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DIV. OF OIL, GAS & MINING

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May 18, 1995

Ms. Pamela Grubach-Littig
Utah Division of Oil, Gas and Mining
355 West North Temple Street
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Salt Lake City, UT 84180-1203

PR0/007/020 #2

Dear Pam,

Enclosed are 6 copies of the "Response to June 23, 1992 UDOGM Stipulations". Would you please distribute the copies to those who might be interested. Sorry about being so slow, my "to do" list got buried on my desk for a week or so.

Thanks.

Sincerely yours,

Vicky

Vicky S. Bailey

May 18, 1995

RESPONSE TO JUNE 23, 1992 UDOGM STIPULATIONS
(Addressed to Blue Blaze Coal Company, presently Horizon Coal Corporation)

1. The Applicant is limited to mining only the non-federal coal within the permit area until a mining plan approval is obtained from the Secretary of Interior to mine Federal Coal Lease SL-063011. **See Section 3.3.1.**

2. Prior to topsoil removal operations, the Applicant must commit to excavating the A or E horizon from the Curecanti Family and Senchert Series in accordance with the profile description located in the USDA/SCS Soil Survey for the Carbon County Area, Utah. **See Section 8.3.2.**

3. The Applicant must commit to fulfilling the requirements of R645-301-233, in the event that the mass balance indicates a topsoil/subsoil deficiency. **See Section 8.3.2.**

4. The Applicant must submit to the Division of Water Rights a "Change Application" for the point of diversion for any water right to be used. The Applicant must also show Water Right 91-94 in Appendix 1 and indicate it on the Water Right Map. **See Section 7.1.4.**

5. Mining of the Hiawatha seam will be contingent upon the collection of adequate baseline data from holes LMC 1, 2 and the additional in-mine hole designated as drill hole BBCC-3. The LMC holes will be redrilled in another location, so as to supplement existing data as referenced on page 7-17. All drilling proposals will obtain approvals from the Division of Water Rights and any other appropriate agencies.

   Baseline water quality data must be collected for a period of two years. The data can be <u>reviewed</u> at the end of one year, if the Applicant provides an updated PHC summarizing all data collected for the PHC at the end of one year. No water quality parameters will be dropped from the Division's water monitoring list until the Applicant provides a summary of the data for Division review and a discussion justifying the rationale for elimination of any parameters. If any parameters are consistently below the detection limit and/or the Drinking Water Standards, then it is appropriate that this is summarized in the Applicant's PHC.

   An approval to mine the Hiawatha seam will be contingent on the submittal of the revised PHC, summarizing all water data collected to data specifically addressing the aquifers above, within, and below the Hiawatha seam.

   See Section 7.2.2.3, paragraphs 3, 4, and 5. Drilling plan submitted to BLM & UDOGM on April 13, 1995.

6. The Applicant must submit a plan specifically outlining new drill hole locations for LMC 1 and 2 and a commitment to complete these holes to the bottom of the base of the first saturated strata or the bottom of the Starpoint Sandstone, whatever comes first. **Plan submitted on April 13, 1995 to UDOGM and BLM.**

7. The Applicant must supply the necessary information regarding discharges into the underground mine satisfying the requirements of R645-301-731.511.1 through R645-301-731.511.4 before any water is discharged into the underground mine. **Deleted, see Section 3.2.6.**

8. The Applicant must submit the necessary information to obtain approval to conduct any activities within 100 feet of the Right Fork North Fork of Gordon Creek. A commitment to clearly mark all stream buffer zones on the ground must be made and the stream buffer zone must be identified on the appropriate map. **See Section 7.3.1.2 (Impacts to Hydrologic System Resulting from Subsidence).**

9. The Applicant must provide a plan to the Division for adequate sediment control measures prior to conducting any surface disturbance. This plan will include sediment control measures during the development stages of mining prior to any site disturbance. This plan must be done in order to meet the requirements for sediment control measures during the development phase of mining. **See Section 7.2.3.2.**

10. The Applicant must provide adequate designs for sediment control during all phases of reclamation. The Applicant must submit a complete and technically adequate reclamation plan to the Division regarding the stabilization and revegetation of disturbed areas prior to the removal of siltation structures. This must be done in order to meet the requirements for siltation structures during reclamation. **See Section 3.5.**

Submitted per a request during a meeting between Horizon Coal Corporation representative Brad Bourquin and UDOGM personnel on May 2, 1995. These stipulations are addressed in the Horizon Coal Corporation permit in the section designated after each stipulation.