



# United States Department of the Interior

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BUREAU OF LAND MANAGEMENT  
Moab District  
Price River Resource Area  
900 North 700 East  
Price, Utah 84501

**RECEIVED**  
JUL 05 1989

DIVISION OF  
OIL, GAS & MINING

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JUL 3 1989

RE: New Surface Facilities, Soldier Creek Coal Company, Soldier Canyon Mine, ACT/007/018-89 (B), Folder #2 Carbon County, Utah

The Soldier Creek Coal Company's proposal for a PAP amendment to expand its surface facilities has been reviewed by this office. It is recommended that the following stipulations be made for your approval to the proposed plan.

### Sec. 15 SPECIAL STIPULATIONS -

The following stipulations made part of this lease may be waived or amended with the mutual consent of the lessor and lessee.

1. In accordance with Sec. 523(b) of the "Surface Mining Control and Reclamation Act of 1977," surface mining and reclamation operations conducted on this lease are to conform with the requirements of this act and are subject to compliance with Office of Surface Mining regulations, or as applicable, a Utah program equivalent approved under cooperative agreement in accordance with Sec. 523(c). The United States Government does not warrant that the entire tract will be susceptible to mining.
2. The permitting of any mining operations on the lease will be subject to the possible designation of any portion of the lease as unsuitable for some or all kinds of surface mining under the regulations of the Department under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) in effect at the time of action on the mine plan permit.
3. Before undertaking activities that may disturb the surface of previously undisturbed leased lands, the lessee may be required to conduct a cultural resource inventory of the areas to be disturbed. These studies shall be conducted by a qualified, professional, cultural resource specialist and a report prepared itemizing the findings. A plan will then be submitted making recommendations for the protection of, or measures to be taken to mitigate impacts for identified cultural resources.

If significant cultural resources are discovered during operations under this lease, the lessee shall immediately bring them to the attention of the authorized officer who shall evaluate, or have evaluated, such discoveries and, within 5 working days, shall notify the lessee what action shall be taken with respect to such discoveries.

The cost of conducting the inventory, preparing reports, and carrying out necessary protective mitigating measures shall be borne by the lessee.

4. Before undertaking activities that may disturb the surface of previously undisturbed leased lands, the lessee may be required to conduct a paleontological appraisal of the areas to be disturbed. The appraisal shall be conducted by qualified paleontologists and a report prepared itemizing the findings. A plan will then be submitted making recommendations for the protection of, or measures to be taken to mitigate impacts for identified paleontological resources.

If paleontological remains (fossils) of significant scientific interest are discovered during operations under this lease, the lessee shall immediately bring them to the attention of the authorized officer who shall evaluate, or have evaluated, such discoveries and, within 5 working days, shall notify the lessee what action shall be taken with respect to such discoveries.

Paleontological remains of significant scientific interest do not include leaves, ferns, or dinosaur tracks commonly encountered during underground mining operations.

The cost of conducting the inventory, preparing reports, and carrying out necessary protective mitigating measures shall be borne by the lessee. The cost of salvage of paleontological remains (fossils) shall be borne by the United States.

5. If there is reason to believe that threatened or endangered (T&E) species of plants, animals, or migratory species of high federal interest occur in the area, the lessee shall be required to conduct an intensive field inventory of the area to be disturbed and/or impacted. A listing of migratory birds of high federal interest in federal coal producing regions is published by the Fish and Wildlife Service, Migratory Bird Management Office, Washington, D.C. The inventory shall be conducted by a qualified specialist and a report of findings will be prepared. A plan will be prepared making recommendations for the protection of these species or action necessary to mitigate the disturbance.

The cost of conducting the inventory, preparing reports, and carrying out necessary protective mitigating measures shall be borne by the lessee.

6. The lessee shall be required to perform a study to secure adequate baseline data to quantify the existing surface resources on and adjacent to the lease area. Existing data may be used if such data is adequate for the intended purposes. The study shall be adequate to locate, quantify, and demonstrate the interrelationship of the geology, topography, surface

hydrology, vegetation, and wildlife. Baseline data will be established so that future programs of observation can be incorporated at regular intervals for comparison.

7. Powerlines on the lease area used in conjunction with the mining of coal from this lease shall be constructed so as to provide adequate protection for raptors and other large birds. When feasible, powerlines will be located at least 100 yards from public roads.

8. The lessee shall provide for the suppression and control of fugitive dust on haul roads and at coal-handling and storage facilities on the lease area. The migration of road surfacing and subsurface materials into streams and water courses shall be prevented.

9. The lessee shall be required to establish a monitoring system to locate, measure, and quantify the progressive and final effects of underground mining activities on the topographic surface, underground and surface hydrology and vegetation. The monitoring system shall utilize techniques which will provide a continuing record of changeover time and an analytical method for location and measurement of a number of points over the lease area. The monitoring shall incorporate and be an extension of the baseline data.

10. Except at specifically approved locations, underground mining operations shall be conducted in such a manner so as to prevent surface subsidence that would: 1) cause the creation of hazardous conditions, such as potential escarpment failure and landslides, 2) cause damage to existing surface structures, and 3) damage or alter the flow of perennial streams.

11. In order to avoid surface disturbance on steep canyon slopes and to satisfy the need for surface access, all surface breakouts for ventilation tunnels shall be constructed from inside the mine, except at specifically approved locations.

12. Support facilities, structures, equipment, and similar developments will be removed from the lease area within 2 years after the final termination of use of such facilities. This provision shall apply unless the requirement of Section 10 of the lease form is applicable. Disturbed areas and those areas occupied by such facilities will be stabilized and rehabilitated, drainages reestablished, and the areas returned to a premining land use.

13. The lessee shall conduct a clearance for *Hedysarum occidentals var canone*, a sensitive plant under review for possible T&E listing. If a population is found the lessee shall avoid or mitigate impacts by transplanting or seeding adjacent areas. Should require mitigation or seeding adjacent suitable areas.

14. The proposed 600 foot culvert will impact approximately 1 1/2 acres of riparian habitat consisting of cottonwood and willows. The Utah BLM Riparian Policy requires impacts to riparian habitat be fully mitigated. The only opportunity for mitigation in this case is riparian habitat enhancement offsite. An offsite mitigation project will be developed by BLM in coordination with Soldier Creek to address impacts to riparian habitat.

15. Soldier Creek Mine surface facilities expansion lies within a 1/2 mile buffer zone of two golden eagle nests, 81-17B and 81-17C. These nests are located on the opposite side of the ridge and out of line-of-sight from all proposed construction. For this reason use of surface explosives is the only identified potential impact. In order to avoid impacting these nests all work with explosives must be done outside of the nesting period, February 1 to July 15. This restriction will not apply if the nests are determined to be inactive.

16. Since the surface facility expansion is adjacent to the existing facilities and similar, although somewhat larger in scale, to existing operations, the requirement for a raptor survey is waved. It is pointed out at this time if future mine development includes long wall mining that a raptor survey and monitoring would be required for the entire permit area to address increased risks of subsidence and cliff failure associated with that mining method.

17. The Bureau acknowledges the mitigation commitment Soldier Creek has made for mule deer winter and critical range. This commitment, Soldier Creek's contribution toward the Fish Creek PJ chaining, satisfies BLM's mitigation requirement for all surface disturbance completed to date or proposed under the mine plan modification.

Thank you for the cooperation on working on this project. If you have any concerns on these stipulations, please contact John Miley at this office.

Sincerely yours,



Area Manager

Acting