



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor

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

September 19, 1991

Mr. Dan Guy, Manager
Mountain Coal Company
P.O. Box 1378
Price, Utah 84501

Dear  Guy:

Re: Permit Transfer Approvals, Mountain Coal Company, Gordon Creek #2, #7, & #8 Mine ACT/007/016, Gordon Creek #3 & #6 Mine ACT/007/017, C.V. Spur Mine ACT/007/022, Huntington #4 Mine ACT/015/004, Trail Mountain #9 Mine AC/015/009, Folder #3, Carbon and Emery Counties, Utah

Mountain Coal Company has met all of the requirements in accordance with R614-303-300 of the Utah Coal Program, including the 510(c) clearance. The transfer of the permits for all of the noted mines from Beaver Creek Coal Company to Mountain Coal Company is hereby approved.

Enclosed are two copies of each of the permanent program permits that incorporate the change in the permittee's name. Please sign both copies of each permit and return one copy of each to the Division.

Thank you for your continued cooperation.

Best regards,



Dianne R. Nielson
Director

PGL/jbe

Enclosures

cc: R. Hagen, OSMRE
L. Braxton, DOGM
P. Grubaugh-Littig, DOGM

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FINDINGS
Permit Transfer
Trail Mountain #9
ACT/015/009
Successor: Mountain Coal Company

1. All procedures for public participation required by the Act, and the approved Utah State Program have been complied with (R614-300-120).
2. The permit application is 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 (R614-300-133.100).
3. The proposed permit area is:
 - (a) Not within an area under study for designated lands unsuitable for underground coal mining operations (R614-300-133.210);
 - (b) not included within an area designated unsuitable for underground coal mining operations (R614-300-133.220); and
 - (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).
4. The Division has made an assessment of the probable cumulative impacts of all anticipated coal mining and reclamation operations on the hydrologic balance in the cumulative impact area and has determined that the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area. The permit application has been designed to prevent damage to the hydrologic balance in the proposed permit area (R614-300-133.400 and UCA 40-10-11{2}(c)).
5. The operation would not affect the continued existence of any threatened or endangered species or result in the destruction or adverse modification of their critical habitats as determined under the Endangered Species Act of 1973 (16 U.S.C. 1531 et.seq.) (R614-300-133.500).
6. The Division's issuance of a permit is in compliance with the National Historic Preservation Act and implementing regulations (36 CFR 800) and (R614-300-133.600).
7. The successor has demonstrated that reclamation as required by the State Program can be accomplished according to information given in the permit application.
8. The successor has demonstrated that any existing structure will comply with the applicable performance standards of R614-301 and R614-302. (R614-300-133.720)

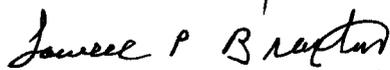
9. The successor has paid all reclamation fees from previous and existing coal mining and reclamation operations as required by 30 CFR Part 870. A 510{c} report has been run on the Applicant Violator System (AVS), which shows that: prior violations of applicable laws and regulations have been corrected; Mountain Coal Company is not delinquent in payment of fees for the Abandoned Mine Reclamation Fund; and the successor does not control and has not controlled mining operations with a demonstrated pattern of wilful violations of the Act of such nature, duration, and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the provisions of the Act [R614-300-132 (OSMRE Relatedness Report dated July 9, 1991)].

10. The successor has satisfied the applicable requirements of R614-302.

11. The successor has filed a reclamation performance bond in the amount of \$463,711 made payable to the Division of Oil, Gas and Mining, and the Office of Surface Mining, Reclamation and Enforcement (OSM).



Permit Supervisor



Associate Director, Mining



Director