

0005



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

015/009 #2  
Norman H. Bangerter, Governor  
Dee C. Hansen, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

RECEIVED

NOV 30 1987

ATTORNEY GENERALS OFFICE

November 23, 1987

Mr. Richard Pick, President  
Beaver Creek Coal Company  
P. O. Box 1378  
Price, Utah 84501

Dear Mr. Pick:

Re: Approval for Permit Transfer, Trail Mountain Mine, ACT/015/009,  
Folder #2 and #4, Emery County, Utah

The Division has found that Beaver Creek Coal Company has met all requirements for a permit transfer as required under UMC 788.18. Therefore, in accordance with the attached Findings, the request for transfer of the permit for the Trail Mountain Mine (to be known as Trail Mountain No. 9 Mine) is hereby approved.

As you are aware, Beaver Creek Coal Company is responsible for all prior commitments relating to this operation as made by previous owners. Please contact me or Lowell Braxton if we can be of further assistance.

Best regards,

A handwritten signature in cursive script that reads "Dianne R. Nielson".

Dianne R. Nielson  
Director

JJW/djh  
Attachments  
cc: P. Rutledge, OSM  
R. Hagen, OSMRE  
D. Guy, BCCC  
L. Braxton  
J. Whitehead  
0800R/41

## FINDINGS

Trail Mountain #9 Mine  
Beaver Creek Coal Company  
ACT/015/009  
Emery County, Utah

November 13, 1987

The applicant for transfer of permit rights, Beaver Creek Coal Company, has committed to continue to conduct the operations involved in full compliance with the terms and conditions of the original permit issued to Trail Mountain Coal Company (UMC 788.18[c][3]). Therefore, findings 2 through 6, and 10 through 16 of the original Decision Document (attached) are still pertinent.

The following findings specifically apply to the application for transfer of permit rights.

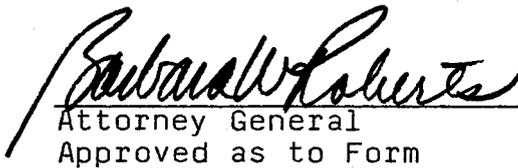
1. The State of Utah has determined that the application for transfer of permit rights is accurate and complete, and complies with the requirements of UMC 788.18[a] and [b].
2. The applicant has obtained a performance bond equivalent to the bonding requirements of the original permit, in the amount of \$463,711.00 (UMC 788.18[c][2]).
3. The applicant has the legal right to enter and begin underground coal mining activities pursuant to the Sale Agreement between Arch Minerals Corporation and Atlantic Richfield Corporation.
4. The Division has assessed the applicant's compliance with Section 510[c] of the Surface Mining Control and Reclamation Act. It has been found that all AML fees have been paid and all outstanding Cessation Orders, civil penalties and violations have been resolved (Memo from Joe Helfrich, November 4, 1987).

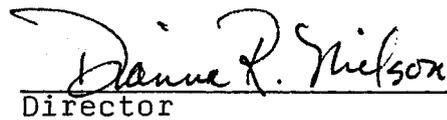
5. Procedures for public participation have complied with requirements of the Act and the Utah State Program. Notice was published as required by UMC 788.18[b][1].

  
\_\_\_\_\_  
DOGM Lead Reviewer

  
\_\_\_\_\_  
Administrator, Mineral Resource  
Development and Reclamation Program

  
\_\_\_\_\_  
Associate Director, Mining

  
\_\_\_\_\_  
Attorney General  
Approved as to Form

  
\_\_\_\_\_  
Director

0800R/42-43

FINDINGS DOCUMENT

Trail Mountain Coal Company  
Tract 2 Lease  
Trail Mountain Mine  
ACT/015/009-1, Emery County, Utah

April 3, 1987

1. The plan and the permit application are accurate and complete and all requirements of the Surface Mining Control and Reclamation Act (the "Act"), and the approved Utah State Program have been complied with (UMC 786.19(a)).
2. The applicant proposes acceptable practices for the reclamation of disturbed lands. These practices have been shown to be effective in the short-term; there are no long-term reclamation records utilizing native species in the western United States. Nevertheless, the regulatory authority has determined that reclamation, as required by the Act, can be feasibly accomplished under the Mining and Reclamation Plan (MRP) (UMC 786.19(b)).
3. The assessment of the probable cumulative impacts of all anticipated coal mining activities in the general area on the hydrologic balance has been made by the regulatory authority. The reclamation plan proposed under the application has been designed to prevent damage to the hydrologic balance in the permit area (UMC 786.19(c) and UCA 40-10-11(2)(c)). (See Cumulative Hydrologic Impact Analysis (CHIA) compiled by OSM in April 1984 and the updated synopsis attached to this Findings Document.)
4. The proposed permit area for the Tract 2 lease is:
  - A. not included within an area designated unsuitable for underground coal mining operations;
  - B. not within an area under study for designated lands unsuitable for underground coal mining operations;
  - C. not on any lands subject to the prohibitions or limitations of 30 CFR 761.11(a) (national parks, etc.), 761.11(f) (public buildings, etc.) and 761.11(g) (cemeteries);
  - D. not within 100 feet of the outside right-of-way line of a public road (UMC 761.11);
  - E. not within 300 feet of any occupied dwelling (UMC 786.19(d)). (See MRP Section 782.16.).

5. The regulatory authority's issuance of a permit is in compliance with the National Historic Preservation Act and implementing regulations (36 CFR 800) (UMC 786.19(e)). (See attached letter from State Historic Preservation Officer (SHPO) dated February 13, 1987.)
6. The applicant has the legal right to enter and complete reclamation activities in the permit area through federal coal lease U-49332 (UMC 786.19(f)).
7. The applicant has shown that prior violations of applicable laws and regulations have been corrected (UMC 785.19(g)). (Memo of March 3, 1987 from Joe Helfrich, Division of Oil, Gas and Mining (DOGM), Inspection and Enforcement section.)
8. Neither Trail Mountain Coal Company nor its parent company, Diamond Shamrock, are delinquent in payment of fees for the Abandoned Mine Reclamation Fund (UMC 786.19(h)) (communication, Valerie Coleman, OSM, Washington, D. C., March 26, 1987).
9. The applicant does not control and has not controlled mining operations with a demonstrated pattern of willful violations of the Act of such nature, duration and with such resulting in irreparable damage to the environment as to indicate an intent not to comply with the provisions of the Act (UMC 786.19(i)) (communication, Valerie Coleman, OSM, Washington, D. C., March 26, 1987).
10. Underground coal mining and reclamation operations to be performed under the permit will not be inconsistent with other operations anticipated to be performed in areas adjacent to the proposed permit area (UMC 786.19(j)).
11. A detailed analysis of the proposed bond has been made. The bond estimate is \$463,711.00 in 1989 dollars. The regulatory authority has made appropriate adjustments to reflect costs which would be incurred by the state, if it was required to contract the final reclamation activities for the mine site. The bond shall be posted (UMC 786.19(k)) with the regulatory authority prior to final permit issuance.
12. No lands designated as prime farmlands or alluvial valley floors occur on the permit area (UMC 786.19(l)).
13. The proposed postmining land-use of the permit area has been approved by the regulatory authority (UMC 786.19(n)). (See TA, Section UMC 817.133.)

14. The regulatory authority has made all specific approvals required by the Act, and the approved State Program (UMC 786.19(n)).
15. The proposed operation will not affect the continued existence of any threatened or endangered species or result in the destruction or adverse modification of their critical habitats (UMC 785.19(o)).
16. All procedures for public participation required by the Act, and the approved Utah State Program have been complied with (UMC 786.11-.15).

Prior to the permit taking effect, the applicant must agree to comply with the special stipulations in the permit and post the performance bond for reclamation activities.

John H. Hitchcock 4-3-87  
DOG M Lead Reviewer

Scott E. May <sup>LMB</sup> for Lowell Beckett  
Administrator, Mineral Resource  
Development and Reclamation Program

Scott E. May 4/3/87  
Associate Director, Mining

Danner Nielson 4-3-87  
Director

# AFFIDAVIT OF PUBLICATION

STATE OF UTAH  
County of Emery,

ss.

I, Dan Stockburger on oath, say that I am  
the General Manager of The Emery County Progress,  
a weekly newspaper of general circulation, published at Castle Dale,  
State and County aforesaid, and that a certain notice, a true copy  
of which is hereto attached, was published in the full issue of  
such newspaper for One (1)  
consecutive issues, and that the first publication was on the  
29th day of September, 19 87 and that the  
last publication of such notice was in the issue of such newspaper  
dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

*Dan Stockburger*

Subscribed and sworn to before me this  
29th day of September, 19 87

*Holly J. Baker*  
Notary Public.

My Commission expires MY COMMISSION EXPIRES OCTOBER 22, 1990  
Residing at Price, Utah

Publication fee, \$ 14.40

## PUBLIC NOTICE

Beaver Creek Coal Company has applied for approval of the transfer of the Mining and Reclamation Permit for the Trail Mountain Mine from Trail Mountain Coal Company to Beaver Creek Coal Company. The applicant is: Beaver Creek Coal Company, P.O. Box 1378, Price, Utah 84501. The original permittee is: Trail Mountain Coal Company, P.O. Box 550, Orangeville, Utah 84537. The permit(s) for which transfer is being sought are Utah # ACT/015/009 (Federal #UT-0017) and Utah # ACT/015/009-1. These are Mining and Reclamation Permits for the Trail Mountain Mine, which is located in the Cottonwood Canyon area of Emery County, Utah in Sections 25, 26, 35 and 36, T. 17 S., R. 6 E., S.L.B.&M. Written comments on this application for transfer may be addressed to: Utah Division of Oil, Gas and Mining, 335 West North Temple, 3 Triad Center, Suite 350, Salt Lake City, Utah 84180-1203. Published in the Emery County Progress September 29, 1987.

**RECEIVED**  
NOV 02 1987

DIVISION OF  
OIL, GAS & MINING

file 10/15/09 #2

cc. J. Whitford

# AFFIDAVIT OF PUBLICATION

OCT 5

STATE OF UTAH }  
County of Carbon, } ss.

BEAVER CREEK COMPANY

**PUBLIC NOTICE**  
Beaver Creek Coal Company has applied for approval of the transfer of the Mining and Reclamation Permit for the Trail Mountain Mine from Trail Mountain Coal Company to Beaver Creek Coal Company.

The applicant is: Beaver Creek Coal Company, P.O. Box 1378, Price, Utah 84501.

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Written comments on this application for transfer may be addressed to: Utah Division of Oil, Gas and Mining, 335 West North Temple, 3 Triad Center, Suite 350, Salt Lake City, Utah 84180-1203.

Published in the Sun Advocate September 29, 1987.

I, Dan Stockburger, on oath, say that I am the General Manager of The Sun-Advocate, a weekly newspaper of general circulation, published at Price, State and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for One (1) consecutive issues, and that the first publication was on the 29th day of September, 19 87 and that the last publication of such notice was in the issue of such newspaper dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

*Dan Stockburger*

Subscribed and sworn to before me this 29th day of September, 19 87

*Holly G. Baker*  
Notary Public.

My Commission expires MY COMMISSION EXPIRES OCTOBER 22, 1990

Publication fee, \$ 14.10

**RECORDED**  
NOV 02 1987

DIVISION OF  
OIL, GAS & MINING