

August 19, 2003

Jim Fulton, Chief, DFD  
Office of Surface Mining  
1999 Broadway, Suite 3320  
P.O. Box 46667  
Denver, Colorado 80201-6667

Re: Request for OSM Concurrence, Phase III, Bond Release, Mountain Coal Company,  
Gordon Creek #2, #7 and #8 Mine, C/007/016-BR02B, Outgoing File

Dear Mr. Fulton:

Enclosed please find the Decision Document associated with the Phase III Bond Release at the Gordon Creek #2, #7 and #8 Mine for the Sweet's Pond. There is no dollar amount associated with this bond release. The Division is awaiting the BLM concurrence.

If you have any questions, please feel free to call me at (801) 538-5268.

Sincerely,

Pamela Grubaugh-Littig  
Permit Supervisor

an  
Enclosures  
cc: Price Field Office  
O:\007016.GC2\FINAL\Req\_sweetpondOSMconcurrence.doc

**UTAH DIVISION OF OIL, GAS AND MINING  
STATE DECISION DOCUMENT  
For  
Phase III Bond Release Sweets Pond**

**Mountain Coal Company  
Gordon Creek 2,7 & 8 Mines  
C/007/016  
Carbon County, Utah**

**August 19, 2003**

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- \* Findings and Recommendation for Phase III Bond Release
- \* Technical Analysis
- \* Affidavits of Publication
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## **ADMINISTRATIVE OVERVIEW**

Mountain Coal Company  
Gordon Creek 2,7 & 8 Mines  
C/007/016  
Carbon County, Utah

August 19, 2003

### **ACTION**

Phase III bond release is requested for the Sweets Pond area at Gordon Creek 2,7 & 8 Mines (the Permittee does not seek any monetary release for the Sweets Pond area.) The Sweets Pond is an isolated area of the mine site that contains approximately 0.73 acres in size. The area is on private land and the landowner has requested that the pond be left for the post mining land use. The Sweets Pond was used to obtain water for use at the Gordon Creek mines and is not contiguous to any other areas within the permit boundaries. Phase I bond release on 32.52 acres is being processed through a separate bond release application.

### **BACKGROUND**

The Sweets Pond is located in the mouth of Sweets Canyon in Gordon Creek and is approximately 0.73 acres in size. Swisher Mining Company originally disturbed the No. 2 mine in late 1969. The Sweets Pond area was part of the original disturbance and the area was a water truck filling area. In early 1983, the Sweets Pond was constructed to provide water to the #7 mine and alleviate possible impacts to the stream. The pond will be used as a fishpond, wildlife area and as a water source for the private landowners.

The Sweets Pond is located in the mouth of Sweets Canyon in Gordon Creek and is approximately 0.73 acres in size. The area is on private land and the landowner has requested that the pond be left for the post mining land use. The Sweets Pond area is not contiguous to any other permitted area.

The Permittee submitted the bond release application on October 23, 2002. The Division finalized the technical analysis that found the bond release application adequate on February 4, 2003.

## CHRONOLOGY FOR PHASE III BOND RELEASE

Mountain Coal Company  
Gordon Creek 2,7 & 8 Mines  
C/007/016  
Carbon County, Utah

August 19, 2003

November 19, 2002 through  
December 10, 2002 Phase III bond release published in the Sun Advocate for the Sweets Pond. There are separate notices for the main mine site (Phase I) and Sweets Pond. The Division did not receive any public comments.

October 23, 2002 The Phase III bond release application (BR02B) was received.

February 4, 2003 The Division completes technical analysis and finds the bond release application meets the minimum regulatory requirements.

February 7, 2003 The Division determines that the bond release application meets the minimum regulatory requirements. .

May 22, 2003 Phase III bond release inspection. In attendance:

Vicky Miller, Canyon Fuel Company, LLC (Mountain Coal Company)  
Chris Hansen, Canyon Fuel Company, LLC (Mountain Coal Company)  
Dan Guy, Blackhawk Engineering (Consultant)  
Mitch Rollings OSM  
Steve Falk, BLM  
Pamela Grubaugh-Littig DOGM  
Dana Dean DOGM  
Jerriann Ernsten DOGM  
Priscilla Burton DOGM  
Wayne Western DOGM

## **PHASE III BOND RELEASE FINDINGS**

Mountain Coal Company  
Gordon Creek 2,7 & 8 Mines  
C/007/016  
Carbon County, Utah

August 19, 2003

### **SUMMARY OF FINDINGS**

The Phase III bond release findings for the Gordon Creek 2, 7 and 8 mines are in the attached Technical Analysis dated February 4, 2003. The Phase III bond release was advertised for four consecutive weeks in the Sun Advocate. No comments were received during the public comment period. A bond release inspection was conducted on May 22, 2003. No problems were identified.

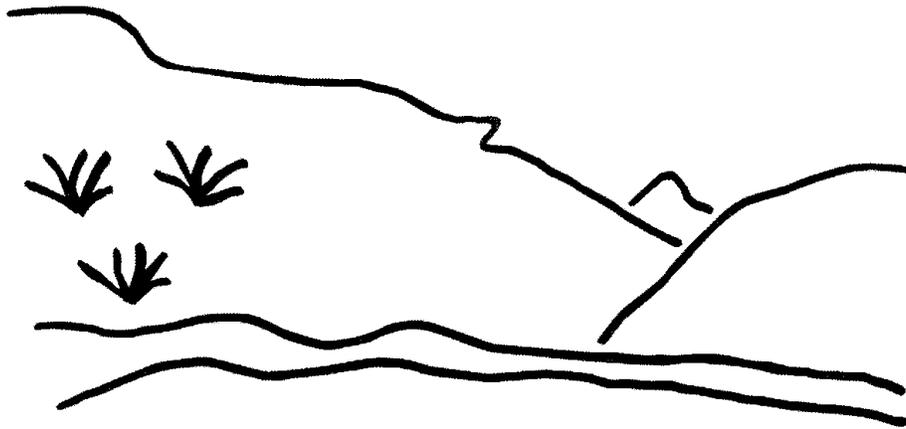
The area consists of a small pond located on 0.73 acres. The pond will be used as a fishpond, wildlife area and as a water source. The Division approved a revised reclamation plan in a technical analysis dated July 20, 1995 and sent the approval letter to the Permittee on the same day. The revised reclamation plan was for the entire site but include approval for a change in the postmining land use at the Sweet's Pond area to a fishpond, wildlife area and as a water source.

The landowner, Agnes K. Peirce, requested that the pond be left in place as part of the postmining land use. The landowner's request is stated in a letter dated September 28, 1994. A copy of the letter is in the bond release package and in Appendix 3-4 of the mining and reclamation plan.

### **PHASE III BOND RELEASE RECOMMENDATION**

The Division found that the alternative postmining land use (fishpond, wildlife area and a water source) was viable. During the bond release inspection on May 22, 2003, the Division confirmed that the Sweet's Pond area was being used for the alternative postmining land use of a fishpond, wildlife area and a water source. The Division recommends that the area be given Phase III bond release. No dollar amount is being released.

# State of Utah



## Utah Oil Gas and Mining

### Coal Regulatory Program

Gordon Creek 2, 7 & 8  
Bond Release for Sweet's Pond  
C/007/016-BR02B  
Technical Analysis  
February 4, 2003



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## TECHNICAL ANALYSIS

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# TECHNICAL ANALYSIS

The Division ensures compliance with the Surface Mining Control and Reclamation Act of 1977 (SMCRA). When mines submit a Permit Application Package or an amendment to their Mining and Reclamation Plan, the Division reviews the proposal for conformance to the R645-Coal Mining Rules. This Technical Analysis is such a review. Regardless of these analyses, the permittee must comply with the minimum regulatory requirements as established by SMCRA.

Readers of this document must be aware that the regulatory requirements are included by reference. A complete and current copy of these regulations and a copy of the Technical Analysis and Findings Review Guide can be found at <http://ogm.utah.gov/coal>

This Technical Analysis (TA) is written as part of the permit review process. It documents the Findings that the Division has made to date regarding the application for a permit and is the basis for permitting decisions with regard to the application. The TA is broken down into logical section headings, which comprise the necessary components of an application. Each section is analyzed and specific findings are then provided which indicate whether or not the application is in compliance with the requirements.

Often the first technical review of an application finds that the application contains some deficiencies. The deficiencies are discussed in the body of the TA and are identified by a regulatory reference, which describes the minimum requirements. In this Technical Analysis we have summarized the deficiencies at the beginning of the document to aid in responding to them. Once all of the deficiencies have been adequately addressed, the TA will be considered final for the permitting action.

It may be that not every topic or regulatory requirement is discussed in this version of the TA. Generally only those sections are analyzed that pertain to a particular permitting action. TA's may have been completed previously and the revised information has not altered the original findings. Those sections that are not discussed in this document are generally considered to be in compliance.



## INTRODUCTION

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# INTRODUCTION

On October 23, 2002, the Division received the final bond release application for Sweet's Pond. The Sweet's Pond is located in the mouth of Sweet's Canyon in Gordon Creek and is approximately 0.73 acres in size. The area is on private land and the landowner has requested that the pond be left for the post mining land use. The Sweet's Pond was used to obtain water for use at the Gordon Creek mines as early as 1969. No other mining activities occurred at the site.

Both the Division and the Permittee want to have final bond release at the site granted because the area is isolated from the main mine site and will not be reclaimed. Instead of reclaiming the pond, the landowner has requested that the pond remain as part of the post mining land use.



**ENVIRONMENTAL RESOURCES INFORMATION**

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## **ENVIRONMENTAL RESOURCE INFORMATION**

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

### **VEGETATION RESOURCE INFORMATION**

Regulatory Reference: 30 CFR 783.19; R645-301-320.

#### **Analysis:**

The Sweets Pond area was used as a water truck filling area for the #2 mine as early as 1969. Surface disturbance included a small road to the North fork of Gordon creek approximately 100' in length. In early 1983, the Sweets Pond was constructed to provide water to the #7 mine and alleviate possible impacts to the stream.

#### **Findings:**

The information provided in the vegetation assessment and MRP is adequate to meet the requirements of this section of the regulations.

## **MAPS, PLANS, AND CROSS SECTIONS OF RESOURCE INFORMATION**

Regulatory Reference: 30 CFR 783.24, 783.25; R645-301-323, -301-411, -301-521, -301-622, -301-722, -301-731.

### **Vegetation Reference Area Maps**

The vegetation types and associated reference areas for the Sweets Pond are included on plate 9-1 of the MRP. The Sweets Pond is situated adjacent to mixed coniferous forest adjoining riparian and mountain grassland vegetative types. Section 3.5.5.5 page 3-58 of the MRP states that the Oak Shrubland Reference Area of the No. 2 mine will be used as the vegetative standard for success for the Sweets Pond area.

#### **Findings:**

The information provided in the MRP is adequate to meet the requirements of this section of the regulations.

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C/007/016-BR02B

February 4, 2003

**ENVIRONMENTAL RESOURCE INFORMATION**

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## RECLAMATION PLAN

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# RECLAMATION PLAN

## POSTMINING LAND USES

Regulatory Reference: 30 CFR Sec. 784.15, 784.200, 785.16, 817.133; R645-301-412, -301-413, -301-414, -302-270, -302-271, -302-272, -302-273, -302-274, -302-275.

### Analysis:

The Sweet's Canyon Pond area is an isolated area of the Gordon Creek No. 2/7/8 mine. The area consists of a small pond located on 0.73 acres. The pond will be used as a fishpond, wildlife area and as a water source. The Division has approved that use.

The landowner, Agnes K. Peirce, requested that the pond be left in place as part of the postmining land use. See letter dated September 28, 1994 in the bond release package for landowner's request.

### Findings:

The information provided in the bond release application meets the minimum requirements for the postmining land use section of the regulations.

## APPROXIMATE ORIGINAL CONTOUR RESTORATION

Regulatory Reference: 30 CFR Sec. 784.15, 785.16, 817.102, 817.107, 817.133; R645-301-234, -301-412, -301-413, -301-512, -301-531, -301-533, -301-553, -301-536, -301-542, -301-731, -301-732, -301-733, -301-764.

### Analysis:

The general requirements for achievement of approximate original contour are couched in the backfilling and grading regulations. To clarify the issue the Division developed Technical Directive 002. That directive will be used and referenced for the AOC discussion.

The Permittee is required to achieve AOC with a few exception one of which is the approval of an alternative postmining land use. The Division could proceed in either direction since the site meets both criteria. The Division will address the AOC issue on the basis that the Permittee has achieved AOC.

## RECLAMATION PLAN

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The term AOC does not mean that the reclaimed area has been restored to the original contours. Rather AOC means that the site blends into the surrounding area and complement the natural drainages.

The pond is similar in size and shape to other ponds found in the area. The length and grade of the slopes in the area is similar to those of the surrounding area. The Division uses those factors to determine if the area blends into the surroundings.

The main concerns with slope length and grade are will vegetation be able to be established and will erosion be controlled. Since the Permittee has achieved the vegetation and erosion requirement, the slope appears to blend into the surrounding area.

The Division is also concerned that the area blends into the natural drainages. Most of the area is a pond that is designed to handle inflow and outflow. The pond has been functioning for many years. Therefore, the area appears to complement the natural drainages.

Other factors that are used involve spoil piles and highwalls. Neither of those two exists on the site.

Based on the information the Division finds that the area meets the general requirements for achieving AOC.

### **Findings:**

The information in the bond release package meets the minimum requirements for the AOC section of the regulations.

## **BACKFILLING AND GRADING**

Regulatory Reference: 30 CFR Sec. 785.15, 817.102, 817.107; R645-301-234, -301-537, -301-552, -301-553, -302-230, -302-231, -302-232, -302-233.

### **Analysis:**

#### **General**

The general requirements for backfilling and grading are listed in R645-301-553. Before bond release can be granted, the Permittee must demonstrate that the backfilling and grading requirements have been meet or that there is an approved alternative postmining land use. The Division can deal with the backfilling and grading requirements in one of two ways. The first is to make a finding about whether or not the site has been properly backfilled and graded the second is to exempt the site because it will be used for an alternative postmining land use. The

## RECLAMATION PLAN

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Division will address the backfilling and grading requirements on the basis that the site meet the backfilling and grading requirements.

The Sweet's Canyon Pond area consist of 0.78 acres most of which is occupied by the pond. The area was permitted by the Division and has met the performance standards.

The general backfilling and grading requirements are as follows:

- The site achieves AOC. This issue was discussed in the AOC section of this memo and the Division found that the site does meet those requirements.
- Eliminate all highwalls; spoil piles, and depression except those provided for in R645-301-552.100. No highwalls, spoil piles exist on site. R645-301-553.100 deals mostly with small depressions created for the retention of moisture of vegetation. However, R645-301-552.200 deals with permanent impoundments that have been approved for the postmining land use. Sweet's Canyon Pond is a permanent impoundment that has been approved for a postmining land use.
- Achieve a postmining slope that does not exceed either the angle of repose and achieve a safety factor of 1.3 or greater. The above water slopes have an angle of 26 degrees, which is approximately a 2H: 1V slope. The Division considers slopes with angle of 2H: 1H or less to achieve a safety factor of 1.3 or greater and be gentler than the angle of repose. The below water slopes have steeper angles but the pond was designed and approved by the Division. A requirement for the pond is that the slopes have a safety factor of 1.3. Therefore, the area has met the minimum safety factor requirements.
- The site meets the vegetation and erosion requirements. Therefore, the erosion and water pollution requirements have been achieved.
- The area does support the postmining land use.
- No spoil or waste materials are on site, so those regulations are not relevant.
- No refuse piles are on site, so those regulations are not relevant.
- No coal processing waste is on site so those regulations are not relevant.
- No exposed coal seams or acid- and toxic-forming materials, or combustible materials are on site, so those regulations are not relevant.
- No cut-and-fill terraces are on site, so those regulations are not relevant.
- No highwalls are on site, so those regulations are not relevant.

The Permittee has met the minimum requirements for backfilling and grading.

### **Findings:**

The information provided in the bond release package meets the minimum requirements of the regulations.

## **MINE OPENINGS**

Regulatory Reference: 30 CFR Sec. 817.13, 817.14, 817.15; R645-301-513, -301-529, -301-551, -301-631, -301-748, -301-765, -301-748.

### **Analysis:**

No mine openings are located in or near the Sweet's Canyon Pond.

### **Findings:**

The information in the bond release application meets the minimum requirements of the regulations.

## **ROAD SYSTEMS AND OTHER TRANSPORTATION FACILITIES**

Regulatory Reference: 30 CFR Sec. 701.5, 784.24, 817.150, 817.151; R645-100-200, -301-513, -301-521, -301-527, -301-534, -301-537, -301-732.

### **Analysis:**

#### **Reclamation**

There are no roads in the Sweet's Pond Canyon Area. There are areas where vehicle travel. This is similar to areas within a mine pad where vehicles can travel but the area has not been designed as a road.

#### **Retention**

The areas where vehicle traffic could occur have been left on site. Those areas include access routes to the pump house and a rock-covered area that could be used to access the pond. The Division does not consider those areas roads because they were not engineered. Rather those access areas are similar to jeep trails. However, those access areas do meet the general requirements for roads because:

- The areas are located on stable surfaces so no foreseeable damage to public or private property could occur.
- The areas do not have acid or toxic forming materials.
- As stated in the backfilling and grading section, the slopes are stable.
- The vehicle traffic will occur in the area as part of the postmining land use.
- Erosion and air pollution will be minimized. The site has achieved the required vegetation cover.

## RECLAMATION PLAN

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- The surfaces are on stable ground.
- No culverts will be left on site.

### **Findings:**

The information in the bond release application meets the minimum requirements of the regulations.

## **REVEGETATION**

Regulatory Reference: 30 CFR Sec. 785.18, 817.111, 817.113, 817.114, 817.116; R645-301-244, -301-353, -301-354, -301-355, -301-356, -302-280, -302-281, -302-282, -302-283, -302-284.

### **Analysis:**

#### **Revegetation: Timing**

The disturbed areas associated with the Sweets Pond were seeded at the time the construction of the pond was complete, (approximately 1983). No additional seeding has occurred since that time. Therefore, the seeded areas have been revegetated for approximately 20 years well in excess of the 10 year liability period. The success of revegetation has been evaluated over two consecutive years, (1996 and 1997), and again in 2000. Sampling parameters for the Sweets Pond site and associated reference area included cover and composition, woody species density, sample adequacy and statistical comparisons and diversity.

#### **Revegetation: Standards For Success**

Section 3.5.5.5 page 3-58 of the MRP states that “Vegetation success will be achieved when ground cover and density are not less than 90% of the approved success standard when tested at a 90% confidence interval. The total living cover for the Sweets Pond area was 54.50 % (Table 1-A) comprised of 69% grasses, 26% shrubs and 5% forbs (Table 1-B). Woody species density was 1,067 plants per acre (Table 1-C). Table 1-D includes three diversity indices, the average number of species per Meter Square was 3.1, the total diversity was 5.686 and the total number of species per quadrat was 12.

The total living cover for the reference area was 40.83% (Table 3-A) comprised of 73% grasses, 25% shrubs and 2% forbs (Table 3-B). Woody species density was 1,568 individuals per acre (Table 3-C). Table 3-D includes three diversity indices for the reference area; the average number of species per Meter Square was 2.2. Total diversity was 3.982 and the total number of species per quadrat was 11. Although the Sweets Pond and the reference area have dissimilar environments it probably seemed logical at the time to use the same reference area as the remaining 98% of the disturbed areas. The statistical analyses and qualitative assessments

comparing the two areas indicates that they are very similar with respect to cover, composition, woody species density and diversity.

**Findings:**

The information provided in the vegetation assessment and MRP is adequate to meet the requirements of this section of the regulations.

**MAPS, PLANS, AND CROSS SECTIONS OF RECLAMATION OPERATIONS**

Regulatory Reference: 30 CFR Sec. 784.23; R645-301-323, -301-512, -301-521, -301-542, -301-632, -301-731.

**Analysis:**

**Affected Area Boundary Maps**

The affected area is the area where mining and reclamation activities are scheduled to take place over the life of the mine. The affected area can include areas where mining is anticipated and additional permits will be sought.

The Gordon Creek 2/7/8 complex is in reclamation. The Permittee is in the process of applying for Phase I bond release on all of the permit area with the exception of the Sweet's Canyon Pond area.

At the Sweet's Canyon Pond area, the permit area is the same as the disturbed area boundaries, which is the same as the affected area. The disturbed area is shown on Plate 3-1A.

**Bonded Area Map**

The bonded area is usually the area where surface disturbance has occurred. In the Sweet's Canyon Pond area the permit area and disturbed area boundaries are the same. The bonded area consists of the entire disturbed area. That area is shown on Plate 3-1A.

**Reclamation Backfilling And Grading Maps**

The Sweet's Canyon Pond area was not reclaimed by backfilling and grading. The area will be left intact as an alternative postmining land use. The configuration of the existing site is shown on Plate 3-1A sheet 1 and 2. Those maps were used in the analysis of the backfilling and grading requirements and in the AOC requirements.

## RECLAMATION PLAN

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The Sweet's Canyon Pond and the associated structures are shown on Plate 3-1A sheet 1. The structures that will be left include a pump house as well as the pond, the inlet pipe and discharge structure.

### **Final Surface Configuration Maps**

The final surface configuration is shown on Plate 3-1A sheet 1 and the cross-sections are shown on Plate 3-1A sheet 2.

### **Reclamation Surface And Subsurface Manmade Features Maps**

The man made surface and subsurface features are shown on Plate 3-1A. The man made features include the pond and associated structure.

### **Certification Requirements.**

Dan Guy, who is a registered professional engineer, certified map 3-1A sheet 1 and 2. The maps meet the minimum certification requirements of the Division.

## **BONDING AND INSURANCE REQUIREMENTS**

Regulatory Reference: 30 CFR Sec. 800; R645-301-800, et seq.

### **Analysis:**

#### **Determination of Bond Amount**

The Permittee is not seeking any bond reduction in association with Phase III bond release at the Sweet's Canyon Pond. Therefore, no bond calculations will be done in connection with the Sweet's Canyon Pond Phase III bond release.

### **Findings:**

The information in the bond release package meets the minimum requirements of the regulations.

**AFFIDAVIT OF PUBLICATION**

STATE OF UTAH)

ss.

County of Carbon,)

I, Ken Larson, on oath, say that I am the Publisher of the Sun Advocate, a twice-weekly newspaper of general circulation, published at Price, State a true copy of which is hereto attached, was published in the full issue of such newspaper for 4 (Four) consecutive issues, and that the first publication was on the 19th day of November, 2002, and that the last publication of such notice was in the issue of such newspaper dated the 10th day of December, 2002.

*Ken G. Larson*

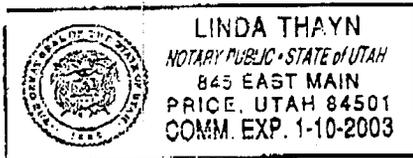
Ken G Larson - Publisher

Subscribed and sworn to before me this 10th day of December, 2002.

*Linda Thayne*

Notary Public My commission expires January 10, 2003 Residing at Price, Utah

Publication fee, \$ 439.04



**PUBLIC NOTICE  
APPLICATION FOR FINAL BOND RELEASE**

**SWEET'S POND AREA  
GORDON CREEK NO. 27/8 MINES  
PERMIT #ACT/007/016**

**MOUNTAIN COAL COMPANY, L.L.C.  
P.O. BOX 591  
SOMERSET, COLORADO 81434**

Mountain Coal Company, P.O. Box 591, Somerset, Colorado, 81434, a wholly owned subsidiary of Arch Western Resources, L.L.C., has filed with the Division of Oil, Gas & Mining an application for final release of the Sweet's Pond Area from the reclamation performance bond for it's Gordon Creek No. 27/8 Mines.

The present bond posted for the entire site is \$641,443.00. Mountain Coal Company is not applying for any reduction of the bond for the Sweet's Pond Area. The pond is on private property, and the landowner has requested it to be left in place for private use.

The Sweet's Pond Area is at the mouth of Sweet's Canyon in Gordon creek, approximately 20 road miles northwest of Price, Utah. The pond area is described as follows:

Township 13 South, Range 8 East, SLBM, Utah  
Approximately 0.73 acres located in:

Sec. 17, SE1/4SW1/4SW1/4

The permit area is located on the Jump Creek, Utah, U.S. Geological Survey 7.5 minute quadrangle map.

The Gordon Creek No. 27/8 Mines, including The Sweet's Pond Area, have been operated and reclaimed under permit ACT/007/016.

This notice is being published to comply with the Surface Mining Control and Reclamation Act of 1997 and State and Federal regulations promulgated pursuant to said act.

A request for public hearings or informal conferences concerning this proposal may be made to: State of Utah Department of Natural Resources, Division of Oil, Gas & Mining, 1594 West North Temple, Suite 1210, Box 145801, Salt Lake City, Utah 84114-5801.

Comments or requests must be made within 30 days of the last date of publication.

Published in the Sun Advocate November 19, 26, December 3 and 10, 2002.



July 22, 2003

TO: Internal File

THRU: Pamela Grubaugh-Littig, Permit Supervisor

FROM: Wayne H. Western, Environmental Scientist III, Engineering  
Priscilla W. Burton, Environmental Scientist III, Soils  
Dana Dean, P.E., Environmental Scientist III, Hydrology

RE: Technical Field Visit For Phase III Bond Release for Sweet's Pond, Mountain Coal Company, Gordon Creek 2, 7, & 8, C/007/016

**Other Attendees:** Vicky Miller, Mountain Coal Company  
Chris Hansen, Mountain Coal Company  
Dan Guy, Blackhawk Engineering (Consultant)  
Mitch Rollings OSM  
Steve Falk, BLM  
Pam Grubaugh-Littig DOGM  
Dana Dean DOGM  
Jerriann Ernsten DOGM  
Priscilla Burton DOGM  
Wayne Western DOGM

**Date & Time:** May 22, 2003  
Arrive 10:30 AM departed 10:55 AM

**PURPOSE:**

To conduct a Phase III bond release inspection for the Sweet's Pond area. Sweet's Pond is an isolated area of the Gordon Creek 2, 7 & 8 Mine that was reclaimed about thirteen years ago. The area was originally used to provide water for the mine. Ms. Agnes Pierce (the landowner) requested that the site remain "as is" for her use. Ms. Pierce holds the water rights.

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**TECHNICAL FIELD VISIT**

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**OBSERVATIONS:**

The total site is approximately 2.5 acres, including the access road and pump house. The fenced and vegetated pond area is about 1.5 acres. Water flows from the adjacent stream into the pond and returns to the stream by the emergency spillway. At the time of the inspection, the pond was full and water was flowing over the spillway. Mr. Dan Guy indicated that the pond was approximately 8 feet deep. The pump and pipes appear to be in good working order but were not tested. The Permittee did not know whether there was still power to the site.

Dan Guy gave brief history of the site. Most interesting was the fact that the pond was stocked with rainbow trout at one time. Apparently, the stream feeding the fish has never had fish life, but the rainbow trout thrived before being completely removed by fishermen. Mr. Guy indicated that the pond was in good working order.

Chris Hansen stated that the landowner had requested the site be left as is for water access. As the pond is isolated from the rest of the site and has met the vegetation and other requirements, there is no reason to keep the pond in the permit area. Wayne Western then said that the Division had approved a change in the postmining land use so that the pond could be retained. In addition, the Division's staff has reviewed the bond release application and found that it met the minimum regulatory requirements.

After the presentations were given, everyone was given the opportunity to speak. The consensus of the group was that there were no on the ground problems.

**RECOMMENDATIONS/CONCLUSIONS:**

The Division should proceed with Phase III bond release at Sweet's Pond.