



## United States Department of the Interior

OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
Western Region Office  
1999 Broadway, Suite 3320  
Denver, CO 80202-3050



June 6, 2016

RECEIVED  
JUN 18 2016  
DIV. OF OIL, GAS & MINING

Daron Haddock  
Coal Program Manager  
Utah Division of Oil Gas and Mining  
P.O. Box 145801  
Salt Lake City, UT 84114-5801

Dear Mr. Haddock,

I have enclosed a copy of the OSMRE's Ten Day Notice (TDN) issued to the Utah Division of Oil, Gas and Mining on June 6, 2016. TDN X16-140-545-005 has been issued as a result of an independent partial inspection and oversight topic-specific evaluation conducted by OSMRE and DOGM, at the West Ridge Mine on May 19, 2016.

If you have any questions regarding the TDN, please contact Spencer Shumate, Natural Resources Specialist, Denver Field Branch, at (303) 293-5046 or [jshumate@OSMRE.gov](mailto:jshumate@OSMRE.gov).

Sincerely,

Alan Boehms, Manager  
Denver Field Branch

Attachments: West Ridge Mine TDN

UNITED STATES DEPARTMENT OF THE INTERIOR  
Office of Surface Mining  
Reclamation and Enforcement  
**TEN-DAY NOTICE**

Originating Office: Denver Regional Office  
US DOI, Office of Surface Mining  
1999 Broadway, Suite 3320  
Denver, CO 80202  
Telephone Number: (303) 293-5000

Number X16-140-545-005 TV 1

**Ten-Day Notice to the State of Utah**

You are notified that, as a result of Other (c.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your actino to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: WEST RIDGE RESOURCES, INC.  
(Or Operator if No Permit)

County: CARBON

Surface

Mailing Address: PO BOX 1077, , PRICE, UT 84501

Underground

Permit Number: UT-007-041 Mine Name: WEST RIDGE MINE

Other

**01 NATURE OF VIOLATION AND LOCATION:**

Permittee has failed to comply with the measures selected by the regulatory authority of which have been approved to be used for determining revegetation success (Vegetation Information Guidelines).

Section of State Law, Regulation or Permit R645-301.356.110  
Condition believed to have been violated:

**NATURE OF VIOLATION AND LOCATION:**

Section of State Law, Regulation or Permit  
Condition believed to have been violated:

**NATURE OF VIOLATION AND LOCATION:**

Section of State Law, Regulation or Permit  
Condition believed to have been violated:

**Remarks or Recommendations:**

Utah Division of Oil, Gas and Mining have developed "Vegetative Information and Monitoring Guidelines" that was approved by OSMRE and incorporated into the State's approved regulatory program via amendment processes (56 FR 41795, Section II, 56 FR Section III, 41795, and 56 FR 41795). Notwithstanding, rule R645-301-356.110 and section 301-341-Revegetation of the approved permit application package provide reference to the use of the aforementioned guidelines. Conversely, neither the permittee or the Division are ensuring the implementation of these guidelines, with respect to reference areas.

Date of Notice: 06/06/2016

Signature of Authorized Rep.: John Spencer Shumate

Print Name and ID: John Shumate ID# 545



**U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation  
State Program**



1. Permittee/Person <b>WEST RIDGE RESOURCES, INC.</b>		9. Permit Number <b>UT-007-041</b>	10. Permit Type <b>PP</b>
2. Address <b>PO BOX 1077</b>		11. Field Visit Date <b>5/19/2016</b>	12. Purpose <b>OP</b>
3. City <b>PRICE</b>		13. SRA Present <b>Y</b>	
4. State <b>UT</b>		14. Permit Status <b>A</b>	15. Site Status <b>TC</b>
5. Zip Code <b>84501</b>	6. Phone Number <b>(435) 888-4000</b>	16. Facility Type <b>BFG</b>	
7. Operator Name, if Different than Permittee		17. OSM Office # <b>140</b>	18. CCHD #
8. Mine Name <b>WEST RIDGE MINE</b>		19. Land Code <b>SF</b>	
		20. M.S.H.A. ID #	21. State Abbrev. <b>UT</b>
		22. County/Buttough <b>CARSON</b>	
		23. AVS Permittee Entity ID Number	24. State Office

25. Hours	26. Signature Block	27. Reviewing Official:
<input type="checkbox"/> 8.0 a. Permit Review	<i>John Shumate</i> Signature	<i>Alan Boehm</i> Signature
<input type="checkbox"/> 2.0 b. Site Visit Time	<b>John Shumate, ID#545</b> Printed Name	Review Date: <b>06-06-2016</b>
<input type="checkbox"/> 8.0 c. Travel Time	Date: <b>6/6/2016</b>	Is Supplemental MSE Page Used Y/N <input checked="" type="checkbox"/> Y
<input type="checkbox"/> 8.0 d. Report Writing		

Permit Type - Item 10 IP = Interim Program PP = Permanent Program NP = No Permit

Purpose Type Codes - Item 12

Oxx... Oversight  
Axx... Assistance

Rfx... Reclamation Fees  
Fxx... Federal Actions

CCR... Citizen Complaint Referral (non-site visit)  
CC... Citizen Complaint (initial site visit)  
CCF... Assistance

Joint Inspection - Item 13 A joint inspection is when a state inspector accompanies an OSM inspector at any time during the review of the mine site

Permit Status - Item 14

**A** Active: Coal mining activities occurring or permitted but not yet disturbed.  
**IN** Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations (Interim Program Permit): Coal mining completed and reclamation activities initiated.  
**RR** Bond Release: Reclamation completed and State Regulatory Authority (RA) has released all of the bond (Phase III Release).

**AB** Abandoned: All surface and underground coal mining activities have ceased and operator has left the site without completing reclamation as defined in 30 CFR 840.11(g).  
**AD1** Bond Forfeiture: Bond forfeiture officially in process or completed and reclamation in progress or not yet commenced.  
**AB2** Partially Reclaimed Forfeiture: Forfeited site where all bonds have been used to reclaim site, but site not reclaimed to Program standards.  
**AB3** Reclaimed Forfeiture: Forfeited site that has been reclaimed to Program standards.  
**NA** Not Applicable: When site is unpermitted.

Site Status - Item 15

**ND** No Disturbance: No coal mining and reclamation operations have been started.  
**EX** Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.  
**AP** Active Coal Producing: Coal surface mining activities are occurring.  
**AN** Active Non-Producing: Active non-producing facility such as tipple or preparation plant.  
**NR** No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.

**MC** Mining Complete: No mining activity on site, site regraded and awaiting bond release.  
**TC** Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/817-13(b).  
**P1** Phase I Release: At least Phase I bond release granted for entire permitted area. For interim permits, partial bond release.  
**P2** Phase II Release: At least Phase II bond release for the entire permitted area.  
**P3** Phase III Release: Reclamation completed and the RA has released all bond.

**NS** Non-Site Visit: Status of site not determined.  
**FP** Forfeiture Pending: The RA is pursuing actions to revoke the permit, collect the performance bond(s) and/or reclamation of forfeited site is in progress.  
**FR** Forfeited and Reclaimed: Forfeiture reclamation completed.  
**FO** Abandoned Site: Abandoned site that is permitted but there is no bond.  
**WC** Wildcat: Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA.

Facility Type Codes - Item 16

**A**... Surface  
**B**... Underground  
**C**... Preparation Plant

**D**... Ancillary (Haulroad, Conveyor, and/or Rails)  
**E**... Refuse and/or Impoundment  
**F**... Loading Facility and/or Tipple  
**G**... Stockpiles

**H**... Exploration Permits  
**I**... Notice of Intent to Explore  
**J**... Exempt 16 and 2/3

**K**... Government Financed Construction Exemption  
**L**... Remaining site permitted under 30 CFR 785.25

**Small Business Regulatory Enforcement Fairness Act (SBREFA)**

**Your Comments are Important**

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will impartially evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 500 or fewer employees including those of affiliates) and wish to comment on the enforcement or compliance activities of OSM, call 1-888-REG-FAIR (1-888-724-3247).

**U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation**

Permittee/ Person <u>WEST RIDGE RESOURCES, INC.</u>	Permit Number <u>UT-007-041</u>	Field Visit Date <u>5/19/2016</u>	State Program Continuation Page
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## 28. Performance Standard Categories

Codes: 1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere, 6=Previously Cited, 7=Permit Defect

<p><b>A. Administrative</b></p> <p>1. <input type="checkbox"/> Mining within Valid Permit</p> <p>2. <input type="checkbox"/> Mining within Bonded Area</p> <p>3. <input checked="" type="checkbox"/> Terms &amp; Conditions of Permit</p> <p>4. <input type="checkbox"/> Liability Insurance</p> <p>5. <input type="checkbox"/> Ownership and Control</p> <p>6. <input type="checkbox"/> Temporary Cessation</p> <p>7. <input type="checkbox"/> AML Rec. Fees - Non-Respondent</p> <p>8. <input type="checkbox"/> AML Rec. Fees - Failure to Pay</p> <p><b>B. Hydrologic Balance</b></p> <p>1. <input type="checkbox"/> Drainage Control</p> <p>2. <input type="checkbox"/> Inspections &amp; Certifications</p> <p>3. <input type="checkbox"/> Siltation Structures</p> <p>4. <input type="checkbox"/> Discharge Structures</p> <p>5. <input type="checkbox"/> Diversions</p> <p>6. <input type="checkbox"/> Effluent Limits</p> <p>7. <input type="checkbox"/> Ground Water Monitoring</p> <p>8. <input type="checkbox"/> Surface Water Monitoring</p> <p>9. <input type="checkbox"/> Drainage - Acid-Toxic Materials</p> <p>10. <input type="checkbox"/> Impoundments</p> <p>11. <input type="checkbox"/> Stream Buffer Zones</p> <p><b>C. Topsoil &amp; Subsoil</b></p> <p>1. <input type="checkbox"/> Removal</p> <p>2. <input type="checkbox"/> Substitute Materials</p> <p>3. <input type="checkbox"/> Storage and Protection</p> <p>4. <input type="checkbox"/> Redistribution</p>	<p><b>D. Backfilling &amp; Grading</b></p> <p>1. <input type="checkbox"/> Exposed Openings</p> <p>2. <input type="checkbox"/> Contemporaneous Reclamation</p> <p>3. <input type="checkbox"/> Approximate Original Contour</p> <p>4. <input type="checkbox"/> Highwall Elimination</p> <p>5. <input type="checkbox"/> Steep Slopes (includes downslope)</p> <p>6. <input type="checkbox"/> Handling of Acid and Toxic Materials</p> <p>7. <input type="checkbox"/> Stabilization (rills and gullies)</p> <p><b>E. Excess Spoil Disposal</b></p> <p>1. <input type="checkbox"/> Placement</p> <p>2. <input type="checkbox"/> Drainage Control</p> <p>3. <input type="checkbox"/> Surface Stabilization</p> <p>4. <input type="checkbox"/> Inspections &amp; Certifications</p> <p><b>F. Coal Mine Waste (Refuse Piles/Impoundments)</b></p> <p>1. <input type="checkbox"/> Drainage Control</p> <p>2. <input type="checkbox"/> Surface Stabilization</p> <p>3. <input type="checkbox"/> Placement</p> <p>4. <input type="checkbox"/> Inspections &amp; Certifications</p> <p>5. <input type="checkbox"/> Impounding Structures</p> <p><b>G. Use of Explosives</b></p> <p>1. <input type="checkbox"/> Blaster Certification</p> <p>2. <input type="checkbox"/> Distance Prohibitions</p> <p>3. <input type="checkbox"/> Blast Survey/Schedule</p> <p>4. <input type="checkbox"/> Warnings &amp; Records</p> <p>5. <input type="checkbox"/> Control of Adverse Effects</p>	<p><b>II. <input type="checkbox"/> Subsidence Control Plan</b></p> <p><b>I. Roads</b></p> <p>1. <input type="checkbox"/> Road Construction</p> <p>2. <input type="checkbox"/> Certification</p> <p>3. <input type="checkbox"/> Drainage</p> <p>4. <input type="checkbox"/> Surfacing and Maintenance</p> <p>5. <input type="checkbox"/> Reclamation</p> <p><b>J. Signs &amp; Markers</b></p> <p>1. <input type="checkbox"/> Signs</p> <p>2. <input type="checkbox"/> Markers</p> <p><b>K. <input type="checkbox"/> Distance Prohibitions</b></p> <p><b>L. Revegetation</b></p> <p>1. <input type="checkbox"/> Vegetative Cover</p> <p>2. <input type="checkbox"/> Timing</p> <p><b>M. <input type="checkbox"/> Postmining Land Use</b></p> <p><b>N. Other</b></p> <p align="center">General Performance Categories</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; text-align: center;"><b>I.</b></td> <td style="width:33%; text-align: center;"><b>2</b></td> <td style="width:33%; text-align: center;"><b>STANDARDS FOR SUCCESS</b></td> </tr> <tr> <td style="height: 20px;"> </td> <td> </td> <td> </td> </tr> <tr> <td style="height: 20px;"> </td> <td> </td> <td> </td> </tr> <tr> <td style="height: 20px;"> </td> <td> </td> <td> </td> </tr> </table>	<b>I.</b>	<b>2</b>	<b>STANDARDS FOR SUCCESS</b>									
<b>I.</b>	<b>2</b>	<b>STANDARDS FOR SUCCESS</b>												

### Performance Standard Categories 30 CFR Counterparts

<p><b>A. Administrative</b></p> <p>1. Valid Permit ..... 73.11</p> <p>2. Mining within Bonded Area ..... 73.11</p> <p>3. Terms &amp; Conditions of Permit ..... 73.17</p> <p>4. Liability Insurance ..... §60.60</p> <p>5. Ownership and Control ..... 73.13</p> <p>6. Temporary Cessation ..... §42.11(e) &amp; §16.81.131</p> <p>7. AML Rec. Fees - Non-Respondent ..... §70.15(b)</p> <p>8. AML Rec. Fees - Failure to Pay ..... §70.15(a)</p> <p><b>B. Hydrologic Balance</b> ..... (§16.817.41-57)</p> <p>1. Drainage Control ..... 45</p> <p>2. Inspections &amp; Certifications ..... 49(a)(16)</p> <p>3. Siltation Structures ..... 46</p> <p>4. Discharge Structures ..... 47</p> <p>5. Diversions ..... 43</p> <p>6. Effluent Limits ..... 42</p> <p>7. Ground Water Monitoring ..... 41(e)</p> <p>8. Surface Water Monitoring ..... 41(e)</p> <p>9. Drainage - Acid-Toxic Materials ..... 41(f)</p> <p>10. Impoundments ..... 49</p> <p>11. Stream Buffer Zones ..... 57</p> <p><b>C. Topsoil &amp; Subsoil</b> ..... (§16.817.22)</p> <p>1. Removal ..... 22(a)</p> <p>2. Substitute Materials ..... 22(c)</p> <p>3. Storage and Protection ..... 22(e)</p> <p>4. Redistribution ..... 22(d)</p> <p><b>D. Backfilling &amp; Grading</b> ..... §16.817.95-107)</p> <p>1. Exposed Openings ..... §16.817.13.14.15. &amp; §23.11 &amp; 21</p> <p>2. Contemporaneous Reclamation ..... 100</p> <p>3. Approximate Original Contour ..... 102(a)(1)</p> <p>4. Highwall Elimination ..... 102(a)(2)</p> <p>5. Steep Slopes (includes downslope) ..... 107</p> <p>6. Handling of Acid &amp; Toxic Materials ..... 107(c)</p> <p>7. Stabilization (rills and gullies) ..... 95(b)</p>	<p><b>E. Excess Spoil Disposal</b> ..... (§16.817.71-74)</p> <p>1. Placement ..... 71(e)</p> <p>2. Drainage Control ..... 71(f)</p> <p>3. Surface Stabilization ..... 71(g)</p> <p>4. Inspections &amp; Certifications ..... 71(h)</p> <p><b>F. Coal Mine Waste (Refuse Piles/Impoundments)</b> ..... §16.817.81-84)</p> <p>1. Drainage Control ..... §31(a)</p> <p>2. Surface Stabilization ..... §31(b)</p> <p>3. Placement ..... §31(c)</p> <p>4. Inspections and Certifications ..... §31(d)</p> <p>5. Impounding Structures ..... §4</p> <p><b>G. Use of Explosives</b> ..... (§16.817.61-68)</p> <p>1. Blaster Certification ..... 61(c)</p> <p>2. Distance Prohibitions ..... 61(d)</p> <p>3. Blast Survey Schedule ..... 62-64</p> <p>4. Warnings &amp; Records ..... 66 &amp; 68</p> <p>5. Control of Adverse Effects ..... 67</p> <p><b>H. Subsidence Control Plan</b> ..... (§17.121-122)</p> <p><b>I. Roads</b> ..... (§16.817.150-151)</p> <p>1. Road Construction ..... 150(e)</p> <p>2. Certification ..... 151(a)</p> <p>3. Drainage ..... 150(b) &amp; 151(d)</p> <p>4. Surfacing and Maintenance ..... 150(a) &amp; 151(d)</p> <p>5. Reclamation ..... 150(f)</p> <p><b>J. Signs &amp; Markers</b> ..... §16.817.11)</p> <p>1. Signs ..... 11(a)(b), §(c)</p> <p>2. Markers ..... 11(a)(b), §(d), &amp; 11(f)</p> <p><b>K. Distance Prohibitions</b> ..... (761.11)</p> <p><b>L. Revegetation</b> ..... (§16.817.111-116)</p> <p>1. Vegetative Cover ..... 111 &amp; 115</p> <p>2. Timing ..... 112</p> <p><b>M. Postmining Land Use</b> ..... (§16.817.133)</p>
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**U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation**

Permittee/Person: <b>WEST RIDGE RESOURCES, INC.</b>	Permit Number: <b>UT-007-041</b>	Field Visit Date: <b>5/19/2016</b>	State Program Continuation Page
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**A. Specific State Law/Regulations Violated:** **0645-301.356.110**

**B. Description:** **Permittee has failed to comply with the measures selected by the regulatory authority of which have been approved to be used for determining revegetation success (Vegetation Information Guidelines).**

**C. Performance Standard:** **LN**      **D. Abated (Y/N):** **N**

**E. OSM Action:** **2**      **F. OSM Action Number:** **X16-140-545-005**      **Viol#:** **01**

**G. Optional:**      **H. Any Off-Site Impacts (Y/N):** **N**

**I. Latitude:** **0393208**      **J. Longitude:** **1104603**      **K. Elevation:**

**L. Off-Site Impacts**

	People	Land	Water	Structures
<b>Blasting</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Stability</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Hydrology</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Encroachment</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**A. Specific State Law/Regulations Violated:**

**B. Description:**

**C. Performance Standard:**       **D. Abated (Y/N):**

**E. OSM Action:**       **F. OSM Action Number:**       **Viol#:**

**G. Optional:**      **H. Any Off-Site Impacts (Y/N):**

**I. Latitude:**       **J. Longitude:**       **K. Elevation:**

**L. Off-Site Impacts**

	People	Land	Water	Structures
<b>Blasting</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Stability</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Hydrology</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Encroachment</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**A. Specific State Law/Regulations Violated:**

**B. Description:**

**C. Performance Standard:**       **D. Abated (Y/N):**

**E. OSM Action:**       **F. OSM Action Number:**       **Viol#:**

**G. Optional:**      **H. Any Off-Site Impacts (Y/N):**

**I. Latitude:**       **J. Longitude:**       **K. Elevation:**

**L. Off-Site Impacts**

	People	Land	Water	Structures
<b>Blasting</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Stability</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Hydrology</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Encroachment</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**A. Specific State Law/Regulations Violated:**

**B. Description:**

**C. Performance Standard:**       **D. Abated (Y/N):**

**E. OSM Action:**       **F. OSM Action Number:**       **Viol#:**

**G. Optional:**      **H. Any Off-Site Impacts (Y/N):**

**I. Latitude:**       **J. Longitude:**       **K. Elevation:**

**L. Off-Site Impacts**

	People	Land	Water	Structures
<b>Blasting</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Stability</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Hydrology</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Encroachment</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**West Ridge Mine- Partial Oversight Inspection Report**

Utah Division of Oil, Gas and Mining (DOGGM) Permit ID # C/007/0041

**Date:**

Thursday, May 19, 2016

**Participants:**

Karin Madsen, West Ridge Resources

Joe Helfrich, Division of Oil, Gas, and Mining (DOGGM)

Lisa Reinhart, Division of Oil, Gas, and Mining (DOGGM)

Tom Medlin, Office of Surface Mining Reclamation and Enforcement (OSMRE) Badge #562

Spencer Shumate, Office of Surface Mining Reclamation and Enforcement (OSMRE) Badge #541

**Weather:**

At the time of inspection, the weather conditions were clear and sunny.

**Background:**

The West Ridge Mine is an active underground coal mine located in Carbon County, Utah. The mine is permitted by West Ridge Resources, Inc., and owned by Andalex Resources, Inc. (a subsidiary of Utah American Energy, Inc., which in turn is a wholly owned subsidiary of Murray Energy Corporation) and Intermountain Power Agency (50/50). Mining began in 1999.

The permit area is 8,080.58 acres and the disturbed area is 31.24 acres. Approximately 1.62 of those acres consist of pre-Surface Mining Control and Reclamation Act (SMCRA) disturbance which West Ridge Resources will reclaim upon cessation of operations as part of their approved Mining and Reclamation Plan (MRP). Postmining land uses include wildlife habitat, grazing, and limited recreational activities.

**Administrative (Documents Reviewed):**

- Chapter 3 Biology Permit Application Package
- Permit Map 3-1 and 3-2
- Rule R645-301-100
- Rule R645-301-323
- Rule R645-301-353
- Rule R645-301-356
- "Vegetation Information and Monitoring Guidelines
- The NRCS Handbook- Interpreting Indicators for Rangeland Health, Version 4 - Technical Reference 1734-6
- 56 FR 41795, Section II
- 56 FR 41795, Section III
- 56 FR 41795

**DOGGM/OSMRE Meeting**

A two-hour discussion on the requirements and responsibilities regarding vegetation reference areas took place prior to the inspection at the DOGM Price, UT field office. As a result, it

became evident there was dissent between DOGM's lead inspector and OSMRE as to the interpretation of the rules and regulations mentioned above.

**Pre-Inspection Meeting:**

The inspection began at the mine site office where we met with Karen Odendahl-Madsen, operator representative for West Ridge Resources. Karen was very professional and provided copies of maps that depict reference area locations. It was understood that West Ridge has three approved reference areas that are to be used as a method for demonstrating revegetation success of reclaimed areas throughout the mine site. Those areas are identified as:

1. Douglas-fir/Rocky Mountain juniper (Reference Area 1)
2. Douglas-fir/Maple (Reference Area 2)
3. Pinyon juniper (Reference Area 3)

OSMRE was also informed that WRR has not conducted monitoring at any of the reference areas. The DOGM inspector's dissent on this topic was noted again

**Field Inspection:**

The field inspection began at approximately 10:20 am and concluded with a closeout discussion at approximately 12:15 pm.

***Reference Area #1, 2, and 3***

DOGM and OSMRE jointly selected the vegetation reference area topic to be a focus for this partial inspection on June 14, 2015. Therefore, DOGM has had over a year to prepare for this inspection. Unfortunately, DOGM was unsuccessful in locating any of the approved reference areas. Notwithstanding, it is perplexing to learn that the operator representative could not locate them either. Therefore, OSMRE is inconclusive and cannot provide a finding on whether or not the approved reference areas accurately represent those areas that have been disturbed by mining and reclamation activities.

**Findings**

OSMRE finds technical fault with DOGM's lead inspector's professional opinion that there is no requirement to monitor and maintain appropriate management of the vegetation reference areas following Division approval. It is apparent that there is confusion on the part of DOGM with regard to the interpretation of their rules and the overall importance associated with reference area management. Nevertheless, DOGM's rule R645-301-356.110 states, "Standards for success, statistically valid sampling techniques for measuring success, and approved methods are identified in the Division's "Vegetation Information Guidelines, Appendix A." Moreover, the Vegetation Information Guidelines are further referenced in Utah's rules at R645-301-356.231, R645-301-357.331; R645-301-357.340; and R645-301-357.365.

OSMRE believes that the confusion of this responsibility comes after DOGM approves the proposed reference areas. For example, the vegetation guidelines state:

In order for the division to approve a proposed reference area, the applicant must provide the following for each vegetation type that will be disturbed and the

corresponding proposed reference area:

- a) Randomly sample for ground cover, cover by species, woody plant density, diversity and productivity (or obtain a letter from the NRCS estimating productivity);
- b) assess the current range condition (similarity index) of the area proposed to be disturbed as well as any proposed reference areas
- c) demonstrate sample adequacy for ground cover, and if needed for density and productivity (see Appendix A);
- d) Demonstrate by table , or other simplified format, the similarity between proposed disturbed sites and the corresponding proposed reference areas;
- e) mark off the boundaries of the proposed reference areas in the field with permanent, readily visible markers (i.e. t-post) so that they can be easily located

It appears that once the permittee receives approval of the reference area, the responsibility to maintain and monitor these areas has ceased. By contrast, the vegetation guidelines go on to state:

After receiving approval from the Division for the reference site, the range condition of the reference site must be re-assessed every 5 years during the field season prior to permit renewal. The range condition must be categorized as moderate to slight or slight to none regarding its departure from expected range conditions according to the NRCS guidelines.

The importance of monitoring the reference sites enables the land manager/permittee to “keep a pulse” on any potential shifts in ecological site conditions. This process is not only required but is an imperative management tool to ensure the site is appropriately managed for the approved PMLU objective it was originally chosen for. In this instance, the reference areas are not being monitored or maintained under appropriate management throughout the performance liability period, as required. Therefore there is absolutely no way to know if there has been a departure in site conditions. OSMRE references the term “reference area” as defined in DOGM’s Vegetation Guidelines and the term “monitor”, as defined by the NRCS Handbook:

Reference Area-means a land unit **maintained under appropriate management** for the purpose of measuring vegetation ground cover, productivity, and plant species diversity that are produced naturally or by crop production methods approved by the Division. Reference areas must be representative of geology, soil, slope, and vegetation in the permit area.

Monitor- The orderly collection, analysis, and interpretation of resource data to evaluate progress toward meeting management objectives. **The process must be conducted over time in order to determine whether or not management objectives are being met (SRM 1999).**

**Conclusion**

OSMRE concludes the West Ridge Mine is in violation of the Utah program's rules and guidelines and the commitments within its approved MRP as they relate to vegetation reference area management.

**Enforcement Actions**

As a result of this oversight inspection, the Office of Surface Mining Reclamation and Enforcement, Denver Field Division issued Ten Day Notice X16-140-545-005 to the Utah Division of Oil, Gas and Mining on 06/06/2016.

