

Incoming
C0070033
#3943
C

APPLICATION FOR COAL PERMIT PROCESSING

Permit Change New Permit Renewal Exploration Bond Release Transfer

Permittee: Intermountain Power Agency (IPA)
Mine: Wildcat Loadout Facility Permit Number: C/007/033
Title: Nick C. Kezman, Operating Agent Manager

Description, Include reason for application and timing required to implement:

Update of Chapter 1 information.

Instructions: If you answer yes to any of the first eight questions, this application may require Public Notice publication.

- Yes No 1. Change in the size of the Permit Area? Acres: _____ Disturbed Area: _____ increase decrease.
- Yes No 2. Is the application submitted as a result of a Division Order? DO# _____
- Yes No 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area?
- Yes No 4. Does the application include operations in hydrologic basins other than as currently approved?
- Yes No 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?
- Yes No 6. Does the application require or include public notice publication?
- Yes No 7. Does the application require or include ownership, control, right-of-entry, or compliance information?
- Yes No 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
- Yes No 9. Is the application submitted as a result of a Violation? NOV # _____
- Yes No 10. Is the application submitted as a result of other laws or regulations or policies?
Explain: _____

- Yes No 11. Does the application affect the surface landowner or change the post mining land use?
- Yes No 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2)
- Yes No 13. Does the application require or include collection and reporting of any baseline information?
- Yes No 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
- Yes No 15. Does the application require or include soil removal, storage or placement?
- Yes No 16. Does the application require or include vegetation monitoring, removal or revegetation activities?
- Yes No 17. Does the application require or include construction, modification, or removal of surface facilities?
- Yes No 18. Does the application require or include water monitoring, sediment or drainage control measures?
- Yes No 19. Does the application require or include certified designs, maps or calculation?
- Yes No 20. Does the application require or include subsidence control or monitoring?
- Yes No 21. Have reclamation costs for bonding been provided?
- Yes No 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?
- Yes No 23. Does the application affect permits issued by other agencies or permits issued to other entities?
- Yes No 24. Does the application include confidential information and is it clearly marked and separated in the plan?

Please attach three (3) review copies of the application. If the mine is on or adjacent to Forest Service land please submit four (4) copies, thank you. (These numbers include a copy for the Price Field Office)

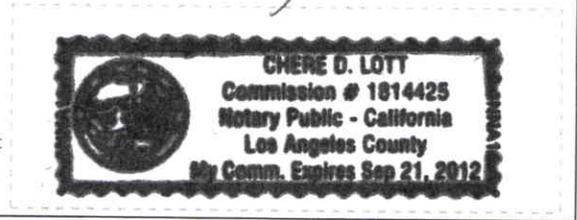
I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

Nick C. Kezman Operating Agent Manager 10/19/2011 [Signature]
Print Name Position Date Signature (Right-click above choose certify then have notary sign below)

Subscribed and sworn to before me this 19th day of October, 2011

Notary Public: Chere D. Lott, state of CALIF.

My commission Expires: _____
Commission Number: _____
Address: 111 N. HOPE ST. Room 1031
City: LOS ANGELES State: CA Zip: 90012



For Office Use Only: File in: <input type="checkbox"/> Confidential <input type="checkbox"/> Shelf <input checked="" type="checkbox"/> Expandable Date Folder <u>10/24/11</u> <u>C/0070033</u> <u>Incoming</u>	Assigned Tracking Number:	Received by Oil, Gas & Mining RECEIVED OCT 24 2011 DIV. OF OIL, GAS & MINING
	Form DOGM- C1 (Revised December 10, 2007)	

INTERMOUNTAIN POWER AGENCY
WILDCAT LOADOUT
MINING AND RECLAMATION PLAN
CHAPTER 1, LEGAL

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CHAPTER 1, LEGAL

R645-301-100. GENERAL

R645-301-110. LEGAL, FINANCIAL, AND COMPLIANCE INFORMATION

Legal, Financial, Compliance and Information

The objective of this chapter is to set forth all relevant information concerning ownership and control of Intermountain Power Agency, the ownership and control of the property to be affected by mining activities and all other information and documentation required.

Compliance Information

a) **Suspension and Revocation**

Intermountain Power Agency, affiliates or persons controlled by or under common control with Intermountain Power Agency never had a mining permit suspended or revoked.

b) **Forfeiture of Bond**

Intermountain Power Agency, affiliates or persons controlled by or under common control with Intermountain Power Agency have not forfeited a mining bond or similar security in lieu of bond.

c) **History of Violations**

Intermountain Power Agency and affiliated companies have not received any violations received within the last three years prior to the date of this application.

R645-301-111. INTRODUCTION

Introduction and Overview of Project Permit Application

A. **Introduction**

This permit application is being submitted by Intermountain Power Agency, in order that coal can be stored and loaded out of its coal loadout facility located at Wildcat Junction, near Helper, Utah. This facility is known as the Wildcat Loadout. Intermountain Power Agency is a political subdivision of the State of Utah. Intermountain Power Agency has a permit to operate its coal loading and storage facility known as Wildcat Loadout, in accordance with the appropriate regulations. This coal loadout facility is located on land owned by the United States of America in Carbon County, Utah.

Intermountain Power Agency was granted the right-of-way in August, 2011, by the Bureau of Land Management of the United States Department of the Interior. The Intermountain Power Agency has leased the coal loadout facility to America

West Resources, Inc., who is currently operating the facility. The Intermountain Power Agency controls all lands within the proposed coal loadout facility area. Intermountain Power Agency, has therefore prepared this coal loadout facility permit application rewritten under the R645 Coal Mining Rules format, for submission to the appropriate regulatory authorities for review and approval.

B. Overview and Summary of Project

Coal storage and loading activities at Wildcat started officially on April 2, 1985, when the first coal was brought there for storage and eventual loadout, under a permit issued to Andalex Resources by the Bureau of Land Management, U.S. Department of the Interior. The permit was assigned to Intermountain Power Agency. This coal loadout facility is located approximately three miles west of U.S. Highway 6, Consumer's Road, Helper, Utah, in Carbon County and can be more accurately described as parts of Section 33, Township 13 South, Range 9 East, S.L.B. & M. (please see Figure 1). The permit area contains approximately 100.19 acres, of which 12.5 acres are under lease to the Utah Railway by the Bureau of Land Management. The facility is located within a 270 acre BLM right-of-way. The serial number for this right-of-way is U-48027.

There are no perennial streams or bodies of water on the property. Water for culinary purposes is supplied by Price Municipal Corporation and hauled down to the facility using approved culinary tank trucks. The water is in turn stored in an approved culinary tank at the loadout.

Historically, coal loading activities had been the sole use for this permit area, even prior to being leased to Intermountain Power Agency. This is evidenced by the fact that the soil survey of the area revealed that of the eight test holes, two completely lacked topsoil and one located along the tracks had approximately two feet of fine coal and no topsoil. Coal had been stored along the tracks for shipping purposes in the past. It is appropriately justifiable to conclude that Intermountain Power Agency's proposed use of the area for coal storage and loading activities will be fully compatible with its' previous use, and as such, no significant new disturbance of the area has occurred. Observations have shown that the previous land use consisting of wildlife habitat and migrations has not been interrupted. This is evidenced by repeated sightings of deer herds moving through the permit area. Other mammals and birds continue to use this area for their habitat. Access to the loadout and storage facility is by paved county and state roads, which are also maintained by the county and state.

Coal is hauled from the Hidden Splendor Mine and other local mines that may desire coal transloading services. All surface and support facilities necessary for present operations have been completed. There are no additions or modifications proposed at this time. Aside from the DOGM permit, Intermountain Power Agency has acquired all the necessary approvals, licenses, rights-of-way, and permits at both state and federal levels to conduct coal storage and loading

operations on the plan area. The facility is designed to handle loading and crushing activities up to 5.5 million tons per year.

Upon cessation of coal loading activities, reclamation activities will commence in accordance with the plans outlined in this application. The land will be restored to a condition equal to or better than the pre-mining condition, according to available technology.

This facility is located in an area where mining and its related activities have been the main industry, and as a result, the surrounding communities are properly adapted. The labor supply is excellent and well trained. With all these considerations, coupled with the prudent management at Intermountain Power Agency, the Wildcat Coal Loadout Facility is a model operation in the Carbon County area with no significant environmental or socioeconomic impact.

C. Organization of Application

This permit application has been organized in accordance with the general requirements for format and contents as outlined in the R645 Coal Mining Rules.

R645-301-112. IDENTIFICATION OF INTERESTS

Identification of Interests

1. Permit Applicant

Intermountain Power Agency
10653 S. River Front Parkway, Suite 120
South Jordan, Utah 84095
(801) 938-1333

2. Legal and Equitable Owners of Record

The addresses of owners of record are as follows:

Bureau of Land Management
Utah State Office
P.O. Box 45155
440 West 200 South, Suite 500
Salt Lake City, Utah 84145-0155
(801) 539-4001

Utah Railroad
P.O. Box 11608
Salt Lake City, Utah 84147
(801) 521-3447

Intermountain Power Agency

10653 S. River Front Parkway, Suite 120
South Jordan, Utah
(801) 938-1333

All land within the permit area in question is owned by the United States of America and is leased by the Utah Railroad Corporation and Intermountain Power Agency.

3. Purchasers of Record Under Real Estate Contracts

There are no purchasers of record under any real estate contracts of areas to be affected by surface operations and facilities of this loadout, and there are no purchasers of record under any real estate contracts of the coal to be loaded out.

R645-301-112.100. TYPE OF BUSINESS

Intermountain Power Agency is a political subdivision of the State of Utah created under the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Ann. Intermountain Power Agency has no shareholders or partners and has issued no stock or any partnership interests. This facility stores, processes and ships coal for various operations in the area. This mining permit application has been prepared by Intermountain Power Agency and is being submitted for review and approval by the appropriate regulatory authorities.

R645-301-112.200. NAMES, LOCATIONS, RESIDENT AGENT

Resident Agent who will accept service of process for Intermountain Power Agency Wildcat Loadout, ACT/007/033:

James A. Hewlett
Intermountain Power Agency
10653 S. River Front Parkway, Suite 120
South Jordan, Utah
(801) 938-1333

Also, see Chapter 8, for notarized statement pertaining to completeness and accuracy.

R645-301-112.300. OTHER THAN SINGLE PROPRIETORSHIPS

Intermountain Power Agency holds the exclusive coal operating interests in the permit area.

R645-301-112.310. OFFICERS AND SHAREHOLDERS

<u>Name</u>	<u>Address</u>	<u>Title</u>	<u>Date Position Assumed</u>
Officers: Ted L. Olson	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Chairman	August 2010

R. Leon Bowler	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Vice Chairman	December 1984
Ed Collins	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Secretary	August 2010
Russell F. Fjeldsted	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Treasurer	March 2007

<u>Name</u>	<u>Address</u>	<u>Title</u>	<u>Date Position Assumed</u>
Directors:			
R. Leon Bowler	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Director	June 1977
Ted L. Olson	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Director	January 1990
Russell F. Fjeldsted	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Director	January 1992
Walter Meacham	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Director	January 1999
Robert O. Christiansen	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Director	June 2007
Ed Collins	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Director	June 2007
Fred Moss	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Director	August 2010
General Manager			
James A. Hewlett	10653 South River Front Parkway, #120 South Jordan, Utah 84095	General Manager	December 2007

R645-301-112.320. OWNERSHIP AND CONTROL RELATIONSHIP TO APPLICANT

Refer to R645-301-112.310 for ownership and control information.

R645-301-112.400. PENDING, CURRENT AND PREVIOUS COAL PERMITS

1. Intermountain Power Agency owned a 50% undivided interest in the real property interests of the West Ridge Mine, Utah Coal Program Permit No. C/007/041, West Ridge Resources, Inc., Permittee, MSHA ID No. 42-02233. Effective as of September 29, 2010, Intermountain Power Agency conveyed all of its interest in the West Ridge Mine to ANDALEX.
2. Intermountain Power Agency owned a 50% undivided interest in the real property interests of the Crandall Canyon Mine, Utah Coal Program Permit No. C/015/032, Genwal Resources, Inc., Permittee, MSHA ID No. 42-01715. Effective as of September 29, 2010, Intermountain Power Agency conveyed all of its interest in the West Ridge Mine to ANDALEX.
3. Intermountain Power Agency owned a 100% undivided interest in the real property interests, and was the Permittee, of the Horse Canyon Mine, Utah Coal Program Permit No. C/007/013. Effective April, 2010, Intermountain Power Agency conveyed all of its interest in the Horse Canyon Mine to Utah American Energy, Inc.

R645-301-112.500. SURFACE AND MINERAL OWNERSHIP

All surface and subsurface areas contiguous to the permit area are owned by the United States. The name and address of the responsible authority representing the federal government is as follows:

Bureau of Land Management
Utah State Office
P.O. Box 45155
440 West 200 South, Suite 500
Salt Lake City, Utah 84145-0155
(801) 539-4001

R645-301-112.600. ADJACENT SURFACE AND MINERAL OWNERSHIP

Refer to Plate 16 for adjacent surface and mineral ownership.

R645-301-112.700. MSHA NUMBERS FOR ALL MINE-ASSOCIATED STRUCTURES

The Wildcat Loadout and Refuse Pile have the following M.S.H.A. I.D. Numbers:

Loadout - MSHA I.D. 42-01864
Refuse Pile - MSHA I.D. 1211-UT-09-01864-01

R645-301-112.800. STATEMENT OF ALL LANDS AND INTERESTS IN LANDS

N/A

R645-301-113. VIOLATION INFORMATION

History of Violations

R645-301-113.100. COMPLIANCE INFORMATION

Neither Intermountain Power Agency nor any subsidiary, affiliate or persons controlled by or under common control with Intermountain Power Agency has:

1. Had a federal or state permit to conduct coal mining and reclamation operations suspended or revoked in the five years preceding the date of submission of the Application; or
2. Has forfeited a performance bond or similar security deposited in lieu of bond

R645-301-113.110. SUSPENDED OR REVOKED PERMITS

Refer to R645-301-113.100 for ownership and control information.

R645-301-113.120. FORFEITED BONDS

Refer to R645-301-113.100 for ownership and control information.

R645-301-113.200. EXPLANATION OF PERMIT OF BOND FORFEITURE

N/A

R645-301-113.210 PERMIT AND BOND IDENTIFICATION

The following is a list of all other licenses and permits under applicable state and federal land use, air and water quality, water rights, and health and safety laws and regulations held by Intermountain Power Agency in order to operate its coal loading facility. These permits can also be found in Appendix B.

State:

1. State of Utah
Department of Natural Resources
Division of Oil, Gas, and Mining
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801

Reference I.D.: DOGM MRP C/007/033

2. State of Utah
Department of Health
Division of Environmental Health
150 West North Temple

P.O. Box 2500
Salt Lake City, Utah 84110

- Air Quality Construction and Operation Permit
Approved July 22, 1982
- Water Quality - Sediment and Drainage
Approved September 15, 1982
- Septic and Culinary Plan (1) Approved April 1, 1982

3. Utah Division of Water Quality
P.O. Box 144870
Salt Lake City, Utah 84114-4870

- UPDES Discharge Permit #UTG040007

Federal:

1. Bureau of Land Management
Utah State Office
P.O. Box 45155
440 West 200 South, Suite 500
Salt Lake City, Utah 84145-0155

- Right-of-Way
Permit Number U-48027
Granted January 12, 1982
Amended February 5, 2007
Assigned August 1, 2011

2. U.S. Department of Labor
Mine Safety and Health Administration (M.S.H.A.)
P.O. Box 25367
Denver, Colorado 80225
(District 9)
Wildcat Loadout Facility I.D. 42-01864

R645-301-113.220. REGULATORY AUTHORITIES INVOLVED

See above

R645-301-113.230. CURRENT STATUS OF PERMIT AND BOND

See above

R645-301-113.240. ADMINISTRATIVE OR JUDICIAL PROCEDURES

None

R645-301-113.250. CURRENT STATUS OF PROCEEDINGS

None

R645-301-113.300. LIST OF ALL VIOLATIONS NOTICES

None

R645-301-113.310. IDENTIFICATION OF VIOLATIONS

None

R645-301-113.320. DESCRIPTION OF VIOLATIONS

None

R645-301-113.330. LOCATION OF VIOLATIONS PROCEEDINGS

None

R645-301-113.340. STATUS OF VIOLATIONS PROCEEDINGS

None

R645-301-113.350. ACTIONS TAKEN TO ABATE VIOLATIONS

None

R645-301-114. RIGHT-OF-ENTRY INFORMATION

Intermountain Power Agency currently holds approximately 270 acres of federal land which contains the permit area. Intermountain Power Agency bases its' legal right to enter and conduct coal loading activities in the permit area pursuant to the language contained in the right-of-way, specifically the actual grant (amended) dated March 24, 1982, amended February 5, 2007 and assigned August 1, 2011 (see Appendix B-Part A-12A). This right-of-way was granted under the authority of the Federal Land Policy and Management Act of 1976 (90 Stat. 2776; 43 U.S.C. 1761, Sec. 501 (a)(7)). All valid rights existing on the date of this grant shall apply.

A right to enter and conduct loading activities on the approximately thirteen acres of the permit area leased to the Utah Railroad is contained in the private lease agreement with the Utah Railroad assigned to the Intermountain Power Agency in August, 2011.

The right-of-way (and the permit area) can be described as follows:

U-48027:

Salt Lake Base and Meridian, Utah Township 13
South, Range 9 East, Section 33,

*NE¹/₄SW¹/₄NE¹/₄, S¹/₂SW¹/₄NE¹/₄, E¹/₂SW¹/₄, SE¹/₄,
containing 270 acres*

It is important to note that this is a non-exclusive areal right-of-way, and that there are numerous other equally valid rights-of-way which occupy much of this same area. For example, overlapping rights-of-ways exist for the Utah Railway tracks, the State Highway 139, the Consumers Road, the Carbon County Consumers Road, the by-pass road, the Trestle public road, Rocky Mountain Power 46 KV' powerline, Phillip Petroleum's gas well and pipeline corridor, and Hidden Splendor shop facility. BLM determined the final 270 acre configuration in part to "square up" the boundary for administrative purposes. Being a non-exclusive right-of-way means there is no conflict among grantees, and no inherent liability from one grantee to the next, as long as each grantee's activities are within the terms of their respective right-of-way.

The DOGM permit area is located within the BLM right-of-way and is described as follows:

NW¹/₄SE¹/₄, N¹/₂SW¹/₄SE¹/₄, E¹/₂E¹/₂NE¹/₄SW¹/₄, E¹/₂NE¹/₄SE¹/₄SW¹/₄, NE¹/₄SE¹/₄SE¹/₄SW¹/₄, NW¹/₄SW¹/₄SW¹/₄SE¹/₄, E¹/₂SE¹/₄SW¹/₄NE¹/₄ and portions of N¹/₂NW¹/₄NE¹/₄SE¹/₄, NE¹/₄SW¹/₄NE¹/₄, SW¹/₄SW¹/₄NE¹/₄, NW¹/₄SE¹/₄SW¹/₄NE¹/₄, W¹/₂NE¹/₄SW¹/₄, W¹/₂E¹/₂NE¹/₄SW¹/₄, W¹/₂E¹/₂SE¹/₄SW¹/₄, comprising 100.19 acres, more or less.

In addition, there is a parcel of land 500 feet by 500 feet square whose southeast corner is located 990 feet east of the center of Section 33.

Also see Appendix B, Part A-5, for a letter from Beaver Creek Coal Company allowing Intermountain Power Agency to operate on a small portion of their leased land described in the letter.

R645-301-114.100. DOCUMENTATION

Appendix B

R645-301-114.200. SEVERED SURFACE AND MINERAL ESTATES

Appendix B

R645-301-114.210. WRITTEN SURFACE OWNER CONSENT FOR COAL EXTRACTION

N/A

R645-301-114.220. CONVEYANCE EXPRESSLY GRANTING RIGHT TO MINE COAL

N/A

R645-301-114.230. DOCUMENTATION OF LEGAL AUTHORITY TO MINE COAL

N/A

R645-301-114.300. ADJUDICATION OF PROPERTY RIGHTS DISPUTES

The Division does not have the authority to adjudicate property rights disputes.

R645-301-115. STATUS OF UNSUITABILITY CLAIMS

N/A

R645-301-115.100. IDENTIFICATION OF LANDS UNSUITABLE

The permit area is not within an area designated unsuitable for the effects of mining activities, specifically, coal loading activities, under study for designation in an administrative proceeding initiated under those parts.

Further, there are no occupied dwellings within 300 feet of the permit.

R645-301-115.200. CLAIMS OF EXEMPTION BY COMMITMENT PRIOR TO JANUARY 4, 1977

None.

R645-301-115.300. MINING AND RECLAMATION OPERATIONS WITHIN 300 FEET OF AN OCCUPIED DWELLING OR WITHIN 100 FEET OF A PUBLIC ROAD

The Consumers Road and the Trestle Road are public roads within 100 feet of the disturbed area boundary.

R645-301-116. PERMIT TERM

The requested term of this permit is five years. Intermountain Power Agency will then apply for five year extensions over the life of this operation.

R645-301-116.100. SCHEDULE OF PHASED MINING AND RECLAMATION ACTIVITIES

See R645-301-142

R645-301-116.200. PERMIT TERM IN EXCESS OF FIVE YEARS

The requested term of this permit is five years. Intermountain Power Agency will then apply for five year extensions over the life of this operation.

R645-301-116.210. COMPLETENESS AND ACCURACY FOR LONGER TERM

N/A

R645-301-116.220. DEMONSTRATION OF NEED FOR LONGER TERM

N/A

R645-301-117. INSURANCE, PROOF OF PUBLICATION AND FACILITIES OR STRUCTURES USED IN COMMON

Appendix B contains certificates of liability insurance covering personal injury and property damage resulting from this operation.

R645-301-117.100. LIABILITY INSURANCE

Appendix B

R645-301-117.200. NEWSPAPER PUBLICATION

A copy of the newspaper advertisement of this Mining and Reclamation Plan and proof of publication of the advertisement is filed with the Division and made part of the complete application. (See Appendix B).

R645-301-117.300. FACILITIES USED IN COMMON

N/A

R645-301-118. FILING FEE

N/A

R645-301-120. PERMIT APPLICATION FORMAT AND CONTENTS

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R645-301-121. REQUIREMENTS

R645-301-121.100. CURRENT INFORMATION

Information is current.

R645-301-121.200. CLEAR AND CONCISE

Information is clear and concise.

R645-301-121.300. FORMAT REQUIREMENTS

To facilitate review of the application, each chapter listed above has been further divided into specific parts and sections. These can be found listed in the detailed table of contents appearing at the beginning of this text along with the page numbers on which they appear. This table of contents also contains lists of figures, tables, plates, exhibits, and appendices to facilitate cross referencing between chapters.

Exhibits include appropriate supporting documents, reports and publications and are included as appendices.

Maps which were not reduced to fit into the text are included in a separate volume as plates. All maps and plans are submitted in accordance with the requirements.

R645-301-122. REFERENCED MATERIALS

All references and referenced publications and materials are listed under R645-301-130.

R645-301-123. APPLICATION FOR PERMITS, CHANGES, RENEWALS, OR TRANSFERS

This permit is submitted to update information to the R645 permit format.

R645-301-130. REPORTING AND TECHNICAL DATA

Preparation of Application

A. Persons and Consultants Involved

The following persons and/or organizations were involved in collection and analysis of the technical data set forth in prior versions of this application.

1. In House Consulting Services

a) Andalex Resources, Inc., AMCA Coal Leasing, Inc.

Samuel C. Quigley - General Manager
Michael W. Glasson - Senior Geologist

David E. Shaver - Chief Engineer

2. Outside Consulting Services

- a) Dan W. Guy - Registered Professional Engineer
(State of Utah No. 4548)
Price, Utah
- Sedimentation and Drainage Control Plan
- b) Bruce T.S. Ware - Registered Land Surveyor
Price, Utah
- c) Rollins, Brown, and Gunnell Provo, Utah
- Foundation Study
- d) Earl Jensen - Soil Scientist
Price, Utah
- e) Roy Harniss - Range Scientist
Logan, Utah
- Vegetation Inventory

B. Coordination and Consultation with Governmental Agencies

The following governmental agencies were consulted in the preparation of information set forth in the prior versions of this application.

U.S. Department of Agriculture
Soil Conservation Service
Price, Utah

U.S. Department of the Interior
Bureau of Land Management
Price, Utah
Salt Lake City, Utah

Office of Surface Mining Reclamation
and Enforcement
Denver, Colorado

U.S. Fish and Wildlife Service
Salt Lake City, Utah

State of Utah:

Department of Natural Resources
Division of Oil, Gas, and Mining

Salt Lake City, Utah

Antiquities Section (Consulting Services Branch)
Salt Lake City, Utah
(Archaeological Survey)

Department of Natural Resources
Division of Wildlife Resources
Salt Lake City, Utah
Price, Utah

Department of Community & Economic Development
Division of State History
Salt Lake City, Utah

Department of Natural Resources
Division of Water Rights
Salt Lake City, Utah

Department of Health
Division of Environmental Health
Salt Lake City, Utah

C. References

Andalex Resources, Inc. 1987 - Mining and Reclamation Plan

Submitted to the State of Utah

Department of Natural Resources, D.O.G.M.

Doelling, H.H. 1972 - Central Utah Coal Fields U.G.M.S. Monograph Series No. 3

U.S.D.A. 1978 - Soil Survey and Interpretations of the Coal Creek Emery Portion of the Price River and Emery County Areas, Carbon and Emery Counties, Utah. S.C.S.

U.S.D.I. 1979 - Final Environmental Statement, Development of Coal Resources in Central Utah, Parts 1 and 2

D. Bibliography

Barfield, B.J., Warner, R.C. and Haan, C.R. 1983. Applied Hydrology and Sedimentology for Disturbed Areas. Oklahoma Technical Press, Stillwater, 603 pp.

Cordova, R.M., 1964, "Hydrogeologic Reconnaissance of Part of Head Waters Area of the Price River, Utah", Utah Geological and Mineral Survey, Water Resources Bulletin 4, p. 26.

Fisher, D.J., Erdmann, C.E., and Reeside, J.B., 1960. "Cretaceous and Tertiary Formation of the Book Cliffs, Carbon, Emery, and Grand Counties, Utah, and Garfield and Mesa Counties, Colorado", U.S. Geological Survey, Professional Paper 332, p. 80.

Price, D. and Arnow, T., 1974. Summary Appraisals of the Nation's Ground Water Resources - Upper Colorado Region. U.S. Geological Survey Professional Paper 813-C, 40 pp.

Spieker, Edmond M., 1931. Wasatch Coal Field, Utah. U.S. Geological Survey, Bulletin 819.

U.S. Bureau of Reclamation, 1977. Design of Small Dams, U.S. Government Printing Office, Washington, D.C., 816 pp.

Waddell, K.M., and other, 1981. Hydrologic Reconnaissance of the Wasatch Plateau, Book Cliffs Field Areas, Utah. U.S.G.S. Water Supply Paper 2068.

R645-301-131. TECHNICAL DATA REQUIREMENTS

Where applicable, technical data submitted has been identified as to who prepared the information and is stamped by that registered professional engineer (P.E.).

R645-301-132. TECHNICAL ANALYSES REQUIREMENTS

Analyses are prepared by a qualified professional engineer.

R645-301-140. MAPS AND PLANS

Per Division Requirement.

R645-301-141. MAP FORMATS

Per Division Requirement.

R645-301-142. PHASES OF OPERATIONS AND MINING ACTIVITY

Introduction and Overview of Project Permit Application

This permit application is being submitted by Intermountain Power Agency, in order that coal can be stored and loaded out of its coal loadout facility located at Wildcat Junction, near Helper, Utah. This facility is known as the Wildcat Loadout. Intermountain Power Agency is a political subdivision of the State of Utah. Intermountain Power Agency hereby seeks the permit to operate its coal loading and storage facility known as Wildcat

Loadout, in accordance with the appropriate regulations. This coal loadout facility is located on land owned by the United States of America in Carbon County, Utah.

Andalex was granted the right-of-way in January, 1982, by the Bureau of Land Management of the United States Department of the Interior. The right-of-way was subsequently amended on February 5, 2007 and assigned to Intermountain Power Agency on August 1, 2011. Intermountain Power Agency, the designated operator, controls all lands within the proposed coal loadout facility area. Intermountain Power Agency, has therefore prepared this coal loadout facility permit application for submission to the appropriate regulatory authorities for review and approval.

Coal storage and loading activities at Wildcat started officially on April 2, 1985, when the first coal was brought there for storage and eventual loadout, under a permit issued to Andalex Resources by the Bureau of Land Management, U.S. Department of the Interior and assigned to Intermountain Power Agency on August 1, 2011. This coal loadout facility is located approximately three miles west of U.S. Highway 6, Consumer's Road, Helper, Utah, in Carbon County and can be more accurately described as parts of Section 33, Township 13 South, Range 9 East, S.L.B. & M. (please see Plate 1). The property contains approximately 270 acres, of which 12.5 acres are under lease to the Utah Railway by the Bureau of Land Management. The serial number for this right-of-way is U-48027. The permit area occupies 100.19 acres within the BLM right-of-way.

There are no perennial streams or bodies of water on the property. Water for culinary purposes is supplied by Price Municipal Corporation and hauled down to the facility using approved culinary tank trucks. The water is in turn stored in an approved culinary tank at the loadout.

Historically, coal loading activities had been the sole use for this permit area, even prior to being leased to Intermountain Power Agency. This is evidenced by the fact that the soil survey of the area revealed that of the eight test holes, two completely lacked topsoil and one located along the tracks had approximately two feet of fine coal and no topsoil. Coal had been stored along the tracks for shipping purposes in the past. It is appropriately justifiable to conclude that Intermountain Power Agency's proposed use of the area for coal storage and loading activities will be fully compatible with its previous use, and as such, no significant new disturbance of the area has occurred. Observations have shown that the previous land use consisting of wildlife habitat and migrations has not been interrupted. This is evidenced by repeated sightings of deer herds moving through the permit area. Other mammals and birds continue to use this area for their habitat. Access to the loadout and storage facility is by paved county and state roads, which are also maintained by the county and state.

Coal is hauled from the Hidden Splendor Mine and other local mines that may desire coal transloading services. All surface and support facilities necessary for present operations have been completed. There are no additions or modifications proposed at this time.

Aside from the DOGM permit, Intermountain Power Agency has acquired all the necessary approvals, licenses, rights-of-way, and permits at both state and federal levels

to conduct coal storage and loading operations on the plan area. The facility is designed to handle loading and crushing activities up to 5.5 million tons per year.

Upon cessation of coal loading activities, reclamation activities will commence in accordance with the plans outlined in this application. The land will be restored to a condition equal to or better than the premining condition, according to available technology.

This facility is located in an area where mining and its related activities have been the main industry, and as a result, the surrounding communities are properly adapted. The labor supply is excellent and well trained. With all these considerations, coupled with the prudent management at Intermountain Power Agency, the Wildcat Coal Loadout Facility is a model operation in the Carbon County area with no significant environmental or socioeconomic impact.

R645-301-142.100. PRIOR TO AUGUST 3, 1977

None by Intermountain Power Agency. A wash plant and loadout were operated by other independent companies or individuals in areas presently consumed by Intermountain Power Agency's surface facilities. Intermountain Power Agency's encroachment onto these previously disturbed areas transferred the responsibility for reclamation to Intermountain Power Agency. The specific locations of disturbed areas prior to Intermountain Power Agency's mining activities is irrelevant.

R645-301-142.200. AFTER AUGUST 3, 1977

All of Intermountain Power Agency's surface facilities and mining operations began after August 3, 1977.

R645-301-142.210. PRIOR TO MAY 3, 1978

See R645-301-142.100.

R645-301-142.220. SMALL OPERATOR'S EXEMPTION PRIOR TO JANUARY 1, 1979

N/A

R645-301-142.300. AFTER MAY 3, 1978 (OR JANUARY 1, 1979 FOR SMALL OPERATOR'S EXEMPTION) AND PRIOR TO APPROVAL OF STATE PROGRAM

N/A

R645-301-142.400. AFTER ISSUANCE OF PERMIT BY THE DIVISION

A list of all applicable permits is included in Appendix B.

R645-301-150. COMPLETENESS

Per Division.

~~—~~ **ANALEX RESOURCES, INC.**

~~—~~ **INTERMOUNTAIN POWER AGENCY**

WILDCAT LOADOUT

~~—~~ **MINING AND RECLAMATION PLAN**

~~—~~ **CHAPTER 1, LEGAL**

CHAPTER 1

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CHAPTER 1, LEGAL

R645-301-100. GENERAL

R645-301-110. LEGAL, FINANCIAL, AND COMPLIANCE INFORMATION

Legal, Financial, Compliance and Information

The objective of this chapter is to set forth all relevant information concerning ownership and control of Andalex Resources, Inc., Intermountain Power Agency, the ownership and control of the property to be affected by mining activities and all other information and documentation required.

Compliance Information

a) Suspension and Revocation

Andalex Resources, Inc., Intermountain Power Agency, affiliates or persons controlled by or under common control with Andalex haven't Intermountain Power Agency never had a mining permit suspended or revoked ~~within the last five years~~.

b) Forfeiture of Bond

Andalex Resources, Inc., Intermountain Power Agency, affiliates or persons controlled by or under common control with Andalex Intermountain Power Agency have not forfeited a mining bond or similar security in lieu of bond.

c) History of Violations

Appendix B, Part B contains a listing of all Intermountain Power Agency and affiliated companies have not received any violations received within the last three years prior to the date of this application ~~by Andalex and affiliated companies~~.

R645-301-111. INTRODUCTION

Introduction and Overview of Project Permit Application

A. Introduction

This permit application is being submitted by ~~Andalex Resources, Inc., Intermountain Power Agency~~, in order that coal can be stored and loaded out of ~~it's~~ coal loadout facility located at Wildcat Junction, near Helper, Utah. This facility is known as the Wildcat Loadout. ~~Andalex Intermountain Power Agency~~ is a ~~corporation organized and existing under the laws~~ political subdivision of the ~~state~~ State of ~~Delaware and qualified to do business in~~ Utah. ~~Andalex Resources Intermountain Power Agency~~ has a permit to operate ~~it's~~ coal loading and storage facility known as Wildcat Loadout, in accordance with the appropriate regulations. This coal loadout facility is located on land owned by the United States of America in Carbon County, Utah.

~~Andalex Intermountain Power Agency~~ was granted the right-of-way in ~~January, 1982~~ August, 2011, by the Bureau of Land Management of the United States Department of the Interior. ~~Andalex The Intermountain Power Agency has leased the coal loadout facility to America West Resources, the designated operator, along with AMCA Coal Leasing, Inc., its' land acquisition and development branch, control who is currently operating the facility. The Intermountain Power Agency controls~~ all lands within the proposed coal loadout facility area. ~~Andalex Resources, Inc., Intermountain Power Agency~~, has therefore prepared this coal loadout facility permit application rewritten under the R645 Coal Mining Rules format, for submission to the appropriate regulatory authorities for review and approval.

B. Overview and Summary of Project

Coal storage and loading activities at Wildcat started officially on April 2, 1985, when the first coal was brought there for storage and eventual loadout, under a permit issued to Andalex Resources by the Bureau of Land Management, U.S. Department of the Interior. The permit was assigned to Intermountain Power Agency. This coal loadout facility is located approximately three miles west of

U.S. Highway 6, ~~Consumer's~~ ~~Consumer's~~ Road, Helper, Utah, in Carbon County and can be more accurately described as parts of Section 33, Township 13 South, Range 9 East, S.L.B. & M. (please see Figure 1). The permit area contains approximately 100.19 acres, of which 12.5 acres are under lease to the Utah Railway by the Bureau of Land Management. The facility is located within a 270 acre BLM right-of-way. The serial number for this right-of-way is U-48027.

There are no perennial streams or bodies of water on the property. Water for culinary purposes is supplied by Price Municipal Corporation and hauled down to the facility using approved culinary tank trucks. The water is in turn stored in an approved culinary tank at the loadout.

Historically, coal loading activities had been the sole use for this permit area, even prior to being leased to ~~Andalex Resources~~ ~~Intermountain Power Agency~~. This is evidenced by the fact that the soil survey of the area revealed that of the eight test holes, two completely lacked topsoil and one located along the tracks had approximately two feet of fine coal and no topsoil. -Coal had been stored along the tracks for shipping purposes in the past.- It is appropriately justifiable to conclude that ~~Andalex's~~ ~~Intermountain Power Agency's~~ proposed use of the area for coal storage and loading activities will be fully compatible with ~~its'~~ ~~its'~~ previous use, and as such, no significant new disturbance of the area has occurred. Observations have shown that the previous land use consisting of wildlife habitat and migrations has not been interrupted. This is evidenced by repeated sightings of deer herds moving through the permit area. Other mammals and birds continue to use this area for their habitat. Access to the loadout and storage facility is by paved county and state roads, which are also maintained by the county and state.

Coal is hauled from the ~~Centennial~~ ~~Hidden Splendor~~ Mine, ~~Genwal Resources~~, and ~~West Ridge Mine~~ ~~other local mines that may desire coal transloading services~~. All surface and support facilities necessary for present operations have been completed. There are no additions or modifications proposed at this time. Aside from the DOGM permit, ~~Andalex Resources~~ ~~Intermountain Power Agency~~ has acquired all the necessary approvals, licenses, rights-of-way, and permits at both state and federal levels to conduct coal storage and loading operations on the plan area. The facility is designed to handle loading and crushing activities up to 5.5 million tons per year.

Upon cessation of coal loading activities, reclamation activities will commence in accordance with the plans outlined in this application. The land will be restored to a condition equal to or better than the pre-mining condition, according to available technology.

This facility is located in an area where mining and ~~it's~~ related activities have been the main industry, and as a result, the surrounding communities are properly adapted. The labor supply is excellent and well trained. With all these considerations, coupled with the prudent management at [Andalex Intermountain Power Agency](#), the Wildcat Coal Loadout Facility is a model operation in the Carbon County area with no significant environmental or socioeconomic impact.

C. Organization of Application

This permit application has been organized in accordance with the general requirements for format and contents as outlined in the R645 Coal Mining Rules.

R645-301-112. IDENTIFICATION OF INTERESTS.

Identification of Interests

1. Permit Applicant

[Andalex Resources, Inc.](#)
[P.O. Box 910](#)
[East Carbon Intermountain Power Agency](#)
[10653 S. River Front Parkway, Suite 120](#)
[South Jordan, Utah 8452084095](#)
[\(435\) 888-4000](#)
[\(801\) 938-1333](#)

2. Legal and Equitable Owners of Record

The addresses of owners of record are as follows:

Bureau of Land Management
Utah State Office
P.O. Box 45155
[440 West 200 South, Suite 500](#)
Salt Lake City, Utah -84145-0155
[\(801\) 539-40174001](#)

Utah Railroad
P.O. Box 11608
Salt Lake City, Utah -84147
(801) 521-3447

~~Andalex Resources, Inc.~~
~~P.O. Box 910~~
~~East Carbon Intermountain Power Agency~~
~~10653 S. River Front Parkway, Suite 120~~
~~South Jordan, Utah -84520~~
~~(435) 888-4000~~

(801) 938-1333

All land within the permit area in question is owned by the United States of America and is leased by the Utah Railroad Corporation and ~~Andalex Resources, Inc.~~ Intermountain Power Agency.

3. Purchaser's Purchasers of Record Under Real Estate Contracts

There are no purchasers of record under any real estate contracts of areas to be affected by surface operations and facilities of this loadout, and there are no purchasers of record under any real estate contracts of the coal to be loaded out.

R645-301-112.100. TYPE OF BUSINESS

~~Andalex Resources, a corporation organized and existing under the laws of Delaware and qualified to do business in Utah, operates the Wildcat Loadout Facility.~~ Intermountain Power Agency is a political subdivision of the State of Utah created under the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Ann. Intermountain Power Agency has no shareholders or partners and has issued no stock or any partnership interests. This facility stores, processes and ships coal for various operations in the area. This mining permit application has been prepared by ~~Andalex Resources~~ Intermountain Power Agency and is being submitted for review and approval by the appropriate regulatory authorities.

R645-301-112.200. NAMES, LOCATIONS, RESIDENT AGENT

Resident Agent who will accept service of process for ~~Andalex Resources, Inc.~~ Intermountain Power Agency Wildcat Loadout, ACT/007/033:

~~David Shaver~~
~~Andalex Resources, Inc.~~
~~P.O. Box 910~~
~~East Carbon~~ James A. Hewlett
Intermountain Power Agency
10653 S. River Front Parkway, Suite 120
South Jordan, Utah 84520
(801) 938-1333

Also, see Chapter 8, for notarized statement pertaining to completeness and accuracy.

R645-301-112.300. OTHER THAN SINGLE PROPRIETORSHIPS

~~Andalex Resources, Inc., Tower Division,~~ Intermountain Power Agency holds the exclusive coal operating interests in the permit area.

R645-301-112.310. OFFICERS AND SHAREHOLDERS

Refer to Appendix A, Part 1 for information on officers and shareholders.

<u>Name</u>	<u>Address</u>	<u>Title</u>	<u>Date Position Assumed</u>
<u>Officers:</u>			
<u>Ted L. Olson</u>	<u>10653 South River Front Parkway, #120 South Jordan, Utah 84095</u>	<u>Chairman</u>	<u>August 2010</u>
<u>R. Leon Bowler</u>	<u>10653 South River Front Parkway, #120 South Jordan, Utah 84095</u>	<u>Vice Chairman</u>	<u>December 1984</u>
<u>Ed Collins</u>	<u>10653 South River Front Parkway, #120 South Jordan, Utah 84095</u>	<u>Secretary</u>	<u>August 2010</u>
<u>Russell F. Fjeldsted</u>	<u>10653 South River Front Parkway, #120 South Jordan, Utah 84095</u>	<u>Treasurer</u>	<u>March 2007</u>

<u>Name</u>	<u>Address</u>	<u>Title</u>	<u>Date Position Assumed</u>
<u>Directors:</u>			
<u>R. Leon Bowler</u>	<u>10653 South River Front Parkway, #120 South Jordan, Utah 84095</u>	<u>Director</u>	<u>June 1977</u>
<u>Ted L. Olson</u>	<u>10653 South River Front Parkway, #120 South Jordan, Utah 84095</u>	<u>Director</u>	<u>January 1990</u>
<u>Russell F. Fjeldsted</u>	<u>10653 South River Front Parkway, #120 South Jordan, Utah 84095</u>	<u>Director</u>	<u>January 1992</u>
<u>Walter Meacham</u>	<u>10653 South River Front Parkway, #120 South Jordan, Utah 84095</u>	<u>Director</u>	<u>January 1999</u>
<u>Robert O. Christiansen</u>	<u>10653 South River Front Parkway, #120 South Jordan, Utah 84095</u>	<u>Director</u>	<u>June 2007</u>
<u>Ed Collins</u>	<u>10653 South River Front Parkway, #120 South Jordan, Utah 84095</u>	<u>Director</u>	<u>June 2007</u>
<u>Fred Moss</u>	<u>10653 South River Front Parkway, #120 South Jordan, Utah 84095</u>	<u>Director</u>	<u>August 2010</u>

**General
Manager**

James A.
Hewlett

10653 South River Front Parkway, #120
South Jordan, Utah 84095

General
Manager

December 2007

R645-301-112.320. OWNERSHIP AND CONTROL RELATIONSHIP TO APPLICANT

Refer to Appendix A, Part 1R645-301-112.310 for ownership and control information.

R645-301-112.400. PENDING, CURRENT AND PREVIOUS COAL PERMITS

~~A list of current and previous coal mining permits held by Andalex and its affiliates is included in Appendix A, Part 2.~~

1. Intermountain Power Agency owned a 50% undivided interest in the real property interests of the West Ridge Mine, Utah Coal Program Permit No. C/007/041, West Ridge Resources, Inc., Permittee, MSHA ID No. 42-02233. Effective as of September 29, 2010, Intermountain Power Agency conveyed all of its interest in the West Ridge Mine to ANDALEX.
2. Intermountain Power Agency owned a 50% undivided interest in the real property interests of the Crandall Canyon Mine, Utah Coal Program Permit No. C/015/032, Genwal Resources, Inc., Permittee, MSHA ID No. 42-01715. Effective as of September 29, 2010, Intermountain Power Agency conveyed all of its interest in the West Ridge Mine to ANDALEX.
3. Intermountain Power Agency owned a 100% undivided interest in the real property interests, and was the Permittee, of the Horse Canyon Mine, Utah Coal Program Permit No. C/007/013. Effective April, 2010, Intermountain Power Agency conveyed all of its interest in the Horse Canyon Mine to Utah American Energy, Inc.

R645-301-112.500. SURFACE AND MINERAL OWNERSHIP

All surface and subsurface areas contiguous to the permit area are owned by the United States.— The name and address of the responsible authority representing the federal government is as follows:

Bureau of Land Management
Utah State Office
~~Federal Building~~
~~P.O. Box 45155~~
~~440 West 200 South, Suite 500~~
~~Salt Lake City, Utah 8411184145-0155~~
~~(—801) 524-3004539-4001~~

R645-301-112.600. ADJACENT SURFACE AND MINERAL OWNERSHIP

———Refer to Plate 16 for adjacent surface and mineral ownership.

R645-301-112.700. MSHA NUMBERS FOR ALL MINE-ASSOCIATED STRUCTURES

The Wildcat Loadout and Refuse Pile have the following M.S.H.A. I.D. Numbers:

Loadout—	-	MSHA I.D. 42-01864
Refuse Pile	-	MSHA I.D. 1211-UT-09-01864-01

R645-301-112.800. STATEMENT OF ALL LANDS AND INTERESTS IN LANDS

N/A

R645-301-113. ———VIOLATION INFORMATION

History of Violations

~~Appendix B, Part B contains a listing of all violations received within the last three years prior to the date of this application by Andalex and affiliated companies.~~

R645-301-113.100. COMPLIANCE INFORMATION

~~Andalex Resources, Inc., affiliates~~ Neither Intermountain Power Agency nor any subsidiary, affiliate or persons controlled by or under common control with Andalex haven't had a ~~Intermountain Power Agency~~ has:

1. ~~Had a federal or state permit to conduct coal mining permit and reclamation operations~~ suspended or revoked ~~within~~ the last five years.

~~Andalex Resources, Inc., affiliates or persons controlled by~~ preceding the date of submission of the Application; or under common control with Andalex have not

2. ~~Has~~ forfeited a ~~mining performance~~ bond or similar security ~~deposited~~ in lieu of bond.

~~Appendix B, Part B contains a listing of all violations received within the last three years prior to the date of this application by Andalex and affiliated companies.~~

R645-301-113.110. SUSPENDED OR REVOKED PERMITS

~~Andalex Resources, Inc., affiliates or persons controlled by or under common control with Andalex haven't had a mining permit suspended or revoked within the last five years.~~

~~Refer to R645-301-113.100 for ownership and control information.~~

R645-301-113.120. FORFEITED BONDS

~~Andalex Resources, Inc., affiliates or persons controlled by or under common control with Andalex have not forfeited a mining bond or similar security in lieu of bond.~~

~~Refer to R645-301-113.100 for ownership and control information.~~

R645-301-113.200. EXPLANATION OF PERMIT OF BOND FORFEITURE

N/A

R645-301-113.210 PERMIT AND BOND IDENTIFICATION

The following is a list of all other licenses and permits under applicable state and federal land use, air and water quality, water rights, and health and safety laws and regulations held by ~~Andalex Resources~~[Intermountain Power Agency](#) in order to operate its coal loading facility.- These permits can also be found in Appendix B.

State:

1. State of Utah

Department of Natural Resources

Division of Oil, Gas, and Mining

1594 West North Temple, Suite 1210

Box 145801

Salt Lake City, Utah -84114-5801

Reference I.D.: -DOGMRP C/007/033

2. State of Utah

Department of Health

Division of Environmental Health

150 West North Temple

P.O. Box 2500

Salt Lake City, Utah -84110

--____Air Quality Construction and Operation Permit

Approved July 22, 1982

--____Water Quality - Sediment and Drainage

Approved September 15, 1982

--____Septic and Culinary Plan (1)

- Approved April 1, 1982

3. Utah Division of Water Quality

P.O. Box 144870

Salt Lake City, Utah 84114-4870

-- UPDES Discharge Permit #UTG040007

Federal:

1. Bureau of Land Management

Utah State Office

P.O. Box 45155

440 West 200 South, Suite 500
Salt Lake City, Utah -84145-0155

-- Right-of-Way

Permit Number U-48027

Granted January 12, 1982

Amended February 5, 2007
Assigned August 1, 2011

2. U.S. Department of Labor

Mine Safety and Health Administration (M.S.H.A.)

P.O. Box 25367

Denver, Colorado -80225

(District 9)

Wildcat Loadout Facility I.D. 42-01864

R645-301-113.220. REGULATORY AUTHORITIES INVOLVED

See above

R645-301-113.230. CURRENT STATUS OF PERMIT AND BOND

See above

R645-301-113.240. ADMINISTRATIVE OR JUDICIAL PROCEDURES

Appendix B

None

R645-301-113.250. CURRENT STATUS OF PROCEEDINGS

Appendix B

None

R645-301-113.300. LIST OF ALL VIOLATIONS NOTICES

Appendix B

None

R645-301-113.310. IDENTIFICATION OF VIOLATIONS

Appendix B

None

R645-301-113.320. DESCRIPTION OF VIOLATIONS

Appendix B

None

R645-301-113.330. LOCATION OF VIOLATIONS PROCEEDINGS

Appendix B

None

R645-301-113.340. STATUS OF VIOLATIONS PROCEEDINGS

Appendix B

None

R645-301-113.350. ACTIONS TAKEN TO ABATE VIOLATIONS

Appendix B

None

R645-301-114. ———RIGHT-OF-ENTRY INFORMATION

Andalex Resources, Inc., Intermountain Power Agency currently holds approximately 270 acres of BLM federal land ~~within~~ which contains the permit area ~~is located~~. Andalex, Intermountain Power Agency bases ~~its~~'its' legal right to enter and conduct coal loading activities in the permit area pursuant to the language contained in the right-of-way, specifically the actual grant (amended) dated March 24, 1982, ~~and~~ amended February 5, 2007 and assigned August 1, 2011 (see Appendix B-Part A-12A).- This right-of-way was granted under the authority of the Federal Land Policy and Management Act of 1976 (90 Stat. 2776; 43 U.S.C. 1761, Sec. 501 (a)(7)). -All valid rights existing on the date of this grant shall apply.

A right to enter and conduct loading activities on the approximately thirteen acres of the permit area leased to the Utah Railroad is contained in the private lease agreement between with the Utah Railroad and Andalex Resources assigned to the Intermountain Power Agency in November, 1981 August, 2011.

The BLM-right-of-way (and the permit area) can be described as follows:

U-48027:

Salt Lake Base and Meridian, Utah Township 13
South, Range 9 East, Section 33,

*NE¹/₄SW¹/₄NE¹/₄, S¹/₂SW¹/₄NE¹/₄, E¹/₂SW¹/₄, SE¹/₄,
containing 270 acres*

It is important to note that this is a non-exclusive areal right-of-way, and that there are numerous other equally valid rights-of-way which occupy much of this same area.- For example, overlapping rights-of-ways exist for the Utah Railway tracks, the State Highway 139, the Consumers Road, the Carbon County Consumers Road, the by-pass road, the Trestle public road, Rocky Mountain Power 46 KVKV powerline, Phillip Petroleum's gas well and pipeline corridor, and Hidden Splendor shop facility.- BLM determined the final 270 acre configuration in part to "square up" the boundary for administrative purposes. -Being a non-exclusive right-of-way means there is no conflict among grantees, and no inherent liability from one grantee to the next, as long as each grantee's activities are within the terms of their respective right-of-way.

The DOGM permit area is located within the BLM right-of-way and is described as follows:

NW¹/₄SE¹/₄, N¹/₂SW¹/₄SE¹/₄, E¹/₂E¹/₂NE¹/₄SW¹/₄, E¹/₂NE¹/₄SE¹/₄SW¹/₄, NE¹/₄SE¹/₄SE¹/₄SW¹/₄, NW¹/₄SW¹/₄SW¹/₄SE¹/₄, E¹/₂SE¹/₄SW¹/₄NE¹/₄ and portions of N¹/₂NW¹/₄NE¹/₄SE¹/₄, NE¹/₄SW¹/₄NE¹/₄, SW¹/₄SW¹/₄NE¹/₄, NW¹/₄SE¹/₄SW¹/₄NE¹/₄, W¹/₂NE¹/₄SW¹/₄, W¹/₂E¹/₂NE¹/₄SW¹/₄, W¹/₂E¹/₂SE¹/₄SW¹/₄, comprising 100.19 acres, more or less.

In addition, there is a parcel of land 500 feet by 500 feet square whose southeast corner is located 990 feet east of the center of Section 33.

Also see Appendix B, Part A-5, for a letter from Beaver Creek Coal Company allowing [Andalex Intermountain Power Agency](#) to operate on a small portion of their leased land described in the letter.

R645-301-114.100. DOCUMENTATION

Appendix B

R645-301-114.200. SEVERED SURFACE AND MINERAL ESTATES

Appendix B

R645-301-114.210. WRITTEN SURFACE OWNER CONSENT FOR COAL EXTRACTION

N/A

R645-301-114.220. CONVEYANCE EXPRESSLY GRANTING RIGHT TO MINE COAL

N/A

R645-301-114.230. DOCUMENTATION OF LEGAL AUTHORITY TO MINE COAL

N/A

R645-301-114.300. ADJUDICATION OF PROPERTY RIGHTS DISPUTES

The Division does not have the authority to adjudicate property rights disputes.

R645-301-115. ———STATUS OF UNSUITABILITY CLAIMS

N/A

R645-301-115.100. IDENTIFICATION OF LANDS UNSUITABLE

The permit area is not within an area designated unsuitable for the affectseffects of mining activities, specifically, coal loading activities, under study for designation in an administrative proceeding initiated under those parts. ~~Further, there are no occupied dwellings within 300 feet of the permit.~~

Further, there are no occupied dwellings within 300 feet of the permit.

R645-301-115.200. CLAIMS OF EXEMPTION BY COMMITMENT PRIOR TO JANUARY 4, 1977

None.

R645-301-115.300. MINING AND RECLAMATION OPERATIONS WITHIN 300 FEET OF AN OCCUPIED DWELLING OR WITHIN 100 FEET OF A PUBLIC ROAD

The Consumers Road and the Trestle Road are public roads within 100 feet of the disturbed area boundary.

R645-301-116. ———PERMIT TERM

The requested term of this permit is five years. AndalexIntermountain Power Agency will then apply for five year extensions over the life of this operation.

R645-301-116.100. SCHEDULE OF PHASED MINING AND RECLAMATION ACTIVITIES

See R645-301-142

R645-301-116.200. PERMIT TERM IN EXCESS OF FIVE YEARS

The requested term of this permit is five years. [Andalex Intermountain Power Agency](#) will then apply for five year extensions over the life of ~~the mine~~[this operation](#).

R645-301-116.210. COMPLETENESS AND ACCURACY FOR LONGER TERM

N/A

R645-301-116.220. DEMONSTRATION OF NEED FOR LONGER TERM

N/A

R645-301-117. ———INSURANCE, PROOF OF PUBLICATION AND FACILITIES OR STRUCTURES USED IN COMMON

Appendix B contains certificates of liability insurance covering personal injury and property damage resulting from this operation.

R645-301-117.100. LIABILITY INSURANCE

Appendix B

R645-301-117.200. NEWSPAPER PUBLICATION

A copy of the newspaper advertisement of this Mining and Reclamation Plan and proof of publication of the advertisement is filed with the Division and made part of the complete application. (See Appendix B).

R645-301-117.300. FACILITIES USED IN COMMON

N/A

R645-301-118. ———FILING FEE

N/A

R645-301-120. ———PERMIT APPLICATION FORMAT AND CONTENTS

Summary of Table of Contents

R645-301-100.	General
R645-301-200.	Soils
R645-301-300.	Biology
R645-301-400.	Land Use and Air Quality
R645-301-500.	Engineering
R645-301-600.	Geology
R645-301-700.	Hydrology
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<u>R645-301-100.</u>	<u>General</u>
<u>R645-301-200.</u>	<u>Soils</u>
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<u>R645-301-400.</u>	<u>Land Use and Air Quality</u>

<u>R645-301-500.</u>	<u>Engineering</u>
<u>R645-301-600.</u>	<u>Geology</u>
<u>R645-301-700.</u>	<u>Hydrology</u>
<u>R645-301-800.</u>	<u>Bonding and Insurance</u>

R645-301-121. ———REQUIREMENTS

R645-301-121.100. CURRENT INFORMATION

Information is current.

R645-301-121.200. CLEAR AND CONCISE

Information is clear and concise.

R645-301-121.300. FORMAT REQUIREMENTS

To facilitate review of the application, each chapter listed above has been further divided into specific parts and sections. These can be found listed in the detailed table of contents appearing at the beginning of this text along with the page numbers on which they appear. This table of contents also contains lists of figures, tables, plates, exhibits, and appendices to facilitate cross referencing between chapters.

Exhibits include appropriate supporting documents, reports and publications and are included as appendices.

Maps which were not reduced to fit into the text are included in a separate volume as plates. All maps and plans are submitted in accordance with the requirements.

R645-301-122. ———REFERENCED MATERIALS———

All references and referenced publications and materials are listed under R645-301-130.

-- Foundation Study

d) Earl Jensen - Soil Scientist
Price, Utah

e) Roy Harniss - Range Scientist
Logan, Utah
-- Vegetation Inventory

B. Coordination and Consultation with Governmental Agencies

Agencies

The following governmental agencies were consulted in the preparation of information set forth in the prior versions of this application.

U.S. Department of Agriculture
Soil Conservation Service
Price, Utah

U.S. Department of the Interior
Bureau of Land Management
Price, Utah
Salt Lake City, Utah

Office of Surface Mining Reclamation
Reclamation and Enforcement
Denver, Colorado

U.S. Fish and Wildlife Service
Salt Lake City, Utah

State of Utah:

Department of Natural Resources
Division of Oil, Gas, and Mining
Salt Lake City, Utah

Antiquities Section (Consulting Services
Branch)
Salt Lake City, Utah
(Archaeological Survey)

Department of Natural Resources
Division of Wildlife Resources
Salt Lake City, Utah
Price, Utah

Department of Community & Economic
Development
Division of State History
Salt Lake City, Utah

Department of Natural Resources
Division of Water Rights
Salt Lake City, Utah

Department of Health
Division of Environmental Health
Salt Lake City, Utah

C. References

Andalex Resources, Inc. -1987 - Mining and
Reclamation Plan

Submitted to the State of Utah

Department of Natural Resources, D.O.G.M.

Doelling, H.H. -1972 - Central Utah Coal Fields
U.G.M.S. Monograph Series No. 3

U.S.D.A. -1978 - Soil Survey and Interpretations
of the Coal Creek Emery Portion of the Price
River and Emery County Areas, Carbon and
Emery Counties, Utah. -S.C.S.

U.S.D.I. -1979 - Final Environmental Statement,

Development of Coal Resources in Central
Utah, Parts 1 and 2

D. Bibliography

Barfield, B.J., Warner, R.C. and Haan, C.R. -1983. -Applied Hydrology and Sedimentology for Disturbed Areas. -~~Oklahoma~~Oklahoma Technical Press, Stillwater, 603 pp.

Cordova, R.M., 1964, "Hydrogeologic Reconnaissance of Part of Head Waters Area of the Price River, Utah", Utah Geological and Mineral Survey, Water Resources Bulletin 4, p. 26.

Fisher, D.J., Erdmann, C.E., and Reeside, J.B., 1960. "Cretaceous and Tertiary Formation of the Book Cliffs, Carbon, Emery, and Grand Counties, Utah, and Garfield and Mesa Counties, Colorado", U.S. Geological Survey, Professional Paper 332, p. 80.

Price, D. and Arnow, T., 1974. -Summary Appraisals of the Nation's~~Nation's~~ Ground Water Resources - Upper Colorado Region. -U.S. Geological Survey Professional Paper 813-C, 40 pp.

Spieker, Edmond M., 1931. -Wasatch Coal Field, Utah.
U.S. Geological Survey, Bulletin 819.

U.S. Bureau of Reclamation, 1977. -Design of Small Dams, U.S. Government Printing Office, Washington, D.C., 816 pp.

Waddell, K.M., and other, 1981. -Hydrologic Reconnaissance of the Wasatch Plateau, Book Cliffs Field Areas, Utah. -U.S.G.S. Water Supply Paper 2068.-----

R645-301-131. ——— TECHNICAL DATA REQUIREMENTS

Where applicable, technical data submitted has been identified as to who prepared the information and is stamped by that registered professional engineer (P.E.).

R645-301-132. ——— TECHNICAL ANALYSES REQUIREMENTS

Analyses are prepared by a qualified professional engineer.

R645-301-140. ——— MAPS AND PLANS

Per Division Requirement.

R645-301-141. MAP FORMATS

Per Division Requirement.

R645-301-141. ——— MAP FORMATS

——— Per Division Requirement.

R645-301-142. ——— PHASES OF OPERATIONS AND MINING ACTIVITY

Introduction and Overview of Project Permit Application

This permit application is being submitted by Andalex Resources, Inc., Intermountain Power Agency, in order that coal can be stored and loaded out of its'its coal loadout facility located at Wildcat Junction, near Helper, Utah. This facility is known as the Wildcat Loadout. Andalex Intermountain Power Agency is a corporation organized and existing under the laws political subdivision of the state State of Delaware and qualified to do business in Utah. Andalex Resources Intermountain Power Agency hereby seeks the permit to operate its'its coal loading and storage facility known as Wildcat Loadout, in accordance with the appropriate regulations. This coal loadout facility is located on land owned by the United States of America in Carbon County, Utah.

Andalex was granted the right-of-way in January, 1982, by the Bureau of Land Management of the United States Department of the Interior. The right-of-way was subsequently amended on February 5, 2007.—~~Andalex Resources and assigned to Intermountain Power Agency on August 1, 2011. Intermountain Power Agency, the designated operator, along with AMCA Coal Leasing, Inc., its' land acquisition and development branch, control controls~~ all lands within the proposed coal loadout facility area.—~~Andalex Resources, Inc., Intermountain Power Agency,~~ has therefore prepared this coal loadout facility permit application for submission to the appropriate regulatory authorities for review and approval.

Coal storage and loading activities at Wildcat started officially on April 2, 1985, when the first coal was brought there for storage and eventual loadout, under a permit issued to Andalex Resources by the Bureau of Land Management, U.S. Department of the Interior—~~and assigned to Intermountain Power Agency on August 1, 2011.~~ This coal loadout facility is located approximately three miles west of U.S. Highway 6, ~~Consumer's~~Consumer's Road, Helper, Utah, in Carbon County and can be more accurately described as parts of Section 33, Township 13 South, Range 9 East, S.L.B. & M. (please see Plate 1). The ~~BLM right-of-way~~ property contains approximately 270 acres, of which 12.5 acres are under lease to the Utah Railway by the Bureau of Land Management.— The serial number for this right-of-way is U-48027. The permit area occupies 100.19 acres within the BLM right-of-way.

There are no perennial streams or bodies of water on the property. Water for culinary purposes is supplied by Price Municipal Corporation and hauled down to the facility using approved culinary tank trucks. The water is in turn stored in an approved culinary tank at the loadout.

Historically, coal loading activities had been the sole use for this permit area, even prior to being leased to ~~Andalex Resources.~~Intermountain Power Agency. This is evidenced by the fact that the soil survey of the area revealed that of the eight test holes, two completely lacked topsoil and one located along the tracks had approximately two feet of fine coal and no topsoil. Coal had been stored along the tracks for shipping purposes in the past. It is appropriately justifiable to conclude that ~~Andalex's~~Intermountain Power Agency's proposed use of the area for coal storage and loading activities will be fully compatible with ~~its~~its previous use, and as such, no significant new disturbance of the area has occurred. Observations have shown that the previous land use consisting of wildlife habitat and migrations has not been interrupted. This is evidenced by repeated sightings of deer herds moving through the permit area. Other mammals and birds

continue to use this area for their habitat. Access to the loadout and storage facility is by paved county and state roads, which are also maintained by the county and state.

Coal is hauled from the ~~Centennial~~Hidden Splendor Mine, ~~Genwal Resources~~ and ~~West Ridge Mine~~other local mines that may desire coal transloading services. All surface and support facilities necessary for present operations have been completed. There are no additions or modifications proposed at this time.

Aside from the DOGM permit, ~~Andalex Resources~~Intermountain Power Agency has acquired all the necessary approvals, licenses, rights-of-way, and permits at both state and federal levels to conduct coal storage and loading operations on the plan area. The facility is designed to handle loading and crushing activities up to 5.5 million tons per year.

Upon cessation of coal loading activities, reclamation activities will commence in accordance with the plans outlined in this application. The land will be restored to a condition equal to or better than the ~~premining condition, according to available technology.~~

This facility is located in an area where mining and ~~its~~its related activities have been the main industry, and as a result, the surrounding communities are properly adapted. The labor supply is excellent and well trained. With all these considerations, coupled with the prudent management at ~~Andalex~~Intermountain Power Agency, the Wildcat Coal Loadout Facility is a model operation in the Carbon County area with no significant environmental or socioeconomic impact.

R645-301-142.100. PRIOR TO AUGUST 3, 1977

None by ~~Andalex Resources~~Intermountain Power Agency. A wash plant and loadout were operated by other independent companies or individuals in areas presently consumed by ~~Andalex's~~Intermountain Power Agency's surface facilities.—~~Andalex's~~Intermountain Power Agency's encroachment onto these previously disturbed areas transferred the responsibility for reclamation to ~~Andalex~~Intermountain Power Agency. The specific locations of disturbed areas prior to ~~Andalex's~~Intermountain Power Agency's mining activities is irrelevant.

R645-301-142.200. AFTER AUGUST 3, 1977

All of Andalex's Intermountain Power Agency's surface facilities and mining operations began after August 3, 1977.

R645-301-142.210. PRIOR TO MAY 3, 1978

See R645-301-142.100.

R645-301-142.220. SMALL OPERATOR'S OPERATOR'S EXEMPTION PRIOR TO JANUARY 1, 1979

N/A

R645-301-142.300. AFTER MAY 3, 1978 (OR JANUARY 1, 1979 FOR SMALL OPERATOR'S OPERATOR'S EXEMPTION) AND PRIOR TO APPROVAL OF STATE PROGRAM

N/A

R645-301-142.400. AFTER ISSUANCE OF PERMIT BY THE DIVISION

A list of all applicable permits is included in Appendix B.

R645-301-150. ——— COMPLETENESS

Per Division.

