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# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter  
Governor  
Dee C. Hansen  
Executive Director  
Dianne R. Nielson, Ph.D.  
Division Director

355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340

February 26, 1990

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

Dear Mr. Pick:

Re: State Permit, Five-Year Permit Renewal, Beaver Creek Coal Company,  
Trail Mountain #9 Mine, ACT/015/009, Folder #3, Emery County, Utah

Enclosed are two copies of the five-year permit renewal for the Trail Mountain #9 Mine. Please sign both copies and return one copy to the Division.

Your staff's cooperation during the permitting process has been appreciated.

Best regards,

  
Dianne R. Nielson  
Director

PGL/djh  
Enclosures  
cc: P. Rutledge, OSM, Denver  
R. Hagen, OSMRE, Albuquerque  
P. Grubaugh-Littig, DOGM  
AT45/164

FEDERAL

Permit Number ACT/015/009

February 21, 1990

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
(801) 538-5340

This permit (five-year renewal), ACT/015/009, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOGM) to:

Beaver Creek Coal Company  
P. O. Box 1378  
Price, Utah 84501  
(801) 637-5050

for the Trail Mountain #9 Mine. Beaver Creek Coal Company (BCCC) is the lessee of federal coal leases U-49332 and U-082996, State Mineral Lease ML-22603, and the owner/lessee of certain fee-owned parcels. A performance bond is filed with the DOGM in the amount of \$463,711.00, payable to the state of Utah, Division of Oil, Gas and Mining, and the Office of Surface Mining, Reclamation and Enforcement (OSMRE). DOGM must receive a copy of this permit signed and dated by the permittee.

- Sec. 1 STATUTES AND REGULATIONS** - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act.
- Sec. 2 PERMIT AREA** - The permittee is authorized to conduct underground coal mining activities on the following described lands (as shown on the map appended as Attachment A) within the permit area at the Trail Mountain #9 Mine, situated in the state of Utah, Emery County, and located:

Township 17 South, Range 6 East, SLM

Section 25: S1/2 NW1/4, W1/2 SW1/4, W1/2 E1/2 SW1/4,  
SW1/4 SE1/4, E1/2 E1/2 SW1/4;

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

Section 26: SE1/4 NE1/4, E1/2 SW1/4 NE1/4, E1/2 SE1/4,  
E1/2 W1/2 SE1/4;

Section 35: N1/2 NE1/4, SE1/4 NE1/4, E1/2 SW1/4 NE1/4,  
E1/2 SE1/4, E1/2 W1/2 SE1/4;

Section 36: All.

This legal description is for the permit area (as shown on Attachment B) of the Trail Mountain #9 Mine. The permittee is authorized to conduct underground coal mining activities connected with mining on the foregoing described property subject to the conditions of the leases, the approved mining plan, including all conditions and all other applicable conditions, laws and regulations.

- Sec. 3 **PERMIT TERM** - This revised permit becomes effective on February 21, 1990, and expires on February 21, 1994.
- Sec. 4 **ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned, or sold without the approval of the Director, DOGM. Transfer, assignment, or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13[e] and UMC 788.17-.19.
- Sec. 5 **RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the DOGM, including but not limited to inspectors, and representatives of OSMRE, 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, UMC 840.12, 30 CFR 842.13 and UMC 842.13; and

- B. be accompanied by private persons for the purpose of conducting an inspection in accordance with UMC 842.12 and 30 CFR 842, when the inspection is in response to an alleged violation reported by the private person.

**Sec. 6 SCOPE OF OPERATIONS** - The permittee shall conduct underground coal mining activities only on those lands specifically designated as within the permit area on the maps submitted in the mining and reclamation plan and permit application and approved for the term of the permit and which are subject to the performance bond.

**Sec. 7 ENVIRONMENTAL IMPACTS** - The permittee shall minimize any adverse impact to the environment or public health and safety through 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 solids, sludge, filter backwash or pollutants 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 CONDUCT OF OPERATIONS** - The permittee 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 DOGM 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 AUTHORIZED AGENT** - 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 COMPLIANCE WITH OTHER LAWS** - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq), and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.
- Sec. 12 PERMIT RENEWAL** - 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 CULTURAL RESOURCES** - If during the course of mining operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed, and shall notify DOGM. DOGM, after coordination with OSMRE, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by DOGM within the time frame specified by DOGM.
- Sec. 14 APPEALS** - The permittee shall have the right to appeal as provided for under UMC 787.
- Sec. 15 SPECIAL CONDITIONS** - There are no special conditions associated with this permitting action.

The above conditions (Secs. 1-15) 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 DOGM and the permittee at any time to adjust to changed conditions or to correct an oversight. DOGM 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 STATE OF UTAH

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

*Dianne J. Nelson*

Date: \_\_\_\_\_

*2-21-90*

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

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

Date: \_\_\_\_\_

APPROVED AS TO FORM:

By: Barbara W. Roberts  
Assistant Attorney General

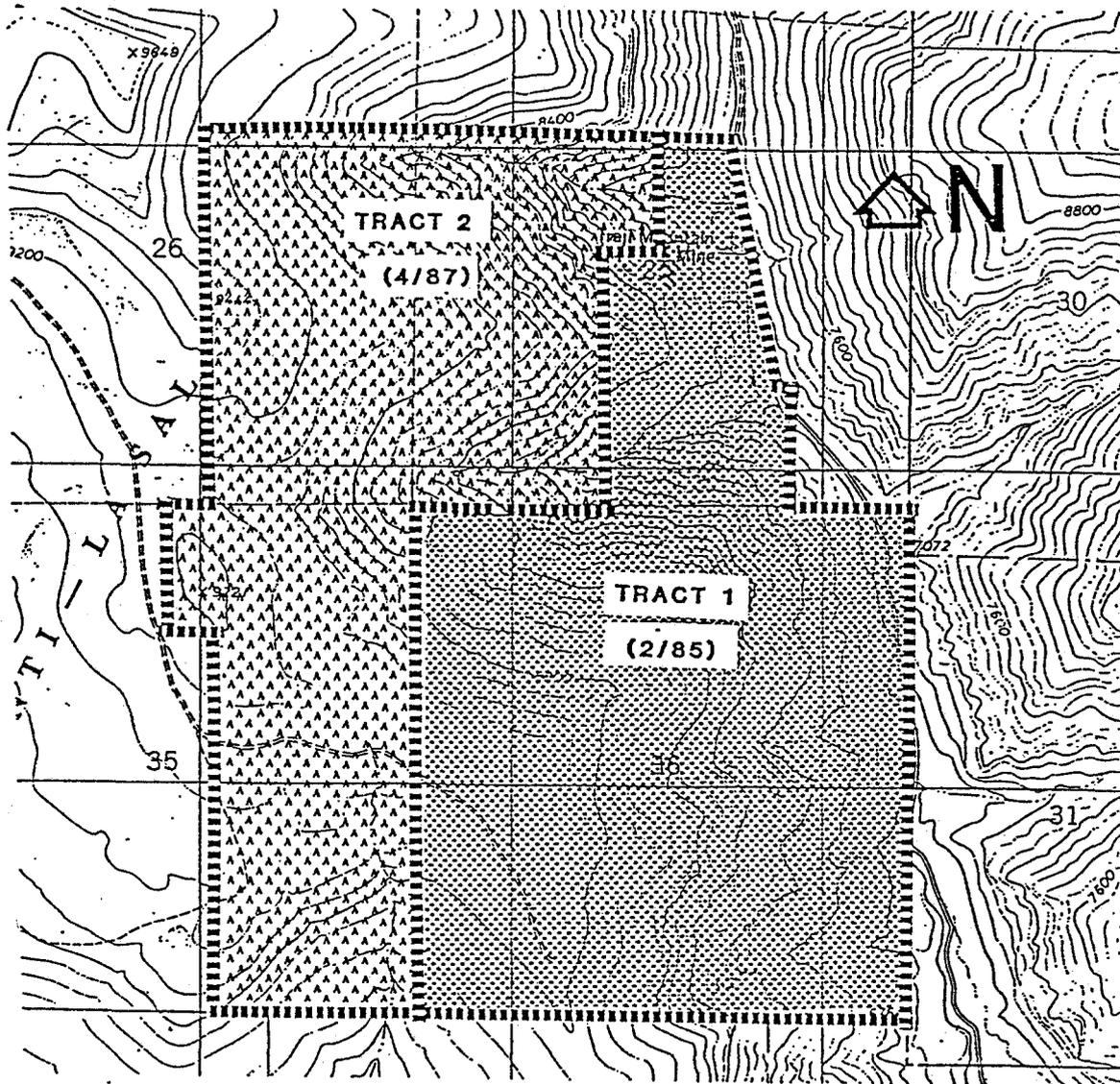
Date: February 23, 1990

AT107/3-7

ATTACHMENT A

Beaver Creek Coal Company  
Trail Mountain #9 Mine  
Permit Area  
ACT/015/009

(Township 17 South, Range 6 East SLBM)



Scale 1":24000"