

0040



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

July 6, 1989

TO: Richard V. Smith, Permit Supervisor
FROM:  Joseph C. Helfrich, Regulatory Program Coordinator
RE: Five-Year Permit Renewal, Utah Power and Light Company,
Cottonwood/Wilberg Mine, ACT/015/019, Folder #3, Emery County,
Utah

As of the writing of this letter, there are no NOV's or CO's which are not corrected or in the process of being corrected. Any NOV's or CO's that are outstanding are in the process of administrative or judicial review. There are no finalized Civil Penalties which are outstanding and overdue in the name of Utah Power and Light Company, or Pacificorp and associated mining entities.

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

cl
Attachment
BT37/19

FEDERAL

Permit Number ACT/015/019

July 6, 1989

**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 (five-year renewal), ACT/015/019, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOGM) to:

Utah Power and Light Company
P. O. Box 899
Salt Lake City, Utah 84110
(801) 220-4227

for the Cottonwood/Wilberg Mine. Utah Power and Light Company (UP&L) 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, and the owner/lessee of certain fee-owned parcels. A performance bond is filed with the DOGM in the amount of \$1,294,522.00, payable to the state of Utah, Division of Oil, Gas and Mining and the Office of Surface Mining Reclamation and Enforcement (OSMRE). DOGM 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 (as shown on the map appended as Attachment B) within the permit area at the Cottonwood/Wilberg Mine, situated in the state of Utah, Emery County, and located:

Federal

Township 17 South, Range 6 East, SLM

Section 1: SE1/4, E1/2 SW1/4, S1/2 SE1/4 NE1/4,
SE1/4 SW1/4 NE1/4;
Section 12: E1/2, E1/2 W1/2;
Section 13: E1/2, E1/2 W1/2;
Section 24: E1/2, E1/2 W1/2;
Section 25: N1/2 NE1/4, E1/2 NW1/4 SE1/4;

Township 17 South, Range 7 East, SLM

Section 6: Lots 9, 10, 11; W1/2 W1/2 SW1/4;
Section 7: Lots 1, 2, 3, 4; W1/2 NW1/4 NW1/4; SW1/4 NW1/4;
S1/2;
Section 8: S1/2 SW1/4, S1/2 NW1/4 SW1/4, SW1/4 NE1/4
SW1/4, S1/2 S1/2 SE1/4, N1/2 SW1/4 SE1/4;
Section 9: S1/2 S1/2 SW1/4, SE1/4 SE1/4, S1/2 SW1/4 SE1/4,
NE1/4 SW1/4 SE1/4, SE1/4 NE1/4 SE1/4;
Section 10: S1/2 SW1/4, S1/2 N1/2 SW1/4;
Section 15: N1/2, SW1/4;
Section 16: All
Section 17: All
Section 18: All
Section 19: All
Section 20: All
Section 21: All
Section 22: NW1/4, S1/2;
Section 27: NW1/4, N1/2 SW1/4, NE1/4;
Section 28: All
Section 29: All
Section 30: All
Section 31: Lot 1, E1/2, E1/2 W1/2;
Section 32: All
Section 33: N1/2, SW1/4, W1/2 SE1/4;
Section 34: S1/2 NW1/4, NW1/4 NW1/4, E1/2 SE1/4 NW1/4
NE1/4, S1/2 SE1/4 NE1/4, E1/2 NW1/4 NE1/4
SE1/4, NE1/4 NE1/4 SE1/4, N1/2 SE1/4 NE1/4
SE1/4, E1/2 NE1/4 SE1/4, NW1/4 NE1/4 SE1/4;
Section 35: NW1/4 SW1/4 SW1/4, W1/2 NE1/4 SW1/4 SW1/4,
SW1/4 NW1/4 SW1/4, W1/2 NW1/4 NW1/4 SW1/4;

Township 18 South, Range 7 East, SLM

Section 4: NW1/4 NE1/4, N1/2 NW1/4;
Section 5: N1/2 NE1/4, NW1/4;

Fee

Township 17 South, Range 6 East, SLM

Section 25: NE1/4 SE1/4, SE1/4 NE1/4, E1/2 SW1/4 NE1/4;

Township 17 South, Range 7 East, SLM

Section 10: SW1/4 SE1/4, S1/2 SE1/4 SE1/4;
Section 11: S1/2 SW1/4 SW1/4;
Section 14: W1/2 W1/2 NW1/4, W1/2 E1/2 W1/2 NW1/4, W1/2
W1/2 W1/2 SW1/4;
Section 15: SE1/4;
Section 22: NE1/4;

Beginning at the SE corner of NE1/4 SE1/4 Section 25, Township 17 South, Range 6 East, 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.

This legal description is for the permit area (as shown on Attachment B) of the Cottonwood/Wilberg Mine and Waste Rock Disposal Area. The permittee is authorized to conduct underground coal mining activities and related surface activities on the foregoing described property subject to the conditions of the leases, the approved mining plan, including all conditions and all other applicable conditions, laws and regulations.

- Sec. 3 PERMIT TERM - This revised permit becomes effective on July 6, 1989 and expires on July 6, 1994.
- Sec. 4 ASSIGNMENT OF PERMIT RIGHTS - The permit rights may not be transferred, assigned or sold without the approval of the Director, DOGM. 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 UMC 788.17-.19.

- Sec. 5 RIGHT OF ENTRY - The permittee shall allow the authorized representative of the DOGM, including but not limited to inspectors, and representatives of OSMRE, 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 UMC 842.12 and 30 CFR 842, when the inspection is in response to an alleged violation reported by the private person.
- Sec. 6 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 mining and reclamation plan and permit application and approved for the term of the permit and which are subject to the performance bond.
- Sec. 7 ENVIRONMENTAL IMPACTS - The permittee shall minimize any adverse impact to the environment or public health and safety through 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 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. 9 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 DOGM 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 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. 11 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. 12 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. 13 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 DOGM. DOGM, after coordination with OSMRE, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by DOGM within the time frame specified by DOGM.
- Sec. 14 APPEALS - The permittee shall have the right to appeal as provided for under UMC 787.
- Sec. 15 SPECIAL CONDITIONS - In addition to the general obligations and/or requirements set out in the leases, the federal mining plan approval, and this permit, the permittee shall comply with the special conditions appended hereto as Attachment A.

The above conditions (Secs. 1-15) 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 DOGM and the permittee at any time to adjust to changed conditions or to correct an oversight. DOGM 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 STATE OF UTAH

By: Donne P. Nielson
Date: 7/6/89

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

C. Brett Johnson
Authorized Representative of
the Permittee
Date: 7-25-89

APPROVED AS TO FORM:

By: Barbara W. Roberts
Assistant Attorney General
Date: July 5, 1989

Attachment A

UTAH DIVISION OF OIL, GAS AND MINING
COTTONWOOD/WILBERG MINE
STIPULATIONS
ACT/015/019
July 6, 1989

Stipulation UMC 817.24-(1)-(HS)

1. Within 30 days of permit approval, the applicant must submit an adequate topsoil redistribution and final revegetation plan for the Cottonwood Fan Portal area.

Stipulation UMC 871.41-(1)-(DW)

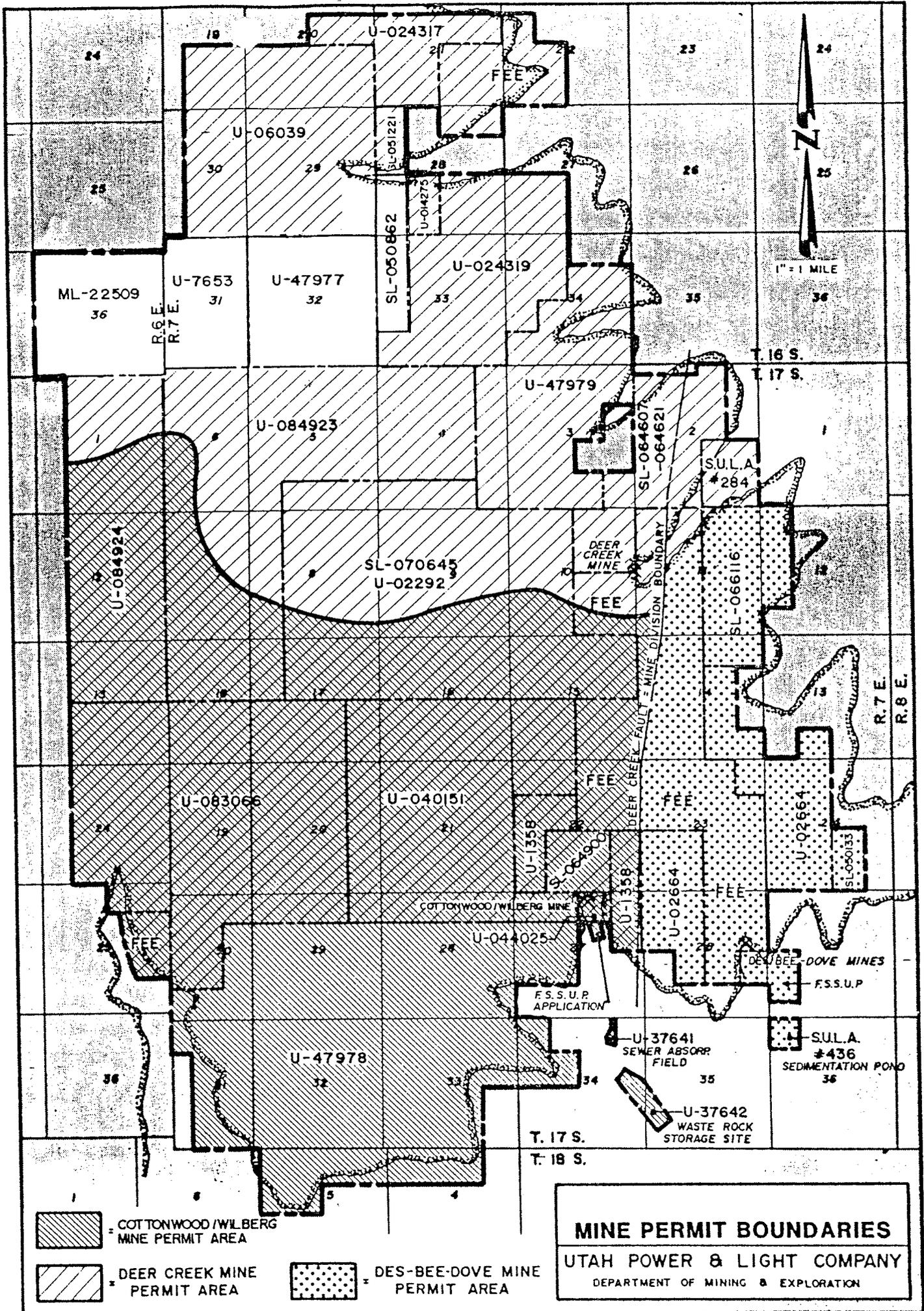
1. Within 30 days of permit approval, the applicant must submit a complete reclamation plan for the Cottonwood Fan Portal area. This plan must include calculations and designs for channel or drainage restoration according to the 100-year 24-hour event, if appropriate.

Stipulation UMC 817.48-(1)-(HS)

1. Within 30 days of permit approval, the applicant must submit: (1) Previous waste rock data collected from the completed waste rock cells (1 through 6); (2) Laboratory analysis of previously collected roof and floor samples, and sample location map; (3) A commitment to annually monitor roof, floor, and midseam material for its potential acid- and/or toxic-forming characteristics according to Division's Guidelines for the Management of Topsoil and Overburden. Top soil and Overburden (i.e. Water soluble Selenium and Boron, Clay Content, pH, Acid-Base Potential, SAR, E.C.); (4) a commitment to properly bury or otherwise treat all acid-and toxic-forming materials within 30 days of initial exposure at the mine site.

Stipulation UMC 817.52-(1)-(DW)

1. Within 30 days of permit approval, the applicant must submit a reclamation water monitoring plan for the Cottonwood Fan Portal area.



-  = COTTONWOOD/WILBERG MINE PERMIT AREA
-  = DEER CREEK MINE PERMIT AREA
-  = DES-BEE-DOVE MINE PERMIT AREA

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

ACT/015/019

#3

**UTAH DIVISION OF OIL, GAS AND MINING
STATE DECISION DOCUMENT AND
TECHNICAL ANALYSIS
FIVE-YEAR RENEWAL**

**COTTONWOOD/WILBERG MINE
ACT/015/019
Utah Power and Light Company
Emery County, Utah
July 6, 1989**

CONTENTS

- * Administrative Overview
- * Location Map
- * Permitting Chronology
- * Mine Plan Information Form
- * Findings
- * State Five-Year Renewal Permit
- * Technical Analysis
- * Cumulative Hydrologic Impact Assessment (CHIA)
- * Letters of Concurrence
- * Affidavits of Publication

AT94/2

**ADMINISTRATIVE OVERVIEW
FIVE-YEAR PERMIT RENEWAL
COTTONWOOD/WILBERG MINE
ACT/015/019**

**UTAH POWER AND LIGHT COMPANY
July 6, 1989**

Background

The Cottonwood/Wilberg Mine is located approximately eight miles northwest of Orangeville, Utah on the east side of the Wasatch Plateau Coal Field. The permit area encompasses 11,508 acres comprised of Federal coal leases and privately owned holdings.

The Cottonwood/Wilberg Mine was in operation prior to the enactment of SMCRA and the subsequent Utah Code Annotated (UCA) 40-10-1 et. seq.. A permanent program permit was issued to Utah Power and Light Company on July 6, 1984.

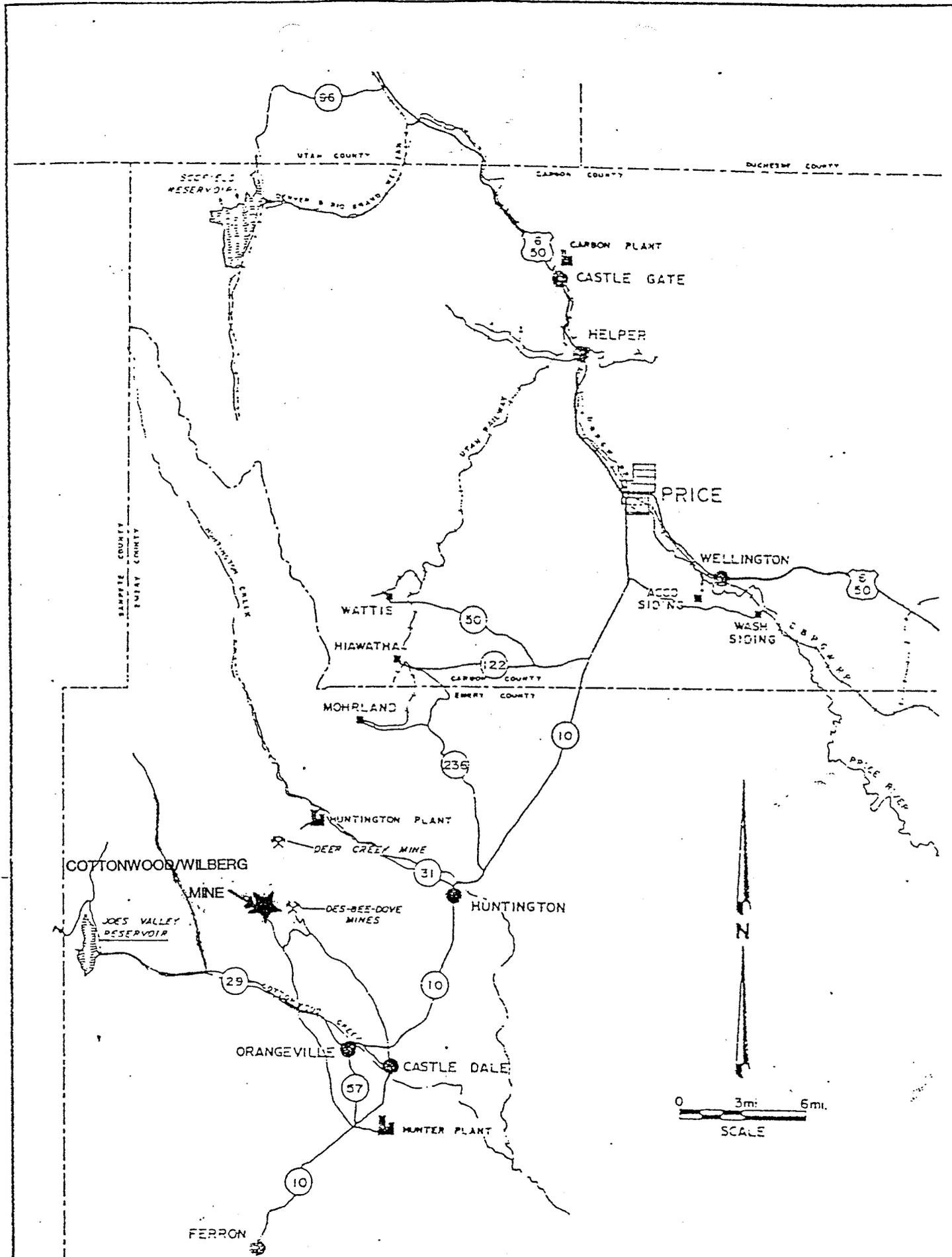
The applicant published notice for the five year permit renewal for four consecutive weeks ending on May 24, 1989. No comments were received.

Permit Changes

During the previous permit terms numerous permit changes were approved. Changes in text and illustrations that received approval have been incorporated into the Permit Application Package for the five year permit renewal.

Recommendation for Approval

Approval for the five-year permit renewal is recommended, based on a review of the Permit Application Package updated through July 5, 1989, including all permit changes approved to date and conformance with the criteria for the approval of permit renewal applications under UMC 788.14-.16 (See attached Findings). The permit renewal term will not exceed the original permit term of five years and will expire on July 6, 1994.



Location Map
Cottonwood/ Wilberg Mine

**CHRONOLOGY
UTAH POWER AND LIGHT COMPANY
COTTONWOOD/WILBERG MINE
ACT/015/019**

March 3, 1989	Utah Power and Light Company (UP&L) submits updated maps and text, initiating 5-year permit renewal process.
April 3, 1989	Division notifies state and federal agencies of permit renewal. Provides copies of updated text and maps.
April 7, 1989	Division completes Initial Completeness Review (ICR) and provides comment on preliminary technical deficiencies.
April 21, 1989	UP&L submits materials addressing the ICR.
April 24, 1989	Division issues Determination of Completeness. UP&L initiates public notice for four consecutive weeks.
June 5, 13, 19, 22, 28 and 30, 1989	UP&L submits materials addressing technical deficiencies.
July 6, 1989	Public comment period concludes with no adverse comments received. Division makes necessary findings. Permit issued.

MINE PLAN INFORMATION

Mine Name Cottonwood/Wilberg Mine State ID: ACT/015/019

Operator Utah Power and Light Company County: Emery

Controlled By Utah Power and Light Company

Contact Person(s) David Smaldone Position: Director
Permitting & Compliance

Telephone: (801) 220-4227

New/Existing Existing Mining Method Longwall and Room & Pillar

BLM - Surface Leases U-37641 and U-37642
Forest Service Special Use Area UP&L - 2307

BLM-Coal Lease Nos. SL-064900, U-1358, U083066, U-040151, U-044025,
U-47978 and portions of SL-070645 and U-02292, U-084923 and U-084924

Legal Description(s) (see Attachment A)

Other Private Leases Coal and Surface - Estate of
Malcolm McKinnon and Cooperative Security Corporation (Attachment
A)

Legal Descriptions _____

Ownership Data: For _____

<u>Surface Resources</u> <u>(acres)</u>	<u>Existing</u> <u>Permit Area</u>	<u>Proposed</u> <u>Permit Area</u>	<u>Total Life</u> <u>of Mine Area</u>
Federal	_____	--	10,978
State	_____	_____	_____
Private	_____	_____	_____
Other	_____	_____	530
TOTAL	_____	--	11,508

Coal Ownership (Acres)

Federal	_____	_____	10,919
State	_____	_____	_____
Private	_____	_____	_____
Other	_____	_____	530
TOTAL	_____	_____	11,449

	<u>*Total Reserves</u>	<u>Total Recoverable Reserves</u>
<u>Coal Resource Data</u>		
Federal	<u>88 x 10⁶ Tons</u>	<u>53 x 10⁶ Tons</u>
State		
Private	<u>5 x 10⁶ Tons</u>	<u>3 x 10⁶ Tons</u>
Other		
TOTAL	<u>93 x 10⁶ Tons</u>	<u>56 x 10⁶ Tons</u>

Recoverable Reserve Data

	<u>Name</u>	<u>Thickness</u>	<u>Depth</u>
Seam	<u>Blind Canyon</u>	<u>5' - 16'</u>	<u>about 1700'</u>
Seam	<u>Cottonwood</u>	<u>Unmineable</u>	
Seam	<u>Hiawatha</u>	<u>5' - 16'</u>	<u>about 1800'</u>
Seam			
Seam			

Mine Life 30 + years
 Average Annual Production 2.5 x 10⁶ Tons Percent Recovery 60%
 Date Projected Annual Rate Reached 1983
 Date Production Begins Operating Date Production Ends 2022
 Reserves Recoverable by: (1) Surface Mining 0
 (2) Underground Mining 56.0 x 10⁶ Tons
 Reserves Lost Through Management Decision _____
 Coal Market Hunter Power Plant

<u>Modifications That Have Been Approved:</u>	<u>Date</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

COTTONWOOD/WILBERG MINE
LEGAL DESCRIPTIONS
ACT/015/019

Utah Power and Light Company
Emery County, Utah

LEASE NO. SL-064900

Section 22 SE1/4 SW1/4, SW1/4 SE1/4
NE1/4 SW1/4, NW1/4 SE1/4

Township 17 South, Range 7 East

LEASE NO. U-1358

Section 22 S1/2 NW1/4, W1/2 SW1/4,
E1/2 SE1/4

Section 27 E1/2 NE1/4

Township 17 South, Range 7 East

LEASE NO. SL-070645, U-02292

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

Township 17 South, Range 7 East

LEASE NO. U-084923

Section 4 Lots 2, 3, 4, 5, 6, 7, 10,
11, 12, NW1/4 SE1/4, N1/2 SW1/4
Section 5 Lots 1 through 12, N1/2 S1/2,
SW1/4 SW1/4
Section 6 Lots 1 through 11, SE1/4
Section 7 Lots 1 through 4, E1/2
Section 8 W1/2 W1/2
Section 17 W1/2 NW1/4
Section 18 Lot 1 and 2, N1/2

Township 17 South, Range 7 East

Page 2
Attachment A (Continued)
Mine Plan Information
ACT/015/019
June, 1989

LEASE NO. U-084924

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

Township 17 South, Range 6 East

LEASE NO. U-083066

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 6 East

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

Township 17 South, Range 7 East

LEASE NO. 040151

Section 15	SW14
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

Township 17 South, Range 7 East

Page 3
Attachment A (Continued)
Mine Plan Information
ACT/015/019
June, 1989

LEASE NO. U-044025

Section 27 NW1/4 NE1/4

Township 17 South, Range 7 East

COAL LEASE U-47978

Section 27 S1/2 NW1/4, N1/2 SW1/4
Section 28 S1/2 N1/2, S1/2
Section 29 S1/2 N1/2, S1/2
Section 30 Lot 4, SE1/4 NE1/4
 NE1/4 SE1/4, S1/2 SE1/4
Section 31 Lot 1, E1/2
Section 32 All
Section 33 N1/2, SW1/4, W1/2 SE1/4
Section 34 NW1/4 NW1/4, S1/2 NW1/4

Township 17 South, Range 7 East

Section 4 Lots 2 through 4
Section 5 Lots 1 through 4
 S1/2 NW1/4

Township 18 South, Range 7 East

Surface Rights and Coal Leased by Estate of Malcolm McKinnon

Section 10 SE1/4
Section 14 W1/2 NW1/4

Township 17 South, Range 7 East

Surface Rights and Coal Leased by Cooperative Security Corporation

Section 15 SE1/4
Section 22 NE1/4

Township 17 South, Range 7 East

Page 4
Attachment A (Continued)
Mine Plan Information
ACT/015/019
June, 1989

Surface Rights and Coal Owned by Utah Power and Light Company

Section 14 SW1/4 (West of the Deer Creek Fault)

Township 17 South, Range 7 East

Beginning at the SE corner of NE1/4 SE1/4
Section 25, T17S, R6E, SLM, thence N 160 rods, W 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.

FINDINGS

**Utah Power and Light Company
Cottonwood/Wilberg Mine
ACT/015/019
Emery County, Utah**

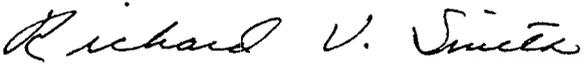
1. The plan and the permit application are accurate and complete and all requirements of the Surface Mining Control and Reclamation Act (the "Act"), and the approved Utah State Program have been complied with (UMC 786.19[a]).
2. The applicant proposes acceptable practices for the reclamation of disturbed lands (PAP Chapter 4). These practices have been shown to be effective in the short-term; there are no long-term reclamation records utilizing native species in the western United States. Nevertheless, the Division has determined that reclamation, as required by the Act, can be feasibly accomplished under the Permit Application Package (PAP) (UMC 786.19[b]) (see Technical Analysis (TA) Section UMC 817.111-.117).
3. The assessment of the probable cumulative impacts of all anticipated coal mining and reclamation activities in the general area on the hydrologic balance has been made by the Division. The Operation and Reclamation Plan proposed under the application has been designed to prevent damage to the hydrologic balance in the permit area (UMC 786.19[c] and UCA 40-10-11[2][c]). (See East Mountain Cumulative Hydrologic Impact Analysis [CHIA].)
4. The proposed lands to be included within the permit area are:
 - a. not included within an area designated unsuitable for underground coal mining operations;
 - b. not within an area under study for designated lands unsuitable for underground coal mining operations;
 - c. not on any lands subject to the prohibitions or limitations of 30 CFR 761.11[a] (national parks, etc.), 761.11[f] (public buildings, etc.) and 761.11[g] (cemeteries);

Findings

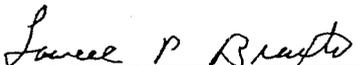
- d. within 100 feet of a public road;
 - e. not within 300 feet of any occupied dwelling (UMC 786.19[d]).
5. The Division's issuance of a permit is in compliance with the National Historic Preservation Act and implementing regulations (36 CFR 800) (UMC 786.19[e]). (See attached letter from State Historic Preservation Officer [SHPO] dated April 27, 1989.)
 6. The applicant has the legal right to enter and complete mining and reclamation activities in the permit area through BLM rights of way (UMC 786.19[f]).
 7. 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; Utah Power & Light Company is not delinquent in payment of fees for the Abandoned Mine Reclamation Fund; and the applicant does not control and has not controlled mining operations (Attachment A) with a demonstrated pattern of wilfull violations of the Act of such nature, duration, and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the provisions of the Act (UMC 786.19[g], [h] [i] ; {OSMRE Relatedness Report, re-verified July 6, 1989}).
 8. Mining and reclamation 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 (UMC 786.19[j]).
 9. A detailed analysis of the proposed bond has been made. The bond estimate is \$1,294,522.00. The Division has made appropriate adjustments to reflect costs which would be incurred by the state, if it was required to contract the final reclamation activities for the mine site. The bond was posted on June 15, 1984, and made payable to OSMRE and the Division of Oil, Gas and Mining (UMC 786.19[k]).
 10. The applicant has satisfied the requirements for alluvial valley floors and prime farmlands (UMC 786.19[l]). (See TA Section UMC 785.19 and 828.00.)

Findings

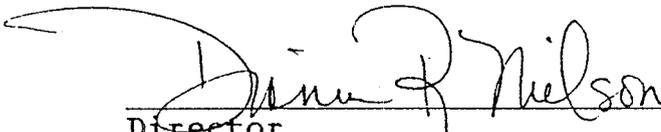
11. The proposed postmining land-use of the permit area has been approved by the regulatory authority (UMC 786.19[m]). (See TA, Section UMC 817.133.)
12. The Division has made all specific approvals required by the Act, the Cooperative Agreement and the Federal Lands Program (UMC 786.19[n]).
13. The proposed operation will not affect the continued existence of any threatened or endangered species or result in the destruction or adverse modification of their critical habitats (UMC 786.19[o]). (See TA UMC 817.97)
14. All procedures for public participation required by the Act, and the approved Utah State Program have been compiled with (UMC 786.11-.15).
15. The applicant proposes to use existing structures in connection with the proposed underground coal mining activities. These structures meet the performance standards of the Act and subchapter K and pose no significant harm to the environment or public health or safety (UMC 786.21) (see TA Section UMC 817.181).



Permit Supervisor



Associate Director, Mining



Director

ATTACHMENT A

IDENTIFICATION OF INTERESTS

UTAH POWER AND LIGHT COMPANY

According to information supplied by Utah Power and Light Company, all assets of Utah Power and Light Company are owned by PacifiCorp, Oregon. PacifiCorp is the majority shareholder in NERCO, Inc., which includes five coal companies with seven permits. The following lists the permit numbers, companies and attendant issuing regulatory authority for coal mines controlled by NERCO, Inc.

<u>PERMIT NUMBER</u>	<u>COMPANY</u>	<u>REGULATORY AUTHORITY</u>
291T2	Glenrock Coal Company	Wyoming Department of Environmental Quality
TFN24/90	Antelope Coal Company	Wyoming Department of Environmental Quality
PT33822	Bridger Coal Company	Wyoming Department of Environmental Quality
P3227	NERCO Eastern Coal Company	Alabama Surface Mining Commission
P3501	NERCO Eastern Coal Company	Alabama Surface Mining Commission
MT 79012R	Spring Creek Coal Company	Montana Department of State Lands
819P	NERCO Eastern Coal Company	Office of Surface Mining, Tennessee

BT40/39