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*Orig Mine file  
cc R. Daniels*



United States Department of the Interior  
OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
BROOKS TOWERS  
1020 15TH STREET  
DENVER, COLORADO 80202

*AM 100/009  
#27-#5-#6*

DEC 18 1984

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Mr. Joseph R. Fielder  
Trail Mountain Coal Company  
Box 370  
Orangeville, Utah 84537

RECEIVED  
DEC 20 1984

DIVISION OF  
OIL, GAS & MINING

Dear Mr. Fielder:

Enclosed is the Trail Mountain mine permit with conditions. This permit will become effective only when the Office of Surface Mining (OSM) has received a copy of the bond in the amount of \$463,711.00 payable to both the State of Utah and the United States of America and OSM has received a copy of this permit signed and dated by the permittee.

Please read the permit to be sure you understand the requirements and conditions. Pursuant to 30 CFR 775.11, Trail Mountain Coal Company will have 30 days from the date of notice of the permit decision to appeal the Director's decision on the application.

Enclosed is a copy of the newspaper notice we are sending to the Emery County Progress, Emery County, Utah, to be published as soon as possible. When published, this notice will constitute official notification of our action. Any person with an interest which is or may be adversely affected may request a hearing on the reasons for the final decision within 30 days from the date that notice is published.

The permit has been provided in duplicate, so you can retain one copy with original signatures and return one copy with original signatures to us as an expressed acknowledgement that you have read and understood it. The complete decision package is available upon request.

The Assistant Secretary for Land and Minerals Management approved the mining plan on December 14, 1984. The enclosed permit has been determined to be consistent with this plan.

If you have any questions, please feel free to call either me at (303)844-5656 or Louis Hamm at (303)844-3806.

Sincerely,

*Richard E. Dawes*

*for*  
*the*  
Allen D. Klein  
Administrator  
Western Technical Center

Enclosures

cc: Mr. Jackson Moffit  
Bureau of Land Management, (MMS)

Mr. Gene Nodine  
Bureau of Land Management

Dr. Dianne Nielson  
Utah Division of Oil, Gas, and Mining

Mr. Robert Hagen  
Albuquerque Field Office  
Office of Surface Mining

U.S. DEPARTMENT OF THE INTERIOR  
OFFICE OF SURFACE MINING  
RECLAMATION AND ENFORCEMENT  
NOTICE OF A DECISION AND AVAILABILITY  
OF BOTH A TECHNICAL ANALYSIS AND AN  
ENVIRONMENTAL ASSESSMENT FOR  
TRAIL MOUNTAIN COAL COMPANY  
PERMANENT PROGRAM PERMIT  
TRAIL MOUNTAIN MINE  
EMERY COUNTY, UTAH

The United States Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSM), has approved, with conditions, a 5-year permit for Trail Mountain Coal Company to mine coal at its Trail Mountain mine.

The Trail Mountain underground coal mine is located in Emery County, Utah, approximately 11 miles northwest of Orangeville, Utah. Coal has been mined on a small scale since 1946. Trail Mountain Coal Company was formed on September 1, 1983 as the result of a merger between Natomas Corporation and the Diamond Shamrock Corporation, and was known as Natomas Trail Mountain Coal Company before the merger. Natomas Trail Mountain Coal Company purchased the coal lands described previously from the Fetterolf Group of Somerset, Pennsylvania, on March 2, 1981. The proposed permit area will cover approximately 773 acres. Surface disturbance at the site is limited to 8.8 acres. Maximum mine production is at a rate of 400,000 tons of coal per year over five years.

Any person with an interest which is or may be adversely affected by this Federal permit approval action may request an adjudicatory hearing on the final decision within 30 days after publication of this notice, in accordance with Section 514(c) of the Surface Mining Control and Reclamation Act (SMCRA). Any hearing will be governed by provisions of 5 U.S.C. Section 554. A petition for review of the OSM decision should be submitted to:

Hearings Division  
Office of Hearings and Appeals  
U.S. Department of the Interior  
4015 Wilson Boulevard  
Arlington, Virginia 22203

Pursuant to 40 C.F.R. Sections 1501.4(c) and 1506.6, notice is hereby given that the Office of Surface Mining, in cooperation with the Utah Division of Oil, Gas and Mining has completed a technical analysis (TA) for the application package for the Trail Mountain mine, Orangeville, Utah. OSM has also prepared an environmental assessment (EA). OSM's recommendation to approve Trail Mountain Coal Company mining plan and the permit application with conditions is in accordance with Sections 510 and 523 of SMCRA. OSM's analysis is that no significant environmental impacts would result from such approval. For information or clarification concerning the approval of the Trail Mountain mine plan, please contact Walter Swain or William Kovacic at (303) 844-3806, Office of Surface Mining, Denver, Colorado.

Both the TA and the EA are available for public review at the following locations:

Office of Surface Mining Reclamation and Enforcement  
Western Technical Center  
1020 15th Street  
Denver, CO 80202

Office of Surface Mining Reclamation and Enforcement  
Albuquerque Field Office  
219 Central Avenue, N.W., Rm. 216  
Albuquerque, New Mexico 87102

Utah Division of Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF SURFACE MINING

This permit, UT-0017, is issued for the United States of America by the Office of Surface Mining (OSM) to

Trail Mountain Coal Company  
Box 370  
Orangeville, Utah 84537

for the Trail Mountain mine. Trail Mountain Coal Company is the lessee of Federal coal lease U-082996. The permit is not valid until a performance bond is filed with the OSM in the amount of \$463,711.00, payable to the United States of America and the State of Utah, and the OSM has received a copy of this permit signed and dated by the permittee.

Sec. 1 STATUTES AND REGULATIONS - This permit is issued pursuant to the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 et seq., hereafter referred to as SM CRA, and the Federal coal leases issued pursuant to the Mineral Leasing Act of February 15, 1920, as amended, 30 U.S.C. 181 et seq., the Federal Coal Leasing Amendments Act of 1976, as amended 30 U.S.C. 201 et seq. and in the case of acquired lands, the Mineral Leasing Act for Acquired Lands of September 7, 1947, as amended, 30 U.S.C. 351 et seq. This permit is also subject to all regulations of the Secretary of the Interior including, but not limited to, 30 CFR Chapter VII, and 43 CFR Part 3400, and to all regulations of the Secretary of Energy promulgated pursuant to Section 302 of the Department of Energy Organization Act of 1977, 42 U.S.C. 7152, which are now in force or, except as expressly limited herein, hereafter in force, and all such regulations are made a part hereof.

Sec. 2 The permittee is authorized to conduct surface coal mining and reclamation operations on Federal lands (as shown on ownership map) as well as on lands with Utah State Permit ACT/015/009 affecting or affected by those operations on Federal lands with the Trail Mountain mine permit area situated in the State of Utah, Emery County, and located:

T. 17 S., R. 6 E., Salt Lake and Baseline Meridian

Sec. 25: Begin at point of SW Corner of NW1/4 SE1/4, thence North 160 Rods, thence East 44 Rods to center Cottonwood Creek, Southward along creek to a point 76 Rods east of the beginning, thence West 76 Rods to the point of beginning.

Sec. 25, SW1/4 SE1/4, E1/2 E1/2 SW1/4.

Sec. 36, All.

This legal description is for the permit boundary (as shown on the permit area map) of the Trail Mountain mine.

The permittee is authorized to conduct surface coal mining and reclamation operations connected with mining on the foregoing described property subject to the conditions of the lease, and the approved mining plan, including all conditions, and all other applicable conditions, laws and regulations.

- Sec. 3 This permit is issued for a term of 5 years commencing on the date the permit is signed by the permittee, except that this permit will terminate if the permittee has not begun the underground coal mining activities and reclamation covered herein within 3 years of the date of issuance.
- Sec. 4 The permit rights may not be transferred, assigned, or sold without the approval of the Director, OSM. Request for transfer, assignment, or sale of permit rights must be done in accordance with 30 CFR 740.13(e).
- Sec. 5 The permittee shall allow the authorized representatives of the Secretary, and the Utah Division of Oil, Gas and Mining (UDOGM), including, but not limited to, inspectors, and fee compliance officers, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:
- a. Have the rights of entry provided for in 30 CFR 840.12 and 842.13; and,
  - b. Be accompanied by private persons for the purpose of conducting an inspection in accordance with 30 CFR 842, when the inspection is in response to an alleged violation reported by the private person.
- Sec. 6 The permittee shall conduct surface coal mining and reclamation operations only on those lands specifically designated as within the permit area on the maps submitted in the mining plan and permit application and approved for the term of the permit and which are subject to the performance bond.
- Sec. 7 The permittee shall minimize any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of this permit, including, but not limited to:
- a. Accelerated monitoring to determine the nature and extent of noncompliance and the results of the noncompliance;
  - b. Immediate implementation of measures necessary to comply; and
  - c. Warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

- Sec. 8 The permittee shall dispose of solids, sludge, filter backwash, or pollutants removed in the course of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program and the Federal Lands Program which prevents violation of any applicable State or Federal law.
- Sec. 9 The lessee shall conduct its operations:
- a. In accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and
  - b. Utilizing methods specified as conditions of the permit by UDOGM and OSM in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program, and the Federal Lands Program.
- Sec. 10 The permittee shall provide the names, addresses, and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.
- Sec. 11 The permittee shall comply with the provisions of the Federal Water Pollution Control Act (33 U.S.C. 1151 et seq.) and the Clean Air Act (42 U.S.C. 7401 et seq.).
- Sec. 12 Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act, the approved Utah State Program and the Federal Lands Program.
- Sec. 13 If during the course of mining operations, previously unidentified cultural resources are discovered, the applicant shall ensure that the site(s) is not disturbed and shall notify the State Regulatory Authority (RA) and OSM. The State RA, after coordination with OSM, shall inform the operator of necessary actions required.
- Sec. 14 APPEALS - The lessee shall have the right to appeal: (a) under 30 CFR 775 from actions or decisions of any official of OSM; (b) under 43 CFR 3000.4 from an action or decision of any official of the Bureau of Land Management; (c) under 30 CFR 290 from an action, order, or decision of any official of the Minerals Management Service; or (d) under applicable regulations from any action or decision of any other official of the Department of the Interior arising in connection with this permit.

Sec. 15 SPECIAL CONDITIONS - In addition to the general obligations and of performance set out in the leases, Utah State permit ACT-015-009 (to be issued subsequent to this permit) and this permit, the permittee shall comply with the special conditions of Utah State permit ACT-015-009 and the conditions appended hereto as Attachment A.

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

THE UNITED STATES OF AMERICA

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

Date \_\_\_\_\_

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

\_\_\_\_\_  
Authorized Representative of  
the Permittee

\_\_\_\_\_  
Date

Attachment A  
Special Conditions

Condition No. 1

The applicant must handle the on-site spoil materials to achieve the following:

- A. All materials exceeding electroconductivity values of 16 mmhos/cm shall be placed under a minimum of two feet of less saline suitable topsoil substitute materials.
- B. The surface six inches of suitable topsoil substitute material shall not exceed electroconductivity values of eight mmhos/cm.
- C. The proposed test plots shall include a revegetation trial incorporating topsoil substitute materials having electroconductivity values approximating these limits. Specifically, the surface six inches shall have a uniform EC value of eight, plus or minus one mmho/cm, and the underlying 18 inches shall have a uniform EC value of 16, plus or minus 2 mmhos/cm.

The applicant shall provide a plan to the regulatory authority within 60 days of permit issuance to sample the regraded surface for the purpose of confirming that the salinity values cited above have not been exceeded.

Condition No. 2

Within 60 days of permit approval the operator shall submit to MSHA a plan for disposal of coal wastes underground as proposed in the permit application, and shall implement the plan upon approval by MSHA. Disposal will take place only in the fee coal areas of the mine.

Condition No. 3

Before any site redisturbance takes place, the applicant must conduct a survey, under supervision of the regulatory authority, of the areas to be redisturbed. The survey shall identify and record locations of individuals and populations of Hedysarum occidentale var. canone (canyon sweet-vetch). If canyon sweet-vetch is found in the portions of the permit area to be redisturbed, the mine operators must develop a mitigation plan for regulatory authority approval before redisturbance takes place.

Attachment A  
Special Conditions  
(continued)

Condition No. 4

At such time that the Office of Surface Mining, in consultation with the Division of Oil, Gas and Mining and the State Historic Preservation Officer, determines that subsidence within the permit area may adversely affect known or unrecorded cultural sites, additional cultural resources studies may be required. This determination will be based on new subsidence or cultural resource information and clear justification will be presented to the applicant.

Condition Identified by the U.S. Forest Service, Manti-LaSal National Forest (U.S. Forest Service concurrence letter)

During reclamation the applicant must apply seed at 12-18 lbs./acre the first time with lighter applications for spot treatment, especially for broadcast seeding.