0030

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)

June 13, 1995

Val Payne, Sr. Environmental Engineer
PacifiCorp
P.O. Box 310
Huntington, UT 84528

Re: Approval of Incidental Boundary Change - Modification of Federal Lease U-06039, Deer Creek Mine, PacifiCorp, ACT/015/018-95B, Folder #3, Emery County, Utah

Dear Mr. Payne:

The incidental boundary change (IBC) to add 42.97 acres to the Deer Creek Mine permit area is approved (see enclosed Decision Document). One condition of the approval is to submit the finalized text and plates for insertion into the Deer Creek Mine mining and reclamation plan by July 14, 1995.

Please sign both copies of the permit and return one to the Division. If you have any questions, please call me.

Very truly yours,

James W. Carter
Director

Enclosure
cc: Pamela Grubaugh-Littig
Daron Haddock
Joe Helfrich (w/o enclosure)

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

PacifiCorp
Deer Creek Mine
ACT/015/018-95B
Incidental Boundary Change
Modification to Lease U-06039
Emery County, Utah

June 13, 1995

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ADMINISTRATIVE OVERVIEW

PacifiCorp
Deer Creek Mine
ACT/015/018-95B
Incidental Boundary Change
Modification to Lease U-06039
Emery County, Utah

June 13, 1995

PROPOSAL

PacifiCorp submitted a proposal to amend the Deer Creek Mine permit on May 26, 1995 as an incidental boundary change to add 42.97 acres to Federal Lease U-06039 (approximately 100,000 tons of coal). Addition of this area represents a small portion of federal coal which is isolated between the current Deer Creek Mine permit boundary and a major fault. This area would be bypassed if it is not mined from the Deer Creek Mine. Underground mining would occur in the Blind Canyon Seam only. This lease was modified by the Bureau of Land Management on May 16, 1995.

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 the original application for the Rilda Canyon Lease Extension which included Leases U-7653, 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 (IBC-3) to include development mining only in U-06039, U-47977, and SL-050862 (approximately 100,000 tons). Included in the revised application was longwall mining the Second, Third and Fourth East panels and development mining in the

Third North Mains and the Sixth East Gate. 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 entailed about 40 acres beyond the currently approved permit boundary in Leases U-06039, U-47977 and SL-050862. IBC-3 was approved July 28, 1994.

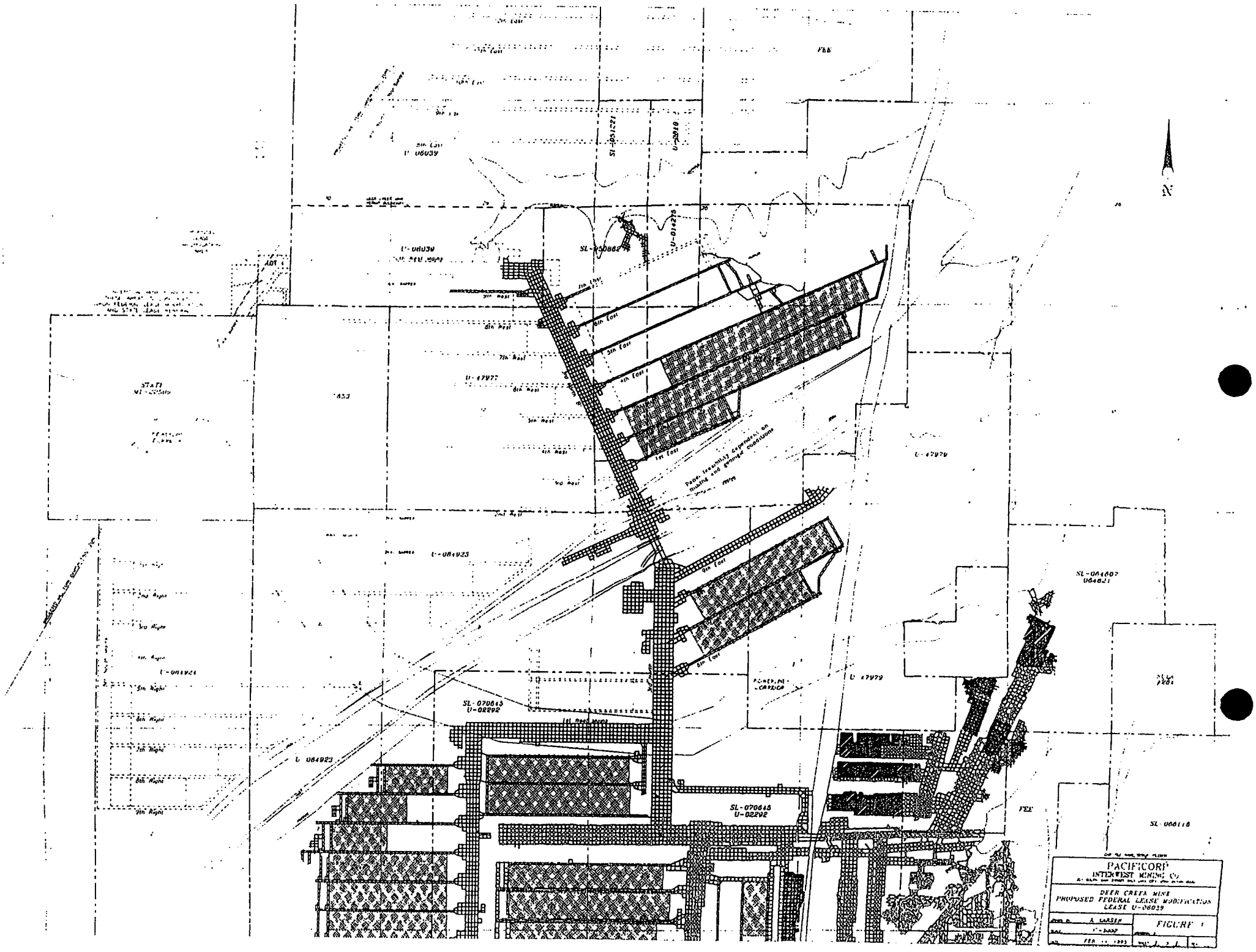
PacifiCorp has submitted an application to construct surface facilities in Rilda Canyon, which was included as part of the Environmental Assessment, and is currently under review by the Division and other state and federal agencies. The Environmental Assessment and Decision Notice/Finding of No Significant Impact (DN/FONSI) for the proposed surface facilities and mining under the south canyon escarpment is contingent upon the mitigations attached to the DN/FONSI and satisfactorily completing the appeals process.

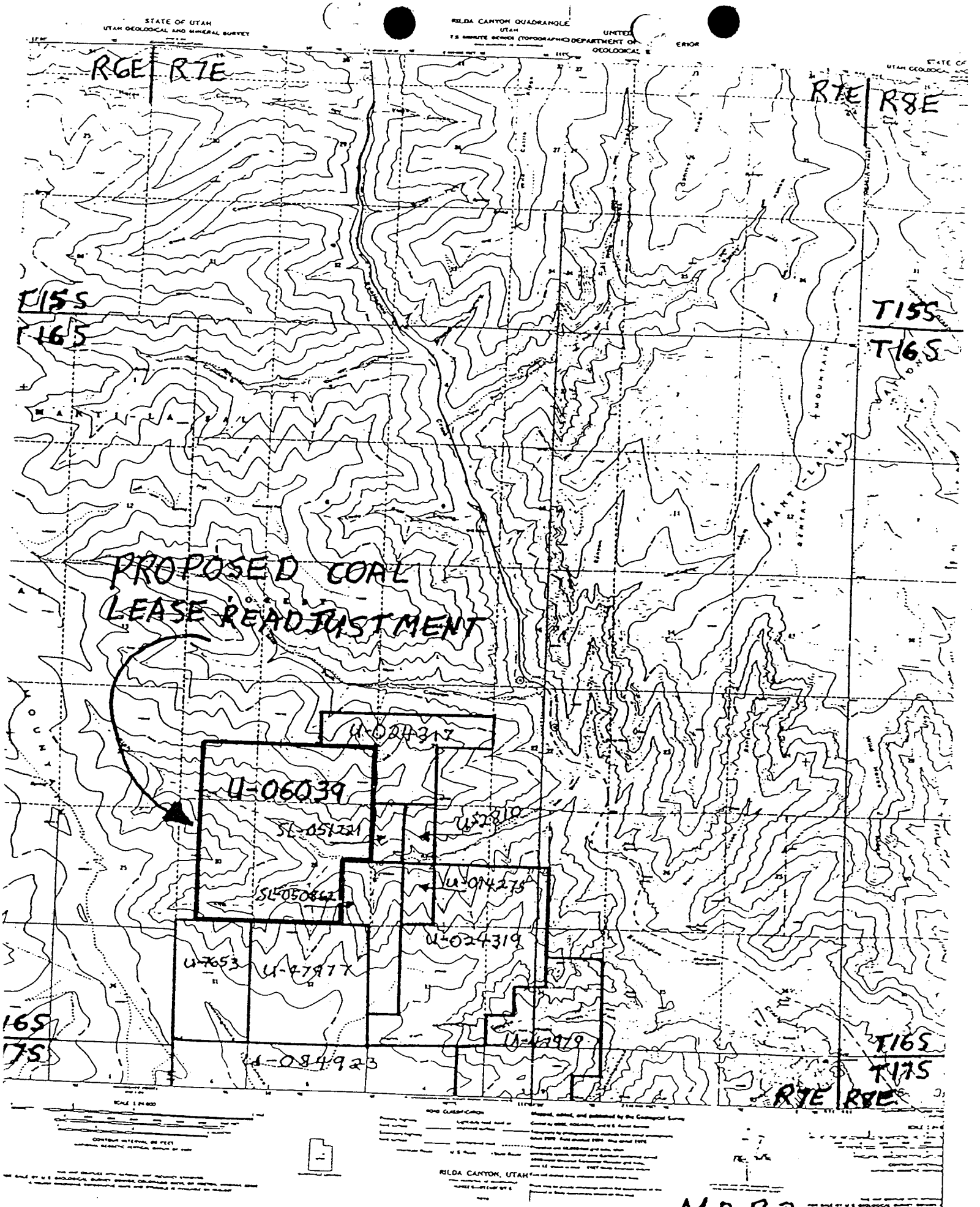
PacifiCorp submitted an application for the Rilda Canyon Lease Extension (which included Leases U-7653, U-47977, U-06039, SL-050862, a part of federal lease U-06039, and state lease (ML-22509) for a total of 2371.6 acres on February 12, 1990 and resubmitted an application on February 8, 1994. This submittal 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) and longwall mining in the Second, Third and Fourth East panels and was approved July 28, 1994.

The Rilda Canyon Lease Extension to mine in the Rilda Canyon Lease Extension in federal leases U-7653, U-47977, SL-050862, parts of U-06039, and state lease ML-22509 was approved December 13, 1994. Mining in the Rilda Canyon Lease Extension will be done as an extension of current underground mining operations in the Blind Canyon seam and Hiawatha seam.

RECOMMENDATION

Approval of this IBC is recommended based on the Division's technical analysis and concurrences by federal and state agencies.


N
U-06039
U-47977
U-47979
U-084923
SL-070615
U-02292
SL-066116
FEE
PACIFICORP
INTERWEST MINING CO.
DEER CREEK MINE
PROPOSED FEDERAL LEASE MODIFICATION
LEASE U-06039
FIGURE 1


STATE OF UTAH
UTAH GEOLOGICAL AND MINERAL SURVEY
WILDA CANYON QUADRANGLE
UTAH
R6E R7E
R7E R8E
T15S
T16S
T16S
T17S
PROPOSED COAL
LEASE READJUSTMENT
U-024317
U-06039
U-52810
SL-051321
U-094275
SL-050862
U-024319
U-7653
U-47977
U-47979
U-084923
R7E R8E
WILDA CANYON, UTAH

MAP 2

FINDINGS

PacifiCorp
Deer Creek Mine
Incidental Boundary Change
ACT/015/018-95B
Modification of Lease U-06039
Emery County, Utah

June 13, 1995

1. The revised plan and the permit application to mine in the Incidental Boundary Change, modification of Lease U-06039, 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 12, 1995 Technical Analysis (R645-300-133.100)

2. No additional surface reclamation is currently required for this incidental boundary change (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. 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 associated off-site areas. See CHIA dated July 1989 and updated September 1994 (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 memo dated June 7, 1995 in conjunction with United States Fish and Wildlife, dated July 6, 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 June 13, 1995. (R645-300-133.600)

7. The applicant has the legal right to enter and conduct mining activities in the incidental boundary change federal coal leases issued by the Bureau of Land Management (See federal lease U-06039 assigned to Utah Power and Light Company effective January 1, 1980 and modified May 16, 1995). (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 (A 510 (c) report was run on June 13, 1995, see memo to file dated June 13, 1995. A condition has been added to the Deer Creek permit pending resolution of an appeal. (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 at this time. because this action does not include any additional surface disturbance. (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 Public Notice, dated March 28, 1995. (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

Permit Supervisor

for LPB

Associate Director, Mining

Director

FEDERAL

PERMIT
Permit Number ACT/015/018

JUNE 13, 1995

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 areas contained in the permit area, approximately 17,000 acres, involve all or part of the following federal, state, 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 17: W1/2 NW1/4
Section 18: Lots 1 and 2, N1/2

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

Lease No. U-47977
Township 16 South, Range 7 East, SLBM
Containing 640 acres
Section 32: All

Lease No. SL-050862 (consolidated to include U-24069 and U-24070)
Township 16 South, Range 7 East, SLBM
Containing 280 acres
Section 28: W1/2 SW1/4
Section 29: E1/2 SE1/4
Section 33: W1/2 NW1/4, NW1/4 SW1/4

Lease No. U-06039
Township 16 South, Range 7 East, SLBM
Containing 429.70 acres
Section 25: E1/2SE1/4SE1/4
Section 29: SW1/4, W1/2 SE1/4
Section 30: SE1/4 and Lot 4

Lease No. U-7653
Township 16 South, Range 7 East, SLBM
Containing 411.6 acres
Section 31: All

OWNERS OF COAL TO BE MINED OTHER THAN THE UNITED STATES

State Lease ML-22509
Township 16 South, Range 6 East, SLBM
Containing 640 acres
Section 36: All

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: June 14, 1995

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

_____

Authorized Representative of the Permittee

Date: _____

Attachment A

SPECIAL CONDITIONS

1. If during entry development, sustained quantities of groundwater are encoutered which are greater than 5 gpm from a single source in an individual entry, and which continue after operational activities progress beyond the area of groundwater production, PacifiCorp must 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. PacifiCorp must notify the Division within 14 days of the decision on the appeal of outstanding cessation order 94-020-370-002, 1 of 1.

LETTERS OF CONCURRENCE

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Moab District
Price River Resource Area
900 North 700 East
Price, Utah 84501

RECEIVED
JUN 09 1995
DIV. OF OIL, GAS & MINING

3482
U-06039
(UT-066)

JUN 07 1995

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

Re: Federal Lease U-06039 Application ~~for Permit~~ Change - Incidental Boundary Change, PacifiCorp, Deer Creek Mine, ACT/015/018 #3

Dear Ms. Grubaugh-Littig:

We have reviewed PacifiCorp's application for a lease boundary extension (LBE). PacifiCorp, as the current lessee of record for Federal coal lease U-06039, seeks to include the mineral interest (unleased Federal coal) of 42.97 acres to Federal coal lease U-06039, originally issued on May 1, 1953, consisting of 1360 acres. This lease modification is necessary to maximize coal recovery between the existing lease boundary and the Mill Fork Canyon Fault. If this coal is not leased it will be by-passed. The LBE area is within an approved R2P2. Therefore, we recommend that the application to amend the Deer Creek Mine permit be approved.

If you have any questions, please contact George Tetreault at (801) 637-4584.

Sincerely,

Area Manager
Acting

cc: UT-921, SD, Utah

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

JUL - 7
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 Ray R. Mobley

Robert D. Williams
Assistant Field Supervisor

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)

June 7, 1995

TO: File

FROM: Pamela Grubaugh-Littig, Permit Supervisor pgl

RE: Fish and Wildlife Comments on IBC (Modification to Federal Lease U-06039), Deer Creek Mine, PacifiCorp, ACT/015/018-95B, Folder #2, Emery County, Utah

I spoke with Susan Linner, USFWS, on June 7, 1995 about the above-noted incidental boundary change (IBC). She said that personnel at USFWS would not have time to review this IBC for several months due to lack of technical staff, but the past USFWS comments in regard to the federal lease addition and IBCs would apply, i.e. significant impacts to raptors, threatened and endangered species, and surface and groundwater.

Surface water does not exist in the area above where the incidental boundary change is proposed and no significant groundwater sources were encountered during entry development mining in adjacent areas. The area was surveyed for raptors and threatened and endangered species and none were identified or are known to inhabit the area. (See IBC and EA/FONSI for Rilda Canyon Lease Extension).

In light of this information, with the concurrence of Ms. Linner, no significant impacts to wildlife resources would be expected based on the above-noted facts.

cc: Daron Haddock

United States
Department of
Agriculture

Forest
Service

Manti-La Sal
National Forest

599 West Price River Dr.
Price, Utah 84501

Reply to: 2820

Date: June 9, 1995

RECEIVED
JUN 12 1995
DIV. OF OIL, GAS & MINING

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

RF: Application for Permit Change - Incidental Boundary Change, PacifiCorp, Deer Creek Mine, ACT/015/018, Emery County, Utah

Dear Ms. Littig:

I hereby consent to the proposed Incidental Boundary Change (IBC) with the provision that no mining be conducted that would cause subsidence of the land surface. This decision is consistent with lease terms and the Forest Supervisor's consent to modification of Federal Coal Lease U-06039 last April. The modification added a tract of land, coincident to the IBC area, to the already existing lease area. Forest Service consent to surface disturbing activities, including surface subsidence, within the IBC area would require an additional environmental analysis.

Enclosed for information is a copy of the Forest Supervisor's letter to BLM, dated April 5, 1995, documenting Forest Service consent to modification of Federal Coal Lease U-06039. As stated in the letter, the modification qualified as a categorical exclusion from documentation in an environmental assessment or environmental impact statement because the proposed mining scenario would not cause surface disturbance or subsidence. A copy of BLM's letter to the Forest Supervisor, dated March 13, 1995, stating that the proposed mining scenario would not cause subsidence is also enclosed.

If you have any questions or need additional information, contact us at the Forest Supervisor's Office in Price, Utah.

Sincerely,

Ann L. Hume
for
JANETTE S. KAISER
Forest Supervisor

cc:
D-2/3
George Tetrault, BLM - Price Coal Office

Enclosures

United States
Department of
Agriculture

Forest
Service

Manti-La Sal
National Forest

59. West Price River Dr.
Price, Utah 84501
(801) 637-2817

File Code: 2820-4

Date: April 5, 1995

Mr. Mat Millenbach, State Director
Bureau of Land Management
Utah State Office
324 S. State St.
Salt Lake City, Utah 84111-2303

Dear Mr. Millenbach:

We have reviewed PacifiCorp's request to modify Federal Coal Lease U-06039 to include an additional 42.97 acres, as described in their February 15 submittal. We consulted George Tetrault at the Price office, and received Mark Bailey's letter of March 13, stating that mining within this proposed lease boundary extension will have no surface disturbance, including subsidence.

A legal notice was published in the Sun Advocate and no comments were received.

This action is categorically excluded from documentation in an EA or an EIS in the categories established by the Chief in the Forest Service Handbook 1909.15 31.1b (7); sale or exchange of land or interest in land and resources where resulting land use remains essentially the same.

It is understood that the lease stipulations already in place on Federal Coal Lease U-06039 will be applicable to this modification.

Sincerely,

/s/ Aaron Howe
AARON HOWE
Acting Forest Supervisor

J.DeFreest:jdf

F[illegible]2820-4

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Moab District
Price River Resource Area
900 North 700 East
Price, Utah 84501

3482
U-06039
(UT-066)

MAR 13 1995

MAR LASAL
FOREST SUP
PLANNER
ADM. OFFICER
PLANNER
DISTRICT RANGER

Aaron Howe
Acting Forest Supervisor
Manti-LaSal National Forest
599 Price River Drive
Price, Utah 84501

C. Reed

cc: D-2/D-3

Re: Federal Coal Lease U-06039 - Lease Modification

Dear Mr. Howe:

PacifiCorp has submitted a lease modification for a lease boundary extension (LBE). PacifiCorp, as the current lessee of record for Federal coal lease U-06039, seeks to include the mineral interest (unleased Federal coal) of 42.97 acres to Federal coal lease U-06039, originally issued on May 1, 1953, consisting of 1360 acres. This lease modification is necessary to maximize coal recovery between the existing lease boundary and the Mill Fork Canyon Fault. If this coal is not leased it will be by-passed.

We have analyzed the potential for surface impacts from the proposed mining within the LBE area. With the exception of a 50' x 350' section of the 9th West longwall panel, all mining within the LBE area will be first mining. Approximately 100,000 tons of coal will be removed from the LBE area. Based upon the available data, our analysis indicates that there will be no surface disturbance (including subsidence) that will impact the LBE area.

If you have any questions, please contact George Tetreault at (801) 637-8454.

Sincerely,

Mark E. Bailey

Area Manager

cc: UT-921, SD, 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

June 13, 1995

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

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

In Reply Please Refer to Case No. 90-1579

Dear Ms. Grubaugh-Littig:

The Utah State Historic Preservation Office received the above referenced report on May 31, 1995. The report states that no cultural resources were located in the project area. We, therefore, concur with the report's recommendation that No Historic Properties will be impacted by the project.

This information is provided on request to assist the Division of Oil, Gas & Mining with its Section 106 responsibilities as specified in 36CFR800. If you have questions, please contact me at (801) 533-3555. My computer address on internet is: jdykman@email.state.ut.us

Your humble servant,

James L. Dykmann
Compliance Archaeologist

JLD:95-1579 OSM

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

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)

June 13, 1995

TO: File

FROM: Pamela Grubaugh-Littig, Permit Supervisor

RE: Compliance Review for Section 510 (c) Findings, Incidental Boundary Change, Deer Creek Mine, PacifiCorp, ACT/015/018-95B, Folders #3 and #5, Emery County, Utah

As of the writing of this memo there is a "conditional issue" recommendation from the Applicant Violator System for ACT/015/018. This conditional issue represents outstanding federal cessation order C-94-020-370-002 which is currently under appeal. The permit has been conditioned to state: "PacifiCorp must notify the Division within 14 days of the decision on the appeal of outstanding cessation order 94-020-370-002, 1 of 1".

As of the writing of this memo, there are no violations or cessation orders which are not corrected or in the process of being corrected. There are no finalized Civil Penalties which are outstanding and overdue in the name of PacifiCorp. PacifiCorp does not have a demonstrated pattern of wilful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

Applicant Evaluation Applicant Violator System 13-Jun-1995 14:47:34

State : UT Permit No : ACT015018 Appl No : ACT015018
Applicant : 118429(PACIFICORP ELECTRIC OPERATIONS) Seqno : 1

SYSTEM RECOMMENDATION IS BASED ON ENTITY OFT

SYSTEM RECOMMENDATION : COND ISSUE 06/13/95
PREVIOUS SYSTEM RECOMMENDATION : COND ISSUE 04/26/95

Records retrieved : 1

ST	PERMIT	RP ID	SEQ	VTYPE	VIOLNO	VIOLDATE
CO	NONE	108521	0	CMIS	C94-020-370-002	09/15/94

RCM_MNT(F7) PERMIT/APPL(F8)
PRV_SCR(F3) VIOL(F4) EVOFT(F5) VOFT(F6) CHOICES(F10)
▪ avsdg 12 47

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PRV_SCR(F3) VIOL(F4) EVOFT(F5) VOFT(F6) CHOICES(F10)
▪ avsdg 12:47

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)

June 12, 1995

TO: File

FROM: Daron R. Haddock, Permit Supervisor

RE: Incidental Boundary Change Administrative Findings, PacifiCorp Electric Operations, Deer Creek Mine, ACT/015/018, Folder #3, Emery County, Utah

ADMINISTRATIVE FINDINGS

The following findings are required as part of the Administrative Analysis for permit documentation and issuance of an approved permit under the Utah Coal Regulatory Program:

COMPLETENESS

The application has been reviewed by the Division's technical staff. It has been determined to be a complete and accurate application. The application describes the modification of Coal Lease U-06039 to allow mining in the Blind Canyon seam an additional area comprising 42.97 acres. The application contains the necessary maps, plans, and descriptions to allow for mining in the proposed area. However the plans are not in a format readily insertable and compatible to the existing Deer Creek Mining and Reclamation Plan. The applicant has committed to provide updated drawings once the application has been approved.

Findings:

The application is complete and accurate and the applicant has complied with all the requirements of the State Program. While the application is complete, it is not readily insertable to the MRP. Accordingly, the following permit condition is required:

R645-301-121	The applicant must submit the revised maps and information describing the Incidental Boundary Change in a format readily insertable to the Deer Creek Mining and Reclamation Plan.

VALID EXISTING RIGHTS

The applicant, PacifiCorp, has obtained a lease of the area covered by the Incidental Boundary Change. Lease U-06039 was modified to include the additional 42.97 acres on May 16, 1995. No unsuitability petitions were filed.

Findings:

The proposed permit area is not within an area under study or administrative proceedings under a petition, filed pursuant to R645-103-400 or 30 CFR 769, to have an area designated as unsuitable for coal mining and reclamation operations.

SEVERED SURFACE AND MINERAL OWNERSHIP

There is no severed surface and mineral ownership in the area of the Incidental Boundary Change. The land and minerals are owned by the U. S. Government.

Findings:

The applicant has obtained the legal right to enter and conduct mining and reclamation activities within the boundaries of the incidental boundary change.

ENDANGERED SPECIES ACT

The Environmental Assessment done for the Rilda Canyon lease determined that there would be no adverse affects to endangered, threatened, or sensitive plant or animal species or their habitat. Conversations with the Fish and Wildlife Service (Sue Linner) confirmed that this would also be the case with the IBC area.

Findings:

The operation would not affect the continued existence of endangered or threatened species or result in destruction or adverse modification of their critical habitats, as determined under the Endangered Species Act of 1973 (16 U.S.C. 1531 et.seq.).

NATIONAL REGISTER OF HISTORIC PLACES

No cultural or historic sites have been identified in the area of the IBC through survey. The BLM's analysis also indicates that there will be no surface disturbance (including subsidence) that will impact the IBC area.

Findings:

The Division has taken into account the effect of the proposed permitting action on properties listed on and eligible for listing on the National Register of Historic Places. There will be no impact.

HYDROLOGIC IMPACT

The IBC is located within the boundary of the East Mountain Cumulative Hydrologic Impact Area. The cumulative hydrologic impacts have previously been assessed. In accordance with requirements in previously approved mining area it is imperative that PacifiCorp monitor groundwater in the area of the IBC. Accordingly the following permit condition is required:

R645-301-731.210 If, during entry development or when mining occurs adjacent to the Mill Creek Fault, sustained quantities of groundwater greater than 5 gallons per minute are encountered , and these flows continue after operational activities have progressed beyond the area of inflow, then PacifiCorp will inform the Division within 24 hours of the groundwater flows encountered and begin monitoring these flows for quality and quantity under the approved baseline parameters.

Findings:

The Division has made an assessment of the probable cumulative impacts of all anticipated coal mining and reclamation operations on the hydrologic balance in the cumulative impact area and has determined that the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area. However, in accordance with requirements in previously approved mining area it is imperative that PacifiCorp monitor groundwater in the area of the IBC. Accordingly the following permit condition is required:

R645-301-731.210 If, during entry development or when mining occurs adjacent to the Mill Creek Fault, sustained quantities of groundwater greater than 5 gallons per minute are encountered , and these flows continue after operational activities have progressed beyond the area of inflow, then PacifiCorp will inform the Division within 24 hours of the groundwater flows encountered and begin monitoring these flows for quality and quantity under the approved baseline parameters.

RECLAIMABILITY

No effects are anticipated to project to the surface in the area of the IBC.

Findings:

The Applicant has demonstrated that reclamation as required by the State Program can be accomplished according to information given in the permit application.

EXISTING STRUCTURES

There are no existing structures in the area of the IBC.

Findings:

The Applicant has demonstrated that any existing structure will comply with the applicable performance standards of R645-301 and R645-302.

RECLAMATION FEES

Findings:

The Applicant has paid all reclamation fees from previous and existing coal mining and reclamation operations as required by 30 CFR Part 870.

AGRICULTURAL POST-MINING LAND USE

Findings:

This finding is not applicable since there is no agricultural post mining land use in the area of the IBC.

SPECIAL CATEGORIES AND AREAS OF MINING

Findings:

There are no special categories or areas of mining that are planned for this area.

SPECIAL CONDITIONS OR STIPULATIONS TO THE PERMIT APPROVAL

R645-301-121	The applicant must submit the revised maps and information describing the Incidental Boundary Change in a format readily insertable to the Deer Creek Mining and Reclamation Plan.

R645-301-731.210 If, during entry development or when mining occurs adjacent to the Mill Creek Fault, sustained quantities of groundwater greater than 5 gallons per minute are encountered , and these flows continue after operational activities have progressed beyond the area of inflow, then PacifiCorp will inform the Division within 24 hours of the groundwater flows encountered and begin monitoring these flows for quality and quantity under the approved baseline parameters.

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Utah State Office
324 South State, Suite 301
Salt Lake City, Utah 84111-2303

IN REPLY REFER TO:

3432
U-06039
(UT-923)

MAY 10 1995

CERTIFIED MAIL—Return Receipt Requested

MAY 1995
Received
Interwest Mining Company

DECISION

PacifiCorp c/o Interwest Mining Company One Utah Center, Suite 2000 201 South Main Street Salt Lake City, Utah 84140-0020	: : : : :	Coal Lease U-06039

Evidence Required

An application for a modification of coal lease U-06039 was filed in this office on February 16, 1995. The proposed lease modification includes the following described lands in Emery County, Utah:

T. 16 S., R. 6 E., SLM, Utah
Sec. 25, E2SESE.
T. 16 S., R. 7 E., SLM, Utah
Sec. 30, Lot 4.

Containing 42.97 acres

It has been determined that the proposed modification meets the requirements of the regulations under 43 CFR 3432.3 and that it would serve the interests of the United States to modify this lease under Sec. 3 of the Mineral Leasing Act of February 25, 1920, as amended. Accordingly, prior to the execution of the modified lease, the enclosed lease forms and stipulations must be accepted, signed, dated and returned to this office accompanied by a consent of surety that the bond will cover the additional acreage. A payment of $64.50 is to be submitted. This covers the estimated additional rental for the rental year beginning December 23, 1994. Please note that rental in the amount of $3.00 per acre, or a total of $4,209 is due on December 23, 1995. The method of payment of the fair market value for the area of the lease modification is listed in No. 24 of the special lease stipulations.

A Logical Mining Unit surety bond in the amount of $3,253,000 is on file and has been determined to be adequate coverage to include the modification of coal lease U-06039.

A period of thirty days from receipt of this decision is allowed in which to accept the modified lease forms and to submit the evidence required. If no action is taken within the time allowed, the modification will be denied.

During the compliance period, there is no right of appeal to the Interior Board of Land Appeals and an appeal filed within the compliance period is subject to dismissal as being premature. The 30-day appeal period commences upon expiration of the 30-day compliance period.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from expiration of the compliance period. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) (pursuant to regulation 43 CFR 4.21) (58 FR 4939, January 19, 1993) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

(1) The relative harm to the parties if the stay is granted or denied,
(2) The likelihood of the appellant's success on the merits,
(3) The likelihood of immediate and irreparable harm if the stay is not granted, and
(4) Whether the public interest favors granting the stay.

Robert Lopez
Chief, Branch of Mineral
Leasing Adjudication

2 Enclosures
1. Form 1842-1 (1p)
2. 4 Lease Forms and Stipulations (8pp each)

Form 1842-1
(February 1985)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,

AND

2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL . . . . Within 30 days file a *Notice of Appeal* in the office which issued this decision (see 43 CFR Secs. 4.411 and 4.413). You may state your reasons for appealing, if you desire.

2. WHERE TO FILE NOTICE OF APPEAL . . . State Director, Utah
Bureau of Land Management
Utah State Office
P. O. Box 45155
Salt Lake City, Utah 84145-0155

SOLICITOR ALSO COPY TO . . . . Regional Solicitor
Department of the Interior
Federal Building, Room 6201
Salt Lake City, Utah 84138

3. STATEMENT OF REASONS . . . Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203 (see 43 CFR Sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary.

SOLICITOR ALSO COPY TO . . . . Regional Solicitor
Department of the Interior
Federal Building, Room 6201
Salt Lake City, Utah 84138

4. ADVERSE PARTIES . . . . Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR Sec. 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington, D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from decisions of the Director (WO-100).

5. PROOF OF SERVICE . . . . Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Sec. 4.401(c)(2)).

Unless these procedures are followed your appeal will be subject to dismissal (see 43 CFR Sec. 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: *A document is not filed until it is actually received in the proper office (see 43 CFR Sec. 4.401(a))*

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

MODIFIED COAL LEASE

Serial No.	U-06039
Date of Lease:	May 1, 1953

PART I.

THIS MODIFIED COAL LEASE is entered into on MAY 16 1995, by and between the UNITED STATES OF AMERICA, hereinafter called the Lessor, through the Bureau of Land Management, and

PacifiCorp
One Utah Center, Suite 2000
201 South Main Street
Salt Lake City, Utah 84140-0020

hereinafter called Lessee.

This modified lease shall retain the effective date of May 1, 1953, of the original COAL LEASE U-06039, and is effective for a period of 20 years therefrom, and for so long thereafter as coal is produced in commercial quantities from the leased lands, subject to readjustment of lease terms at the end of the 20th lease year (May 1, 1973), and each 10-year period thereafter.

Sec. 1. This lease is issued pursuant and subject to the terms and provisions of the: (NOTE: Check the appropriate Act or Acts.)

XX Mineral Lands Leasing Act of 1920, as amended, 41 Stat. 437, 30 U.S.C. 181-287, hereinafter referred to as the Act;

__ Mineral Leasing Act for Acquired Lands of 1947, 61 Stat. 913, 30 U.S.C. 351-359;

and to the regulations and formal orders of the Secretary of the Interior which are now or hereafter in force, when not inconsistent with the express and specific provisions herein.

Sec. 2. Lessee as the holder of Coal Lease U-06039, issued effective May 1, 1953, was granted the exclusive right and privilege to drill for, mine, extract, remove or otherwise process and dispose of the coal deposits in, upon, or under the lands described below as Tract 1.

The Lessor in consideration of fair market value, rents and royalties to be paid, and the conditions and covenants to be observed as herein set forth, hereby grants and leases to Lessee the exclusive right and privilege to drill for, mine, extract, remove, or otherwise process and dispose of the coal deposits in, upon, or under the lands described below as Tract 2.

Tract 1:
T. 16 S., R. 7 E., SLM, Utah
Sec. 19, SE;
Sec. 20, S2;
Sec. 29, N2, SW, W2SE;
Sec. 30, E2.
1,360.00 acres, Emery County, Utah

Tract 2:
T. 16 S., R. 6 E., SLM, Utah
Sec. 25, E2SESE.
T. 16 S., R. 7 E., SLM, Utah
Sec. 30, lot 4.
42.97 acres, Emery County, Utah

containing 1,402.97 acres, more or less, together with the right to construct such works, buildings, plants, structures, equipment and appliances and the right to use such on-lease rights-of-way which may be necessary and convenient in the exercise of the rights and privileges granted, subject to the conditions herein provided.

Part II. TERMS AND CONDITIONS

Sec. 1.(a) **RENTAL RATE** - Lessee shall pay Lessor rental annually and in advance for each acre or fraction thereof during the continuance of the lease at the rate of $3.00 per acre for each lease year.

(b) **RENTAL CREDITS** - Rental shall not be credited against either production or advance royalties for any year.

Sec. 2.(a) **PRODUCTION ROYALTIES** - The royalty shall be 8 percent of the value of the coal as set forth in the regulations. Royalties are due to Lessor the final day of the month succeeding the calendar month in which the royalty obligation accrues.

(b) **ADVANCE ROYALTIES** - Upon request by the Lessee, the authorized officer may accept, for a total of not more than 10 years, the payment of advance royalties in lieu of continued operation, consistent with the regulations. The advance royalty shall be based on a percent of the value of a minimum number of tons determined in the manner established by the advance royalty regulations in effect at the time the Lessee requests approval to pay advance royalties in lieu of continued operation.

Sec. 3. **BONDS** - Lessee shall maintain in the proper office a LMU bond in the amount of $3,253,000. The authorized officer may require an increase in this amount when additional coverage is determined appropriate.

Sec. 4. **DILIGENCE** - This lease achieved diligent development on December 23, 1986, and is subject to the conditions of continued operation. Continued operation may be excused when operations under the lease are interrupted by strikes, the elements, or casualties not attributable to the Lessee. The Lessor, in the public interest, may suspend the condition of continued operation upon payment of advance royalties in accordance with the regulations in existence at the time of the suspension.

The Lessor reserves the power to assent to or order the suspension of the terms and conditions of this lease in accordance with, inter alia, Section 39 of the Mineral Leasing Act, 30 U.S.C. 209.

Sec. 5. **LOGICAL MINING UNIT (LMU)** - The lands contained in the original lease are included in the LMU East Mountain UTU-73336, effective December 23, 1986. Within 30 days after the effective date of this lease modification, the Lessee shall amend its East Mountain Logical Mining Unit to include the 42.97 acres added to Coal Lease U-06039 by this modification. The modified land shall be segregated into another Federal coal lease should the Lessee fail to file such amendment.

The stipulations established in an LMU approval in effect at the time of LMU approval or modification will supersede the relevant inconsistent terms of this lease so long as the lease remains committed to the LMU. If the LMU of which this lease is a part is dissolved, the lease shall then be subject to the lease terms which would have been applied if the lease had not been included in the LMU.

Sec. 6. **DOCUMENTS, EVIDENCE AND INSPECTION** - At such times and in such form as Lessor may prescribe, Lessee shall furnish detailed statements showing the amounts and quality of all products removed and sold from the lease, the proceeds therefrom, and the amount used for production purposes or unavoidably lost.

Lessee shall keep open at all reasonable times for the inspection of any duly authorized officer of Lessor, the leased premises and all surface and underground improvements, works, machinery, ore stockpiles, equipment, and all books, accounts, maps, and records relative to operations, surveys, or investigations on or under the leased lands.

Lessee shall allow Lessor access to and copying of documents reasonably necessary to verify Lessee compliance with terms and conditions of the lease.

While this lease remains in effect, information obtained under this section shall be closed to inspection by the public in accordance with the Freedom of Information Action (5 U.S.C. 552).

Sec. 7. **DAMAGES TO PROPERTY AND CONDUCT OF OPERATIONS** - Lessee shall comply at its own expense with all reasonable orders of the Secretary, respecting diligent operations, prevention of waste, and protection of other resources.

Lessee shall not conduct exploration operations, other than casual use, without an approved exploration plan. All exploration plans prior to the commencement of mining operations within an approved mining permit area shall be submitted to the authorized officer.

Lessee shall carry on all operations in accordance with approved methods and practices as provided in the operating regulations, having due regard for the

prevention of injury to life, health, or property, and prevention of waste, damage or degradation any land, air, water, cultural, biological, visual, and other resources, including mineral deposits and formations of mineral deposits not leased hereunder, and to other land uses or users. Lessee shall take measures deemed necessary by Lessor to accomplish the intent of this lease term. Such measures may include, but not limited to, modification to proposed siting or design of facilities, timing of operations, and specifications of interim and final reclamation procedures. Lessor reserves to itself the right to lease, sell, or otherwise dispose of the surface or other mineral deposits in the lands and the right to continue existing uses and to authorize future uses upon or in the leased lands, including issuing leases for mineral deposits not covered hereunder and approving easements or rights-of-way. Lessor shall condition such uses to prevent unnecessary or unreasonable interference with rights of Lessee as may be consistent with concepts of multiple use and multiple mineral development.

Sec. 8 **PROTECTION OF DIVERSE INTERESTS, AND EQUAL OPPORTUNITY** - Lessee shall: pay when due all taxes legally assessed and levied under the laws of the State or the United States; accord all employees complete freedom of purchase; pay all wages at least twice each month in lawful money of the United States; maintain a safe working environment in accordance with standard industry practices; restrict the workday to not more than 8 hours in any one day for underground workers, except in emergences; and take measures necessary to protect the health and safety of the public. No person under the age of 16 years shall be employed in any mine below the surface. To the extent that laws of the State in which the lands are situated are more restrictive than the provisions in this paragraph, then the State laws apply.

Lessee will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and the rules, regulations, and relevant orders of the Secretary of Labor. Neither Lessee nor Lessee's subcontractors shall maintain segregated facilities.

Sec. 9.(a) **TRANSFERS**

__X__ This lease may be transferred in whole or in part to any person, association or corporation qualified to hold such lease interest.

_____ This lease may be transferred in whole or in part to another public body, or to a person who will mine the coal on behalf of, and for the use of, the public body or to a person who for the limited purpose of creating a security interest in favor of a lender agrees to be obligated to mine the coal on behalf of the public body.

_____ This lease may only be transferred in whole or in part to another small business qualified under 13 CFR 121.

Transfers of record title, working or royalty interest <u>must</u> be approved in accordance with the regulations.

(b) **RELINQUISHMENTS** - The Lessee may relinquish in writing at any time all rights under this lease or any portion thereof as provided in the regulations. Upon Lessor's acceptance of the relinquishment, Lessee shall be relieved of all future obligations under the lease or the relinquished portion thereof, whichever is applicable.

Sec. 10. **DELIVERY OF PREMISES, REMOVAL OF MACHINERY, EQUIPMENT, ETC.** - At such times as all portions of this lease are returned to Lessor, Lessee shall deliver up to Lessor the land leased, underground timbering, and such other supports and structures necessary for the preservation of the mine workings on the leased premises or deposits and place all workings in condition for suspension or abandonment. Within 180 days thereof, Lessee shall remove from the premises all other structures, machinery, equipment, tools, and materials that it elects to or as required by the authorized officer. Any such structures, machinery, equipment, tools, and materials remaining on the leased lands beyond 180 days, or approved extension thereof, shall become the property of the Lessor, but Lessee shall either remove any or all such property or shall continue to be liable for the cost of removal and disposal in the amount actually incurred by the Lessor. If the surface is owned by third parties, Lessor shall waive the requirement for removal, provided the third parties do not object to such waiver. Lessee shall, prior to the termination of bond liability or at any other time when required and in accordance with all applicable laws and regulations, reclaim all lands the surface of which has been disturbed, dispose of all debris or solid waste, repair the offsite and onsite damage caused by Lessee's activity or activities incidental thereto, and reclaim access roads or trails.

Sec. 11. **PROCEEDINGS IN CASE OF DEFAULT** -

If Lessee fails to comply with applicable laws, existing regulations, or the terms,

conditions and stipulations of this lease, and the noncompliance continues for 30 days after written notice thereof, this lease shall be subject to cancellation by the Lessor only by judicial proceedings. This provision shall not be construed to prevent the exercise by Lessor of any other legal and equitable remedy, including waiver of the default. Any such remedy or waiver shall not prevent later cancellation for the same default occurring at any other time.

Sec. 12. **HEIRS AND SUCCESSORS - IN-INTEREST** - Each obligation of this lease shall extend to and be binding upon, and every benefit hereof shall insure to, the heirs, executors, administrators, successors, or assigns of the respective parties hereto.

Sec. 13. **INDEMNIFICATION** - Lessee shall indemnify and hold harmless the United States from any and all claims arising out of the Lessee's activities and operations under this lease.

Sec. 14. **SPECIAL STATUTES** - This lease is subject to the Federal Water Pollution Control Act (33 U.S.C. 1151 - 1175); the Clean Air Act (42 U.S.C. 1857 et seq.), and to all other applicable laws pertaining to exploration activities, mining operations and reclamation, including the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.)

Sec. 15. **SPECIAL STIPULATIONS** -

The following stipulations made part of this lease may be waived or amended with the mutual consent of the lessor and lessee.

1. The Regulatory Authority shall mean the State Regulatory Authority pursuant to a cooperative agreement approved under 30 CFR Part 745 or in the absence of a cooperative agreement, Office of Surface Mining. The authorized officer shall mean the State Director, Bureau of Land Management. The authorized officer of the Surface Management Agency shall mean the Forest Supervisor, Forest Service. Surface Management Agency for private surface is the Bureau of Land Management. For adjoining private lands with Federal minerals and which primarily involve National Forest Service issues, the Forest Service will have the lead for environmental analysis and, when necessary, documentation in an environmental assessment or environmental impact statement.

2. The authorized officers, of the Bureau of Land Management, Office of Surface Mining (Regulatory Authority), and the Surface Management Agency (Forest Service) respectively, shall coordinate, as practical, regulation of mining operations and associated activities on the lease area.

3. In accordance with Sec. 523(b) of the "Surface Mining Control and Reclamation Act of 1977," surface mining and reclamation operations conducted on this lease are to conform with the requirements of this Act and are subject to compliance with Office of Surface Mining Regulations, or as applicable, a Utah program equivalent approved under cooperative agreement in accordance with Sec. 523(c). The United States Government does not warrant that the entire tract will be susceptible to mining.

4. Federal Regulations 43 CFR 3400 pertaining to Coal Management make provisions for the Surface Management Agency, the surface of which is under the jurisdiction of any Federal agency other than the Department of Interior, to consent to leasing and to prescribe conditions to insure the use and protection of the lands. All or part of this lease contain lands the surface of which are managed by the United States Department of Agriculture, Forest Service Manti-LaSal National Forest.

The following stipulations pertain to the lessee responsibility for mining operations on the lease area and on adjacent areas as may be specifically designated on National Forest System lands.

5. Before undertaking activities that may disturb the surface of previously undisturbed leased lands, the lessee may be required to conduct a cultural resource inventory and a paleontological appraisal of the areas to be disturbed. These studies shall be conducted by qualified professional cultural resource specialists or qualified paleontologists, as appropriate, and a report prepared itemizing the findings. A plan will then be submitted making recommendations for the protection of, or measures to be taken to mitigate impacts for identified cultural or paleontological resources.

If cultural resources or paleontological remains (fossils) of significant scientific interest are discovered during operations under this lease, the lessee prior to disturbance shall, immediately bring them to the attention of the appropriate authorities. Paleontological remains of significant scientific interest do not include leaves, ferns, or dinosaur tracks commonly encountered during underground mining operations.

The cost of conducting the inventory, preparing reports, and carrying out mitigating measures shall be borne by the lessee.

6. If there is reason to believe that threatened or endangered (T&E) species of plants or animals, or migratory bird species of high Federal interest occur in the area the lessee shall be required to conduct an intensive field inventory of the area to be disturbed and/or impacted. The inventory shall be conducted by a qualified specialist and a report of findings will be prepared. A plan will be prepared making recommendations for the protection of these species or action necessary to mitigate the disturbance.

The cost of conducting the inventory, preparing reports, and carrying out mitigating measures shall be borne by the lessee.

7. The lessee shall be required to perform a study to secure adequate baseline data to quantify the existing surface resources on and adjacent to the lease area. Existing data may be used if such data is adequate for the intended purposes. The study shall be adequate to locate, quantify, and demonstrate the inter-relationship of the geology, topography, surface hydrology, vegetation, and wildlife. Baseline data will be established so that future programs of observation can be incorporated at regular intervals for comparison.

8. Powerlines used in conjunction with the mining of coal from this lease shall be constructed so as to provide adequate protection for raptors and other large birds. When feasible, powerlines will be located at least 100 yards from public roads.

9. The limited area available for mine facilities at the coal outcrop, steep topography, adverse winter weather, and physical limitations on the size and design of the access road, are factors which will determine the ultimate size of the surface area utilized for the mine. A site specific environmental analysis will be prepared for each new mine site development and for major modifications to existing developments to examine alternatives and mitigate conflicts.

10. Consideration will be given to site selection to reduce adverse visual impacts. Where alternative sites are available, and each alternative is technically feasible, the alternative involving the least damage to the scenery and other resources shall be selected. Permanent structures and facilities will be designed, and screening techniques employed, to reduce visual impacts, and where possible achieve a final landscape compatible with the natural surroundings. The creation of unusual, objectionable, or unnatural land forms and vegetative landscape features will be avoided.

11. The lessee shall be required to establish a monitoring system to locate, measure, and quantify the progressive and final effects of underground mining activities on the topographic surface, underground and surface hydrology and vegetation. The monitoring system shall utilize techniques which will provide a continuing record of change over time and an analytical method for location and measurement of a number of points over the lease area. The monitoring shall incorporate and be an extension of the baseline data.

12. The lessee shall provide for the suppression and control of fugitive dust on haul roads and at coal handling and storage facilities. On Forest Development Roads (FDR), lessees may perform their share of road maintenance by a commensurate share agreement if a significant degree of traffic is generated that is not related to their activities.

13. Except at specifically approved locations, underground mining operations shall be conducted in such a manner so as to prevent surface subsidence that would: (1) cause the creation of hazardous conditions such as potential escarpment failure and landslides, (2) cause damage to existing surface structures, or (3) damage or alter the flow of perennial streams. The lessee shall provide specific measures for the protection of escarpments, and determine corrective measures to assure that hazardous conditions are not created.

14. In order to avoid surface disturbance on steep canyon slopes and to preclude the need for surface access, all surface breakouts for ventilation tunnels shall be constructed from inside the mine, except at specifically approved locations.

15. If removal of timber is required for clearing of construction sites, etc., such timber shall be removed in accordance with the regulations of the surface management agency.

16. The coal contained within, and authorized for mining under this lease, shall be extracted only by underground mining methods.

17. Existing Forest Service owned or permitted surface improvements will need to be protected, restored, or replaced to provide for the continuance of current land uses.

18. In order to protect big game wintering areas, elk calving and deer fawning areas, sagegrouse strutting areas, and other critical wildlife habitat and/or activities, specific surface uses outside the mine development area may be curtailed during specific periods of the year.

19. Support facilities, structures, equipment, and similar developments will be removed from the lease area within 2 years after the final termination of use of such facilities. This provision shall apply unless the requirement of Section 10 of the lease form is applicable. Disturbed areas and those areas previously occupied by such facilities will be stabilized and rehabilitated, drainages reestablished, and the areas returned to a premining land use.

20. The lessee at the conclusion of the mining operations, or at other times as surface disturbance related to mining may occur, will replace all damaged, disturbed, or displaced corner monuments (section corners, quarter corners, etc.) their accessories and appendages (witness trees, bearing trees, etc.), or restore them to their original condition and location, or at other locations that meet the requirements of the rectangular surveying system. This work shall be conducted at the expense of the lessee, by a professional land surveyor registered in the State of Utah and to the standards and guidelines found in the manual of surveying instruction, U.S. Department of Interior.

21. The lessee at his expense will be responsible to replace any surface water identified for protection, that may be lost or adversely affected by mining operations, with water from an alternate source in sufficient quantity and quality to maintain existing riparian habitat, fishery habitat, livestock and wildlife use, or other land uses.

22. The lessee must comply with all the rules and regulations of the Secretary of Agriculture set forth at Title 36, Chapter II, of the Code of Federal Regulations governing the use and management of the National Forest System (NFS) when not inconsistent with the rights granted by the Secretary of the Interior in the lease. The Secretary of Agriculture's rules and regulations must be complied with for (1) all use and occupancy of the NFS prior to approval of a permit/operation plan by the Secretary of Interior, (2) uses of all existing improvements, such as Forest Development Roads, within and outside the area licensed, permitted or leased by the Secretary of Interior, and (3) use and occupancy of the NFS not authorized by a permit/operation plan approved by the Secretary of the Interior.

All matters related to this stipulation are to be addressed to:

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

Telephone No.: 801-637-2817

who is the authorized representative of the Secretary of Agriculture.

23. The lessee shall be required to pay the value of the royalty on coal left unmined without the authorized officer (AO) approval, which should have been recovered under the approval of a mine plan (Resource Recovery and Protection Plan, [R2P2] and which would otherwise be lost or left economically inaccessible.

24. Due to the uncertainty of the amount of recoverable coal tons in this modification, the lessee will pay the fair market value (FMV) for the coal resources mined in the area of Federal coal lease modification (U-06039) at the rate of $0.25 pr ton for the actual tonnage mined. Payment of FMV at the specified rate and tonnage mined will be on the schedule required for payment of production royalties to the Minerals Management Service (MMS). The lessee will clearly indicate which portion of the payment is for royalty and what is for lease bonus payment.

The United States of America

PacifiCorp

Company or Lessee Name

(Signature of Lessee)

J. Brett Harvey

Vice President

(Title)

May 15, 1995

(Date)

By

(Signing Officer)

Chief, Branch of Mineral Leasing Adjudication

(Title)

MAY 1 6 1995

(Date)

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

V. Payne

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Utah State Office
324 South State, Suite 301
Salt Lake City, Utah 84111-2303

IN REPLY REFER TO
3432
U-06039
(UT-923)

MAY 19 1995

DECISION

PacifiCorp c/o Interwest Mining Company One Utah Center, Suite 2000 201 South Main Street Salt Lake City, Utah 84140-0020	:	Coal Lease U-06039

Bond Rider Accepted
Coal Lease U-06039 Modified

Coal lease U-06039 was modified effective May 16, 1995. All terms and conditions of the original lease were made consistent with the laws, regulations, and lease terms applicable at the time of this modification.

A rider to coal lease bond 400 JV 3713 (BLM Bond No. UT0988) accepting coverage for the additional acreage was filed in this office on May 16, 1995. The rider was examined, found to be satisfactory, and accepted as of the date of filing.

Scott Child, of your office, personally picked up his required copy of the modification and bond rider after they were signed by the authorized officer on May 16, 1995. Therefore, they are not enclosed with the PacifiCorp copy of this decision.

Additional rental of $64.50 to cover the estimated additional rental for the current rental year was submitted May 16, 1995. Rental in the amount of $3.00 per acre, or a total of $4,209 is due on December 23, 1995.

Within 30 days after the effective date of this lease modification, the lessee shall amend its East Mountain Logical Mining Unit to include the 42.97 acres added to coal lease U-06039 by this modification. The modified land shall be segregated into another Federal coal lease should the lessee fail to file such amendment.

Robert Lopez
Chief, Branch of Mineral
Leasing Adjudication

Enclosures
Copy of Lease Modification
Copy of Rider

MAY 1995
Received
Interwest Mining
Company

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)

May 18, 1995

TO: File

FROM: Pamela Grubaugh-Littig, Permit Supervisor PGL

RE: Processing of Deer Creek IBC - Federal Coal Lease Modification U-06039, Deer Creek Mine, PacifiCorp, ACT/015/018, Folder #3, Emery County, Utah

PacifiCorp submitted a lease modification to the BLM for a lease boundary extension (LBE) for Federal coal lease U-06039, to include the mineral interest (unleased Federal coal) of 42.97 acres of this coal lease which represents ~~about~~ approximately 100,00 tons.

Based on available data, analysis indicates that there will be no surface disturbance (including subsidence) that will impact the LBE area, see attached letter to Aaron Howe (FS) from Mark Bailey (BLM) dated March 13, 1995.

I faxed this March 13, 1995 letter to Rick Holbrook, OSM-WRRC, on May 17, 1995. On May 18, 1995, the determination was made by OSM that the permitting action to approve this unleased federal coal was not significant and did not require Secretarial signature, per a telephone conversation with Rick Holbrook.

Form DOGM - D1 (Last Revised 6/93)

File Folder #3

PERMIT AMENDMENT APPROVAL

Title: IBC - 42.97 Acres U-86D391	PERMIT NUMBER: ACT/015/018
Description:	PERMIT CHANGE #: 95 B
	MINE: Beer Creek
	PERMITTEE: Pacificorp

WRITTEN FINDINGS FOR PERMIT APPLICATION APPROVAL	YES, NO or N/A
1. The application is complete and accurate and the applicant has complied with all the requirements of the State Program.	Yes
2. The proposed permit area is not within an area under study or administrative proceedings under a petition, filed pursuant to R645-103-400 or 30 CFR 769, to have an area designated as unsuitable for coal mining and reclamation operations, unless:	Yes
A. The applicant has demonstrated that before January 4, 1977, substantial legal and financial commitments were made in relation to the operation covered by the permit application, or	Yes
B. The applicant has demonstrated that the proposed permit area is not within an area designated as unsuitable for mining pursuant to R645-103-300 and R645-103-400 or 30 CFR 769 or subject to the prohibitions or limitations of R645-103-230.	Yes
3. For coal mining and reclamation operations where the private mineral estate to be mined has been severed from the private surface estate, the applicant has submitted to the Division the documentation required under R645-301-114.200.	Yes
4. The Division has made an assessment of the probable cumulative impacts of all anticipated coal mining and reclamation operations on the hydrologic balance in the cumulative impact area and has determined that the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area.	Yes
5. The operation would not affect the continued existence of endangered or threatened species or result in destruction or adverse modification of their critical habitats, as determined under the Endangered Species Act of 1973 (16 U.S.C. 1531 et.seq.).	Yes
6. The Division has taken into account the effect of the proposed permitting action on properties listed on and eligible for listing on the National Register of Historic Places. This finding may be supported in part by inclusion of appropriate permit conditions or changes in the operation plan protecting historic resources, or a documented decision that the Division has determined that no additional protection measures are necessary.	Yes
7. The Applicant has demonstrated that reclamation as required by the State Program can be accomplished according to information given in the permit application.	Yes
8. The Applicant has demonstrated that any existing structure will comply with the applicable performance standards of R645-301 and R645-302.	Yes
9. The Applicant has paid all reclamation fees from previous and existing coal mining and reclamation operations as required by 30 CFR Part 870.	Yes
10. The Applicant has satisfied the applicable requirements of R645-302.	NA
11. The Applicant has, if applicable, satisfied the requirements for approval of a long-term, intensive agricultural postmining land use, in accordance with the requirements of R645-301-353.400.	NA

SPECIAL CONDITIONS OR STIPULATIONS TO THE PERMIT AMENDMENT APPROVAL	YES	NO
1. Are there any variances associated with this permit amendment approval? If yes, attach.		X
2. Are there any special conditions associated with this permit amendment approval? If yes, attach.	X	
3. Are there any stipulations associated with this permit amendment approval? If yes, attach.		X

The Division hereby grants approval for Permit Amendment to the Existing Permit by incorporation of the proposed changes described herein and effective the date signed below. All other terms and conditions of the Existing Permit shall be maintained and in effect except as superseded by this Permit Amendment.

Signed Dave Q. Haddock, Division of Oil, Gas and Mining

6/12/95
EFFECTIVE DATE

ICES

NOTICE TO CREDITORS
Probate 953700012

: OF LENA M. GILBERT aka LENA MORRIS GILBERT
NO. 953700012, SEVENTH DISTRICT COURT, CARBON
UTAH.
ons having claims against the above estate are required to pre-
to the undersigned, Kenneth L. Gilbert, who has been
a personal representative of the above named decedent, to the
d's attorney of record, Michael R. Jensen, or to the Clerk of
within three (3) months from the date of first publication of this
be forever barred.

-s-Kenneth L. Gilbert
4110 Dixie
Idaho Falls, ID 83401
Telephone 208-523-7321
-s-Michael R. Jensen
Attorneys for Personal Representative
90 West 100 North
Price, Utah 84501
Telephone (801) 637-1245

d in the Sun Advocate March 14, 21 and 28, 1995.

NOTICE TO CREDITORS AND ANNOUNCEMENT OF APPOINTMENT
Probate No. 953700015 ES

istrict Court of Carbon County, State of Utah.
atter of the Estate of: Ena Jane Gerrard, Deceased.
ns having claims against the above estate are to take notice
N rrard and Mary J. Gerrard-Lee, whose addresses
w, been appointed joint personal representatives of the
d dent and that they are required to present their claims
onal representative or to the Clerk of the Court within three
r the date of the first publication of this notice or be forever

publication: March 21, March 28 and April 4, 1995.
his 14th day of March, 1995.

-s-NICK SAMPINOS, Attorney
for Personal Representatives
80 West Main, Suite 201
Price, Utah 84501
Tel: (801) 637-8100

Gerrard
Green Street
City, UT 84105
87-7142

-s-Mary J. Gerrard-Lee
1810 South 1100 East
Salt Lake City, UT 84105
Tel: (801) 466-2946

in the Sun Advocate March 21, 28 and April 4, 1995.

SUMMONS
CIVIL NO. 95-0700157
Judge Bruce K. Halliday

SEVENTH JUDICIAL DISTRICT COURT WITHIN AND
ON COUNTY, STATE OF UTAH.
L. JACKSON and BARBARA JACKSON, Plaintiffs, vs.
OBSEN, Defendant.
TE OF UTAH TO THE ABOVE-NAMED DEFENDANT:
HEREBY SUMMONED and required to file an answer in
e Complaint for Quieting Title to real property in which you
rest, and which is located in Carbon County, Utah, with the
above-entitled Court and to serve upon or mail to George M.
., Attorney for plaintiffs, 190 North Carbon Avenue, Price,
a of said Answer within thirty (30) days after service of
n n you.
so o, judgment by default will be taken against you for
manded in said Complaint which has been filed with the
d Court.
s 22 day of March, 1995.

-s-George M. Harmond, Jr.
Attorney for Plaintiffs

ddress
lorian

PUBLIC NOTICES
"BECAUSE THE PEOPLE MUST KNOW"

LEGAL NOTICE
MANTI-LA SAL NATIONAL FOREST
FERRON-PRICE RANGER DISTRICT

The Manti-La Sal National Forest is currently reviewing a proposal from PacifiCorp (Deer Creek Mine) to modify the existing Federal Coal Lease U-06039 to include an additional 42.97 acres. The BLM has requested consent from the Forest Service. The proposed modification would permit Deer Creek Mine to maximize coal recovery between existing lease boundaries and the Mill Fork Canyon Fault. This coal would otherwise be bypassed. The proposed addition lies within the upper portion of Rilda Canyon, in T.16 S., R.6 E., section 25, and T.16 S., R.7 E., section 30. The proposal and maps are available for review at the Price Work Center at 599 W. Price River Dr, Price, Utah 84501. For further information contact Jeff DeFreest, District Geologist, at the above address or call 801-637-2817. Comments must be received by March 4th, 1995. APRIL

Published in the Sun Advocate March 28, 1995.

ANNOUNCEMENT OF APPOINTMENT AND NOTICE TO CREDITORS

Estate of Marvin S. Barker, Deceased.
Probate No. 953700013

EDITH BARKER, whose address is Box 158, Rt. #1, Price, Utah 84501, has been appointed Personal Representative of the above-entitled estate. Creditors of the estate are hereby notified to: (1) deliver or mail their written claims to the Personal Representative at the address above; (2) deliver or mail their written claims to the Personal Representative's attorney of record, Paul J. Barton, at the following address: 345 East 400 South #201, Salt Lake City, Utah 84111; or (3) file their written claims with the Clerk of the District Court in Carbon County, or otherwise present their claims as required by Utah law within three months after the date of the first publication of this notice or be forever barred.

Paul J. Barton
Attorney for the Personal Representative
345 East Fourth South
Salt Lake City, Utah 84111
Telephone No. (801) 322-2300

Published in the Sun Advocate March 21, 28 and April 4, 1995.

ORDINANCE NO. 1995 - 2
AN ORDINANCE RELATING TO WATER RIGHTS

The need or reason for this Ordinance is to establish by Ordinance the method by which water and water rights are required for all connections to the water system of the Price River Water Improvement District.

BE IT ORDAINED by the Chairman and Board of Trustees of the Price River Water Improvement District, Carbon County, Utah:

That Ordinance No. 1985-1, adopted on May 21, 1985, and Ordinance 1987-5, adopted on July 7, 1987, be and are repealed in their entirety, and that the following Ordinance be and is hereby substituted, enacted and adopted:

TITLE 2
WATER

CHAPTER 1: WATER RIGHTS

2-1-1 Authority.

The Price River Water Improvement District may own property, appropriate and otherwise acquire water and water rights within and without its boundaries and may sell water or other services to consumers residing inside and outside its boundaries.

2-1-2 Individual Water Connections.

Each application for a water connection for an individual residence will require, prior to issuance of a building permit:

(1) The transfer of one share of Price River Water Users Association water stock per connection; or,

(2) Payment of Price River Water Users Association share acquisition fee in such amount as the District by resolution, may fix from time to