

0004



State of Utah

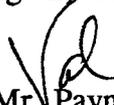
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangarter
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

November 13, 1992

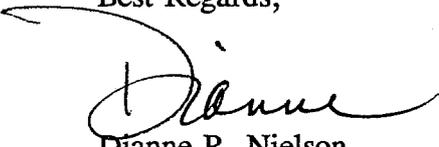
Mr. Val Payne, Sr. Environmental Engineer
PacifiCorp
P.O. Box 1005
Huntington, Utah 84528


Dear Mr. Payne:

Re: Approval of Permit Transfer, Trail Mountain Mine, PacifiCorp, ACT/015/009,
Folder #3, Emery County, Utah

The permit transfer for the Trail Mountain Mine from Mountain Coal Company to Pacificorp is approved. Enclosed please find two originals of the Trail Mountain Mine permit. Please sign both originals and return one to the Division. Thank you.

Best Regards,


Dianne R. Nielson
Director

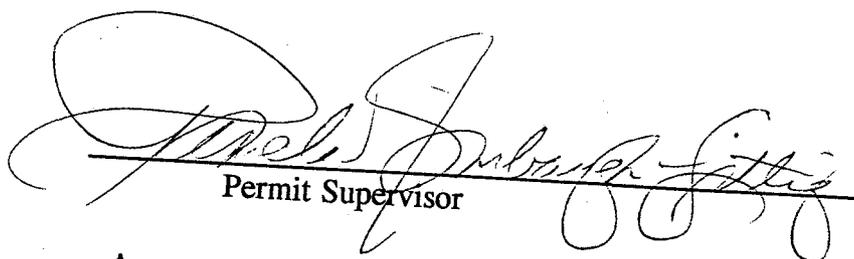
pgl
Enclosure

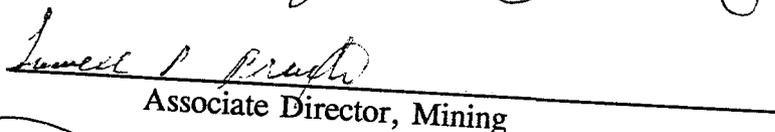
cc: Pamela Grubaugh-Littig, DOGM
Robert Hagen, OSM-AFO
Dan Guy, Mountain Coal Company

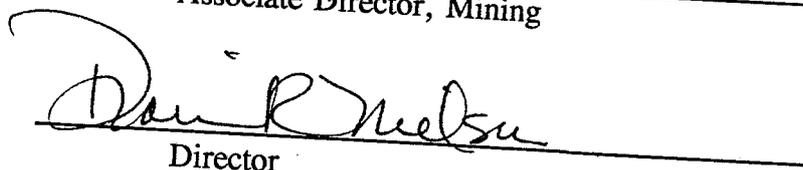
FINDINGS
Permit Transfer
PacifiCorp
Trail Mountain Mine
November 13, 1992

1. The successor, PacifiCorp, is not currently in violation of the ACT or in violation of any federal law, rule, or regulation, or any Utah law or rule, enacted pursuant to federal law, rule or regulation pertaining to air or water environmental protection. A 510(c) clearance was issued September 30, 1992. (R645-303-341)
2. All procedures for public participation required by the Act, and the approved Utah State Program have been complied with (R645-300-120).
3. 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 (R645-300-133.100).
4. The proposed permit area is:
 - (a) Not included within an area designated unsuitable for underground coal mining operations (R645-300-133.220);
 - (b) not within an area under study for designated lands unsuitable for underground coal mining operations (R645-300-133.210);
 - (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) within 100 feet of a public road (R645-300-133.220); and
 - (e) not within 300 feet of any occupied dwelling (R645-300-133.220).
5. 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 (R645-300-133.400 and UCA 40-10-11{2}{c}).
6. 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.) (R645-300-133.500).

7. The Division's issuance of a permit is in compliance with the National Historic Preservation Act and implementing regulations (36 CFR 800) and (R645-300-133.600).
8. The successor has demonstrated that reclamation as required by the State Program can be accomplished according to information given in the permit application.
9. The successor has demonstrated that any existing structure will comply with the applicable performance standards of R645-301 and R645-302. (R645-300-133.720)
10. 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; PacifiCorp 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 [R645-300-132 (see 510(c) clearance dated September 30, 1992)].
11. The successor has satisfied the applicable requirements of R645-302.
12. The successor has filed a reclamation performance bond in the amount of \$700,000 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

FEDERAL

PERMIT
ACT/015/009

November 13, 1992

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, ACT/015/009, is issued for the State of Utah by the Utah Division of Oil, Gas and Mining (Division) to:

PacifiCorp
P.O. Box 1005
Huntington, Utah 84528
(801) 653-2312

for the Trail Mountain Mine. PacifiCorp is the lessee of federal coal leases U-49332 and U-082996, State Mineral Lease ML-22603 and UTU-64375, and the owner/lessee of certain fee-owned parcels. A Surety Bond is filed with the Division in the amount of \$700,000, payable to the State of Utah, Division of Oil, Gas and Mining, and the Office of Surface Mining, Reclamation and Enforcement (OSM). The Division 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 within the permit area at the Trail Mountain 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, S1/2 SW1/4, W1/2 SW1/4
SE1/4
Section 27: S1/2 S1/2
Section 34: All
Section 35: Lots 3 and 4, NE1/4, SE1/4, SW1/4, S1/2 NW1/4
Section 36: All

Township 18 South, Range 6 East, SLM

- Section 1: Lots 1-8, S1/2 N1/2, E1/2 NE1/4 SW1/4, E1/2
NW1/4 NE1/4 SW1/4, N1/2 NW1/4 NE1/4 SE1/4,
N1/2 NW1/4 SE1/4
Section 2: Lots 1-8, S1/2 N1/2, N1/2 NE1/4 SW1/4, N1/2
SW1/4 NE1/4 SW1/4, SE1/4 NE1/4 SW1/4, NW1/4
NE1/4 SE1/4, N1/2 SW1/4 NE1/4 SE1/4, N1/2
NW1/4 SE1/4, N1/2 S1/2 NW1/4 SE1/4
Section 3: Lots 1, 2, and 8, NE1/4 SE1/4 NE1/4

Township 18 South, Range 7 East, SLM

- Section 6: Lots 4-7, W1/2 SE1/4 NW1/4, W1/2 E1/2 SW1/4

This legal description is for the permit area of the Trail Mountain Mine. The permittee is authorized to conduct underground coal mining activities and related surface activities on the foregoing described property subject to the conditions of all applicable conditions, laws and regulations.

- Sec. 3 COMPLIANCE** - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.
- Sec. 4 PERMIT TERM** - This permit expires on February 20, 1995.
- Sec. 5 ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the prior written approval of the Division Director. 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 R645-303-300.

Sec. 6 RIGHT OF ENTRY - The permittee shall allow the authorized representative of the Division, including but not limited to inspectors, and representatives of the Office of Surface Mining Reclamation and Enforcement (OSM), 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, R645-400-220, 30 CFR 842.13 and R645-400-110;
- (b) be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-100 and R645-400-200 when the inspection is in response to an alleged violation reported to the Division by the private person.

Sec. 7 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 approved plan and approved for the term of the permit and which are subject to the performance bond.

Sec. 8 ENVIRONMENTAL IMPACTS - The permittee shall take all possible steps to minimize any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of the permit, including, but not limited to:

- (a) Any accelerated or additional monitoring necessary 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. 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 the Division 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 EXISTING STRUCTURES** - As applicable, the permittee will comply with R645-301 and R645-302 for compliance, modification, or abandonment of existing structures.
- Sec. 11 RECLAMATION FEE PAYMENTS** - The operator shall pay all reclamation fees required by 30 CFR Part 870 for coal produced under the permit, for sale, transfer or use.
- Sec. 12 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. 13 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. 14 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. 15 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 the Division. The Division, after coordination with OSM, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by Division within the time frame specified by Division.
- Sec. 16 APPEALS** - The permittee shall have the right to appeal as provided for under R645-300-200.
- Sec. 17 SPECIAL CONDITIONS** - There are special conditions associated with this permit, as described in Attachment A.

The above conditions (Secs. 1-17) 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 Division and the permittee at any time to adjust to changed conditions or to correct an oversight. The Division may amend these conditions at any time without the consent of the permittee in order to make them consistent with any federal or state statutes and any regulations.

THE STATE OF UTAH

By: Dan R. Nielsen

Date: 11-13-92

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: _____

ATTACHMENT A

Special Conditions

1. Before extending entries to the west beyond the location of hole TMX-6, the operator must drill horizontal holes to determine if significant water could be encountered in the Starpoint/Blackhawk aquifer. If significant water is encountered in the horizontal holes, the operator must stop the advance and notify the Regulatory Authority.

2. Before mining in the vicinity of perennial stream and escarpment buffer zones, the operator must provide data sufficient to justify use of the 15 degree angle-of-draw (measured from the vertical). If the technical data show that an angle-of-draw greater than 15 degrees is expected, the buffer zone must be modified to be consistent with the expected angle-of-draw.

3. The operator shall limit mining operations in the last panel on the eastern boundary of Section 1, T18S, R6E to first mining only in order to leave pillars of sufficient size to prevent caving of the overlying strata.