

0021

Incoming
c/007/0041
#13257
Q

From: Ingrid Wieser
To: OGMCOAL
Date: 4/23/2009 4:01 PM
Subject: Fwd: Citation 10033, West Ridge mine discharge
Place: OGMCOAL
Attachments: BLM application.pdf; BLM drawing.pdf; BLM map.pdf; BLM approval.pdf; Channe
l alteration permit.pdf; Violation 10033.pdf

Please scan this email and attachments and enter in the CTS for task # 3257 Thank you!

>>> Daron Haddock 2/17/2009 3:02 PM >>>
FYI

>>> "Shaver, Dave" <dshaver@coalsource.com> 2/17/2009 10:56 AM >>>
Daron....Attached are the BLM and Div Water Rights (channel alteration) approvals for the catchment structures for containing the coal fines in the drainage below the West Ridge Mine. As you know, we are presently working with the appropriate state and federal agencies to do the work necessary to abate DOGM violation 10033. This material is submitted to you in order to keep the communications open. We will formally respond to and comply with the required actions of Violation 10033 in the near future after we have a concensus agreement from BLM, DOGM, Div Water Quality, and Div Water Rights on the preferred plan of action for containment and clean-up. If you have questions or comments please call me at 435 888-4017. Thanks

Dave Shaver



794 North 'C' Canyon Road, PO Box 910, East Carbon, UT 84520
Telephone (435) 888-4000 Fax (435) 888-4002

Mike Robinson, Realty Specialist
Bureau of Land Management
125 South 600 West
Price, UT 84501

February 2, 2009

Dear Mr. Robinson:

Enclosed is an application for a series of sediment catchment structures to be located in the C canyon drainage below the West Ridge Mine. The purpose of these structures is to contain the coal fines which have been discharged from the mine, and prevent further migration down the C Canyon drainage. Due to the urgent nature of this containment, we request that this application be processed as soon as possible. These structures will be temporary, and will be removed and reclaimed as soon as the clean-up operations are completed, which should be done by the end of this summer.

This is the initial phase of the mitigation. A separate application for facilities associated with the clean-up operations will be submitted in the near future.

Sincerely,

David Shaver
Project Engineer

**APPLICATION FOR TRANSPORTATION AND
 UTILITY SYSTEMS AND FACILITIES
 ON FEDERAL LANDS**

FORM APPROVED
 OMB NO. 1004-0189
 Expires: November 30, 2008

NOTE: Before completing and filing the application, the applicant should completely review this package and schedule a preapplication meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the preapplication meeting.

FOR AGENCY USE ONLY

Application Number

Date filed

1. Name and address of applicant (include zip code) West Ridge Resources, Inc. PO Box 910 East carbon, UT 84520	2. Name, title, and address of authorized agent if different from Item 1 (include zip code) David Shaver, Project Engineer West Ridge Resources, Inc.	3. TELEPHONE (area code) Applicant Authorized Agent
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4. As applicant are you? (check one) a. <input type="checkbox"/> Individual b. <input checked="" type="checkbox"/> Corporation* c. <input type="checkbox"/> Partnership/Association* d. <input type="checkbox"/> State Government/State Agency e. <input type="checkbox"/> Local Government f. <input type="checkbox"/> Federal Agency * If checked, complete supplemental page	5. Specify what application is for: (check one) a. <input checked="" type="checkbox"/> New authorization b. <input type="checkbox"/> Renewing existing authorization No. c. <input type="checkbox"/> Amend existing authorization No. d. <input type="checkbox"/> Assign existing authorization No. e. <input type="checkbox"/> Existing use for which no authorization has been received* f. <input type="checkbox"/> Other* * If checked provide details under Item 7
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6. If an individual, or partnership are you a citizen(s) of the United States? Yes No

7. Project description (describe in detail): (a) Type of system or facility, (e.g., canal, pipeline, road); (b) related structures and facilities; (c) physical specifications (length, width, grading, etc.); (d) term of years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction (Attach additional sheets, if additional space is needed.)

Due to coal fines (Total Suspended Solids) in the mine discharge water from the West Ridge Mine, coal fines have accumulated in the C Canyon drainage channel below the mine. The company proposes to construct up to six catchment structures within the channel at various locations where there are existing road access to the channel. The purpos of these catchment structures is to prevent the futher migration of coal fines down C Canyon drainage. A more complete description of the catchment structure design and location can be found in the accompanying Plan of Development (POD) , along with the attached drawings and Map

8. Attach a map covering area and show location of project proposal

9. State or local government approval: Attached Applied for Not required

10. Nonreturnable application fee. Attached Not required

11. Does project cross international boundary or affect international waterways? Yes No (If "yes," indicate on map)

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.
 West Ridge Resources, Inc. is a wholly-owned subsidiary of UtahAmerican Energy, Inc., as is Andalex Resources, Inc. and AMCA Coal Leasing Inc. West Ridge Resources, Andalex Resources, and AMCA Coal Leasing all have existing leases and rights-of-way with the BLM in Utah. Pertinent financial information is on file with the BLM.

13a. Describe other reasonable alternative routes and modes considered.
This proposal represents a consensus among state and federal land managers as the best alternative for containing the coal fines at this time

b. Why were these alternatives not selected?

c. Give explanation as to why it is necessary to cross Federal Lands

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (Specify number, date, code, or name)
This proposal is associated with the operation of the West Ridge Mine. The West Ridge Mine operates on federal coal leases, its surface facility is located nearby on BLM land, the mine access road and powerline are also constructed on BLM rights-of-way.

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.
This project is needed to prevent the coal fines from migrating further down C Canyon drainage

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.
None anticipated

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability.
The coal fines are an existing problem. The proposal is designed to prevent them from becoming a bigger problem through containment. If activities associated with this proposal would be confined to existing roads and the channel bottom

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plantlife, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.
C Canyon is an ephemeral drainage and does not support any fish or other wildlife. There are no known T&E species in the drainage.

19. State whether any hazardous material, as defined in this paragraph, will be used, produced, transported or stored on or within the right-of-way or any of the right-of-way facilities, or used in the construction, operation, maintenance or termination of the right-of-way or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 9601 et seq., and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA Section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.
There will be no hazardous materials used, produced or stored within the project area.

20. Name all the Department(s)/Agency(ies) where this application is being filed.
Bureau of Land Management, Price Field Office

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant

James J. Lamm for West Ridge Resources Date **2/2/09**

Title 18, U.S.C. Section 1001 and Title 43 U.S.C. Section 1212, make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

(Continued on page 3)

(SF-299, page 2)

APPLICATION FOR TRANSPORTATION AND UTILITY SYSTEMS
AND FACILITIES ON FEDERAL LANDS

GENERAL INFORMATION
ALASKA NATIONAL INTEREST LANDS

This application will be used when applying for a right-of-way, permit, license, lease, or certificate for the use of Federal lands which lie within conservation system units and National Recreation or Conservation Areas as defined in the Alaska National Interest Lands Conservation Act. Conservation system units include the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, and National Forest Monuments.

Transportation and utility systems and facility uses for which the application may be used are:

1. Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.
2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.
3. Pipelines, slurry and emulsion systems, and conveyor belts for transportation of solid materials.
4. Systems for the transmission and distribution of electric energy.
5. Systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communications.
6. Improved rights-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.
7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

This application must be filed simultaneously with each Federal department or agency requiring authorization to establish and operate your proposal.

In Alaska, the following agencies will help the applicant file an application and identify the other agencies the applicant should contact and possibly file with:

Department of Agriculture
Regional Forester, Forest Service (USFS)
Federal Office Building, P.O. Box 21628
Juneau, Alaska 99802-1628
Telephone: (907) 586-7847 (or a local Forest Service Office)

Department of the Interior
Bureau of Indian Affairs (BIA)
Juneau Area Office
9109 Mendenhall Mall Road, Suite 5, Federal Building Annex
Juneau, Alaska 99802
Telephone: (907) 586-7177

Bureau of Land Management (BLM)
222 West 7th Ave., Box 13
Anchorage, Alaska 99513-7599
Telephone: (907) 271-5477 (or a local BLM Office)

National Park Service (NPS)
Alaska Regional Office, 240 West 5th Ave., Rm. 114
Anchorage, Alaska 99501
Telephone: (907) 644-3501

U.S. Fish & Wildlife Service (FWS)
Office of the Regional Director
1011 East Tudor Road
Anchorage, Alaska 99503
Telephone: (907) 786-3440

Note-Filings with any Interior agency may be filed with any office noted above or with the: Office of the Secretary of the Interior, Regional Environmental Officer, Box 120, 1675 C Street, Anchorage, Alaska 99513.

(For supplemental, see page 4)

Department of Transportation
Federal Aviation Administration
Alaska Region AAL-4, 222 West 7th Ave., Box 14
Anchorage, Alaska 99513-7587
Telephone: (907) 271-5285

NOTE - The Department of Transportation has established the above central filing point for agencies within that Department. Affected agencies are: Federal Aviation Administration (FAA), Coast Guard (USCG), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA).

OTHER THAN ALASKA NATIONAL INTEREST LANDS

Use of this form is not limited to National Interest Conservation Lands of Alaska.

Individual departments/agencies may authorize the use of this form by applicants for transportation and utility systems and facilities on other Federal lands outside those areas described above.

For proposals located outside of Alaska, applications will be filed at the local agency office or at a location specified by the responsible Federal agency.

SPECIFIC INSTRUCTIONS
(Items not listed are self-explanatory)

Item

- 7 Attach preliminary site and facility construction plans. The responsible agency will provide instructions whenever specific plans are required.
 - 8 Generally, the map must show the section(s), township(s), and ranges within which the project is to be located. Show the proposed location of the project on the map as accurately as possible. Some agencies require detailed survey maps. The responsible agency will provide additional instructions.
 - 9, 10, and 12 - The responsible agency will provide additional instructions.
 - 13 Providing information on alternate routes and modes in as much detail as possible, discussing why certain routes or modes were rejected and why it is necessary to cross Federal lands will assist the agency(ies) in processing your application and reaching a final decision. Include only reasonable alternate routes and modes as related to current technology and economics.
 - 14 The responsible agency will provide instructions.
 - 15 Generally, a simple statement of the purpose of the proposal will be sufficient. However, major proposals located in critical or sensitive areas may require a full analysis with additional specific information. The responsible agency will provide additional instructions.
 - 16 through 19 - Providing this information in as much detail as possible will assist the Federal agency(ies) in processing the application and reaching a decision. When completing these items, you should use a sound judgment in furnishing relevant information. For example, if the project is not near a stream or other body of water, do not address this subject. The responsible agency will provide additional instructions.
- Application must be signed by the applicant or applicant's authorized representative.

If additional space is needed to complete any item, please put the information on a separate sheet of paper and identify it as "Continuation of Item".

SUPPLEMENTAL

NOTE: The responsible agency(ies) will provide additional instructions	CHECK APPROPRIATE BLOCK	
	ATTACHED	FILED*
I - PRIVATE CORPORATIONS		
a. Articles of Incorporation	<input type="checkbox"/>	<input type="checkbox"/>
b. Corporation Bylaws	<input type="checkbox"/>	<input type="checkbox"/>
c. A certification from the State showing the corporation is in good standing and is entitled to operate within the State.	<input type="checkbox"/>	<input type="checkbox"/>
d. Copy of resolution authorizing filing	<input type="checkbox"/>	<input type="checkbox"/>
e. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.	<input type="checkbox"/>	<input type="checkbox"/>
f. If application is for an oil or gas pipeline, describe any related right-of-way or temporary use permit applications, and identify previous applications	<input type="checkbox"/>	<input type="checkbox"/>
g. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by proposal.	<input type="checkbox"/>	<input type="checkbox"/>
II - PUBLIC CORPORATIONS		
a. Copy of law forming corporation	<input type="checkbox"/>	<input type="checkbox"/>
b. Proof of organization	<input type="checkbox"/>	<input type="checkbox"/>
c. Copy of Bylaws	<input type="checkbox"/>	<input type="checkbox"/>
d. Copy of resolution authorizing filing	<input type="checkbox"/>	<input type="checkbox"/>
e. If application is for an oil or gas pipeline, provide information required by Item "I-f" and "I-g" above.	<input type="checkbox"/>	<input type="checkbox"/>
III - PARTNERSHIP OR OTHER UNINCORPORATED ENTITY		
a. Articles of association, if any	<input type="checkbox"/>	<input type="checkbox"/>
b. If one partner is authorized to sign, resolution authorizing action is	<input type="checkbox"/>	<input type="checkbox"/>
c. Name and address of each participant, partner, association, or other	<input type="checkbox"/>	<input type="checkbox"/>
d. If application is for an oil or gas pipeline, provide information required by Item "I-f" and "I-g" above.	<input type="checkbox"/>	<input type="checkbox"/>

* If the required information is already filed with the agency processing this application and is current, check block entitled "Filed." Provide the file identification information (e.g., number, date, code, name). If not on file or current, attach the requested information.

NOTICES

NOTE: This applies to the Department of the Interior/Bureau of Land Management (BLM).

The Privacy Act of 1974 provides that you be furnished with the following information in connection with the information provided by this application for an authorization.

AUTHORITY: 16 U.S.C. 310 and 5 U.S.C. 301.

PRINCIPAL PURPOSE: The primary uses of the records are to facilitate the (1) processing of claims or applications; (2) recordation of adjudicative actions; and (3) indexing of documentation in case files supporting administrative actions.

ROUTINE USES: BLM and the Department of the Interior (DOI) may disclose your information on this form: (1) to appropriate Federal agencies when concurrence or supporting information is required prior to granting or acquiring a right or interest in lands or resources; (2) to members or the public who have a need for the information that is maintained by BLM for public record; (3) to the U.S. Department of Justice, court, or other adjudicative body when DOI determines the information is necessary and relevant to litigation; (4) to appropriate Federal, State, local, or foreign agencies responsible for investigating, prosecuting violation, enforcing, or implementing this statute, regulation, or order; and (5) to a congressional office when you request the assistance of the Member of Congress in writing.

EFFECT OF NOT PROVIDING THE INFORMATION: Disclosing this information is necessary to receive or maintain a benefit. Not disclosing it may result in rejecting the application.

The Paperwork Reduction Act of 1995 requires us to inform you that:

The Federal agencies collect this information from applicants requesting right-of-way, permit, license, lease, or certifications for the use of Federal Lands.

Federal agencies use this information to evaluate your proposal.

No Federal agency may request or sponsor and you are not required to respond to a request for information which does not contain a currently valid OMB Control Number.

BURDEN HOURS STATEMENT: The public burden for this form is estimated at 25 hours per response including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to: U.S. Department of the Interior, Bureau of Land Management (1004-0189), Bureau Information Collection Clearance Officer (WO-630) 1849 C Street, N.W., Mail Stop 401 LS, Washington, D.C. 20240.

A reproducible copy of this form may be obtained from the Bureau of Land Management, Land and Realty Group, 1620 L Street, N.W., Rm. 1000 LS, Washington, D.C. 20036.

Facility Plan of Development Outline (Short Term Use Permit for Catchment Structures)

1) Purpose and Need for the Facility **a) Actual purpose and/or need for the proposal**

The West Ridge Mine has recently been issued a violation by the Utah Division of Oil, Gas & Mining for discharging coal fines (mixed in with the mine discharge water) which have accumulated along the banks of the C Canyon drainage below the mine. The mine water discharge is covered under approved UPDES permit UT0025640 issued by the Utah Division of Water Quality. West Ridge Resources proposes to remedy the situation by the following means:

- 1) Make adjustments to the underground pumping system to allow greater settling time to bring the discharge water back into compliance. This new system is expected to be installed and operational by April, 2009.
- 2) As soon as possible, under Phase 1 (Containment), install a series of in-stream catchment structures to prevent additional migration of coal fines down the drainage.
- 3) Under Phase 2 (Clean-up), install a series of sediment basins to collect the coal fines as part of the channel clean-up program scheduled for spring and summer of 2009.

This application applies specifically to item 2), the Phase 1 (Containment) in-stream catchment structures. The Phase 2 (Clean-up) sediment basins referred to in item 3) will be subject to a separate permitting application.

It should be noted that the C Canyon drainage is an ephemeral stream. The mine water discharge normally is the only component of flow. The mine is presently discharging about 700 gpm continuously into the drainage

b) What will be constructed **i New construction, reconstruction, or improvement,**

West Ridge proposes to construct up to six (6 ea.) catchment structures within the drainage channel at points A, B, C, D, E and F as shown on the attached map. All points are located where there is existing road access to (and across) the drainage channel. The typical catchment structure will consist of the following:

- 1) A series of sediment control devices installed across the channel immediately downstream from the road crossing. Sediment control devices could include any combination of silt fence, straw bales, excelsior logs, etc.
- 2) A series of sediment control devices installed across the channel immediately upstream from the road crossing.

3) A shallow depression excavated in the channel above the road crossing. This depression will measure approximately 4' deep x 40' long for the width of the channel at that particular spot. This depression could be constructed through a combination of excavating down into the channel bottom, and also constructing a low dam (impoundment structure) across the channel at the downstream end of the catchment. The purpose of the depression is to allow the mine water discharge to slow down and deposit some of the existing coal fines. The catchment basin's proximity to the road crossing will also allow a tanker truck to position itself in the road-channel crossing and, with the use of a slurry pump, remove excess accumulations of coal fines deposited in the catchments.

A typical catchment structure is shown on the attached drawing. The primary purpose of these catchment structures is to prevent down-stream migration of the coal fines until the clean-up effort can begin later in the spring. A secondary purpose is to provide staging areas during the clean-up process itself, for deployment of hand crews, slurry pump trucks, vacuum trucks, and/or other operational requirements.

All sites have existing road access, although these roads would need minor upgrade to make them serviceable to the catchments.

c) Estimated needs

NA

d) Type of facility (communications site, compressor site, well pad, etc...)

In-stream catchment structures (as described above) and access road upgrade.

e) Length and width of the right-of-way and the area needed for related facilities

The size of the typical catchment structures would be about 100' long by 20' wide, which includes both the basins and the siltation control structures located downstream from the catchments.

f) Is this ancillary to an existing right-of-way

Access to all sites will be from the existing C Canyon Road, which is owned and maintained by Carbon County. Site A is located within road right-of-way UTU-01756 controlled by AMCA Coal Leasing. Site F is near the Helper-Columbia powerline which is held by Rocky Mountain Power. Due to its linear nature, there may be a right-of-way associated with the road leading to (and past) point D.

g) Is there any existing facilities (abandoned or otherwise) being used

All points are located where there is existing road access to (and across) the drainage channel.

h) List alternative locations

There are numerous other points along the drainage that could accommodate the catchment structures, but these would all require new road construction.

i) Is the use temporary or permanent

All structures and usage is temporary. The catchment structures need to be installed as soon as possible to contain the accumulations, and to facilitate the clean-up effort. Clean-up (Phase 2) is expected to begin in the spring of 2009, and should be finished by the end of the summer OF 2009.

j) Any future development that is anticipated in the area or on the site

None, other than the Phase 2 clean-up effort mentioned above.

2) Design Factors

a) Layout of facility(containing boundaries and all development proposed)

i Cut and fill diagrams

The catch basins will be approximately 4' deep by 30' long as shown in the attached drawing.

ii Special engineering requirements

The siltation control devices will be of an acceptable type normally associated with sediment control, such as silt fences, filter fabric, straw bales, and/or excelsior logs.

b) Schematics of buildings, yards, units, etc

See attached drawing

c) Permanent width or size

There will be no permanent structures associated with this proposal, other than minor upgrade of existing roadways.

d) New construction vs. existing

New catchment structures, upgrade of existing roads into all sites.

e) Temporary areas needed

Catchment structures at sites A through F, and road access thereto.

3) Additional Components of the Right-of-way

a) Connection to an existing Right-of-way

See answer to 1)f) above

- i Existing components on or off public land
- ii Possible future components
- iii ROW case file numbers and references

- b) Sand/Gravel supplies
 - i Source location and contact

Any sand/gravel utilized with this proposal will be obtained from a commercial source, and will be certified weed-free.

4) Government Agencies Involved

- a) Other Federal offices, i.e. FERC or USFW

BLM (land ownership), possibly EPA (DWQ oversight), possibly OSM (DOGM oversight)

- b) State Government

Division of Oil, Gas and Mining (violation administration)
Division of Water Quality
Division of Water Rights (Stream channel alteration)

- c) County and other local governments

none required

5) Right-of-way location

Refer to the attached map for the proposed locations of the catchment structures

- a) Legal description

Site A	T14S,R13E	Sec 15	SESW	
Site A access road	T14S,R13E	Sec 15	SESW, SWSW	(ROW UTU-01756)
Site B	T14S,R13E	Sec 22	NWNW	
Site B access road	T14S,R13E	Sec 22	NWNW	
Site C	T14S,R13E	Sec 28	NWNW	
Site C access road	T14S,R13E	Sec 28 Sec 29	NWNW NENE, SENE	
Site D	T14S,R13E	Sec 30	NESW	

Site D access road	T14S,R13E	Sec 30 Sec 31	NESW, SESW NWNE, SWNE, NWSE
Site E	T14S,R12E	Sec 25	SESE
Site E access road	T14S,R12E	Sec 25 Sec 36***	SESE NENE, NWNE, SWNE, NWSE, SWSE
	T15S,R12E	Sec 1	NWNE, SWNE
Site F	T15S,R12E	Sec 3	NENE
Site F access road	T15S,R12E	Sec 1 Sec 2*** Sec 3	SENW, SWNW NWNW, NENW, NWNE, SWNE, SENE NENE

*** denotes SITLA land ownership

b) Acre calculation of the right-of-way by land status(federal, private, etc...)

The overall dimensions of each catchment site will vary somewhat depending on the specific of the site. However, in general, the average length of the facility would be about 70', and the average width approximately 20', for an average area of about 0.03 acres.

c) Site specific engineering surveys for critical areas (note: in addition to normal centerline survey)

- i Offsets
- ii Layout designs

d) Maps

- i USGS Topographic maps

See attached map, which is a seamless, joined version of the Sunnyside, Sunnyside Junction, and Mount Bartles USGS topo maps

- USGS Topo map name
- 1:24000 scale
- Depicts the project and any other development that could be affected or might affect the proposal in the immediate area of the project

e) Anticipated conflicts with resources

- i Public health and safety

None anticipated

- ii Air, noise, geologic hazards, mineral and energy resources, paleontological resources, soils, water, vegetation,

The C canyon drainage is a naturally ephemeral drainage and as such does not support any fish or aquatic wildlife, nor any riparian vegetation. However, the mine has been

discharging water at a steady rate for the past six years and the discharge water itself may now support some plant life along the banks in various sections. The coal fines in the mine discharge water, which has accumulated over time, is now a problem.

iii Wildlife, threatened and endangered species,

There are no known wildlife or T&E species which would be affected by this proposal

iv Cultural resources

All activity will take place along existing roads and within the natural drainage channel, so impacts to cultural resources should not be a factor.

- Cultural Survey widths are determined by the scope of projects-
 - 1) Check with the BLM Office for details.
 - 2) Certified Archaeologists need to call our office before surveying

v Visual resources, recreation activities, wilderness,

All activity will take place along existing roads and within the natural drainage channel, so impacts to visual resources, recreation or wilderness should not be a factor.

vi BLM projects,

N/A

6) Construction of the Facility

a) General overview of facility construction

Refer to discussion above, and see attached map and drawing

b) Equipment needed for construction

Grader, backhoe, small dozer, pick-up trucks, pumps

c) Site specific problems relating to surface use or special mitigation

- i Engineering drawings and specifications (if required)
- ii Special equipment
- iii Additional construction materials needed (sand, gravel, etc.) and their sources

d) Diagrams, drawings, and cross sections to help visualize the scope of the project

See attached drawing

e) Is the topography such that additional surface disturbance would occur

No

7) Describe Stabilization, Rehabilitation and Reclamation

After the Phase 1 stabilization and Phase 2 clean-up operations are completed to the satisfaction of all state and federal regulatory agencies, the catchment structures will be removed and the channel will be restored and reclaimed to its original condition. Areas disturbed along the banks will be re-seeded according to BLM requirements if needed. Siltation control devices are part of the operational plan of the catchments, and siltation control will continue to be utilized during any subsequent reclamation activities as well.

- a) Soil and ground preparation
- b) Seed mixes
- c) Additional preparation and procedures
- d) Erosion control structures
- e) Any other reclamation planned

8) Operation and Maintenance

- a) Will new or expanded access be needed for operation and maintenance

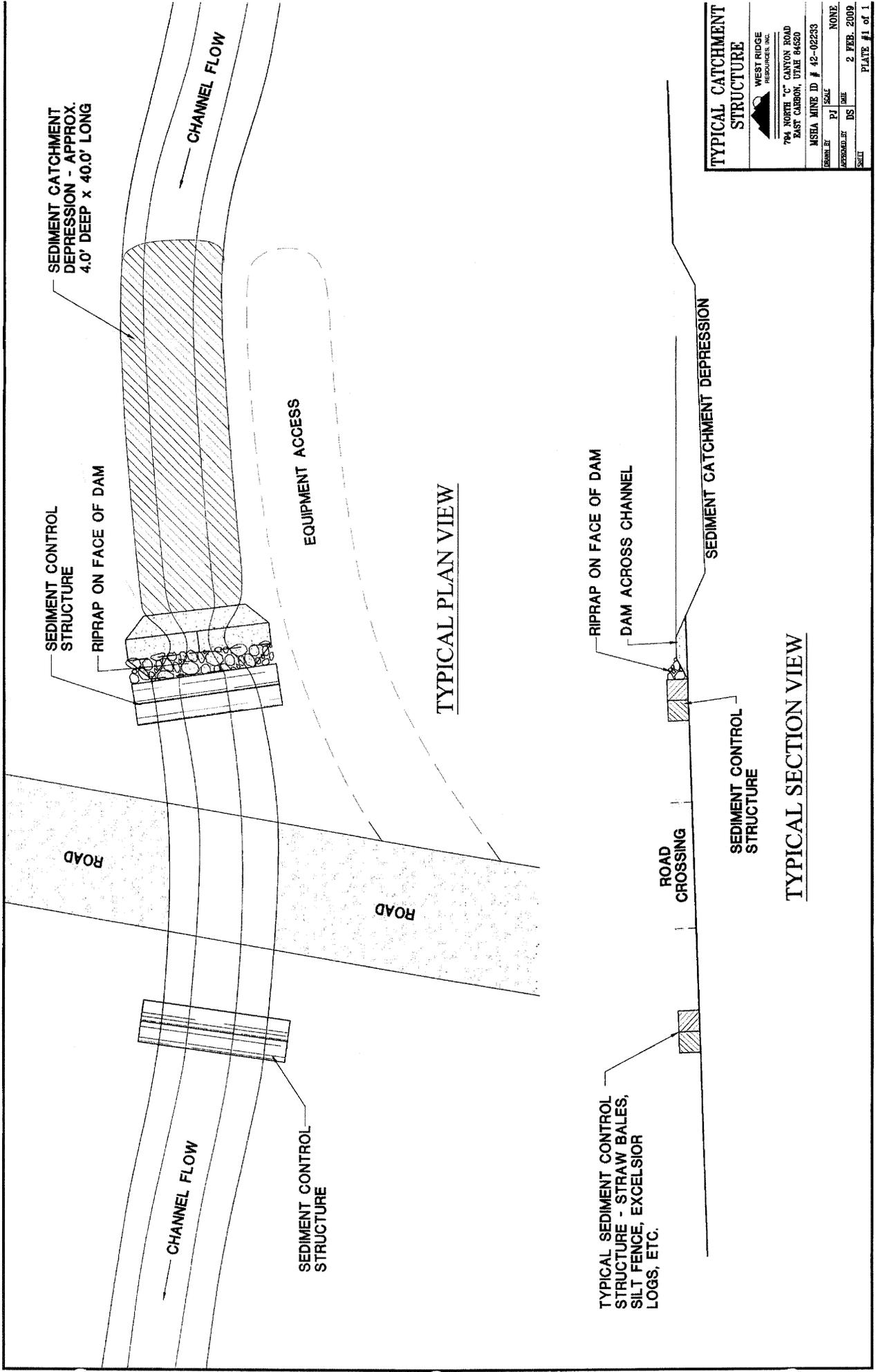
No

- b) Will all maintenance activities be confined to the right-of-way

Yes

- c) How will snow removal be handled (if needed)

Snow along the access roads will be push aside with a grader or truck plow if needed.



SEDIMENT CATCHMENT DEPRESSION - APPROX. 4.0' DEEP x 40.0' LONG

CHANNEL FLOW

SEDIMENT CONTROL STRUCTURE

RIPRAP ON FACE OF DAM

EQUIPMENT ACCESS

TYPICAL PLAN VIEW

ROAD

ROAD

CHANNEL FLOW

SEDIMENT CONTROL STRUCTURE

RIPRAP ON FACE OF DAM

DAM ACROSS CHANNEL

SEDIMENT CATCHMENT DEPRESSION

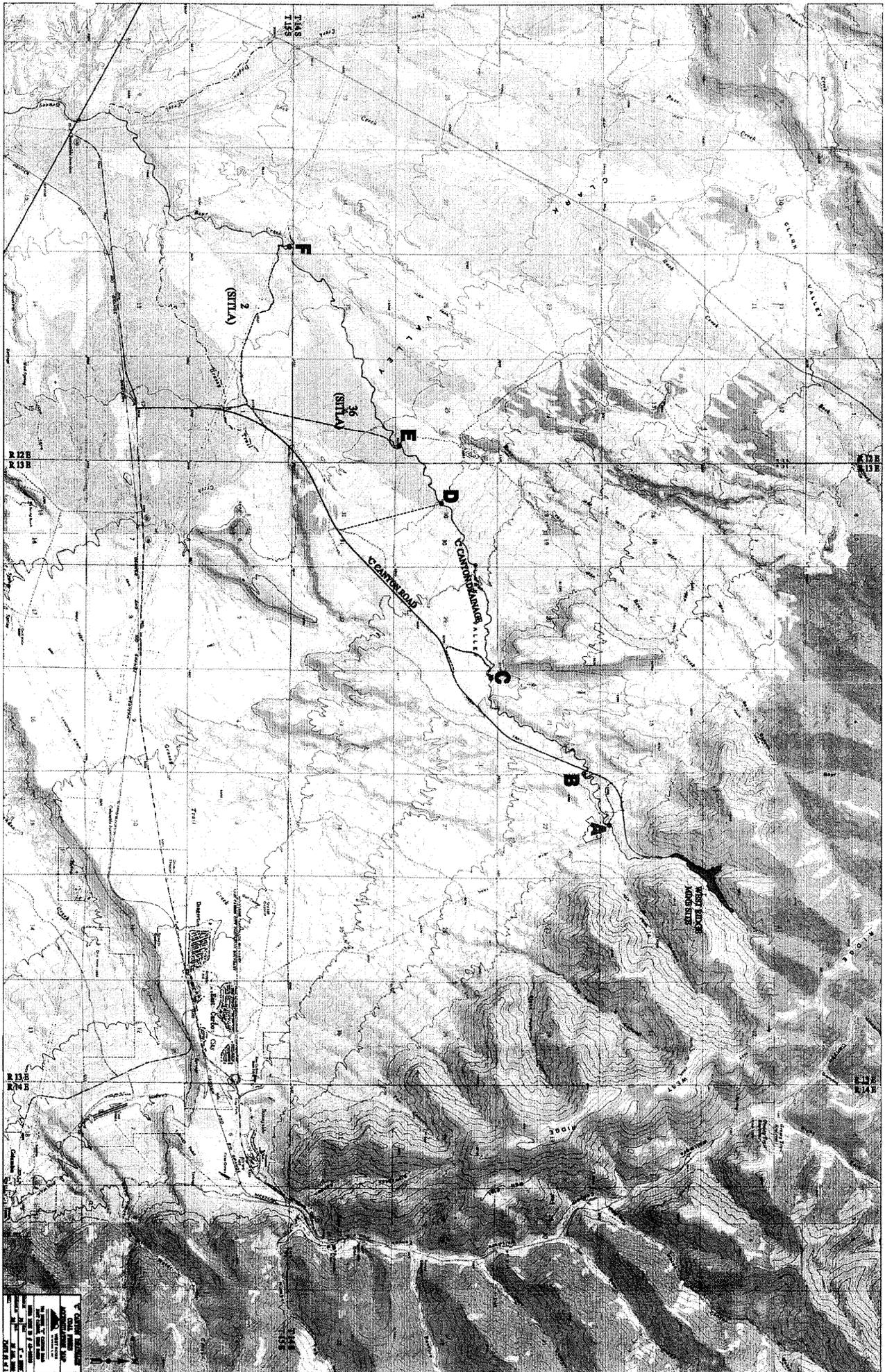
ROAD CROSSING

SEDIMENT CONTROL STRUCTURE

TYPICAL SECTION VIEW

TYPICAL SEDIMENT CONTROL STRUCTURE - STRAW BALES, SILT FENCE, EXCELSIOR LOGS, ETC.

TYPICAL CATCHMENT STRUCTURE	
WEST RIDGE RESOURCES, INC.	
794 NORTH "C" CANYON ROAD EAST CARBON, UTAH 84600	
DESIGNED BY	PJ
SCALE	NONE
APPROVED BY	DS
DATE	2. FEB. 2009
SHEET	PLATE #1 of 1





United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Green River District-Price Field Office

125 South 600 West

Price, Utah 84501

Phone: (435) 636-3600 Fax: (435) 636-3657

<http://www.blm.gov/ut/st/en/fo/price.html>



Hand Delivered

2/9/04

Date

IN REPLY REFER TO:

UTU-87110

2800 (LLUTG02000)

David Shaver
West Ridge Resources, Inc.
PO Box 910
East Carbon, UT 84520

Re: West Ridge - Sediment Catchment Structures (Site A)

DECISION

:
:

Right-of-Way Grant UTU-87110 Issued
Rental Determined

Enclosed is a copy of right-of-way (R/W) grant (serial numbers UTU-87110) which has been approved by the Bureau of Land Management and issued under authority of Title V of the Federal Land Policy and Management Act, as amended. The rental for a linear R/W is determined according to regulations found at 43 CFR 2806.20(b). The rental for the above-referenced R/W is \$20.33 for the life of the grant, adjusted for calendar year billing. These lands are located in Carbon County, Utah.

The cost reimbursement provisions of 43 CFR 2804.14 and 2884.12, establish a cost recovery fee schedule for processing fees. It has been determined that your application falls under Category II. Under this category, you are required to pay a non-refundable application processing fee in the amount of \$386.00.

The cost reimbursement provisions of 43 CFR 2805.16 and 2885.23, establish a cost recovery fee schedule for monitoring fees. It has been determined that your application falls under Category II. Under this category, you are required to pay a non-refundable monitoring fee in the amount of \$386.00.

Therefore, the total payment required at this time is \$792.33.

The issuance of this R/W grant constitutes a final decision by the Bureau of Land Management in this matter.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4, and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2801.10 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and
- (4) Whether the public interest favors granting the stay.

Should you appeal, you must still pay the rental requested. Failure to pay on time may result in termination of the right-of-way [see 43 CFR 2805.12(f) and 2806.13(c) or 2885.17(c)].

Please note, however, that under the regulations in 43 CFR Group 2800, this decision is effective even if an appeal is filed.

You have 30 days from receipt of this letter to submit the above-mentioned rental payment. Should the rental not be received within the time allowed, the amendment will be revoked.

If you have any questions, please contact Connie Leschin, Realty Specialist, at the above address or telephone (435) 636-3610.

Sincerely,



Michael Stiewig
Field Manager

Enclosures

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT

SERIAL NUMBER UTU-87110

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

a. By this instrument, the holder:

West Ridge Resources, Inc.
PO Box 910
East Carbon, UT 84520

receives a right to construct, operate, maintain, and terminate a sediment catchment structure (site A) as described in the Plan of Development and Map attached, on public lands described as follows:

T 14 S., R 13 E., Salt Lake Meridian, Carbon County, Utah
Section 15: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

b. The right-of-way or permit area granted herein is 100 feet wide, 100 feet long and contains 0.230 acres, more or less.

c. This instrument shall terminate 3 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

Terms and Conditions:

4. Standard

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued for a term of 10 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 10th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibits A (Plan of Development) and B (Map), attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the plan of development which was approved and made part of this grant. Any relocation, additional construction, or use that is not in accord with the approved plan of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all stipulations and approved plan of development, shall be made available on the right-of-way area during construction, operation, and termination to the authorized officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
- f. The map, site plan, building design, floor plan, tower design, and electrical drawings submitted with the original proposal shall be made a part of this right-of-way grant. All construction must conform to these drawings and maps.
- g. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.

5. Applicable Laws

- a. The holder shall comply with all Federal, State, and local regulations whether or not specifically mentioned within this grant.
- b. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
- c. The holder of this right-of-way grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.
- d. The holder shall meet Federal, State, and local emission standards for air quality.
- e. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by

any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.

- f. The holder shall comply with the construction practices and mitigating measures established by 33 CFR 323.4, which sets forth the parameters of the "nationwide permit" required by Section 404 of the Clean Water Act. If the proposed action exceeds the parameters of the nationwide permit, the holder shall obtain an individual permit from the appropriate office of the Army Corps of Engineers and provide the authorized officer with a copy of same. Failure to comply with this requirement shall be cause for suspension or termination of this right-of-way grant.
 - g. The holder of Right-of-Way No. UTU-87110 agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
 - h. If during any phase of the construction, operation, or termination any oil or other pollutant should be discharged from containers or vehicles and impact Federal lands, the control and total removal, disposal, and cleanup of such oil or other pollutant, wherever found, shall be the responsibility of the holder, regardless of fault. Upon failure of holder to control, cleanup, or dispose of such discharge on or affecting Federal lands, or to repair all damages to Federal lands resulting therefrom, the authorized officer may take such measures as he deems necessary to control and cleanup the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the holder. Such action by the authorized officer shall not relieve the holder of any liability or responsibility.
 - i. The holder is prohibited from discharging oil or other pollutants into or upon the navigable waters of the United States, adjoining shorelines, or the waters of the contiguous zone in violation of Section 311 of the Clean Water Act as amended, 33 U.S.C. 1321, and the regulations issued there under, or applicable laws of the State and regulations issued there under. Holder shall give immediate notice of any such discharge to the authorized officer and such other Federal and State officials as are required by law to be given such notice.
6. Miscellaneous
- a. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
 - b. The holder shall designate a representative who shall have the authority to act upon and to implement instructions from the authorized officer. The holder's representative shall be available for communication with the authorized officer within a reasonable time when construction or other surface disturbing activities are underway.
 - c. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
 - d. The holder shall provide for the safety of the public entering the right-of-way. This includes, but is not limited to barricades for open trenches, flagmen/women with communication systems for single-lane roads without intervisible turnouts, and attended gates for blasting operations.
 - e. The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock or facilities constructed within the right-of-way.
 - f. Construction-related traffic shall be restricted to routes approved by the authorized officer. New access roads or cross-country vehicle travel will not be permitted unless prior written approval is given by the authorized officer. Authorized roads used by the holder shall be rehabilitated or maintained when construction activities are complete as approved by the authorized officer.
 - g. The holder shall inform the authorized officer within 48 hours of any accidents on federal lands.

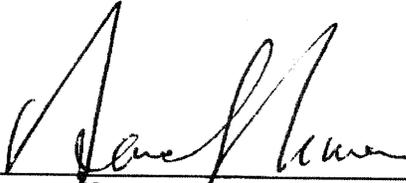
- h. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such 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. The holder 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 the holder.
- i. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.
- j. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
- k. The holder shall restore drainages, to the greatest extent possible, to the original bank configuration, stream bottom width, and channel gradient. Loose soil, fill, and culverts shall be removed from drainage channels as directed by the authorized officer.

7. Construction

- a. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
- b. The holder shall survey and clearly mark the centerline and/or exterior limits of the right-of-way.
- c. If any clearing is needed, the right-of-way will be brush-hogged to prevent unnecessary disturbance. Only those areas where safety, absolute need for construction or other regulations may warrant the use of topsoil removal by blading or scalping. This right-of-way clearing shall be limited to the limits of the right-of-way. Suitable topsoil material removed in conjunction with clearing and stripping shall be conserved in stockpiles within the right-of-way.
- d. Holder shall remove only the minimum amount of vegetation necessary for the construction of structures and facilities. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation.
- e. Prior to fill construction, the existing surface shall be sloped to avoid sharp banks and allow equipment operations. No fills shall be made with frozen or water saturated soils. Construction equipment shall be routed evenly over the entire width of the fill to obtain a thorough compaction.
- f. Construction holes left open over night shall be covered. Covers shall be secured in place and shall be strong enough to prevent livestock or wildlife from falling through and into a hole.
- g. Holder shall limit excavation to the areas of construction. No borrow areas for fill material will be permitted on the site. All off-site borrow areas must be approved in writing by the authorized officer in advance of excavation. All waste material resulting from construction or use of the site by holder shall be removed from the site. All waste disposal sites on public land must be approved in writing by the authorized officer in advance of use.

- h. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
 - i. Fences, gates, brace panels and any other range improvements shall be reconstructed to appropriate Bureau standards and/or specifications as determined by the authorized officer.
 - j. When construction activity in connection with the right-of-way breaks or destroys a natural barrier used for livestock control, the gap, thus opened, shall be fenced to prevent the drift of livestock. The subject natural barrier shall be identified by the authorized officer and fenced by the holder as per instruction of the authorized officer.
 - k. Existing roads and trails on public lands that are blocked as the result of the construction project shall be rerouted or rebuilt as directed by the authorized officer.
 - l. 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 four inches deep, the soil shall be deemed too wet to adequately support construction equipment.
 - m. The holder shall construct waterbars on all disturbed areas as needed. Waterbars are to be constructed to: (1) simulate the imaginary contour lines of the slope (ideally with a grade of one or two percent); (2) drain away from the disturbed area; and (3) begin and end in vegetation or rock whenever possible.
8. Maintenance
- a. A litter policing program shall be implemented by the holder, and approved of in writing by the authorized officer, which covers all roads and sites associated with the right-of-way.
 - b. Holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer.
9. Reclamation, Rehabilitation and Termination
- a. The holder shall re-contour the disturbed area and obliterate all earthwork by removing embankments, backfilling excavations, and grading to re-establish the approximate original contours of the land in the right-of-way.
 - b. The holder shall prepare a seedbed by either scarifying the disturbed area, distributing topsoil uniformly, or disking the topsoil.
 - c. The holder shall seed all disturbed areas that have been or are being reclaimed with a seed mixture(s) submitted to and approved by the authorized officer.
 - d. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pre-termination conference. This conference will be held to review the termination provisions of the grant.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.



(Signature of Holder)
Project Engineer
(Title)
2/9/09

(Date)



(Signature of BLM Authorized Officer)
Field Manager, Price Field Office
(Title)
2/9/09

(Effective Date of Grant)



JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Rights

JERRY D. OLDS
State Engineer/Division Director

February 3, 2009

Dave Shaver
Project Engineer
West Ridge Resources, Inc.
PO Box 910
East Carbon, UT 84520

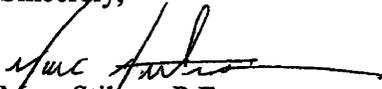
RE: EMERGENCY AUTHORIZATION: C CANYON DRAINAGE CHANNEL.

The information and stream alteration permit you submitted yesterday to our office in regards to the coal fines discharge into the C Canyon drainage has been reviewed. Due to the urgent need to construct catchment structures in the stream channel to prevent the further migration of coal fines down the drainage and the possible hazardous nature of the material, you are hereby **GRANTED** emergency authorization to begin work on this project.

The stream alteration permit will continue to be processed and any concerns submitted by other federal and state agencies with regards to the work will need to be addressed forthwith.

If you have any questions, please contact Marc Stilson at (435) 613-3750 or Daren Rasmussen at (801) 538-7377.

Sincerely,


Marc Stilson, P.E.
Southeastern Regional Engineer



Shaver, Dave

From: Shaver, Dave
Sent: Tuesday, February 03, 2009 12:20 PM
To: 'Mike_Robinson@blm.gov'
Cc: 'marcstilson@utah.gov'; 'Daron Haddock'
Subject: C Canyon Drainage Sediment Control

Mike...Based on the interagency discussions at our meeting yesterday (2/1/2009) regarding the control of coal fines in the C Canyon drainage, at this time we ask that catchment structures at Sites B, C and D be deleted from the application which was hand delivered to you yesterday. Also, we have determined that Site E would be better located nearby in Section 36 which is owned by SITLA. Therefore, the only catchment structures to be permitted on BLM land at this time would be at Sites A and F. If, as a result of future decisions by State and/or Federal regulatory agencies it is determined to re-evaluate the requirements for catchment structures at Sites B, C, and D we will request an amendment to the permit at that time. Please also note that it was the consensus of the BLM at yesterday's meeting that a passive cleaning system is considered preferable to an active system, and that the Phase 2 collection system (i.e., the series of sediment ponds involved in the Phase 2 collection) should be of a more long-term nature, rather than temporary. It was also decided that the Phase 2 sediment ponds could be better located farther down drainage in Section 36 where the land topography is more suitable for the installation of large shallow impoundments. There is still some discussion to be resolved about DOGM's regulations in terms of abating the violation and the permitting requirements of a long-term versus short-term Phase 2 treatment facility. The outcome of these discussions however, should not affect the immediate Phase 1 catchment structures that are presently under your review. Thanks

2/3/2009



794 North 'C' Canyon Road, PO Box 910, East Carbon, UT 84520
Telephone (435) 888-4000 Fax (435) 888-4002

February 2, 2009

Marc Stilson
Regional Engineer
Utah Division of Water Rights
319 North Carbonville Road
PO Box 718
Price UT 84501

Dear Mr. Stilson

Enclosed is an application for a channel alteration permit. Coal fines from the West Ridge Mine discharge water have accumulated in the C Canyon drainage channel below the mine. The company is now working with BLM, DOGM, Div Water Quality, and SITLA to implement a mitigation and clean-up plan. The initial phase of the plan calls for constructing several catchment structures in the drainage at locations where there is existing road access to the channel. These catchments will be designed to prevent further coal fines migration down the channel. Later this spring and summer we will implement the clean up operations.

Also attached to this application is the Plan of Development which has been filed with the BLM in conjunction with this project. It is included to give a more complete description of the proposal. Due to the urgent nature of this situation, we hope to implement this action as soon as possible, and therefore request an expedited review of this application.

Sincerely,

David Shaver

Project Engineer

JOINT PERMIT APPLICATION FORM
U.S. ARMY CORPS OF ENGINEERS - FOR SECTIONS 404 AND 10
UTAH STATE ENGINEER'S OFFICE - FOR NATURAL STREAM CHANNELS

Application Number

(Assigned by):

Corps

State Engineer

Applicant's Name (Last, First M.I.) West Ridge Resources, Inc		Authorized Agent David Shaver	Telephone Number and Area Code 435 888-4017	
Applicant's Address (Street, RFD, Box Number, City, State, Zip) PO Box 910 East Carbon, UT 84520				
PROJECT LOCATION				
Quarter Section(s)	Section	Township	Range See attached map	Base & Meridian
County Carbon	Watercourse to be altered C Canyon drainage below West Ridge Mine		Check one: <input type="checkbox"/> Within City Limits <input checked="" type="checkbox"/> Outside City Limits List town or nearest town: East Carbon	
Project location or address: In the Clarks Valley region (see attached map)				
Brief description of project: Coal fines from the West Ridge mine discharge water have accumulated along the C Canyon drainage below the mine. Catchment facilities are proposed to be constructed to facilitate containment and cleanup of the coal fines. A complete description of the Plan of Development is attached				
Purpose (justification) of project: Containment and cleanup of coal fines accumulation in drainage				
Is this a single and complete project or is it part of a larger project, continuing project, or other related activities? If so, please describe the larger project or other related activities. Single project: containment and cleanup of coal fines				
If project includes the discharge of dredged or fill material into a watercourse or wetland: none				
Cubic yards of material:				
Acreage or square footage of waters of the United States, including wetlands, affected by the project:				
Source and type of fill material:				

Alternatives (other ways to accomplish the project purpose):

This plan represents the consensus of BLM and DOGM as the most reasonable option for the containment and clean up operations

COMPLETE names and addresses of adjacent property owners (immediately upstream and downstream) or other individuals who may be affected by this project:

All land ownerships along the affected channel is either BLM or SITLA

List other authorizations required by Federal, state or local governments (i.e. : National Flood Insurance Program), and the status of those authorizations.

BLM special use permit
SITLA Right of entry permit

Estimated starting date of project:

February 2009

Estimated completion date:

September 2009

(If project has already been partially or totally completed, indicate date of work. Indicate existing work on drawings).

Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in the application, and that to the best of my knowledge and belief, such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities or am acting as the duly authorized agent of the applicant.

Signature of Applicant

David Shuman

Date

2/2/09

I hereby certify that

_____ is acting as my agent for this project.

Agent's address and telephone number:

INSTRUCTIONS

Applications which do not include the following will not be processed.

For a complete application, you MUST include the following on 11 X 17 or smaller paper (for large projects, multiple sheets with a key may be used). Clear, hand-drawn plans approximately to scale are acceptable.

1. An accurate location map (USGS quadrangle map preferred)
2. A plan view of the proposed activity (as seen from above) including dimensions of work.
3. A cross-section view of the proposed activity (may use typical cross-section for large projects) including dimensions.
4. For projects which include wetlands, an accurate wetland delineation must be prepared in accordance with the current method required by the Corps.



Citation for Non-Compliance
Utah Coal Regulatory Program
 1594 West North Temple, Salt Lake City, UT 84114
 Phone: (801) 538-5340 Fax: (801) 359-3940

Citation #: 10033
Permit Number: C0070041
Date Issued: 01/29/2009

NOTICE OF VIOLATION **CESSATION ORDER (CO)** **FAILURE TO ABATE CO**

Permittee Name: West Ridge Resources	Inspector Number and ID: 39 SDEMCZAK
Mine Name: West Ridge Mine	Date and Time of Inspection: 01/27/2009 10:00 am
Certified Return Receipt Number: Taken to mine	Date and Time of Service: 01/29/2009 10:00 am

Nature of condition, practice, or violation:
 Permittee added additional contributions of sediment to stream flow or to runoff outside the permit area. The permittee did not retain sediment/coal fines within the disturbed area. Coal fines were throughout the stream channel below the mine for a minimum of 2.5 miles.

Provisions of Act, regulations, or permit violated:
 R645-301-742.111, R645-301-742.112, R645-301-742.121, R645-301-742.210, R645-301-750, and R645-301-751

This order requires Cessation of ALL mining activities. (Check box if appropriate.)

Condition, practice, or violation is creating an imminent danger to health or safety of the public.

Permittee is/has been conducting mining activities without a Permit.

Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

Permittee has failed to abate Violation(s) included in Notice of Violation or Cessation Order within time for abatement originally fixed or subsequently extended.

This order requires Cessation of PORTION(S) of mining activities.

Mining activities to be ceased immediately: Yes No **Abatement Times (if applicable).**

Action(s) required: Yes No

- 1) Immediately prevent, to the extent possible additional contributions of sediment to the stream flow.
- 2) Identify areas impacted by coal fines and submit information including chemical analysis of parameters outlined in Table 3 & 7 of the Division's Soil and Overburden Guidelines to the Division by February 28, 2009.
- 3) Submit a mitigation /clean-up plan and time schedule to DOGM and receive approval by March 27, 2009.
- 4) Submit a detail plan to prevent additional sediment to stream flow from happening again by March 27, 2009.
- 5) Clean-up Channel and reclaim all affected area by April 28,2009.

Dave Shayer
 (Print) Permittee Representative
Dave Shayer 1/29/09
 Permittee Representative's Signature - Date

STEPHEN J. DEMCZAK
 (Print) DOGM Representative
Stephen J. Demczak 1/29/09
 DOGM Representative's Signature - Date

SEE REVERSE SIDE Of This Form For Instructions And Additional Information