

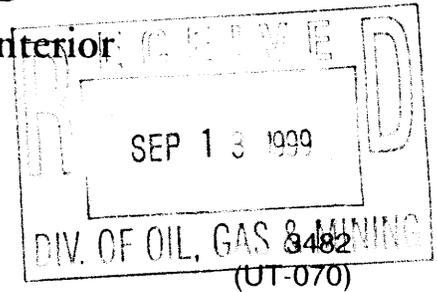
0038



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Price Field Office  
125 South 600 West  
Price, Utah 84501



SEP 10 1999

John Mercier  
Plateau Mining Corporation  
847 Northwest Highway 191  
Helper, Utah 84526

*FAX PFD JIM 9-16-99*  
*ACT 1007/1038# 2*

Dear Mr. Mercier:

Plateau Mining Corporation's ten drill site and up to 33 hole coal exploration plan of May 1999 on Federal coal leases UTU-73975 and U-0146345 is approved as submitted, subject to the following conditions:

- 1) That all the enclosed Bureau of Land Management (BLM) drilling stipulations be followed.
- 2) No construction shall take place on roads requiring right-of-way grants until the grant is issued.

If you have any questions regarding this matter, please contact Don Stephens of my staff at 435-636-3608.

Sincerely,

Richard L. Manus

Richard L. Manus  
Field Manager

Enclosure  
BLM Stipulations (8 pp)

cc: UT-930, Alan Rabinoff, Utah State Office (w/Enclosures)  
UT-932, R. Lopez, Utah State Office (w/Enclosures)  
Pamela Grubaugh-Littig (UDOGM) (w/Enclosures)  
Division of Oil, Gas and Mining  
1594 West North Temple Street  
P. O. Box 145801  
Salt Lake City, Utah 84114-5801

**Stipulations:**

1. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of six inches deep, the soil shall be deemed too wet to adequately support construction equipment and travel on roads must be halted.

2. The use of the roads, including construction activity and surface disturbances (road maintenance or snow removal), will be prohibited during the period from November 1 to May 15 for the protection of wintering elk and deer. This stipulation will not preclude access by conventional means to monitor the wells after completion.

Any exceptions to this requirement must have prior written approval from the Authorized Officer.

3. PMC shall maintain the roads on the Federal coal lands in a safe, usable condition, as directed by the Authorized Officer. A regular maintenance program shall include, but is not limited to blading.

4. Any damage to existing roads or road improvements (e.g. cattleguards) shall be repaired if damaged. If dust from the roads reach excessive levels, a program of wetting the roads shall be implemented. This shall be determined by the Authorized Officer.

5. PMC shall have a seasonal protective closure of February 1 to July 15 in which no drilling, workover or other drilling-related operations would be permitted within the project area.

Exception: This restriction may be waived or modified under the following circumstances:

The holder arranges for a raptor survey to accomplish the following:

- 1) Determine activity status of known raptor cliff stick nests.
- 2) Survey of drainage bottoms and aspen habitats within 0.5 mile of proposed access routes and drill pads for goshawk nesting territories.

The protective restrictions may be waived or modified where no active raptor nests are found within 0.5 mile of proposed activity.

6. PMC shall secure the approval of the District Engineer for the Division of Water Rights for any appropriation of water.

7. PMC shall have a seasonal protective closure of November 1 to June 20 in which no drilling, road building or other drilling-related operations would be permitted. This closure is to protect mule deer fawning and elk calving.

8. PMC shall mitigate project impacts to mule deer and elk critical winter range when total cumulative surface disturbance reaches 10 acres or more in size, as determined by the

Authorized Officer. Cumulative surface disturbance shall take into consideration actual impacts from the proposed action and any surface disturbance from subsequent development occurring on winter range in these herd units. Mitigation shall include one acre of enhanced habitat for every one acre of surface-disturbed habitat. Project design for enhancement work will be developed by the Authorized Officer in coordination with PMC and the Utah Division of Wildlife Resources.

9. PMC shall participate in a cooperative habitat enhancement project being developed by BLM and Utah Division of Wildlife Resources (UDWR). The project shall be designed to improve vegetative structure and species composition of overmature decadent stands of sagebrush and to restore and protect critical wet meadow habitats. PMC's participation or contribution toward implementation of the project shall be based on their current obligation for mitigation as outlined in the environmental assessment for the project. Actual commitment of funds and or resources by PMC shall be determined in cooperation with BLM, UDWR, and PMC officials.

10. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by PMC, or person working on their behalf, on public land shall be immediately reported to the Authorized Officer. PMC shall suspend all operations in the area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. PMC will be responsible for the cost of evaluation, and any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with PMC.

11. PMC is responsible to see that all personnel contracted or otherwise doing work on the exploration program are aware of these approval requirements and abide by all regulations governing this program. Any changes to the approved exploration plan must receive approval from the Authorized Officer prior to implementation.

12. When artesian flows or horizons with possible development potential are encountered, the Authorized Officer shall be notified immediately so that a determination may be made concerning their development potential. When possible, water samples shall be collected by the operator for analysis by the BLM. A written report is required upon completion of exploration as noted by Stipulation 27 H.

13. PMC shall obtain the Utah State permits required for the crossing of Willow Creek prior to the start of construction activities.

14. The Authorized Officer representing the BLM shall be notified 24 hours prior to setting surface and/or intermediate casing and plugging of wells, so that the BLM may arrange to be present. Each string shall be cemented in the annulus to the surface. The cement slurry mixture used to plug and seal the drill holes shall be mixed in compliance with standard cement mixing tables (e.g. Haliburton). Any variance from this procedure must be approved in advance by the Authorized Officer. In addition, periodic drilling updates on the weekends will be required if the drilling is nearing the cementing phases, so that representatives of the BLM will be made aware of progress.

15. If adverse down-hole conditions prevent a completed drill hole from being properly plugged after attempting all standard industry plugging procedures, the Authorized Officer shall

be contacted immediately to make a determination as to a final plugging procedure.

16. Any washes which may be crossed by access roads should be equipped with permanent runoff conduits (i.e. culverts or low-water crossing) if the road is to have continuous use. Culverts should include design feature to minimize erosion gullies on the downside. Stream channel alteration permits will be needed from the State Engineer.

17. Road drainage flow shall not be converged with existing channel flow.

18. Ditch turnouts shall be made along the roads at locations where terrain is fairly level along the road, and which slopes gently away from the road.

19. Turnouts shall be equipped with gravel or rock aprons at each outlet. The apron shall:

- A. Expand outward away from the outlet for a distance sufficient to disperse channel flow from the ditch back into sheet flow.
- B. Reduce flow velocity enough to prevent rill formation.

20. Turnouts shall be placed as needed to avoid transferring water from one drainage basin or subbasin to another, and to effect as complete a return to the original flow regime as practical. Spacing criteria as specified in the Class III road standards used by the BLM Price Field Office are the minimum standard.

21. For activities which disturb 5 acres or more, a Storm Water Pollution Prevention Plan shall be submitted to the Utah Department of Environmental Quality.

22. The Best Management Practices set forth in the Utah Nonpoint Source Management Plan for Hydrologic Modifications, Appendix B., page 3 shall be implemented during construction.

23. In the event construction can't be completed prior to winter closures, measures to prevent erosion from upcoming snowbelt shall be taken as follows:

- A. Loose earth and debris must be removed from drainage, and flood plains
- B. Earth and debris shall not be stockpiled on drainage banks.
- C. Road drainage shall be checked to ensure that there are none with uncontrolled outlets.

1. Be sure all ditch drainage have an outlet to prevent ponding
2. If necessary, build temporary sediment ponds to capture runoff from unreclaimed areas.
3. Re-route ditches as needed to avoid channeling water through loosened soil.

24. All drilling pits shall be lined to retain drilling fluids, unless sufficient evidence on site specific soil (percolation) and water quality tests are performed to determine a site specific waiver of this stipulation, as determined by the Authorized Officer.

25. All construction debris and drilling refuse will be completely removed from the site and disposed of at an appropriate approved land fill.

26. The hole location is to be marked by placing an approved marker made of galvanized steel, brass, aluminum or similar noncorrosive metal in the concrete plug. Such markers are to show hole number, year drilled, lessee/licensee name, and as feasible, the section, township, and range in which the hole is located. The top of the concrete plug, if located in

a cultivated field must be set below normal plow depth (10 to 12 inches). In noncultivated areas, all marker caps should not protrude above the ground level. All drill holes shall be surveyed in to assure proper location. An exact survey of each drill hole location will be submitted to the Authorized Officer.

27. Upon completion of exploration activities, two copies of each report as required by 43 CFR 3485.1, shall be submitted to the Authorized Officer. The reports at a minimum must contain the following:

- A. Location(s) and serial number(s) of lands under Federal lease or license on which exploration was completed.
- B. A description of the completed exploration operations that includes the number of holes drilled, total depth of each hole, and completion date of each hole.
- C. A map showing the locations of all holes drilled, other excavations, and the coal outcrop lines as appropriate. The scale of the map shall not be less than 1 inch equals 1 mile.
- D. Analysis of coal samples and other pertinent tests obtained from exploration operations.
- E. Copies of all in-hole mechanical or geophysical stratigraphic surveys or logs, such as electric logs, gamma ray-neutron logs, sonic logs, or any other logs. The records shall include a lithologic log of all strata penetrated and conditions encountered such as water, gas, or any unusual conditions.
- F. Status of reclamation of the disturbed areas.
- G. Any other information requested by the Authorized Officer.
- H. Hydrologic reports using the attached form.

28. When dry, mud pits must be reclaimed by selectively backfilling excavated materials, top soil last, such that the disturbed area is replaced to approximate original contour.

29. Reclamation procedures shall be as follows:

A. Site Preparation

a. The entire roadbed and drill site should be obliterated and brought back to the approximate original contour. Drainage control shall be reestablished as necessary.

b. All areas impacted by road construction should be recontoured to blend in with the existing topography. All berms shall be removed. In recontouring the disturbed areas, care should be taken to not disturb additional vegetation.

c. Erosion-control structures such as water bars, diversion channels, and terraces should be constructed to divert water and reduce soil erosion on the disturbed area. Water bars shall be spaced on road grades greater than 4 percent (i.e., 4 to 8 percent grade on 200-foot intervals and greater than 8 percent on 100-foot intervals). In addition, water bars should be installed at all alignment changes (curves), significant grade changes, and as determined by a qualified engineer. Water bars should be sloped with the grade and cut to a minimum 12-inch depth below the surface. The grade of the water bar should be 2 percent greater than

the grade of the road.

#### **B. Seedbed Preparation**

- a. An adequate seedbed should be prepared for all sites to be seeded. Areas to be revegetated should be chiselled or disced to a depth of at least 12 inches.
- b. Ripping of fill materials should be completed by a bulldozer equipped with single or a twin set of ripper shanks. Ripping should be done on 4-foot centers to a depth of 12 inches and shall follow final grading and precede seedbed material application. Ripping shall be completed at a speed which maximizes ripper shank action and promotes soil material disruption to the specified depth. Ripping should be repeated until the compacted area is loose and friable.
- c. Seedbed preparation should be considered to be complete when the soil surface is completely roughened and the number of rocks on the site is sufficient to cause the site to match the surrounding terrain.

#### **C. Fertilization**

- a. Commercial fertilizer with a formula of 16-16-8 shall be applied at a rate of 200 pounds per acre to the site.
- b. Fertilizer shall be applied not more than 48 hours prior to seeding and cultivated into the upper 3 inches of soil.
- c. Fertilizer shall be broadcast over the soil using hand operated "cyclone-type" seeders or rotary broadcast equipment attached to construction or revegetation machinery as appropriate to slope. All equipment shall be equipped with a metering device. Fertilizer application shall take place prior to the final seedbed preparation treatment. Fertilizer broadcasting operations shall not be conducted when wind velocities would interfere with even distribution of the material.

#### **D. Mulching**

- a. Mulching shall be conducted as required by the Authorized Officer.
- b. The type of mulch shall meet the following requirements: Wood cellulose fiber shall be natural or cooked, shall disperse readily in water and shall be nontoxic. The homogeneous slurry or mixture shall be capable of application with power spray equipment. A colored dye that is non-injurious to plant growth may be used when specified. Wood cellulose fiber shall be packaged in new, labeled containers. A minimum application of 1500 pounds per acre shall be applied. A suitable tackifier shall be applied with the mulch at a rate of 60 to 80 pounds per acre.

An alternative method of mulching on small sites would be the application of straw or hay mulch at a rate of 2000 pounds per acre. Hay or straw shall be certified weed free. Following the application of straw or hay, crimping shall occur to ensure retention.

**E. Reseeding:**

All disturbed areas shall be seeded with the seed mixture required by the Authorized Officer. The seed mixture(s) shall be planted in the amounts specified in pounds of pure live seed (PLS)/acre. There shall be no primary or secondary noxious weed seed in the seed mixture. Seed shall be tested and the viability testing of seed shall be done in accordance with State law(s) and within 12 months prior to purchase. Commercial seed shall be either certified or registered seed. The seed mixture container shall be tagged in accordance with State law(s) and available for inspection by the Authorized Officer.

Seed shall be planted using a drill equipped with a depth regulator to ensure proper depth of planting where drilling is possible. The seed mixture shall be evenly and uniformly planted over the disturbed area. (Smaller/heavier seeds have a tendency to drop to the bottom of the drill and are planted first. The holder shall take appropriate measures to ensure this does not occur.) Where drilling is not possible, seed shall be broadcast and the area shall be raked or chained to cover the seed. Woody species with seeds that are too large for the drill shall be broadcast. When broadcasting the seed, the pounds per acre noted below are to be increased by 50 percent. The seeding will be repeated until a satisfactory stand is established as determined by the Authorized Officer. Evaluation of growth will not be made before completion of the second growing season after seeding. The Authorized Officer is to be notified a minimum of seven (7) days prior to seeding of the project.

The disturbed areas for all drill sites and roads must be seeded with the following seed mix immediately after the topsoil is replaced:

<u>Common Name</u>	<u>Scientific Name</u>	<u>Pounds per acre / PLS*</u>
<b>Shrubs</b>		
Antelope Bitterbrush	<u>Purshia tridentata</u>	0.5
Common Snowberry	<u>Symphoricarpus albus</u>	0.5
Big Wyoming Sagebrush	<u>Artemesia tridentata wyomingensis</u>	0.25
Curleaf Mountain Mahogany	<u>Cercocarpus ledifolius</u>	0.5
True Mountain Mahogany	<u>Cercocarpus montanus</u>	0.5
Mountain Big Sagebrush	<u>Artemesia tridentata vaseyana</u>	0.25
<b>Forbs</b>		
Western Yarrow	<u>Achillea millefolium</u>	0.5
Arrowleaf Balsamroot	<u>Balsamorhiza saggitata</u>	0.5
Rocky Mountain Penstemon	<u>Penstemon strictus</u>	0.5
<b>Grasses</b>		
Sandberg Bluegrass	<u>Poa secunda</u>	1.5
Bluebunch Wheatgrass	<u>Agropyron spicatum</u>	1.5
Western Wheatgrass	<u>Elymus smithii</u>	1.5
Slender Wheatgrass	<u>A. trachycaulum</u>	1.5
Mountain Brome	<u>Bromus carinatus</u>	1.5
<b>TOTAL</b>		<b>9.5 Pounds</b>

\*Rate is pounds per acre pure live seed drilled. Rate is increased by 50 percent if seed is broadcast. Pure Live Seed (PLS) formula: % of purity of seed mixture times % germination of seed mixture = portion of seed mixture that is PLS.

30. PMC shall comply with all State and Federal regulations governing the disposal of hazardous waste. Fuel oil, and other petroleum products shall be disposed of at approved waste disposal sites.

**REPORT OF WATER OBSERVED**

Company: \_\_\_\_\_ Lease/License Number: \_\_\_\_\_  
Address: \_\_\_\_\_ Drill Hole Number: \_\_\_\_\_  
\_\_\_\_\_ Date Completed: \_\_\_\_\_  
\_\_\_\_\_ Total Depth: \_\_\_\_\_

Company Contact: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

Drilling Contractor: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Company Contact: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

Location of Hole: T. \_\_ S., R. \_\_ E., Section \_\_ : \_\_ 1/4 \_\_ 1/4 \_\_ 1/4  
Hole Elevation: \_\_\_\_\_ Hole Diameter: \_\_\_\_\_  
Drilling Method: \_\_\_\_\_  
Static Water Level: \_\_\_\_\_

**Aquifer No. 1**

Depth Below Ground Elevation: \_\_\_\_\_ Formation: \_\_\_\_\_  
Rock Type: \_\_\_\_\_ Yield(GPM): \_\_\_\_\_  
Date Reported to BLM\*: \_\_\_\_\_ Requirements of BLM\*: \_\_\_\_\_  
\_\_\_\_\_ Water Sample Provided to BLM? \_\_\_\_\_

**Aquifer No. 2**

Depth Below Ground Elevation: \_\_\_\_\_ Formation: \_\_\_\_\_  
Rock Type: \_\_\_\_\_ Yield(GPM): \_\_\_\_\_  
Date Reported to BLM\*: \_\_\_\_\_ Requirements of BLM\*: \_\_\_\_\_  
\_\_\_\_\_ Water Sample Provided to BLM? \_\_\_\_\_

**Aquifer No. 3**

Depth Below Ground Elevation: \_\_\_\_\_ Formation: \_\_\_\_\_  
Rock Type: \_\_\_\_\_ Yield(GPM): \_\_\_\_\_  
Date Reported to BLM\*: \_\_\_\_\_ Requirements of BLM\*: \_\_\_\_\_  
\_\_\_\_\_ Water Sample Provided to BLM? \_\_\_\_\_

----- \* Refer to Stipulation Number 19