



United States Department of the Interior
OFFICE OF SURFACE MINING
Reclamation and Enforcement
BROOKS TOWERS
1020 15TH STREET
DENVER, COLORADO 80202

ACT/015/017

NOV 13 1986.

Mr. C. E. Shingleton
Director of Property Management
Mining Division
Utah Power & Light Company
1407 West North Temple
P.O. Box 899
Salt Lake City, Utah 84110

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NOV 17 1986

DIVISION OF
OIL, GAS & MINING

Dear Mr. Shingleton:

In the course of reviewing the response to permit condition 1 for the Des-Bee-Dove mine, the Office of Surface Mining Reclamation and Enforcement, Western Field Operations (OSMRE) discovered a discrepancy in the legal description of the permit area of Federal permit UT-0015, 6/85 (4/85). After reviewing the permit application package, the public notices, and the decision document for the permit, we have determined that the legal description in the permit was incorrect. The legal description has been corrected by adding portions of the SE 1/4 SE 1/4, Section 26, Township 17 South, Range 7 East, SLBM, and a copy of the corrected permit is enclosed.

Additionally, this is to inform you that OSMRE concurs with Utah Division of Oil, Gas and Mining that condition 1 of the permit has been satisfactorily addressed.

If you have any questions, please contact Richard Holbrook at (303) 844-2896.

Sincerely,

Mel Shilling
Melvin L. Shilling, Chief
Division of Federal Programs
Western Field Operations

Enclosure

cc: R. Hagen, OSMRE - Albuquerque
✓ D. Nielson, Utah DOGM
J. Moffitt, BLM - Utah State Office
G. Nodine, BLM - Moab District
R. Christensen, Manti-LaSal National Forest

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING

This permit, UT-0015, 1/85, which incorporates Utah Permit ACT-015-017, is issued for the United States of America by the Office of Surface Mining (OSM) to:

Utah Power and Light Company
1407 W. North Temple
Salt Lake City, Utah 84116

for the Des-Bee-Dove Mine Complex. Utah Power and Light Company is the lessee of Federal coal leases U-02664, SL-050133, and SL-066116.

Sec. 1 STATUTES AND REGULATIONS - This permit is issued pursuant to the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 et seq., hereafter referred to as the Act, and the Federal coal lease(s) issued pursuant to the Mineral Leasing Act of February 15, 1920, as amended, 30 U.S.C. 181 et seq., the Federal Coal Leasing Amendments Act of 1976, as amended 30 U.S.C. 201 et seq. and in the case of acquired lands, the Mineral Leasing Act for Acquired Lands of September 7, 1947, as amended, 30 U.S.C. 351 et seq. This permit is also subject to all regulations of the Secretary of the Interior including, but not limited to, 30 CFR Chapter VII and 43 CFR Part 3400, and to all regulations of the Secretary of Energy promulgated pursuant to Section 302 of the Department of Energy Organization Act of 1977, 42 U.S.C. 7152, which are now in force or, except as expressly limited herein, hereafter in force, and all such regulations are made a part hereof.

Sec. 2 The permittee is authorized to conduct surface coal mining and reclamation operations on Federal lands (as shown on the Ownership Map 1-2 in the permit application) as well as on such other lands within State permit ACT-015-017 affecting or affected by those operations on Federal lands within the Des-Bee-Dove Mine Complex permit area situated in the State of Utah, Emery County, and located within:

Township 17 South, Range 7 East, Salt Lake Meridian:

Section 11, E1/2, E1/2 SW1/2; Section 12, W1/2 NW1/4, NW1/4 SW1/4;
Section 13, SE1/4 SW1/4; Section 14, W1/2, W1/2 E1/2, NE1/4 NE1/4,
SE1/4 SE1/4; Section 23, all; Section 24, W1/2, W1/2 SE1/4;
Section 25, W1/2 SW1/4; Section 26, N1/2, N1/2 SE1/4, NE1/4 SW1/4,
Portions of the SE1/4SE1/4; Section 35, Portions of the E1/2 E1/2;
Section 36, Portions of the N1/2 NW1/4;

Township 18 South, Range 7 East, Salt Lake Meridian:

Section 2, Portions of the WL/2 NEL/4, Portions of the NEL/4 SW1/4;

and to conduct surface coal mining and reclamation operations on the foregoing described property subject to the conditions of the leases, the approved mining plan, and Utah State permit ACT /015/017, including all conditions, and all other applicable conditions, laws and regulations.

- Sec. 3 The term of this permit is for 5 years from the date of issuance, except that this permit will terminate if the permittee has not begun the surface coal mining and reclamation operations covered herein within 3 years of the date of permit issuance.
- Sec. 4 The permit rights may not be transferred, assigned, or sold without the approval of the Director, OSM. Request for transfer, assignment, or sale of permit rights must be done in accordance with 30 CFR 740.13(e) and UMC 788.17-.19.
- Sec. 5 The permittee shall allow the authorized representatives of the Secretary, the Utah Division of Oil, Gas and Mining (UDOGM), including but not limited to, inspectors and fee compliance officers, 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 842.13 and UMC 782.15.
 - b. Be accompanied by private persons for the purpose of conducting an inspection in accordance with 30 CFR 842.12 and UMC 842.12, is in response to an alleged violation reported by the private person.
- Sec. 6 The permittee shall conduct surface coal mining and reclamation operations only on those lands specifically designated as being within the permit area on the maps submitted in the mining plan and permit application and approved for the term of the permit and which are subject to the performance bond.

- Sec. 7 The permittee shall minimize any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of this permit, including, 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 such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.
- Sec. 8 The permittee shall dispose of solids, sludge, filter backwash, or pollutants removed 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 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 UDOGM and OSM 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 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 Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with SMCRA, the approved Utah State Program and the Federal Lands Program.
- Sec. 12 If during the course of mining operations previously unidentified historic properties are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify UDOGM and OSM. UDOGM, after coordination with OSM, shall inform the permittee of necessary actions required.
- Sec. 13 The operator shall pay all reclamation fees required by 30 CFR Chapter VII, Subchapter R, for coal produced under this permit.

- Sec. 14 APPEALS - The permittee shall have the right to appeal: (a) under 30 CFR 775 from actions or decisions of any official of OSM; (b) under 43 CFR 3000.4 from an action or decision of any official of the Bureau of Land Management; (c) under 30 CFR 290 from an action, order, or decision of any official of the Minerals Management Service; or (d) under applicable regulations from any action or decision of any other official of the Department of the Interior arising in connection with this permit.
- Sec. 15 SPECIAL CONDITIONS - The permittee shall comply with the terms and conditions set out in the leases and this permit. In addition, the permittee shall comply with the conditions appended hereto as Attachment A. These conditions 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 leases. 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. In accordance with 30 CFR Part 774 (1983), these conditions may be revised or amended, in writing, by the mutual consent of the grantor and the permittee at any time to adjust to changed conditions or to correct an oversight. The grantor may, by order, require reasonable revision of this permit to ensure compliance with the Act and the regulatory program.

OFFICE OF SURFACE MINING

By: Richard E. Dawes
Acty Administrator, Western Technical Center

6/20/85
Date

ATTACHMENT A

Special Conditions

1. Within 90 days of the effective date of this permit, the permittee must submit to the regulatory authority for review and approval, alternative sediment control plans for the Deseret sediment pond site. These plans must address the timing and critical milestones of sediment pond removal during the reclamation liability period, methods (including maintenance plans) for control of sediment leaving the reclaimed disturbed areas, and maps showing the designs.
2. If toxic materials are encountered at the Des-Bee-Dove Mine Complex, the permittee shall either obtain written permission from the Forest Supervisor (Manti-LaSal National Forest) and the regulatory authority to bury toxic-waste material on National Forest System lands, or submit for approval, by the regulatory authority an alternate site for burying toxic waste material.
3. The permittee shall either obtain written permission from the Forest Supervisor (Manti-LaSal National Forest) to relocate the access gate to the mine facilities from its current location to the proposed postmining location, or submit a commitment to leave the gate at its current location.
4. Within 30 days of the effective date of this permit, the permittee must demonstrate that the long-term stability of the cut structure at station 125+00, along the Des-Bee-Dove/Wilberg Junction Road presently meets the 1.5 safety static factor requirement for UMC 817.101(b)(1).
5. At such time OSM, in consultation with the Utah Division of Oil, Gas and Mining and the SHPO, determines that subsidence within the permit area may adversely affect known or unrecorded cultural sites, additional cultural resources studies may be required. This determination will be based on new subsidence or cultural resource information and clear justification will be presented to the permittee.