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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE RESOURCES

Norman H. Bangerter
Governor
Dee C. Hansen
Executive Director
Timothy H. Provan
Division Director

1596 West North Temple
Salt Lake City, Utah 84116-3195
801-533-9333
801-533-7073 Fax

Ang Mine file
cc L Bratton
D Haddock

RECEIVED
APR 17 1991
DIVISION OF
OIL GAS & MINING

April 12, 1991

Dr. Dianne R. Nielson, Director
Utah Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, UT 84180-1203

Dear Dianne:

The Division has reviewed Soldier Creek Coal Companys' PAP Revision for a topsoil storage site. We have several recommendations and points for clarification in the PAP. We also have concerns with the proposed waste rock storage site.

Fence specifications are enclosed. For safe deer passage, the top wire should be smooth wire. The two top wires should be spaced at least 12 inches apart to allow passage of juveniles. Design A or B of enclosed Figure F5 would be appropriate in this area.

We recommend changes in the PAP's proposed permanent seed mixture list. The following species and application rates should be included in the list. This is critical deer winter range and a diversity of shrub species is needed to reclaim its habitat value.

Species	Pounds of Pure Live Seed/Acre
Wyoming big sagebrush (Artemisia tridentata tridentata)	0.25 (20% purity)
Mountain big sagebrush (Artemisia tridentata vaseyana)	0.25 (20% purity)
Rubber Rabbitbrush (Chrysothamnus nauseosus hololeucus)	0.5
Winterfat (Eurotia lanata)	1.0

The PAP states, "It is important to note that the proposed topsoil stockpile area will be located on a site which has exposed outcrops of Mancos shale and is sparsely covered by sagebrush." The Division takes exception to the PAP implying the site is not important to deer. This is critical, high-use habitat consisting of sagebrush and pinyon/juniper trees as vegetation. On site inspections have verified its high use and importance; therefore, we request the qualifying statement previously quoted be deleted from any future text.

The plan suggests the company has previously installed 22 acres of mitigation for this site (page 59). The Division recognizes that Soldier Creek Coal Company has, in good faith, previously contributed money for a habitat improvement project, but cautions against accepting this mitigation without further considering the current PAP changes as well as the proposed changes. We recognize part of this previous mitigation was for an approved waste rock storage site and now this site has been abandoned. It is also our understanding another site has been selected and your Division is determining its suitability. DWR wishes to reserve the right to evaluate the total impacts associated with the top soil site and the new waste rock facility. The new waste rock site encompasses a larger area, has higher use than the previous site and possibly contains wetlands. We are extremely concerned with any deer habitat loss especially when it is critical winter range with water nearby.

Although Soldier Creek Coal is under the impression DWR was in favor of this site, we would like it noted that this site would not have been our first choice. We recognize there are a limited number of potential storage sites and all of them are in critical deer winter range. This site is very important to the wintering deer population because of the nearby water sources; and, therefore, we cannot accept a straight across the board trade for the previous site. It is also our opinion this proposed action has great potential for impacting the deer herd; and without a complete project description, the magnitude of impact is difficult to determine. If Soldier Creek Coal is going to use this waste rock storage site, DWR requests a complete plan amendment as soon as possible. It is obvious that Soldier Creek has expended a considerable amount of money determining site suitability, unfortunately with little input from DWR.

We appreciate the opportunity to review this PAP and provide comment on the proposed waste rock facility. If you have need for more information or assistance, please contact Ken Phippen in our Southeastern Regional office (637-3310).

Sincerely,

Robert M. Hasenyager
As Acting Director

Timothy H. Provan
Director

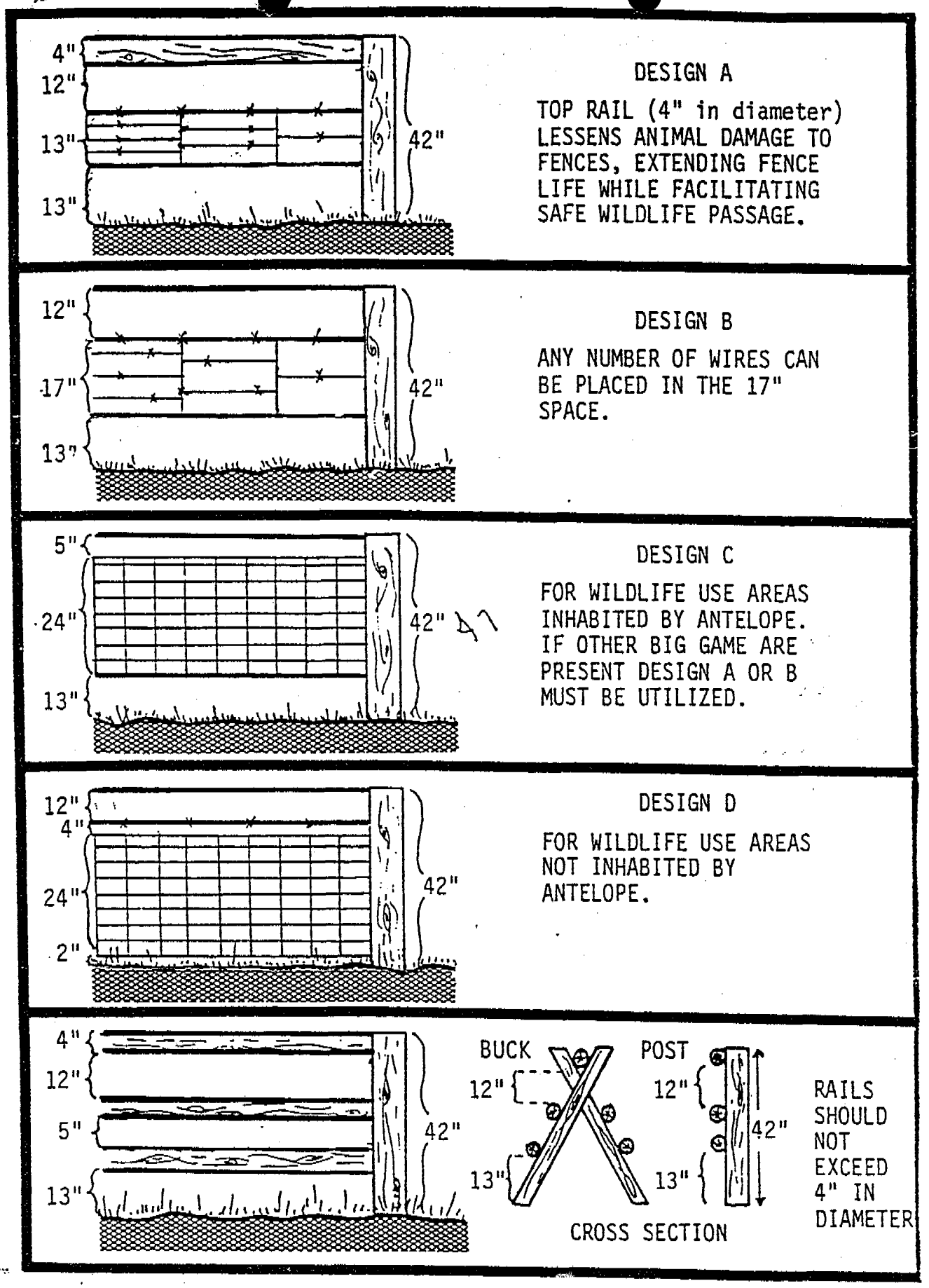

FIGURE F5. Fence specifications for containing livestock while allowing big game passage. Total fence height must not exceed 42". The space between the two top wires should be at least 12" to allow passage of juvenile big game; a smooth top wire is needed. The bottom wire should be at least 13" from the ground and smooth to allow big game to crawl beneath, particularly antelope.

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

May 28, 1991

TO: Daron R. Haddock, Permit Supervisor DRH

FROM: Joseph C. Helfrich, Regulatory Program Coordinator JCH

RE: Compliance Review for Section 510(c) Findings, Topsoil Storage Revision, Soldier Creek Coal Company, Soldier Canyon Mine, ACT/007/018, Folder #5, Carbon County, Utah

As of the writing of this letter, there are no NOV's or CO's which are not corrected or in the process of being corrected. Any NOV's or CO's that are outstanding are in the process of administrative or judicial review. There are no finalized Civil Penalties which are outstanding and overdue in the name of Soldier Creek Coal Company.

Finally, they do not have a demonstrated pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

jbe
A:\510(C)

an equal opportunity employer

E: 28 MAY 91 APPLICANT VIOLATOR SYSTEM TIME: 18:34:26
APPLICATION EVALUATION REPORT

TE: UT APPNO: ACT007018 SEQNO: 0 PAGE: 1
LICANT'S ENTITY ID: 089070
LICANT'S NAME : SOLDIER CREEK COAL CO

SYSTEM RECOMMENDATION IS BASED ON ENTITY OFT

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*                                                           *
*  SYSTEM RECOMMENDATION          :      ISSUE              *
*  PREVIOUS SYSTEM RECOMMENDATION:        DENY              *
*  OSMRE RECOMMENDATION           :      ISSUE(890810)      *
*                                                           *
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PROCEED F3/QUIT F4/MAIN F6/REPORT F9/V.VIOL F10/V.OFT

FEDERAL
(April 1987)

Permit Number ACT/007/018, May 28, 1991
(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/007/018, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOGM) to:

Soldier Creek Coal Company
P. O. Box I
Price, Utah 84501
(801) 637-6360

for the Soldier Canyon Mine. Soldier Creek Coal Company is the lessee of federal coal leases SL-051279-063188, U-50722, and the lessee of state coal leases ML-22675, ML-21994, ML-42648, ML-42649, and ML-44365. A performance bond is filed with the DOGM in the amount of $1,940,000.00, 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 Soldier Canyon Mine situated in the state of Utah, Carbon County, and located:

Township 13 South, Range 12 East, SLBM

Section 4: All
Section 5: All
Section 6: All
Section 7: All
Section 8: All
Section 9: W1/2, NE1/4, N1/2SE1/4
Section 17: N1/2
Section 18: N1/2N1/2, SE1/4NE1/4, S1/2NW1/4, NE1/4SW1/4NE1/4, NW1/4SW1/4NE1/4
Section 19: Portion of SW1/4SW1/4

Township 12 South, Range 12 East, SLBM

Section 32: NW1/4, SW1/4NE1/4, E1/2NE1/4, S1/2

Township 13 South, Range 11 East, SLBM

Section 12: E1/2, E1/2W1/2
Section 13: N1/2NE1/4, NE1/4NW1/4, SE1/4NE1/4, NE1/4SE1/4
Section 24: S1/2S1/2SW1/4SE1/4, Portion of SE1/4SE1/4
Section 25: N1/2NW1/4NE1/4, Portion of N1/2NW1/4SE1/4
Portion of S1/2SW1/4NE1/4

This legal description is for the permit area (as shown on Attachment A) of the Soldier Canyon Mine. The permittee is authorized to conduct underground coal mining activities on the foregoing described property subject to the conditions of the leases, including all conditions and all other applicable conditions, laws and regulations.

Sec. 3 PERMIT TERM - This revised permit becomes effective on May 28, 1991 and expires on February 3, 1992.

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 R614-303.

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, R614-400-110, 30 CFR 842.13 and R614-400-220; and,

B. be accompanied by private persons for the purpose of conducting an inspection in accordance with R614-400-100, R614-400-200 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 R614-300.

Sec. 15 SPECIAL CONDITIONS - In addition to the general obligations and/or requirements set out in the leases and this permit, the permittee shall comply with the special conditions appended hereto as Attachment A.

The above conditions (Secs. 1-15) 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 DOGM and the permittee at any time to adjust to changed conditions or to correct an oversight. DOGM may amend these conditions at any time without the consent of the permittee in order to make them consistent with any new federal or state statutes and any new regulations.

THE STATE OF UTAH

By: Dianne R. Nielson

Date: 5-28-91

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

_____

Authorized Representative of
the Permittee

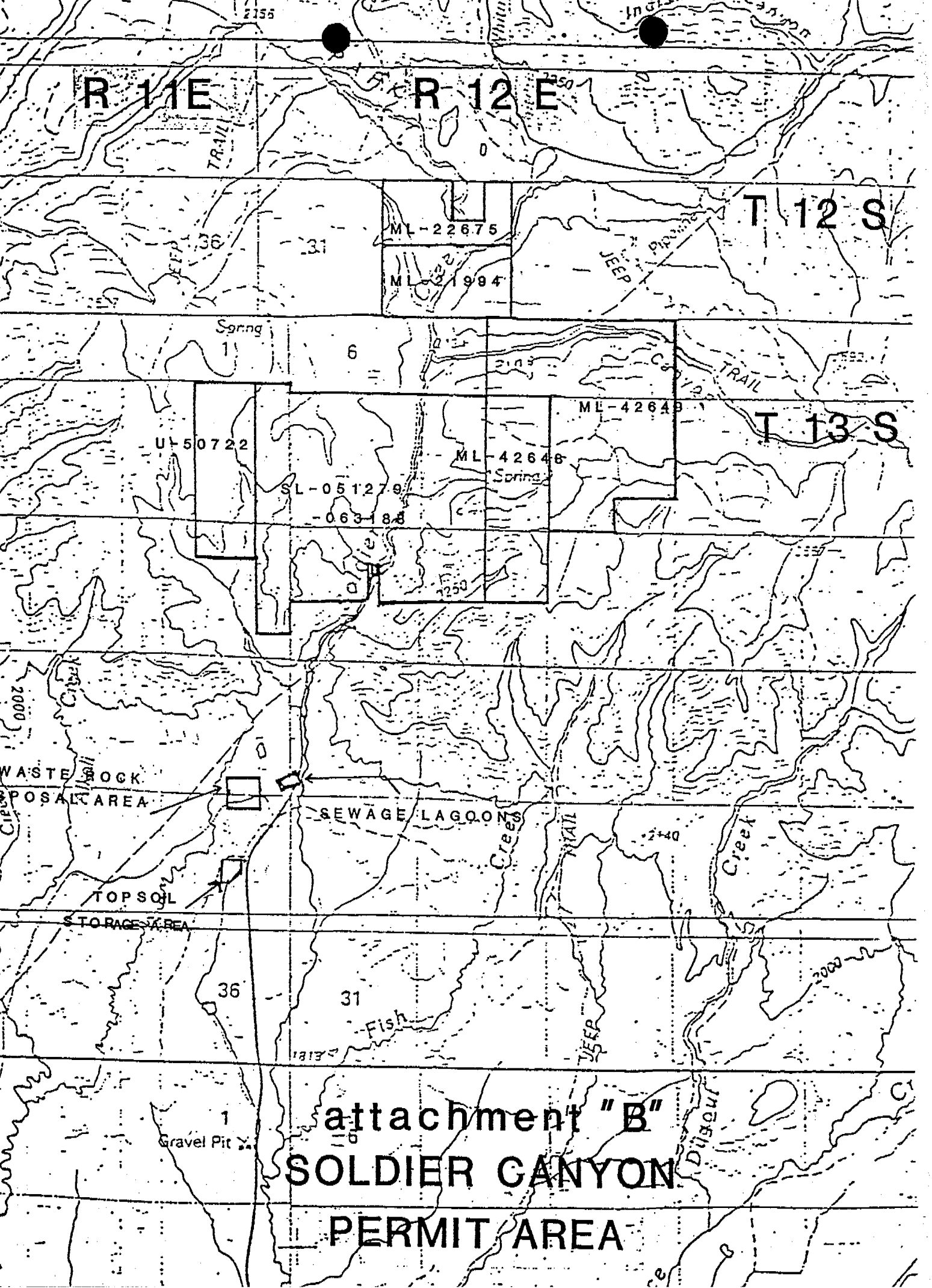
Date: _____

ATTACHMENT A

Stipulation (1) - DWR

Within 30 days of permit approval Soldier Creek Coal Company must revise the permanent seed mixture list for the topsoil site to include the following species.

Species	Lbs. Pure Live Seed/ Acre
Wyoming big sagebrush (Artemisia tridentata tridentata)	0.25
Mountain big sagebrush (Artemisia tridentata vaseyana)	0.25
Rubber Rabbitbrush (Chrysothamnus nauseosus hololeucus)	0.5
Winterfat (Eurotia lanata)	1.0



attachment "B"
SOLDIER CANYON
PERMIT AREA