



GARY R. HERBERT  
Governor

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Lieutenant Governor

# State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

November 6, 2015

James A. Hewlett, Resident Agent  
Intermountain Power Agency  
10653 South River Front Parkway, Suite 120  
South Jordan, Utah 84095

Subject: Approval of Boundary & Disturbed Area Increase, Intermountain Power Agency, Wildcat Loadout, C/007/0033, Task ID #4895

Dear Mr. Hewlett:

Enclosed is the Division's Decision Document for the Increase of Boundary and Disturbed Area to the Intermountain Power Agency's Wildcat Loadout. The Division finds that Intermountain Power Agency has met the regulatory requirements and approves this significant revision. At this time, please submit 2 clean copies to the Division by no later than December 18, 2015. The clean copies should include professional certified stamped maps with the boundaries of the designated proposed areas updated to boundaries designated as approved areas. A stamped incorporated copy of the approved plans will be returned to you for insertion into your copy of the Mining and Reclamation Plan.

Enclosed are the Exhibits and Affidavit of Qualification to update the Reclamation Agreement for the Wildcat Loadout. The update will increase the disturbed area 23 acres, from 88.62 acres to 111.62 acres. Please return these forms to the Division by no later than December 18, 2015. A fully signed and executed copy of the documents will be returned to you.

Once the updated reclamation agreement and clean copies of the revision are submitted, a revised permit will be issued to you.

If you have any questions or need further information, please feel free to call Daron Haddock at (801) 538-5325.

Sincerely,

John R. Baza  
Director

DRH/ss

Enclosures

cc: Alan Boehms, OSM

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Boundary & Disturbed Area Increase  
Intermountain Power Agency  
Wildcat Loadout  
C/007/0033  
Carbon County, Utah

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AVS Recommendation, dated November 6, 2015

# DECISION DOCUMENT

Boundary & Disturbed Area Increase  
Intermountain Power Agency  
Wildcat Loadout  
C/007/0033  
Carbon County, Utah

## ACTION

The Permittee has applied to expand the existing permit boundary and disturbed area boundary by 23 acres. This disturbed area increase is to address coal fine concerns.

## BACKGROUND

In 2004, the Division issued an Order, DO-04 for wind-blown fines which had accumulated outside the disturbed area. To prevent further issues from potential wind-blown and water-borne fines, IPA is requesting to increase the existing permit and disturbed area.

## CHRONOLOGY

May 13, 2015	Intermountain Power Agency submits the application to Increase the Boundary & Disturbed Area at the Wildcat Loadout.
June 15, 2015	The permit application was determined administratively complete. Intermountain Power Agency is instructed to publish in the local newspaper and place a copy of the application in the county courthouse.
June 16, 2015	The Division sent letters to state federal and local planning agencies notifying them of the complete permit application and soliciting their comments.
June 18, 25, and July 2, 9, 2015	This permitting action at the Wildcat Loadout is published in the Sun Advocate for four consecutive weeks.
August 10, 2015	Public comment period closes. The Division received no comments.
November 6, 2015	The Technical Analysis is completed.
November 6, 2015	AVS check completed with issue recommendation.

November 6, 2015

Decision Document completed and application is approved.

### **ANALYSIS**

The Division of Oil, Gas and Mining has conducted an Administrative and Technical Analysis of the proposed increase in the boundary and disturbed area increase and has produced a written TA. All appropriate State and Federal agencies have been consulted regarding this proposal. All requirements for public participation have been satisfied. The application meets the requirements of the Utah Coal Regulatory Program.

### **RECOMMENDATION**

It is recommended that approval be given for the boundary and disturbed area increase at the Wildcat Loadout.



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**GREG BELL**  
Lieutenant Governor

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Executive Director

**Division of Oil, Gas and Mining**  
**JOHN R. BAZA**  
Division Director

**Technical Analysis and Findings**  
**Utah Coal Regulatory Program**

November 6, 2015

**PID:** C0070033  
**TaskID:** 4895  
**Mine Name:** WILDCAT LOADOUT  
**Title:** BOUNDARY & DISTURBED AREA INCREASE

**Environmental Resource Information**

**Vegetation Resource Information**

*Analysis:*

On May 13, 2015 the Division received an application form IPA to increase their permit and disturbed areas by 23 acres to include wind blown coal fines at the wildcat load-out facility. This memo will include a review of that information. This area was included in the 1988 and subsequent 2007 vegetation surveys included in Appendix I and shown on Plate 29 Vegetation Map. No additional vegetation surveys are required at this time. This also includes the revised text in paragraph 1 on page 3-15. The information is adequate to meet the requirements of this section of the regulations.

jhelfric

**Fish and Wildlife Resource Information**

*Analysis:*

Paragraph 5 on page 3-5 has been updated to include the following text: No new construction or significant disturbance is anticipated on the proposed lease and disturbed area expansion. Page 3-1 and Appendix F addresses the Fish and Wildlife Information. This revised text is adequate to meet the requirements of this section of the regulations.

jhelfric

**Soils Resource Information**

*Analysis:*

The expansion area is shown on Plate 1. MRP pages 2-1, 21a, 2-7, and 2-25 will be revised to include 23 additional disturbed acres bringing the total to 111.62 acres. This area will not be disturbed, except by deposition of coal fines. The area will be monitored for coal fines deposition and treated as described in Appendix P.

Appendix D and App. D Supplement and Plate 11 cover adjacent area. Prior to surface disturbance, a soil survey of the twenty three acres will be conducted and provided to the Division.

This plan meets the requirements of R645-301-222 Soil Survey which states that the applicant will provide adequate soil survey information for those portions of the permit area to be affected by surface operations.

pburton

## Prime Farmland

### Analysis:

The 23 additional acres are in Soil Map unit 52, Hernandez Family 3-8% slopes on surface owned by the United States (managed by the BLM). This soil map unit is suitable for crops when irrigated, but there is no irrigation present and there is no history of farming in the location. A prime farmland determination letter dated April 27, 1988 in Appendix D states that T 13 S, R 9 E, Section 33 does not contain Important Farmland due to lack of irrigation water. The Division concurs with the NRCS. there is no prime farmland present.

pburton

## Hydro Sampling and Analysis

### Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

Chapter 5, Section R645-301-512.240 of the approved MRP describes the water monitoring methods, operational surface water monitoring points, and testing methods. A sampling parameter table is also included in this section.

adaniels

## Hydro Baseline Information

### Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The Wildcat Loadout has four surface water monitoring points (WCW 1-4) located in ephemeral drainages that pass through or near the site. The monitoring program also includes six pond outfalls for ponds A-F. These sites have been monitored since 1989 and have very seldom ever seen any flows. The ephemeral drainages only flow during high intensity rainfall events, and the ponds only discharge if the site receives back to back high intensity storms. Due to the lack of surface water resources in the area of the loadout, no new baseline monitoring points are required for the permit boundary expansion.

adaniels

## Hydro Baseline Cumulative Impact Area

### Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

Due to the lack of surface water resources in the area of the loadout, no new baseline monitoring points are required for the permit boundary expansion.

adaniels

## Hydro Modeling

### Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

Due to the lack of surface and ground water resources in the area of the loadout, modeling is not required at the site.

adaniels

## Probable Hydrologic Consequences Determination

*Analysis:*

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The PHC was not updated since there will be no additional disturbances. The permit boundary expansion is just to ensure that the permit area includes all areas that may receive deposit of coal fines by wind and water. Only sediment controls (such as waddles) will be placed within the new expansion areas.

adaniels

### **Hydro GroundWater Monitoring Plan**

*Analysis:*

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The water monitoring program has not changed, since the permit area expansion will not expand into any area that has additional water resources that need to be observed.

adaniels

### **Hydro SurfaceWater Monitoring Plan**

*Analysis:*

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The water monitoring program has not changed, since the permit area expansion will not expand into any area that has additional water resources that need to be observed.

adaniels

### **Maps Existing Structures and Facilities**

*Analysis:*

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

Plate 1 was updated to include the new boundary expansion.

adaniels

### **Maps Monitoring and Sampling Locations**

*Analysis:*

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The water monitoring program has not changed, since the permit area expansion will not expand into any area that has additional water resources that need to be observed.

adaniels

### **Maps Permit Area Boundary**

*Analysis:*

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

Plate 1 was updated to include the new boundary expansion area.

adaniels

## Maps Surface Water Resource

### Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The permit area expansion will not expand into any area that has additional water resources, water resource maps do not need to be updated.

adaniels

## Operation Plan

### Fish and Wildlife Protection and Enhancement Plan

### Analysis:

Appendix F has been revised to include the following text: No new construction or any significant disturbance is anticipated on the proposed lease and disturbed area expansion. This should not affect the Reclamation plan. The information is adequate to meet the requirements of this section of the regulations.

jhelfric

## Topsoil and Subsoil

### Analysis:

The plan describes 111 acres within the permit area. Twenty three acres have been added to allow for a drop zone for coal fines within the permit area. There is no disturbance proposed other than the installation of sediment control for ASCA A through C (see Plate 2a). The twenty three acres will be considered 'in situ' topsoil storage and are labeled Topsoil Pile B-2. If disturbed, this twenty three acres could yield 55,560 cu yds of topsoil as shown on Plate 13b. This brings the total 'in situ' topsoil storage to approximately 55,576 cu yds on 39.53 acres. The area will be monitored for coal fines deposition and treated as described in Appendix P.

Appendix D and App. D Supplement and Plate 11 provide soil survey information for the adjacent area. Prior to surface disturbance, a soil survey of the twenty three acres will be conducted and provided to the Division.

This approach meets the requirements for a soil survey of affected area (R645-301-222), while minimizing the size of the disturbance (R645-301-526.222).

pburton

## Hydrologic Ground Water Monitoring

### Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The water monitoring program has not changed, since the permit area expansion will not expand into any area that has additional water resources that need to be observed.

adaniels

## Hydro Surface Water Monitoring

### Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the

requirements of the State of Utah R645-301 Coal Mining Rules.

The water monitoring program has not changed, since the permit area expansion will not expand into any area that has additional water resources that need to be observed.

adaniels

### **Hydrologic Acid and Toxic forming Materials**

*Analysis:*

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The revision does not include any addition disturbance or new handling of materials. The purpose of the permit boundary expansion is just to ensure that any wind blown coal fines do not leave the permit boundary. The only activities to take place in this new expansion area is the placement of sediment control measures (such as waddle placements).

adaniels

### **Hydrologic Water Quality Standards**

*Analysis:*

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The revision does not include any addition disturbance or new handling of materials. The purpose of the permit boundary expansion is just to ensure that any wind blown coal fines do not leave the permit boundary. The only activities to take place in this new expansion area is the placement of sediment control measures (such as waddle placements).

adaniels

### **Hydrologic Diversion General**

*Analysis:*

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The revision does not include any addition disturbance or new handling of materials. The purpose of the permit boundary expansion is just to ensure that any wind blown coal fines do not leave the permit boundary. The only activities to take place in this new expansion area is the placement of sediment control measures (such as waddle placements).

adaniels

### **Hydrologic Stream Buffer Zones**

*Analysis:*

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The revision does not include any addition disturbance or new handling of materials. The purpose of the permit boundary expansion is just to ensure that any wind blown coal fines do not leave the permit boundary. The only activities to take place in this new expansion area is the placement of sediment control measures (such as waddle placements).

adaniels

### **Hydrologic Sediment Control Measures**

*Analysis:*

The amendment meets the State of Utah R645 requirements for "Hydrology: Sediment Control Measures".

The Permittee proposes to establish three new "alternative sediment control areas" (ASCAs) in the proposed permit

expansion area. These areas will not see any new disturbances and will have a series of waddles placed throughout the areas to provide sediment control as well as native vegetation. These area shown on Plate 2A. ASCA areas A, B, and C are 3.62, 6.84, and 6.43 acres respectively.

SEDCAD calculations were included for each area, as well as calculations using the universal soil loss equation, that help support the use of excelsior logs as sediment control measures. Page 10b of appendix R, is a summary of these results and conclusions that excelsior logs can be used as the primary sediment control for ASCA areas A, B, and C.

adaniels

## Hydrologic Discharge Structures

### Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The revision does not include any addition disturbance or new handling of materials. The purpose of the permit boundary expansion is just to ensure that any wind blown coal fines do not leave the permit boundary. The only activities to take place in this new expansion area is the placement of sediment control measures (such as waddle placements).

adaniels

## Signs and Markers

### Analysis:

#### SIGNS AND MARKERS

Regulatory Reference: R645-301-521

#### Analysis:

Upon the Divisions final approval of this amendment, Task ID # 4895, the Permittee must install disturbed area perimeter markers to the east to define the new disturbed area boundary from the junction of primary road PR-1 due south to the point where it intersects the gas well road, thence parallel the gas line road to the SW, where it intersects the current disturbed area boundary. Old permit boundary markers (which will now be incorrect) must be removed.

In accordance with the requirement of R645-301-521.241, Mine permit identification signs shall be posted along the disturbed area boundary / gas well public road right-of-way. The Division recommends that three signs be placed along the gas well road.

#### Findings:

The commitment contained in Chapter 5, pages 5-40 and 5-41, section R645-301-521.200, SIGNS AND MARKERS SPECIFICATIONS and 521.210, PLACEMENT AND REMOVAL addresses this requirement in the R645 Coal Mining Rules.

phess

## Maps Affected Area

### Analysis:

#### Affected Area Maps

#### Mining Facilities Maps

Regulatory Reference: R645-301-512, -301-521, -301-542, -301-632, -301-731, -301-323

#### Analysis:

The following plates were submitted within Task ID # 4895, Boundary and Disturbed Area Increase;

- 1) Plate 1, SURFACE FACILITY MAP;
- 2) Plate 2A, DRAINAGE MAP;
- 3) Plate 11, SOILS MAP;
- 4) Plate 13B, New TOPSOIL PILE "B-1" (IN-SITU);
- 5) Plate 15, WATERSHED MAP;
- 6) Plate 16, OWNERSHIP MAP;
- 7) New Plate 16a, OWNERSHIP MAP WITH ¼ CORNERS.

Plate 1, SURFACE FACILITY MAP, Plate 16, (surface / subsurface) OWNERSHIP MAP, and New Plate 16a, OWNERSHIP MAP WITH ¼ CORNERS will be discussed.

Plate 1, SURFACE FACILITY MAP accurately depicts the operational coal loading facilities, the sediment control treatment

facilities and the new 23 acre disturbed area increase split by the right fork of Wildcat Wash.  
Plate 16, (surface / subsurface) OWNERSHIP MAP accurately depicts the Federal / BLM right-of-way and all of the adjacent landowners surrounding Section 33.  
Plate 16a, OWNERSHIP MAP WITH ¼ CORNERS is a new Plate added to the MRP to address errors identified by the Division GPS branch in the legal description section of the mining and reclamation plan. It was determined that the legal description in the MRP was correct and that the Division's GPS error identifier was incorrect. The Division assigned reclamation specialist requested that Plate 16a be added to the MRP to prevent future legal description problems.  
The remaining plates, Plate 2A, DRAINAGE MAP, Plate 11, SOILS MAP, Plate 13B New Topsoil Pile "B-1" (In-Situ) and Plate 15, WATERSHED MAP must be reviewed for accuracy by their respective disciplines for determinations of adequacy. Upon receipt of Division conditional approval, but before receiving the required P.E. certifications of these maps, the DOGM permit boundary color designation for the 23 acre disturbed area addition (light purple) must be changed from the dashed light purple line on Plates 1, 2A, 11, 13B, 15, 16, 16a, and 28 to the "approved" DOGM boundary line of the dashed light green line.  
The Permittee must submit all plates with professional engineer certifications prepared as a portion of the clean copies prepared for the Division incorporation process.  
Upon receipt of the P.E. certified plates, the Division may give final approval to Task ID # 4895.

**Findings:**  
Plates 1, 16 and 16a accurately reflect the Wildcat Loadout and they meet the minimum regulatory requirements of the R645-301- 500, Engineering of the Coal Mining Rules.  
Conditional approval is recommended. Final approval of Task ID # 4895 may be given upon receipt of the P.E. certified plates # 1, 2A, 11, 13B, 15, 16, and 16a prepared for incorporation with the appropriate number of clean copies.  
Upon receipt of Division conditional approval, but before receiving the required P.E. certifications of these maps, the DOGM permit boundary color designation for the 23 acre disturbed area addition (light purple) must be changed from the dashed light purple line on Plates 1, 2A, 11, 13B, 15, 16, 16a, and 28 to the "approved" DOGM boundary line of the dashed light green line.  
The Permittee must submit all plates with professional engineer certifications prepared as a portion of the clean copies prepared for the Division incorporation process.

phess

## Maps Monitoring and Sampling Locations

### Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The water monitoring program has not changed, since the permit area expansion will not expand into any area that has additional water resources that need to be observed. The water monitoring maps did not need to be updated.

adaniels

## Maps Certification Requirements

### Analysis:

None of the Task ID # 4895 plates, as submitted, have been certified by a Utah registered professional engineer. Upon conditional approval of Task ID # 4895, the Permittee must submit all plates with professional engineer certifications prepared as a portion of the clean copies prepared for the Division for incorporation.

**Findings:**  
Conditional approval is recommended. Final approval of Task ID # 4895 may be given upon receipt of the P.E. certified plates # 1, 2A, 11, 13B, 15, 16, and 16a prepared for incorporation with the appropriate number of clean copies.

phess

## Reclamation Plan

### PostMining Land Use

#### Analysis:

Paragraph 10 on page 4-5 of the application has been revised to include the following text additions: R645-301-412.100.

POSTMINING LAND USE PLAN, no new construction or any significant disturbance is anticipated on the proposed lease and disturbed area expansion. Therefore, the Postmining Land Use plan would not be affected. The information in the application is adequate to meet the requirements of this section of the regulations.

jhelfric

## Topsoil and Subsoil

*Analysis:*

Analysis:  
There is no change to the existing reclamation plan.

pburton

## Bonding Form of Bond

*Analysis:*

Form of Bond  
The Intermountain Power Agency has posted a collateral bond secured by U. S. Treasury Securities held by Wells Fargo Bank to ensure the reclamation of the Wildcat Loadout Facility. The current bond amount is also adequate to reclaim a bulk crude oil storage and transloading facility proposed and permitted (Task ID # 4688) as of November 14, 2014. To date (May 15, 2015) construction of that facility has not been initiated. No new facilities are to be constructed in this 23 acre disturbed area increase at this time, therefore an additional bond amount is not required.

phess

## Bonding Determination of Amount

*Analysis:*

Determination of Bond Amount  
The amount of collateral bond currently posted via U. S. Treasury Securities with the Division and the U.S. Office of Surface Mining is \$ 1,481,000.  
The Task ID # 4895 submittal states in sections of the Chapter 3, Biology and Chapter 4, Land Use that "no new construction or any significant disturbance is anticipated on the proposed lease and disturbed area expansion. Therefore, the land use and air quality, pre-mining land use and cultural resource plans are not affected".  
As no new coal handling facility structures, sediment treatment, or man-made topsoil storage areas are planned at this time, no increase in the amount of demolition, earthwork or revegetation is necessary. The amount of bond currently posted is adequate.

phess

## Bonding Terms and Conditions Liability Insurance

*Analysis:*

Terms and Conditions for Liability Insurance  
Intermountain Power Agency has met the requirements for applicable Utah self-insured entities, as determined by R645-301-890.400. The self-insured determination made by the State of Utah meets the requirements of R645-301-890.100 through 890.300.

Findings:

The Permittee and Task ID # 4895 adequately address the minimum regulatory requirements of R645-301-800, Bonding and Insurance.

phess

## CHIA

## CHIA

*Analysis:*

The amendment meets the State of Utah R645-301-729 requirements.

The Division has updated the CHIA report for the Wildcat Loadout Facility to include the expanded permit boundary. The CHIA includes an assessment of probable hydrologic impacts of anticipated coal mining and reclamation operations in the cumulative impact area.

The Division has determined that the proposed coal mining and reclamation operation has been designed to prevent material damage to the hydrologic balance outside the permit area.

adaniels

**GORDON CREEK  
CUMULATIVE HYDROLOGIC IMPACT ASSESSMENT  
(CHIA)**

For

**WILDCAT LOADOUT  
C/007/0033**

In

**CARBON COUNTY, UTAH**

October 29, 2015

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## MAPS

Figure 1

Figure 2

## I. INTRODUCTION

The Wildcat Loadout Facility is located in Carbon County, Utah, along the western margin of Castle Valley, approximately six miles northwest of Price, Utah (Figure 1).

The purpose of this report is to provide a Cumulative Hydrologic Impact Assessment (CHIA) for Intermountain Power Agency's (IPA) Wildcat Loadout Facility. The assessment encompasses the probable cumulative impacts of all anticipated coal mining in the general area on the hydrologic balance, and whether the operations proposed under the application have been designed to prevent damage to the hydrologic balance outside the permit area. This report complies with federal legislation passed under the Surface Mining Control and Reclamation Act (SMCRA, Public Law 95-87) and subsequent Utah and federal regulatory programs under R645-301-729 and 30 Code of Federal Regulations (CFR) 784.14(f), respectively.

### Wildcat Loadout Facility Site Description

Beginning in 1985, coal loading activities began at the Wildcat Loadout Facility, operated by Andalex Resources, Inc., a subsidiary of UtahAmerican Energy, Inc. The Division of Oil, Gas & Mining (Division) jurisdiction over the Wildcat Loadout was established by programmatic changes finalized in January 1986. The Wildcat Loadout's permit was transferred from Andalex Resources, Inc., to Intermountain Power Agency on June 27, 2011.

The permit area comprises of approximately 123 acres, of which 12.5 acres are under a right of way agreement between the Utah Railway and the Bureau of Land Management (BLM). The remaining acreage (approximately 110.5 acres) is BLM land utilized under Right of Way agreements.

The Wildcat Loadout crushes, screens, and sorts coal trucked to the facility. The facility also has oil transloading operations, further utilizing the rail line. The Division permit was amended in 2014 to include the oil transloading operations.

## II. CUMULATIVE IMPACT AREA (CIA)

Figure 2 delineates the CIA for the Wildcat Loadout Facility. The CIA includes Section 33 and the E1/2 of Section 32, Township 13 South, Range 9 East. The CIA encompasses 960 acres. The CIA area is much larger than the permit area due to the Wildcat Loadout Facility's flat nature which prevents the selection of a specific watershed that would only include the permitted area.

### **III. SCOPE OF OPERATIONS**

IPA subcontracts the operations of Wildcat Loadout, which is designed to load and crush about 5 million tons annually. The permit area encompasses about 83 disturbed acres which includes the operation facilities, as well as sediment control ponds, topsoil storage piles, a coal refuse pile and other support structures.

As part of the approved Mining and Reclamation Plan (MRP), all of the surface structures and coal will be removed at the time of reclamation.

### **IV. STUDY AREA**

#### **A. Geology**

The Wildcat Loadout Facility is located on the Masuk Member of the Mancos Shale. The Masuk Member is a dark-gray marine shale with thin, discontinuous layers of gray limestone and sandstone that is from 600 to 800 feet thick in the Castle Valley area (Danielson, et al., 1981). The Masuk Member generally acts as an aquaclude; however, it may sporadically yield water to springs locally.

Rocks in the study area strike generally north and dip on to two degrees to the west. No faults have been identified in the study area.

#### **B. Topography and Climate**

The Wildcat Loadout is in the Gordon Creek area of the Wasatch Plateau, which is one of the major physiographic features in the region. The plateau rises from a base at approximately 6,000 feet in elevation to over 9,000 feet in elevation. Topography at the Wildcat Loadout ranges from approximately 6,000 feet to over 6,300 feet.

The permit area is located in a mid-latitude steppe climate with the lands below the Wasatch Plateaus approaching desert conditions. The nearest weather recording station is located approximately seven miles southeast and 1,500 feet lower in elevation of the Wildcat Loadout in Price, Utah. Temperatures at the facility are typically 3 to 5 degrees cooler than Price.

Average monthly temperatures in Price range from 36.9°F in January to 90°F in July. Average annual precipitation is 9.31 inches in price. Snowfall is generally light, averaging 21.1 inches per year.

#### **C. Vegetation**

Dominant vegetation types around the facility area pinyon/juniper and sagebrush/grassland. In general, vegetation varies from the desert saltbush community at lower elevations to Douglas Fir and aspen communities at higher elevations. The Wildcat Loadout Facility was constructed entirely within the sagebrush-grassland community.

## **V. HYDROLOGIC RESOURCES**

### **A. Ground Water**

There are no springs which occur within the CIA. One spring, located approximately 1,400 feet south of the CIA in Garley Canyon, discharges at a rate of three gallons per minute at the contact between Quarternary alluvium and the Upper Cretaceous Masuk member.

Two boreholes, drilled to a total depth of 60 feet, were utilized to investigate ground water resources within the permit area. The boreholes did not encounter water during the drilling program and subsequent monitoring did not identify infiltrated ground water.

The only potentially significant ground water resource within the CIA occurs beneath the Masuk member at a depth exceeding 600 feet.

### **B. Surface Water**

The Wildcat Loadout is located in the lower Gordon Creek drainage basin. There are no perennial or intermittent streams within the CIA. The North Fork of Gordon Creek and the Price River, both which are perennial, occur within 1.5 and 3.5 miles of the CIA respectively. All streams in the CIA are ephemeral (Figure 2).

Disturbed area runoff is controlled by sedimentation facilities. Undisturbed area runoff is diverted away from the loadout. All sediment ponds area regulated by a UPDES permit, and are designed to prevent additional contributions of sediment to the hydrologic basin. In 2015, the permit boundary was expanded to the west of the loading facilities to ensure that any windblown coal fines will fall within the disturbed area boundary. This expanded area controls storm water runoff through a series of excelsior logs, placed and designed to prevent coal fines from leaving the permit area.

## **VI. POTENTIAL HYDROLOGIC IMPACTS**

### **A. Ground Water**

No shallow ground water resources were identified within the CIA. Although a ground water resource may occur at depth beneath the CIA, potential impacts to this resource from surface leaching associated with the Wildcat Loadout Facility are herein determined to be practically non-existent.

### **B. Surface Water**

Leachate and acid- and toxic-forming material analysis has been performed on all materials stored on-site. Results of the analyses, contained within the approved MRP, indicate that no potential impacts will occur to the surface water in the CIA.

A surface water monitoring plan has been designed and approved for the facility. Two ephemeral drainages above the site and two below the site will be monitored quarterly for parameters outlined in the approved MRP.

The combination of the surface water monitoring plan, UPDES monitoring, and leachate analysis will enable determination of any potential impacts to the hydrologic balance.

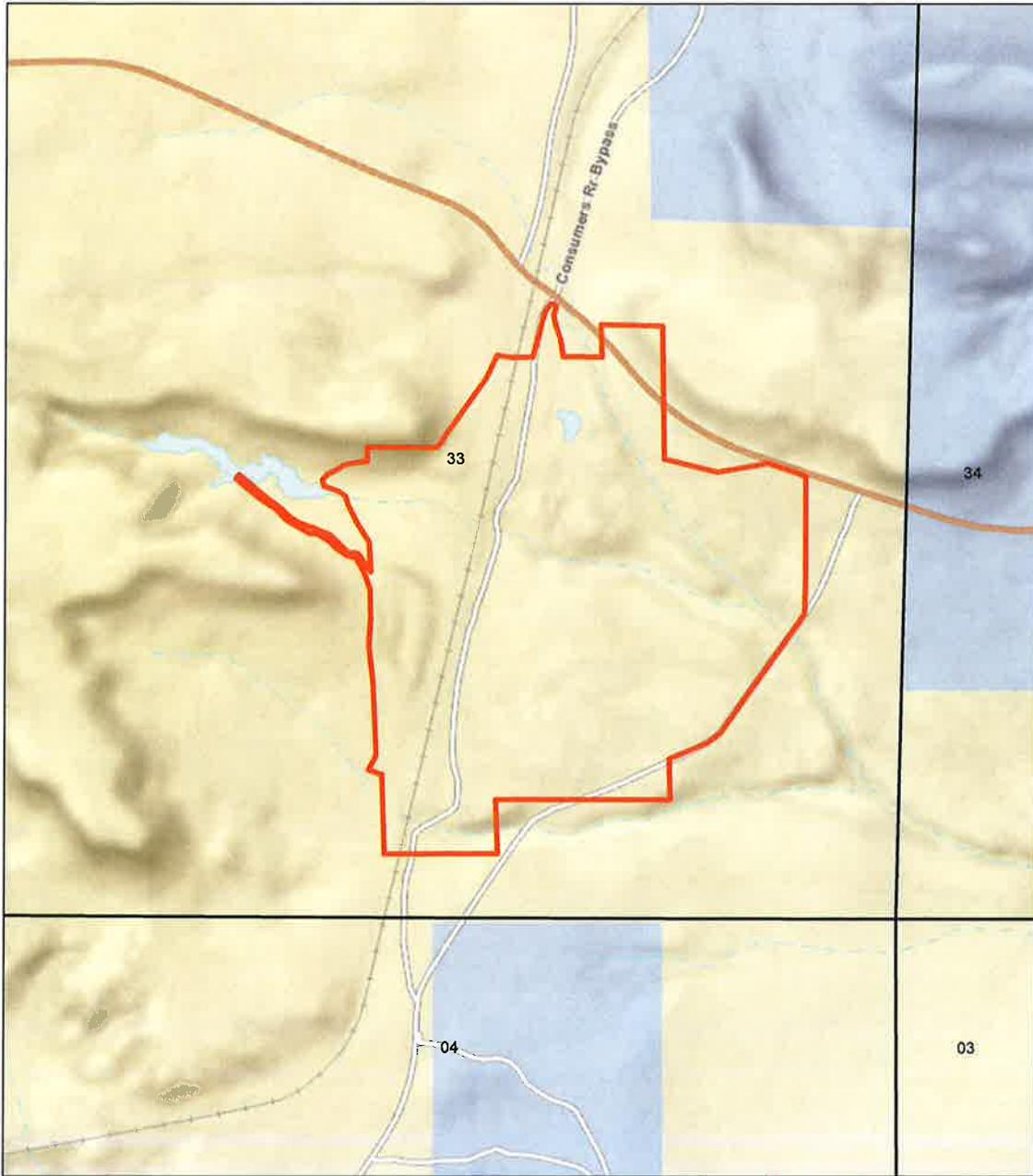
## **VII. STATEMENT OF FINDINGS**

The operational designs proposed and approved for the Wildcat Loadout Facility area herein determined to be consistent with preventing damage to the hydrologic balance outside the permit area.

## **REFERENCES**

Intermountain Power Agency Incorporated, Mining and Reclamation Plan, C/007/0033 Wildcat Loadout Facility, Carbon County, Utah

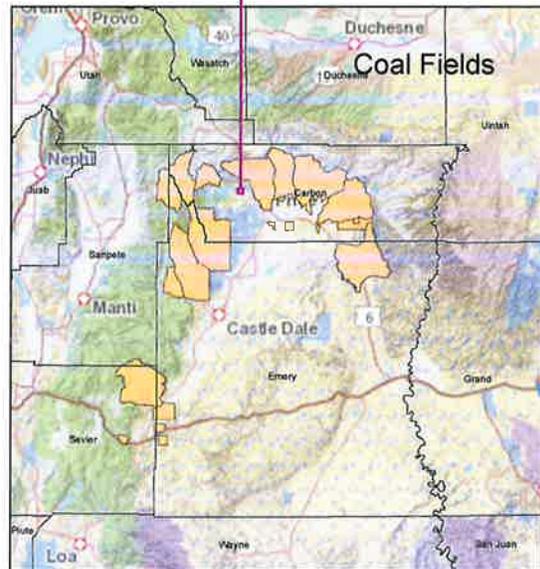
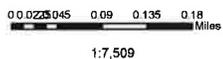
Danielson, T.W., Re Millard, M.D., and Fuller, R.H., 1981, Hydrology of the Coal-Resource Area in the Upper Huntington and Cottonwood Creeks, Central Utah: U.S. Geological Survey, Water Resources Invest., Open-File Report 81-539, 85p.

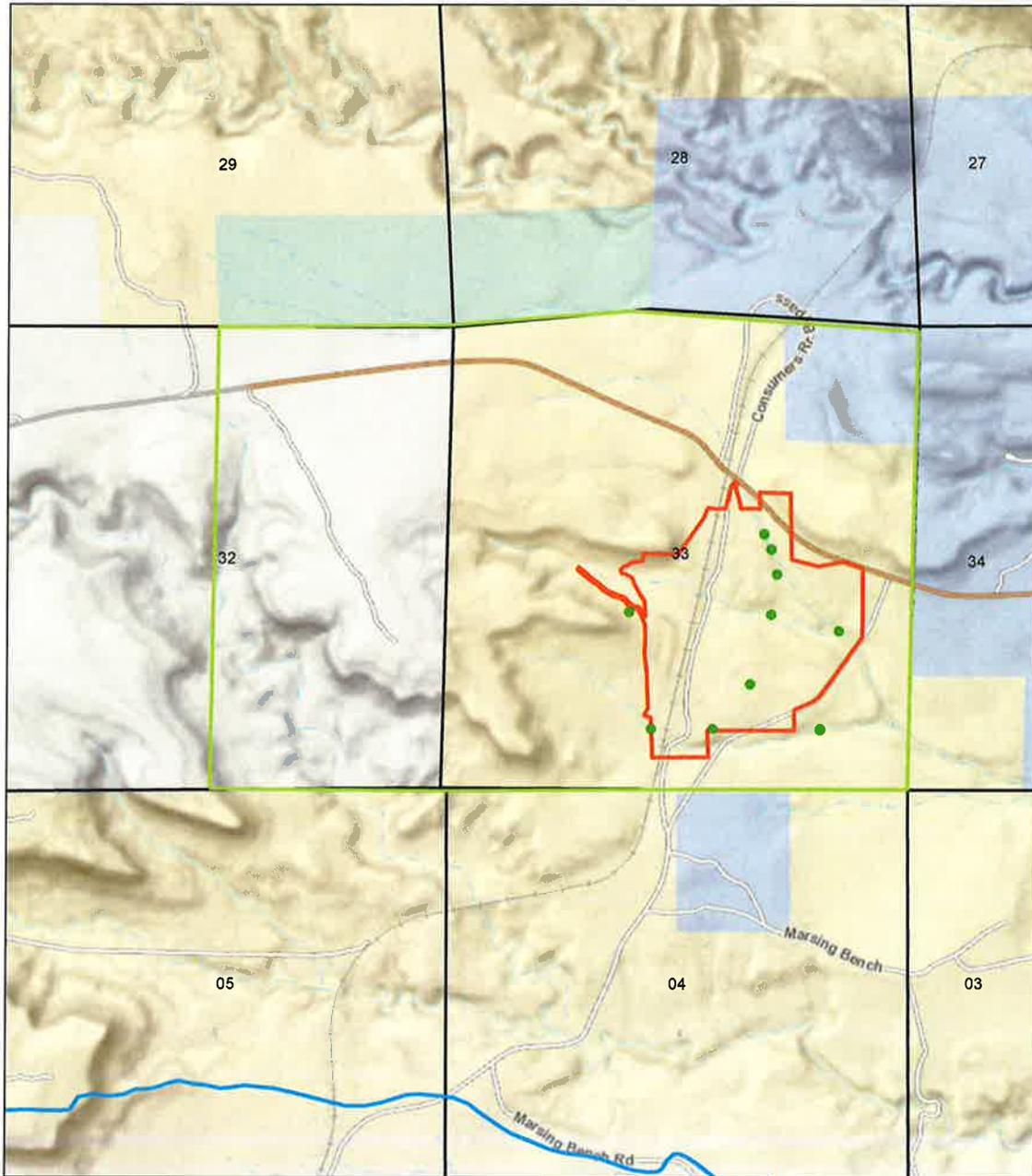


# Wildcat Loadout Facility Location Map

**Figure 1**  
Location Map  
Nov 2015

□ Section    ■ Permit Area





## Culmulative Impact Area (CIA) Wildcat Loadout

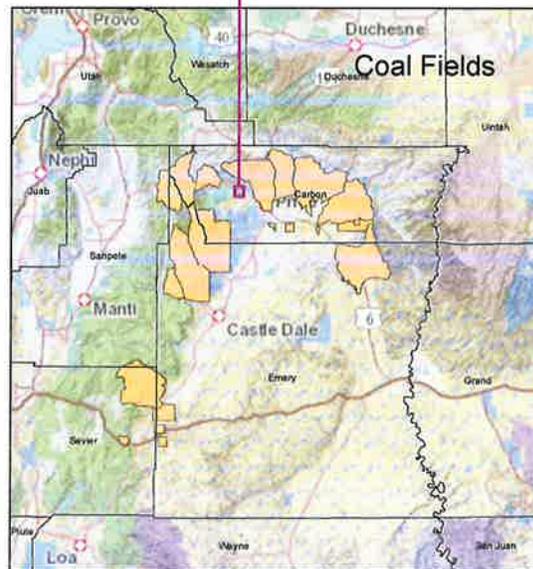
**Figure 2**  
Location Map  
Nov 2015

- Water Monitoring Points
- Consumers Wash - Price River Subwatershed
- CIA Area
- Wildcat Loadout Permit Area
- Section
- Subwatersheds



0 0.0476 0.095 0.19 0.285 0.38 Miles

1:15,000



## FINDINGS

Intermountain Power Agency  
Wildcat Loadout  
Boundary & Disturbed Area Increase  
C/007/0033  
Carbon County, Utah  
November 6, 2015

1. The permit application for the expansion of the Wildcat Loadout is accurate and complete and all requirements of the Surface Mining Control and Reclamation Act, and the approved Utah State Program are in compliance. See Technical Analysis dated November 6, 2015. (R645-300-133.100)
2. The applicant proposes acceptable practices for the reclamation of the disturbed lands. The Division has determined that reclamation, as required by the Act can be feasibly accomplished following the approved plan. No new surface disturbance will occur within the boundary increase. (R645-300.133.710)
3. An assessment of the probable cumulative impacts of all anticipated coal mining and reclamation activities in the general area on the hydrologic balance has been conducted by the Division and no significant impacts were identified. See CHIA dated October 29, 2015. The Mining and Reclamation Plan (MRP) proposed under the revised application has been designated to prevent damage to the hydrologic balance in the permit area and in associated off-site areas (R645-300-133.400 and UCA 40-10-11 (2)(c))
4. The proposed lands to be included in the area are:
  - a. Not included within an area designated unsuitable for underground coal mining operations (R645-300-133.220);
  - b. Not within an area under study for designated land unsuitable for underground coal mining operations (R645-300-133.210);
  - c. Not on any lands subject to the prohibitions or limitation of 30 CFR 761.11 {a} (national parks, etc), 761.11 {f} (public buildings, etc.) and 761.11 {g} (cemeteries);
  - d. Not within 100 feet of a public road except at the location where the public road accesses the property (R645-300-133.220); and
  - e. Not within 300 feet of any occupied dwelling (R645-300-133.220).
5. The operations would not affect the continued existence of any threatened or endangered species or result in the destruction or adverse modification of their critical habitats as determined under the Endangered Species Act of 1973. See Technical Analysis dated October 29, 2015. (16 USC 1531 et seq.) (R645-300-133.500)
6. The Division's issuance of a permit is in compliance with the National Historic Preservation Act and implementing regulations (36 CFR 800). See Technical Analysis dated October 29, 2015. There are no planned surface disturbances associated with the expansion of the permit boundary. (R645-300-133.600)

7. The applicant has the legal rights to enter and complete mining activities in the permit area through the federal ROW issued by the Bureau of Land Management. (See Plate 16 of the application). (R645-300-133.300)
8. A 510(c) report has been run on the Applicant Violator System (AVS), which shows that prior violations or applicable laws and regulations have been corrected; neither Intermountain Power Agency nor any affiliated company are delinquent in payment of fees for the Abandoned Mine Reclamation Fund; and the applicant does not control and has not controlled mining operations with demonstrated pattern of willful violations of the Act of such nature, duration and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the provisions of the Act (A 510 (c) report was run on November 6, 2015, see memo to file dated November 6, 2015. (R645-300-133.730)
9. The coal mining and reclamation operations to be performed under the permit will not be inconsistent with other operations anticipated to be performed in the areas adjacent to the proposed permit area.
10. The applicant has posted a surety bond for the Wildcat Loadout in the amount of \$1,481,000 in the form of Treasury Securities held at Wells Fargo. The bond will not be affected by the permitting action. (R645-300-134)
11. No lands designated as prime farmlands or alluvial valley floors occur on the permit area. See Technical Analysis dated October 29, 2015 (R645-302-313.100) and R645-302-321.100)
12. The proposed postmining land use will not be affected by this action.
13. The Division has made all specific approvals required by the Act, the Cooperative Agreement and the Federal Lands Program.
14. All procedures for the public participation required by the Act, and the approved Utah State Program are in compliance. The public advertisement was published June 18, 25 and July 2, 9, 2015 in the Sun Advocate. (R645-300-120)
15. All existing structures at the mine comply with performance standards. This application is an increase in the permit and disturbed area boundary with no new surface facilities being proposed. (R645-300-133.720)

  
\_\_\_\_\_  
Permit Supervisor

  
\_\_\_\_\_  
Associate Director of Mining

  
\_\_\_\_\_  
Director

**AFFIDAVIT OF PUBLICATION**

STATE OF UTAH)

ss.

County of Carbon,)

I, Richard Shaw, on oath, say that I am the Publisher of the Sun Advocate, a twice-weekly newspaper of general circulation, published at Price, State of Utah a true copy of which is hereto attached, was published in the full issue of such newspaper for 4 (Four) consecutive issues, and on the Utah legals.com website, the first publication was on the 18th day of June, 2015, and that the last publication of such notice was in the issue of such newspaper dated the 9th day of July 2015.



Richard Shaw – Publisher

Subscribed and sworn to before me this 9th day of July, 2015.



Notary Public My commission expires January 10, 2019 Residing at Price, Utah

Publication fee, \$ 470.40



**PUBLIC NOTICE FOR PERMIT BOUNDARY EXPANSION  
NOTICE OF COMPLETE APPLICATION  
WILDCAT LOADOUT 5495 WEST 3550 NORTH  
CONSUMERS ROAD, HELPER UTAH 84526**

PUBLIC NOTICE FOR PERMIT BOUNDARY EXPANSION  
Wildcat Loadout  
5495 West 3550 North  
Consumers Road, Helper Utah 84526

Intermountain Power Agency (IPA) is the lease holder of the Wildcat Loadout. IPA was granted the right-of-way in August, 2011 by the Bureau of Land Management. IPA has submitted an application to the Utah Division of Oil, Gas and Mining to expand the existing permit boundary and disturbed area boundary for UDOGM Permit (C/007/0033) by approximately 23 acres.

The permit area is located on State Highway 139 (Consumers Road) near the Utah Railway railroad tracks.

The description of the proposed expansion area is as follows:

Township 13 South, Range 9 East, Section 33, SLBM

Beginning at a point 2,476.01 feet North and 546.66 feet West of the Southeast corner of Section 33, Township 13 South, Range 9 East, SLBM, then South 767.24 feet to the intersection of the Western edge of Trestle Road, then Southwesterly along said edge of road 1,169.87 feet to the intersection of the Eastern edge of the existing permit boundary, then North 1,588.74 feet along existing permit boundary, then Southeasterly 315.74 feet along existing permit boundary, then Northeasterly 522.25 feet along existing permit boundary to point of beginning.

Contains 23.00 acres M/L

A copy of this application is available for inspection at the Division of Oil, Gas and Mining at 1594 West North Temple, Suite 1210, Salt Lake City, Utah and at the Carbon County recorder's office. Comments, objections, or requests for an informal conference should be addressed to the Utah Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, P.O. Box 145801, Salt Lake City, Utah 84114-5801.

Comments shall be received no later than 30 days after date of last publication.

Published in the Sun Advocate June 18, 25, July 2 and July 9, 2015.



GARY R. HERBERT  
*Governor*

SPENCER J. COX  
*Lieutenant Governor*

# State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
*Executive Director*

Division of Oil, Gas and Mining

JOHN R. BAZA  
*Division Director*

November 6, 2015

TO: Internal File

FROM: Daron R. Haddock, Permit Supervisor 

RE: Compliance Review for Section 510 (c) Findings, Intermountain Power Agency, Wildcat Loadout, C/007/0033

As of the writing of this memo, there are no NOV'S or CO's which are not corrected or in the process of being corrected. There are no finalized Civil Penalties, which are outstanding and overdue in the name of Intermountain Power Agency. Intermountain Power Agency does not demonstrate a pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

The recommendation from the Applicant Violator System (AVS) denotes that all connected entities either do not have any civil penalties or are under a settlement agreement (attached).

O:\007033.WCL\WG4895 AREA INCREASE\DECISION DOCUMENT\510C.DOC





U.S. Department of the Interior Office of Surface Mining  
Applicant/Violator System

suzanne.steab (UT) | [Logout](#)

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[Home](#) ▶ [ENTITY](#) ▶ [APPLICATION](#) ▶ [PERMIT](#) ▶ [VIOLATION](#) ▶ [REPORTS](#) ▶

[HOME](#) > ENTITY EVALUATE

**Evaluation on Application Number: C0070033 SEQ:7**

**0 Violations**

[Print Report](#)

### Application Evaluation

Application Number	C0070033 SEQ:7
Applicant Name	119705 Intermountain Power Agency
Date of Request	11/6/2015 9:19:52 AM
Requestor	suzanne.steab

CAUTION: The Applicant/Violator System (AVS) is an informational database. Permit eligibility determinations are made by the regulatory authority with jurisdiction over the permit application not by the AVS. Results which display outstanding violations may not include critical information about settlements or other conditions that affect permit eligibility. Consult the AVS Office at 800-643-9748 for verification of information prior to making decisions on these results.

There were no violations retrieved by the system

### Evaluation OFT

Entities: 9

- 119705 Intermountain Power Agency - ()
- 112517 Edward D Collins - (Director)
- 112517 Edward D Collins - (Secretary)
- 119711 Ted L Olson - (Chairman of the Board)
- 119711 Ted L Olson - (Director)
- 120599 James A Hewlett - (Manager)
- 133991 Russell F Fjeldsted - (Director)
- 133991 Russell F Fjeldsted - (Treasurer)
- 251398 Fred Moss - (Director)
- 254350 Blaine J Haacke - (Chairman of the Board)
- 254350 Blaine J Haacke - (Director)

---254351 Eric D Larsen - (Director)  
---254352 LaVon S Mellor - (Director)

**Narrative**

Request Narrative

**EXHIBIT “D”**

**Stipulation to Revise  
Reclamation Agreement  
(Federal)**

Mine Name: \_\_\_\_\_  
Permit Number: \_\_\_\_\_  
Effective Date: \_\_\_\_\_  
Bond Number: \_\_\_\_\_

**COAL**  
**STIPULATION TO REVISE RECLAMATION AGREEMENT**  
--ooOOoo--

This **STIPULATION TO REVISE RECLAMATION AGREEMENT** entered into by and between the **PERMITTEE** and **DIVISION** incorporates the following revisions or changes to the **RECLAMATION AGREEMENT**: (Identify and Describe Revisions below)

Approval of the Significant Revision (Task ID #4895) to increase the boundary and disturbed areas 23 acres. The disturbed area will increase 23 acres, from 88.62 to 111.62 acres.

In accordance with this **STIPULATION TO REVISE RECLAMATION AGREEMENT**, the following Exhibits have been replaced by the **PERMITTEE** and are approved by the **DIVISION**.

- Replace the Reclamation Agreement in its entirety.
- Replace Exhibit "A"- bonded area.
- Rider added to existing Exhibit "B"- bonding agreement
- Replace Exhibit "C"- liability insurance

The bonding amount is revised from \$ \_\_\_\_\_ to \$ \_\_\_\_\_

The bonding type is changed from \_\_\_\_\_ to \_\_\_\_\_.

The surface disturbance is revised from 88.62 acres to 111.62 acres.

The expiration date is revised from \_\_\_\_\_ to \_\_\_\_\_.

The liability insurance carrier is changed from \_\_\_\_\_ to \_\_\_\_\_.

The amount of insurance coverage for bodily injury and property damage is changed from  
\$ \_\_\_\_\_ to \$ \_\_\_\_\_.

IN WITNESS WHEREOF, \_\_\_\_\_ the PERMITTEE has hereunto set  
its signature and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**PERMITTEE**

By: \_\_\_\_\_

Title: \_\_\_\_\_

ACCEPTED BY THE STATE OF UTAH this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**Director,**  
Division of Oil, Gas and Mining

**NOTE:** An **Affidavit of Qualification** must be completed and attached to this form for each authorized agent or officer. Where one signs by virtue of Power or Attorney of a company, such Power of Attorney must be filed with this Agreement. If the **PERMITTEE** is a corporation, the Agreement shall be executed by its duly authorized officer.

**EXHIBIT "A"**

**Bonded Area  
Legal Description**

(Federal Coal)

Exhibit "A"  
Legal Description  
Federal  
Bond Number \_\_\_\_\_

**EXHIBIT "A"**

Pursuant to R645-301- 820.110, the surety bond covers an identified increment of land within the permit area upon which the operator will initiate and conduct coal mining and reclamation operations during the initial term of the permit. This area is identified as:

Map(s) showing the BONDED AREA within the approved PERMIT AREA :

---

Legal description of BONDED AREA:

The above described area shall be modified as necessary to correspond to an increase in the area disturbed as a result of an expansion of coal mining and reclamation operations. The described area may also be decreased as a result of partial reclamation.

**IN WITNESS WHEREOF** the **SURETY** has hereunto set its signature and seal this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**PERMITTEE**

\_\_\_\_\_  
By:

\_\_\_\_\_  
Title:

