

Condition No. 3

Before any site redisturbance occurs, the permittee must conduct a survey under the supervision of the Division, of the areas to be redisturbed. The survey shall identify and record locations of Hedysarum occidentale var. canone (canyon sweetvetch). If canyon sweetvetch is found in portions of the permit area to be redisturbed, the permittee must develop and submit a mitigation plan for approval, and after approval implement this plan before redisturbance occurs.

Condition No. 4

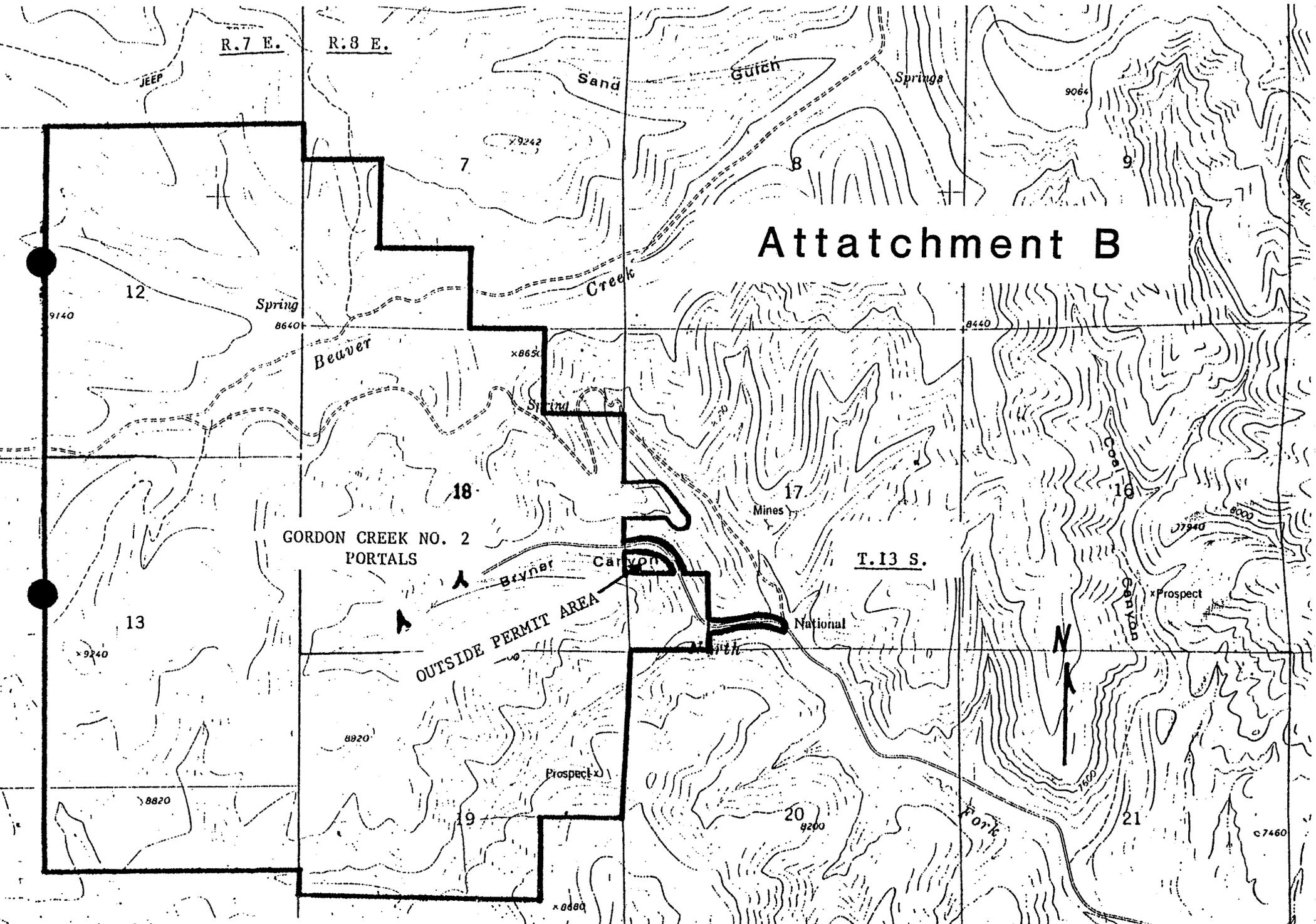
The permittee shall use all spoil material available in the permit area and any other reasonably available spoil material to cover all highwalls to the maximum extent possible. The permittee shall cover all coal seams and any toxic or acid-forming material with no less than four feet of non toxic, and non acid-forming material.

Gordon Creek No. 2 and 7 Mines
Attachment "A"
Special Conditions (continued)
October 7, 1988

Condition No. 5

- A. The applicant shall restore 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. 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 PAP. Restoration shall be undertaken after annual subsidence survey data indicate that the surface has stabilized but in all cases restoration and revegetation shall be completed prior to bond release.
- B. The applicant shall 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.
- C. The applicant shall compensate, at a fair market value, owners of livestock which are injured or killed as a direct result of surface hazards caused by subsidence.

Gordon Creek No.2&7 Permit Area



Attachment B

GORDON CREEK NO. 2
PORTALS

OUTSIDE PERMIT AREA

T.13 S.

