

March 5, 1986

TO: Coal File

FROM: Pamela Grubaugh-Littig, Reclamation Engineer *pgl*

RE: Abatement Plans for Notice of Violation N85-2-22-1
Submitted February 19, 1986, Des-Bee-Dove Sediment Pond
Access Road, Utah Power & Light Company, Des-Bee-Dove
Mines, ACT/015/017, #7, Emery County, Utah

Summary and Conclusions

The Des-Bee-Dove sediment pond access road can be classified as a Class III road. The recent submittal did not, however, include that portion of the Class III access road from the haul road right-of-way line to Station 31+52 inside the permit boundary (although it is difficult to distinguish on drawing number CM-10658-DS [Plate 5-7] due to no legends or explanations on the drawing).

The permit boundary exclusion rationale by Utah Power & Light Company (UP&L) is that (1) the road existed prior to pond construction, (2) the abatement requirements for Notice of Violation (NOV) N85-2-22-1 did not require the road to be included in the permit area, (3) the right-of-way "application" requested nonrestrictive use, and (4) UP&L requests assistance to meet UMC 817.45, 771.49 and UCA 40-10-18(i)(ii) if it is included. UP&L did state, however, that all of the road will be reclaimed after mining. The entire access road should be included in the permit area.

UP&L did not submit a copy of the application or any documentation to the Division about the right-of-way extension to the Bureau of Land Management (BLM) and should as previously requested.

Body

UMC 800.5 Determination of the Bond Amount - PGL

The applicant submitted a sedimentation pond access road reclamation cost estimate for \$38,926.00. The Division concurs with the cost estimate or two percent of the bond. The present bond posted at Des-Bee-Dove is \$1,837,712.00, posted in 1989 dollars at an escalation rate of 6.78 percent. No adjustment is presently required for this abatement plan.

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UMC 784.23 Operation Plan: Maps and Plans - PGL

(b)(1) and (b)(2) The rationale for not including the access road in the permit area does not meet public road criteria. Were public funds used in the construction of the road or are public funds used in the maintenance of the road? At the conclusion of mining, the road will be reclaimed which seems to direct sole use to sediment pond maintenance. Therefore, the applicant must submit permit area maps that include the access road in the permit area.

(b)(3) The map depicting the area of land for which a performance bond will be posted must be revised to include the sediment pond access road.

UMC 782.13 Identification of Interests - PGL

(1) The applicant must include a copy of the application for the extension of the right-of-way by the BLM, or any acceptable form of documentation. When the extension is granted, the approval letter must be submitted to the Division for inclusion in the mine files.

btb
9075R-48 & 49