



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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March 18, 1988

TO: John Whitehead, Permit Supervisor

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

RE: Subsidence Damage Related to the Reclamation Cost Estimate, Utah Power and Light Company, Deer Creek Mine ACT/015/018, Des-Bee-Dove ACT/015/017, and Wilberg/Cottonwood Mine ACT/015/019, Emery County, Utah

The current U.S. Appeals Court decision on OSM regulations by U.S. District Court Judge Flannery included a ruling on restoring land damaged by subsidence and the reclamation cost estimate. The memorandum from Douglas Larson, Executive Director of the Western Interstate Energy Board, dated February 9, 1988, stated that: "The appeals court upheld the lower court decision that the initial bond for an underground operation need not be set at an amount sufficient to cover the cost of restoring land damaged by subsidence. The record and regulatory history bear out the essential points made by the Secretary: (1) the subsidence problem qualifies as a 'distinct difference between surface and underground coal mining': and (2) 'unless and until subsidence damage occurs, bonding for it would be a highly speculative endeavor.'"

Land restoration due to subsidence related damage has not been included in any of the reclamation cost estimates for the Utah Power and Light mines (Deer Creek, Des-Bee-Dove or Wilberg/Cottonwood). A stipulation has been attached to each of the permits as follows:

"The applicant shall commit to restoring areas impacted by subsidence-caused surface cracks or other subsidence features such as escarpments (not to include naturally occurring escarpments which are not a result of mining) which are of a size or nature that could, in the Division's determination, either injure or kill grazing livestock. Restoration shall include recontouring of the affected land surface including measures to prevent rilling, and revegetation in accordance with the approved permanent revegetation plan in the PAP. Restoration shall be undertaken after annual subsidence survey data indicate that the surface has stabilized but in all cases restoration and revegetation shall be completed prior to bond release."

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The reclamation plan in general is a commitment to restore lands disturbed by mining activities. Reclamation costs reflect the amount required to restore lands affected by mining. In the case of subsidence, the mining-induced surface impacts which may affect the postmining land use should be included in the reclamation cost estimate.

Therefore, land restoration of subsidence-damaged areas should be included in the reclamation cost estimates for all of the Utah Power and Light Company's mines. The cost of restoration of these lands could be included in the subsidence monitoring annual report as subsidence-damaged land noted during the report year and added to the reclamation cost estimate if the restoration amount was significant. If the reclamation cost was not significant, this could be a mid-term review item.

A management policy should be developed for this issue.

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