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INTERNAL CORRESPONDENCE



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June 20, 1990

DIVISION OF
OIL, GAS & MINING

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

Re: **STATE PERMIT WITH STIPULATIONS, COTTONWOOD/
WILBERG WASTE ROCK FACILITY, ACT/015/019,
FOLDER #3, EMERY COUNTY, UTAH**

Dear Pam:

Transmitted herewith is a signed copy of the permit for the Cottonwood/Wilberg waste rock facility in Emery County, Utah.

We appreciate your help in this matter. Should you have any questions, please feel free to contact Val, Guy or myself.

Sincerely,

Scott M. Child
Senior Compliance
Land Status Analyst
Fuel Resources

SMC:bb:6475
Enclosure

cc:D.W. Jense w/o enclosure
V. Payne w/enclosure
G. Davis w/enclosure

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/015/019, 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 \$2,008,681.00, 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 maps appended as Attachments B and C) 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;

Beginning 81.144 ft. South and 1100.278 ft. West of
the East Quarter Corner of Sec. 34, T.17 S., R. 7E.,
SLM, Thence; S. 27° 14' 28" W., 515.54 ft.; thence; S.
46° 59' 05" W., 165.64 ft.; thence; S. 76° 41' 51" W.,
264.72 ft.; thence; N. 72° 09' 12" W., 670.20 ft.;
thence; S. 06° 10' 47" W., 105.57 ft.; thence; S. 23°
08' 12" W., 35.27 ft.; thence; S. 36° 59' 41" W.,
71.59 ft.; thence; S. 40° 44' 45" W., 144.04 ft.;
thence; S. 23° 37' 34" W., 93.77 ft.; thence; S. 60°
40' 32" W., 113.86 ft.; thence; S. 05° 17' 52" E.,
108.19 ft.; thence; S. 23° 20' 37" E., 105.29 ft.;
thence; S. 24° 38' 51" W., 61.70 ft.; thence; S. 31°
19' 19" E., 129.90 ft.; thence; S. 29° 19' 58" E.,
80.45 ft.; thence; S. 24° 11' 44" E., 104.97 ft.;
thence; S. 47° 47' 54" E., 168.95 ft.; thence; S. 40°
17' 54" E., 87.31 ft.; thence; S. 17° 50' 49" W.,
43.32 ft.; thence; S. 72° 11' 49" E., 213.13ft.;
thence; S. 78° 08' 28" E., 287.64 ft., thence; N. 11°
43' 23" E., 86.24 ft.; thence; N. 73° 40' 14" E.,
120.87 ft.; thence; N. 17° 04' 33" E., 74.31 ft.,

Sec. 34 (Cont'd.)

thence; N. 14° 20' 36" W., 65.70 ft.; thence; N. 17° 05' 06" E., 75.21 ft.; thence; N. 09° 13' 24" W., 65.92 ft.; thence; N. 12° 54' 35" W., 99.73 ft.; thence; N. 02° 44' 30" W., 82.47 ft.; thence; N. 08° 32' 17" W., 85.51 ft.; thence; N. 01° 39' 36" W., 104.82 ft.; thence; N. 17° 50' 48" E., 218.03 ft.; thence; N. 76° 41' 51" E., 218.52 ft.; thence; N. 48° 09' 55" E., 288.01 ft.; thence; N. 27° 14' 28" E., 448.49 ft.; thence; N. 39° 55' 41" W., 162.75 ft. to the point of beginning.

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 and new Waste Rock Storage Facility. 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 June 8, 1990 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 R614-303.
- 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, R614-400-110, 30 CFR 842.13 and R614-400-220; and
 - B. be accompanied by private persons for the purpose of conducting an inspection in accordance with R614-400-210 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 R614-300.

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:

Dennis P. Nelson

Date:

June 8, 1990

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:

Bret Jensen
June 18, 1990 *BJ*

APPROVED AS TO FORM:

By:

Alan J. Buchma
Assistant Attorney General

Date:

June 8, 1990

AT94/65-70

**ATTACHMENT A
STIPULATIONS
COTTONWOOD/WILBERG MINE WASTE ROCK
STORAGE FACILITY ADDITION
ACT/015/019**

**Utah Power and Light Company
Emery County, Utah
June 8, 1990**

R614-301-231.300 General Requirements-(HS)

Within 30 days of the completion of the initial phase of construction, the operator must submit as-built surveys of the completed subsoil and topsoil stockpiles. Surveys must include the following information: volume of material, maximum and minimum elevations and slopes, cross sections, and all other pertinent dimensions.

Additionally, the operator must amend the topsoil and subsoil mass balance table (Plate 7-2) in accordance with the results of the above stockpile surveys.

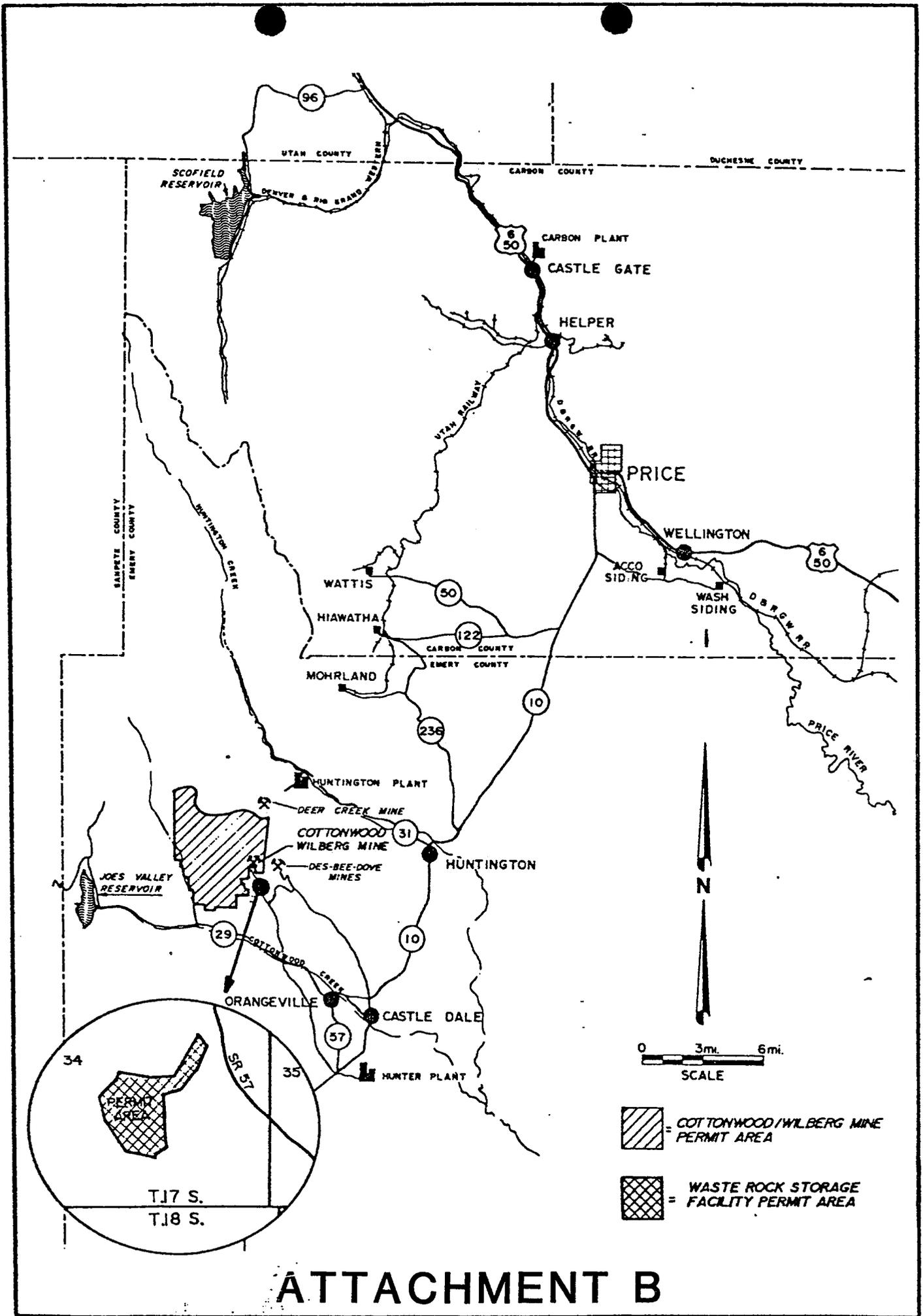
R614-301-233 Topsoil Substitutes and Supplements-(HS)

In the event that the mass balance indicates a topsoil/subsoil deficiency, the operator must commit to fulfilling the requirements of this section.

R614-301-342 Fish and Wildlife-(SMW)

Within 30 days of permit approval the applicant must revise the DWR high priority Mule Deer winter range designation in the text (pages 9-1 and 10-7) and Map 9-1 to critical Mule Deer winter range. The applicant must update (pages 9-4 to 9-7) and outline the wildlife mitigation procedures to include an area of at least 33 acres.

djh
AT94/78



ATTACHMENT B

