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Salt Lake City, UT 84116

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DIV OF OIL, GAS & MINING

HAND DELIVERED

June 19, 2019

Connie Jo Garcia
Division of Oil, Gas & Mining
Abandoned Mine Reclamation Program
Utah Department of Natural Resources
1594 West North Temple - Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

***RE: Helco & Seagull Abandoned Coal Mine Site Projects – Right-of-Entry Consent
Date 6/18/2019 between DOGM and PacifiCorp, Emery County, Utah***

Dear Ms. Garcia:

On behalf of PacifiCorp, enclosed is a fully endorsed original of the referenced Right-of-Entry (ROE) Consent dated June 18, 2019. This ROE Consent is in support of DOGM's Abandoned Mine Reclamation Program to conduct construction and reclamation activities as a result of the 2018 Trail Mountain Wildfire which includes extinguishing and burying burning coal waste on the lands associated with two abandoned coal mines that are also located within PacifiCorp's Deer Creek Mine permit boundaries. The two abandoned coal mine sites include:

1. The Helco Abandoned Coal Mine Site located within Rilda Canyon, and
2. The Seagull Abandoned Coal Mine Site located within the Right Fork of Meetinghouse Canyon.

The purpose of this ROE Consent is to provide consent for DOGM's Abandoned Mine Reclamation Program to access these two abandoned coal mine sites and conduct reclamation work and to also provide an understanding between the parties of the regulatory jurisdiction of work to be conducted on these sites by DOGM while encroaching upon the Deer Creek Mine permit, as PacifiCorp has no reclamation responsibility for these two sites.

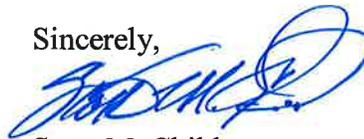
With the multiple construction and reclamation activities being conducted within Rilda Canyon not only by PacifiCorp, but also by the US Forest Service, Emery County, the

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North Emery Water Users Association plus DOGM's Abandoned Mine Reclamation team during the 2019 field season to mitigate damages from the destruction of the Trail Mountain Wildfire, this ROE Consent was drafted to help clarify DOGM's role and responsibility for reclamation of the two above-mentioned abandoned mine sites.

We've sincerely appreciated your assistance with this matter. Should you have any further questions or need any additional information, please feel free to contact Chuck Semborski at 435-687-4720 or myself at 801-220-4612.

Sincerely,



Scott M. Child
Manager, Lands & Regulatory Affairs

Enclosure

SMC\Interwest\DOGM2019-05(DOGM-PacifiCorpROEConsent-Helco&SeagullAbandonedMineReclamationProjects(6-18-2019).docx

cc: IMC w/encl. – D. Ralston, C. Semborski, K. Fleck, D. Oakley
PacifiCorp Fuel Resources – B. Morgan w/encl.

**INGRESS/EGRESS & RIGHT OF ENTRY CONSENT FOR
CONSTRUCTION & RECLAMATION ACTIVITIES**

PacifiCorp, does hereby grant and consent to the Utah Department of Natural Resources, Division of Oil, Gas & Mining (Division) and its agents, employees or contractors a right to the use, ingress, egress and right of entry, by over and upon the real property described herein for the purposes set forth to the extent that PacifiCorp has legal authority to grant such consent.

1. **Purposes.** Duly authorized employees, agents, and/or contractors of the Division may gain access to, and/or enter upon the Helco Abandoned Coal Mine Site and the Seagull Abandoned Mine Site (“Mine Sites”) as necessary to extinguish burning coal waste piles and perform reclamation activities (“Reclamation Work”) as required to reclaim portions of the Mine Sites in accordance with the Trail Mountain Fires Project Reclamation Construction Specifications for said work.

The Helco Abandoned Coal Mine Site work area is located in the SW4 of Section 28, Township 16S, Range 7E, SLBM, Emery County, Utah.

The Seagull Abandoned Coal Mine Site work area is located in the S2 of Section 34, Township 16S, Range 7E, SLBM, Emery County, Utah.

2. **The Reclamation Work.** The proposed construction and reclamation work includes extinguishing and then burying the burning coal waste and to revegetate disturbed areas, as described in the Trail Mountain Fires Project Reclamation Construction Specifications that is hereby incorporated by reference.

Term of Grant and Schedule of Work. The grant of right of way shall commence upon execution of this agreement and continue until completion of the scheduled work. The proposed work is scheduled to be completed between June 24 2019 and July 31, 2019. The grant will terminate after final inspection and approval of the proposed work. If necessary the schedule may be modified by mutual written consent.

3. **Conditions of Grant.** While performing construction reclamation, if the Division discovers additional sites or areas suitable to be reclaimed on the Landowner’s property, the Division will notify the Landowner or Lessee to obtain written consent to perform the additional reclamation.
4. **Limited Liability and Insurance.** It is understood that the Division will hire contractors to carry out the construction and reclamation activities. The Division will only assume liability to the extent permitted by Utah Administrative Code R643-874-150 or Utah Administrative Code R643-875-190 for actions related to these activities. The Division will require its contractor to carry liability insurance in the amount specified under the Construction Specifications, Chapter 3: Contract Terms,

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- Conditions and Forms: Construction Specifications – Trail Mountain Fires Project, Reclamation Construction that is hereby incorporated by reference, to indemnify the Division and the Landowner or Lessee (PacifiCorp) from any and all injuries sustained, or claims made, by Division and contractor employees and agents, and by third parties in connection with contractor's performance of the Reclamation Work.
5. No Implied Obligations. Except as herein set forth in this Right of Entry Consent, neither the Division nor the Landowner or Lessee shall undertake any activity, either expressed or implied, nor make any representation that purports to bind the other.
 6. Right to Inspect. Duly authorized personnel of the Division are granted permission to inspect the construction and reclamation work at reasonable times.
 7. Costs of Reclamation Work. It is expressly understood that all costs incurred for construction and reclamation work shall be the sole liability of the Division.
 8. Statutory Authority. All Reclamation Work is performed pursuant to authority and funding under the Surface Mining Control and Reclamation Act of 1977 and Utah Administrative Code R643-870. et seq. The Division's completion of the work does not constitute a warranty or guarantee to the Landowner or Lessee relative to the protection of public health, safety, and general welfare or suitability of the premises for any specific use.
 9. Prior Mining. The Landowner or Lessee possesses no knowledge of mining or mining-related activities that occurred on the lands described above at any time after the Surface Mining Control and Reclamation Act went into effect on August 3, 1977, as codified in the Utah Coal Act 40-10-1 to 30.

The undersigned executes this grant on behalf of PacifiCorp, and certifies that PacifiCorp is a legal lessee of the above described property.

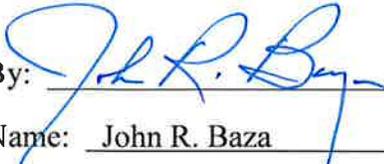
Dated this 18TH day of JUNE, 2019

DIVISION OF OIL, GAS & MINING

PacifiCorp

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By: 
Name: John R. Baza
Title: Director

By: 
Name: DANA M. RASTOR
Title: Vice President of Interwest

Mining Company and
PacifiCorp Fuels


Steve Fluke, Administrator
Abandoned Mine Reclamation Program