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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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Mine file

August 17, 1992

Scott W. Anderson, Attorney
ARCO
555 Seventeenth Street
Denver, Colorado 80202

Dear Mr. Anderson:

Re: Division Order D091-A and D092-A, Mountain Coal Company,
Gordon Creek #2, 7, and 8, ACT/007/016, Carbon County, Utah

I am responding to correspondence sent to Pamela Grubaugh-Littig on July 31, 1992, proposing a resolution to problems encountered in D091-A via an **agreement** between Mountain Coal and DOGM. Telephone conversations between yourself, Dan Guy, and Lowell Braxton, subsequent to the above-referenced correspondence, suggest that resolution of the technical problems attendant to D091-A is progressing, and that the force of a formal **agreement** may not be required if accommodation on issues enumerated in the **agreement** can be reached.

The points raised in your July 31 **agreement** with some minor changes are:

1. Mountain Coal will submit to the Division a plan for the backfilling of the Gordon Creek highwalls by August 20, 1992. That plan will include the following provisions:
 - a. Mountain Coal will completely eliminate the highwall at Gordon Creek No. 8 Mine.
 - b. Mountain Coal will partially eliminate the highwall at Gordon Creek No. 7 Mine. Mountain Coal shall not backfill the No. 7 Mine highwall where such backfilling could cause the static safety factor for the highwall to fall below 1.5, or where such backfill would impact the stream channel near the base of the No. 7 Mine highwall.
 - c. Mountain Coal will eliminate the highwall at Gordon Creek No. 2 Mine unless (upon demonstration), spoil for backfilling is not reasonably available; or unless backfilling could cause the static safety factor for

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the highwall to fall below 1.3. If site specific data support a static safety factor of greater than 1.3 as an acceptable management practice a static safety factor of up to 1.5 may be approved.

2. The Division shall approve the Gordon Creek backfilling plan no later than August 31, 1992.
3. Mountain Coal shall begin backfilling operations in the fall of 1992, and weather permitting, will backfill at least the area directly over the portals and the exposed coal seam at each Gordon Creek Mine. Activities undertaken by Mountain Coal pursuant to this Agreement shall constitute initiation of reclamation of the Gordon Creek Mines under an approved reclamation plan.
4. The Division and Mountain Coal on or before August 21, 1992, will meet or discuss by telephone problems associated with either Division Order, and the ability to comply with the schedule enumerated in this letter.
5. Mountain Coal shall submit to the Division a revised reclamation plan reflecting the resolution of issues raised or resulting from the Division Orders no later than December 18, 1992.
6. Given a complete and accurate application, the Division shall approve that reclamation plan by no later than April 15, 1993.
7. Mountain Coal shall continue its reclamation of the Gordon Creek Mines in 1993, in accordance with the backfilling plan and the revised reclamation plan, with the intent of completing these activities in the 1993 field season.

Where dates for performance of specific activities enumerated in this letter differ from those in D091-A and D092-A, this letter will supersede and modify the Division Orders.

I believe the course outlined above will accommodate our mutual goals of initiation of reclamation at Gordon Creek #2, 7 & 8 in 1992, while modifying the Mining and Reclamation Plan to provide

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the requisite specificity to support the reclaimed field configuration. If this is acceptable to you, please let me know.

Best regards,



Dianne R. Nielson
Director

vb
cc: D. Guy, Mountain Coal
L. Braxton
P. Grubaugh-Littig
gc278