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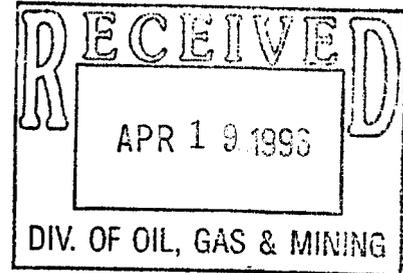
REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO, CALIFORNIA 95814-2922

April 19, 1996

Regulatory Branch (199450397)

Allen Childs  
Cyprus Plateau Mining Corporation  
P.O. Box PMC  
Price, Utah 84501



Dear Mr. Childs:

Two draft copies of Department of the Army Permit Number 199450397 are enclosed for your review and signature.

To complete permit processing, please do the following:

- a. Sign and date both copies of the permit on Page 6. Your signature will indicate acceptance of all permit conditions.
- b. Return all of the above items in the envelope provided.
- c. Enclose a check or money order in the amount of \$100.00 made payable to FAO-USAED Sacramento.

Upon receipt of these items, we will issue your permit. The original permit will then be forwarded to you.

Thank you for your cooperation. If you have any questions, please contact Ms. Michele Waltz of our Utah Regulatory Office, 1403 South 600 West, Suite A, Bountiful, Utah 84010 or telephone (801) 295-8380.

Sincerely,

Art Champ  
Chief, Regulatory Branch

Enclosures

## DEPARTMENT OF THE ARMY PERMIT

**Permittee:** Cyprus Plateau Mining Corporation

**Permit No:** 199450397

**Issuing Office:** U.S. Army Corps of Engineers, Sacramento District

**NOTE:** The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform the work in accordance with the terms and conditions specified below.

**Project Description:** The project entails relocating two sections of Willow Creek and installing one culvert crossing as described below and shown on the attached drawings, sheets 1-9.

1) Relocate approximately 340 feet of stream channel in the Upper Stream Alignment area. The affected channel/floodplain area, estimated using a maximum width of 20 feet, is approximately 0.156 acres. The replacement channel is approximately 335 feet long and the associated channel and floodplain area is approximately 30 feet wide, resulting in a new total channel/floodplain area of approximately 0.231 acres.

2) Replace the existing deteriorated Willow Creek culvert with a 190 ft-long, 96-inch-diameter culvert on a new alignment. The new culvert will be rippapped at both the inlet and downstream ends and contain two 36-inch fish "skylights". Baffles will be placed at 10-foot intervals with slots alternating from side to side on successive baffles. A pool at least two feet deep will also be provided at the downstream end of the culvert to facilitate fish passage. Riprap at the lower end of the pool will be cemented to form a crest that will force water to rise to the level of the end baffle crest in the pipe, providing a constant source of water that extends into the culvert.

3) Relocate approximately 900 feet of stream channel in the Lower Stream Alignment area. The affected channel/floodplain area, assuming a maximum channel and floodplain width of approximately 20 feet, is approximately 0.395 acres. The replacement channel/floodplain area is approximately 925 feet long and 30 feet wide.

**Project Location:** The project is located 10 miles north of Price, Utah in the lower portion of Willow Creek adjacent to State Highway 191 in Section 6, Township 13 South, Range 10 East and Section 1, Township 13 South, Range 9 East in Carbon County, Utah.

## **Permit Conditions:**

### **General Conditions:**

1. The time limit for completing the work authorized ends on August 31, 1998. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being accomplished in accordance with the terms and conditions of your permit.

### **Special Conditions:**

1. Final channel construction design shall be reviewed and approved by a person professionally trained in and experienced with fluvial geomorphology. Written documentation of this approval, along with a copy of final design plans, shall be provided to the Corps' Utah Regulatory Office prior to start of channel construction. Construction of the channel shall also be supervised by persons trained in applied fluvial geomorphology. These requirements are to ensure that the final design is appropriate, that the boulders and other structures are placed in a manner and in locations that will benefit rather than harm the new stream channels, and that project features are constructed correctly. Such safeguards should reduce the chances for channel failure or later modifications.

2. If during final design of the channel it is determined that a structural feature is need to trap sediment generated by the new channels and prevent this sediment from being transported offsite, the permittee may construct a temporary sediment basin. This basin must be cleaned out as needed to prevent excessive amounts of sediment from leaving the site, including a final removal of sediment prior to removing the basin. The basin shall be removed prior to December 31, 1996 unless the Corps determines that there is justification for delaying removal; the permittee will coordinate with the Utah regulatory office if it believes there is justification for retaining the basin beyond December 31, 1996.

3. The permittee will contact the Corps at least two weeks before flows are introduced into the new channels so that the Corps may schedule a site inspection. The permittee will also contact the Corps at least two weeks before fall plantings are done, so that the Corps may schedule a second site inspection.

4. Wet cement is toxic to aquatic organisms, and its introduction into waters of the United States would constitute a violation of the Clean Water Act. Therefore, wet cement or wet concrete shall not be allowed to enter stream flows. Water must be excluded from areas where concrete or cement is used until it has set. Equipment used during this type of work must be washed well away from the channel.

5. The permittee will place a 12-inch-thick layer of 1" by 4"-size clean gravel beneath all channel riprap within the riparian zone to help prevent any piping of the soils from underneath the riprap.

6. Flow will be introduced into the new channel sections sufficiently gradually to minimize erosion and siltation. The permittee will monitor the stream flow and coordinate construction with the Corps and the DWR.

7. The permittee will include a qualitative assessment of the degree of sediment accumulation in the channel in its 1996 monitoring. If the riprap and gravel do not silt in during the 1996 spring-through-fall period sufficiently to support vegetation, the permittee and the Corps will coordinate on actions to remedy this problem.

8. The culvert design described in the permittee's March 20, 1996 letter shall be used. A revised drawing of this design will be forwarded to the Utah Regulatory Office prior to construction. This drawing will supersede sheet 5 of 9 in this permit.

9. To hasten the establishment of woody riparian vegetation in the new channel areas, the permittee will salvage willow clumps from other areas impacted by construction work and plant the clumps in the riparian zone of the new channels. Cottonwood pole plantings will also be done in the riparian zone during initial construction. These plantings are in addition to those shown on sheets 3 and 4 of 9 in this permit. Cottonwood and willow seedlings, as well as other woody vegetation, will be planted during the first planting season, preferably immediately after construction in Spring 1996. Native plant sources will be used where available.

10. Topsoil shall be placed on top of the riprap armoring in the zone of upland plantings during initial construction in spring 1996 to allow the area to be planted. No topsoil will be placed on the riprap in the zone of riparian plantings during initial construction, to prevent its being washed away by initial flows. A quick-growing cover crop consisting of oats or barley will be planted on the topsoil and other disturbed areas to provide a fast-growing vegetation cover to stabilize soils as soon as possible. The permanent seed mixes will be planted immediately after construction, with sprinkling provided as needed. Supplemental seeding, if needed, will be done during the 1996 fall planting season (sheet 9 of 9).

11. All planting areas will be thickly mulched to protect the seedbed, aid in germination and retain moisture around newly planted vegetation.

12. All monitoring reports prepared for the Utah Division of Oil, Gas and Mining (DOG M) in compliance with permit ACT/007/038 that are related to the areas occupied by the new channels and culverts, including revegetation efforts, shall be submitted to the Corps of Engineers, Utah Regulatory Office concurrent with submission of these reports to the DOGM. These annual reports, in addition to documenting the success of revegetation efforts according to the DOGM's requirements, shall include an assessment by a fluvial geomorphologist documenting the function and stability of the channels, with recommendations for correcting any substandard features. In addition to ensuring that the success of mitigation is properly documented and any developing problems noted and addressed, these concurrent submissions will allow the Corps of Engineers and the DOGM to coordinate recommendations on any required remedial efforts or design modifications. Per the DOGM's requirements, monitoring reports shall be submitted once a year for five years after construction, then at the end of years 8 and 9, with the first full year after construction considered "year one". Reports to the DOGM for a given year are normally submitted by March 31 of the following year. For revegetation efforts to be considered successful, the DOGM's performance standards must be met. Failure to implement the reclamation plan as set forth by the DOGM in its permit may result in the modification, suspension or revocation of the Corps' permit.

13. Prior to January 1, 1997 or before the start of the second season after channel relocation if the project is delayed, the permittee shall submit to the Utah Regulatory Office a set of as-built drawings showing the new channels, culverts and other project features, mapped at a 2-foot contour level. This will provide assurance and documentation that the work authorized by this permit was performed in accordance with the authorized design.

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

**2. Limits of this authorization:**

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

**3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:**

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

**4. Reliance on Applicant's Data:** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

**5. Reevaluation of Permit Decision:** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of the permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced

enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

  
\_\_\_\_\_  
(PERMITTEE)

4-19-94  
\_\_\_\_\_  
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below. (This permit is issued for and in behalf of Colonel John N. Reese, District Engineer).

  
\_\_\_\_\_  
ARTHUR M. CHAMP  
Chief, Regulatory Branch

4/18/96  
\_\_\_\_\_  
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEREE)

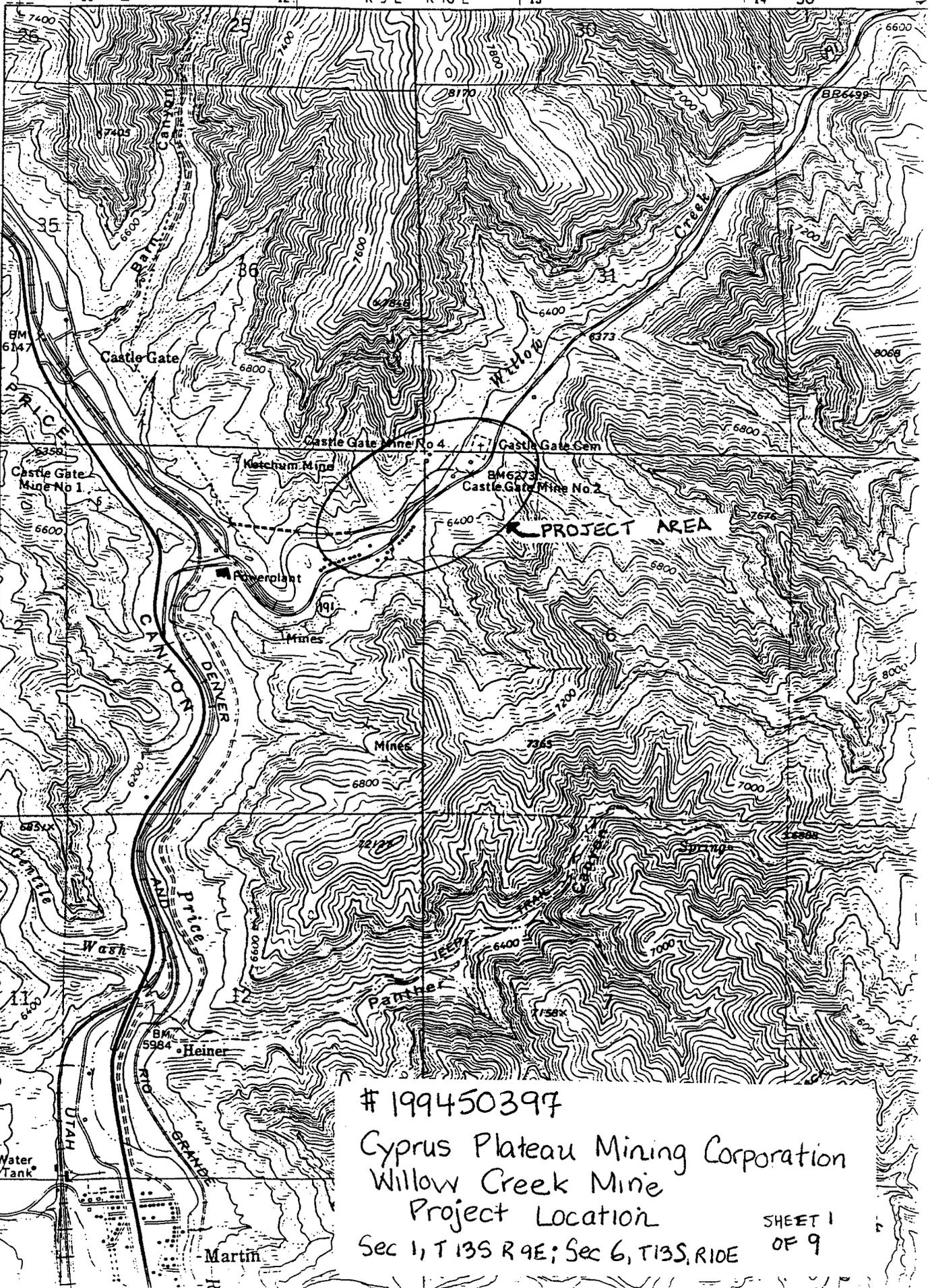
\_\_\_\_\_  
(DATE)

3893 IN SW  
(KYUE)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

110° 52' 30" 1511000m.E 51211 R 9 E R 10 E 513 514 50'

4399000m.N  
SOLDIER SUMMIT 18 MI  
T 12 S  
T 13 S  
4397  
4396  
42' 30"  
4395

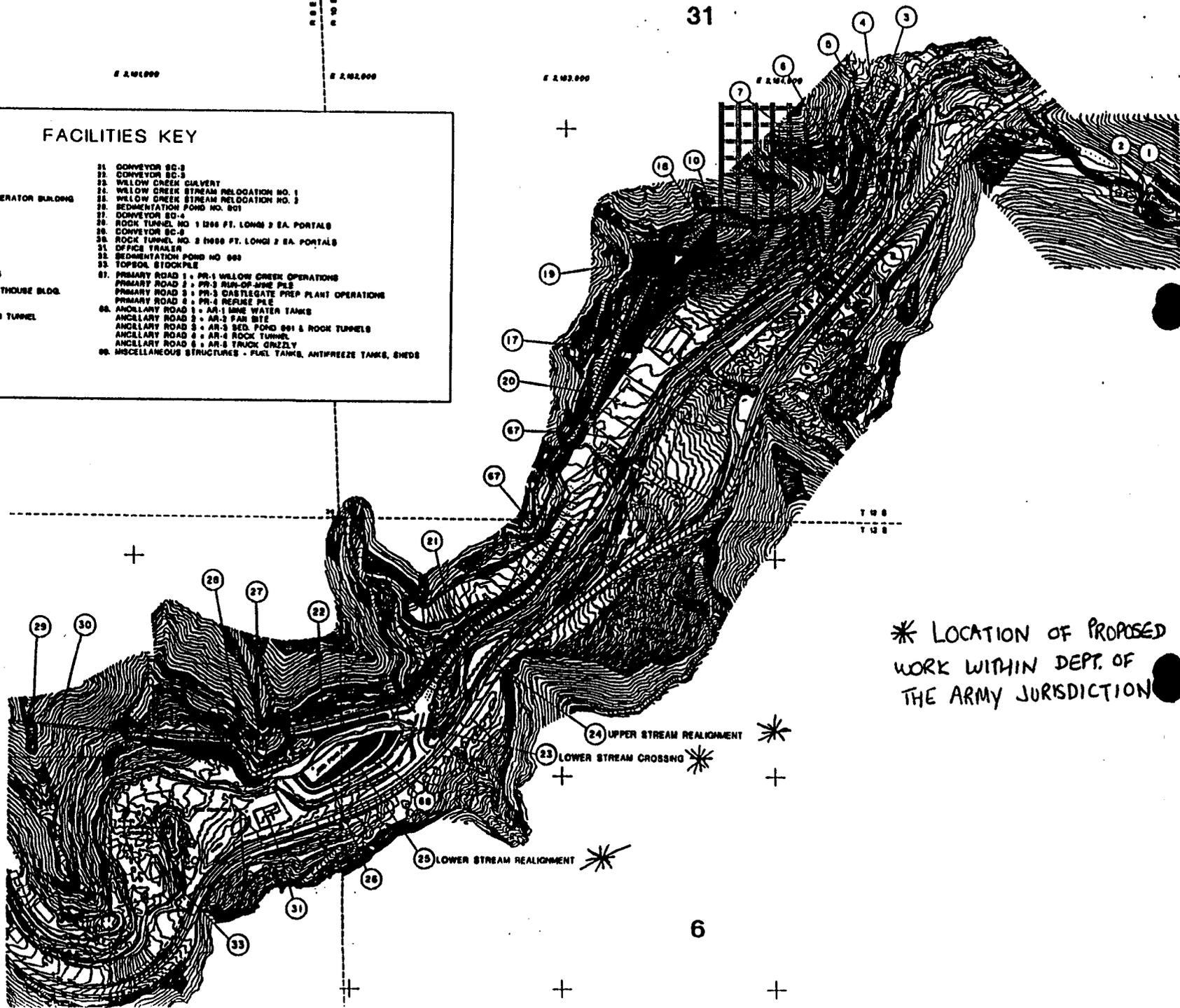


# 199450397  
Cyprus Plateau Mining Corporation  
Willow Creek Mine  
Project Location  
Sec 1, T 13S R 9E; Sec 6, T 13S, R 10E  
SHEET 1  
OF 9

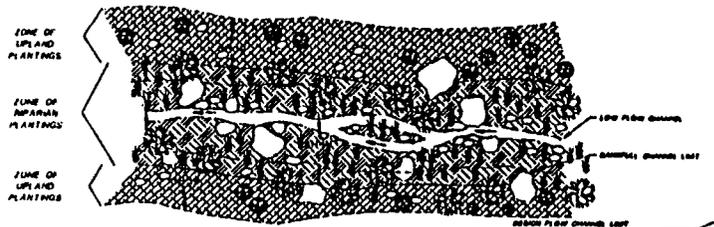
### FACILITIES KEY

- |  |  |
|--|--|
| 1. FINE WATER TANK - 500,000 GALS.                   | 21. CONVEYOR SC-3  |
| 2. MINE WATER TANK - 300,000 GALS.                   | 22. CONVEYOR SC-3  |
| 3. PROPANE TANKS - FAN HEATERS                       | 23. WILLOW CREEK CULVERT   |
| 4. MINE VENTILATION FAN SUBSTATION                   | 24. WILLOW CREEK STREAM RELOCATION NO. 1                           |
| 5. MINE VENTILATION FAN EMERGENCY GENERATOR BUILDING | 25. WILLOW CREEK STREAM RELOCATION NO. 2                           |
| 6. MINE VENTILATION FAN SET                          | 26. SEDIMENTATION POND NO. 801                                     |
| 7. MINE VENTILATION SHAFT                            | 27. CONVEYOR SC-4  |
| 8. MAIN SUBSTATION                                   | 28. ROCK TUNNEL NO. 1 1200 FT. LONG 2 EA. PORTALS                  |
| 9. PORTAL AREA SEDIMENT TRAP                         | 29. CONVEYOR SC-5  |
| 10. MINE PORTALS IS EAJ                              | 30. ROCK TUNNEL NO. 2 1000 FT. LONG 2 EA. PORTALS                  |
| 11. SHOP BUILDING                                    | 31. OFFICE TRAILER   |
| 12. WAREHOUSE BUILDING                               | 32. SEDIMENTATION POND NO. 900                                     |
| 13. TIRE/OIL STORAGE SHED                            | 33. TOPSOIL STOCKPILE  |
| 14. ADMINISTRATION & BATHHOUSE BUILDING              | 34. PRIMARY ROAD 1 - PR-1 WILLOW CREEK OPERATIONS                  |
| 15. WILLOW CREEK BRIDGE                              | 35. PRIMARY ROAD 2 - PR-2 RUN-OF-MINE PLS                          |
| 16. PROPANE TANKS - ADMINISTRATION/BATHHOUSE BLDG.   | 36. PRIMARY ROAD 3 - PR-3 CASTLEGATE PREP PLANT OPERATIONS         |
| 17. POTABLE WATER TANK - 40,000 GALS.                | 37. PRIMARY ROAD 4 - PR-4 REFUSE PLS                               |
| 18. CONVEYOR UG-1                                    | 38. ANCILLARY ROAD 1 - AR-1 MINE WATER TANKS                       |
| 19. RUN-OF-MINE STACKING TUBE & RECLAIM TUNNEL       | 39. ANCILLARY ROAD 2 - AR-2 FAN SITE                               |
| 20. CONVEYOR SC-1                                    | 40. ANCILLARY ROAD 3 - AR-3 SED. POND 901 & ROCK TUNNELS           |
|  | 41. ANCILLARY ROAD 4 - AR-4 ROCK TUNNEL                            |
|  | 42. ANCILLARY ROAD 5 - AR-5 TRUCK CRUSHER                          |
|  | 43. MISCELLANEOUS STRUCTURES - FLAT TANKS, ANTIFREEZE TANKS, SHEDS |

# 199450397  
 PROPOSED WILLOW CREEK MINE -  
 SURFACE DISTURBANCE AREA



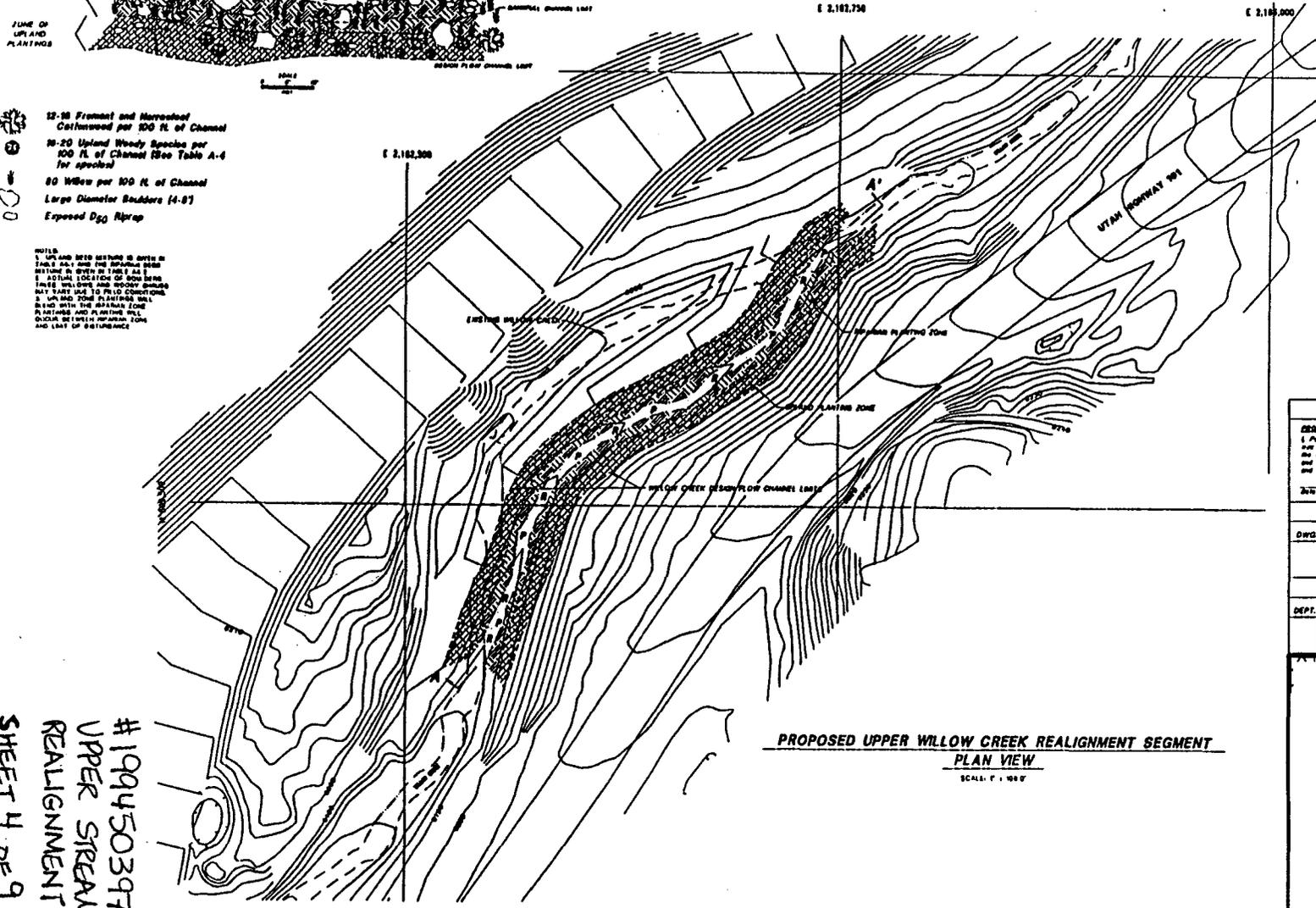
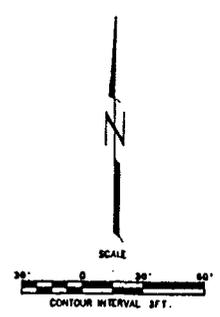




- 12-18 Fremont and Harewood  
Cattanoes per 100 ft. of Channel
- 10-20 Upland Woody Species per  
100 ft. of Channel (See Table A-4  
for species)
- 80 Willow per 100 ft. of Channel
- Large Diameter Boulders (4-8')
- Exposed Dgg Riprap

NOTES  
 1. UPLAND AND RIPARIAN PLANTINGS ARE TO BE PLANTED IN SLOTS IN THE AS SHOWN IN THIS PLAN. THE INITIAL LOCATION OF SPECIES PLANTS WILL BE AS SHOWN IN THIS PLAN. UPLAND AND RIPARIAN PLANTINGS WILL BE PLANTED IN SLOTS IN THE AS SHOWN IN THIS PLAN. UPLAND AND RIPARIAN PLANTINGS WILL BE PLANTED IN SLOTS IN THE AS SHOWN IN THIS PLAN.

- LEGEND**
- P - Pool Reach
  - R - Riparian Reach
  - - Approximate Low Flow Channel
  - - Approximate Bank-Full Flow Channel
  - - Approximate Design Flow Channel
  - - Riparian Planting Zone
  - - Upland Seed Mixture

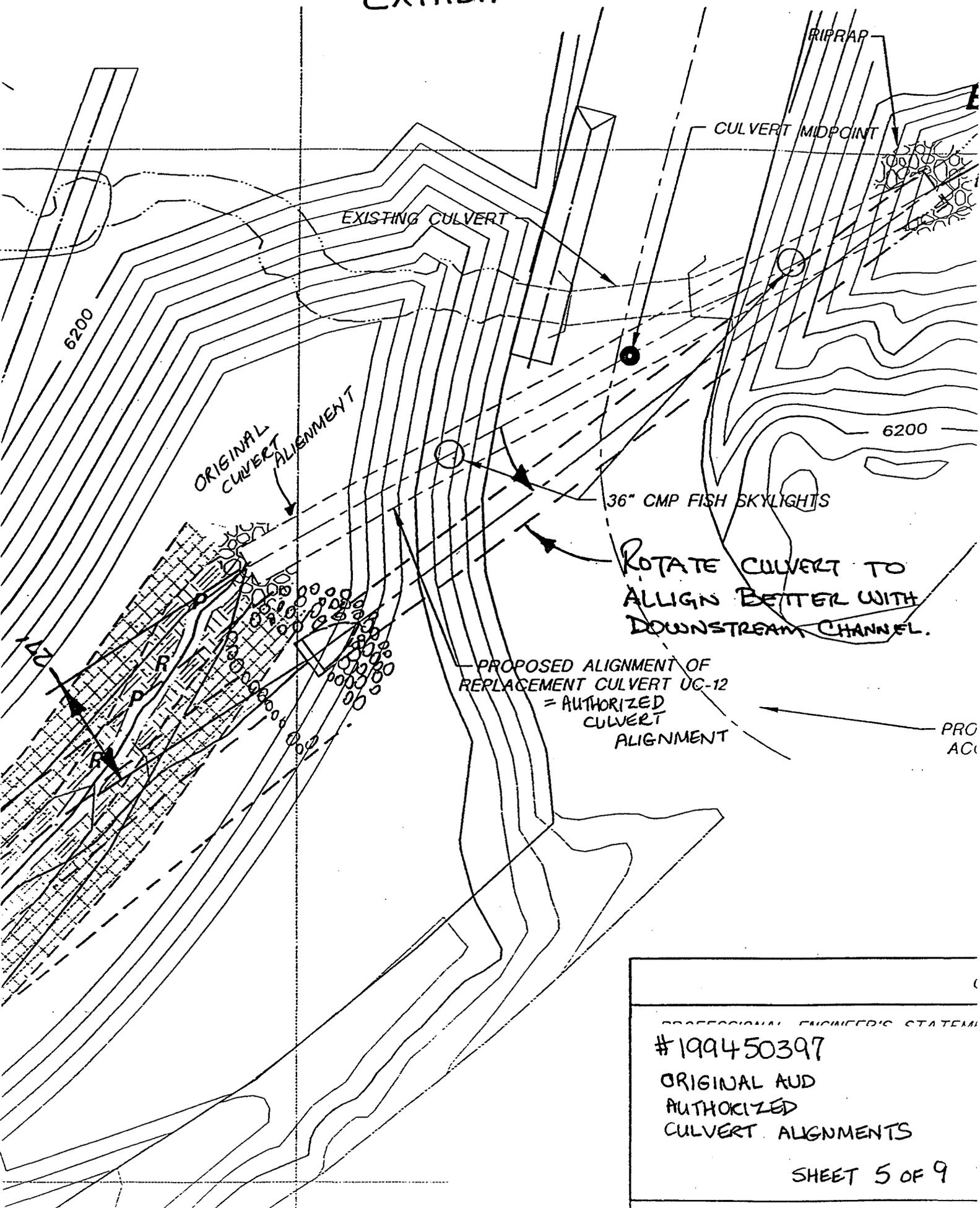


**PROPOSED UPPER WILLOW CREEK REALIGNMENT SEGMENT**  
**PLAN VIEW**  
 SCALE: 1" = 80'

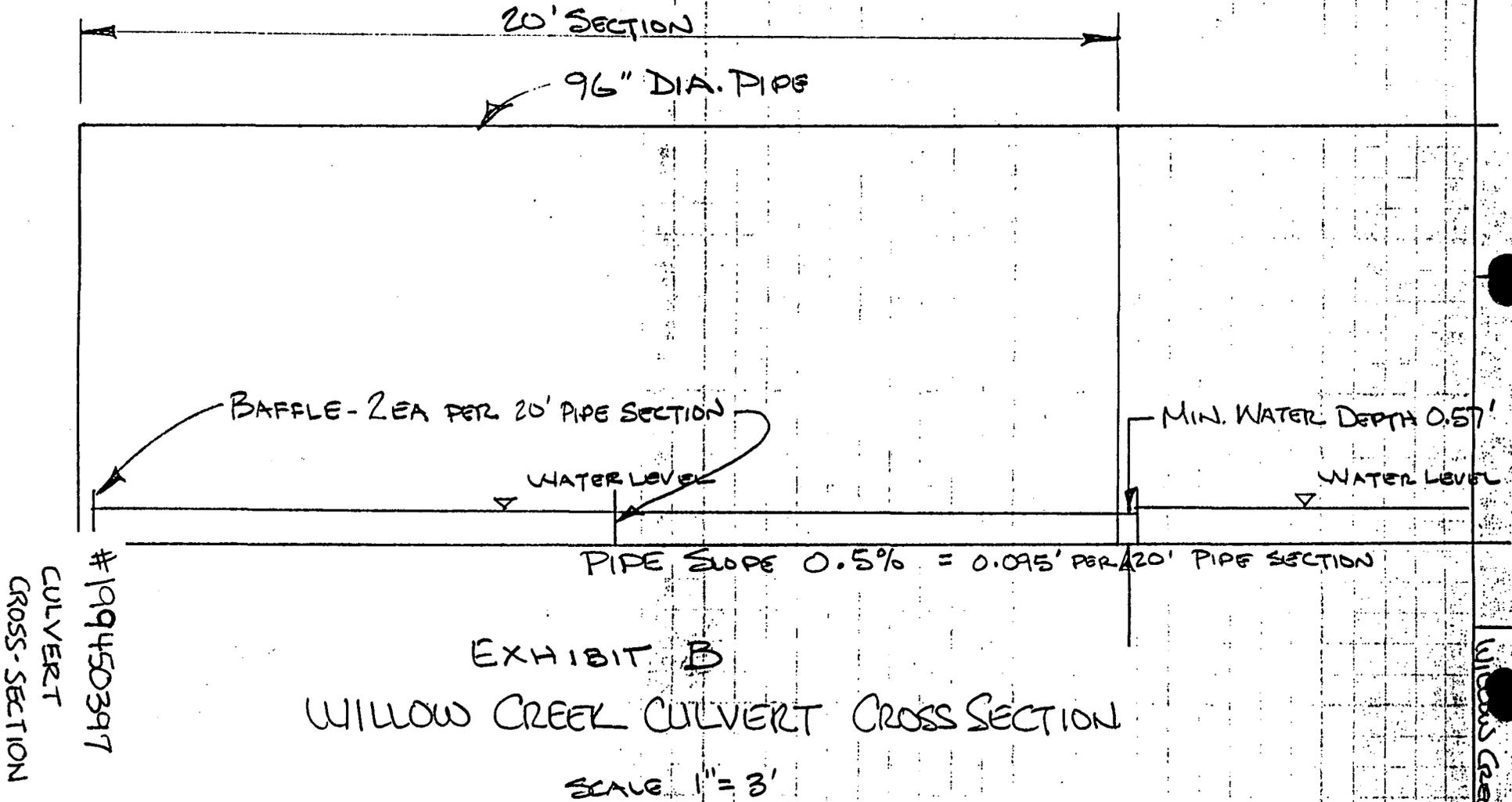
CERTIFICATION	
<b>DESIGNER'S STATEMENT</b> I, <b>Paula B. Green, PE, 26471</b> , have prepared this plan and all the information presented herein to the best of my knowledge and belief.	
DATE: <b>March 8, 2011</b>	
REFERENCE DRAWINGS	
DWG. NO.	TITLE
APPROVALS	
DEPT. DATE	SIGNATURE/TITLE

#199450397  
 UPPER STREAM  
 REALIGNMENT  
 SHEET 4 OF 9

# EXHIBIT A



PROFESSIONAL ENGINEER'S STATEMENT  
#199450397  
ORIGINAL AUD  
AUTHORIZED  
CULVERT ALIGNMENTS  
SHEET 5 OF 9



22-141 50 SHEETS  
22-142 100 SHEETS  
22-144 200 SHEETS

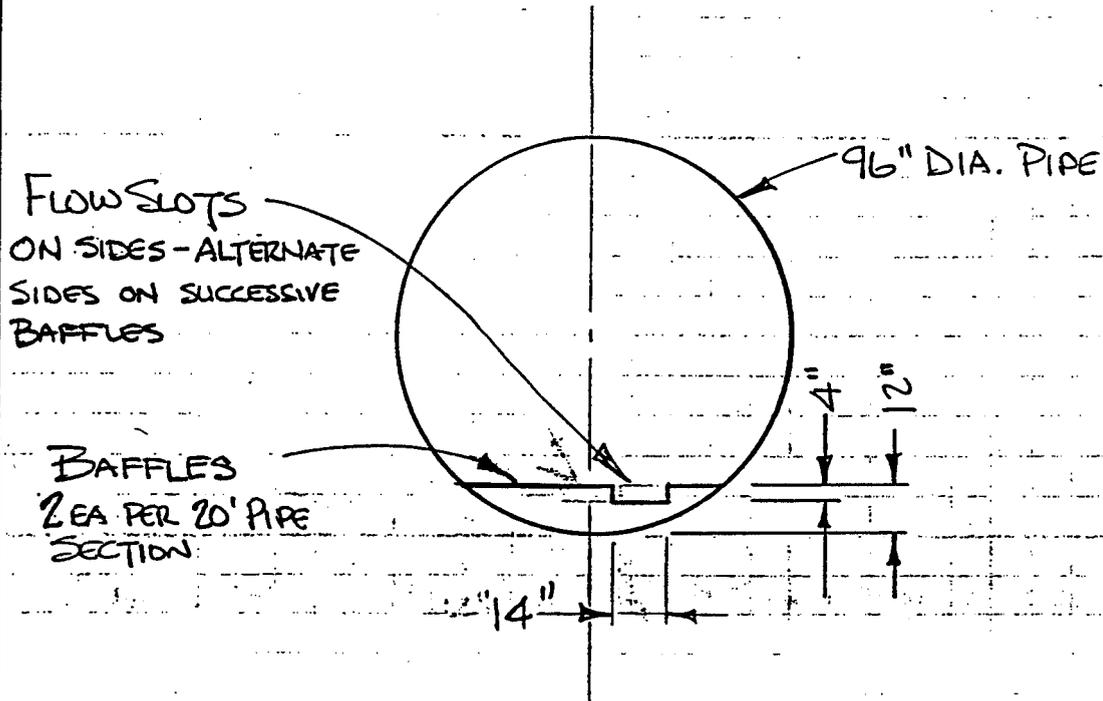


EXHIBIT C  
WILLOW CREEK CULVERT BAFFLE  
DETAIL

SCALE 1" = 4'

#199450397  
CULVERT  
BAFFLE  
DETAIL

# EXHIBIT D WILLOW CREEK CULVERT OUTLET END DETAIL

RIPRAPPED BASIN  
AROUND OUTLET

CEMENT THE CREST OF  
THE POOL OUTLET TO  
FORM POOL W/ WATER  
ELEVATION THAT BACKS UP  
INTO THE PIPE

START FLOW LINE OF  
NEW CHANNEL

96" DIA PIPE END SECTION  
2:1 TAPER X 20' LENGTH

15' MIN POOL

WATER LEVEL IN POOL

6'

BAFFLE

WATER LEVEL INSIDE PIPE

3' MIN. POOL DEPTH

LARGE ROCK SPLASH BASIN POOL  
KEYED UNDER PIPE TO PREVENT  
EROSION UNDER PIPE END -  
FILL VOIDS WITH SMALLER ROCKS

SCALE = 1" = 4'

IMPERMEABLE MEMBRANE  
BELOW ROCK POOL

#199450397  
CULVERT &  
OUTLET &  
DETAIL  
SHEET 8 OF 9.

WILLOW CREEK NINE  
RA

#199450397

RIPARIAN AND UPLAND ZONE PLANTINGS  
WILLOW CREEK RELOCATION AREAS

SPECIES

RATES

Riparian Zone

Fremont and/or narrowleaf  
cottonwood-willow

16 per 100 ft. of channel

Willow

80 per 100 lineal ft. of  
channel (1 every 1.25  
ft.). Since the riprap  
is 24" x 33 " dia.,  
seedlings may be bunched  
and not on a true average  
of 1.25 ft., but will  
average 80 per 100 ft.

Upland Zone

Woods rose  
Wax or golden currant

2 per 100 square ft.  
2 per 100 square ft.

#199450397

RIPARIAN & UPLAND ZONE PLANTINGS

SHEET 9 of 9.