



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 30, 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, Wildcat Loadout, Intermountain Power Agency, C/007/0033, Task ID #4895

Dear Mr. Hewlett:

The Division approved the boundary & disturbed area increase on November 6, 2015. At that time, clean copies were required to be submitted to the Division as well as Exhibits to update the Reclamation Agreement for the Wildcat Loadout.

The Division received the clean copies of the revision and the updated reclamation agreement on November 30, 2015.

Enclosed is a fully signed and executed copy of the reclamation agreement documents for your records. A stamped incorporated copy of the approved application is also enclosed for insertion into the Wildcat Loadout Mining and Reclamation Plan.

Enclosed are two copies of the revised permit to include the boundary & disturbed area increase. Please read the permit to be sure you understand the requirements, then have both copies signed by the appropriate representative and return one to the Division.

If you have any questions, please call Daron Haddock at (801) 538-5325 or myself at (801) 538-5334.

Sincerely,

John R. Baza
Director

JRB/DRH/sqs
Enclosures
O:\007033.WCL\PERMIT\2015 Revision\BazaLetter.doc



EXHIBIT "D"

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

Mine Name: Wildcat Loadout
Permit Number: C0070033
Effective Date: 11-30-15
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In accordance with this **STIPULATION TO REVISE RECLAMATION AGREEMENT**, the following Exhibits have been replaced by the **PERMITTEE** and are approved by the **DIVISION**.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, I.P.A. the PERMITTEE has hereunto set
its signature and seal this 30th day of Nov, 2015.



I.P.A.
PERMITTEE
By: [Signature]
Title: General Manager

ACCEPTED BY THE STATE OF UTAH this 2ND day of December 2015
[Signature]
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.

**AFFIDAVIT OF QUALIFICATION
PERMITTEE
--ooOOoo--**

I, James A. Hewlett, being first duly sworn under oath, deposes and says that he/she is the (officer or agent) GENERAL MANAGER of IPA; and that he/she is duly authorized to execute and deliver the foregoing obligations; and that said PERMITTEE is authorized to execute the same and has complied in all respects with the laws of Utah in reference to commitments, undertakings and obligations herein.

Attest: [Signature]
Secretary of the Corporation

[Signature]
(Signed)
Name - Position
James A. Hewlett, general manager

STATE OF Utah)
COUNTY OF Salt Lake) ss:

Subscribed and sworn to before me this 16th day of November, 2015.

[Signature]
Notary Public

My Commission Expires:
August 30, 2019.



EXHIBIT "A"

**Bonded Area
Legal Description**

(Federal Coal)

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 :

WILDCAT LOADOUT – EXISTING SURFACE FACILITY MAP – PLATE 1

Legal description of BONDED AREA:

Salt Lake Base & Meridian, Utah Township 13 south, Range 9 East, Section 33, NW1/4SE1/4, N1/2 SW1/4 SE1/4, 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. Additionally, beginning at a point 2,477.87 feet North and 1,538.14 feet West of the Southeast Corner of Section 33, T13S, R9E, then South 1,443.96 feet, then Northwesterly 533.13 feet to East edge of PR-5, then Northerly along PR-5 1,118.86 feet, then East along South edge of PR-1 122.82 feet to Point of Beginning. Additionally, 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 previous existing permit boundary, then North 1,588.74 feet, then Southeasterly 315.74 feet, then Northeasterly 522.25 feet to point of beginning.

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 **PERMITTEE** has hereunto set its signature and seal this

30th day of NOVEMBER, 2015.

I. P. A.
PERMITTEE
By: [Signature]
Title: General Manager

**AFFIDAVIT OF QUALIFICATION
PERMITTEE**

--ooOOoo--

I, James A. Hewlett, being first duly sworn under oath, deposes and says that he/she is the (officer or agent) GENERAL MANAGER of IPA; and that he/she is duly authorized to execute and deliver the foregoing obligations; and that said PERMITTEE is authorized to execute the same and has complied in all respects with the laws of Utah in reference to commitments, undertakings and obligations herein.

Attest: [Signature]
Secretary of the Corporation

[Signature]
(Signed)
Name - Position
James A. Hewlett, general manager

STATE OF Utah)
COUNTY OF Salt Lake) ss:

Subscribed and sworn to before me this 16th day of November, 2015.

[Signature]
Notary Public

My Commission Expires:
August 30, 2019



FEDERAL

C/007/0033

November 6, 2015

**STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple, Suite 1210
P. O. Box 145801
Salt Lake City, Utah 84114-5801
(801) 538-5340**

This permit, C/007/0033, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (Division) to:

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

for the Wildcat Loadout Facility. Intermountain Power Agency is the leasee of Bureau of Land Management Rights of Way (ROW) No. U48027 and U52810. A surety bond is filed with the Division in the amount of \$1,481,000, payable to the State of Utah, Division of Oil, Gas and Mining and the Office of Surface Mining, Reclamation and Enforcement (OSMRE). The Division must receive a copy of this permit signed and dated by the permittee.

- Sec. 1 STATUTES AND REGULATIONS** - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act.
- Sec. 2 PERMIT AREA** - The permittee is authorized to conduct coal mining and reclamation operations on the following described lands within the permit area at the Wildcat Loadout Facility situated in the State of Utah, Carbon County, and located in:
- Township 13 South, Range 9 East, Section 33, SLBM
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.

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

This legal description is for the permit area of the Wildcat Loadout Facility. The permittee is authorized to conduct coal mining and reclamation operations and related surface activities on the foregoing described property subject to the conditions of the Bureau of Land Management rights-of-way and all other applicable conditions, laws and regulations.

- Sec. 3 COMPLIANCE** - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.
- Sec. 4 PERMIT TERM** - This permit expires on May 5, 2019.
- Sec. 5 ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the approval of the Division Director. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13{e} and R645-303-300.
- Sec. 6 RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the Division, including but not limited to inspectors, and representatives of the Office of Surface Mining Reclamation and Enforcement (OSM), without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:
- (a) have the rights of entry provided for in 30 CFR 840.12, R645-400-220, 30 CFR 842.13 and R645-400-110;
 - (b) be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-100 and R645-400-200 when the inspection is in response to an alleged violation reported to the Division by the private person.
- Sec. 7 SCOPE OF OPERATIONS** - The permittee shall conduct coal mining and reclamation operations only on those lands specifically designated as within the permit

area on the maps submitted in the approved plan and approved for the term of the permit and which are subject to the performance bond.

Sec. 8 ENVIRONMENTAL IMPACTS - The permittee shall take all possible steps to minimize any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of the permit, including, but not limited to:

- (a) any accelerated or additional monitoring necessary to determine the nature of noncompliance and the results of the noncompliance;
- (b) immediate implementation of measures necessary to comply; and
- (c) warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

Sec. 9 CONDUCT OF OPERATIONS – The permittee shall conduct its operations:

- (a) in accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and
- (b) utilizing methods specified as conditions of the permit by the Division in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.

Sec. 10 DISPOSAL OF POLLUTANTS – The permittee shall dispose of solids, sludge, filter backwash or pollutants in the course of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program and the Federal Lands Program which prevents violation of any applicable state or federal law.

Sec. 11 EXISTING STRUCTURES - As applicable, the permittee will comply with R645-301 and R645-302 for compliance, modification, or abandonment of existing structures.

Sec. 12 RECLAMATION FEE PAYMENTS - The operator shall pay all reclamation fees required by 30 CFR Part 870 for coal produced under the permit, for sale, transfer or use.

- Sec. 13 AUTHORIZED AGENT** - The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.
- Sec. 14 COMPLIANCE WITH OTHER LAWS** - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq,) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.
- Sec. 15 PERMIT RENEWAL** - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act, the approved Utah State Program and the Federal Lands Program.
- Sec. 16 CULTURAL RESOURCES** - If, during the course of coal mining and reclamation operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify the Division. The Division, after coordination with OSM, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by the Division within the time frame specified by the Division.
- Sec. 17 APPEALS** - The permittee shall have the right to appeal as provided for under R645-300-200.
- Sec. 18 SPECIAL CONDITIONS** - There are special conditions associated with these permitting actions as described in Attachment A.

The above conditions (Secs. 1-18) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease. The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of the Division and the permittee at any time to adjust to changed conditions or to correct an oversight. The Division may amend these conditions at any time without the consent of the permittee in order to make them consistent with any federal or state statutes and any regulations.

THE STATE OF UTAH

By: _____

Date: _____

John R. Bay
12/2/2015

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

**Authorized Representative of
the Permittee**

Date: _____

Attachment A

SPECIAL CONDITION

1. Intermountain Power Agency must submit water quality data for the Wildcat Loadout Facility in an electronic format through the Electronic Data Input web site, <http://linux1.ogm.utah.gov/cgi-bin/appx-ogm.cgi>