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UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

Manti-LaSal National Forest  
599 West Price River Drive  
Price, Utah 84501

2730

October 7, 1982



William B. Ellis, Project Engineer  
Utah Power & Light Company - Room 262  
P.O. Box 899  
Salt Lake City, Utah 84110

Dear Mr. Ellis:

Enclosed is your approved special use permit for Wilberg Coal Mine  
to Deseret Coal Mine - Coal Haul Road dated September 24, 1982.

(UP&L. Co. file no. 2307(190))

Sincerely,

ROSS E. BUTLER  
Branch Chief - Lands

Enclosure

RECEIVED  
DEC 21 1984  
DIVISION OF  
OIL, GAS & MINING

**SPECIAL USE PERMIT**  
(Road)  
Ref. FSM 2733.

a. RECORD NO. (1-2) <u>70</u>	b. REGION (3-4) <u>04</u>	c. FOREST (5-6) <u>10</u>
d. DISTRICT (7-8) <u>02</u>	e. USE NO. (9-12) <u>4001</u>	f. KIND OF USE (13-15) Class "D" <u>734</u>
g. STATE (16-17) <u>49</u>	h. COUNTY (18-20) <u>015</u>	k. CARD NO. (21) <u>1</u>

Utah Power & Light Company of P.O. Box 899, Salt Lake City, Utah  
(Name) (Address) 84110

(hereafter called the permittee) is hereby authorized to use National Forest lands for the construction, reconstruction, maintenance, and use of a road within the Manti-LaSal National Forest for the protection, administration, management and utilization of lands and the resources thereof now or hereafter owned or controlled by the permittee.

This permit is subject to the general provisions listed herein and to the special clauses and requirements, items 8 through 13, on page(s) 2 through 3 attached hereto and made a part of this permit.

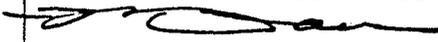
This permit covers a right of way .3 miles in length and containing approximately 8.95 acres, and located upon the ground according to the survey line, figures, measurements, widths, and other references shown on the plat attached hereto and made a part hereof.

Permit class "D"

**GENERAL PROVISIONS**

1. This permit is subject to all valid rights existing on this date.
2. The permittee in exercising the privileges granted by this permit shall comply with all applicable State and Federal laws, Executive Orders, and Federal rules and regulations.
3. The permittee shall cut only such timber as necessary in clearing for road construction, reconstruction, and maintenance. Timber so cut shall, unless otherwise agreed to, be cut into logs of lengths specified by the Forest Service and decked along the road for disposal by the Forest Service.
4. The permittee shall do everything reasonably within his power to prevent forest fires, and will not dispose of material by burning in open fires during the closed season established by law or regulation without a written permit from the Forest Service.
5. The permittee shall fully repair all damage, other than ordinary wear and tear, to National Forest roads and trails caused by the permittee in exercise of the privileges granted by this permit.
6. No member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this agreement or to any benefit that may arise herefrom unless it is made with a corporation for its general benefit.
7. This permit may be terminated or suspended upon breach of any of the conditions herein or at the discretion of the Regional Forester or the Chief, Forest Service.

**THIS PERMIT IS ACCEPTED SUBJECT TO ALL OF ITS TERMS AND CONDITIONS**

PERMITTEE	NAME OF PERMITTEE	SIGNATURE OF AUTHORIZED OFFICER	DATE
	Utah Power & Light Company		SEP 20 1982
ISSUING OFFICER	NAME AND SIGNATURE	TITLE	DATE
		Acting Forest Supervisor	9/24/82 <del>09/16/82</del>

8. (A-13) - A late payment charge in addition to the regular fees shall be made for failure to meet the fee payment due date or any of the dates specified for submission of statements required for fee calculation. The late payment charge shall be \$15, or an amount calculated by applying the current rate prescribed by Treasury Fiscal Requirements Manual Bulletins to the overdue amount for each 30-day period or fraction thereof that the payment is overdue, whichever is greater. If the due date falls on a nonworkday, the late payment charge will not apply until the end of the next workday.
9. (B-2) - During the performance of this permit, the permittee agrees:
  - a. In connection with the performance of work under this permit, including construction, maintenance, and operation of the facility, the permittee shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.
  - b. The permittee and his employees shall not discriminate by segregation or otherwise against any person on the basis of race, color, religion, sex, or national origin by curtailing or refusing to furnish accommodations, facilities, services, or use privileges offered to the public generally.
  - c. The permittee shall include and require compliance with the above nondiscrimination provisions in any subcontract made with respect to the operations under this permit.
10. (G-2) - In consideration for this use, the permittee shall pay the Forest Service, U.S. Department of Agriculture, the sum of Twenty-five dollars (\$25.00), for the period from September 16, 1982, to December 31, 1982, and thereafter annually on January 1, Twenty-five dollars (\$25.00): Provided, however, That charges for this use may be made or readjusted whenever necessary to place the charges on a basis commensurate with the value of use authorized by this permit.
11. (G-4) - Construction of the road shall be in accordance with the specifications set forth in Forest Service Standard Specifications for Construction of Roads, EM-7720-100 1979.
12. (G-8) - The permittee shall provide maintenance so that at the termination of this permit, the road will be in a condition equal to that normally prevailing on roads of like standard, and unless otherwise agreed to, leadoff drainage and water barriers to prevent erosion will be constructed on the road as directed by the Forest Service.
13. (G-9) - Roads constructed under authority of this permit shall be subject to control by the permittee except:
  1. They shall at all times be open to use by Forest Service employees on official business.

2. The Forest Service may issue permits authorizing use of the roads to other parties who own resources or lands serviced by the road: Provided, that such use will not materially interfere with the use by the permittee; and Provided further, that such parties will be required to bear proportionate maintenance costs under a written agreement with the permittee herein, or in accordance with arrangements specified by the Forest Service.



# United States Department of the Interior

IN REPLY REFER TO

2810  
U-50148  
(U-067)

BUREAU OF LAND MANAGEMENT

Moab District  
San Rafael Resource Area  
P. O. Drawer AB  
Price, Utah 84501

CERTIFIED--RETURN RECEIPT REQUESTED  
Certification No. 625770

SEP 13 1982

## DECISION

### Right-of-Way Granted Details of Grant

Serial Number: U-50148

Name of Holder: Utah Power and Light Company  
P.O. Box 899  
Salt Lake City, Utah 84110

Map Showing the location  
and Dimensions of Grant

Map Designation: Exhibit "C"  
Wilberg Coal Mine to Deseret Coal Mine  
Coal Haul

Dimensions: Width 220 to 300 feet, length 1.025  
miles as shown in Exhibit "C"

Legal Description: Linear R/W across T. 17 S., R. 7 E., SLM,  
Section 35

Date Filed: March 17, 1982

Permitted Use: Construction, use and maintenance of  
a coal haul road

Authority: Title V of the Federal Land Policy and  
Management Act of 1976 (90 Stat. 2776;  
43 U.S.C. 1761, Section 501(a)(6))

Effective Date: Sept. 13, 1982

Termination Date: Sept. 12, 2012

RECEIVED  
DEC 21 1984

DIVISION OF  
OIL, GAS & MINING

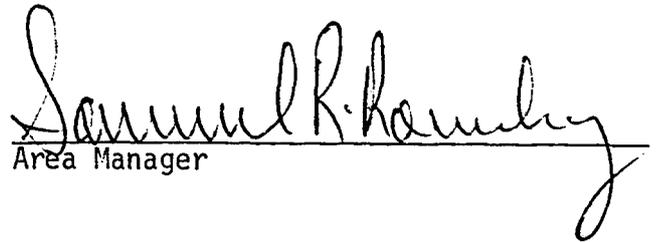
2318(572)

## Rental

Amount: \$400.00 advance rental deposit. Actual charges will be determined after appraisal

When Payable: Annually

Pursuant to the authority vested in the undersigned by Order No. 701 of the Director, Bureau of Land Management, dated July 23, 1964 (20 F.R. 10526), and amended and redelegated, a right-of-way bearing the above-referenced serial number is hereby granted, subject to the details shown above, and subject to the terms and conditions in Appendix A, attached hereto and made a part hereof.

  
Area Manager

Enclosures (2)  
1-Terms and Conditions  
2-Form 1842-1



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Moab District  
San Rafael Resource Area  
P. O. Drawer AB  
Price, Utah 84501

IN REPLY REFER TO

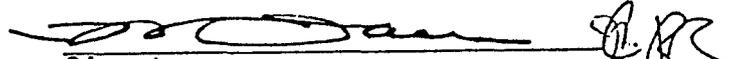
(U-067)  
2810  
U-50148

SR/PR Rec'd JUL 19 1982

## ACCEPTANCE

### NOTICE OF STIPULATIONS

I hereby certify that I am an authorized officer for Utah Power and Light Company. I have reviewed and by my signature do accept the terms and conditions of right-of-way grant U-50148.

  
\_\_\_\_\_  
Signature

Vice President  
\_\_\_\_\_  
Title

7/12/82  
\_\_\_\_\_  
Date

APPENDIX A

Terms and Conditions

1. The Holder agrees that the right-of-way will be subject to the regulations contained in 43 CFR 2800 and subsequent amendments and revisions.
2. This right-of-way is granted subject to valid rights existing on the date of this grant.
3. The right-of-way shall be limited to a strip of land varying from 220 feet to 300 feet wide as drawn on the survey map showing the location and dimension of the grant.
4. There is hereby reserved to the Secretary of the Interior, or his lawful delegate, the right to grant additional rights-of-way or permits for compatible uses on, over, under, or adjacent to the land involved in this grant.
5. Indemnification of the United States. The Holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of BLM administered lands under this right-of-way.
6. This right-of-way may be renewed. If renewed, the right-of-way will be subject to regulations existing at the time of renewal and such other terms and conditions deemed necessary to protect the public interest.
7. The right-of-way is subject to a review of the grant at the end of the 20th year and thereafter at regular intervals not to exceed 10 years.
8. A Notice to Proceed will be issued by the San Rafael Resource Area Manager (Authorized Officer) upon a written request from the Holder. The Holder's request for a Notice to Proceed shall be supported by a detailed plan of operation which includes the following information:

- Construction plan and details;
- Construction sequencing;
- Erosion control and rehabilitation plan;
- Access needs;
- Maintenance plan.

The Notice to Proceed may contain site specific stipulations and will authorize construction or use as expressly stated therein, based on construction information submitted above. Fifteen days will be allowed for field review of any data or plans prior to the issuance of a Notice to Proceed.

9. Prior to beginning construction, the Holder shall arrange a preconstruction or pre-use conference with the Authorized Officer. Contractors and subcontractors shall also be represented at the conference.
10. Before construction may commence, Holder shall designate a representative for field operations who shall be the sole field representative of Holder and Holder's contractors in dealings with the Authorized Officer.
11. The Holder shall construct and maintain right-of-way facilities and structures in strict conformity with the descriptive and technical data which has been furnished to the Bureau of Land Management. Activities which are not in accord with such data may not be initiated without the prior written approval of the Authorized Officer. Approval of variances will not be given unless the need therefore is fully justified by the holder.
12. If the Holder or its contractors require materials from public lands, application shall be made under applicable regulations for such materials.
13. The Holder shall comply with applicable federal and state laws and regulations affecting in any manner construction, operation, maintenance or termination of the right-of-way grant.

This grant is for the BLM-administered public land only. The Holder is responsible for obtaining permits from the Forest Service and Division of Lands, Forestry and Fire Control as appropriate for the remainder of the road.

14. Cadastral Survey Corners & Monuments. Where this right-of-way includes public lands on which are located cadastral survey monuments and markers the Holder shall avoid disturbance or removal of such monuments and markers. Where specific construction operations require such removal and relocation the Holder shall advise the BLM of such need and relocation, which will be accomplished in accordance with detailed instructions set forth by the State Director, Bureau of Land Management.
15. The Holder shall protect existing telephone, telegraph and transmission lines, roads, trails, fences, ditches, and like improvements during construction, operation, maintenance and termination of the project. Damage caused by Holder to these systems shall be promptly repaired by the Holder to a condition satisfactory to the Authorized Officer.
16. Access Roads to Accommodate Construction & Maintenance. Unless authorized in writing by the Authorized Officer, travel is restricted to the right-of-way and the existing public road.
17. Right-of-Way Clearing and Other Surface Disturbances. Clearing will be held to a minimum and permitted only within the right-of-way, except that hazard trees outside the right-of-way may be cut with the approval of the Authorized Officer.

Vegetative debris and slash which is cut or cleared shall be lopped (cut into pieces) and scattered off the right-of-way so that no piece projects up over 24 inches in height. Stumps of cut trees shall be less than 12 inches in height.

18. Air Pollution. The Holder shall utilize and operate all facilities and devices in such a way as to avoid or minimize air pollution. At all times during construction and operation, the Holder shall conduct activities in accordance with all applicable air quality standards and related plans of implementation adopted pursuant to the Clean Air Act, 77 Stat. 392 as amended, 42 U.S.C. 1857, as now in effect or as hereafter amended, if applicable to this coal haul road or if it should be superseded, any applicable statute superseding it, and appropriate State standards.

The Holder shall make every reasonable effort to avoid or minimize dust problems. The Authorized Representative may require sprinkling, or other means of dust control of road.

Any dust control measures required shall be continued for as long as necessary to effect control during the life of the project. These measures shall include, where necessary, sprinkling with water or similar actions at construction sites and project facilities.

19. Environmental Protection and Enhancement. The Holder shall comply with all state and federal regulations and laws pertaining to water quality, public health and public safety.

The Holder shall provide for the protection and enhancement of aesthetic values in the planning, construction and maintenance of the road.

Blasting is prohibited within 50 feet of all live streams and 500 feet from springs, unless otherwise permitted by the Authorized Officer.

Soil or other materials that have been excavated during construction and not used will be evenly spread over the disturbed area and seeded as determined by the Authorized Officer.

Trees, shrubs, grass and natural features that are not removed will be protected to the fullest extent possible from damage during construction.

20. Protection of Game and Non-Game Wildlife Species. The Holder shall comply with existing county, state and federal laws as concerned with the protection and preservation of game and non-game wildlife species. Construction will not be allowed while deer are wintering in the area as determined by the Authorized Officer, generally about November 30 to May 15.

21. Public Access. During construction, the Holder shall regulate access and vehicular traffic as required to facilitate construction operations and to protect the public, wildlife and livestock from hazards associated with the project. For this purpose, the Holder shall provide warnings, flagmen, barricades and other safety measures as circumstances require.

The Holder will be responsible for providing and installing caution and regulatory signs that are necessary for the safety of users of access roads.

The Holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful and proper purposes, except in areas designated as restricted by the Holder with the consent of the Authorized Officer in order to insure public safety and facilities constructed on the right-of-way.

The Holder acknowledges and agrees that the grant of this right-of-way is subject to the express condition that the exercise thereof will not unduly interfere with the management, administration or disposal of the United States of the lands affected thereby, or the full and safe utilization by the United States, for necessary operations incident to such management, administration or disposal.

22. A fence with cattleguards and gates shall be constructed in the location designated by the Authorized Officer. The fence shall be a 4 wire, type "D - Spécial" fence modified as shown on the attached drawing.

The Authorized Officer may require the remainder of the road be fenced with cattleguards and gates installed as necessary if he determines that the unfenced road creates a hazard to traffic.

23. Fire Protection. The Holder shall be responsible for prevention and suppression of all uncontrolled fires that are caused by any operation of the Holder associated with the survey, construction, use and maintenance of this road. The Holder will be billed by the Bureau of Land Management for fire suppression and fire rehabilitation cost resulting from uncontrolled burning of right-of-way material.

The Holder shall do everything reasonable, both independently and/or upon request of the Authorized Officer to prevent and suppress fires on or near lands to be occupied under this right-of-way, including making available such construction and maintenance forces as may be reasonably obtained for suppression of such fires.

24. The Holder shall immediately bring to the attention of the Authorized Officer any cultural or paleontological resources discovered during operations under this grant. The Holder shall not disturb any cultural or paleontological resources except as instructed by the Authorized Officer. The cost of investigating and protecting cultural resources discovered during operations shall be borne by the Holder.

25. The construction area will be kept clean at all times. All trash, packing material, oil residues, and other refuse or waste materials will be removed from construction areas on public land and placed in approved sanitary landfills in a manner acceptable to the Authorized Officer. Equipment "show up" areas shall contain portable chemical toilets. The installation and maintenance of these units shall conform to federal and state public health regulations.

26. Right-of-Way Identification. The Holder shall survey and clearly mark the exterior limits of the right-of-way during construction. All activities directly or indirectly associated with the construction or maintenance of this right-of-way must be conducted within the limits of this right-of-way except as specified in No. 17 or otherwise authorized in writing. Removal of the markings will be at the discretion of the Authorized Officer.

27. During construction there will be periodic inspections by the Authorized Officer or his designee to ensure compliance.

28. Site Restoration. All public land areas where soils and surface materials are disturbed through construction or other actions incident to project operations shall be restored to their natural state insofar as practicable by water barring, scarifying, leveling, reseeding or other practices as prescribed by the Authorized Officer and to his satisfaction.

All disturbed areas shall be reseeded to a mixture of grasses, browse and forbs as prescribed by the Authorized Officer, including location, season, rates, seed mixtures and methods of planting.

Whenever revegetation is required, the Holder shall file a report with the Authorized Officer when such planting is completed. The report shall contain information regarding the location of the area; the type of planting or seeding, including mixtures and amounts; the date of planting; and other relevant information as may be required by the Authorized Officer.

Inspection and evaluation of restorative measures taken will be made by the Authorized Officer as soon as it is possible to determine if a satisfactory growth has been established. In no instance shall this vegetative cover check be made until after completion of the first growing season.

29. Seeding shall take place from October 1 to November 30. Seeding method shall be by drilling and/or harrowing and will be repeated until vegetation is successfully established unless otherwise approved in writing by the Authorized Officer. The following seed mixture will be used:

<u>Type</u>	<u>Rate (lbs./acre)</u>
Intermediate wheatgrass	3
Crested wheatgrass	3
Western Wheatgrass	3
Indian ricegrass	3
Four-way saltbush	1
Shadscale	1
Ephedra ("Mormon Tea")	1
Total	<u>15</u>

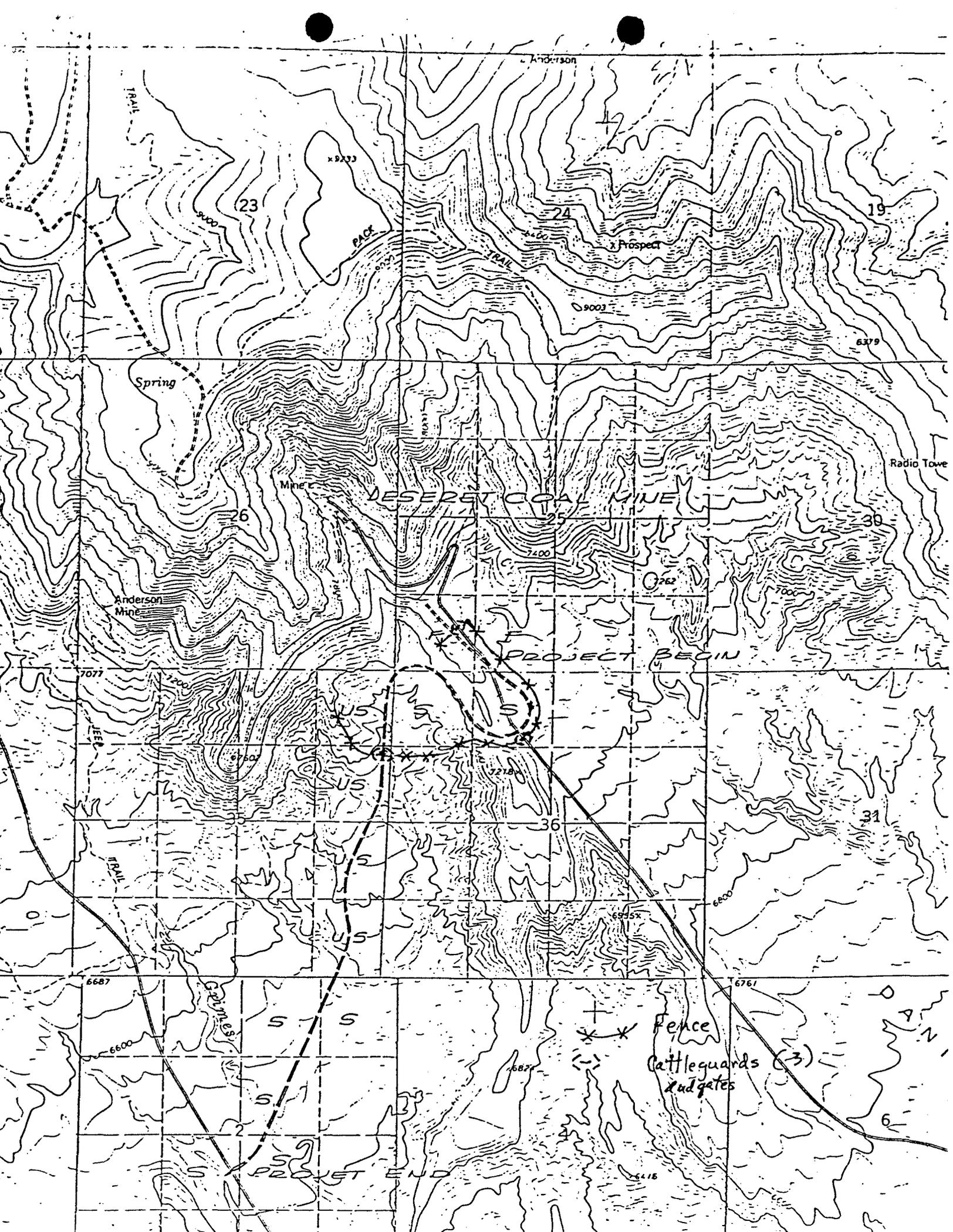
30. Compliance. When all development and rehabilitation have been completed, a joint compliance check of this right-of-way will be made by the Holder and the Authorized Officer to determine compliance with the terms and conditions of this grant. The Holder shall perform at his own expense any required modifications or additional reclamation work needed to comply with the terms of this grant.

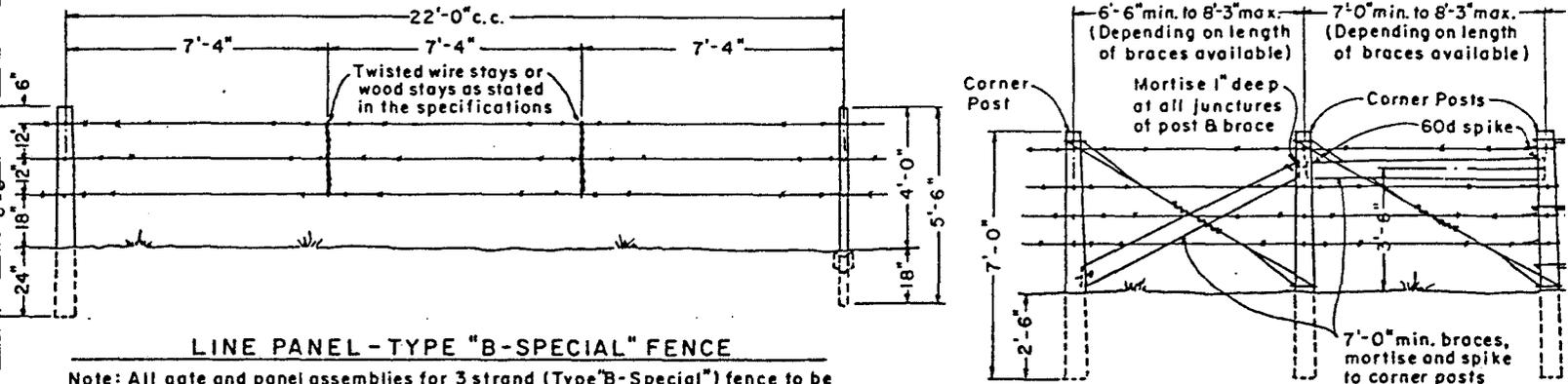
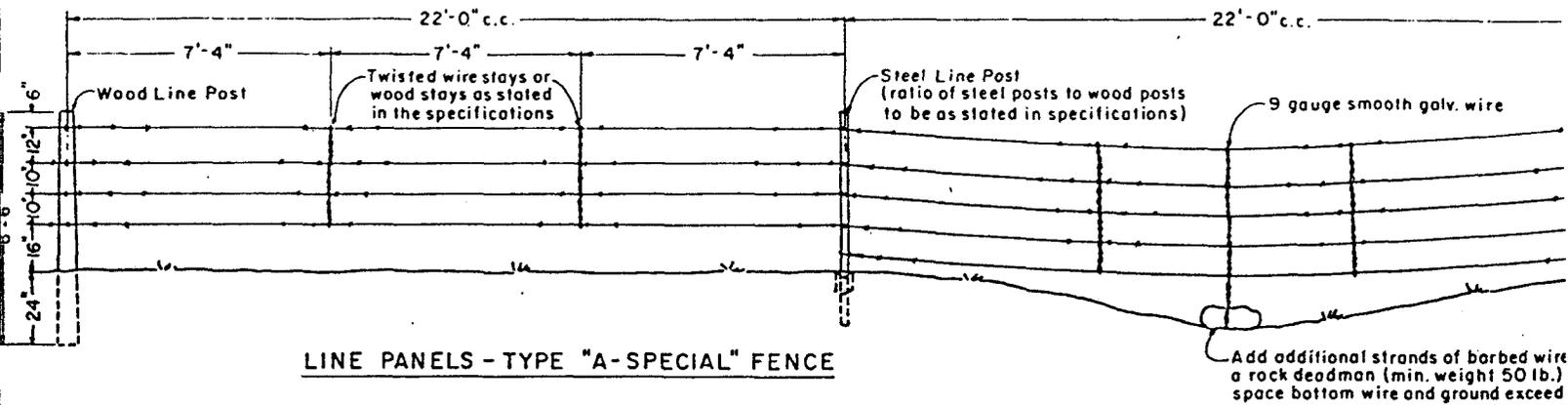
31. If at any time hereafter the Holder wishes to reconstruct, remodel or relocate any portion of this right-of-way hereby granted, or any of the improvements thereon, the prior written approval of the Authorized Officer must be obtained. No such approval will be given unless the request is fully justified by the Holder and is authorized by law. Where necessary, the Holder shall make application under appropriate regulations.

32. No assignment shall be recognized unless or until it is approved in writing by the Authorized Officer in accordance with 43 CFR 2803.6-3 and 2803.6-4.

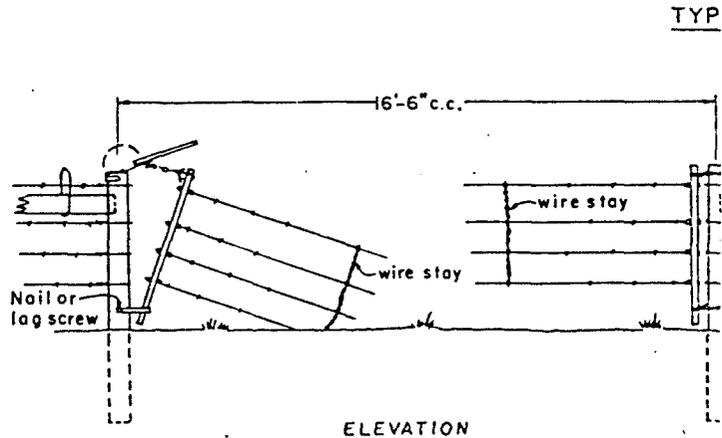
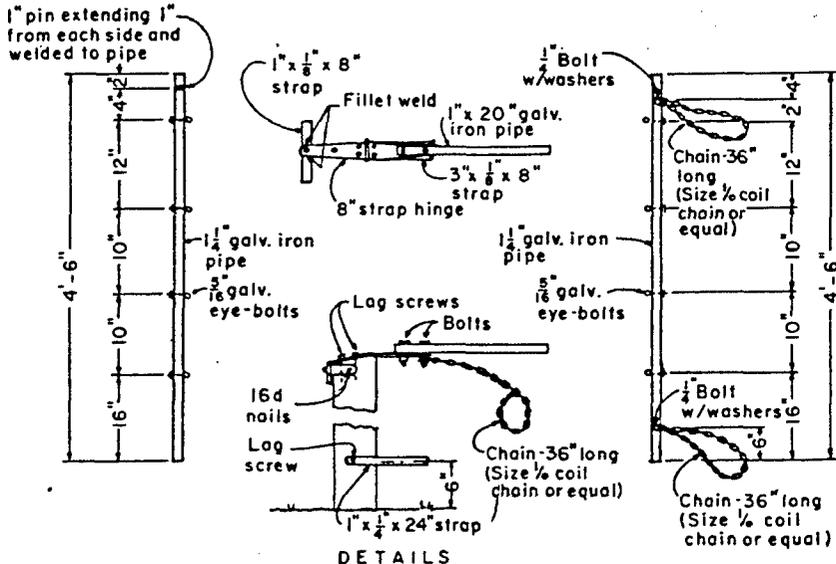
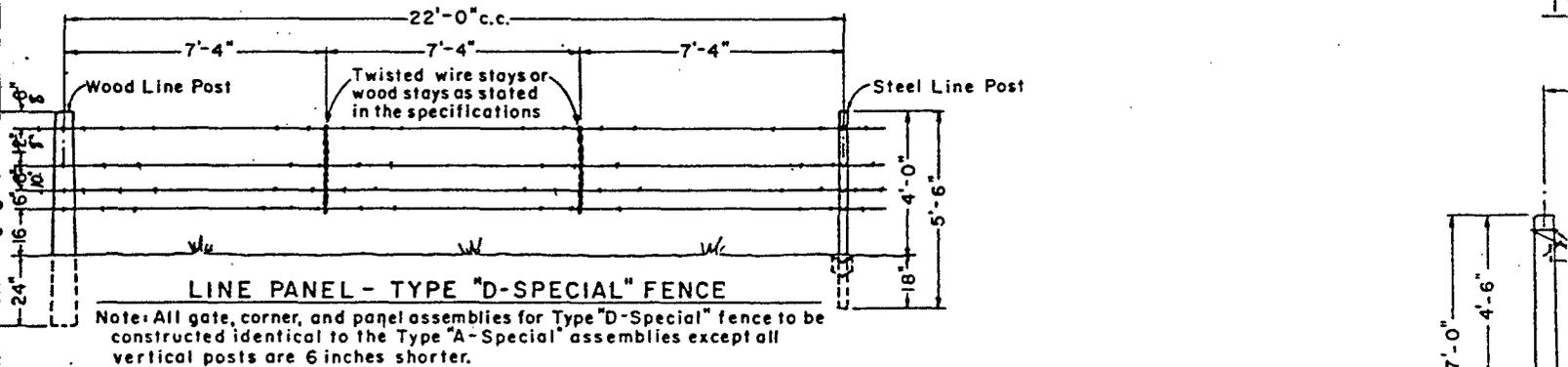
33. The holder shall comply with the applicable Federal and State laws and regulations concerning the use of pesticides and other similar substances (i.e., insecticides, herbicides, fungicides, rodenticides and other similar substances) in all activities/operations under this grant. The holder shall obtain from the Authorized Officer approval of a written plan prior to the use of such substances. The plan must provide the type and quantity of material to be used; the pest, insect, fungus, etc., to be controlled; the method of application; the location for storage and disposal of containers; and other information that the Authorized Officer may require. The plan should be submitted not later than December 1 for any calendar year that covers the proposed activities for the next fiscal year (i.e., December 1, 1982 deadline for a fiscal year 1984 action). Emergency use of pesticides may occur. The use of substances on or near the right-of-way shall be in accordance with the approved plan. A pesticide shall not be used if the Secretary of the Interior has prohibited its use. A pesticide shall be only in accordance with its registered uses and within other limitations if the Secretary has imposed limitation. Pesticides shall not be permanently stored on public lands authorized for use under this permit.

34. The holder agrees not to exclude any person from participating in employment or procurement activity connected with this grant on the grounds of race, creed, color, national origin or sex, and to ensure against such exclusions, the holder further agrees to develop and submit to the proper reviewing official specific goals and time tables with respect to minority and female participation in employment and procurement activity connected with this grant. The holder will take affirmative action to utilize business enterprises owned and controlled by minorities or women in its procurement practices connected with this grant. Affirmative action will be taken by the holder to assure all minorities or women applicants full consideration of all employment opportunities connected with this grant. The holder also agrees to post in conspicuous places on its premises which are available to contractors, subcontractors, employees and other interested individuals, notices which set forth equal opportunity terms; and to notify interested individuals, such as workers with whom it has collective bargaining agreements, of the holder's equal opportunity obligations.

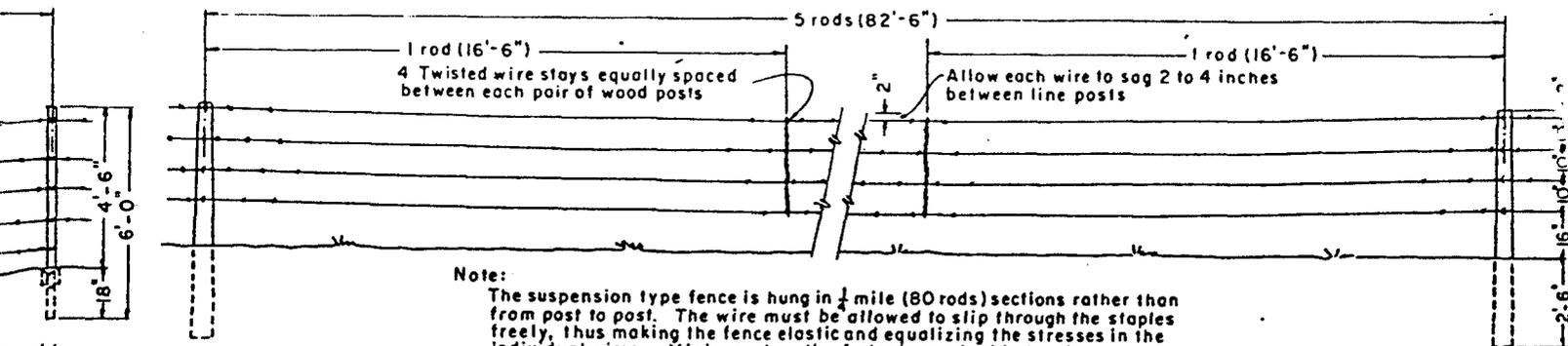




Note: All gate and panel assemblies for 3 strand (Type "B-Special") fence to be constructed identical to the 4 strand assemblies except all vertical posts are 6 inches shorter.

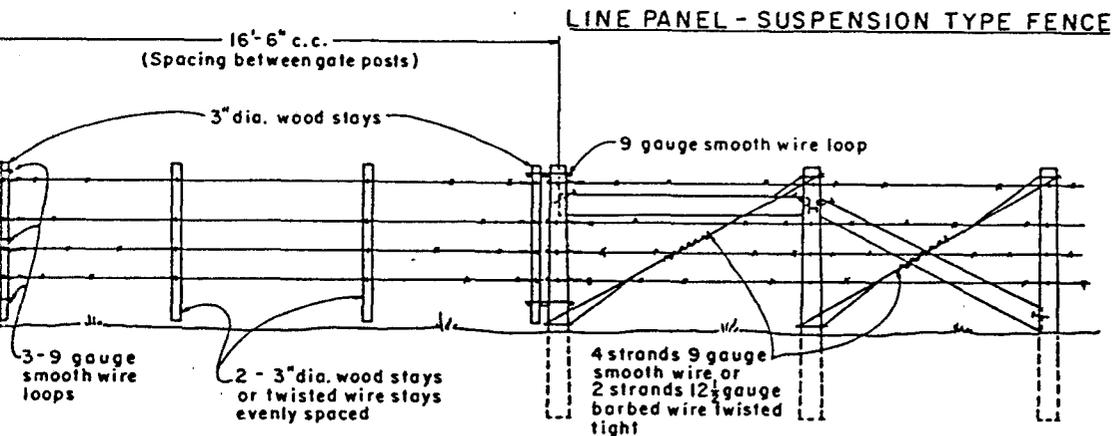


SPECIAL WIRE GATE WITH IRON FITTINGS  
(Use this type gate only if specified in the narrative specifications.)  
Not to scale

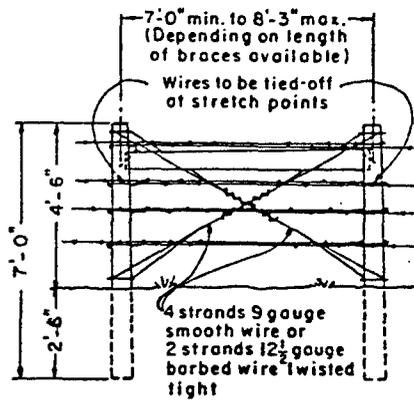


Note:  
The suspension type fence is hung in  $\frac{1}{4}$  mile (80 rods) sections rather than from post to post. The wire must be allowed to slip through the staples freely, thus making the fence elastic and equalizing the stresses in the individual wires. Minimum length of staple required is two inches. The staple must project  $\frac{1}{4}$  inch from the post after being driven.

and/or when s 20 inches

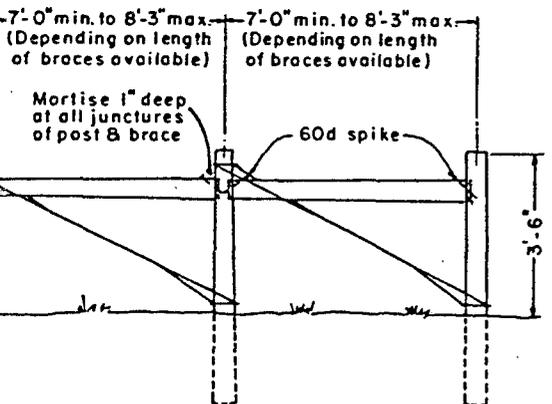


GATE AND ADJACENT BRACE PANELS TYPE "A SPECIAL" AND SUSPENSION FENCES

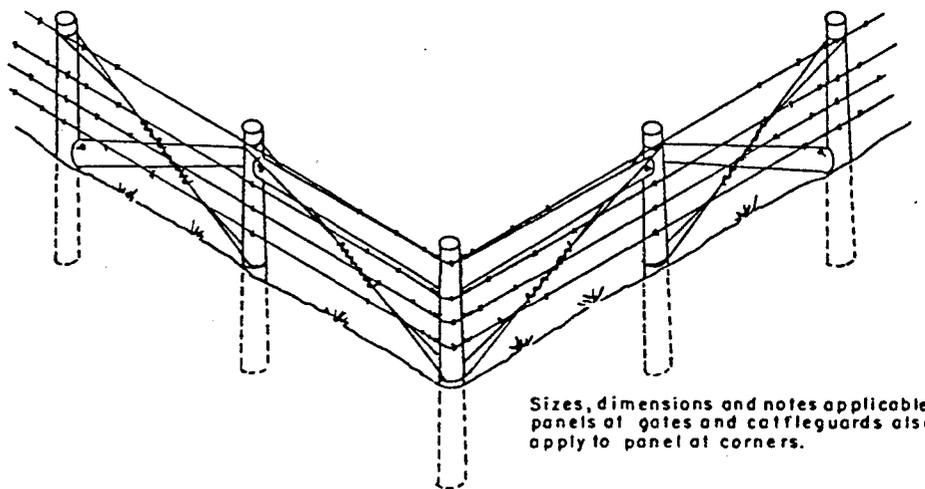


STRESS PANEL

Note:  
Similar brace panels also used where fence terminates as at cattleguards

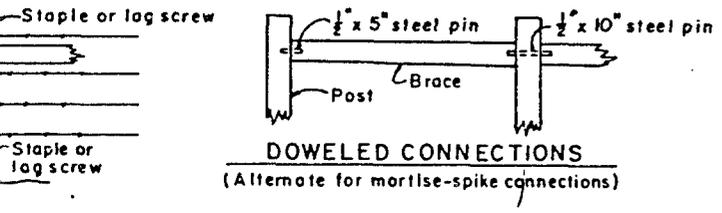


ALTERNATE STYLE PANEL AT GATES, CATTLEGUARDS & CORNERS TYPE "A-SPECIAL" AND SUSPENSION FENCES



BRACE PANELS AT CORNER ASSEMBLIES TYPE "A SPECIAL" AND SUSPENSION FENCES

Sizes, dimensions and notes applicable to panels at gates and cattleguards also apply to panel at corners.



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
DIV. ENGINEERING WASHINGTON, D.C.

WIRE LIVESTOCK FENCES  
(SPECIAL TYPES)

DESIGNED *LLC* RECOMMENDED *LLC*  
DRAWN *JWB* RECOMMENDED *LLC*  
CHECKED *LLC* APPROVED *LLC*

SCALE 1" = 30'

DATE 3/24/67 SHEET OF

DRAWING NO. 08-33-9105.41-10

REV. NO.	DESCRIPTION	DATE	APPROVED
1	ADDED TYPE "D-SPECIAL" FENCE	6/30/66	J.S.P.
REVISIONS			