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Norman H. Bangerter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

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

November 12, 1991

Mr. Dan Guy, Manager
Mountain Coal Company
P.O. Box 1378
Price, Utah 84501

Dear Mr. Guy:

Re: Permit Renewal, Gordon Creek #3 and #6 Mines, Mountain Coal Company, ACT/007/017, Folder #3, Carbon County, Utah

Enclosed please find two copies of the five-year permit renewal for the Gordon Creek #3 and #6 Mines. Please sign both copies of the permit and return one copy to the Division.

Thank you for your continued cooperation.

Best Regards,

Dianne

Dianne R. Nielson
Director

PGL/jbe
Enclosure

an equal opportunity employer

NON-FEDERAL

PERMIT
ACT/007/017

November 12, 1991

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/007/017, is issued for the State of Utah by the Utah Division of Oil, Gas and Mining (Division) to:

Mountain Coal Company
P.O. Box 1378
Price, Utah 84501
(801) 637-5050

for the Gordon Creek #3 and #6 Mine. A Surety Bond is filed with the Division in the amount of $138,400, payable to the State of Utah, Division of Oil, Gas and Mining. The Division 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 within the permit area at the Gordon Creek #3 and #6 Mine, situated in the state of Utah, Carbon County, and located:

Township 13 South, Range 8 East, SLBM

Section 8:	SE1/4 SE1/4
Section 9:	S1/2 SW1/4, SW1/4 SE1/4
Section 16:	SE1/4 NW1/4, SW1/4 NE1/4, N1/2 NW1/4, SW1/4, SW1/4 NW1/4, Portions of SW1/4 SE1/4, Portions of NW1/4 SE1/4
Section 17:	NE1/4 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4
Section 21:	Portions of W1/2 NE1/4, Portions of SE1/4 NW1/4

This legal description is for the permit area of the Gordon Creek #3 and #6 Mine. The permittee is authorized to conduct underground coal mining activities and related surface activities on the foregoing described property subject to all applicable conditions, laws and regulations.

Sec. 3 **COMPLIANCE** - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.

Sec. 4 **PERMIT TERM** - This permit is renewed, effective November 12, 1991, and will expire on September 19, 1996.

Sec. 5 **ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the prior written approval of the Division Director. 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 R614-303-300.

Sec. 6 **RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the Division, including but not limited to inspectors, and representatives of the Office of Surface Mining Reclamation and Enforcement (OSM), 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, R614-400-220, 30 CFR 842.13 and R614-400-110;

(b) be accompanied by private persons for the purpose of conducting an inspection in accordance with R614-400-100 and R614-400-200 when the inspection is in response to an alleged violation reported to the Division by the private person.

Sec. 7 **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 approved plan and approved for the term of the permit and which are subject to the performance bond.

Sec. 8 **ENVIRONMENTAL IMPACTS** - 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 the 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. 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 the Division 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 EXISTING STRUCTURES - As applicable, the permittee will comply with R614-301 and R614-302 for compliance, modification, or abandonment of existing structures.

Sec. 11 RECLAMATION FEE PAYMENTS - The operator shall pay all reclamation fees required by 30 CFR Part 870 for coal produced under the permit, for sale, transfer or use.

Sec. 12 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. 13 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. 14 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. 15 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 the Division. The Division, after coordination with OSM, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by Division within the time frame specified by Division.

Sec. 16 APPEALS - The permittee shall have the right to appeal as provided for under R614-300-200.

Sec. 17 SPECIAL CONDITIONS - There are special conditions associated with this permitting action, as described in Attachment A.

The above conditions (Secs. 1-17) 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. The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of the Division and the permittee at any time to adjust to changed conditions or to correct an oversight. The Division may amend these conditions at any time without the consent of the permittee in order to make them consistent with any federal or state statutes and any regulations.

THE STATE OF UTAH

By: Dave R Nelson

Date: 11-12-91

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

Authorized Representative of the Permittee

Date: _____

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Attachment A

SPECIAL CONDITIONS

PERMIT RENEWAL

GORDON CREEK #3 AND #6 RECLAIMED MINE

Condition #1: R614-301-300 Biology (SW)

Within 30 days of permit renewal, the operator must submit clarifying information regarding the reclamation success standards for final bond release.

1) The Gordon Creek #3 and #6 permit states that reclamation success will be based on cover and production. However, the postmining land uses of livestock grazing, hunting, and deer forage, etc. require that tree and shrub stocking rates must also be a success standards. If tree and shrub stocking rates are used as a success standards, then shrub density measurements must be taken in the reference areas and on the site. Specific commitments must also be included in the permit as to stocking rates.

2) Two reference areas, sagebrush-grass and oak shrubland areas are used as the success standards. Map 9-1 is not of sufficient scale to determine which reclaimed areas are to be compared to the grass or the oak reference area. Additionally, the vegetation types on the road from the gate to the facilities area are not shown on the map. Details of the success standards for each reclaimed areas must be included in the permit in writing, or a map with those designations must be provided.

3) The success standards for cover, production and shrub density must be met for two consecutive years at a 90 percent statistical confidence interval. Please include this commitment in the permit.

Condition #2: R614-301-400 Land Use (SW)

Within 30 days of permit renewal, the operator must submit consent letters from all the landowners of the reclaimed area.

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