Deer Creek Mine, PacifiCorp
Emery County, Utah July 1994
U-06039, U-47977, SL-050862

MINING PLAN DECISION DOCUMENT

PacifiCorp
Deer Creek Mine
Federal Leases U-06039, U-47977, and SL-050862
Emery County, Utah

U.S. Department of the Interior
Office of Surface Mining Reclamation and Enforcement

Prepared July 1994

Approved 7/29/94

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Federal Leases U-06039, U-47977, and SL-050862
Mining Plan Decision Document

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United States Department of the Interior

OFFICE OF SURFACE MINING
Reclamation and Enforcement
Washington, D.C. 20240

JUL 26 1994

MEMORANDUM

To: Assistant Secretary, Land and Minerals Management

From: for Robert J. Uram
Director, Office of Surface Mining Reclamation and Enforcement

Subject: Recommendation for Approval of the PacifiCorp's Deer Creek Mine Mining Plan for Federal Lease U-06039 and Mining Plan Modification for Federal Leases U-47977 and SL-050862, Emery County, Utah

I recommend approval of the PacifiCorp's Deer Creek Mine mining plan for Federal lease U-06039 and mining plan modification for Federal leases U-47977 and SL-050862 pursuant to the Mineral Leasing Act of 1920, as amended. This mining plan supplements the Deer Creek mining plan for Federal leases SL-064607-064621, SL-064900, SL-070645, U-1358, U-02292, U-084923, SL-064607-064621, SL-064900, SL-070645, U-1358, U-02292, U-084923, U-084924, U-083066, U-040151, U-044025, U-014275, U-024319, U-47979, U-47977, and SL-050862 approved on October 11, 1985, and the mining plan for Federal leases U-47977 and Sl-050862 approved on January 6, 1993, and modified on July 16, 1993. My recommendation to approve the Deer Creek Mine mining plan is based on: (1) PacifiCorp's complete permit application package (PAP), (2) compliance with the National Environmental Policy Act of 1969, (3) documentation assuring compliance with applicable requirements of other Federal laws, regulations, and executive orders, (4) comments and recommendations or concurrence of other Federal agencies, and the public, (5) the findings and recommendations of the Bureau of Land Management with respect to the resource recovery and protection plan and other requirements of the Federal leases and the Mineral Leasing Act, and (6) the findings and recommendations of the Utah Division of Oil, Gas and Mining with respect to the PAP and the Utah State program.

The Secretary may approve a mining plan for Federal leases under 30 U.S.C. §§ 207(c) and 1273(c). Pursuant to 30 CFR Chapter VII, Subchapter D, I find that the proposed mining plan will be in compliance with all applicable laws and regulations. The decision document for the proposed mining plan action is attached.

Attachment

bcc: OSM Record;OSM Reading(2);CIMS;Dir;DD;AD/RRP;DRP;BFIP Reading; ASLMM(2)
OSM:BFIP:BLOCK;rtw;WSC:HOLBROOKE;208-2564;7-26-94;

United States Department of the Interior

OFFICE OF SURFACE MINING
Reclamation and Enforcement
1999 Broadway, Suite 3320
Denver, Colorado 80202-5733

IN REPLY REFER TO:

JUL 22 1994

MEMORANDUM

TO: Director

THROUGH: Deputy Director

FROM: Acting Assistant Director, Western Support Center

SUBJECT: Recommendation for Approval of the PacifiCorp's Deer Creek Mine Mining Plan for Federal Lease U-06039 and Mining Plan Modification for Federal Leases U-47977 and SL-050862, Emery County, Utah

I. Recommendation

I recommend approval of the Deer Creek Mine mining plan for Federal lease U-06039 and mining plan modification for Federal leases U-47977 and SL-050862. This mining plan supplements the Deer Creek mining plan for Federal leases SL-064607-064621, SL-064900, SL-070645, U-1358, U-02292, U-084923, SL-064607-064621, SL-064900, SL-070645, U-1358, U-02292, U-084923, U-084924, U-083066, U-040151, U-044025, U-014275, U-024319, U-47979, U-47977, and SL-050862 approved on October 11, 1985 and the mining plan for Federal leases U-47977 and Sl-050862 approved on January 6, 1993, and modified on July 16, 1993. My recommendation is based on: (1) PacifiCorp's complete permit application package (PAP), (2) compliance with the National Environmental Policy Act of 1969, (3) documentation assuring compliance with applicable requirements of other Federal laws, regulations, and executive orders, (4) comments and recommendations or concurrence of other Federal agencies, and the public, (5) the findings and recommendations of the Bureau of Land Management with respect to the resource recovery and protection plan and other requirements of the Federal leases and the Mineral Leasing Act, and (6) the findings and recommendations of the Utah Division of Oil, Gas and Mining with respect to the PAP and the Utah State program.

Approval of this mining plan will authorize mining of approximately 519,000 tons of Federal coal within the approved mining plan area. An additional 40 acres within Federal leases U-06039, U-47977, and SL-050862, as shown on the maps included with this decision document, will be added to the approved mining plan area. The review of the PAP indicated

~~indicated~~ that PacifiCorp's proposal would not require special conditions to be included in the mining plan approval document to comply with Federal law.

Utah Division of Oil, Gas and Mining (DOGM) reviewed the PAP under the Utah State program, the Federal lands program (30 CFR Chapter VII, Subchapter D), and the Utah cooperative agreement (30 CFR § 944.30). Pursuant to the Utah State program and the cooperative agreement, Utah DOGM approved the permit amendment on July 14, 1994.

The Office of Surface Mining Reclamation and Enforcement (OSM) has consulted with other Federal agencies for compliance with the requirements of applicable Federal laws, and their comments and concurrences are included in the decision document. The resource recovery and protection plan was reviewed by the Bureau of Land Management (BLM) for compliance with the Mineral Leasing Act of 1920, as amended, and 43 CFR Part 3480, and BLM recommended approval of the mining plan in a memorandum dated July 14, 1994. The U.S. Fish and Wildlife Service provided its final consultation comments under Section 7 of the Endangered Species Act in a memorandum dated July 6, 1994. The State Historic Preservation Office provided its comments on the PAP for extending underground mining operations into the Rilda Lease Extension Area, which included the operations and lands proposed in the permit amendment. The Manti-La Sal National Forest, concurred with the proposed mining plan action in a letter dated July 11 and July 13, 1994.

I have determined that the proposed area of mining plan approval is not unsuitable for mining in accordance with section 522(b) of SMCRA.

The permit amendment area is located on Federal lands within the boundaries of the Manti-La Sal National Forest National Forest. However, based on OSM's analysis and on the concurrence of the USDA Forest Service, the surface operations and impacts of the Deer Creek Mine are incident to an underground coal mine and will not be incompatible with significant recreational, timber, economic, or other values of the Manti-La Sal National Forest National Forest.

OSM has determined that approval of this mining plan will not have a significant impact on the quality of the human environment. The impacts of approval of this mining plan and alternatives are described in the environmental assessment attached to the Finding of No Significant Impact (FONSI) included with the decision document.

The mining plan approval document included in the decision document is in conformance with the Mineral Leasing Act of 1920, as amended, and applicable Federal regulations. I recommend that you advise the Assistant Secretary, Land and

Minerals Management, under 30 CFR Part 746, that the PacifiCorp's Deer Creek Mine mining plan for Federal lease U-06039 and mining plan modification for Federal leases U-47977 and SL-050862 is ready for approval.

II. Background

The Deer Creek underground coal mine is located in Emery County, Utah, 8 miles west of Huntington. The mine has been in operation since 1969. About 93 acres have been affected by surface disturbance to date. Including the 40-acre permit amendment area, the total permitted area of the Deer Creek Mine contains about 14,940 acres. Mining is expected to continue for 30 years under Utah Permit No. ACT/015/018 and the approved mining plan.

The original mining plan for the Deer Creek Mine was approved under the Federal lands program on October 11, 1985, for Federal leases SL-064607-064621, SL-064900, SL-070645, U-1358, U-02292, U-084923, SL-064607-064621, SL-064900, SL-070645, U-1358, U-02292, U-084923, U-084924, U-083066, U-040151, U-044025, U-014275, U-024319, and U-47979. The mining plan for Federal leases U-47977 and Sl-050862 was approved on January 6, 1993, and modified on July 16, 1993. With this mining plan action, the approved mining plan area for the Deer Creek Mine will contain a total of 13,866 acres.

The underground mining operations utilize longwall mining methods. The Blind Canyon and Hiawatha coal seams are mined at an average production rate of about 2.7 million tons per year. No additional surface disturbance will result from this action except mining-induced subsidence in about 20 acres above the 3rd and 4th East longwall panels.

A chronology of events related to the processing of the PAP is included with the decision document. The information in the PAP, as well as other information identified in the decision document, has been reviewed by Utah DOGM staff in coordination with the OSM Project Leader.

During the review of the PAP, no major issues were identified nor were any public comments received.

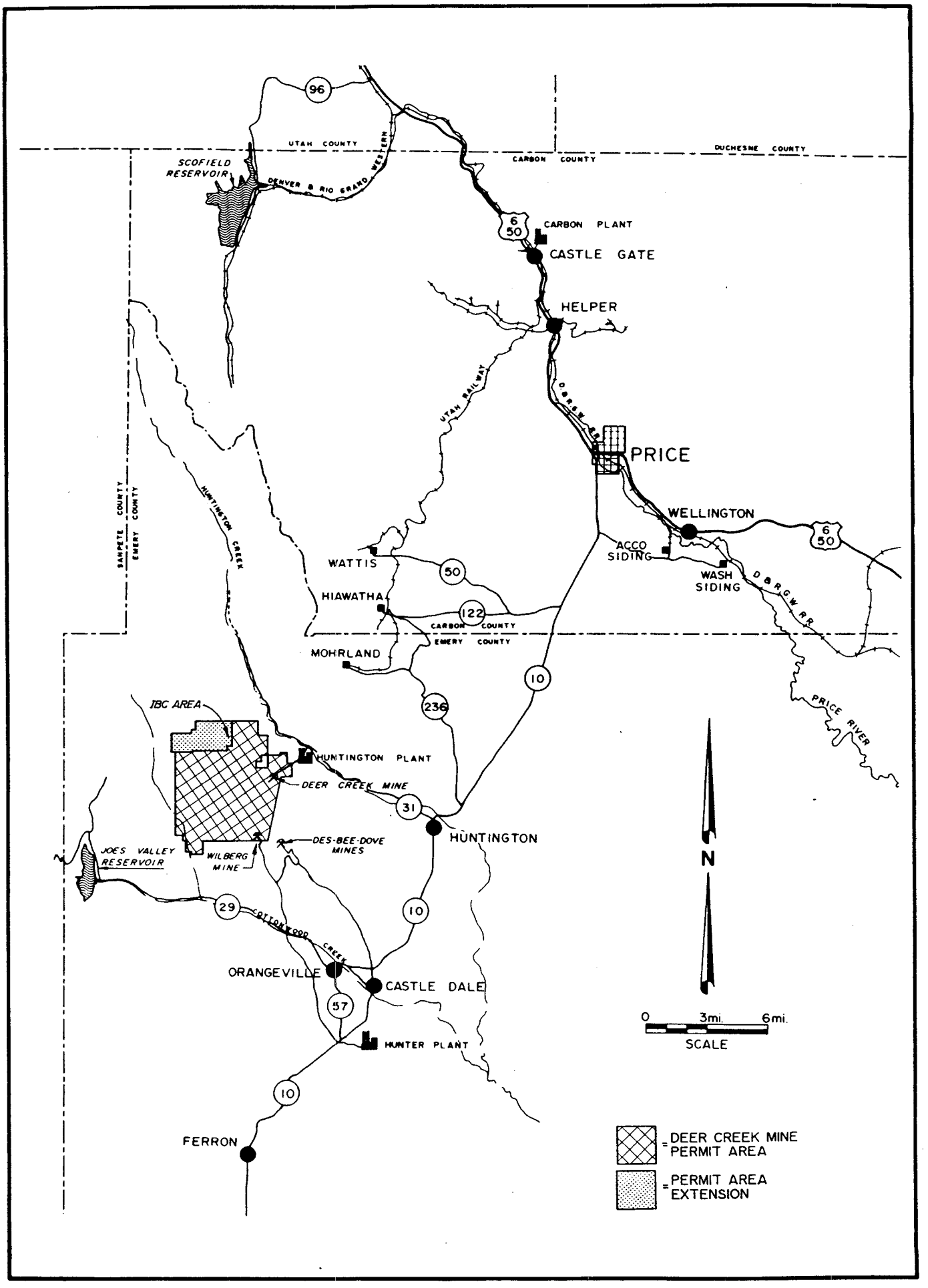
Utah DOGM determined that a bond in the amount of $2,000,000 is adequate for the Utah Permit No. ACT/015/018 associated with this mining plan action. The bond is payable to the State and the United States.

The PAP submitted by PacifiCorp and updated through June 28, 1994, Utah DOGM's Findings and Supporting Documentation provided to OSM under the cooperative agreement, the environmental assessment and FONSI of the proposed action and alternatives prepared by OSM, other documents prepared by Utah DOGM, and correspondence developed during the review of the PAP are part of OSM's administrative record.

Peter A. Rutledge

Date 7/22/94

Attachments


96
UTAH COUNTY
CARBON COUNTY
DUCHESNE COUNTY
SCOFIELD RESERVOIR
DENVER & RIO GRAND WESTERN
6
50
CARBON PLANT
CASTLE GATE
HELPER
UTAH RAILWAY
D&RGW RR
PRICE
SANPETE COUNTY
EMERY COUNTY
HUNTINGTON CREEK
WELLINGTON
ACCO SIDING
WASH SIDING
D&RGW RR
WATTIS
50
HIAWATHA
122
CARBON COUNTY
EMERY COUNTY
MOHRLAND
10
236
PRICE RIVER
JBC AREA
HUNTINGTON PLANT
DEER CREEK MINE
31
HUNTINGTON
DES-BEE-DOVE MINES
JOES VALLEY RESERVOIR
WILBERG MINE
29
COTTONWOOD CREEK
10
ORANGEVILLE
CASTLE DALE
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HUNTER PLANT
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FERRON
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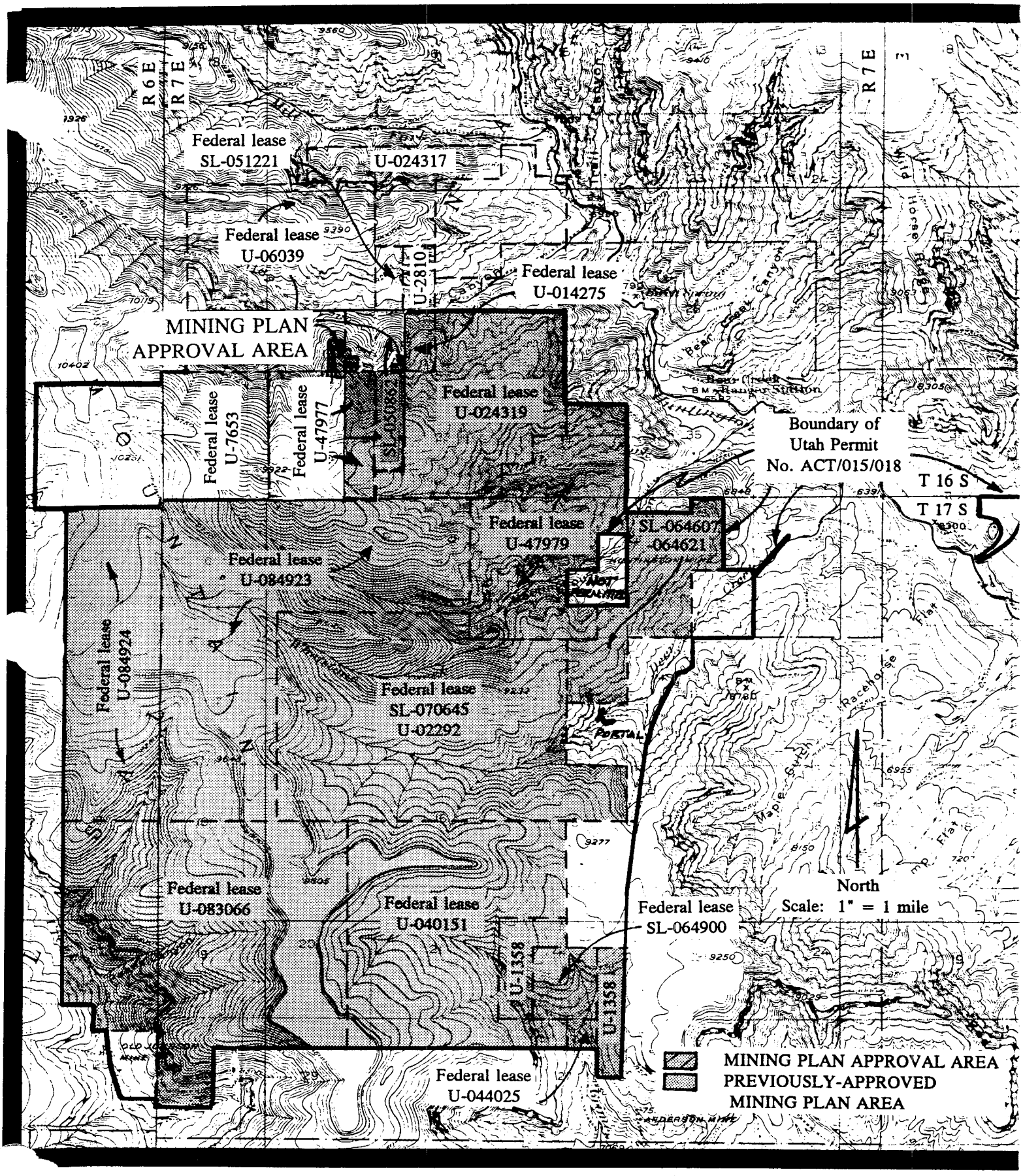
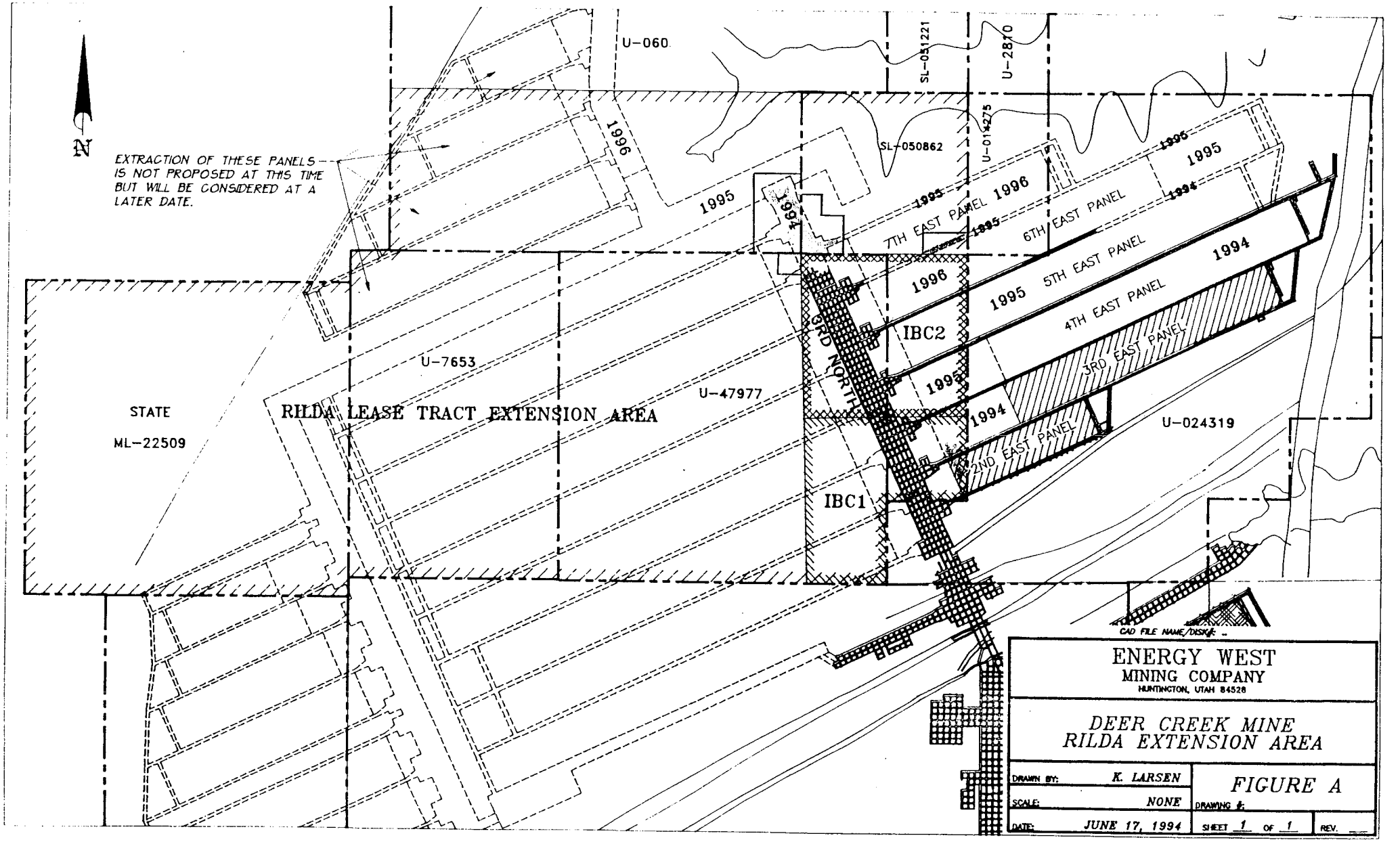
SCALE
= DEER CREEK MINE PERMIT AREA
= PERMIT AREA EXTENSION



Mining Plan Approval Area
Deer Creek Mine
Emery County, Utah



= IBC

= Development

= Extraction

TBP.-3

CHRONOLOGY

Deer Creek Mine
Federal Leases U-06039, U-47977, and SL-050862
Mining Plan Decision Document

DATE	EVENT
February 12, 1990	PacifiCorp submitted a permit application package (PAP) under the approved Utah State Program to the Utah Division of Oil, Gas and Mining (DOGM) for a permit revision for extending underground operations at the Deer Creek Mine into the 2400-acre Rilda Lease Extension Area.
January 8, 1994	PacifiCorp resubmitted the PAP for the permit revision for extending underground operations at the Deer Creek Mine into the 2400-acre Rilda Lease Extension Area.
April 6, 1994	The State Historic Preservation Office provided its comments on the PAP for extending underground mining operations into the Rilda Lease Extension Area, which included the operations and lands proposed in the permit amendment submitted to Utah DOGM on June 27, 1994.
June 27, 1994	PacifiCorp submitted a permit amendment that included a 40-acre incidental boundary change under the approved Utah State Program to Utah DOGM for completing longwall operations in the 3rd East and 4th East panels, extending the 3rd North Main to the northwest, and driving the gate for the 6th East panel.
June 28, 1994	The Office of Surface Mining Reclamation and Enforcement (OSM) received the permit amendment. OSM determined that the permit amendment constituted a mining plan modification for Federal leases SL-050862 and U-47977 and that a mining plan approval for Federal lease U-06039 was required.
June 29, 1994	Utah DOGM determined that the permit amendment was administratively complete for public review and comment.
July 6, 1994	The U.S. Fish and Wildlife Service provided its final consultation comments on the mining plan.

CHRONOLOGY
(continued)
Deer Creek Mine
Federal Leases U-06039, U-47977, and SL-050862
Mining Plan Decision Document

DATE	EVENT
July 11, 1994 July 13, 1994	The Manti-La Sal National Forest, the Federal land management agency, provided its final concurrence with the approval of the mining plan.
July 14, 1994	The Bureau of Land Management provided its findings and recommendations on the approval of the mining plan.
July 14, 1994	Utah DOGM approved the PAP.
July 15, 1994	OSM received Utah DOGM's final Findings and Supporting Documentation.
July 1994	OSM's Western Support Center recommended that the mining plan be approved.

U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
FINDING OF NO SIGNIFICANT IMPACT
FOR
Deer Creek Mine
Federal Leases U-06039, U-47977, and SL-050862
Mining Plan Decision Document

A. Introduction

PacifiCorp submitted a permit application package (PAP) for a permit amendment that included a 40-acre incidental boundary change for the Deer Creek Mine to the Utah Division of Oil, Gas and Mining (DOGM) under the Utah State program (30 CFR Part 944). The PAP proposes completing longwall operations in the 3rd East and 4th East panels, extending the 3rd North Main to the northwest, and driving the gate for the 6th East panel. The proposed operations would extend underground mining operations into about 40 acres of Federal leases U-06039, U-47977, and SL-050862. OSM determined that the permit amendment constituted a mining plan modification for Federal leases SL-050862 and U-47977 and that a mining plan approval for Federal lease U-06039 was required. The proposed mining plan would cause no new surface disturbance except mining-induced subsidence.

Under the Mineral Leasing Act of 1920, the Assistant Secretary, Land and Minerals Management, must approve, approve with conditions, or disapprove the mining plan for Federal lease U-06039 and the mining plan modification for Federal leases U-47977 and SL-050862. Pursuant to 30 CFR Part 746, the Office of Surface Mining Reclamation and Enforcement (OSM) is recommending approval of this mining plan.

B. Statement of Environmental Significance of the Proposed Action

The undersigned person has determined that the above-named proposed action would not have a significant impact on the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4332(2)(C), and therefore, an environmental impact statement is not required.

This finding of no significant impact is based on the attached environmental assessment prepared by OSM in March 1985 for the original mining plan approval. OSM has reviewed the environmental assessment and has determined that it assesses the impacts of the proposed action adequately and accurately assesses and provides sufficient evidence and analysis for this finding of no significant impact.

The 1985 environmental assessment adequately identifies and discusses the environmental impacts of the proposed action in the context of mining operations for the 13,546-acre mining

plan area that was approved in 1985. The proposed 40-acre incidental boundary change is a minor extension of those approved operations and would cause no new surface disturbance. The completion of the 3rd East and 4th East longwall panels will cause subsidence of an additional 20 acres, but the subsidence is not expected to affect any surface or hydrologic resources. The effects of mining on the hydrologic system would not change from those described in the 1985 environmental assessment. The State has required monitoring of continued inflows in the development entries to ensure that hydrologic effects are minimized.

As noted by the Bureau of Land Management in its letter dated July 14, 1994 and the U.S. Forest Service Manti-La Sal National Forest in its letter dated July 11, 1994, the operations proposed in the permit amendment are far removed from the areas of concern to the U.S. Forest Service Manti-La Sal National Forest and the Bureau of Land Management around the Rilda Canyon escarpment and would not affect the escarpment area.

Acting

Chief, Federal Programs Division
Western Support Center

7/22/94
Date

ENVIRONMENTAL ASSESSMENT
FOR THE
DEER CREEK MINE

PREPARED BY:

U.S. OFFICE OF SURFACE MINING
WESTERN TECHNICAL CENTER

MARCH 18, 1985

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ENVIRONMENTAL ASSESSMENT FOR THE DEER CREEK MINE, EMERY COUNTY, UTAH

March 18, 1985

INTRODUCTION

The Deer Creek Mine is an underground coal mine owned by the Utah Power and Light Company (UP&L) and operated by the Emery Mining Company. The mine is located in central Utah approximately eight miles west of Huntington, Utah. The proposed permit area covers 14,620 acres, approximately 7,200 acres of which will be undermined. Approximately 91 percent of the permit area is underlain by thirteen Federal coal leases. The remaining coal is either owned by UP&L or leased to UP&L. Coal reserves total approximately 186,000,000 tons with 95,000,000 tons recoverable. Federal surface on the proposed permit area totals 8,225 acres with 7,985 acres managed by the Manti-LaSal National Forest, and the remaining 240 acres managed by the Bureau of Land Management. The proposed mining rate will average 2.5 million tons per year. The estimated life of the mine is 47 years.

The Bureau of Land Management, Branch of Solid Minerals, granted approval of the Deer Creek Resource Recovery and Protection Plan (RRPP) on October 31, 1984. The Office of Surface Mining (OSM) has determined that the northern leases proposed for permitting by the applicant (U-06039, SL-051221, and U-024317) cannot be permitted at this time because the applicant has not obtained the right-of-entry to access privately owned lands adjacent to these coal lease areas. Therefore, the permit area and mining plan area are 2,280 acres smaller than the RRPP approval area. The proposed area of mining plan approval and permit approval are identical.

Adjacent to the Deer Creek operation is the Wilberg Mine, the Des-Bee-Dove Mine, and the Trail Mountain Mine. Deer Creek, Wilberg, and Des-Bee-Dove are owned by UP&L. While the Deer Creek Mine is primarily devoted to mining the Blind Canyon coal seam (with the exception of the northern part of the permit area where both the Blind Canyon and Hiawatha seams are mined), the Wilberg Mine is primarily devoted to mining the Hiawatha coal seam which is situated below the Blind Canyon seam. Therefore, most of the Deer Creek and Wilberg Mines overlap (Figure 1). The Des-Bee-Dove Mine is situated adjacent to Deer Creek and Wilberg on the east. The Trail Mountain Mine (Trail Mountain Coal Company) is adjacent to Deer Creek and Wilberg on the southwest.

Other active mines in the vicinity of the Deer Creek Mine are the Hiawatha Mine (King Mines), the Star Point Mine, Crandall Canyon Mine, Huntington Canyon Mine, and the non-Federal Bear Canyon Mine.

PURPOSE AND NEED FOR ACTION

The Deer Creek Mine has been operating under a permit issued by the State of Utah, Division of Oil, Gas and Mining (UDOGM) (ACT/015/018) since May 11, 1978, with approval under 30 CFR 211 issued by the U.S. Geological Survey on January 23, 1978. To continue mining, the applicant has submitted an underground mining and reclamation permit application in compliance with the Coal Mining and Reclamation Permanent Program (Chapter 1) of the State of Utah. The necessary federal action is to approve, disapprove, or conditionally approve the permit and mining plan in accordance with the requirement of SMCRA and the Mineral Leasing Act. This environmental assessment will address the environmental consequences of the proposed mining operations and reclamation plans in the permit application package. The consequences of no permit approval will also be addressed. The purpose of this document is to assist the decision makers in making a decision with respect to NEPA compliance.

DESCRIPTION OF ALTERNATIVES

Proposed Action: Approval of the Permit Application Package, With Conditions

OSM may approve the operator's permit application package for the 14,620 acres of coal subject to certain conditions.

Alternative I: No Action

SMCRA and the Mineral Leasing Act requires that the Secretary of the Interior approve, disapprove, or conditionally approve mining operations on Federal leases. Therefore, the alternative to take no action is not viable and will not be discussed further.

Alternative II: Disapproval of the Permit Application Package

Disapproval of the permit application package would result in permanent closure of the existing mining operation. All facilities are in place at the Deer Creek Mine, so this alternative would not result in long-term impacts greatly different from the proposed action. Under this alternative, the mine operator would begin reclamation at the disturbed area.

DESCRIPTION OF THE AFFECTED ENVIRONMENT

Soils

Soils in the proposed permit area are composed of three map units. These units are Typic Cryochrepts-Lithic Cryorthents-Rock Outcrop, loamy skeletal, shallow association (40-60 percent slopes); Pachic Cryoborolls, loamy and loamy-skeletal (10-25 percent slopes), and Typic Cryoborolls, loamy and loamy-skeletal (25-40 percent slopes). The Typic Cryochrepts association is composed of soils which are primarily loamy skeletal and lithic with areas of sandstone outcrops. Cryochrepts have a gravelly loam or sandy loam surface layer 35 cm thick with 25 percent sandstone fragments underlain by a gravelly or stoney loam 100 cm thick with 35-50 percent sandstone fragments. Cryorthents are primarily shallow and are underlain by rock within 50 cm of the surface. The Pachic Cryoboroll soil has a loamy surface layer about 60 cm thick overlying a loamy subsoil 30 cm thick. The substratum is a gravelly sandy loam containing 50 percent sandstone fragments. The Typic Cryoboroll soil is characterized by a loamy surface layer about 40 cm thick over a calcareous substratum with up to 50 percent sandstone fragments.

Hydrologic Resources

The Deer Creek permit area comprises approximately 14,620 acres of land located within Cottonwood and Huntington drainages. The disturbed area (surface disturbance, 25 acres) is drained by Deer Creek, a tributary of Huntington Creek. Most tributaries located on the permit area are ephemeral or intermittent except for Deer Creek, the left fork of Grimes Wash, and sections of Meetinghouse and Rilda Canyon Creeks. Meetinghouse is considered to be perennial below Elk Spring, and Rilda Canyon Creek is considered a perennial stream below the confluence of its right and left forks. Elevations in the general area range from around 7,000 feet in the canyon bottoms to 10,000 feet along the ridges and plateaus. Sediment-treated water from the Deer Creek Mine facilities area drains into Huntington Creek, approximately three miles north of the main tipple. The Huntington Creek drainage basin encompasses 181 square miles above its confluence with Deer Creek. Huntington Creek, a perennial tributary to the San Rafael River, annually yields approximately 67,000 acre-feet of water. The discharge averages approximately 96 cfs.

The major drainages within the permit area are relatively small perennial to intermittent streams. This base flow is sustained by spring discharges and groundwater seeps. Most of the annual flow (approximately 65 percent) comes in April through June in response to snowmelt. The water quality of the surface drainage is generally good and can be characterized as a calcium-magnesium bicarbonate water with total dissolved solids ranging from 300 to 600 milligrams per liter.

The majority of springs on East Mountain occur in the North Horn Formation, which consists of varigated shales, sandstones, conglomerates and freshwater limestone. The overlying Flagstaff Limestone is highly fractured, which allows for good vertical transport of water with little lateral movement, and hence few springs. The Flagstaff serves as a local source of recharge to the North Horn Formation. The existing water quality of the springs on East Mountain is good and is of similar chemical character to the surface water. The applicant has identified numerous springs and seeps within three miles of the permit area.

Vegetative Resources

The permit area includes five vegetation types: mixed conifer, pinyon-juniper, sagebrush, grass, and riparian. Mixed conifer primarily occurs at higher elevations and on north-facing slopes, and is the most extensive floral community. The next most extensive community is pinyon-juniper which occurs on steep rocky slopes with a southern exposure and on more gentle terrain at lower elevations. The sagebrush and grass communities occur at higher elevations on more moisture deficient sites. The riparian community occurs along Cottonwood Creek on the western side of the permit area, with some along Deer Creek.

Fish and Wildlife Resources

Wildlife species inhabiting the mine permit area and vicinity are typical for this region of the Wasatch Plateau. Several game and high-interest species inhabit the general vicinity of the mine permit area. None are potentially exposed to any significant impact. Riparian habitat along Deer Creek is considered of high value to the area's wildlife resources; however, none of the habitats present are unique or restricted to the mine permit area. No fish species occur in Deer Creek or Grimes Wash in the vicinity of the mine facilities, although the drainages are tributary to Huntington Creek, which does support trout and is classified as a Class 3 fishery.

Cliffs in the vicinity of the mine portal and facilities area represent potentially valuable cliff-nesting habitat for several species of raptors (e.g. golden eagle, red-tailed hawk, and prairie falcon). Wooded habitats within the permit area also provide nest sites for tree-nesting species such as northern goshawk, Coopers's hawk, sharp-shinned hawk, red-tailed hawk, American kestrel, and screech owl. The bald eagle is a winter visitor to the area. A 1981 U.S. Fish and Wildlife Service raptor survey for cliff-nesting species identified two golden eagle nests (No. 57 & 59) and one raven nest (No. 58) within one kilometer of the Wilberg Mine portal area. All were inactive in 1982. Four buteo nests were located near the Deer Creek Mine facilities area. One of these nests was an active red-tailed hawk nest in 1981. All were inactive in 1982. In addition, an inactive raven nest (No. 46) occurs within one kilometer of the Meetinghouse Canyon breakout (Map 2-18, PAP Vol. 6).

Mule deer occur within the permit area year round. During the summer they are found predominantly in habitats at the mid to upper elevations in the permit area (e.g., mixed conifer, sagebrush, and grassland). In the winter, habitats at the lower elevations (especially pinyon-juniper) along the benches and slopes of the southern and eastern portions of East Mountain are designated by the Utah Division of Wildlife Resources (UDWR) as high-priority and critical mule deer winter range. The pre-law waste rock storage site and portions of the access/haulroad and sewer absorption field occur within high-priority mule deer winter range.

Land Use

Surface ownership of the Deer Creek portal and facilities area is private (UP&L Co.). The majority of the remaining land within the mine permit area is either privately owned or is part of the Manti-LaSal National Forest. The Bureau of Land Management manages 240 acres.

Premining land uses in the disturbed areas associated with the Deer Creek Mine were livestock grazing and wildlife habitat. Land use on and adjacent to the permit area consists of recreation, mining, wildlife habitat, and limited livestock grazing.

Topography

The Deer Creek Mine is located at the junction of Deer Creek Canyon and Elk Canyon. The facilities area is for the most part located on a flat area created by pre-law fill material along the stream, but is adjacent to a steep hillside. The hillside has been excavated to form additional work area for the operations. The cliff above the mine is formed by interbedded shales and sandstones and massive sandstone layers. The sandstone layers form vertical cliffs over much of the hillside.

Cultural Resources

See Addendum A

Socioeconomics

See Addendum B

ENVIRONMENTAL IMPACTS OF THE PROPOSED ALTERNATIVE

Soils

The soils existing at the Deer Creek Mine were buried during previous mining operations. No new disturbances are planned at this site.

Because soil for reclamation is lacking, the applicant proposes to attempt to develop a substitute soil by temporarily reclaiming various existing fill slopes which will not be disturbed during mining (see Chapter X, Technical Analysis, Revegetation). It is assumed that the surface material of the slopes, through temporary reclamation, will increase in organic matter content and microbial populations, thereby providing a planting medium superior to existing fill materials. At the onset of final reclamation grading, this "topsoil" would be stripped from the temporarily reclaimed slopes and temporarily stockpiled during backfilling and grading operations. As grading is completed, these cut-and-fill seedbed materials ("topsoil") will be distributed on newly graded surfaces to a depth of 6 to 12 inches at random locations throughout the site to enhance reclamation potential.

The seedbed at the Deer Creek Mine will consist primarily of fill composed of sandstone and shale parent material. During previous mining coal wastes became mixed with this material at and adjacent to coal handling facilities. Mixing will continue through the life of the mine (potentially 47 years). The applicant has committed to burying all toxic materials, which will result in the use of uncontaminated fill as seedbed material after final grading. Therefore, the impact of coal mixing is considered slight.

Erosion of fill, and therefore future seedbed materials, will occur during operations as a result of wind and water forces. The potential for erosion is greatest on the slopes of the major construction fills. To decrease erosion potential, the applicant will fertilize, plant, and mulch these slopes during the first year of operations. Irrigation will be used on subsequent plantings if the first seeding attempt fails. Though slope reclamation will reduce erosion to some degree, the success of revegetation cannot be quantified at this time. Erosion will be significantly reduced for at least one year after planting due to mulch application. As mulch decomposes, erosion will increase until vegetation becomes established.

Soil in stockpiles will be subject to compaction, a reduction in nutrient levels, and a reduction in the microbial populations. Soil structure will also be lost during salvage. Compaction will be relieved during soil reapplication. Nutrient levels will be re-established through fertilization. Microbial populations should readily re-establish in the soil matrix through innoculation from surrounding areas. Soil in stockpiles will be lost through erosion. This loss, however, should be minimal with respect to the total amount salvaged. The applicant's commitment to temporarily revegetate berm stockpiles will reduce soil loss resulting from erosion.

Reapplied soil will be subjected to erosion from the time of final grading until revegetation is established. As in the case of temporary revegetation of Wilberg Mine fill slopes, erosion should be significantly reduced from the time of mulch application until applied mulch decomposes and no longer provides surface protection. Erosion will likely increase at this time until vegetative cover is established because of the quality of seedbed material involved, the steep postmining slope gradients, and the average annual precipitation. Because of the commitment to irrigate if the initial planting fails, the significance of this impact is reduced both in terms of magnitude and duration. With respect to these factors, the erosion impact is considered less serious for both the Cottonwood fan portal and the waste rock disposal site. It is believed that establishment of vegetative cover to presumed premining levels can be accomplished more rapidly at these sites. Therefore, the duration of the erosion impact, compared to that of the main mine site, is reduced.

Surface Water Hydrology

All surface drainage facilities are designed to safely control water and sediment runoff from all disturbed areas. In addition, all surface water originating from undisturbed lands upstream of the facilities area will be controlled and diverted around the operation. Storm runoff from within the mine facilities area is collected in a system of open ditches, bermed roadways and culverts, and is discharged to the sediment pond at the base of facilities area. All undisturbed runoff is discharged to Deer Creek below the facilities area.

The sediment pond is designed to detain the 10-year, 24-hour storm. It should be noted that when the design event is exceeded (i.e. storms larger than the 10-year, 24-hour storm), sediment detention times will be reduced, leading to a slightly higher sediment load in Deer Creek.

Runoff from 25 acres of disturbed land will be temporarily detained in the Deer Creek Mine sediment pond. This water will be released to Deer Creek following the required 24-hour detention. The surface-water impact associated with the Deer Creek Mine operations will be minimal.

At the end of mining and reclamation, impact to the surface-water system will be minimal. It is not anticipated that significant dewatering of the springs by mining and associated subsidence will take place. Fourteen springs located on the permit area are closely monitored by the applicant. Should mining at the Deer Creek Mine affect the recessional behavior of these springs, the applicant has committed to replace the lost water supply.

Reclamation of the drainage at the Deer Creek Mine will consist of removing the temporary drainage system, diversion and sedimentation pond. Permanent channels will be constructed over the fill and into a splash basin. The Utah program regulations currently require all diversions to be routed away from fill. However, the applicant's proposal has been determined to be sound engineering design and acceptable as a state-of-the-art experimental practice under UMC 785.13. All channels are designed to pass the 100-year, 24-hour runoff peak flow. The proposed surface-water reclamation plan will have negligible impact on water quantity or quality of Deer Creek and its tributaries.

Ground-Water Hydrology

The Deer Creek Mine discharges an average of 0.7 cfs. The majority of this intercepted groundwater is utilized by the Huntington Power Plant as cooling water. Numerous springs and seeps exist on and near the permit area. The majority of these springs (39 of 59) discharge from the North Horn Formation.

The ground-water system is generally described as consisting of numerous perched aquifers in the North Horn and Blackhawk Formations. These aquifers receive recharge from snowmelt and influent stream through a system of fractures and faults in the overlying and occasionally underlying formations. Confining layers of lenticular siltstones and shales direct the lateral movement of ground water. The data collected by the mine generally support this hypothesis. Ground water is intercepted but rapidly diminishes in flow.

With the approval of the mine plan, a detailed ground-water monitoring program will be approved. The applicant will collect data from 59 springs and extensively monitor the discharge recession of 14 springs.

Discharge quantity and quality data will continue to be collected from seeps within the mine, and two wells located off site will continue to provide baseline data.

Based on the available data, it appears that the Deer Creek Mine will not significantly impact the ground-water resources of the area. Because of the uncertainties associated with the hydrologic consequences of the proposed and continued operations, the applicant has committed to a detailed ground-water monitoring program. In the event that monitoring data should indicate a significant impact occurring, the applicant has committed to mitigation of the impact.

Vegetation Resources

Only pinyon-juniper vegetation has or will be disturbed in the Deer Creek Mine permit area. Twenty-five acres of pinion-juniper vegetation has been disturbed by the Deer Creek Mine at the main facility area. No further disturbance will occur. Since revegetation will restore the native species to these areas, the long-term impacts should be minimal.

Fish and Wildlife

Surface disturbances associated with the Deer Creek Mine total approximately 25 acres, all within pinyon-juniper habitat. The disturbed area will remain devoid of wildlife habitat for the life of the mine and until reclamation is successful. None of the areas affected represent any unique habitats for the region or critical habitats for threatened or endangered species. Because of this and the limited extent of surface disturbance, the overall potential for impact on wildlife species resulting from loss of habitat will remain relatively minor.

Other mine-associated wildlife impacts that may be more important than direct loss of habitat include (1) human harassment of wildlife, (2) mule deer road kills, and (3) the potential effects of subsidence on springs and raptor cliff-nesting habitat. The effects of human harassment on wildlife, either inadvertent or purposeful, should be considered from a cumulative standpoint since at least three other mines are currently operating along the southern end of East Mountain. However, since premining baseline data for wildlife

populations in the area are lacking, these effects are extremely difficult to quantify. Company-sponsored wildlife educational programs should help to reduce harassment of wildlife as much as possible.

Mine-related subsidence is not expected to impact springs within the Deer Creek permit area. The total spring flow within the permit area is small in comparison to the total spring flow on East Mountain. Spring monitoring will allow early detection of subsidence effects on the springs system so that any necessary mitigation measures can be initiated to protect the hydrologic balance from the cumulative effects of the Wilberg and Deer Creek Mines Complex.

At a minimum, mine activities will likely preclude raptor nesting use of cliff nest sites within one kilometer of the Deer Creek Mine facilities area. The effect of subsidence on raptor cliff nesting habitat is considered to be minor. Subsidence at a cliff face will simply create new cliff face that will provide equivalent nesting habitat. The only nest potentially affected by subsidence is one inactive raven nest (No. 46) located in Meetinghouse Canyon (Map 2-18, PAP Vol. 6). If subsidence affects this nest or any nests constructed in the future, the permit requires the mine operator to work closely with State and Federal agencies to mitigate damage to the nest sites.

Land Use

Surface disturbance associated with the Deer Creek Mine will remain until reclamation is completed following mine closure. Land-use impacts resulting from surface disturbance will be relatively minor, since these areas have already been disturbed and will not be expanded. In addition, premining grazing use of these areas was limited because of steep slopes and generally low levels of available wildlife forage.

Backfilling and Grading

The applicant is planning to return the surface disturbances associated with the Deer Creek Mine to a suitable postmining topography capable of supporting the intended postmining land use. The fill, a pre-law structure supporting the surface facilities, will remain. The location of this fill in the canyon will not be inconsistent with the surrounding topography. The stability of the fills as they exist and after reclamation has been evaluated and meets the requirements of the regulations. This conclusion is based upon analyses presented by the

applicant, and the duration of the fills over which there have been no major slope failures. The environmental and economic factors associated with the alternative of removing the fill are considered detrimental when compared to the applicant's proposal and designs for leaving the fill. The post-mining drainage system has been evaluated in Chapter II of the technical analysis (TA) document and has been found to be adequate. The applicant is granted a variance from the requirements of UMC 817.72(d).

Coal waste and pyritic materials will be diluted with low sulfur rock and fill material, and will be buried under four feet of non-toxic fill as will road-base material and sediment from the sediment pond. The applicant has proposed plans for backfilling that will ensure the mass stability of the slopes.

Subsidence

Approval of mining in the Deer Creek Mine will result in lowering of the ground surface possibly over 10 feet in many areas of the mine where multiple seam mining will occur. In areas of deep cover (greater than 1,400 feet), monitoring has shown that up to 6 feet of subsidence has not resulted in any significant impacts to the ground surface, seeps, or springs. Some uncertainty exists as to what extent of surface cracking might occur. Possible impacts include (1) fracturing of the surface, which would be a hazard to cattle and wildlife, (2) fracturing along cliffs, which could cause slope failures and possibly disrupt raptor nests, and (3) fracturing of overburden through the North Horn Formation which could result in disruption of some seeps and springs. Information to be submitted by the applicant in annual monitoring reports will identify the probable extent of these impacts. At this time, there is no positive evidence of detrimental subsidence effects to streams or springs. The applicant has proposed adequate measures to mitigate subsidence cracking, and has committed to mitigation of other subsidence drainage that may occur.

Cultural Resources

See Addendum A

Socioeconomics

See Addendum B

IMPACTS OF THE DISAPPROVAL ALTERNATIVE

Disapproval of the permit application would shut down the existing Deer Creek mining operation and reclamation of the present disturbance would commence. Given the 47-year life of the mine and the prospects of no additional surface disturbance, this alternative would provide few additional environmental benefits and would result in the loss of the recoverable coal reserves. The final extent of subsidence related impacts would be reduced as no further mining would take place. The most noticeable impact would be socioeconomic in nature, resulting in the permanent loss of jobs in the area. It is possible that some of the existing staff at Deer Creek would be used for reclamation operations. Coal would have to be obtained elsewhere, impacts would be transferred to other sites.

The impact unique to this alternative would be the loss of 95,000,000 tons of recoverable coal reserves.

Wilberg, Deer Creek and Des-Bee-Dove

Cultural Resources

A. Description of Existing Environment

A single all-inclusive inventory of the three Utah Light and Power (UP&L) mines was conducted in 1980 by Archaeological-Environmental Research Corporation which included intensive inventories of proposed surface disturbance areas and a sample inventory of areas potentially impacted by subsidence. The resulting report summarized previous work in the lease area, including survey of areas around drill hole locations and 160-acre sample units in conjunction with the Central Utah Coal project. Areas surveyed include the Wilberg, Des-Bee-Dove and Deer Creek Mines in Emery County, Utah. Eight sites and 12 isolated finds have been recorded, including one historic site and seven prehistoric sites. Four of the sites (42 EM 1308, 1309, 1310, 1633) are considered eligible for nomination to the National Register of Historic Places. None of the eligible sites were in an area of proposed surface disturbance, although potential impacts from subsidence may occur in the future. The Utah State Historic Preservation Officer has made a finding of "no effect" if the permit is approved.

B. Description of Applicant's Proposal

OSM's administrative review of the cultural resources documentation submitted with the UP&L permit applications identified several inadequacies that required the submission of additional information. The applicant has submitted the required information.

C. Evaluation of Compliance

Applicant's Compliance: Acceptance and implementation of the proposed Special Stipulations (Section F) will indicate that the applicant is in compliance with all applicable regulations and legislation.

OSM Compliance: OSM has received concurrence from the Utah State Historic Preservation Officer concerning eligibilities of sites (recommended as eligible: 42EM 1308, 1309, 1310, 1663 - recommended as not eligible: 42EM 853, 854, 855, 1307), and in a finding of "No Effect" if the permit is approved.

D. Revision to Applicant's Proposal

If the plan is approved, the applicant will satisfy the permit conditions identified in Section F.

F. Proposed Permit Conditions

Standard Permit Condition: If, during the course of mining operations, previously unidentified cultural resources are discovered, the applicant shall ensure that the site(s) is not disturbed and shall notify OSM. The operator shall ensure that the resource(s) is properly evaluated in terms of the National Register Eligibility Criteria (36 CFR 60.6). Should a resource be found eligible for listing (in consultation with OSM), the land managing agency (if the site is located on Federal lands) and the State Historic Preservation Officer require the operator to confer with and obtain the approval of these agencies concerning the development and implementation of mitigation measures.

Special Permit Condition: At such time that OSM, in consultation with the 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 applicant.

G. Summary of Compliance

The applicant will be in compliance if all conditions in Section F are adhered to and by ensuring that the proposed permit conditions are followed. OSM is in compliance, and SHPO concurrence has been received.

H. Proposed Departmental Action

The Secretary can approve the application with the proposed Special Stipulations following receipt of SHPO concurrence with recommendations concerning site eligibility and project effect.

I. Residual Impacts of Proposed Departmental Action

Sites which are currently considered ineligible for nomination to the NRHP will be directly impacted and an unknown number of sites will be indirectly affected.

Cultural resources that are considered insignificant today may contain information that would be recognized as significant in the future. These sites could be adversely affected, making future data recovery impossible. Unknown cultural resources may also be adversely affected through operator activities, vandalism and unauthorized collection.

J. Alternatives to the Proposed Action

One alternative would be disapproval of the permit. Another would be to require complete inventory of the permit area and avoidance of all cultural resources during construction of surface facilities. Neither of these alternatives is appropriate.

The preferred alternative is to approve and implement the requirements stipulated in Section F. This allows the applicant to proceed and allows OSM to comply with all applicable Federal legislation and regulations.

Environmental Assessment
Addendum B

DEER CREEK MINE COMPLEX
SOCIOECONOMIC ASSESSMENT

Existing Environment

Utah Power and Light Company currently employs 372 people at the Deer Creek Mine Complex. This includes 75 supervisory and 40 office personnel. This employment level is projected to remain stable in order to produce 2.5 million tons a year of coal throughout the life of the mine.

The primary jurisdictions affected by the mining operation and their current and projected population are as follows:

	1980	1985	2000
Emery County	11,450	15,750	20,900
Castle Dale	2,052	2,835	3,362
Orangeville	1,140	1,890	2,508
Huntington	2,622	3,150	3,762
Carbon County	23,500	29,100	32,250

Source: Southeastern Utah Association of Governments, May 14, 1984

Projected Impacts

The employment level at the Deer Creek Mine Complex will remain constant throughout the life of the mine; therefore, there will be no primary or secondary socioeconomic impacts associated with the continued operation of the facility. The mine currently supports approximately 600 secondary jobs in the region. The company contributes approximately $650,000 a year in property taxes and $400,000 a year in state unemployment benefits. The unemployment rate in the region has remained high throughout the early 1980's (nearly 15 percent); therefore, the mine provides a stable employment base for area miners.

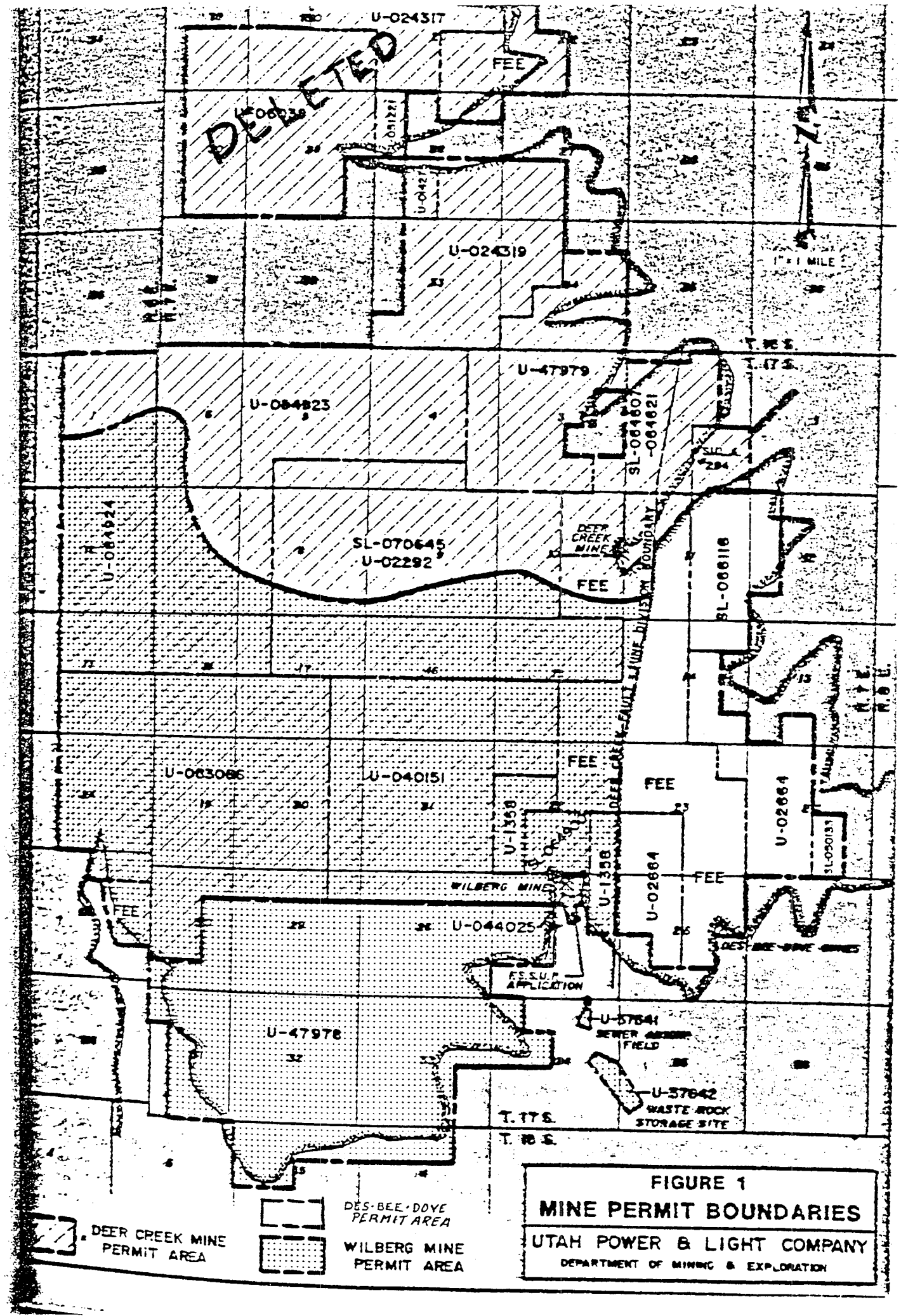

FIGURE 1
MINE PERMIT BOUNDARIES
UTAH POWER & LIGHT COMPANY
DEPARTMENT OF MINING & EXPLORATION

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Moab District
P. O. Box 970
Moab, Utah 84532

TAKE PRIDE IN AMERICA

JUL 1 8 1994

IN REPLY REFER TO:

3482
SL-070645
U-47977
(UT-066)

Singh

FPO

JUL 1 4 1994

Memorandum

To: Administrator, Office of Surface Management, Attention: Project Manager, Western Support Center, 1999 Broadway, Suite 3320, Denver, Colorado 80202-5733

From: District Manager

Subject: Rilda Canyon Lease Extension, PacifiCorp, Deer Creek Mine, ACT/015/018-94A

The Bureau of Land Management (BLM) has received a copy of the supplemental plans for the subject permit extension and has been asked for our recommendations on the mining plan for this proposed action.

In these supplemental plans, PacifiCorp proposes to continue development of the 3rd North Mains past the current limits of the Incidental Boundary Change (IBC) while the rest of the Rilda Canyon Extension permit area is processed. Also, the subject plans address oversights of the IBC to allow longwall extraction of a portion of the 3rd and 4th East longwall panels within the IBC.

Both proposals follow the resource recovery and protection plan (R2P2) that was originally submitted in 1990. Our recommendation for approval of the R2P2 was sent to you dated February 28, 1991 (a copy of the letter is attached). The development of the 3rd North Mains will not impact the escarpment, as no subsidence will occur above supported main entry development. Also, the small portions of the 3rd and 4th East longwall panels that will be extracted within the IBC are far removed from the areas of concern around the Rilda Canyon escarpment and no impacts will occur to the escarpment.

We have determined that the subject plans are consistent with the R2P2 that was evaluated in 1991, which is in compliance with the Mineral Leasing Act of 1920, as amended, the regulations at 43 CFR 3480, Federal lease terms and conditions, and will achieve maximum economic recovery. We therefore recommend approval of the mining plan for Federal lease U-06039 and mine plan modifications for Federal leases SL-050862 and U-47977.

If you have any questions or need further information, please contact Stephen Falk at 637-4584.

William Stringer
Acting

Attachment
Copy of Letter to UDOGM dated 02/28/91 (3pp)

cc: UT-066, AM, Price, (w/encl.)
UT-921, SD, Utah, (w/encl.)
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203 (w/encl.)
PacifiCorp (w/encl.)
One Utah Center
201 South Main, Suite 2100
Salt Lake City, Utah 84140-0021

Place file in
SL-070645 when
mine comes.

3482
SL-070645
U-02292
(U-065)

Moab District
P.O. Box 970
Moab, Utah 84532

FEB 28 1991

Pamela Grubaugh-Littig, Permit Supervisor
State of Utah
Division of Oil, Gas and Mining
355 West North Temple Street
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Dear Ms. Grubaugh-Littig:

On February 21, 1990, the Bureau of Land Management (BLM) received PacifiCorp's proposed Rilda Canyon Lease Tract addition for the Deer Creek Mine Permit Application Package (PAP). The BLM was asked to review the resource recovery and protection plan (R2P2) and submit our findings which are discussed below.

PacifiCorp plans to enlarge the Deer Creek Mine Permit Area (Act/015/018) by adding an adjacent tract to the north. The tract includes one State of Utah coal lease (ML-22509), three Federal coal leases (U-7653, U-47977, and SL-050862) and the southern portion of Federal coal lease U-06039.

The R2P2 calls for the development of main entries in a north-northwest direction beyond the Roan's Canyon Fault. Longwall panels are projected on both sides of these main entries. A number of longwall panels located along the south side of Rilda Canyon will undermine portions of the canyon escarpments (see enclosed highlighted map). This has prompted an in-depth review of potential escarpment failure.

The Manti-LaSal National Forest (FS) has asked BLM to evaluate the R2P2 and determine if the mining plan provides adequate protection of surface resources in accordance with the Federal lease terms and conditions. The BLM is currently working on a response to the FS regarding our analysis of the escarpment issue. Final approval of mining zones that may affect sensitive escarpment areas is contingent on the completion of the technical studies currently underway. Because the mine plan provides adequate flexibility for any necessary future adjustments in these areas, development as proposed for the remainder of the R2P2 is recommended for approval.

We have determined that the R2P2 as submitted is complete and technically adequate. The R2P2 is also in compliance with the Mineral Leasing Act, as amended, the regulatory provisions of 43 CFR 3480, Federal lease terms and conditions, and will achieve maximum economic recovery (MER) of the Federal coal. Therefore, we recommend partial approval of the R2P2 for this permit action.

Sincerely yours,

Gary Johnson
for
Assistant District Manager
Mineral Resources

Enclosure:
Mine Projection Map

cc: SD, Utah (U-921), w/enclosure
DM, Moab (U-065), w/enclosure
Office of Surface Mining, Denver, w/enclosure
PacifiCorp, SLC, Utah, w/enclosure
Manti-LaSal NF, Price, Utah, w/enclosure

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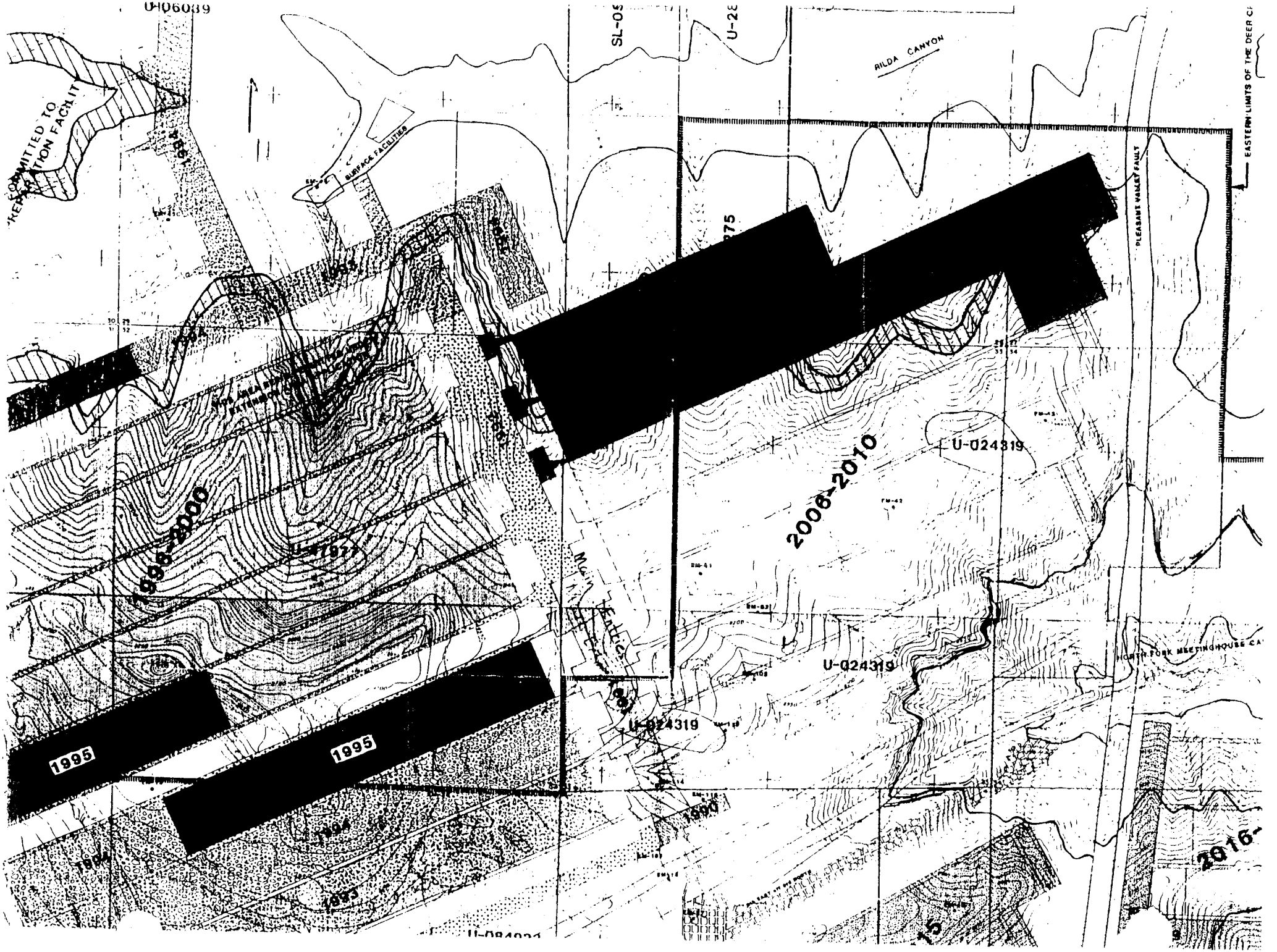
U-06039
SL-05
U-28
RILDA CANYON
EASTERN LIMITS OF THE DEER CR
PLEASANT VALLEY FAULT
SURFACE FACILITIES
1996-2000
2006-2010
U-024319
U-024319
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U-024319
1995
1995
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1990
NORTH FORK MEETINGHOUSE CA
2016-

United States Department of Agriculture | Forest Service | Manti-La Sal National Forest | 599 West Price River Dr. Price, Utah 84501

Reply to: 2820

Date: July 13, 1994

Utah Coal Regulatory Program
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
Attention: Pamela Grubaugh-Littig

RE: Rilda Canyon Lease Extension, PacifiCorp, Deer Creek Mine, ACT/015/018-94A, Folder #2, Emery County, Utah

Dear Ms. Littig:

Please refer to our letter to you, dated July 11, 1994, in regard Forest Service consent for continued development of the Third North Mains and longwall mining in the Third and Fourth East Panels.

In the second paragraph of the letter we stated that the proposed action is consistent with the stipulations contained in Federal Coal Leases U-024319, SL-050862, and U-06039. We inadvertently neglected to include Federal Coal Lease U-47977. We hereby revise this statement in the second paragraph of the July 11, 1994 letter to include Federal Coal Lease U-47977.

If you have any questions, please contact us at the Forest Supervisor's Office in Price, Utah.

for
GEORGE A. MORRIS
Forest Supervisor

cc: D-3
Val Payne, PacifiCorp

ited States
partment of
Agriculture

Forest
Service

Manti-La Sal
National Forest

599 West Price River Dr.
Price, Utah 84501

Reply to: 2820

Date: July 11, 1994

Utah Coal Regulatory Program
Division of Oil, Gas and Mining
ATTN: Pamela Grubaugh-Littig
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Copy PAM

RE: Rilda Canyon Lease Extension, PacifiCorp, Deer Creek Mine, ACT/015/018-94A, Folder #2, Emery County, Utah

#3

Dear Ms. Littig:

We reviewed PacifiCorp's application for approval of continued development of the Third North Mains and to proceed with longwall mining in the Third and Fourth East panels. The application was transmitted to us by your June 27, 1994 letter requesting a response by July 15, 1994.

In consultation with the Bureau of Land Management, we have determined that the proposed action is consistent with the stipulations contained in Federal Coal Leases U-024319, SL-050862, and U-06039. The affects of mining would be consistent with those evaluated in the environmental assessments for the leases.

We hereby consent to the approval. Continued mining beyond this area would require analysis and separate approvals. If you have any questions, contact us at the Forest Supervisor's Office in Price, Utah.

Sincerely,

James L. Home
for
GEORGE A. MORRIS
Forest Supervisor

cc:
D-3
Val Payne, PacifiCorp

United States Department of the Interior

FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
LINCOLN PLAZA
145 EAST 1300 SOUTH, SUITE 404
SALT LAKE CITY, UTAH 84115

RECEIVED
JUL - 7 1994
DIV. OF OIL, GAS & MINING

In Reply Refer To

July 6, 1994

Daron R. Haddock
Division of Oil, Gas, and Mining
Utah Department of Natural Resources
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, Utah 84180-1203

Re: **Rilda Canyon Lease Extension, PacifiCorp, Deer Creek Mine, ACT/015/018-94A, Folder #2, Emery County, Utah**

ACT/015/018-94A #3
Copy Pam

Dear Mr. Haddock:

This is in response to your letter of June 27, 1994 concerning the above lease. The Fish and Wildlife Service has reviewed the material provided and believes no significant impacts to wildlife resources would be expected. This is based on the following facts:

1) no surface waters exist in the area above the Third and Fourth East panels and no significant groundwater sources were encountered during entry development mining in these areas;

2) no goshawks or three-toed woodpeckers were found above the proposed panel extraction and the nearest golden eagle and red-tailed hawk nests are located beyond the limits of potential subsidence impacts; and

3) no threatened, endangered or sensitive plant or animal species are known to inhabit the area.

We appreciate the opportunity to comment on this project.

Sincerely,

for Hy R. Mathis

Robert D. Williams
Assistant Field Supervisor

State of Utah

Department of Community & Economic Development
Division of State History
Utah State Historical Society

Michael O. Leavitt
Governor
Max J. Evans
Director

300 Rio Grande
Salt Lake City, Utah 84101-1182
(801) 533-3500
FAX: (801) 533-3503

April 6, 1994

RECEIVED
APR 8 1994
DIV. OF OIL, GAS & MINING

Pamela Grubaugh-Littig
Permit Supervisor
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Copy PAM

RE: Rilda Canyon Lease Extension, Deer Creek Mine, Pacificorp, ACT/015/018-94A, Folder #2, Emery County, Utah

#2

In Reply Please Refer to Case No. 90-1579

Dear Ms. Grubaugh-Littig:

The Utah State Historic Preservation Office received information on the project referenced above on March 25, 1994. We have previously concurred with your recommendations for the project, and have no additional comment at this time. We appreciate being informed as to the progress of the project, and will be adding this information to the case file.

This information is provided on request to assist the Division of Oil, Gas and Mining in identifying historic properties, as specified in 36CFR800, for Section 106 consultation procedures. If you have questions, please contact me at (801) 533-3555.

Sincerely,

Janice Reed Campbell
for James L. Dykmann
Compliance Archaeologist

JLD:90-1579 DOGM

Board of State History: Marilyn C. Barker • Dale L. Berge • Boyd A. Blackner • Peter L. Goss
David D. Hansen • Carol C. Madsen • Dean L. May • Christie Needham • Thomas E. Sawyer • Penny Sampinos • Jerry Wylie

UNITED STATES

DEPARTMENT OF THE INTERIOR

This mining plan approval document is issued by the United States of America to:

PacifiCorp
P.O. Box 26128
Salt Lake City, Utah 84126-0128

for the Deer Creek Mine mining plan for Federal leases U-06039, U-47977, and SL-050862 subject to the following conditions. PacifiCorp is hereinafter referred to as the operator.

1. Statutes and Regulations.--This mining plan approval is issued pursuant to Federal leases U-06039, U-47977, and SL-050862; 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.). This mining plan approval is subject to all applicable regulations of the Secretary of the Interior which are now or hereafter in force; and all such regulations are made a part hereof. The 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.

2. This document approves the Deer Creek Mine mining plan for Federal lease U-06039 and mining plan modification for Federal leases U-47977 and SL-050862, and authorizes coal development or mining operations on the Federal leases within the area of mining plan approval. This authorization is not valid beyond

   T. 16 S., R. 7 E., Salt Lake Meridian

   Sec. 28 S1/2SE1/4SW1/4SW1/4
   Sec. 29 SW1/4NW1/4SE1/4SE1/4, SW1/4SE1/4SE1/4, E1/2SW1/4SE1/4,
   Sec. 32 NE1/4NE1/4NW1/4NE1/4

   as shown on the map appended hereto as Attachment A.

3. The operator shall conduct coal development and mining operations only as described in the complete permit application package, and approved by the Utah Division of Oil, Gas and Mining, except as otherwise directed in the conditions of this mining plan approval.

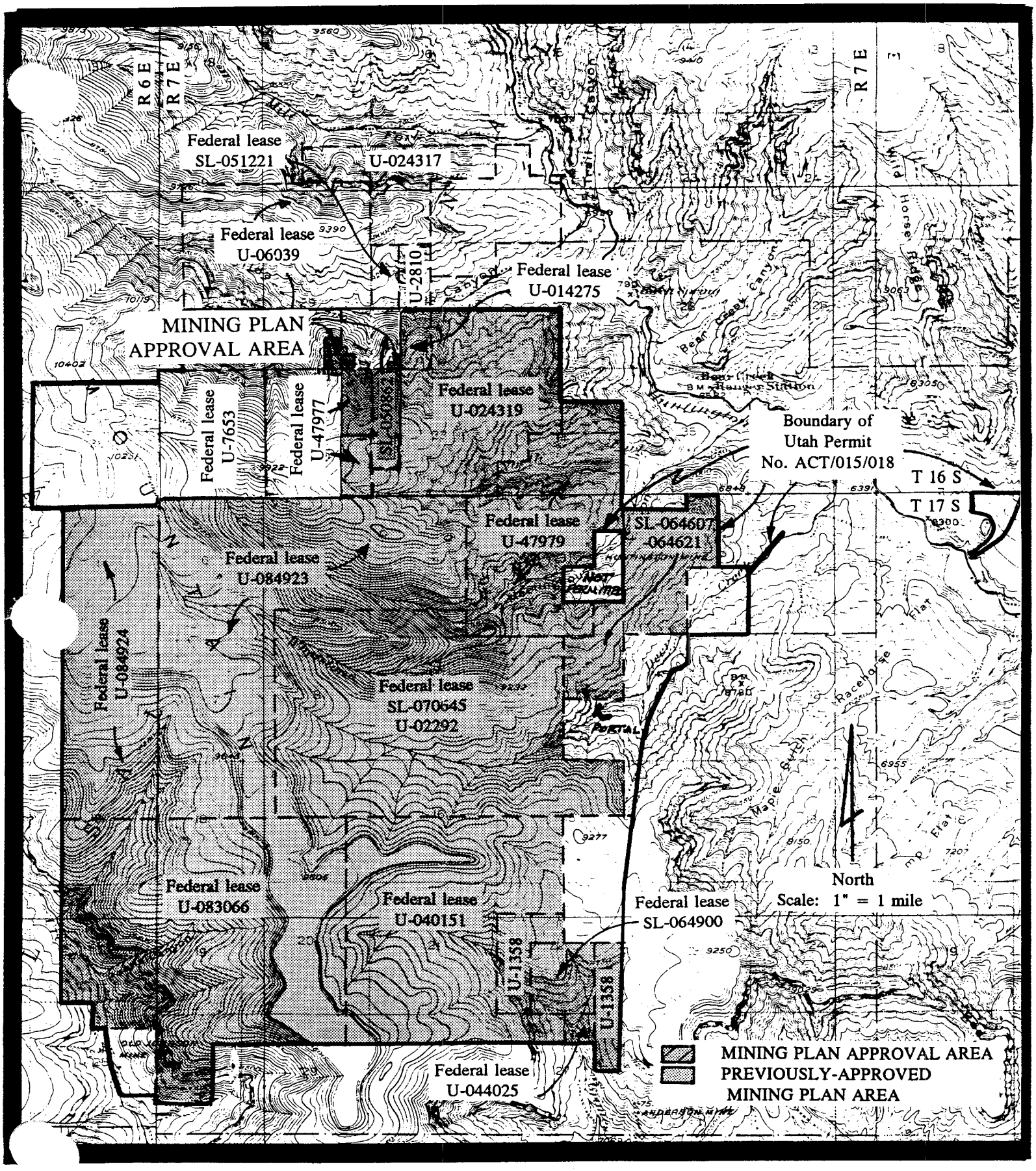
4. The operator shall comply with the terms and conditions of the leases, this mining plan approval, and the requirements of the Utah Permit No. ACT/015/018 issued under the Utah State program, approved pursuant to the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

5. This 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.

6. If during mining operations unidentified prehistoric or historic resources are discovered, the operator shall ensure that the resources are not disturbed and shall notify Utah Division of Oil, Gas and Mining and the Office of Surface Mining Reclamation and Enforcement (OSM). The operator shall take such actions as are required by Utah Division of Oil, Gas and Mining in coordination with OSM.

Mary K. Hope 7/29/94

ACTING Assistant Secretary, Land and Minerals Management Date



Attachment A
Mining Plan Approval Area
Deer Creek Mine
Emery County, Utah

UTAH DIVISION OF OIL, GAS, AND MINING
STATE DECISION DOCUMENT

PacifiCorp
Deer Creek Mine
Incidental Boundary Change (IBC-3)
ACT/015/018 - 94A
Emery County, Utah

July 14, 1994

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    - Forest Service, Manti La Sal, July 11 and 13, 1994
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ADMINISTRATIVE OVERVIEW

PacifiCorp
Deer Creek Mine
Incidental Boundary Change (IBC-3)
ACT/015/018-94A
Emery County, Utah

July 14, 1994

PROPOSAL

PacifiCorp is proposing through this incidental boundary change to develop the Third North Mains and the Sixth East Gate. This incidental boundary change, received and transmitted to federal and state agencies on June 27, 1994, is a revised application from the Rilda Canyon Lease Extension, submitted February 8, 1994 and included in the revised application is longwall mining in the Second, Third and Fourth East panels. Longwall mining would proceed in areas that were previously approved as incidental boundary changes with mining plan approval dates of January 8, 1993 (IBC-1) and July 22, 1993 (IBC-2). Entry development mining in the Third North Mains and the Sixth East Gates will entail about 40 acres beyond the currently approved permit boundary in Leases U-06039, U-47977 and SL-050862.

BACKGROUND

The original permit for the Deer Creek Mine was issued February 7, 1986 for approximately 14, 620 acres. The mining plan for Federal leases SL-064607-064621, SL-064900, SL-070645, U-1358, U-02292, U-084923, U-084924, U-083066, U-040151, U-044025, U-014275, U-024319, and U-47979 was approved on October 11, 1985 for the Deer Creek Mine.. A Waste Rock Storage Facility was added September 1988. The permit was successively renewed on February 7, 1991. A reclamation surety bond in the amount of $2,000,000 is currently posted for reclamation at the Deer Creek Mine.

The January 8, 1993 mining plan approval (IBC-1) added 120 acres of coal (80 acres in a portion of Lease No. U-47977 and 40 acres in a portion of Lease No. SL-050862). The July 22, 1993 mining plan approval (IBC-2) added 160 acres (80 acres in a portion of Lease U-47977 and 80 acres in a portion of Lease SL-050862).

PacifiCorp submitted an application for the Rilda Canyon Lease Extension which included Lease U-7563, U-47977, U-06039, and SL-050862 on February 12, 1990 and resubmitted an application on February 8, 1994. This submittal was revised on June 27, 1994 as an incidental boundary change to include development mining only in U-06039, U-47977, and SL-050862 (approximately 100,000 tons). Included in the revised application is longwall mining the Second, Third and Fourth East panels. Mining will be conducted in the Blind Canyon seam and Hiawatha seam.

Mining of the Second East panel in IBC-1 was conducted without approval and resulted in violation #N94-25-1-1 issued on June 27, 1994. Issuance of the permit, dated July 14, 1994, by the Division includes mining in the Second East panel.

RECOMMENDATION

The proposal to continue development of the Third North Mains and Sixth East Gate as an incidental boundary change (IBC-3) and to proceed with longwall mining in the Third and Fourth East panels has been reviewed by the Division and other appropriate federal and state agencies. It is recommended that this incidental boundary change be approved.

PERMITTING CHRONOLOGY

PacifiCorp
Deer Creek Mine
Incidental Boundary Change (IBC-3)
ACT/015/018-94A
Emery County, Utah

July 14, 1994

February 12, 1990	PacifiCorp submits a permit application to mine in the Rilda Canyon Lease Extension area.
January 8, 1993	Mining plan approval of 120 acres as an incidental boundary change (IBC-1) in portions of Leases U-47977 and SL-050862.
July 22, 1993	Mining plan approval of 160 acres as an incidental boundary change (IBC-2) in portions of Leases U-47977 and SL-050862.
February 8, 1994	PacifiCorp resubmits an application to mine in the Rilda Lease Extension Area, federal leases U-7563, U-47977, portions of U-06039, SL-050862 and State Lease ML-22509.
April 6, 1994	Division of State History concurs with Rilda Lease Extension proposal.
April 14, 1994	Daron Haddock, Division Permit Supervisor, authorized commencement of publication of the public notice to mine the Rilda Canyon Lease Extension. Published in Emery County Progress April 19, 26, May 3, and 10, 1994.
June 27, 1994	PacifiCorp revises the Rilda Canyon Lease Extension mining proposal as an incidental boundary change to continue development in the Third North Mains and Sixth East Gate outside the currently approved permit boundaries. This revised application also included proceeding with longwall mining in the Third and Fourth East panels.
June 29, 1994	Determination of Completeness for Rilda Canyon Lease Extension sent to all interested parties for the Rilda Canyon Lease Extension area.

July 6, 1994	United States Fish and Wildlife Service (USFWS) concurs with the June 27, 1994 revised proposal.
July 11 and 13, 1994	Manti La Sal Forest Service concurs with the June 27, 1994 revised proposal.
July 14, 1994	Bureau of Land Management concurs with the June 27, 1994 revised proposal.
July 14, 1994	Division completes technical review of the revised proposal.
July 14, 1994	The Division forwards State Decision Document for the incidental boundary change to the Office of Surface Mining Reclamation and Enforcement for concurrence and secretarial signature.

FINDINGS

PacifiCorp
Deer Creek Mine
Incidental Boundary Change (IBC-3)
ACT/015/018-94A
Emery County, Utah

July 14, 1994

1. The revised plan and the permit application for the extraction of coal in the approved incidental boundary changes are accurate and complete and all requirement of the Surface Mining Control and Reclamation Act, and the approved Utah State Program (the "Act") are in compliance. Refer to June 27, 1994 revised proposal. (R645-300-133.100)

2. No additional surface reclamation is required since the additional permit area will be mined as an underground extension of the existing mine. There will be no new surface facilities. Refer to June 27, 1994 revised proposal. (R645-300-133.710)

3. An assessment of the probable cumulative impacts of all anticipated coal mining and reclamation activities in the general area on the hydrologic balance has been conducted by the Division and no significant impacts were identified. See CHIA dated July 1989. This PHC is being modified per Division Order DO-90A for the entire cumulative impact area. The potential impacts as a result of this incidental boundary change have been reviewed, see memo dated July 14, 1994. The CHIA for East Mountain will be finalized with the decision-making associated with the entire Rilda Canyon Lease Extension Area. The Mining and Reclamation Plan (MRP) proposed under the revised application has been designed to prevent damage to the hydrologic balance in the permit area and in associates off-site area (R645-300-133.400 and UCA 40-10-11 (2)(c)).

4. The proposed lands to be included within the permit area are:

    a. Not included within an area designated unsuitable for underground coal mining operation (R645-300-133.220);

    b. not within an area under study for designated land unsuitable for underground coal mining operations (R645-300-133.210);

c. not on any lands subject to the prohibitions or limitation 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 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 USC 1531 et seq.) See concurrence letter from United States Fish and Wildlife, dated July 6, 1994 and Division of Wildlife Resources, dated July 5, 1994. (R645-300-133.500)

6. The Division's issuance of a permit is in compliance with the National Historic Preservation Act and implementing regulations (36 CFR 800). See letter from State Historic Preservation Office, dated April 6, 1994. (R645-300-133.600)

7. The applicant has the legal right to enter and complete mining activities in the IBC through a federal coal lease issued by the Bureau of Land Management (See attached Lease UTU-47977, assignment effective July 1, 1986 and Lease SL-050862, assignment effective July 1, 1986 and Lease U-06039, assignment effective December 13, 1979). (R645-300-133.300)

8. 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; neither PacifiCorp or any affiliated company, are delinquent in payment of fees for the Abandoned Mine Reclamation Fund; and the applicant does not control and has not controlled mining operations with demonstrated pattern of wilful violations of the Act of such nature, duration, and with such resulting irreparable damager to the damage to the environment as to indicate an intent not to comply with the provisions of the Act (see memo to file dated July 14, 1994. A 510 (c) report was subsequently run on July 22, 1994, see memo to file dated July 22, 1994). (R645-300-133.730)

9. Underground mining operations to be performed under the permit will not be inconsistent with other operations anticipated to be performed in areas adjacent to the proposed permit area.

10. The applicant has posted a surety bond for the Deer Creek Mine in the amount of $2,000,000. No additional surety will be required, since there is no additional surface disturbance proposed. (R645-300-134)

11. No lands designated as prime farmlands or alluvial valley floors occur on the permit area. (R645-302-313.100 and R645-302-321.100)

12. The proposed postmining land-use of the permit area is the same as the pre-mining land use and has been approved by the Division and the surface land management agency, the United States Forest Service.

13. The Division has made all specific approvals required by the Act, the Cooperative Agreement, and the Federal Lands Program.

14. All procedures for public participation required by the Act, and the approved Utah State Program are in compliance. See Affidavit of Publication, dated May 10, 1994. (R645-300-120)

15. No existing structures will be used in conjunction with mining of the underground right-of-way, other than those constructed in compliance with the performance standards of R645-301 and R645-301 (R645-300-133.720)

Permit Supervisor

for Associate Director, Mining

Director

FEDERAL

PERMIT
Permit Number ACT/015/018

JULY 14, 1994

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/015/018, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (Division) to:

PacifiCorp
324 South State Street
P.O. Box 26128
Salt Lake City, Utah 84126-0128

for the Deer Creek Mine. A Surety Bond is filed with the Division in the amount of $2,000,000, 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 Deer Creek Mine, situated in the state of Utah, Emery County:

The area to be mined is contained on the USGS 7.5-minute "Red Point", "Rilda" and "Mahogany Point" quadrangle maps. The approximately 14,940 acres contained in the permit area involve all or part of the following federal and fee coal leases:

Lease No. SL-064607-064621
Issued to Clara Howard Miller 10/4/46
<u>Township 17 South, Range 7 East, SLM, Utah</u>
Containing 613.92 acres
Section 2: Lots 2, 5, 6, 7, 10, 11 and 12 and SW1/4
Section 3: SE1/4 SE1/4
Section 10: NE1/4

Lease No. SL-064900
Issued to Cyrus Wilberg 2/3/45
Township 17 South, Range 7 East, SLM, Utah
Containing 160 acres
Section 22: SE1/4 SW1/4, SW1/4 SE1/4, NE1/4 SW1/4, NW1/4 SE1/4

Lease No. U-1358
Issued to Castle Valley Mining Co. 8/1/67
Township 17 South, Range 7 East, SLM, Utah
Containing 320 acres
Section 22: S1/2 NW1/4, W1/2 SW1/4, E1/2 SE1/4
Section 27: E1/2 NE1/4

Lease No. SL-070645, U-02292
Issued to Clara Howard Miller 4/1/52
Township 17 South, Range 7 East, SLM, Utah
Containing 2560 acres
Section 4: SW1/4 SE1/4, S1/2 SW1/4
Section 5: SE1/4 SW1/4, S1/2 SE1/4
Section 8: E1/2, E1/2 W1/2
Section 9: All
Section 10: W1/2
Section 15: N1/2
Section 16: N1/2
Section 17: NE1/4, E1/2 NW1/4

Lease No. U-084923
Issued to Malcolm N. McKinnon 8/1/64
Township 17 South, Range 7 East, SLM, Utah
Containing 2252.42 acres
Section 4: Lots 2, 3, 4, 5, 6, 7, 10, 11, 12, NW1/4 SE1/4, N1/2 SW1/4
Section 5: Lots 1 thru 12, N1/2 S1/2, SW1/4 SW1/4
Section 6: Lots 1 thru 11, SE1/4
Section 7: Lots 1 thru 4, E1/2
Section 8: W1/2 W1/2
Section 18: Lots 1 and 2, N1/2
Section 17: W1/2 NW1/4

Lease No. U-084924
Issued to Malcolm N. McKinnon 8/1/64
Township 17 South, Range 6 East, SLM, Utah
Containing 1211.48 acres
Section 1: Lots 1, 2, 3, S1/2 NE1/4, SE1/4 NW1/4, E1/2 SW1/4, SE1/4
Section 12: E1/2, E1/2 W1/2
Section 13: NE1/4, E1/2 NW1/4

Lease No. U-083066
Issued to Cooperative Security Corp. 3/1/62
Township 17 South, Range 6 East, SLM, Utah
Containing 2485 acres
Section 13: E1/2 SW1/4, SE1/4
Section 24: E1/2 W1/2, E1/2
Section 25: N1/2 NE1/4

Township 17 South, Range 7 East, SLM, Utah
Section 17: SW1/4, W1/2 SE1/4
Section 18: Lots 3 and 4, SE1/4
Section 19: Lots 1, 2, 3, 4, E1/2
Section 20: W1/2, W1/2 E1/2
Section 29: NW1/4 NE1/4, N1/2 NW1/4
Section 30: Lots 1, 2, 3, N1/2 NE1/4, SW1/4 NE1/4, NW1/4 SE1/4

Lease No. U-040151
Issued to Cooperative Security Corp. 3/1/62
Township 17 South, Range 7 East, SLM, Utah
Containing 1720 acres
Section 15: SW1/4
Section 16: S1/2
Section 17: E1/2 SE1/4
Section 20: E1/2 E1/2
Section 21: All
Section 22: N1/2 NW1/4
Section 27: N1/2 NW1/4
Section 28: N1/2 N1/2
Section 29: NE1/4 NE1/4

Lease No. U-044025
Issued to Cooperative Security Corp. 8/1/60
Township 17 South, Range 7 East, SLM, Utah
Containing 40 acres
Section 27: NW1/4 NE1/4

Lease No. U-024319
Issued to Huntington Corp. 5/1/60
Township 16 South, Range 7 East, SLM, Utah
Containing 1040 acres
Section 27: SW1/4
Section 28: SE1/4
Section 33: E1/2, E1/2 NW1/4, NE1/4 SW1/4, S1/2 SW1/4
Section 34: NW1/4, NW1/4 SW1/4

Lease No. U-014275
Issued to John Helco 10/1/55
Township 16 South, Range 7 East, SLM, Utah
Containing 80 acres
Section 28: E1/2 SW1/4

Lease No. U-47979
Issued to Utah Power & Light Co. 10/1/81
Township 16 South, Range 7 East, SLM, Utah
Containing 1,063.38 acres, more or less
Section 34: S1/2 NE1/4, NE1/4 SW1/4, S1/2 SW1/4, SE1/4
Township 17 South, Range 7 East, SLM, Utah
Section 3: Lots 1 thru 8, 10 thru 12, SW1/4, SW1/4 SE1/4
Section 4: Lots 1, 8, 9, E1/2 SE1/4

Portion of Lease No. U-47977
Township 16 South, Range 7 East, SLBM
Containing 162.5 acres
Section 32: E1/2 SE1/4, E1/2 NE1/4, NE1/4 NE1/4 NW1/4 NE1/4

Portion of Lease No. SL-050862
Township 16 South, Range 7 East, SLBM
Containing 137.5 acres
Section 28: S1/2 SE 1/4 SW1/4 SW1/4
Section 29: SW1/4 NW1/4 SE1/4 SE1/4, SW1/4 SE1/4 SE1/4
Section 33: NW1/4 SW1/4, W1/2 NW1/4

Portion of Lease No. U-06039
Township 16 South, Range 7 East, SLBM
Containing 20 acres
Section 29: E1/2 SW1/4 SE1/4

OWNERS OF COAL TO BE MINED OTHER THAN THE UNITED STATES

The Estate of Malcolm McKinnon
Zions First National Bank, Trustee, Salt Lake City, Utah 84111
Township 17 South, Range 7 East, SLM, Utah
Section 10: SE1/4
Section 11: W1/2 W1/2, NE1/4 NW1/4
Section 14: W1/2 NW1/4

Cooperative Security Corp.
115 East South Temple, Salt Lake City, Utah 84111
Township 17 South, Range 7 East, SLM, Utah
Section 15: SE1/4
Section 22: NE1/4

Also:
Beginning at the SE corner of NE1/4 SE1/4 Section 25, T17S, R6E, SLM, thence North 160 rods, West 116 rods to center line of Cottonwood Creek; thence southerly along center line of said creek to a point 84 rods West of the beginning; thence East 84 rods to the beginning.

The above listed surface rights and coal owned or leased by PacifiCorp, successor in interest to Utah Power & Light Company.

PacifiCorp
324 South State, PO Box 26128, Salt Lake City, Utah 84126-0128
Township 17 South, Range 7 East, SLM, Utah
Section 14: SW1/4 (West of the Deer Creek Fault)

ADDITIONAL LANDS TO BE AFFECTED BY MINING

Township 17 South, Range 7 East, SLM, Utah
State of Utah Special Use Lease Agreement No. 284 utilized for conveyor and power line right-of-ways located in the southeast quarter of Section 2

Township 17 South, Range 8 East, SLM, Utah
PacifiCorp fee land (successor to Utah Power & Light Company) utilized for a Waste Rock Disposal Site located within Lots 4 and 5 of Section 5 and Lot 1 and the Southeast quarter of the Northeast quarter of Section 6

This legal description is for the permit area of the Deer Creek 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 15, 1996.

Sec. 5 **ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the approval of the Director, Division. 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 **DISPOSAL OF POLLUTANTS** - The permittee shall dispose of solids, sludge, filter backwash or pollutants 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. 10 **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. 11 **EXISTING STRUCTURES** - As applicable, the permittee will comply with R645-301 and R645-302 for compliance, modification, or abandonment of existing structures.

Sec. 12 **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. 13 **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. 14 **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. 15 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. 16 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. 17 APPEALS - The permittee shall have the right to appeal as provided for under R645-300-200.

Sec. 18 SPECIAL CONDITIONS - There are special conditions associated with this permitting action as described in attachment A.

The above conditions (Secs. 1-18) 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: _____

Date: July 14, 1994

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

J. Brett Henry

Authorized Representative of the Permittee

Date: 7-14-94

Attachment A

SPECIAL CONDITIONS

1. If during entry development, in the incidental boundary change for Leases U-47977, SL-050862 and U-06039 sustained quantities of groundwater, greater than 5 gpm from a single source in an individual entry, continue after operational activities have progressed beyond the area of groundwater production; thus facilitating installation of collection and monitoring devices, PacifiCorp will monitor these flows for quality and quantity under the approved baseline parameters.

   PacifiCorp will notify the Division within 24 hours prior to initiation of said monitoring.

2. This permit becomes effective for development in the Third North Mains and Sixth East Gate (Section 28) when the mining plan is approved by the Secretary of the Interior.

3. When the appeal of outstanding federal violation 93-020-190-05, 1 of 1 is resolved, PacifiCorp must notify the Division immediately of the decision.

TECHNICAL ANALYSIS
RILDA LEASE EXTENSION

PacifiCorp
Deer Creek Mine
ACT/015/018

July 12, 1994

INTRODUCTION

This Technical Analysis discusses PacifiCorp's application to add a portion of the Rilda Lease to the current Deer Creek mining operation. A forty acre Incidental Boundary Change (IBC) is proposed to be added to the existing Deer Creek permit. This will allow for development mining to occur in the Rilda Lease even though processing the permit for the entire lease area has not been completed. The Rilda Lease consists of three complete federal leases (U-7653, U-47977, SL-050862), a part of federal lease U-06039, and a state lease (ML-22509) and comprises 2371.6 acres. Mining would be done as an extension of current underground mining operations. No surface facilities are being proposed as part of this application. The current application calls for development mining in the 40 acre IBC and for panel extraction to be allowed in the 2nd, 3rd and 4th east panels.

ADMINISTRATIVE

Regulatory Reference: R645-300

The application for adding the Rilda Lease to the Deer Creek permit contains all the necessary information for processing. The application was determined to be administratively complete and a notice of administrative completeness was sent to interested agencies on June 29, 1994.

SOILS

Regulatory Reference: R645-301-200

Analysis:

A soil survey for the Rilda Lease area was completed on October 10, 1990 by Thomas H. Furst, Soils Consultant.

Findings:

Since this proposal is an underground extension of an existing operation no additional impacts to soil are anticipated.

BIOLOGY

Regulatory Reference: R645-301-300

Analysis:

Impacts to plant or animal species, as a result of the addition of the Rilda Lease, would be as a result of subsidence. Mining panels have been laid out in a manner which would prevent subsidence from impacting critical habitat such as escarpments. PacifiCorp's proposal to only do full extraction in the 3rd and 4th east panels and do entry development mining within the Rilda Lease Extension area would adequately protect biological resources. Further analysis will be needed if and when PacifiCorp intends on completing further extraction mining.

Findings:

Since this proposal is an underground extension of an existing operation and only mining in the 3rd and 4th east panels or development mining will occur no additional impacts to biological resources are anticipated.

LAND USE AND AIR QUALITY

Regulatory Reference: R645-301-400

Analysis:

An extensive investigation for the Rilda Lease Tract area was conducted by Archaeological-Environmental Research Corporation in August, 1990. A report and maps are provided in the application.

Findings:

Since this is an underground extension of an existing operation the impacts which would effect land use or air quality would be associated with subsidence. With only mining in the 3rd and 4th east panels or development mining to occur, no impacts are anticipated.

ENGINEERING

Regulatory Reference: R645-301-500

CERTIFICATION

Regulatory Reference: R645-301-512

Analysis:

The maps which have been revised for the Rilda Lease Tract Extension are:

Map 1-1 - Coal Ownership Map
Map 1-2 - Coal Ownership Map
Map 1-3 - Mine Permit Area with Mine Development as of August 3, 1977
Map 2-2 - Hiawatha Structure Contour
Map 2-2A - Blind Canyon & Cottonwood Structure Contour Map
Map 2-4 - Isopach Map of the Hiawatha Coal Seam
Map 2-5 - Blind Canyon-Hiawatha Interburden Isopach Map
Map 2-6 - Isopach Map of the Blind Canyon and Cottonwood Coal Seams
Map 2-6B - Hiawatha Coal Seam Overburden Isopach
Map 2-6C - Blind Canyon & Cottonwood Coal Seams Overburden Isopach
Map 2-14 - Vegetation Map
Map 2-16 - General Soil Map
Map 2-18A--Land Use Map
Map 2-18B - Raptor Nesting Location and Habitat
Map 2-19 - Mule Deer Habitat
Map 3-6 - Life of Mine Plan/5-yearIncrements/Blind Canyon Coal Seam
Map 3-7--Life of Mine Plan/5-year Increments/Hiawatha Coal Seam.

Of the maps listed above only Maps 2-2, 2-2A, 2-4, 2-5, 2-6, 2-6B, and 2-6C require certification by a registered professional engineer or land surveyor. These maps have the required certification.

Location in Plan:

Maps 1-1, 1-2, 1-3, 2-2, 2-2A, 2-4, 2-5, 2-6, 2-6B, 2-6C, 2-14, 2-16, 2-18A, 2-18B, 2-19, 3-6, and 3-7.

Findings:

The application fulfills the requirements of this section.

COMPLIANCE WITH MSHA REGULATIONS AND MSHA APPROVALS

Regulatory Reference: R645-301-513

Analysis:

The entire Rilda Lease Tract Extension will be underground. There are, therefore, no coal processing waste dams and embankments, sedimentation ponds, impoundments, spoil or waste disposal facilities, refuse piles, discharges into underground facilities, surface coal

mining activities, or coal mine waste fires associated therewith, which require regulation and approval by MSHA.

Findings:

This section is not applicable to the application.

INSPECTIONS
Regulatory Reference: R645-301-514

Analysis:

The entire Rilda Lease Tract Extension operation will be underground. There are, therefore, no excess spoil disposal facilities, refuse piles, or impoundments associated therewith.

Findings:

This section is not applicable to the application.

REPORTING AND EMERGENCY PROCEDURES
Regulatory Reference: R645-301-515

Analysis:

The entire Rilda Lease Tract Extension will be underground. There are, therefore, no impoundments and no slide potential associated therewith. The procedure to be followed in the event of temporary cessation of operations is that already stated in the approved plan.

Findings:

This section is not applicable to the application.

PREVENTION OF SLIDES IN SURFACE COAL MINING/RECLAMATION ACTIVITIES
Regulatory Reference: R645-301-516

Analysis:

The entire Rilda Lease Tract Extension operation will be underground. There is, therefore, no surface mining associated therewith.

Findings:

This section is not applicable to the application.

OPERATION PLAN
Regulatory Reference: R645-301-520

GENERAL
Regulatory Reference: R645-301-521

Analysis:

The maps which have been revised for the Rilda Lease Tract Extension are:

Map 1-1 - Coal Ownership Map
Map 1-2 - Coal Ownership Map
Map 1-3 - Mine Permit Area with Mine Development as of August 3, 1977
Map 2-2--Hiawatha Structure Contour Map
Map 2-2A--Blind Canyon & Cottonwood Structure Contour Map
Map 2-4 - Isopach Map of the Hiawatha Coal Seam
Map 2-5 - Blind Canyon-Hiawatha Interburden Isopach Map
Map 2-6 - Isopach Map of the Blind Canyon and Cottonwood Coal Seams
Map 2-6B - Hiawatha Coal Seam Overburden Isopach
Map 2-6C - Blind Canyon & Cottonwood Coal Seams Overburden Isopach Map
Map 2-14 - Vegetation Map
Map 2-16 - General Soil
Map 2-18A - Land Use Map
Map 2-18B--Raptor Nesting Location and Habitat
Map 2-19 - Mule Deer Habitat
Map 3-6 - Life of Mine Plan/5-year Increments/Blind Canyon Coal Seam
Map 3-7--Life of Mine Plan/5-year Increments / Hiawatha Coal Seam.

These maps have all been revised to show the anticipated mine layout, the surface and subsurface ownership, the surface configuration, and the geology associated with the new lease tract extension. As the entire Rilda Lease Tract Extension is underground, the rest of the mining operation remains as it is represented in the approved plan.

Location in Plan:

Maps 1-1, 1-2, 1-3, 2-2, 2-2A, 2-4, 2-5, 2-6, 2-6B, 2-6C, 2-14, 2-16, 2-18A, 2-18B, 2-19, 3-6, and 3-7.

Findings:

The application fulfills the requirements of this section.

COAL RECOVERY

Regulatory Reference: R645-301-522

Analysis:

The permittee is committed to maximum coal recovery. Mining in the Rilda Lease Tract Extension will be done mainly by longwall methods, which provide the highest coal recovery rates of any available technology. Continuous mining machinery will be used to do the entry development work for the longwall panels and to mine those areas where longwall panels cannot be used.

Location in Plan:

Pages 3-6, 4-69, 4-70.

Findings:

The application fulfills the requirements of this section.

MINING METHOD(S)

Regulatory Reference: R645-301-523

Analysis:

Mining in the Rilda Lease Tract Extension will be done mainly by longwall methods, which provide the highest coal recovery rates of any available technology. Continuous mining machinery will be used to do the entry development work for the longwall panels and to mine those areas where longwall panels cannot be used.

Mining will take place both in the Blind Canyon seam and the Hiawatha seam. Since the Blind Canyon seam lies above the Hiawatha seam, mining has been scheduled to take place first in the Blind Canyon seam.

Location in Plan:

Pages 3-5, 3-6, 4-69, 4-70. Maps 3-6, 3-7.

Findings:

The application fulfills the requirements of this section.

BLASTING AND EXPLOSIVES

Regulatory Reference: R645-301-524

Analysis:

The entire Rilda Lease Tract Extension will be underground. There is, therefore, no surface blasting associated therewith.

Findings:

This section is not applicable to the application.

SUBSIDENCE

Regulatory Reference: R645-301-525

Analysis:

The subsidence monitoring and control plan remains essentially what it is in the approved plan.

The surface of the lease extension, like that of the present permit area, is used mainly for cattle grazing and wildlife habitat, and somewhat less for recreation. There are several natural springs. The only manmade structure in the area which could be adversely affected by subsidence is a 345 kV power line, and this will be protected by a barrier pillar of coal in which only entry development, but no mining, will take place.

To measure subsidence, the permittee will extend the present program of monitoring by aerial photogrammetry to include the lease extension area. The area will be photographed from the air once a year and the amount of subsidence which has occurred during the previous year will be calculated by photogrammetric methods. Cumulative subsidence will then be calculated by comparing the data from the previous year to baseline data which was gathered in August of 1986.

The permittee has taken especial precautions to prevent damage to the escarpment in Rilda Canyon. Volume 3, Appendix IV, of the plan contains the results of a large-scale study of the effects of longwall mining on escarpments in Newberry and Rilda Canyons. This study was commissioned by Interwest Mining Company and was done by W.G. Pariseau of the University of Utah Department of Mining Engineering. Morgan Moon of Energy West Mining Company prepared a summary of the results of this study and how those results were used in the design of the mine layout. This summary is also contained in Volume 3, Appendix IV. Among other things, the longwall panels were widened and their long axes laid out to bear approximately N60° E. Thus laid out, the panels are parallel to the prevailing joint and fault system in the area and oblique to the Rilda Canyon escarpment.

This prevents the formation of continuous tension zones along the escarpment crest which might cause it to fail. Although this layout increases the likelihood of such ground control problems as pillar bursts and floor heaving, it provides good protection for the escarpments.

The permittee also commits to the mitigation, in general, of subsidence damage. Where cracks or fissures occur which injure or endanger livestock, the permittee will repair the crack or fissure and reimburse the livestock owner for the lost livestock. Where groundwater sources are damaged or impaired by subsidence, the permittee will either directly repair and rehabilitate the water source or else develop an alternative water source in the same area.

Location in Plan:

Pages 4-75 through 4-78, Volume 3, Appendix IV, Maps 3-6, 3-7.

Findings:

The application fulfills the requirements of this section.

MINE FACILITIES
Regulatory Reference: R645-301-526

Analysis:

The entire Rilda Lease Tract Extension will be underground. There are, therefore, no surface facilities associated therewith.

Findings:

This section is not applicable to the application.

TRANSPORTATION FACILITIES
Regulatory Reference: R645-301-527

Analysis:

The entire Rilda Lease Tract Extension will be underground. There are, therefore, no surface transportation facilities associated therewith.

Findings:

This section is not applicable to the application.

HANDLING AND DISPOSAL OF COAL, OVERBURDEN, EXCESS SPOIL, & COAL MINE WASTE
Regulatory Reference: R645-301-528

Analysis:

The entire Rilda Lease Tract Extension operation will be underground. There are, therefore, no disposal facilities for coal, overburden, excess spoil, noncoal mine waste, or coal mine waste associated therewith.

Findings:

This section is not applicable to the application.

MANAGEMENT OF MINE OPENINGS
Regulatory Reference: R645-301-529

Analysis:

The entire Rilda Lease Tract Extension operation will be underground. There are, therefore, no breakouts or other mine entries associated therewith.

Findings:

This section is not applicable to the application.

OPERATIONAL DESIGN CRITERIA AND PLANS
Regulatory Reference: R645-301-530

GENERAL
Regulatory Reference: R645-301-531

SEDIMENT CONTROL
Regulatory Reference: R645-301-532

Analysis:

The entire Rilda Lease Tract Extension operation will be underground. There are, therefore, no sediment control measures associated therewith.

Findings:

This section is not applicable to the application.

IMPOUNDMENTS
Regulatory Reference: R645-301-533

Analysis:

The entire Rilda Lease Tract Extension operation will be underground. There are, therefore, no impoundments associated therewith.

Findings:

This section is not applicable to the application.

ROADS
Regulatory Reference: R645-301-534

Analysis:

The entire Rilda Lease Tract Extension operation will be underground. There are, therefore, no roads associated therewith.

Findings:

This section is not applicable to the application.

SPOIL
Regulatory Reference: R645-301-535

Analysis:

The entire Rilda Lease Tract Extension operation will be underground. There are, therefore, no spoil disposal or storage facilities associated therewith.

Findings:

This section is not applicable to the application.

COAL MINE WASTE
Regulatory Reference: R645-301-536

Analysis:

The entire Rilda Lease Tract Extension operation will be underground. There are, therefore, no coal mine waste disposal facilities associated therewith.

Findings:

This section is not applicable to the application.

REGRADED SLOPES
Regulatory Reference: R645-301-537

Analysis:

The entire Rilda Lease Tract Extension operation will be underground. There are, therefore, no regraded slopes associated therewith.

Findings:

This section is not applicable to the application.

RECLAMATION PLAN
Regulatory Reference: R645-301-540

GENERAL
Regulatory Reference: R645-301-541

NARRATIVES, MAPS, AND PLANS
Regulatory Reference: R645-301-542

Analysis:

The entire Rilda Lease Tract Extension operation will be underground. Therefore, no reclamation narratives, maps, or plans are necessary.

Findings:

This section is not applicable to the application.

RECLAMATION DESIGN CRITERIA AND PLANS

Regulatory Reference: R645-301-550

CASING AND SEALING OF UNDERGROUND OPENINGS

Regulatory Reference: R645-301-551

Analysis:

The entire Rilda Lease Tract Extension operation will be underground. There are, therefore, no breakouts or other mine entries associated therewith.

Findings:

This section is not applicable to the application.

PERMANENT FEATURES

Regulatory Reference: R645-301-552

Analysis:

The entire Rilda Lease Tract Extension operation will be underground. There are, therefore, no permanent surface features associated therewith.

Findings:

This section is not applicable to the application.

BACKFILLING AND GRADING

Regulatory Reference: R645-301-553

Analysis:

The entire Rilda Lease Tract Extension operation will be underground. There is, therefore, no backfilling and grading associated therewith.

Findings:

This section is not applicable to the application.

GEOLOGY AND HYDROLOGY

Regulatory Reference: R645-301-600 and R645-301-700

Analysis:

The geologic and hydrologic impacts of this proposal are being analyzed in the Cumulative Hydrologic Impact Assessment (CHIA). This will be a separate document which the reader should refer to.

Findings:

Refer to the CHIA.

BONDING

Regulatory Reference: R645-301-800

Analysis:

The entire Rilda Lease Tract Extension operation will be underground. There is, therefore, no additional surface disturbance which would require additional bond.

Findings:

This section is not applicable to the application.

LETTERS OF CONCURRENCE

Habitat
SEKo

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE RESOURCES

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
Robert G. Valentine
Division Director

1596 West North Temple
Salt Lake City, Utah 84116-3195
801-538-4700
801-583-4709 (Fax)

July 5, 1994

Mr. James W. Carter, Director
Utah Division of Oil, Gas and Mining
355 W. North Temple
3 Triad Center
Salt Lake City, Utah 84180-1203

Attention: Daron R. Haddock

Copy PAM

Re: Rilda Canyon Lease Extension, Pacificorp, Deer Creek Mine, ACT/015/018-94A, Folder ~~#2~~ #3, Emery County, Utah

Dear Mr. Haddock:

The Division of Wildlife Resources has reviewed PacifiCorp's proposal to allow continued mining in a portion of the Rilda Canyon Lease which has not yet completed the permitting process. It is our understanding that this includes entry development mining that does not include second mining, and panel extraction within the Third and Fourth East panels which would result in subsidence of about 28 acres.

From reviewing aerial photos of the proposed subsidence sections and similar habitat where subsidence has occurred in the area, we do not anticipate any significant impacts. However, PacifiCorp has a monitoring system in place to analyze results of subsidence and its impacts to wildlife habitat. Subsidence this summer and fall may provide valuable information about the possible consequences caused by longwall mining of the Fifth and Sixth East panels. We are requesting that this information be forwarded to us. Our main concerns about subsidence from these panels include loss of an existing golden eagle nest and blockage of the stream channel that may occur with major spalling. We understand mining techniques designed for this area should avoid these impacts.

Thank you for the opportunity to comment. If you have any questions please contact Bill Bates, Habitat Manager at 801-637-3310.

Sincerely,

Acting Director

Robert G. Valentine
Director

WCQ\WP\DEERCK.630

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

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
801-359-3940 (Fax)
801-538-5319 (TDD)

July 14, 1994

TO: Permit Supervisor

FROM: Ken Wyatt, Reclamation Specialist KW

RE: Draft Review, Rilda Canyon Lease Extension, Deer Creek Mine, PacifiCorp, ACT/015/018, Folder #2, Emery County, Utah

SYNOPSIS

During the last several years PacifiCorp has been working towards permitting additional lease areas located in Rilda Canyon. The PHC was updated multiple times during this permitting process in response to a Division order. This memo briefly discusses the PHC, CHIA and the applicability to these additional leases.

ANALYSIS

Rule Citation
R645-301-728
R645-301-729

Discussion

The East Mountain CHIA was completed in July 1989. The cumulative Impact Area for East Mountain includes Rilda Canyon which is where these additional leases are located. The North Emery Water Users Association (NEWUA) controls several springs located in Rilda Canyon which they have developed as culinary water sources.

During the initial permitting for the Rilda Canyon leases, NEWUA protested the permitting action due to the potential for the mining to impact these springs. An agreement between NEWUA and PacifiCorp was signed on August 12, 1993. NEWUA has subsequently withdrawn their protest.

As a result of the agreement, the withdrawn protest, the fact that the East Mountain CHIA covers the Rilda Canyon area and the fact that PacifiCorp has been conducting development and longwall panel extraction in the Rilda Canyon area without encountering significant groundwater flows into the mine, the Division can approve mining of the Rilda Canyon leases.

RECOMMENDATION

I recommend that the PHC, the original CHIA combined with the Updated CHIA be accepted for these lease extensions and that PacifiCorp be allowed to conduct development and longwall extraction in the Rilda Canyon leases. I would recommend that the original stipulations associated with the original Incidental Boundary Changes be included in this approval.

cc: Pamela Grubaugh-Littig

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

July 22, 1994

TO: File

FROM: Pamela Grubaugh-Littig, Permit Supervisor

RE: Compliance Review for Section 510 (c) Findings, Deer Creek Mine, PacifiCorp, ACT/015/018-94A, Folder #3 and #5, Emery County, Utah

As of the writing of this memo, there is a conditional issue for the Deer Creek Mine permit, pursuant to C94-020-190-1 in the Applicant Violator System. This conditional issue modifies a previous finding made on July 14, 1994, in which the AVS OSMRE system recommended "issue", see attached.

The Deer Creek Mine permit has been conditioned, "When the appeal of outstanding federal violation X93-020-190-05, 1 of 1 is resolved, PacifiCorp must notify the Division immediately of the decision".

DATE: 22 JUL 94 APPLICANT VIOLATOR SYSTEM TIME: 14:59:26
APPLICATION EVALUATION REPORT

IATE: UT APPNO: ACT015018 SEQNO: 1 PAGE: 1
APPLICANT'S ENTITY ID: 118429
APPLICANT'S NAME : PACIFICORP ELECTRIC OPERATIONS

SYSTEM RECOMMENDATION IS BASED ON ENTITY OFT

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*                                                           *
*  SYSTEM RECOMMENDATION          : COND ISSUE              *
*  PREVIOUS SYSTEM RECOMMENDATION: COND ISSUE(940722)       *
*  OSMRE RECOMMENDATION           :      ISSUE(940718)      *
*                                                           *
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F2/PROCEED F3/QUIT F4/MAIN F6/REPORT F9/VIEW VIOL F10/VIEW OFT

usgs A # 13:02

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

July 14, 1994

TO: File

FROM: Pamela Grubaugh-Littig, Permit Supervisor

RE: Compliance Review for Section 510(c) Findings, Deer Creek Mine, PacifiCorp, ACT/015/018-94A, Folder #3 and # 5, Emery County, Utah

As of the writing of this letter, there are no NOV's or CO's which are not corrected or in the process of being corrected. Therefore, it is recommended that this permitting action be approved.

PacifiCorp does not have a demonstrated pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

A:\510(C)

14 JUL 94 APPLICANT VIOLATOR SYSTEM TIME: 11:55:27
APPLICATION EVALUATION REPORT

STATE: UT APPNO: ACT015018 SEQNO: 1 PAGE: 1
APPLICANT'S ENTITY ID: 118429
APPLICANT'S NAME : PACIFICORP ELECTRIC OPERATIONS

SYSTEM RECOMMENDATION IS BASED ON ENTITY OFT

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*************************************************************
*                                                           *
*  SYSTEM RECOMMENDATION          :        DENY             *
*  PREVIOUS SYSTEM RECOMMENDATION:         DENY(940713)     *
*  OSMRE RECOMMENDATION           :       ISSUE(940713)     *
*                                                           *
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** INVALID FUNCTION KEY - PLEASE TRY AGAIN **
F2/PROCEED F3/QUIT F4/MAIN F6/REPORT F9/VIEW VIOL F10/VIEW OFT

10:54

Bond No. 9272158
Permit Number: ACT/015/018
Deer Creek Mine

EXHIBIT "B"

SURETY BOND
(FEDERAL COAL)

THIS SURETY BOND entered into and by and between the undersigned PERMITTEE, and SURETY company, hereby jointly and severally bind ourselves, our heirs, administrators, executors, successors and assigns unto the State of Utah, Division of Oil, Gas and Mining (DIVISION), and the U.S. Department of Interior, Office of Surface Mining Reclamation and Enforcement (OSM) in the penal sum of $2,000,000.00 $ Two Million and No/100 Dollars-------- for the timely performance of reclamation responsibilities of the permit area described in Exhibit "A" of this Reclamation Agreement.

This SURETY BOND will remain in effect until all of the PERMITTEE's reclamation obligation have been met and released by the DIVISION and is conditioned upon faithful performance of all of the requirements of the Act, the applicable rules and regulations, SMCRA, the approved permit and the DIVISION.

The SURETY will not cancel this bond at any time for any reason, including non-payment of premium or bankruptcy of the Principal during the period of liability.

The SURETY and their successors and assigns, agree to guarantee the obligation and to indemnify, defend, and hold harmless the DIVISION and OSM from any and all expenses which the DIVISION and OSM may sustain as a result of the PERMITTEE's failure to comply with the condition(s) of the reclamation obligation.

The SURETY will give prompt notice to the PERMITTEE and to the DIVISION and OSM of any notice or action involving insolvency or bankruptcy of the SURETY, or alleging any violations of regulatory requirements which could result in suspension or revocation of the SURETY's license in this state. In the event the Cooperative Agreement between the DIVISION and OSM is terminated, then the portion of the bond covering the Federal Lands will be payable only to the United States, Department of Interior, Office of Surface Mining.

Terms for release or adjustment of this BOND are as written and agreed to by the DIVISION and the PERMITTEE in the RECLAMATION AGREEMENT incorporated by reference herein, to which this SURETY AGREEMENT has been attached as Exhibit "B"

IN WITNESS WHEREOF, the PERMITTEE has hereunto set its signature and seal this 11th day of September, 19 92.

PacifiCorp

Corporate Seal

PERMITTEE

By: J. Brett Harvey

Title: Vice President

IN WITNESS WHEREOF, the SURETY has hereto set its signature and seal this 11th day of September, 19 92.

American Casualty Company

SURETY

By: Gary W. Manville

Title: Gary W. Manville Attorney-in-Fact

ACCEPTED BY THE STATE OF UTAH
this 17th day of September, 19 92.

Dianne Nielson, Director
Division of Oil, Gas and Mining

NOTE: An Affidavit of Qualification must be completed and attached to this form for each authorized agent or officer. Where one signs by virtue of Power of Attorney for a company, such Power of Attorney must be filed with this Agreement. If the PERMITTEE is a corporation, the Agreement shall be executed by its duly authorized officer.

ACKNOWLEDGEMENT OF CORPORATION - PERMITTEE

On this 11 day of September, 19 92, before me, a Notary Public in and for the County of Salt Lake, in the state of Utah, appeared J. Brett Harvey to me personally known who, being by me duly sworn, did say that he/she is Vice President of PacifiCorp, the corporation (PERMITTEE) named in and which executed the within instrument, and that the seal affixed to said instrument is the corporation seal of said corporation, and that said instrument was signed, sealed and delivered in behalf of said corporation by authority of its Board of Directors, and he/she as such officer, acknowledged said instrument to be the free act and deed of said corporation for the uses and purposes of said instrument as therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day, month, and year aforesaid.

NOTARY PUBLIC
SCOTT M. CHILD
201 South Main #2100
Salt Lake City, Utah 84140
My Commission Expires
June 8, 1996
STATE OF UTAH

Notary Public in and for said
County and State

My Commission Expires:

6-8-96

AFFIDAVIT OF QUALIFICATION
FOR SURETY COMPANIES

STATE OF UTAH
COUNTY OF SALT LAKE } SS

Gary W. Manville BEING FIRST DULY SWORN, ON OATH DEPOSES AND SAYS THAT HE IS THE ATTORNEY-IN-FACT OF SAID COMPANY,
(OFFICER OR AGENT)
AND THAT HE IS DULY AUTHORIZED TO EXECUTE AND DELIVER THE FOREGOING OBLIGATIONS: THAT SAID COMPANY IS AUTHORIZED TO EXECUTE THE SAME AND HAS COMPLIED IN ALL RESPECTS WITH THE LAWS OF UTAH IN REFERENCE TO BECOMING SOLE SURETY UPON BONDS, UNDERTAKINGS AND OBLIGATIONS.

SUBSCRIBED AND SWORN TO BEFORE ME, THIS 11th DAY OF September, A.D., 19 92

Sharron Rushton
(SIGNATURE OF NOTARY PUBLIC)

(SEAL) Sharron Rushton
MY COMMISSION EXPIRES:

July 1, 1995

649 East South Temple
Salt Lake City, Utah 84102

Gary W. Manville
(SIGNATURE OF OFFICER OR AGENT)

649 East South Temple
Salt Lake City, Utah 84102
(RESIDENCE)

(SURETY SEAL)

(THIS FORM REQUIRED TO BE FILLED OUT BY SECTION 31-24-3, UCA 1953)

Notary Public
SHARRON RUSHTON
649 East So. Temple
Salt Lake City, Utah 84102
My Commission Expires
July 1, 1995
State of Utah

CNA

For All the Commitments You Make®

Offices/Chicago, Illinois

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

...ow All Men by these Presents, That AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA, a corporation duly organized and existing under the laws of the Commonwealth of Pennsylvania, and having its principal office in the City of Chicago, and State of Illinois, does hereby make, constitute and appoint Edward B. Moreton, Edward F. Folland, I. Kent Bills, Jean M. Lambourne, Gary W. Manville, Joyce R. Hartley, William R. Moreton, Individually

of Salt Lake City, Utah

its true and lawful Attorney-in-Fact with full power and authority hereby conferred to sign, seal and execute in its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA and all the acts of said Attorney, pursuant to the authority hereby given are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the Board of Directors of the Company:

"Article VI—Execution of Obligations and Appointment of Attorney-in-Fact

Section 2. Appointment of Attorney-in-fact. The President or Vice President may, from time to time, appoint by written certificates attorneys-in-fact to act in behalf of the Company in the execution of policies of insurance, bonds, undertakings and other obligatory instruments of like nature. Such attorneys-in-fact, subject to the limitations set forth in their respective certificates of authority, shall have full power to bind the Company by their signature and execution of any such instruments and to attach the seal of the Company thereto. The President or any Vice President or the Board of Directors may at any time revoke all power and authority previously given to any attorney-in-fact."

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company at a meeting duly called and held on the 11th day of November, 1966:

"Resolved, that the signature of the President or a Vice President and the seal of the Company may be affixed by facsimile on any power ttorney granted pursuant to Section 2 of Article VI of the By-Laws, and the signature of the Secretary or an Assistant Secretary and the ' of the Company may be affixed by fascimile to any certificate of any such power, and any power or certificate bearing such facsimile ıatures and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company."

In Witness Whereof, AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed this 2nd day of March, 19 89.

State of Illinois }
County of Cook } ss

AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA

J. E. Purtell — Vice President.

On this 2nd day of March, 19 89 before me personally came J. E. Purtell, to me known, who, being by me duly sworn, did depose and say: that he resides in the Village of Glenview, State of Illinois; that he is a Vice-President of AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA, the corporation described in the which executed the above instrument; that he knows the seal of said Corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

Linda C. Dempsey — Notary Public.

My Commission Expires November 12, 1990

CERTIFICATE

I, Robert E. Ayo, Assistant Secretary of AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA, do certify that the Power of Attorney herein above set forth is still in force, and further certify that Section 2 of Article VI of the By-Laws of the Company and the Resolution of the Board ' Directors, set forth in said Power of Attorney are still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of ıd Company this 11th day of September, 19 92

Robert E. Ayo — Assistant Secretary.

8-23142-D

Attachment To

INV. NO. G-57442-B