



0030

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

*Jim Smith*

RECEIVED

JUN 13 1984

DIVISION OF OIL  
GAS & MINING

*To Mary*

*File*

JUN 8 1984

*ACT/015/019  
Folder 4*

*JIM*

JUN 25 1984

Mr. D. L. Bryner  
Senior Vice President  
1407 West North Temple Street  
Salt Lake City, Utah 84110

Dear Mr. Bryner:

Enclosed is the Wilberg Mine permit with conditions. This permit will become effective only when the Office of Surface Mining (OSM) has received a copy of the bond in the amount of \$1,294,522.00 payable to both the State of Utah and the United States of America.

Please read the permit to be sure you understand the requirements and conditions. Pursuant to 30 CFR 787.11, the Utah Power & Light Company will have 30 days from the date of official notification to appeal the Director's decision on the application.

Also enclosed is a copy of the newspaper notice we are sending to the Emery County Progress, to be published as soon as possible. When published, this notice will constitute official notification of our action. Any person with an interest which is or may be adversely affected may request a hearing on the reasons for the final decision within 30 days from the date that the notice is published.

The permit has been provided in duplicate, so you can retain one copy with original signatures and return one copy with original signatures to us as an expressed acknowledgement that you have read and understand it. The complete decision package will be provided to you later if you request it.

The Assistant Secretary for Land and Minerals Management approved the mining plan on June 8, 1984. The enclosed permit has been determined to be consistent with this plan.

If you have any questions, please feel free to call either me at (303) 844-5656 or Stephen Manger at (303)844-3086.

Sincerely,

Allen D. Klein  
Administrator  
Western Technical Center

Enclosures

cc: Mr. Jackson Moffitt  
Bureau of Land Management

Mr. Gene Nodine  
Bureau of Land Management

Mr. Reed Christensen  
U.S. Forest Service, Manti-LaSal

Dr. Dianne Nielson ✓  
Division of Oil, Gas and Mining

Mr. Robert Hagen  
Albuquerque Field Office  
Office of Surface Mining

U.S. DEPARTMENT OF THE INTERIOR  
OFFICE OF SURFACE MINING  
RECLAMATION AND ENFORCEMENT  
NOTICE OF A DECISION AND AVAILABILITY  
OF BOTH A TECHNICAL ANALYSIS AND AN  
ENVIRONMENTAL ASSESSMENT FOR  
UTAH POWER & LIGHT COMPANY  
PERMANENT PROGRAM PERMIT  
WILBERG MINE  
EMERY COUNTY, UTAH

The United States Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSM), has approved, with conditions, a 5-year permit for Utah Power & Light Company to mine coal at its Wilberg Mine.

The Wilberg Mine underground coal mine is located in Emery County, Utah, nine miles west of Huntington. The mine has been in operation since 1945. The proposed permit area will cover approximately 11,500 acres. Approximately 42 surface acres have been disturbed to date and nine additional acres are to be disturbed by a rock waste disposal site. Average annual mine production is at a rate of 2.4 million tons of coal over 38 years.

Any person with an interest which is or may be adversely affected by this Federal permit approval action may request an adjudicatory hearing on the final decision within 30 days after publication of this notice, in accordance with Section 514(c) of the Surface Mining Control and Reclamation Act (SMCRA). Any hearing will be governed by provisions of 5 U.S.C. Section 554. A petition for review of the OSM decision should be submitted to:

Hearings Division  
Office of Hearings and Appeals  
U.S. Department of the Interior  
4015 Wilson Boulevard  
Arlington, Virginia 22203

Pursuant to 40 C.F.R. Sections 1501.4(c) and 1506.6, notice is hereby given that the Office of Surface Mining has completed a technical analysis (TA) for the mining and reclamation plan (mining plan) for the Wilberg Mine, Emery County, Utah. OSM has supplemented this TA with an environmental assessment (EA). OSM's recommendation to approve Utah Power & Light Company mining plan and the permit application with conditions is in accordance with Sections 510 and 523 of SMCRA. OSM's analysis is that no significant environmental impacts would result from such approval. For information or clarification concerning the approval of the Wilberg Mine Plan, please contact Shirley Lindsay or Walter Swain at (303) 844-3806, Office of Surface Mining, Denver, Colorado.

Both the TA and the EA are available for public review at the following locations:

Office of Surface Mining

Reclamation and Enforcement  
Western Technical Center  
1020 15th Street  
Denver, Colorado 80202

Office of Surface Mining Reclamation and Enforcement  
Albuquerque Field Office  
219 Central Avenue NW  
Albuquerque, NM 87102

Utah Division of Oil, Gas, and Mining  
4241 State Office Building  
Salt Lake City, UT 84114

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF SURFACE MINING

This permit, UT-001, which incorporates Utah Permit ACT/015/019, is issued for the United States of America by the Office of Surface Mining (OSM) to

Utah Power & Light Company  
1407 West North Temple Street  
P. O. Box 899  
Salt Lake City, Utah 84110

for the Wilberg Mine. Utah Power & Light Company is the lessee of Federal coal leases SL-064900, U-1358, SL-070645-U-02292, U-084923, U-084924, U-083066, U-040151, U-044025, U-47978. The permit is not valid until a performance bond is filed with the OSM in the amount of \$1,294,522.00, payable to the United States of America and the State of Utah, and the OSM has received a copy of this permit signed and dated by the permittee.

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

Sec. 2      The permittee is authorized to conduct surface coal mining and reclamation operations on the following described Federal lands (as shown on ownership map) within the permit area at the Wilberg Mine situated in the State of Utah, Emery County, and located:

T. 17 S., R. 6 E., SLM; sec. 1, SE1/4, E1/2SW1/4, S1/2SE1/4NE1/4; sec. 12, E1/2, E1/2W1/2; sec. 13, E1/2, E1/2W1/2; sec. 24, E1/2, E1/2W1/2; sec. 25, NE1/4SE1/4, N1/2NE1/4, SE1/4NE1/4, E1/2SW1/4NE1/4.

T. 17 S., R 7 E., SLM; sec. 6, lots 9, 10, 11, W1/2W1/2SE1/4; sec. 7, lots 1, 2, 3, 4, W1/2NW1/4NE1/4, SW1/4NE1/4, SE1/4; sec. 8, S1/2SW1/4, S1/2NW1/4SW1/4, SW1/4NE1/4SW1/4, S1/2S1/2SE1/4; sec. 9, S1/2S1/2SW1/4, SE1/4SE1/4, S1/2SW1/4SE1/4, NE1/4SW1/4SE1/4, SE1/4NE1/4SE1/4; sec. 10, S1/2SW1/4, S1/2N1/2SW1/4, SW1/4SE1/4, S1/2SE1/4SE1/4; sec. 11, S1/2SW1/4SW1/4; sec. 14, W1/2W1/2NW1/4, W1/2E1/2W1/2NW1/4, W1/2W1/2W1/2SW1/4, All of sections 15, 16, 17, 18, 19, 20, 21, 22; sec. 27, NW1/4, N1/2SW1/4, N1/2NE1/4, SE1/4NE1/4, W1/2W1/2NE1/4SE1/4NE1/4, E1/2E1/2NW1/4SE1/4NE1/4; All of sections 28, 29, 30; sec. 31, E1/2, lot 1; sec. 32 All; sec. 33, N1/2, SW1/4, W1/2SE1/4; sec. 34, S1/2NW1/4, NW1/4NW1/4, E1/2SE1/4NW1/4NE1/4, S1/2SE1/4NE1/4, E1/2NW1/4NE1/4SE1/4, NE1/4NE1/4SE1/4, N1/2SE1/4NE1/4SE1/4; sec. 35, NW1/4SW1/4SW1/4, W1/2NE1/4SW1/4SW1/4, SW1/4NW1/4SW1/4, W1/2NW1/4NW1/4SW1/4;

and to conduct surface and reclamation operations connected with mining on the foregoing described property subject to the conditions of the leases, the approved mining plan, and Utah State permit UT/015/019, to be issued May, 1984, including all conditions, and all other applicable conditions, laws and regulations.

- Sec. 3 This permit is issued for a term of 5 years commencing on the date the permit is signed by the permittee, except that this permit will terminate if the permittee has not begun the surface coal mining and reclamation operations covered herein within 3 years of the date of issuance.
- Sec. 4 The permit rights may not be transferred, assigned, or sold without the approval of the Director, OSM. Request for transfer, assignment, or sale of permit rights must be done in accordance with 30 CFR 740.13(e) and UMC 788.17-.19.
- Sec. 5 The permittee shall allow the authorized representatives of the Secretary, including, but not limited to, inspectors, fee compliance officers, and the Utah Division of Oil, Gas, and Mining without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:
- a. Have the rights of entry provided for in 30 CFR 840.12, UMC 840.12, 30 CFR 842.13 and UMC 842.13 ; and,
  - b. Be accompanied by private persons for the purpose of conducting an inspection in accordance with 30 CFR 342 and UMC 842.12, when the inspection is in response to an alleged violation reported by the private person.

- Sec. 6 The permittee shall conduct surface coal mining and reclamation operations only on those lands specifically designated as within the permit area on the maps submitted in the mining plan and permit application and approved for the term of the permit and which are subject to the performance bond.
- Sec. 7 The permittee shall minimize any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of this permit, including, but not limited to:
- a. Accelerated monitoring to determine the nature and extent of noncompliance and the results of the noncompliance;
  - b. Immediate implementation of measures necessary to comply; and
  - c. Warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.
- Sec. 8 The permittee shall dispose of solids, sludge, filter backwash, or pollutants removed in the course of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program and the Federal Lands Program which prevents violation of any applicable State or Federal law.
- Sec. 9 The lessee 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 Utah Division of Oil, Gas, and Mining and OSM in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program, and the Federal Lands Program.
- Sec. 10 The permittee shall provide the names, addresses, and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.

- Sec. 11 The permittee shall comply with the provisions of the Water Pollution Control Act (33 U.S.C. 1151 et seq.) and the Clean Air Act (42 U.S.C. 7401 et seq.).
- Sec. 12 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. 13 If during the course of mining operations previously unidentified cultural resources are discovered, the applicant shall ensure that the site(s) is not disturbed and shall notify OSM. The operator shall ensure that the resource(s) is properly evaluated in terms of National Register Eligibility Criteria (36 CFR 60.6). Should a resource be found eligible for listing in consultation with the OSM, the land managing agency (if the site is located on Federal Lands), and the State Historic Preservation Officer (SHPO), the operator shall confer with and obtain the approval of these agencies concerning the development and implementation of mitigation measures.
- Sec. 14 APPEALS - The lessee shall have the right to appeal: (a) under 30 CFR 775 from actions or decisions of any official of OSM; (b) under 43 CFR 3000.4 from an action or decision of any official of the Bureau of Land Management; (c) under 30 CFR 290 from an action, order, or decision of any official of the Minerals Management Service; or (d) under applicable regulations from any action or decision of any other official of the Department of the Interior arising in connection with this permit.
- Sec. 15 SPECIAL CONDITIONS - In addition to the general obligations and of performance set out in the leases, Utah State permit ACT/015/019 and this permit, the permittee shall comply with the special conditions of Utah State permit ACT/015/019 and the conditions appended hereto as Attachment A.

These conditions are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the 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 grantor and the permittee at any time to adjust to changed conditions or to correct an oversight. The grantor may amend these conditions at any time without the consent of the permittee in order to make them consistent with any new Federal or State statutes and any new regulations.

THE UNITED STATES OF AMERICA

By: \_\_\_\_\_

Date \_\_\_\_\_

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

\_\_\_\_\_  
Authorized Representative of  
the Permittee

\_\_\_\_\_  
Date

ATTACHMENT A

Special Conditions

Utah Power & Light Company  
 Wilberg Mine  
 Emery County, Utah

1. Within 30 days of permit approval, the permittee shall provide, for regulatory authority approval, a statement of criteria that will ensure riprap stability and adequate energy dissipation in accordance with the requirements of UMC 817.44(b). In addition, the following filter gradation must be incorporated into the filter design for the riprap channel lining:

<u>U.S. Standard Sieve Size</u>	<u>Percent Passing By Weight</u>
3"	90-100
3/4"	20-90
#4	0-20
#200	0-3

2. The permittee shall replace any water demonstrated to have been lost or adversely affected by mining operations with water from an alternate source in sufficient quantity and quality to maintain the rights of present users and current and postmining land uses. The permittee shall describe the measures that will be taken to minimize changes to the prevailing hydrologic balance in all perennial streams within the permit area in the event that subsidence effects reduce the baseflow to these streams. This description must be presented to the regulatory authority for approval within 30 days of permit approval.

[Ref:BLM lease conditions 15 and 19, U-47978; condition 14, U-044025; conditions 14 and 18, U-083066; conditions 14 and 18, U-040151; and in accordance with UMC 784.14(a)(2) and (3), UMC 784.20(c), UMC 817.41(a) and (b); and P.L. 95-87 Sec. 508(a)(13)].

3. The permittee shall conduct portal closure activities for the Newberry Canyon breakout during the period from July 1 to January 31.
4. Within 90 days of permit approval, the permittee shall place sufficient clean backfill material on the horizontal portion of each of the benches above Cottonwood portal so as to effectively cover the exposed rider coal seams.

5. Within 30 days of permit approval, the permittee shall provide, for regulatory authority approval, a map and/or plan for the location of the primary grid system for the subsidence monitoring plan over the permit area. This grid system must be adequate to ensure that the foot-vertical accuracy will be maintained and that sufficient points are established for adequately measuring horizontal displacement. A map showing the location of the primary grid system used in the 1980 aerial survey must be provided within 30 days of permit approval along with a copy of the baseline data. Each succeeding year, an updated copy of the map must be provided showing the location of any additional primary grid points established and the baseline survey data. This information must be included in the annual monitoring report which must be submitted within six months of data collection. This monitoring report must also identify appropriate mitigation measures to be taken if significant subsidence impacts occur.
  
6. Within 30 days of permit approval, the permittee shall provide, for regulatory authority approval, a plan for continuance of subsidence monitoring in the U. S. Bureau of Mines (USBM) study area in the event that the USBM discontinues this study. Using conventional methods, the permittee shall collect data that will be compatible with USBM collected data for future analysis. In addition, the permittee shall evaluate the USBM data within six months of its collection by USBM, analyze this information with respect to subsidence impacts, and evaluate any mitigation measures that may be required. Plans must be provided showing that the permittee will conduct a ground survey of the site this year and will submit results of the survey by September 1984. Plans for comparison of the conventional survey information with the photogrammetry studies must be made. This information is needed to show compliance with UMC 817.121.

7. In accordance with the Manti-LaSal National Forest's May 7, 1984 letter, the permittee is required to comply with the following conditions:
  - a. Several deficiencies have been noted on Map 2-19 which specifies land uses. The map needs to be updated to include livestock grazing, raptor nests, raptor nesting habitat, deer and elk summer/winter ranges, and commercial timber.
  - b. Prior to Utah Power and Light moving construction equipment on the Forest in Cottonwood Canyon, the jurisdiction of the access road must be determined. A Road Use Permit may be needed.
  - c. Burying any waste, toxic or natural, is prohibited on National Forest System lands.
  - d. Section XVII in the appendices deals with structures that could be affected by subsidence. The following items need to be included in the appendices: fences, roads, stockponds and associated earth dams, and water troughs.
8. At such time that OSM, in consultation with the Division of Oil, Gas and Mining and the SHPO, determines that subsidence within the permit area may adversely affect known or unrecorded cultural sites, additional cultural resource studies may be required. This determination will be based on new subsidence or cultural resource information and clear justification will be presented to the permittee.
9. If determined necessary by the Endangered Species Office of the U. S. Fish & Wildlife Service, the permittee shall participate in the USFWS study program "Recovery of Endangered Fishes of the Upper Colorado River Basin".