



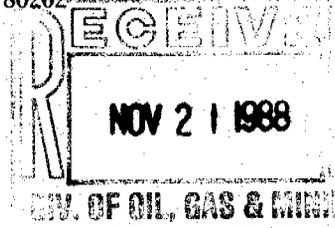
United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
BROOKS TOWERS
1020 15TH STREET
DENVER, COLORADO 80202



2143M

November 16, 1988



In Reply Refer To:
4441
UT-0016

MEMORANDUM

TO: Chief, Federal Programs Division

THROUGH: *Ravi Singh*
Chief, Federal Lands Branch

FROM: Richard Holbrook, Project Leader *Richard Holbrook*

SUBJECT: Recommendation to Terminate Federal Permit UT-0016 for the Utah Power and Light Company Deer Creek Mine, Emery County, Utah

I. Recommendation

I recommend termination of Federal permit UT-0016, issued on October 28, 1985, for the Utah Power and Light Company Deer Creek mine. My recommendation is based on the existence of the Utah cooperative agreement which provides for the delegation to the Utah Division of Oil, Gas and Mining (DOGGM) of the permitting responsibilities for operations on Federal lands pursuant to Section 523 of the Surface Mining Control and Reclamation Act (SMCRA); the issuance of the Utah State permit ACT/015/018 in accordance with the Utah State program and cooperative agreement; incorporation of all necessary Federal permit conditions in the State permit; and the approved mining plan for Federal leases, SL-064607-064621, SL-064900, U-1358, SL-070645, U-02292, U-084923, U-084924, U-083066, U-040151, U-044025, U-014275, U-024319, U-47979. Attached to this memorandum are the applicable standard conditions of approval of the Deer Creek mine mining plan approved by the Assistant Secretary on October 11, 1985, for Federal leases SL-064607-064621, SL-064900, U-1358, SL-070645, U-02292, U-084923, U-084924, U-083066, U-040151, U-044025, U-014275, U-024319, U-47979. These conditions were previously incorporated in the Federal permit. Notwithstanding the termination of the Federal permit, these conditions will remain in full force and effect.

Utah DOGM has reviewed the permit application package (PAP) for the Deer Creek mine under the Utah State program and cooperative agreement (30 CFR 944.30) and has issued Utah permit ACT/015/018 authorizing surface coal mining and reclamation operations on Federal and non-Federal lands in the permit area pursuant to the State program and cooperative agreement. A copy of the bond in the amount of \$1,724,000.00, payable to the United States and the State of Utah, is on file with OSMRE.

This permit termination is categorically excluded from the National Environmental Policy Act (NEPA) process because the Federal permit and mining plan approval were previously covered by the NEPA process (i.e., OSMRE's Environmental Assessment and Finding of No Significant Impact dated September 30, 1985)

II. Background

The Deer Creek underground coal mine is located in Emery County, Utah, about 8 miles west of Huntington, Utah. The Utah State permit area contains approximately 14,666 acres, approximately 13,545 acres of which are leased Federal coal in the mining plan area for Federal leases SL-064607-064621, SL-064900, U-1358, SL-070645, U-02292, U-084923, U-084924, U-083066, U-040151, U-044025, U-014275, U-024319, U-47979.

The Deer Creek mine mining plan was originally approved under the Federal lands program on October 11, 1985, and the mine was permitted by OSMRE under the Federal lands program and Utah State program on October 28, 1985. Since the original approval of the mining plan, there have been no mining plan modifications.

An experimental practice involving reconstruction of a stream bed over a valley fill was approved by the Director when the permit application was approved. Notwithstanding the termination of the Federal permit, the approval of the experimental practice will remain in effect.

OSMRE's Albuquerque Field Office was consulted on November 10, 1988 and has indicated that no pending enforcement actions are associated with the Federal permit for the Deer Creek mine.

The Federal permit contained 9 special conditions of approval.

The U.S. Forest Service Special Condition required the permittee to submit aerial photographs and subsidence survey information to the U.S. Forest Service and was satisfied on March 20, 1986.

Special Condition 1 required design information for a sedimentation pond and was satisfied on November 11, 1986.

Special Condition 2 required installation of monitoring equipment in Deer Creek and Grimes Wash and was satisfied on June 2, 1986.

Special Condition 3 required installation of larger culverts in Deer Drainage and Elk Canyon Creek to meet State performance standards. The State's performance standards were subsequently revised and the existing culverts were deemed adequate; therefore, the condition is no longer needed.

Special Condition 4 specified rip rap design criteria and is carried forward in the Utah State permit as Condition No. 1.

Special Condition 5 specified that the experimental practice must be conducted as approved and is carried forward as the Utah State permit as Condition No. 2.

Special Condition 6 required replacement of water and is carried forward in the Utah State permit as Condition No. 3.

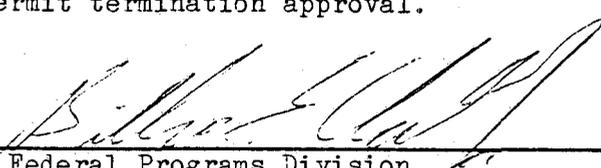
Special Condition 7 protects raptors nests and is carried forward in the Utah State permit as condition No. 4.

Special Condition 8 protects stream buffer zones and is carried forward in the Utah State permit as Condition No. 5.

The standard conditions of the existing mining plan approval are appended to this memorandum as Attachment A. There are no remaining special conditions of approval of the mining plan.

III. Approval:

I approve the termination of Federal permit UT-0016, issued on October 28, 1985, for the Deer Creek mine. The applicable standard conditions of the mining plan approved by the Assistant Secretary on October 11, 1985, are appended as Attachment A and remain in full force and effect notwithstanding this permit termination approval.

Bill


Chief, Federal Programs Division
Western Field Operations
Office of Surface Mining Reclamation and Enforcement

11/16/88

Date

CONDITIONS
OF
MINING PLAN APPROVAL

This document contains the applicable conditions of approval of the Deer Creek mine mining plan approved on October 11, 1985, for Federal coal leases SL-064607-064621, SL-064900, U-1358, SL-070645, U-02292, U-084923, U-084924, U-083066, U-040151, U-044025, U-014275, U-024319, U-47979. Utah Power and Light Company is hereinafter referred to as the lessee/operator.

Condition 1. Statutes and Regulations.--The mining plan approval was made pursuant to Federal coal leases SL-064607-064621, SL-064900, U-1358, SL-070645, U-02292, U-084923, U-084924, U-083066, U-040151, U-044025, U-014275, U-024319, U-47979; the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.); and in the case of acquired lands, the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351 et seq.). The mining plan approval is subject to all applicable regulations of the Secretary of the Interior including, but not limited to, 30 CFR Chapter VII and 43 CFR Group 3400, and to all regulations of the Secretary of Energy, which are now or hereafter in force; and all such regulations are made a part hereof. The lessee/operator shall comply with the provisions of the Water Pollution Control Act (33 U.S.C. 1151 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.) and other applicable Federal laws.

Condition 2. The current mining plan approved on October 11, 1985, covers all or portions of Federal coal leases SL-064607-064621, SL-064900, U-1358, SL-070645, U-02292, U-084923, U-084924, U-083066, U-040151, U-044025, U-014275, U-024319, U-47979 as described below:

T. 16 S., R. 7 E., S.L.M.

Sec. 27: SW1/4
Sec. 28: SE1/4, E1/2 SW1/4
Sec. 33: E1/2, E1/2 W1/2, SW1/4 SW1/4
Sec. 34: W1/2, SE1/4, S1/2 NE1/4

T. 17 S., R. 7 E., S.L.M.

Sec. 2: SW1/4, Lots 2, 5, 6, 7, 10, 11, 12
Sec. 3: W1/2, W1/2 NE1/4, NE1/4 NE1/4, S1/2 SE1/4, Lots 1, 2, 3, 4
Secs. 4 through 9: All
Sec. 10: NE1/4 NW1/4, SW1/4
Sec. 15: N1/2, SW1/4
Secs. 16 through 21: All
Sec. 22: S1/2, NW1/4
Sec. 27: N1/2 N1/2, SE1/4 NE1/4, All West of Deer Creek Fault

Sec. 28: N1/2 N1/2
Sec. 29: N1/2 N1/2
Sec. 30: N1/2 NE1/4, SW1/4 NE1/4, NW1/4 SE1/4, Lots 1, 2, 3

T. 17 S., R. 6 E., S.L.B.M

Sec. 1: E1/2, E1/2 W1/2
Sec. 12: E1/2, E1/2 W1/2
Sec. 13: E1/2, E1/2 W1/2
Sec. 24: E1/2, E1/2 W1/2
Sec. 25: N1/2 NE1/4

as shown on the map appended hereto as Exhibit A.

- Condition 3. The lessee/operator shall conduct coal development and mining operations only as described in the complete permit application package approved by the Utah Division of Oil, Gas and Mining, except as otherwise directed in the conditions of the mining plan approval as contained herein.
- Condition 4. The lessee/operator shall comply with the terms and conditions of the leases and the approved mining plan, and the requirements of the Utah Permit number ACT/015/018 issued under the Utah State program, approved pursuant to the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).
- Condition 5. The mining plan approval shall be binding on any person conducting coal development or mining operations under the approved mining plan and shall remain in effect until superseded, cancelled, or withdrawn.
- Condition 6. The lessee/operator shall allow the authorized representatives of the Secretary, and the Utah Division of Oil, Gas and Mining, 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, 43 CFR Group 3400, and UMC/SMC 840.12 and 842.13; and
 - b. Be accompanied by private persons for the purpose of conducting an inspection in accordance with 30 CFR 842.12 and UMC/SMC 842.12, when the inspection is in response to an alleged violation reported by the private person.
- Condition 7. If during the course of mining operations previously unidentified prehistoric or historic resources are discovered, the lessee/operator shall ensure that the resources are not disturbed and shall notify Utah Division of Oil, Gas and Mining and OSMRE. The lessee/operator shall take such necessary actions as are required by Utah Division of Oil, Gas and Mining in coordination with OSMRE.



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November 16, 1988

4441
UT-0016

Mr. J. Brett Harvey
Utah Power and Light Company
1707 West North Temple
Salt Lake City, Utah 84116

Dear Mr. Harvey:

The Office of Surface Mining Reclamation and Enforcement (OSMRE) has terminated, effective immediately, Federal permit UT-0016, issued on October 28, 1985, for Utah Power and Light Company's Deer Creek mine. The Federal permit was terminated in accordance with OSMRE's Directive on the Termination of Federal Permits because the State has a cooperative agreement that delegates the permitting responsibilities on Federal lands to the State, and Utah Division of Oil, Gas and Mining (DOG M) has issued State permit ACT/015/018 for the Deer Creek mine in accordance with the Utah State program and cooperative agreement.

I have enclosed the memorandum terminating the Federal permit. Attached to the memorandum are the applicable standard conditions of approval of the Deer Creek mine mining plan approved by the Assistant Secretary on October 11, 1985, for Federal leases SL-064607-064621, SL-064900, U-1358, SL-070645, U-02292, U-084923, U-084924, U-083066, U-040151, U-044025, U-014275, U-024319, U-47979. These conditions were previously incorporated in the Federal permit. Notwithstanding the termination of the Federal permit, these conditions remain in full force and effect. The Director's approval of the experimental practice also remains in effect.

Utah DOGM is now the regulatory authority for surface coal mining and reclamation operations on Federal lands at the Deer Creek mine under the Utah State permit ACT/015/018, the Utah State program, and the cooperative agreement. Mining operations on Federal leases SL-064607-064621, SL-064900, U-1358, SL-070645, U-02292, U-084923, U-084924, U-083066, U-040151, U-044025, U-014275, U-024319, U-47979 must be conducted in accordance with the approved mining plan including the standard conditions, the leases, the Mineral Leasing Act of 1920, as amended, and its implementing regulations, as well as the State permit.

If you have any questions, please contact Richard Holbrook at (303) 844-5658.

Sincerely,

Ranvir Singh
Ranvir Singh, Chief
Federal Lands Branch

Enclosures

cc: Director, Utah DOGM ✓
Director, Albuquerque Field Office
BLM Utah State Office
BLM Moab District Office
BLM San Rafael Resource Area Office
U.S. Forest Service, Manti-LaSal National Forest
U.S. Fish and Wildlife Service, Salt Lake City