



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

February 22, 1993

Mr. Val Payne
Senior Environmental Engineer
PacifiCorp
P.O. Box 1005
Huntington, Utah 84528

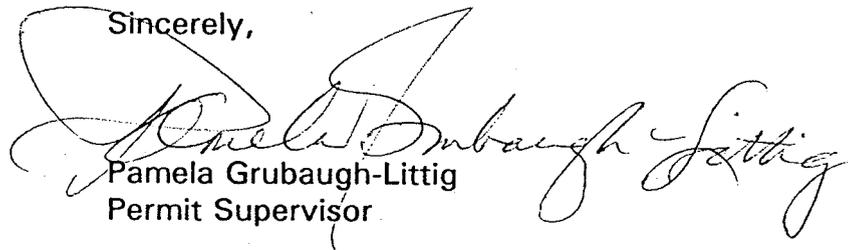
Dear Mr. Payne:

Re: As-Built Test Plot, Appendix XVI, Des-Bee-Dove Mine, PacifiCorp,
ACT/015/017, Folder #2, Emery County, Utah

The Division has reviewed the February 4, 1993 letter regarding the test plot information for the Des-Bee Dove Mine. The test-plot "as-built" information should also include for inclusion in the PAP: 1) Native seed mixture with PLS of each species, 2) The seed source (location, elevation, county, and state) should be identified for all of the seeded species including the native and nursery seed mixture, 3) Test plot soils data, and 4) A commitment to provide the Division with future test plot soil laboratory results.

Please submit all of the information for inclusion in Appendix XVI of the Des-Bee-Dove Mine PAP by March 26, 1993. If you have any questions, please call me.

Sincerely,



Pamela Grubaugh-Littig
Permit Supervisor

Pam - mix

United States
Department of
Agriculture

Forest
Service

Manti-La Sal
National Forest

599 West Price River Dr.
Price, Utah 84501

Reply to: 2820

Date: February 11, 1993

Roger Zortman
District Manager
Bureau of Land Management
Moab District
P.O. Box 970
Moab, Utah 84532

Copy ACT/015/018 #3
ACT/015/019 #2
ACT/015/017 #2
Copy PAM

Dear Mr. Zortman:

Forest Service personnel have completed field inspections of reclaimed sites associated with Utah Power and Light Company's 1983 and 1984 coal exploration programs on East Mountain.

We have determined that all of the reclaimed sites and access roads have been adequately reclaimed and vegetation meets required standards. We recommend that any remaining bond specific to these projects be released and the files closed.

If you have any questions, please contact us at the Forest Supervisor's Office in Price, Utah.

Sincerely,

/s/Aaron L. Howe

for
GEORGE A. MORRIS
Forest Supervisor

cc:D-3

Lowell Braxton
State of Utah Natural Resources
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

C.Reed:tm

CR

RECEIVED

FEB 16 1993

DIVISION OF
OIL, GAS & MINING



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

February 10, 1993

TO: Pamela Grubaugh-Littig, Permit Supervisor

FROM: Henry Sauer, Senior Reclamation Soils Specialist 

RE: Test Plot Soil Sample Submittal Request, PacifiCorp Electric Operations, Des-Bee-Dove Mine, ACT/015/017, Folder #2, Emery County, Utah

SYNOPSIS

The permittee has submitted, received February 8, 1993, an as-built of the completed Des-Bee-Dove Test Plots. The permittee has collected soil samples. Three samples were collected within the Mancos Shale and an unspecified number within the "rocky soil" (treatment #4). The Division regards the laboratory results of this soil analyses as essential for determining the success of the various plot treatments and their effects on the physicochemical properties of the proposed plant growth medium. Therefore, the Division respectfully requests the submission of the soils data for inclusion in the as-built submittal and a commitment to submit, to the Division for inclusion in the Permit Application Package (PAP), all future test plot soil analyses.

I would like to take this opportunity to extend my thanks and appreciation to PacifiCorp and in particular Mr. Val Payne and Mr. Guy Davis for their cooperation and diligence in designing and implementing the Des-Bee-Dove Test Plots. The formulative discussion regarding the reclamation of Mancos Shale at the mine was considerate of many scientific opinions and the results were the completion of an innovative and scientifically sound revegetation test plot. Again I thank you for your professionalism and look forward to future projects with you.

RECOMMENDATION

Submit test plot soils data for inclusion in the PAP and commit to providing the Division with future test plot soil laboratory results.

One Utah Center
201 South Main, Suite 2100
Salt Lake City, Utah 84140-0021
(801) 220-2000

*Copy FAM, Swade, Henry,
Tom (all)*

RECEIVED

FEB 06 1993

DIVISION OF
OIL GAS & MINING

PACIFICORP
POWER SUPPLY

February 4, 1993

Ms. Pamela Grubaugh-Littig
Permit Supervisor
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, UT 84180-1203

**RE: SUBMITTAL OF TEST PLOT DRAWING AND PROCEDURES, PACIFICORP, DES
BEE DOVE MINE, ACT/015/017 #2**

Dear Pamela,

In response to your January 20, 1993 letter, we submit the following amendment.

The installation of the test plots was completed on November 9, 1992. The original Test Plot Plan - 1992, submitted to the Division on 6-12-92, was followed with the exception of the deletion of the sewage sludge admixture and the treatment of 1,000 lbs/acre to all "Live Earth" admixture plots instead of the varied 1,200 to 800 lbs/acre. These changes are reflected in the added Figure 2 "as-built" drawing and the Plot Installation 11-9-92.

Upon approval, please add this letter along with the above referenced pages to the end of Appendix XVI of the permit. Also, please replace the Summary at the beginning of Appendix XVI with the revised Summary reflecting this amendment addition.

If there are any questions, please call Guy Davis or me at 653-2312.

Sincerely,



Val E. Payne
Sr. Environmental Engineer

Enclosures

cc: Steve Kochevar
J. Blake Webster

A\DDT\TPINS.AMD

DES BEE DOVE TEST PLOT - 1992

PLOT INSTALLATION 11-9-92

1. Soil Sampling

- The test plot area was sampled at 3 locations and analyzed for the approved parameters. The locations were marked for further reference by a roof bolt.
- The Rocky Soil was sampled and analyzed for the same parameters.
- All soil samples were taken on 9-30-92

2. Plot Preparation

- The plots were roughened by a backhoe the week of Nov. 2nd.
- The plots were left with pocking to enhance local water retention.
- Disturbance was thorough to remove perennial roots which might be still alive

3. Admixture Implementation

- Approximately 1 cubic yard of Coal Waste material was raked evenly over plots 2 and 5.
- Approximately 1 cubic yard of Rocky Soil was raked evenly over plots 1 and 4.
- 10 lbs. (1,000 lbs/acre) of "Live Earth" was placed on plots 3,4 and 5 by a broadcasting with a hurricane spreader.
- The Sewage Sludge was not applied to plot 6 because of no application approval from the Divisions within the Department of Environmental Quality.

4. Seeding

- The approved Nursery Seedmix was broadcast over all plots (including plot 6), with the exception of plot 7.
- The collected Native Seedmix was broadcast over plot 7. (PLS of the native seedmix/plot matched the nursery seedmix/plot)
- The entire plot area was hand raked to incorporate the seed into the soil.

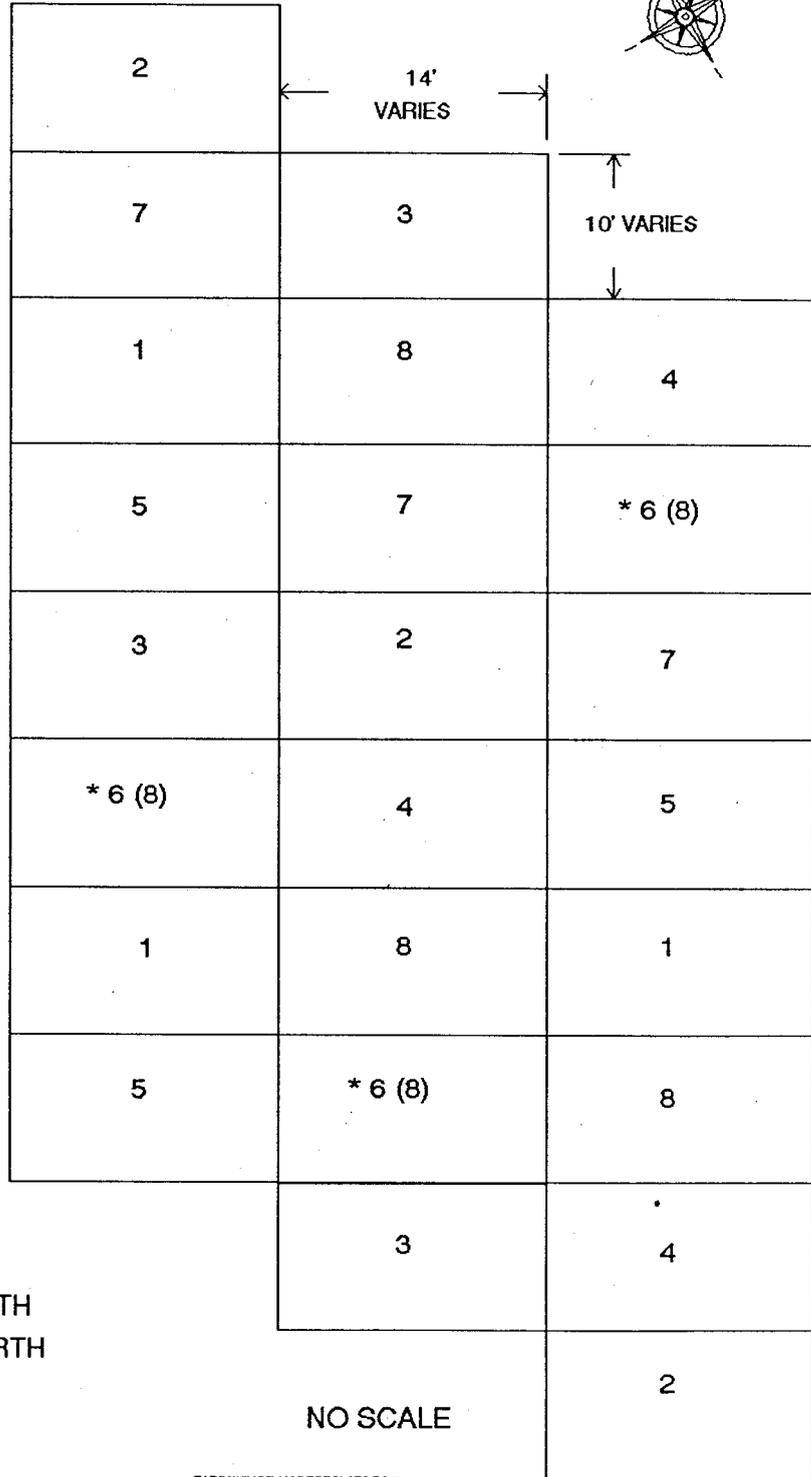
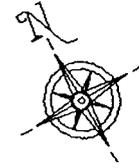
5. Mulching

- Curlex Blanket was placed on top to the surface of all plots. The blanket was installed according to manufacturer's recommendations.

FIGURE 2

DES BEE DOVE TEST PLOTS - 1992

PLOT TREATMENTS/ADMIXTURES AS - BUILT



* PLOT #6 WERE NOT APPROVED BY STATE AGENCIES. THESE PLOTS WERE TREATED WITH TREATMENT #8 ONLY

LEGEND

- 1. ROCKY SOIL
- 2. COAL WASTE
- 3. LIVE EARTH
- 4. ROCKY SOIL AND LIVE EARTH
- 5. COAL WASTE AND LIVE EARTH
- 6. SEWAGE SLUDGE *
- 7. NATIVE SEED
- 8. NURSERY SEED

NO SCALE

APPENDIX XVI

SUMMARY

1. JULY 25, 1990 LETTER TO MR. DAVID SMALDONE FROM MS. PAMELA GRUBAUGH-LITTIG
2. JULY 12, 1990 MEMO FROM TOM MUNSON TO MS. PAMELA GRUBAUGH-LITTIG
3. TEST PLOTS - OUTLINE
4. JULY 31, 1990 LETTER TO MS. PAMELA GRUBAUGH-LITTIG FROM VAL PAYNE (WITH AERIAL PHOTOS)
5. HAUL ROAD RECLAMATION STUDY
6. DES BEE DOVE EROSION TASK FORCE AGENDA
7. NOVEMBER 13, 1991 MEMO TO TASK FORCE MEMBERS FROM GUY DAVIS
8. DES BEE DOVE HAUL ROAD RECLAMATION STUDY RUNOFF AND SEDIMENT YIELD MONITORING PROGRAM (WITH DRAWING)
9. SEPTEMBER 25, 1992 LETTER TO MS. PAMELA GRUBAUGH-LITTIG FROM VAL PAYNE
10. FEBRUARY 4, 1993 LETTER TO MS. PAMELA GRUBAUGH-LITTIG FROM VAL PAYNE



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

ACT/OIS/OI7 #2

Norman H. Bangarter

Governor

Dee C. Hansen

Executive Director

Dianne R. Nielson, Ph.D.

Division Director

355 West North Temple

3 Triad Center, Suite 350

Salt Lake City, Utah 84180-1203

801-538-5340

DATE: February 2, 1993

TO: Pamela Grubaugh-Littig, Permit Supervisor *WJM*

FROM: Wm. J. Malencik, Reclamation Specialist

RE: Des-Bee-Dove Conditions

This has reference to DOGM permit attachment A, condition R614-301-514.300-(1)(JK).

Discussion Paragraph 514.300 provide for two impoundment inspections. Inspections during construction and at least yearly inspections. The second inspection is a quarterly inspection that does not necessarily and has historically not been certified. The construction and annual inspections must be conducted by a professional engineer or specialist and a qualified registered professional engineer will promptly after each inspection provide a certified report to the Division that the impoundment has been constructed and maintained as designed and in accordance with the approved plan and R645 rules.

Condition 2) requires a certified quarterly report. While this required condition can be construed as a requirement of the 514.311 regulation, nevertheless, it has been a common practice to have an annual certified report covering construction and an annual inspection. Also, a quarterly inspection is required under 514.330 by a qualified person and it does not need to be certified nor submitted to the Division, but retained at the mine site.

This is a concern that has been previously addressed, but not corrected. Therefore, the attachment is a suggested amendment which will (1) be more consistent with current style of operation and (2) the current PAP and other official correspondence on how conditions have been met will better square with the suggested amendment.

ATTACHMENT A

CONDITION R614-301-233-(1) (HS)

Within 45 days of permit renewal, the permittee must submit analyses of the five major fills within the mine area to include sampling procedures outlined on pages 4-100 through 4-102 and provide documentation of the depth of the soil mantle atop the coal waste within the tipple area.

Additionally, for the haul road between stations 165+00 through 243+18, the permittee must identify a borrow site and provide necessary information for the development and reclamation of the site or conduct field site trials to demonstrate the suitability of the Des-Bee-Dove Haul Road fill material as a plant growth medium for final reclamation.

CONDITION R614-301-514.300-(1) (JK)

Within 45 days of permit renewal, the permittee must provide, for inclusion in the Operation Plan, a commitment to do the following:

- 1) Inspection of the impoundment during construction, upon completion and at least yearly by a professional engineer or by a specialist experienced in the construction of impoundments. (514.311)
- 2) Inspection by a qualified person of each impoundment for appearance of structural weakness or other hazardous conditions quarterly, preparing and retaining the report at the mine site. (514.330)
- 3) Annual certification of the impoundment by a qualified, registered, professional engineer and promptly provide a copy of the certified report to the Division (514.312)

CONDITION R614-301-542.300-(1) (JK)

Within 45 days of permit renewal, the permittee must revise and submit the following text and maps for inclusion in the PAP:

- 1) Map 3-10 (Existing Earthen Structures) must be modified to show, by shading, those areas which are used in estimating volumes of material which will contribute to the backfilling of highwalls, portal faceups, and the bathhouse/warehouse cut. This map must also show, by

One Utah Center
201 South Main, Suite 2100
Salt Lake City, Utah 84140-0021
(801) 220-2000

*Copy FAM, Snider, Henry,
Tom (all)*

RECEIVED

FEB 0 8 1993

DIVISION OF
OIL GAS & MINING

PACIFICORP
POWER SUPPLY

February 4, 1993

Ms. Pamela Grubaugh-Littig
Permit Supervisor
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, UT 84180-1203

RE: SUBMITTAL OF TEST PLOT DRAWING AND PROCEDURES, PACIFICORP, DES
BEE DOVE MINE, ACT/015/017 #2

Dear Pamela,

In response to your January 20, 1993 letter, we submit the following amendment.

The installation of the test plots was completed on November 9, 1992. The original Test Plot Plan - 1992, submitted to the Division on 6-12-92, was followed with the exception of the deletion of the sewage sludge admixture and the treatment of 1,000 lbs/acre to all "Live Earth" admixture plots instead of the varied 1,200 to 800 lbs/acre. These changes are reflected in the added Figure 2 "as-built" drawing and the Plot Installation 11-9-92.

Upon approval, please add this letter along with the above referenced pages to the end of Appendix XVI of the permit. Also, please replace the Summary at the beginning of Appendix XVI with the revised Summary reflecting this amendment addition.

If there are any questions, please call Guy Davis or me at 653-2312.

Sincerely,

Val E. Payne

Val E. Payne
Sr. Environmental Engineer

Enclosures

cc: Steve Kochevar
J. Blake Webster

A\BBDTPINS.AMD

DES BEE DOVE TEST PLOT - 1992

PLOT INSTALLATION 11-9-92

1. Soil Sampling

- The test plot area was sampled at 3 locations and analyzed for the approved parameters. The locations were marked for further reference by a roof bolt.
- The Rocky Soil was sampled and analyzed for the same parameters.
- All soil samples were taken on 9-30-92

2. Plot Preparation

- The plots were roughened by a backhoe the week of Nov. 2nd.
- The plots were left with pocking to enhance local water retention.
- Disturbance was thorough to remove perennial roots which might be still alive

3. Admixture Implementation

- Approximately 1 cubic yard of Coal Waste material was raked evenly over plots 2 and 5.
- Approximately 1 cubic yard of Rocky Soil was raked evenly over plots 1 and 4.
- 10 lbs. (1,000 lbs/acre) of "Live Earth" was placed on plots 3,4 and 5 by a broadcasting with a hurricane spreader.
- The Sewage Sludge was not applied to plot 6 because of no application approval from the Divisions within the Department of Environmental Quality.

4. Seeding

- The approved Nursery Seedmix was broadcast over all plots (including plot 6), with the exception of plot 7.
- The collected Native Seedmix was broadcast over plot 7. (PLS of the native seedmix/plot matched the nursery seedmix/plot)
- The entire plot area was hand raked to incorporate the seed into the soil.

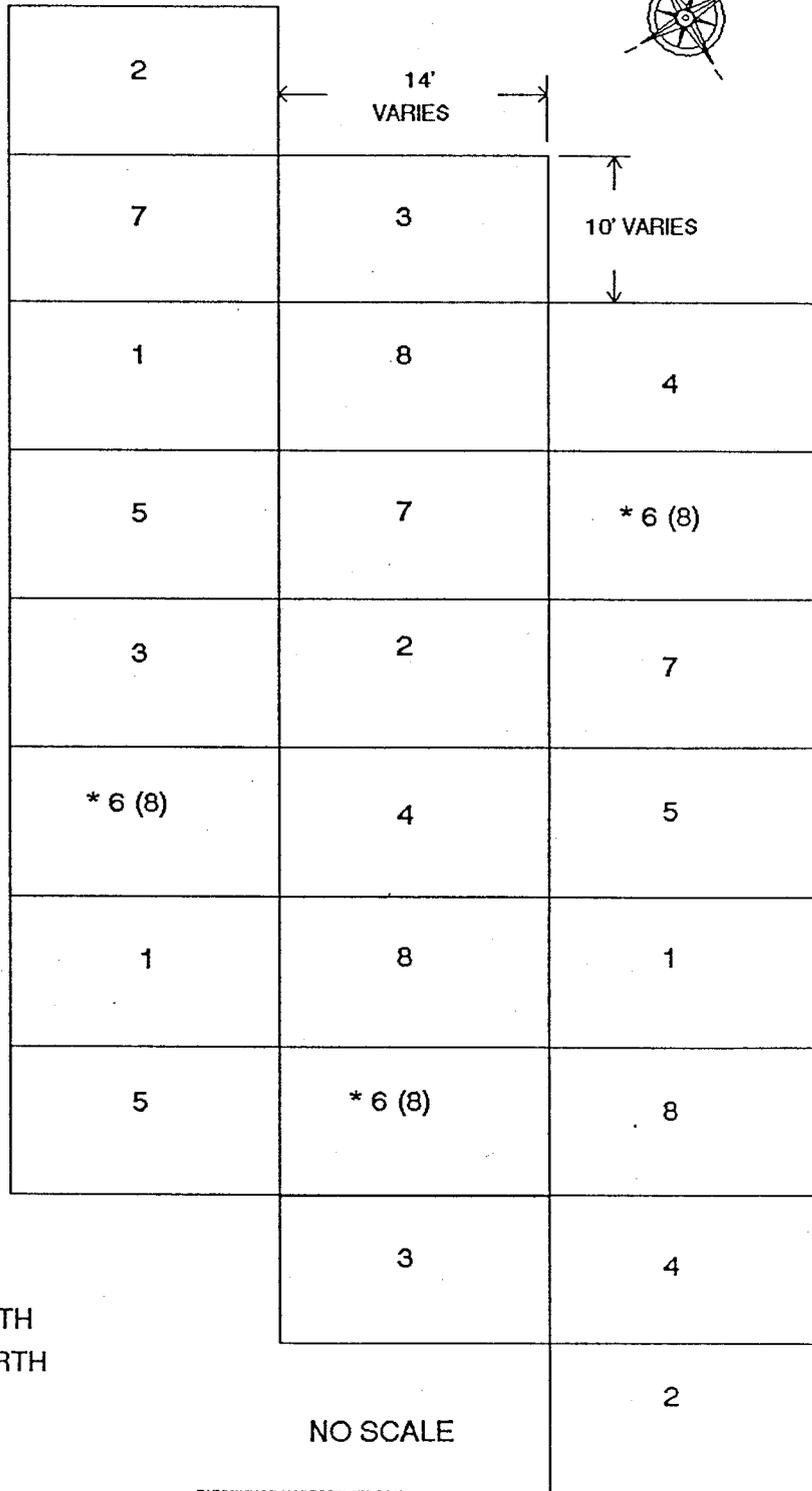
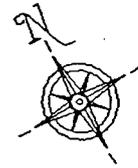
5. Mulching

- Curlex Blanket was placed on top to the surface of all plots. The blanket was installed according to manufacturer's recommendations.

FIGURE 2

DES BEE DOVE TEST PLOTS - 1992

PLOT TREATMENTS/ADMIXTURES AS - BUILT



* PLOT #6 WERE NOT APPROVED BY STATE AGENCIES. THESE PLOTS WERE TREATED WITH TREATMENT #8 ONLY

LEGEND

- 1. ROCKY SOIL
- 2. COAL WASTE
- 3. LIVE EARTH
- 4. ROCKY SOIL AND LIVE EARTH
- 5. COAL WASTE AND LIVE EARTH
- 6. SEWAGE SLUDGE *
- 7. NATIVE SEED
- 8. NURSERY SEED

NO SCALE

APPENDIX XVI

SUMMARY

1. JULY 25, 1990 LETTER TO MR. DAVID SMALDONE FROM MS. PAMELA GRUBAUGH-LITTIG
2. JULY 12, 1990 MEMO FROM TOM MUNSON TO MS. PAMELA GRUBAUGH-LITTIG
3. TEST PLOTS - OUTLINE
4. JULY 31, 1990 LETTER TO MS. PAMELA GRUBAUGH-LITTIG FROM VAL PAYNE (WITH AERIAL PHOTOS)
5. HAUL ROAD RECLAMATION STUDY
6. DES BEE DOVE EROSION TASK FORCE AGENDA
7. NOVEMBER 13, 1991 MEMO TO TASK FORCE MEMBERS FROM GUY DAVIS
8. DES BEE DOVE HAUL ROAD RECLAMATION STUDY RUNOFF AND SEDIMENT YIELD MONITORING PROGRAM (WITH DRAWING)
9. SEPTEMBER 25, 1992 LETTER TO MS. PAMELA GRUBAUGH-LITTIG FROM VAL PAYNE
10. FEBRUARY 4, 1993 LETTER TO MS. PAMELA GRUBAUGH-LITTIG FROM VAL PAYNE



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter

Governor

Dee C. Hansen

Executive Director

Dianne R. Nielson, Ph.D.

Division Director

355 West North Temple

3 Triad Center, Suite 350

Salt Lake City, Utah 84180-1203

801-538-5340

January 20, 1993

Mr. Val Payne
Senior Environmental Engineer
PacifiCorp
P.O. Box 1005
Huntington, Utah 84528

Dear Mr. Payne:

Re: Test Plots, PacifiCorp, Des-Bee-Dove Mine, ACT/015/017, Folder #2, Emery County, Utah

The information for the test plots installed in the fall of 1992 for the Des-Bee-Dove Mine has been reviewed. As-builts of the test plots and a detailed description of the material used and installation procedures must be submitted to the Division by February 5, 1993.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Pamela Grubaugh-Littig".

Pamela Grubaugh-Littig
Permit Supervisor

jbe

015017.TP

DES BEE DOVE TEST PLOT PLAN - 1992

INTRODUCTION

The focus of the 1992 Des Bee Dove Test Plots is primarily the Mancos shale. Specifically, to help develop reclamation procedures, plot treatments/soil admixtures will be tested to aid in the reclamation of the Mancos shale. Results from these 1992 test plots will determine the treatments to be tested on the "future" test plot planned in 3 to 5 years.

LOCATION

The individual plots will be approximately 10' x 14' each located in the raw Mancos material on top of the major fill slope between stations 131+00 to 142+00. The plots are part of the area redisturbed in the fall of 1991 as part of a violation abatement. (See attached Drawing CM-10874-DS.)

The location and size of the total plot area were based on the apparent universal soil and the availability of the test treatments. Each individual treatment will extend from the top of the waterbar slope to the top of the next waterbar slope (see Figure 1). All areas of the treatment, including the waterbars, will be observed and evaluated. The waterbar area is included because they are proposed in the final reclamation plan.

PLOT PREPARATION

All vegetation on the test plot area will be sprayed with two applications of Roundup two weeks prior to planting to kill any existing plant species. Applications will be spaced four (4) days apart.

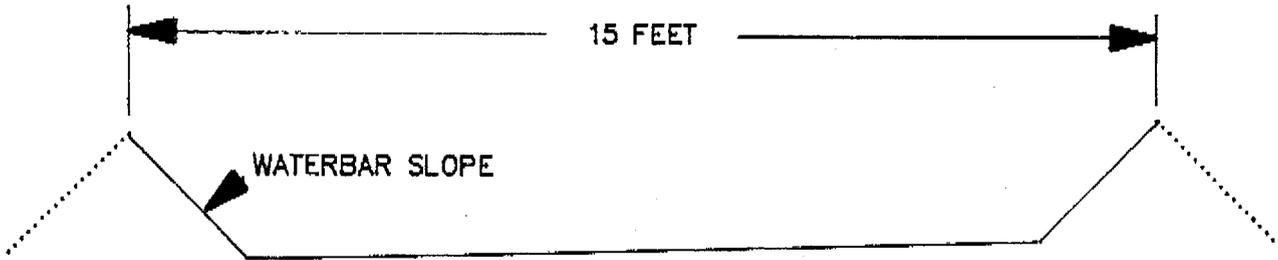
PLOT TREATMENTS/ADMIXTURES

As a result of the May 15, 1992 meeting with Division representatives, the following treatments were agreed upon. All treatments will be done randomly on the plot location in triplication.

1. **Rocky Soil (Native Soil)**

This soil will be borrowed from near the site and will be placed on top of the Mancos soil. It is anticipated that one cubic yard of rocky soil will be used per individual plot. This will cover the Mancos surface with 2" or greater of soil. The treatment of rocky soil will be similar to the natural surrounding areas, so volume may vary following native soil sample results.

FIGURE 1
DES BEE DOVE TEST PLOTS - 1992
CROSS-SECTION



* NO SCALE

2. Coal Waste

Refuse waste <2" will be placed on top of the Mancos. One cubic yard of material will be required to cover one plot with 2" of refuse.

3. Live Earth

A soil admixture called "Live Earth" will be applied to the top of the Mancos material at 1200 lbs/acre. Application of this admixture will be done by Keith Littlefield, a supplier of the product. It is anticipated that addition will lower high pH and sulfate concentrations typical of the Mancos. The "Live Earth" will be applied in a dry form.

4. Combination Of Rocky Soil And "Live Earth"

This combination admixture will consist of 1 cubic yard of native rocky soil placed on top of 800 lbs/acre "Live Earth" product. The "Live Earth" may be applied in either the dry or liquid form per supplier preference. "Live Earth" representative will aide in the plot treatments application.

5. Combination Of Refuse Waste And "Live Earth"

This combination admixture will consist of 1 cubic yard/plot of less than 2" waste coal material placed on top of 800 lbs/acre "Live Earth" product. The "Live Earth" may be applied in either the dry or liquid form per the representative's preference. "Live Earth" representative will aide in the plot treatments application.

6. Sewage Treatment Plant Sludge

Sewage Treatment Plant sludge will be used as a treatment only if approved by the State Division of Water Pollution and Solid and Hazardous Waste. This approval will be obtained by Division personnel. Treatment volume will be determined after approval is received.

7. Native Seed

Native seed from the adjacent area will be collected and applied to 3 test plots. The seed mixture will be tested for viability prior to seeding. The quantity and variety of seed will be determined by availability at time of collection (see Figure 2).

It is anticipated that the following seed could be available at undetermined quantities:

FIGURE 2 DES BEE DOVE TEST PLOTS -- 1992

PLOT TREATMENTS/ADMIXTURES

2		
7	3	
1	8	4
5	7	6
3	2	7
6	4	5
1	8	1
5	6	8
	3	4
		2

LEGEND

- 1. ROCKY SOIL
- 2. COAL WASTE
- 3. LIVE EARTH
- 4. ROCKY SOIL AND LIVE EARTH
- 5. COAL WASTE AND LIVE EARTH
- 6. SEWAGE SLUDGE
- 7. NATIVE SEED
- 8. NURSERY SEED

* NO SCALE

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>	<u>COLLECTION</u>
Fourwing Saltbush	<u>Atriplex canescens</u>	Mid Oct.- Nov.
Shadscale	<u>A. confertifolia</u>	Mid Oct. - Nov.
Cuneate Saltbush	<u>A. cuneata</u>	Mid July - Aug.
Greasewood	<u>Sarcobatus vermiculatus</u>	October
Fat-hen Saltbush	<u>Atriplex patula</u>	June
Corymbed Eriogonum	<u>Eriogonum corymbosum</u>	Mid Aug - Sept.
Rock Goldenrod	<u>Petradoria pamila</u>	June
Salina Wildrye	<u>Elymus salinus</u>	Mid June
Squirreltail	<u>Sitanion hystrix</u>	June
Indian Ricegrass	<u>Oryzopsis hymenoides</u>	Late June
Mormon Tea	<u>Ephedra viridis</u>	Mid July
Prince's Plume	<u>Stanleya pinnate</u>	Mid June
Rabbit brush	<u>Chrysothamnus nauseosus</u>	Mid Oct. - Nov.

8. Nursery Seed

Nursery seed will be planted in 3 plots for comparison to the native seed plots. Nursery seed will also be seed source for all other treatments/admixtures. The seed mixture and planting amounts will be the approved final seedmix of the permit.

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>	<u>lbs/acre PLS</u>
Thickspike wheatgrass	<u>Agropyron dasystachyum</u>	3
Western wheatgrass	<u>A. smithii</u>	4
Indian ricegrass	<u>Oryzopsis hymenoides</u>	3
Basin wildrye	<u>Elymus cinereus</u>	4
Alkali sakatoon	<u>Sporobolus airoides</u>	.25
Yellow sweetclover	<u>Melilotus officinalis</u>	2
Lewis flax	<u>Linum lewisii</u>	1
Globemallow	<u>Sphaeralcea grossularifolia</u>	.5
Fourwing Saltbush	<u>Atriplex canescens</u>	2
Mat Saltbush	<u>A. corrugata</u>	2
Shadscale	<u>A. confertifolia</u>	1

Winterfat	<u>Ceratoides lanata</u>	2
Prostrate Kochia	<u>Kochia prostrata</u>	.5
TOTAL		25.25

Random treatment locations are shown on Figure 2. Each treatment will be staked and identified by a surveyor stake at each corner.

SOIL TESTING

Initially, the general test plot area will be sampled for the following parameters at 3 random locations. The sampling locations will be marked by a roofbolt for future identification.

Texture (% sand, silt clay)
 SAR (meq/l)
 pH (standard units)
 Electrical Conductivity (mmhos/cm)
 Saturation (%)
 Organic Carbon (%)
 Total N (%)
 Available Phosphorus (mg/kg)
 Available Potassium (mg/kg)
 Water Extractable Boron (mg/kg)
 Water Extractable Selenium (mg/kg)
 Acid Base Potential
 Available Water (%)
 1/3 and 15 atmospheres
 Soluble Ca, Mg, Na (meq/l)

At the end of the test plot observation period (3 to 5 years) soil samples from each of the individual plots will be taken and analyzed for the same parameters. Three of these locations, will be the same locations as the initial soil sample locations.

SURFACE POKING

The entire test plot area will be poked by mechanical device or hand tools after the admixtures have been applied but prior to any seeding. The pocking will be randomly spaced over the entire area of each plot including the waterbar slopes.

SEEDING

All seeding will take place in the late fall, after the native seed collecting is complete. All plots will be seeded by hand broadcasting after the surface has been pocked. The seed will be lightly covered by dragging a chain between two workers.

MULCHING

All treatments/admixtures will be covered with curlex blanket. The blanket will be anchored as recommended by the manufacturer.

FERTILIZER

No fertilizer will be added initially because of the inherent high salt content of the Mancos. Fertilizer application may be considered in subsequent years.

MONITORING

Plots will be monitored annually by visual observation and photos. Vegetative monitoring for density, cover and diversity will be done during the 3rd growing season. Vegetative productivity will be monitored at the end of the test plot schedule.

Soil testing will be done at the commencement and end of the plots observation period. (See Soil Testing.)



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

December 12, 1991

Mr. Blake Webster
PacifiCorp Electric Operations
Fuel Resources
One Utah Center; Suite 2100
210 South Main
Salt Lake City, Utah 84140-2100

Dear Mr. Webster:

Re: Permit Conditions, Five-Year Renewal, PacifiCorp Electric Operations, Des-Bee-Dove Mine, ACT/015/017, Folder #2, Emery County, Utah

Enclosed please find a detailed review of the permit conditions for the Des-Bee-Dove Mine Five-Year Permit Renewal. These five conditions require further detailed responses. Some of these responses have required coordination with the recommendations of the reclamation task force of which PacifiCorp will make a formal submittal January 31, 1992. Please submit all of the necessary information for a complete and technically adequate package addressing all five conditions by that same date, January 31, 1992.

If you have any questions, please call me.

Sincerely,



Pamela Grubaugh-Littig
Permit Supervisor

PGL/jbe
Enclosure
cc: Tom Munson
Bill Malencik



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

December 11, 1991

TO: Pamela Grubaugh-Littig, Permit Supervisor

FROM: Thomas Munson, Senior Reclamation Hydrologist *TM*

RE: Permit Conditions, Five-Year Renewal, PacifiCorp Electric Operations, Des-Bee-Dove Mine, ACT/015/017, Folder #2, Emery County, Utah

Synopsis

The Division received a response to the permit conditions on August 15, 1991, and this memo reviews the adequacy of the operator's response. This has taken time because of the test plot meetings and finalization of future plans regarding the haul road. See Pamela Grubaugh-Littig's memo entitled "Outline of Meeting and Field Visit for the Des-Bee-Dove Haul Road Reclamation Study" dated December 4, 1991. A deadline of January 31, 1992 was mentioned in this memo to have a map submitted delineating the study area and a narrative describing the history and proposal of this erosion control study.

Analysis

Review of Conditions:

1. Condition R614-301-728 (1) (TM)

A memo dated August 14, 1991 was sent to the Division regarding a detailed sampling plan for the Des-Bee-Dove Test Plots. The basic methodologies in this plan are approved with a recommendation for isolation of the test plots using 2" X 10" boards to separate runoff by treatment. The water leaving the plots could conceivably be collected in water troughs and analyzed after each storm, because the depth of water leaving the plots would not be sufficient enough to operate a single-stage sampler, therefore, making single stage samplers undesirable.

Required Action

The operator will be required, in the new proposal submitted on January 31, 1992, to redescribe the set-up of plots and the modification of the water sampling scheme to eliminate single-stage samplers and incorporate a total runoff collection system to ascertain runoff amount and quality. If refinements of the methodologies proposed in the January 31, 1992 submittal need to be discussed between the Division and the operator, please feel free to contact the Division. The use of a recording rain gauge is essential to determine rainfall/runoff relationships and is considered essential to the study.

2. Condition R614-301-731 (1) (TM)

Pages 4-88.1 and 4-89 include a discussion of using a two-inch blanket of mulch with vexar netting and contour furrows as a erosion control treatment.

Required Action

The operator needs to provide a runoff calculation to verify the adequacy of this design based on sub-watershed size. The ditch designs using a generic size and shape and a volume has been given, but no confirmation of the ditch's ability to handle and treat flows was given, based on site specific sub-watersheds and ditch locations. No BTCA plan has been submitted, as a separate document, as requested by the Division and must be to fulfill the requirement of this condition.

3. Condition R614-301-731.121 (1) (TM)

1. This is adequately addressed.
2. No calculations have been presented for the capacity of contour furrows to handle the 10 year-24 hour storm volume on a per-watershed area basis. This can be considered a generic calculation applicable to all reclaimed areas but would dictate frequency and location of contour furrows as a BTCA measure during reclamation shown on the appropriate plates.
3. This condition is addressed as part of the study plan for the Reclamation Test Plots.

Required Action

Parts 2 and 3 must be adequately addressed to fulfill this condition.

4. Condition R614-301-742.220 (1) (TM)

1. This is adequately addressed.
2. This is adequately addressed.
3. The operator has not provided a discussion of how sediment levels are monitored in the pond and the frequency of this monitoring.
4. This response does not meet the requirements of the rules based on the explanation given. Grouted riprap is capable of withstanding a certain velocity based on installation method and materials used. A proof of this is required to determine stability of the materials used and spillway design.

Required Action

Parts 3 and 4 must be adequately addressed to fulfill this condition.

5. Condition R614-301-742.300 (1) (TM)

Required Action

Figure 6 does not meet the certification requirements of the rules and lacks the specificity to show culverts or ditches by number corresponding to the text. Plate 3-8 must show all hydrologic structures numbered corresponding to calculations in the text. There are ditches and culverts shown on Plate 3-8 not identified by number in the text. Please correct this Plate and make the appropriate changes to identify all hydrologic structures in the text.



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

December 11, 1991

TO: Pamela Grubaugh-Littig, Permit Supervisor

FROM: Thomas Munson, Senior Reclamation Hydrologist 

RE: Permit Conditions, Five-Year Renewal, PacifiCorp Electric Operations, Des-Bee-Dove Mine, ACT/015/017, Folder #2, Emery County, Utah

Synopsis

The division received a response to the permit conditions on August 15, 1991, and this memo reviews the adequacy of the operator's response. This has taken time because of the test plot meetings and finalization of future plans regarding the haul road. See Pamela Grubaugh-Littig's memo entitled "Outline of Meeting and Field Visit for the Des-Bee-Dove Haul Road Reclamation Study" dated December 4, 1991. A deadline of January 31, 1992 was mentioned in this memo to have a map submitted delineating the study area and a narrative describing the history and proposal of this erosion control study.

Analysis

Review of Conditions:

Condition R614-301-728 (1) (TM)

A memo dated August 14, 1991 was sent to the Division regarding a detailed sampling plan for the Des-Bee-Dove Test Plots. The basic methodologies in this plan are approved with a recommendation for isolation of the test plots using 2" X 10" boards to separate runoff by treatment. The water leaving the plots could conceivably be collected in water troughs and analyzed after each storm, because the depth of water leaving the plots would not be sufficient enough to operate a single-stage sampler, therefore, making single stage samplers undesirable.

The operator will be required, in the new proposal submitted on January 31, 1992, to redescribe the set-up of plots and the modification of the water sampling scheme to eliminate single-stage samplers and incorporate a total runoff collection system to ascertain runoff amount and quality. If refinements of the methodologies proposed in the January 31, 1992 submittal need to be discussed between the Division and the operator, please feel free to contact the Division. The use of a recording rain gauge is essential to determine rainfall/runoff relationships and is considered essential to the study.

Condition R614-301-731 (1) (TM)

Pages 4-88.1 and 4-89 include a discussion of using a two-inch blanket of mulch with vexar netting and contour furrows as a erosion control treatment. The operator needs to provide a runoff calculation to verify the adequacy of this design based on sub-watershed size. The ditch designs using a generic size and shape and a volume has been given, but no confirmation of the ditch's ability to handle and treat flows was given, based on site specific sub-watersheds and ditch locations. No BTCA plan has been submitted, as a separate document, as requested by the Division.

Condition R614-301-731.121 (1) (TM)

1. Keyways placed in the structures must be adequate to pass the 10 year-6 hour peak flow. A verification of this can be demonstrated by using the weir equation if the shape of the opening represents a side contracted weir or V-notch weir.
2. No calculations have been presented for the capacity of contour furrows to handle the 10 year-24 hour storm volume on a per-watershed area basis. This can be considered a generic calculation applicable to all reclaimed areas but would dictate frequency and location of contour furrows as a BTCA measure during reclamation shown on the appropriate plates.
3. This condition is addressed as part of the study plan for the Reclamation Test Plots.

Condition R614-301-742.220 (1) (TM)

1. This is adequately addressed.
2. This is adequately addressed.
3. The operator has not provided a discussion of how sediment levels are monitored in the pond and the frequency of this monitoring.
4. This response does not meet the requirements of the rules based on the explanation given. Grouted riprap is capable of withstanding a certain velocity based on installation method and materials used. A proof of this is required to determine stability of the materials used and spillway design.

Condition R614-301-742.300 (1) (TM)

Figure 6 does not meet the certification requirements of the rules and lacks the specificity to show culverts or ditches by number corresponding to the text. Plate 3-8 must show all hydrologic structures numbered corresponding to calculations in the text. There are ditches and culverts shown on Plate 3-8 not identified by number in the text. Please correct this Plate and make the appropriate changes to identify all hydrologic structures in the text.



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

December 11, 1991

TO: Pamela Grubaugh-Littig, Permit Supervisor

FROM: Thomas Munson, Senior Reclamation Hydrologist *TM*

RE: Permit Conditions, Five-Year Renewal, PacifiCorp Electric Operations, Des-Bee-Dove Mine, ACT/015/017, Folder #2, Emery County, Utah

Synopsis

The Division received a response to the permit conditions on August 15, 1991, and this memo reviews the adequacy of the operator's response. This has taken time because of the test plot meetings and finalization of future plans regarding the haul road. See Pamela Grubaugh-Littig's memo entitled "Outline of Meeting and Field Visit for the Des-Bee-Dove Haul Road Reclamation Study" dated December 4, 1991. A deadline of January 31, 1992 was mentioned in this memo to have a map submitted delineating the study area and a narrative describing the history and proposal of this erosion control study.

Analysis

Review of Conditions:

1. Condition R614-301-728 (1) (TM)

A memo dated August 14, 1991 was sent to the Division regarding a detailed sampling plan for the Des-Bee-Dove Test Plots. The basic methodologies in this plan are approved with a recommendation for isolation of the test plots using 2" X 10" boards to separate runoff by treatment. The water leaving the plots could conceivably be collected in water troughs and analyzed after each storm, because the depth of water leaving the plots would not be sufficient enough to operate a single-stage sampler, therefore, making single stage samplers undesirable.

Required Action

The operator will be required, in the new proposal submitted on January 31, 1992, to redescribe the set-up of plots and the modification of the water sampling scheme to eliminate single-stage samplers and incorporate a total runoff collection system to ascertain runoff amount and quality. If refinements of the methodologies proposed in the January 31, 1992 submittal need to be discussed between the Division and the operator, please feel free to contact the Division. The use of a recording rain gauge is essential to determine rainfall/runoff relationships and is considered essential to the study.

2. Condition R614-301-731 (1) (TM)

Pages 4-88.1 and 4-89 include a discussion of using a two-inch blanket of mulch with vexar netting and contour furrows as a erosion control treatment.

Required Action

The operator needs to provide a runoff calculation to verify the adequacy of this design based on sub-watershed size. The ditch designs using a generic size and shape and a volume has been given, but no confirmation of the ditch's ability to handle and treat flows was given, based on site specific sub-watersheds and ditch locations. No BTCA plan has been submitted, as a separate document, as requested by the Division and must be to fulfill the requirement of this condition.

3. Condition R614-301-731.121 (1) (TM)

1. This is adequately addressed.
2. No calculations have been presented for the capacity of contour furrows to handle the 10 year-24 hour storm volume on a per-watershed area basis. This can be considered a generic calculation applicable to all reclaimed areas but would dictate frequency and location of contour furrows as a BTCA measure during reclamation shown on the appropriate plates.
3. This condition is addressed as part of the study plan for the Reclamation Test Plots.

Required Action

Parts 2 and 3 must be adequately addressed to fulfill this condition.

4. Condition R614-301-742.220 (1) (TM)

1. This is adequately addressed.
2. This is adequately addressed.
3. The operator has not provided a discussion of how sediment levels are monitored in the pond and the frequency of this monitoring.
4. This response does not meet the requirements of the rules based on the explanation given. Grouted riprap is capable of withstanding a certain velocity based on installation method and materials used. A proof of this is required to determine stability of the materials used and spillway design.

Required Action

Parts 3 and 4 must be adequately addressed to fulfill this condition.

5. Condition R614-301-742.300 (1) (TM)

Required Action

Figure 6 does not meet the certification requirements of the rules and lacks the specificity to show culverts or ditches by number corresponding to the text. Plate 3-8 must show all hydrologic structures numbered corresponding to calculations in the text. There are ditches and culverts shown on Plate 3-8 not identified by number in the text. Please correct this Plate and make the appropriate changes to identify all hydrologic structures in the text.



PACIFICORP
ELECTRIC OPERATIONS

ONE UTAH CENTER

201 SOUTH MAIN • SUITE 2100 • SALT LAKE CITY, UTAH 84140-0021 • (801) 220-2000

*Act/015/017 #2
Copy Henry, Jesse, Tom
and PAM*

August 15, 1991

RECEIVED

AUG 15 1991

**Ms. Pamela Grubaugh-Littig
Permit Supervisor
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203**

**DIVISION OF
OIL GAS & MINING**

RE: PERMIT CONDITIONS, FIVE-YEAR RENEWAL, PACIFICORP ELECTRIC OPERATIONS, DES BEE DOVE MINE, ACT/015/017, EMERY COUNTY, UTAH

Dear Ms. Littig:

Enclosed please find one (1) copy of PacifiCorp's response to the above referenced Permit Conditions.

Each condition is addressed in the order which it appears in Attachment A of the Permit issued May 31, 1991 as follows:

CONDITION R614-301-233-(1) (HS)

Soil samples have been collected from the five major fills within the mine area as directed. However, the laboratory analyses have not been received to date. Upon receipt, the results will be submitted to the Division to update the information found on Pages 4-58 through 4-60. The data will be evaluated against that found on Pages 2-183 through 2-188 to assess the fill material -vs- surrounding native materials as plant growth media.

Concerning reclamation of the Haul Road between stations 165+00 and 243+18, please refer to Page 4-87.1 and 4-87.2 which are to be added to the PAP.

CONDITION R614-301-514.300-(1) (JK)

- 1. See Page 3-20, revised 8/15/91.**
- 2. See Page 3-20, revised 8/15/91.**

3. See Page 3-20, revised 8/15/91.

CONDITION R614-301-542.300-(1) (JK)

1. See Map CM-10392-DS, Packet 3-10, revised 8/13/91.
2. See Map CM-10393-DS, Sheet 2 of 5, Packet 4-1, revised 7/26/91.
3. See Map CM-10393-DS, Sheet 5 of 5, Packet 4-1, redrawn 7/10/91.
4. See Map CM-10393-DS, Sheet 4 of 5, Packet 4-1, redrawn 8/13/91.
5. See Page 4-6, revised 8/15/91.

The following pages are also affected by this revision: 4-102, 4-103, 4-111, 4-115 and 4-125.

CONDITION R614-301-728-(1) (TM)

The proposed Reclamation Study for the Des Bee Dove Haul Road is presently being reviewed by the Division's Technical Staff. Revisions to the proposal are expected to result from that review. Additionally, PacifiCorp has been directed, by the Division (letter from Pamela Grubaugh-Littig to Blake Webster, July 17, 1991), to initiate activities which are also likely to result in changes to the study. Therefore, inclusion of the requested information in the PAP, at this time, seems premature. The condition items will be addressed as part of the ongoing study activities and dialogue. Upon approval, the finalized study proposal will be submitted to the Division as an update to the current Appendix XVI.

The attached memo, from Charles Semborski to Val Payne, contains suggested revisions to the study proposal. This material is provided for informational purposes and should be reviewed as part of the overall proposal review process.

CONDITION R614-301-731-(1) (TM)

See Pages 4-88.1 added 8/15/91 and 4-89, revised 8/15/91 and 3-42.1 and 3-42.2 added 8/15/91.

CONDITION R614-301-731.121-(1) (TM)

1. See Pages 3-42.1 and 3-42.2, added 8/15/91.
2. See Pages 4-88.1 added 8/15/91 and 4-89, revised 8/15/91.
3. This condition addresses the Reclamation Study proposal discussed previously under Condition R614-301-728-(1) (TM).

CONDITION R614-301-731.700-(1) (TM)

See Map CE-10478-EM, Packet HM1, Volume 9, updated 4/2/91, and Map CE-10866-EM, Packet HM5, Volume 9, updated 8/19/90.

CONDITION R614-301-742.220-(1) (TM)

Drawing CM-10555-DS, Sheets 1 of 2 and 2 of 2, Appendix VIII are replaced by Drawing CM-10868-DS, 6/13/91.

Drawings 01-52-1-015 and 01-52-1-016, Appendix VIII are replaced by Drawing CM-10833-DS, revised 6/19/91.

1. See Map CM-10868-DS, Appendix VIII.
2. See Pages 3-54, revised 8/15/91.
3. See Page 3-54, revised 8/15/91.
Page 3-55 is also affected by the above revisions.
4. The open channel spillway is a grouted rip-rap structure designed as an emergency spillway for flows of short duration; therefore, rip-rap sizing is not applicable.

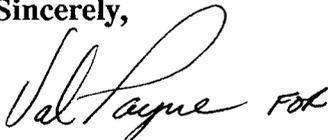
CONDITION R614-301-742.300-(1) (TM)

See materials (17 pages) identified as Appendix XII, added 8/15/91.

Please direct any questions regarding this submittal to me at 220-4584 or to the Huntington Field Office staff at 653-2312.

Upon approval the required additional copies will be provided.

Sincerely,



J. Blake Webster
Permitting Administrator

VP/dw
Enclosure

cc: G. Davis
J. Pollock
C. Semborski

Des Bee Dove Meeting 11/12/91

Name	Agency
Bill Malenck	DOGM
Kenny Bauer	DOGM
George S. Cook	Soil Con. Service
Leland D. Bauer	Soil Con. Service
Susan White	DOGM
Ken Wyatt	DOGM
YAL PAYNE	PACIFICORP
CHLE GRANSE	ENERGY WEST
DENNIS LORWOOD	EXTENSION SERVICE - STATE
Jess Kelley	DOGM
Guy DAVIS	PAUPCORP

From: Jim Carter (JCARTER)
To: PGRUBAUGH-LITTIG
Date: Friday, January 21, 1994 10:28 am
Subject: Des-Bee-Dove -Reply

If OSM vacates the NOV and issues a TDN, We'll respond accordingly. They will then have to find our response arbitrary and capricious before ordering a federal inspection and issuing a new NOV. If we believe their determination of arbitrary and capricious is unfounded, we'll sue to get a judicial interpretation of "arbitrary and capricious" Simple, see?



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

November 4, 1991

TO: File

FROM: Pamela Grubaugh-Littig, Permit Supervisor *pgl*

Re: Task Force, Des-Bee-Dove Mine, PacifiCorp Electric Operations, ACT/015/018, Folder #2, Emery County, Utah

Mr. Guy Davis, PacifiCorp Electric Operations, called me on November 4, 1991 to confirm the meeting of the task force to study the reclamation of the Des-Bee-Dove haul road. In attendance there is scheduled to be:

Mr. Dennis Warwood	County Extension Service
Mr. George Cook	Soil Conservation Service
Mr. Leland Lesser	Soil Conservation Service
Ms. Susan White	Division of Oil, Gas, and Mining (DOGM)
Mr. Henry Sauer	DOGM
Mr. Bill Malencik	DOGM
Mr. Jesse Kelley	DOGM
Mr. Tom Munson	DOGM

I called Mr. Steve Rathbun (OSM-AFO) on November 4, 1991 to invite the Albuquerque Field Office to the task force meeting. Mr. Henry Sauer called Mr. Scott Fisher (OSM-WTC, Denver) on November 4, 1991 to also invite him. They may tentatively attend.

Mr. Guy Davis said that the Price Office of the BLM may also have someone in attendance.



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor

Dee C. Hansen
Executive Director

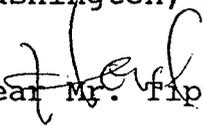
Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

August 5, 1991

CERTIFIED RETURN RECEIPT REQUESTED
No. 540 713 848

Mr. W. Hord Tipton
Deputy Director
Office of Surface Mining
Department of the Interior
1951 Constitution Avenue, N.W.
Washington, D.C. 20240


Dear Mr. Tipton:

Re: Ten-Day Notice 91-02-370-004-TV1, Des-Bee-Dove, ACT/015/017,
Folder #5, PacifiCorp Electric Operations, Emery County,
Utah

The above-referenced TDN was issued for "failure to control or prevent erosion, the section of the haul road through the Mancos shale layer below the belt line runoff control." In discussions held during the inspection resulting in the TDN, OSM's inspector was fully appraised of remedial action proposed by the Division to address the situation in the field. The Division inspector was given the impression during and subsequent to the inspection that OSM's inspector was in concurrence with these actions. This impression of support by OSM dictated the nature of the Division's July 17 TDN response.

However, subsequent to receipt of the AFO's July 26 letter indicating that the agreed upon steps to resolve the erosion problem were inappropriate without issuance of a violation, the Division issued NOV 91-20-2-1, for "failure to prevent or control erosion...." R614-301-752.210. Therefore, it is the Division's position that it responded appropriately during the inspection and in the issuance of the NOV. The TDN should be vacated.

LPB
Pam
DRJ
Pfc



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
SUITE 310
625 SILVER AVENUE, S.W.
ALBUQUERQUE, NEW MEXICO 87102

In Reply Refer To:

July 26, 1991

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
P 965 799 199

RECEIVED
JUL 29 1991

DIVISION OF
OIL GAS & MINING

Mr. Lowell P. Braxton
Associate Director, Mining
Division of Oil, Gas and Mining
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, UT 84180-1203

Re: Ten-Day Notice (TDN) 91-02-370-004 TV1, Des-Bee-Dove Mine, ACT/015/017

Dear Mr. Braxton:

The Albuquerque Field Office (AFO) received your response to the above-referenced TDN on July 18, 1991. AFO has reviewed the Division of Oil, Gas and Mining's (DOGM) response and has found it to be inappropriate.

The TDN was issued for a violation of the performance standards found in DOGM's regulations at R614-301-752.210. This regulation is under the Road Drainage regulations and reads, "Control or prevent erosion, siltation and the air pollution attendant to erosion by vegetating or otherwise stabilizing all exposed surfaces in accordance with current, prudent engineering practices; * * *." The part of the road cited did not have any sediment control measures; e.g., vegetation, tackifier, terraces, etc., implemented on the slopes. Erosion features measured as deep as 48 inches. Because the operator had not taken any actions to control or prevent the erosion, a violation of the performance standard exists. DOGM is required by regulation and the new DOGM Inspection and Enforcement policy to issue an enforcement action if a violation of the performance standards is observed during or as a result of an inspection. The measures proposed by DOGM to address the violation may be adequate as abatement measures incorporated in a Notice of Violation (NOV). Without the issuance of an NOV, however, AFO finds the response to be inappropriate. For clarification, approximately half of the road does not drain to a sedimentation pond. The location cited in the TDN is part of the road that does not drain to a sedimentation pond.

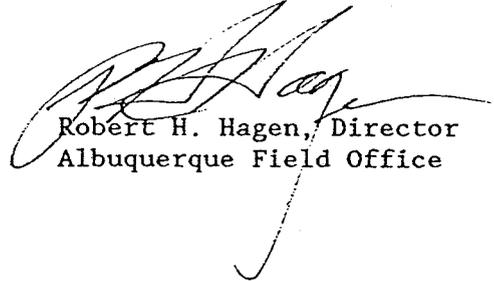
If you disagree with this finding, you may request an informal review in accordance with 30 CFR 842.11(b)(1)(iii)(A). The request may be filed at this office or with the Deputy Director, Office of Surface Mining

Mr. Lowell P. Braxton

2

Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC, 20240. Your request must be received within 5 days of receipt of this letter. A Federal inspection may be conducted after the 5-day appeal time has elapsed unless an informal review is requested.

Sincerely,

A handwritten signature in black ink, appearing to read "R. H. Hagen", is written over the typed name. The signature is fluid and cursive, with a long, sweeping underline that extends to the right and then curves back down.

Robert H. Hagen, Director
Albuquerque Field Office

file on
LFB
Pam
DRA
PFO



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
SUITE 310
625 SILVER AVENUE, S.W.
ALBUQUERQUE, NEW MEXICO 87102



In Reply Refer To:

July 26, 1991

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
P 965 799 199

RECEIVED

JUL 29 1991

DIVISION OF
OIL GAS & MINING

Mr. Lowell P. Braxton
Associate Director, Mining
Division of Oil, Gas and Mining
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, UT 84180-1203

Re: Ten-Day Notice (TDN) 91-02-370-004 TV1, Des-Bee-Dove Mine, ACT/015/017

Dear Mr. Braxton:

The Albuquerque Field Office (AFO) received your response to the above-referenced TDN on July 18, 1991. AFO has reviewed the Division of Oil, Gas and Mining's (DOGM) response and has found it to be inappropriate.

The TDN was issued for a violation of the performance standards found in DOGM's regulations at R614-301-752.210. This regulation is under the Road Drainage regulations and reads, "Control or prevent erosion, siltation and the air pollution attendant to erosion by vegetating or otherwise stabilizing all exposed surfaces in accordance with current, prudent engineering practices; * * *." The part of the road cited did not have any sediment control measures; e.g., vegetation, tackifier, terraces, etc., implemented on the slopes. Erosion features measured as deep as 48 inches. Because the operator had not taken any actions to control or prevent the erosion, a violation of the performance standard exists. DOGM is required by regulation and the new DOGM Inspection and Enforcement policy to issue an enforcement action if a violation of the performance standards is observed during or as a result of an inspection. The measures proposed by DOGM to address the violation may be adequate as abatement measures incorporated in a Notice of Violation (NOV). Without the issuance of an NOV, however, AFO finds the response to be inappropriate. For clarification, approximately half of the road does not drain to a sedimentation pond. The location cited in the TDN is part of the road that does not drain to a sedimentation pond.

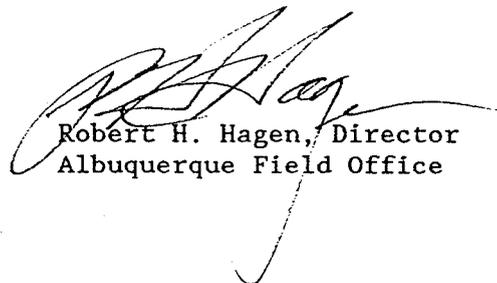
If you disagree with this finding, you may request an informal review in accordance with 30 CFR 842.11(b)(1)(iii)(A). The request may be filed at this office or with the Deputy Director, Office of Surface Mining

Mr. Lowell P. Braxton

2

Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC, 20240. Your request must be received within 5 days of receipt of this letter. A Federal inspection may be conducted after the 5-day appeal time has elapsed unless an informal review is requested.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. H. Hagen', is written over the typed name. The signature is fluid and cursive, with a long, sweeping underline that extends to the right and then loops back down.

Robert H. Hagen, Director
Albuquerque Field Office



UTAH
NATURAL RESOURCES
Oil, Gas & Mining

3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

John Page

VACATION/TERMINATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Pacific Corp Electric Operations
Mailing Address 324 S. State St. P.O. Box 26128, Salt Lake City, Ut. 84126-0128
State Permit No. ACT/015/017 Des Bee Dowe Mine

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., Utah Code Annotated (1953):

Notice of Violation No. N 91-20-2-1 as amended dated 8/8/91, 19__.

Cessation Order No. C N/A dated N/A, 19__.

Part 1 of 1 is vacated terminated because permittee has completed selected erosion control measures as required in the abatement or required remedial action.

Part ___ of ___ is vacated terminated because N/A

Part ___ of ___ is vacated terminated because N/A.

Date of service/ mailing 11/8/91 Time of service/ mailing 1 a.m. p.m.

Guy Davis
Permittee/Operator representative.

Environmental Engineer
Title

Guy Davis
Signature

Wm. J Malencik
Division of Oil, Gas & Mining

Rec Spec
Title
#26

Wm. J Malencik
Signature
11/8/91



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangert
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

November 1, 1991

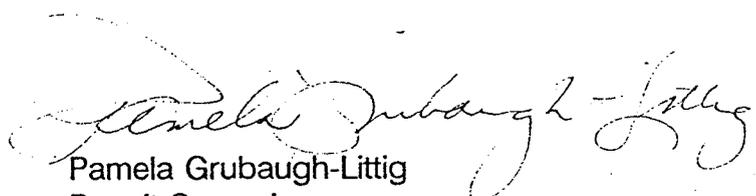
Mr. Blake Webster
PacifiCorp Electric Operations
Fuel Resources
One Utah Center; Suite 2100
210 South Main
Salt Lake City, Utah 84140-2100

Dear Mr. Webster:

Re: Approval of Abatement of NOV #N91-20-2-1, Des-Bee-Dove Mine, PacifiCorp Electric Operations, ACT/015/017, Folder #3 and #5, Emery County, Utah

Design specifications for the installation of waterbars and a berm have been reviewed and approved, effective October 31, 1991, conditioned upon submittal of certified design drawings.

Sincerely,


Pamela Grubaugh-Littig
Permit Supervisor

PGL/jbe



PACIFICORP
ELECTRIC OPERATIONS

ONE UTAH CENTER

201 SOUTH MAIN • SUITE 2100 • SALT LAKE CITY, UTAH 84140-0021 • (801) 220-2000

October 7, 1991

Ms. Pamela Grubaugh-Littig
Permit Supervisor
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

RE: NOV 91-20-2-1 MODIFICATION ABATEMENT PLAN, PACIFICORP ELECTRIC OPERATIONS, DES BEE DOVE MINE, ACT/015/017 #2

Dear Pamela:

I am enclosing the runoff volume calculations and installation summary of the proposed waterbar containment of the Des Bee Dove haul road pad. Your timely response is appreciated in order to complete the abatement prior to the November 8, 1991 deadline.

If there are any questions, please call Guy Davis at 653-2312 or me at 220-4584.

Sincerely,

A handwritten signature in cursive script that reads "Guy Davis (for)".

J. Blake Webster
Permitting Administrator

GD/dw
Enclosure

cc: Larry LaFrentz

A rectangular stamp with the word "RECEIVED" in a bold, outlined, sans-serif font.

OCT 11 1991

DIVISION OF
OIL GAS & MINING

DES BEE DOVE HAUL ROAD PAD CALCULATIONS

RAINFALL TOTAL: 2.0 INCHES (10 YR/24 HR EVENT)
FROM US DEPARTMENT OF COMMERCE, NOAA
ATLAS 2, 1973

CN: 98
FROM SCS NATIONAL ENGINEERING HANDBOOK,
1972, SECTION 4, HYDROLOGY

RAINFALL RUNOFF VOLUME: $Q = \frac{(P - 0.2S)^2}{P + 0.8S}$

WHERE:

P = 2.0 INCHES

$S = \frac{1000 - 10}{CN} = .204$

Q = 1.90 INCH/FT²

PAD AREA = 1.94 ACRES = 84,506 FT²

TOTAL RUNOFF = 13,380 CU.FT.

6.31 FT² OF PAD AREA = 1 CU. FT. RUNOFF
VOLUME

WATERBAR SPACING:

FOR WIDER 1.43 ACRES

AVERAGE WATERBAR LENGTH - 125 FT.

125 FT. WATERBAR WILL HANDLE RUNOFF OF
1712 FT² OF AREA

SPACING OF WATERBARS APPROXIMATELY
EVERY 14 FT.

FOR NARROW .51 ACRES

AVERAGE WATERBAR LENGTH - 25 FT.

25 FT. WATERBAR WILL HANDLE 342 FT² OF AREA

SPACING OF WATERBARS APPROXIMATELY
EVERY 14'

INSTALLATION SUMMARY:

WATERBAR INSTALLATION:

Waterbars will be cut to a 1.0 ft. depth at 14 ft. spacing. The cut material will be bermed on the west edge of the cut. (See Typical Cross-Section.) Waterbars will be cut with no slope to contain the 10 yr/24 hr event. Waterbars will begin near the outside edge berm and extend to near the guardrail.

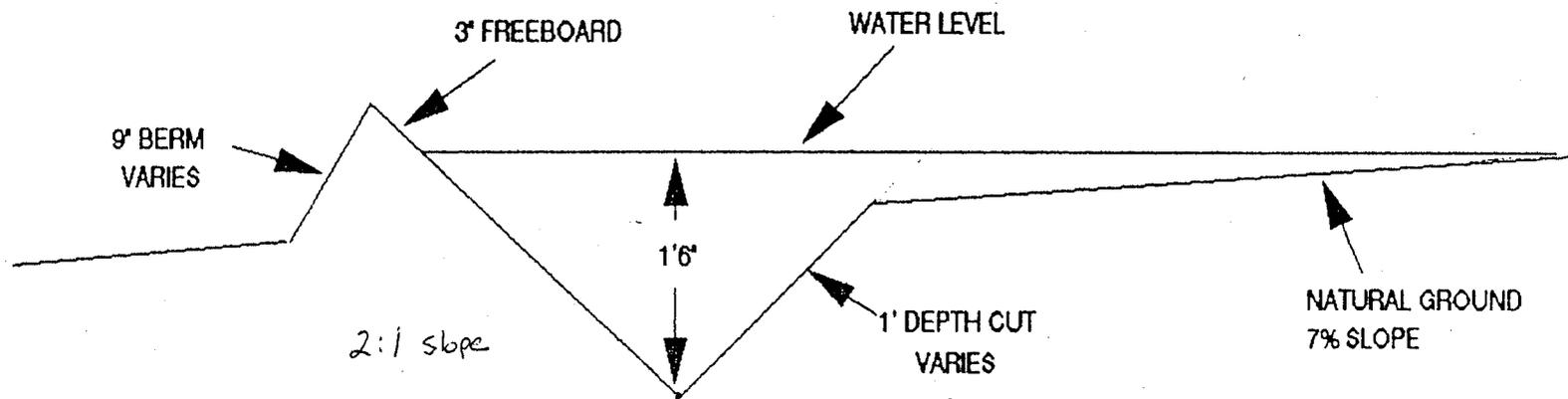
BERM INSTALLATION:

The berm will be installed approximately 6 ft. from the outslope. Equipment can not safely work closer to the outslope than this distance. Berm will be approximately 2 ft. high. (See Typical Cross-Section.)

SEEDING:

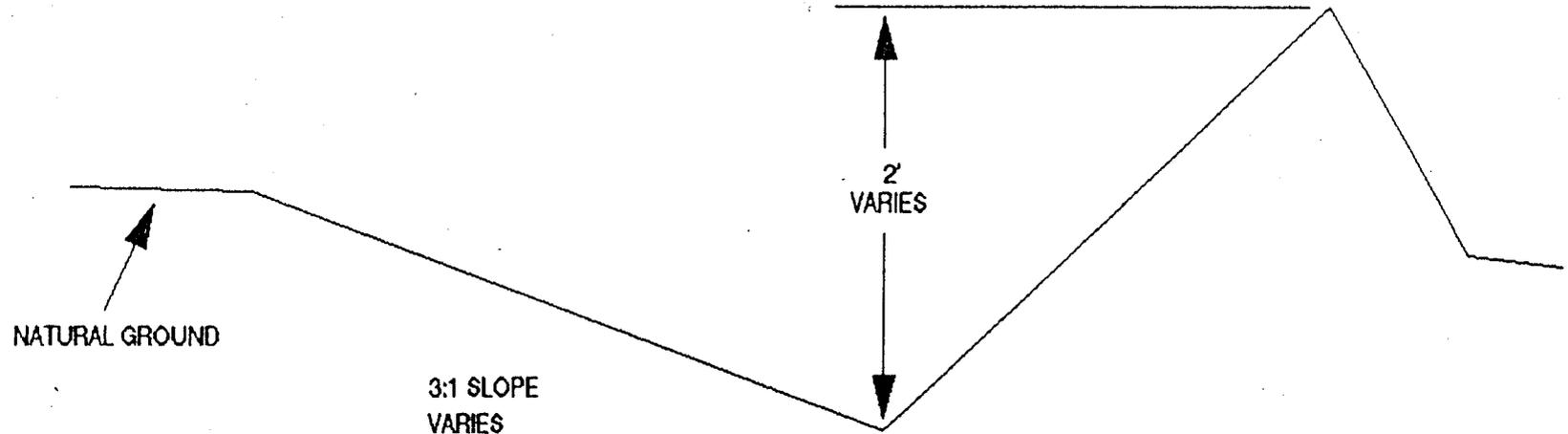
The berm and waterbars will be seeded with the approved seedmix and seeding method.

DES-BEE-DOVE HAUL ROAD PAD
WATERBAR - TYPICAL CROSS SECTION



* NO SCALE

DES-BEE-DOVE HAUL ROAD PAD
BERM - TYPICAL CROSS SECTION



* NO SCALE



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter

Governor

Dee C. Hansen

Executive Director

Dianne R. Nielson, Ph.D.

Division Director

355 West North Temple

3 Triad Center, Suite 350

Salt Lake City, Utah 84180-1203

801-538-5340

October 2, 1991

TO: File

FROM: Susan M. White, Reclamation Biologist *SMW*

RE: Division of Oil, Gas and Mining with PacifiCorp Electric Operations Meeting, Violation #N91-20-2-1, Des-Bee-Dove Mine, ACT/015/017, Folder #2, Emery County, Utah

A joint DOGM/PacifiCorp meeting was held on October 1, 1991 to satisfy the requirements of a modification to violation N91-20-2-1. The meeting was attended by Bill Malencik (DOGM), Henry Sauer (DOGM), Susan White (DOGM), Guy Davis (PacifiCorp), and Val Payne (PacifiCorp). Val Payne did not participate in the field meeting.

Two main issues were discussed as outlined below:

1. First, a meeting is to be held prior to November 15, 1991. Several state and federal agencies are to be present at the meeting. The meeting is to provide recommendations to stabilize the erosion on the haul road fill slopes through the Mancos Shale. It was discussed that material such as test plot design, methods of past attempts to control erosion, and any other information should be sent to the participants prior to the meeting. The requirements of the Division to show reclamation feasibility can be combined with interim stabilization and discussed at this meeting. Lastly, the participants should agree on a recommendation prior to leaving the meeting. This recommendation would then be sent to the various participating agencies after the meeting for comments.
2. A discussion was held as to some immediate selected erosion control work to be completed by November 8, 1991. This discussion was held in the field. Two items would need to be implemented: first, a berm/ditch at the top of the fill; and second, interseeding of the pad. Several ditch or berm designs were discussed, the final designs are to be reviewed by PacifiCorp and Division engineers. All work is to be completed by November 8, 1991.

jbe

cc: Pamela Grubaugh-Littig
Bill Malencik
Henry Sauer

AT\015017.901

an equal opportunity employer

*Copied "A" Jean
ACT/015/017 #12*

September 5, 1991

Ms. Pamela Grubaugh-Littig
Permit Supervisor
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

**RE: ABATEMENT ON NOV 91-20-2-1, Part 2, PACIFICORP ELECTRIC OPERATIONS,
DES BEE DOVE MINE, ACT/015/017**

Dear Pamela:

I am enclosing as abatement to NOV 91-20-2-1, Part 2, the proposed schedule for an Interim Reclamation/Stabilization Study.

PROJECT PHASES/TASKS

COMPLETION DATE

DESIGN

Literature Review (cont)

11-15-91

Grading
Drainage
Erosion Control
Revegetation
Soil Treatments

Reconvene Investigative Task Force with site visit
Possible Members

11-15-91

Scott Fisher (OSM, by DOGM)
DOGM
Soil Conservation Service
BLM
USU Extension Agent
Operator

RECEIVED

SEP 11 1991

DIVISION OF
OIL GAS & MINING



MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name PacifiCorp Electric Operations

Mailing Address 324 South State P.O. Box 26128 Salt Lake City, UT 84126-0128

State Permit No. ACT/015/017

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 91-20-2-1 dated August 8, 19 91

Cessation Order No. C N/A dated _____, 19 _____

Part 1 of 1 is modified as follows: (a) Remedial Action Required/Additional item added herein. Implement by Nov. 8, 1991 selected erosion control measures identified at a

Reason for modification is joint DOGM/PacifiCorp on site field meeting.

(b) Abatement time on item (2) extended to Nov. 8, 1991.

Part _____ of _____ is modified as follows: _____

Reason for modification is Implement selected erosion control work this fall instead of delaying all work until next spring. For additional rationale refer to reverse side hereof.

Part _____ of _____ is modified as follows: _____

Date of service/ mailing September 20, 1991 Time of service/ mailing 1:00 a.m. p.m.

Date of inspection June 5, 1991

Date NOV was issued - August 8, 1991

Blake Webster

Permittee/Operator representative

Mailed

Signature

Wm. J. Malencik

Division of Oil, Gas & Mining

Signature

Permitting Administrator

Title

Reclamation Specialist

Title



NO. N 91-20-2-1

notice of violation

To the following Permittee or Operator:

Name = PacifiCorp Electric Operations

Mine Des Bee Dove Surface Underground Other

County Emery State Utah Telephone 653-2312

Mailing Address 324 South State P.O. Box 26128 Salt Lake City, UT 84126-0128

State Permit No. ACT/015/017

Ownership Category State Federal Fee Mixed

Date of inspection June 5, 1991

Time of inspection 11:00 a.m. p.m. to 8:00 a.m. p.m.

Operator Name (other than Permittee) Same As Above

Mailing Address Same As Above

Under authority of the Utah Coal Mining and Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated*, 1953, the undersigned authorized representative of the Division of Oil, Gas & Mining has conducted an inspection of above mine on above date and has found violation(s) of the act, regulations or required permit condition(s) listed in attachment(s). This notice constitutes a separate Notice of Violation for each violation listed.

You must abate each of these violations within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

The undersigned representative finds that **cessation of mining** is is not expressly or in practical effect required by this notice. For this purpose, "mining" means extracting coal from the earth or a waste pile, and transporting it within or from the mine site.

This notice shall remain in effect until it expires as provided on reverse side of this form, or is modified, terminated or vacated by written notice of an authorized representative of the director of the Division of Oil, Gas & Mining. Time for abatement may be extended by authorized representative for good cause, if a request is made within a reasonable time before the end of abatement period.

Date of service/ mailing August 8, 1991

Time of service/ mailing 4:00 a.m. p.m.

Blake Webster
Permittee/Operator representative

Permitting Administrator
Title

Signature

William J. Malencik
Division of Oil, Gas & Mining representative

Reclamation Specialist
Title

Signature

#26
Identification Number

SEE REVERSE SIDE

WHITE-DOGM YELLOW-OSM PINK-PERMITTEE/OPERATOR GOLDENROD-NOV FILE

DOGM/NOV-1
cc: Guy Davis

an equal opportunity employer



NOTICE OF VIOLATION NO. N 91-20-2-1

Violation No. 1 of 1

Nature of violation

Failure to prevent or control erosion, siltation, and air pollution attendant to erosion by vegetating or otherwise stabilizing all exposed surfaces in accordance with current, prudent engineering measures.

Provisions of act, regulations or permit violated

R614-301-752.210

Portion of operation to which notice applies

Haul Road:

- (1) Lower guard rail segment west of the belted upper guard rail
- (2) Road, horse shoe shaped outslope above the sediment pond

Remedial action required (including any interim steps)

To DOGM:

- (1) Submit a plan with designs to prevent uncontrolled road surface runoff from discharging on the road outslope
- (2) Submit a plan to further augment existing erosion control measures

Abatement time (including interim steps)

- (1) August 23, 1991 5:00 p.m.
- (2) September 9, 1991 5:00 p.m.

1991 TBN

ADMIN

1991



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

November 6, 1991

Mr. Steve Manger
Office of Surface Mining
Western Technical Center
Brooks Tower
1020 West 15th Street
Denver, Colorado 80202

Dear Mr. Manger:

Re: Request for Mr. Scott Fisher's Attendance

#7
As a means of demonstrating the reclaimability of PacifiCorp's Des-Bee-Dove (ACT/015/017) Haul Road, the permittee has proposed the construction of reclamation test plots. A task force is convening on November 12th and 13th, 1991, near Huntington, Utah to determine the test plot treatment practices employed.

Many state and federal agencies will attend. Therefore, I am requesting Mr. Scott Fisher's attendance at these meetings.

Please respond as soon as possible. Thank you.

Sincerely,

Henry Sauer
Senior Reclamation Soils Specialist

jbe
ATFISHATTD.LTR



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

November 4, 1991

TO: File

FROM: Pamela Grubaugh-Littig, Permit Supervisor *pgl*

Re: Task Force, Des-Bee-Dove Mine, PacifiCorp Electric Operations,
ACT/015/018, Folder #2, Emery County, Utah

Mr. Guy Davis, PacifiCorp Electric Operations, called me on November 4, 1991 to confirm the meeting of the task force to study the reclamation of the Des-Bee-Dove haul road. In attendance there is scheduled to be:

- | | |
|--------------------|---|
| Mr. Dennis Warwood | County Extension Service |
| Mr. George Cook | Soil Conservation Service |
| Mr. Leland Lesser | Soil Conservation Service |
| Ms. Susan White | Division of Oil, Gas, and Mining (DOGM) |
| Mr. Henry Sauer | DOGM |
| Mr. Bill Malencik | DOGM |
| Mr. Jesse Kelley | DOGM |
| Mr. Tom Munson | DOGM |

I called Mr. Steve Rathbun (OSM-AFO) on November 4, 1991 to invite the Albuquerque Field Office to the task force meeting. Mr. Henry Sauer called Mr. Scott Fisher (OSM-WTC, Denver) on November 4, 1991 to also invite him. They may tentatively attend.

Mr. Guy Davis said that the Price Office of the BLM may also have someone in attendance.



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangert
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

December 4, 1991

TO: Des-Bee-Dove Erosion Study and Reclamation Task Force

**Val Payne, PacifiCorp
**Guy Davis, PacifiCorp
**Dale Grange, Energy West
**George S. Cook, Soil Conservation Service
**Leland D. Sasser, Soil Conservation Service
**Dennis Worwood, Extension, USU
**Wayne Luddington, BLM, Price
**Scott Fisher, OSM-TAD, Denver
**Bernie Freeman, OSM, Albuquerque Field Office
**Bill Malencik, DOGM
**Henry Sauer, DOGM
**Susan White, DOGM
**Ken Wyatt, DOGM
**Jesse Kelley, DOGM

FROM: Pamela Grubaugh-Littig, Permit Supervisor *pgl*

RE: Outline of Meeting and Field Visit for the Des-Bee-Dove Haul Road Reclamation Study, Des-Bee-Dove Mine, PacifiCorp Electric Operations, ACT/015/017, Folder #2, Emery County, Utah

A meeting was held on November 12, 1991 at the PacifiCorp Training Center to discuss recommendations relative to the erosion and reclaimability of the Des-Bee-Dove Haul Road. In attendance were representatives from the Soil Conservation Service (George S. Cook and Leland D. Sasser); Utah State University Extension Service (Dennis Worwood); Energy West (Dale Grange); PacifiCorp (Val Payne and Guy Davis); and the Division of Oil, Gas, and Mining (Bill Malencik, Henry Sauer, Susan White, Ken Wyatt, and Jesse Kelley).

An overview of the problem area and what erosion measures have been installed were presented. A two stage test plot system was recommended to screen and gather information on what would and would not work. The task force may recommend at the discretion of the Division.

Page 2
Task Force
ACT/015/017
December 4, 1991

Test Plot Stage I - This stage would take an estimated three to five years, or until definitive results have been ascertained. Testing procedures would be implemented during the field season of 1992 on a portion of the two-acre site. Determinations would be made as to what measures and successful and what failed.

Test Plot Stage II - This stage would be implemented after the results of Test Stage I are finalized. This plot would implement successful measures on the steep outslope test plot that would provide information for further interim and final reclamation.

By copy of this memo, PacifiCorp will submit to the Division by January 31, 1992, a map to delineate the study area where erosion studies will be conducted. In addition to the map, a narrative will be submitted that describes the history and proposal of this erosion control study. Pacificorp will also submit the results of these test plots as part of the annual report.

If you have any comments now or in the future about this study, please do not hesitate to call me. We appreciate your time and thoughtful insights in this study.

pgl
AT 015017HR



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

October 25, 1991

TO: File

FROM: Henry Sauer, Senior Reclamation Soils Specialist 

RE: Test Plot Treatment Proposal, PacifiCorp Electric Operations, Des-Bee-Dove Mine, ACT/015/017, Folder #2, Emery County, Utah

Synopsis

As a means of demonstrating the reclaimability of the Des-Bee-Dove Haul Road fill between stations 131+00 and 142+00 (Permit Application Package, Plate 5-5), the permittee has proposed to conduct field site trials (test plots). The following analysis is a brief overview which summarizes physiochemical characteristics of the proposed plant growth medium, the plant growth limiting factors, the treatment methodologies proposed and a brief explanation of the theoretical basis for the treatments.

For the sake of convenience, the fill material proposed as plant growth medium for final reclamation will be designated as 'topsoil.'

Analysis

Environment

The 'topsoil' is side cast fill (slope Δ angle = 50% - 65%) placed subsequent to haul road construction. Slope aspect ranges from south to southeast. Precipitation at higher elevations on the plateau (approximately 10,000 feet above sea level) averages 15 inches per year. The majority of which is winter precipitation in the form of snow. The Haul Road and environs are on the rain shadow, eastern side of the Wasatch Plateau and at an elevation of approximately 7,000 feet. Therefore, precipitation is substantially less than on top of the Plateau and "effective precipitation" is estimated at approximately 4 to 5 inches per year.

Physiochemical Characteristics

The 'topsoil' is slightly altered Mancos Shale. The soils on undisturbed Mancos fillslopes are classified as Loamy Skeletal, Shallow Lithic Ustorthents. The

geological unit is a pelitic cretaceous aged marine shale, with a high percentage (i.e., between 40 and 60 percent) of mixed-layered illite-smectite clay. Carbonate content ranges between 4 and 15 percent. Soluble mineral salts composed of the cations sodium, calcium and magnesium, and the anions chloride and sulfate dominate the soil solution which results in elevated electrical conductivities. Soil dispersion is caused by sodium ion dominated exchange sites and swelling of clay which deteriorate soil structure and reduce the availability of other essential elements (laboratory analyses, see attachments). Additional soil analysis will be conducted prior to test plot implementation to ascertain amendment and fertilization requirements.

Limiting Factors

One of the major limiting factors of this 'topsoil' to plant growth is poor physical structure which reduces aeration, water infiltration, and permeability and increases surface crusting, compaction, surface runoff, erosion, and upward salt migration.

Another major limiting factor is sufficient soluble salts in the soil to interfere with the growth of desirable vegetation by reducing the availability of soil water to plants.

Other limiting factors are severe slope angles, long uninterrupted slope length, high evapotranspiration potential and low annual precipitation.

Proposed Treatments and Theoretical Basis

Lands disturbed by coal mining activities where Mancos Shale has been disturbed are difficult to reclaim because of the adverse physiochemical properties of the spoil/soil material and the arid/semiarid climate of the area. Reclamation of Mancos Shale has met with limited success. Therefore, spoil/soil modifications are essential for successful revegetation of these sodic, saline, high clay content material.

As one means of amending these materials, the Division is proposing the use of sulfuric acid (H_2SO_4) in combination with incorporated organic amendments (i.e., woodchips and hay). It is estimated that these treatments should result in short term (organic amendments) and long term (inorganic amendments) improvement of the 'topsoil' physical characteristics through the replacement and leaching of sodium under natural precipitation conditions.

The function of H_2SO_4 is to solubilize natural alkaline earth carbonates (i.e., $CaCO_3$) inherently present in the 'topsoil' and produce gypsum according to the following reaction:



Gypsum then disassociates so that calcium can displace sodium from the cation exchanges capacity (X) by the following reactions:



As a secondary and/or primary effect, the H_2SO_4 may solubilize aluminum and iron from silicate clay minerals. Both Al^{+3} and $Al(OH)^{+2}$ serve to displace Na^+ from the cation exchange sites, which caused a decreased sodium absorption ration.

The effects of inorganic amendmets, especially in this arid/semiarid environment, will not be immediate. Therefore, organic amendmets must be employed to stabilize and protect the 'topsoil' and temporarily mitigate the poor physical conditions of the 'topsoil.'

Amendment application rates are tentative at this time. Additional soil analysis will be required and possibly column leach studies to determine H_2SO_4 purity and application feasibility and affect on exchange complex.

H_2SO_4 amendment recommendations will be based on the following:

- 1) Initial Exchangeable Sodium Percent (ESP) → Desired ESP
- 2) Cation Exchange Capacity
- 3) Elemental Concentration of H_2SO_4 and solubility
- 4) Incomplete Exchanges Reaction Factor ≈ 1.25
- 5) Sulfur equivalent to replace Na/100g soil ≈ 0.32 Tons S/Acre-Foot/1meq Na
- 6) Plot Size
- 7) Column Study

BIBLIOGRAPHY

- Dollhopf, D.J., R.B. Rennick, and S.C. Smith, Long-Term Effects of Physicochemical Amendments on Plant Performance at a Bentonite Minesite in the Northern Great Plains, Montana Department of State Lands, Helena, 1988
- Schuman, Gerald E., Ernest M. Taylor, Jr., James L. Meining, and Scott E. Belden, Role of Organic and Inorganic Amendments in Reclaiming Bentonite Spoils, Proceedings: Symposium on Evolution of Abandoned Mine Land Technologies, Riverton, Wyoming, June 1989
- United States Department of Agriculture, Diagnosis and Improvement of Saline and Alkali Soils, Agriculture Handbook No. 60, February 1954
- Williams, R. Dean, and Gerald E. Schuman, Reclaiming mine soils and overburden in the western United States, Analytic parameters and procedures, Soil Conservation Society of America, 1987

DES-DES-COUB HAUL ROAD

APRIL 1, 1985

FOR:
 UTAH POWER & LIGHT CO.
 MINING & EXPLORATION DEPT.
 801 899
 SALT LAKE CITY, UT 84110

BY:
 XPI SOIL TESTING/PLANT TISSUE
 ANALYSIS LABORATORY
 417 WAKARA WAY
 SALT LAKE CITY, UT 84108

ATTEN: MR. CHRIS SHINGLETON

VON ISAMAX (801) 582-0144 EXT. 371

SAMPLE No.	pH	EC mhos/cm	Sand (%)	Silt (%)	Clay (%)	Texture Class *	Ca (meq/l)	Mg (meq/l)	Na (meq/l)	SAR
1 DH 2	8.12	9.5	35.28	26.72	38	CL	22	15	121	26
1 DH 4	7.82	9.98	22	34.56	43.44	C	22	19	127	28
1 DH 6	8.21	10.58	37.28	28	34.72	CL	30	28	162	30
1 DH 8	8.08	7.58	39.28	30.72	30	CL	28	33	71	13
1 DH 10	8.08	8.55	30	28.56	41.44	C	24	22	163	21
1 DH 12	8.01	10.79	43.28	26.72	30	CL	24	15	151	34
1 DH 14	7.82	10.14	45.28	25.28	29.44	SCL	23	18	139	31
1 DH 16	8.17	8.78	30	31.28	38.72	CL	28	37	104	18
1 DH 18	7.87	8.03	41.28	26.72	32	CL	24	20	81	17
1 DH 20	7.72	8.68	47.28	24	28.72	SCL	27	22	95	19
1 DH 22	7.78	7.68	47.28	22.72	30	SCL	25	23	67	14
1 DH 24	7.98	7.29	49.28	22.72	28	SCL	27	22	68	14
1 DH 26	7.78	8.12	51.28	22.72	26	SCL	26	22	75	15
1 DH 28	8.05	7.14	47.44	19.84	32.72	SCL	32	27	72	13
1 DH 30	7.72	8.18	55.28	16.72	28	SCL	24	24	74	15
2 DH 2	7.88	9.02	39.28	30	30.72	CL	23	18	113	25
2 DH 4	7.86	10.36	47.28	23.28	29.44	SCL	22	13	126	30
2 DH 6	8.59	9.62	51.28	23.28	25.44	SCL	24	10	131	32
2 DH 8	8.01	10.03	49.28	25.28	25.44	SCL	22	9	157	40
2 DH 10	7.88	9.84	48.16	23.84	28	SCL	39	32	132	22
2 DH 12	8.02	10.05	39.44	25.84	34.72	CL	30	42	127	21
2 DH 14	8.05	10.81	37.28	30	32.72	CL	23	20	142	30
2 DH 16	8.68	10.64	43.76	24.96	31.28	CL	23	19	140	30
2 DH 18	8.02	10.61	45.76	20.96	33.28	SCL	22	18	136	30
2 DH 20	7.98	9.44	45.44	24.56	30	SCL	26	51	123	20
2 DH 22	7.97	8.95	48.88	21.12	30	CL	35	48	112	17
2 DH 24	8.01	9.36	53.76	17.68	28.56	SCL	23	16	124	28
2 DH 26	7.81	9.61	52.48	21.68	25.84	SCL	23	17	117	26
2 DH 28	8.05	10.03	50.48	20.96	28.56	SCL	22	15	131	30
2 DH 30	7.81	9.52	50.48	21.68	27.84	SCL	24	15	128	29
2 DH 32	7.83	10.24	52.48	21.68	25.84	SCL	23	14	128	30
2 DH 34	7.89	10.45	56.48	21.68	21.84	SCL	24	16	139	31
2 DH 36	7.86	10.78	58.48	19.68	21.84	SCL	24	16	134	30
2 DH 38	7.98	9.23	38.88	29.12	32	CL	28	47	141	30

*C = CLAY CL = CLAY LOAM L = LOAM LS = LOAMY SAND S = SAND SC = SANDY CLAY SCL = SANDY CLAY LOAM SL = SILTY LOAM
 SI = SILT SIC = SILTY CLAY SICL = SILTY CLAY LOAM SII = SILTY LOAM

SAMPLE No.	pH	EC mehos/cm	Sand (%)	Silt (%)	Clay (%)	Texture Class #	Ca (meq/l)	Mg (meq/l)	Na (meq/l)	SAR
3 DH 2	8.13	4.36	47.44	30.56	22	L	26	34	28	5
3 DH 4	8.12	5.73	45.44	32.56	22	L	35	21	28	5
3 DH 6	8.18	5.62	55.2	26.96	17.84	SL	30	30	27	5
3 DH 8	8.24	6.92	49.44	25.84	24.72	SCL	26	49	37	6
3 DH 10	8.04	6.74	57.2	22.96	19.84	SL	26	34	34	6
3 DH 12	8.07	5.89	55.2	24.96	19.84	SL	28	30	32	6
3 DH 14	8.02	5.63	57.2	22.96	19.84	SL	26	30	30	6
3 DH 16	8.01	5.36	56.48	22.96	20.56	SCL	28	28	28	5
4 DH 2	8.85	2.61	59.28	23.28	17.44	SL	3	33	24	6
4 DH 4	8.14	9.21	53.44	25.84	20.72	SCL	22	17	63	14
4 DH 6	8.06	9.13	49.44	27.12	23.44	SCL	45	41	44	7
4 DH 8	8.15	6.01	47.44	29.84	22.72	L	28	35	24	4
4 DH 10	8.28	6.37	60	22	18	SL	26	30	38	7
4 DH 12	8.16	6.17	48	28	24	SCL	27	32	34	6
4 DH 14	8.22	6.21	50.72	26	23.28	SCL	41	33	33	5
4 DH 16	8.04	5.92	46.88	28.56	24.56	L	27	33	31	6

*C =CLAY CL=CLAY LOAM L=LOAM LS=LOAMY SAND S= SAND SC=SANDY CLAY SCL=SANDY CLAY LOAM SL=SANDY LOAM
SI=SILT SIC=SILTY CLAY SICL=SILTY CLAY LOAM SIL=SILTY LOAM

Client : Utah Power & Light Co. -Mining Div.
Address : P.O. Box 310
Huntington, UT 84528
Attn. : Val Payne
Project : JS314734

Sample Matrix: Soil
Sample ID: SS4A
Sample Date Time: Unknown

Lab No. : 90-SI/00211
Date Received: 03/16/90

Parameters

Saturation %	46.	%	
pH, saturated paste	8.3	units	1
Conductivity, sat. paste	22.00	mmhos/cm	1
Calcium, soluble	17.3	meq/l	1
Magnesium, soluble	232.8	meq/l	1
Sodium, soluble	257.5	meq/l	1
Potassium, soluble	1.6	meq/l	1
Sodium Absorption Ratio	23.0		
Nitrogen, total Kjeldahl	.04	%	
Nitrate as N, soluble	17.3	mg/kg	6
Phosphorus, extractable	-1	mg/kg	3
Organic Matter	1.6	%	
Boron, soluble	1.1	mg/kg	2
Selenium, soluble	.5	mg/kg	2
Sulfur, total	.81	%	
Neutralization Potential	9.3	% as CaCO ₃	
Acid-Base Potent (CaCO ₃)	68	Tons/1000T	
Coarse Fragments > 2mm	55.3	%	
Sand	30.	%	
Silt	55.	%	
Clay	15.	%	
Texture	SIL		

Remarks:

- 1 Saturated Paste Extraction
- 3 AB-DTPA Extraction
- 6 Water Extraction
- 7 Potassium Chloride Extraction

Note: Negative sign "-" denotes that the value is less than "<"

Frank E. Polniak, Inorganic Lab Supervisor

Frank E. Polniak

FGL

FRUIT GROWERS LABORATORY, INC.

May 19, 1989

LAB NO: 15913 03

RE: LANDSCAPE SOIL ANALYSIS

RECEIVED
SEP 15 1989

Nature-Gro Corp.
P.O. Box 4135
Pacoima, CA 91381

DIVISION OF
OIL, GAS & MINING

Location: Utah P & E, below road
Description: Preplant Landscape
Date Sampled: 05/04/89
Sampled by: Nature-Gro

Date Received: 04/27/89
Depth: 0-6"

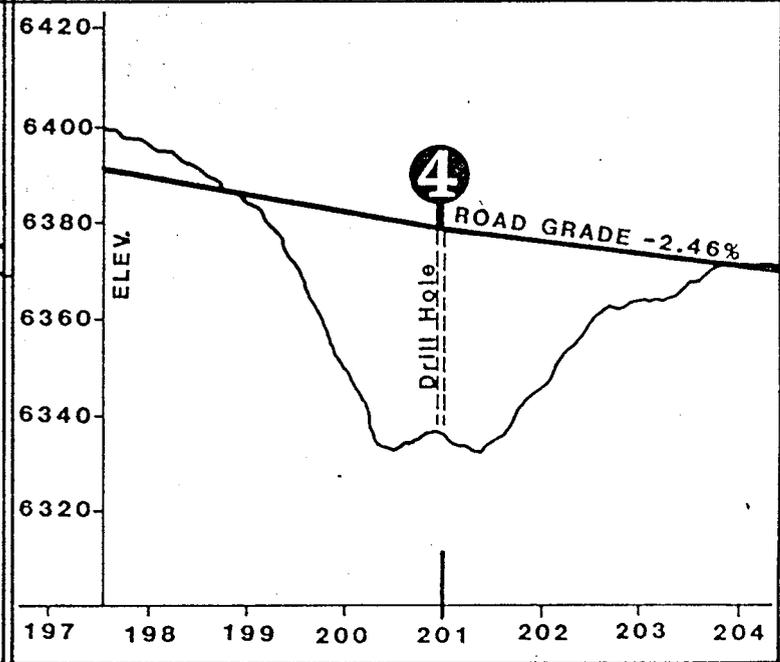
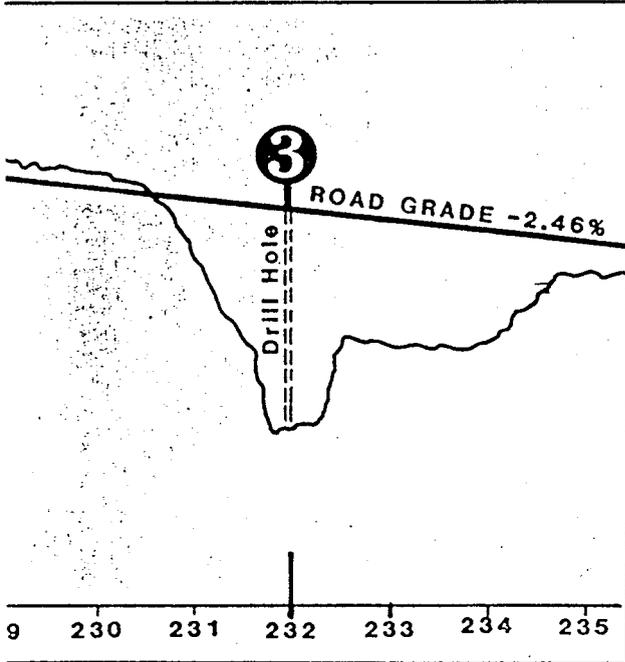
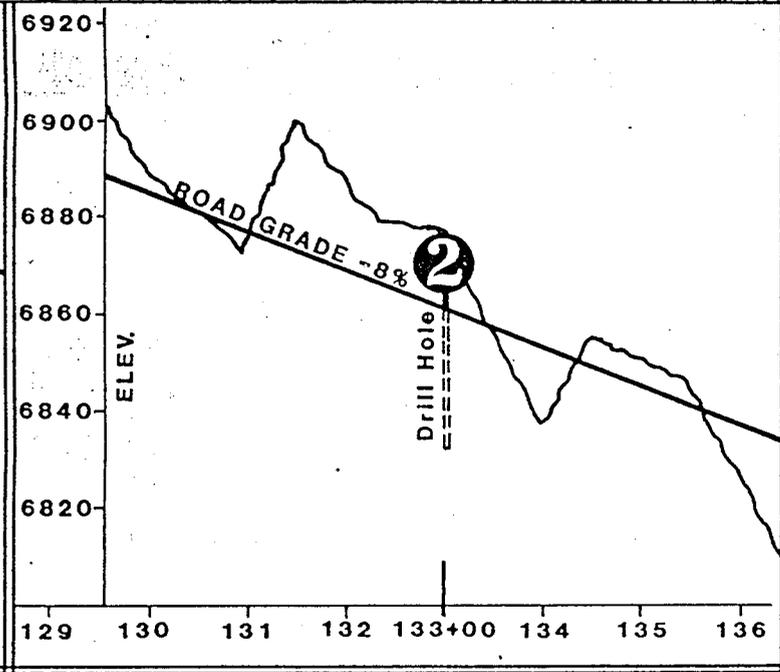
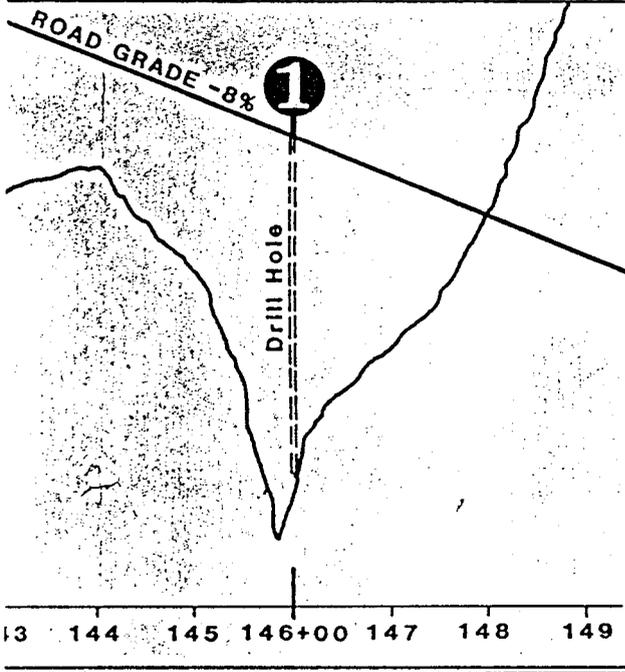
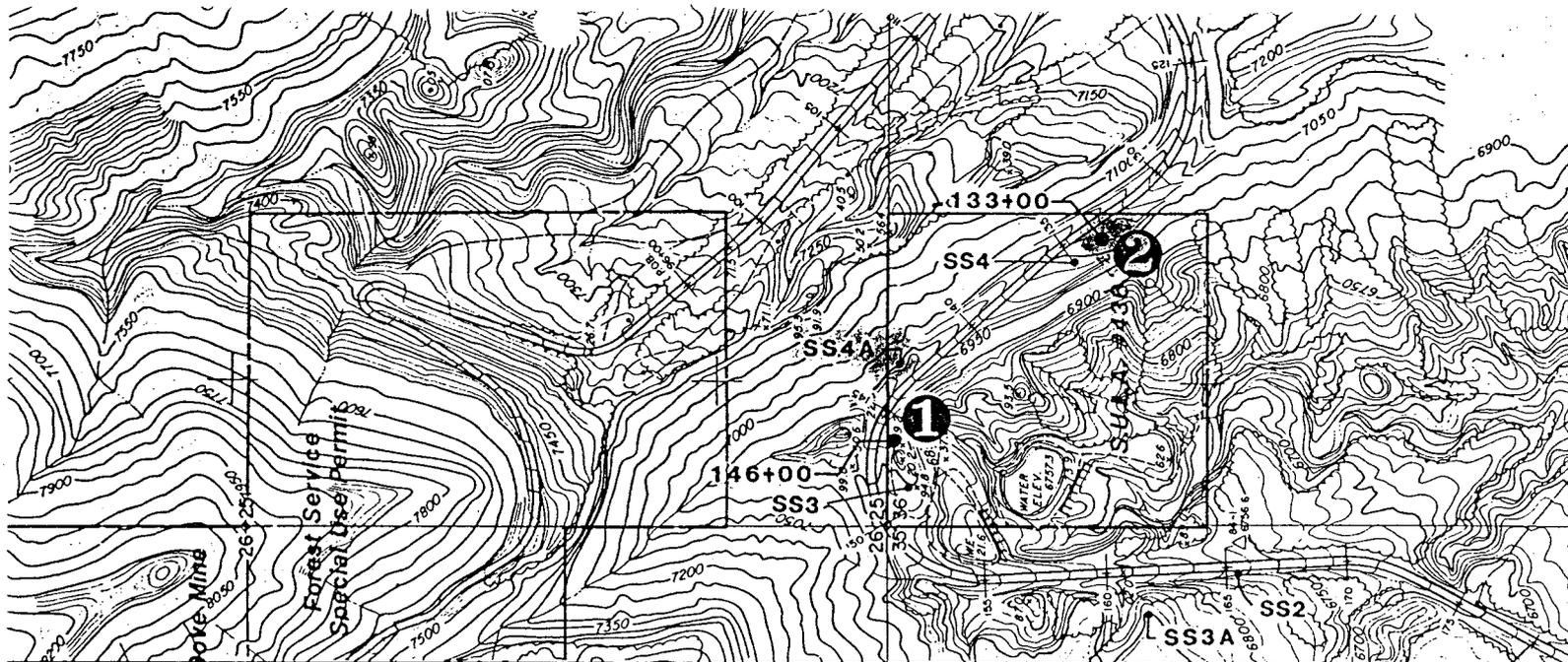
TEST RESULTS	Your Analysis	Optimum Range	Comment
Moisture	1.00 %	1/2 Satn. %	Too Dry
Saturation	32.00 %	--	Loam
Nitrate-Nitrogen	6.00 PPM	10 - 40	Low
Phosphorus	2.00 PPM	13 - 40	Very Low
Exch. Potassium	270.00 PPM	81 - 300	Ample
Limestone	7.30 %	0	See Below*
pH	7.90	5.8 - 8.2	OK
Soil Salinity	20.70	0.3 - 2.0	Excessive
Gypsum Requirement	4.00 T/AF	0	Apply
Lime Requirement	0.00 T/AF	0	OK
Sulfate-Sulfur	95.80 meq/l	< 20	Excessive
Chloride	39.00 meq/l	< 3	Excessive
Boron	0.50 PPM	0.02 - 1.0	OK
Calcium	49.30 meq/l	> 2.0	Ample
Magnesium	16.30 meq/l	> 1.5	Ample
Sodium	175.80 meq/l	See SAR/ESP	--
SAR	30.70	< 7	Too High
ESP	30.30	< 10	Too High
Zinc	2.40 PPM	> 0.7	Ample
Manganese	1.60 PPM	> 1.4	Ample
Iron	16.90 PPM	> 8	Ample
Copper	0.80 PPM	> 0.2	Ample

Soil pH & Limestone levels are important to consider when making plant selections. Soils having pH levels above 7.0 should not be used for plants that require acid soil conditions. Soils containing free limestone should not be used for plants that require acid soil conditions or are sensitive to limestone.

FGL, Inc.

Samuel H. New

13





State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangarter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

ACT/015/017 #2
Copy PAM

November 14, 1991

TO: Pamela Grubaugh-Littig, Permit Supervisor
FROM: Wm. J. Malencik, Reclamation Specialist *WJM*
RE: Des-Bee-Dove Interagency Meeting, PacifiCorp Electric Operations, Des-Bee-Dove Mine, ACT/015/017

Who Attended: See Attachment 1.

Meeting Objective: Evaluate site conditions and make recommendations on additional practices and processes to minimize erosion on the haul road. See Agenda, Attachment 2.

Conclusions/
Recommendations:

- (1) The rills on the outslope are caused by water erosion.
- (2) Recent plus planned runoff control measures will preclude runoff from flowing over the road outslope. Such actions should further curtail and/or control water rill erosion.
- (3) Work to rehabilitate the rills on the outslope should be deferred and guided by on site test plots. This recommendation is based on information on hand and on site field observations of soil, topography, vegetation, climate/precipitation and other

elements. The outslope currently is stable. No tension cracks or evidence of mass movement was observed. Disturbing the steep outslope to implement other measures would loosen the soil surface and de-stabilize the steep outslope. If the implemented interim rehabilitation measures failed, this would further exacerbate the outslope erosion. Therefore a two stage test plot system was recommended to screen and gather information on what would and would not work, as noted in (4) below.

(4) Test plot stage 1...implement interim control and rehabilitation test measures on a portion of a 2 acre site. Determine successful measures and what failed.

Test plot stage 2 (after stage 1 test plot results were finalized)...implement successful measures on the steep outslope test plot that would provide information for further interim and final reclamation.

(5) Continue erosion studies.

(6) Establish photo stations and photograph rill areas once a year so comparison can be made on rill frequency.

(7) Reconvene task force when necessary to further the objectives of this project.

wlg
cc: PFO

Attendees: Des-Bee-Dove Meeting
November 12, 1991

<u>Name</u>	<u>Agency</u>
Bill Malencik	D.O.G.M.
Henry Sauer	D.O.G.M.
George S. Cook	Soil Con. Service
Leland D. Sasser	Soil Con. Service
Susan White	D.O.G.M.
Ken Wyatt	D.O.G.M.
Val Payne	PacifiCorp
Dale Grange	Energy West
Dennis Worwood	Extension Service, USU
Jesse Kelley	D.O.G.M.

DES BEE DOVE EROSION TASK FORCE

AGENDA

DATE: November 12th and 13th, 1991 (1 1/2 Days)

LOCATION: PacifiCorp Training Center
1/4 Mile South of Huntington Airport

OBJECTIVE: TO RECEIVE WRITTEN CONSENSUS RECOMMENDATIONS FROM THE TASK FORCE. PACIFICORP MANAGEMENT WILL DEVELOP A PLAN TO SUBMIT TO DOGM FOR APPROVAL AND IMPLEMENTATION

PART I: TRAINING CENTER - NOVEMBER 12th - 9:00 - 11:30 AM

Overview of Problem and Objective - Guy Davis

Slide Presentation of Site History - Guy Davis

Study Results:

Erosion Studies - Val Payne and Guy Davis

Vegetation/Erosion Study - DOGM

Reclamation Study Overview - Val Payne

Test Plots - Val Payne and DOGM

Application to Interim Problem Solution - Guy Davis

BREAK: LUNCH AND TRAVEL TO MINE SITE 11:30 AM - 1:00 PM
(Lunch Provided by PacifiCorp)

PART II: FIELD SITE 1:00 - 3:00 PM

Problem Analysis -

Tentative Solutions -

PART III: TRAINING CENTER 3:30 - 5:00 PM

Consensus Recommendations -

Written Recommendations -

Final Statement -

PART IV: TRAINING CENTER - NOVEMBER 13TH - 9:00 - 11:30 AM

**Time allocated if consensus and written recommendations are not met
on November 12th timeframe.**



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangarter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

*Copy Susan, Henry,
Jesse, Ken, Tom
Pam
File ACT/015/017 #2*

November 14, 1991

TO: Pamela Grubaugh-Littig, Permit Supervisor
FROM: Wm. J. Malencik, Reclamation Specialist *WJM*
RE: Des-Bee-Dove Interagency Meeting, PacifiCorp Electric Operations, Des-Bee-Dove Mine, ACT/015/017

Who Attended: See Attachment 1.

Meeting Objective: Evaluate site conditions and make recommendations on additional practices and processes to minimize erosion on the haul road. See Agenda, Attachment 2.

Conclusions/Recommendations:

- (1) The rills on the outslope are caused by water erosion.
- (2) Recent plus planned runoff control measures will preclude runoff from flowing over the road outslope. Such actions should further curtail and/or control water rill erosion.
- (3) Work to rehabilitate the rills on the outslope should be deferred and guided by on site test plots. This recommendation is based on information on hand and on site field observations of soil, topography, vegetation, climate/precipitation and other

elements. The outslope currently is stable. No tension cracks or evidence of mass movement was observed. Disturbing the steep outslope to implement other measures would loosen the soil surface and de-stabilize the steep outslope. If the implemented interim rehabilitation measures failed, this would further exacerbate the outslope erosion. Therefore a two stage test plot system was recommended to screen and gather information on what would and would not work, as noted in (4) below.

(4) Test plot stage 1...implement interim control and rehabilitation test measures on a 2 acre test plot. Determine successful measures and what failed.

Test plot stage 2 (after stage 1 test plot results were finalized)...implement successful measures on the steep outslope test plot that would provide information for further interim and final reclamation.

(5) Continue erosion studies. Establish additional stations on the same rills on the lower outslope so comparison can be made.

(6) Establish photo stations and photograph rill areas once a year so comparison can be made on rill frequency.

(7) Reconvene task force when necessary to further the objectives of this project.

wlg
cc: PFO

RECEIVED

NOV 19 1991

DIVISION OF
OIL GAS & MINING

DATE: November 13, 1991
TO: Task Force Member
FROM: Guy Davis *Guy*
SUBJECT: CONSENSUS RECOMMENDATIONS FROM NOVEMBER 12, 1991 MEETING AND FIELD VISIT

I am enclosing the notes which were taken at the afternoon session of the task force during our 11-12-91 meeting. These notes are what I understand to be the group consensus recommendations. If there are any comments to the stated recommendations, please call me at 653-2312.

CONSENSUS RECOMMENDATIONS:

1. Interim erosion has been minimized at the site by the recent berm and waterbar installation. The operator will continue to monitor the 4 erosion study locations at the crest of the slope area in May, July and September. In addition, photos of the slope will be taken annually at the bottom of the area during the fall of the year.
2. Test plots on the pad's recently disturbed berm and waterbars will be initiated in the fall of '92. Plots will be monitored annually by visual observation and photos. Soil testing will be done at the commencement and end of the plot schedule. Vegetative monitoring for density, cover and diversity will be done during the 3rd growing season. Vegetative productivity will be monitored at the end of the test plot schedule. Proposed treatments to the plots will be discussed and agreed upon by the operator and DOGM.
3. Future test plots on the outslope area will be considered after reviewing results of the '92 test plots on the pad area.
4. The disturbed pad area will be seeded in the fall of '91 with 30 pounds/acre of Annual ryegrass for further interim erosion control. No mulch or fertilizer will be applied.
5. Transplants for the '92 test plots will be discussed by the operator and DOGM. Probable planting in spring of '93.

- 6. Native seed planting is a proposed plot treatment. If this treatment is agreed upon, the seed collecting must start in the summer of '92.**



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangarter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

ACT/015/017 #2
Copy PAM

November 14, 1991

TO: Pamela Grubaugh-Littig, Permit Supervisor
FROM: Wm. J. Malencik, Reclamation Specialist *WJM*
RE: Des-Bee-Dove Interagency Meeting, PacifiCorp Electric
Operations, Des-Bee-Dove Mine, ACT/015/017

Who Attended: See Attachment 1.

Meeting Objective: Evaluate site conditions and make recommendations on additional practices and processes to minimize erosion on the haul road. See Agenda, Attachment 2.

Conclusions/
Recommendations:

- (1) The rills on the outslope are caused by water erosion.
- (2) Recent plus planned runoff control measures will preclude runoff from flowing over the road outslope. Such actions should further curtail and/or control water rill erosion.
- (3) Work to rehabilitate the rills on the outslope should be deferred and guided by on site test plots. This recommendation is based on information on hand and on site field observations of soil, topography, vegetation, climate/precipitation and other

elements. The outslope currently is stable. No tension cracks or evidence of mass movement was observed. Disturbing the steep outslope to implement other measures would loosen the soil surface and de-stabilize the steep outslope. If the implemented interim rehabilitation measures failed, this would further exacerbate the outslope erosion. Therefore a two stage test plot system was recommended to screen and gather information on what would and would not work, as noted in (4) below.

(4) Test plot stage 1...implement interim control and rehabilitation test measures on a portion of a 2 acre site. Determine successful measures and what failed.

Test plot stage 2 (after stage 1 test plot results were finalized)...implement successful measures on the steep outslope test plot that would provide information for further interim and final reclamation.

(5) Continue erosion studies.

(6) Establish photo stations and photograph rill areas once a year so comparison can be made on rill frequency.

(7) Reconvene task force when necessary to further the objectives of this project.

wlg
cc: PFO

Attendees: Des-Bee-Dove Meeting
November 12, 1991

<u>Name</u>	<u>Agency</u>
Bill Malencik	D.O.G.M.
Henry Sauer	D.O.G.M.
George S. Cook	Soil Con. Service
Leland D. Sasser	Soil Con. Service
Susan White	D.O.G.M.
Ken Wyatt	D.O.G.M.
Val Payne	PacifiCorp
Dale Grange	Energy West
Dennis Worwood	Extension Service, USU
Jesse Kelley	D.O.G.M.

DES BEE DOVE EROSION TASK FORCE

AGENDA

DATE: November 12th and 13th, 1991 (1 1/2 Days)

LOCATION: PacifiCorp Training Center
1/4 Mile South of Huntington Airport

OBJECTIVE: TO RECEIVE WRITTEN CONSENSUS RECOMMENDATIONS FROM THE TASK FORCE. PACIFICORP MANAGEMENT WILL DEVELOP A PLAN TO SUBMIT TO DOGM FOR APPROVAL AND IMPLEMENTATION

PART I: TRAINING CENTER - NOVEMBER 12th - 9:00 - 11:30 AM

Overview of Problem and Objective - Guy Davis

Slide Presentation of Site History - Guy Davis

Study Results:

Erosion Studies - Val Payne and Guy Davis

Vegetation/Erosion Study - DOGM

Reclamation Study Overview - Val Payne

Test Plots - Val Payne and DOGM

Application to Interim Problem Solution - Guy Davis

BREAK: LUNCH AND TRAVEL TO MINE SITE 11:30 AM - 1:00 PM
(Lunch Provided by PacifiCorp)

PART II: FIELD SITE 1:00 - 3:00 PM

Problem Analysis -

Tentative Solutions -

PART III: TRAINING CENTER 3:30 - 5:00 PM

Consensus Recommendations -

Written Recommendations -

Final Statement -

PART IV: TRAINING CENTER - NOVEMBER 13TH - 9:00 - 11:30 AM

Time allocated if consensus and written recommendations are not met
on November 12th timeframe.



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

*Copy Susan, Henry
Jesse, Ken, Tom
Pam
File ACT/015/017 #2*

November 14, 1991

TO: Pamela Grubaugh-Littig, Permit Supervisor
FROM: Wm. J. Malencik, Reclamation Specialist *WJM*
RE: Des-Bee-Dove Interagency Meeting, PacifiCorp Electric Operations, Des-Bee-Dove Mine, ACT/015/017

Who Attended: See Attachment 1.

Meeting Objective: Evaluate site conditions and make recommendations on additional practices and processes to minimize erosion on the haul road. See Agenda, Attachment 2.

Conclusions/
Recommendations:

- (1) The rills on the outslope are caused by water erosion.
- (2) Recent plus planned runoff control measures will preclude runoff from flowing over the road outslope. Such actions should further curtail and/or control water rill erosion.
- (3) Work to rehabilitate the rills on the outslope should be deferred and guided by on site test plots. This recommendation is based on information on hand and on site field observations of soil, topography, vegetation, climate/precipitation and other

elements. The outslope currently is stable. No tension cracks or evidence of mass movement was observed. Disturbing the steep outslope to implement other measures would loosen the soil surface and de-stabilize the steep outslope. If the implemented interim rehabilitation measures failed, this would further exacerbate the outslope erosion. Therefore a two stage test plot system was recommended to screen and gather information on what would and would not work, as noted in (4) below.

(4) Test plot stage 1...implement interim control and rehabilitation test measures on a 2 acre test plot. Determine successful measures and what failed.

Test plot stage 2 (after stage 1 test plot results were finalized)...implement successful measures on the steep outslope test plot that would provide information for further interim and final reclamation.

(5) Continue erosion studies. Establish additional stations on the same rills on the lower outslope so comparison can be made.

(6) Establish photo stations and photograph rill areas once a year so comparison can be made on rill frequency.

(7) Reconvene task force when necessary to further the objectives of this project.

wlg
cc: PFO



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter
Governor

Dee C. Hansen
Executive Director

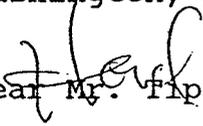
Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

August 5, 1991

CERTIFIED RETURN RECEIPT REQUESTED
No. 540 713 848

Mr. W. Hord Tipton
Deputy Director
Office of Surface Mining
Department of the Interior
1951 Constitution Avenue, N.W.
Washington, D.C. 20240


Dear Mr. Tipton:

Re: Ten-Day Notice 91-02-370-004-TV1, Des-Bee-Dove, ACT/015/017,
Folder #5, PacifiCorp Electric Operations, Emery County,
Utah

The above-referenced TDN was issued for "failure to control or prevent erosion, the section of the haul road through the Mancos shale layer below the belt line runoff control." In discussions held during the inspection resulting in the TDN, OSM's inspector was fully appraised of remedial action proposed by the Division to address the situation in the field. The Division inspector was given the impression during and subsequent to the inspection that OSM's inspector was in concurrence with these actions. This impression of support by OSM dictated the nature of the Division's July 17 TDN response.

However, subsequent to receipt of the AFO's July 26 letter indicating that the agreed upon steps to resolve the erosion problem were inappropriate without issuance of a violation, the Division issued NOV 91-20-2-1, for "failure to prevent or control erosion...." R614-301-752.210. Therefore, it is the Division's position that it responded appropriately during the inspection and in the issuance of the NOV. The TDN should be vacated.



John Page

VACATION/TERMINATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Pacific Corp Electric Operations

Mailing Address 324 S. State St. P.O. Box 26128, Salt Lake City, Ut. 84126-0128

State Permit No. ACT/015/017 Des Bee Dowe Mine

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., Utah Code Annotated (1953):

Notice of Violation No. N 91-70-2-1 as amended dated 8/8/91, 19__.

Cessation Order No. C N/A dated N/A, 19__.

Part 1 of 1 is vacated terminated because permittee has completed selected erosion control measures as required in the abatement or required remedial action.

Part ___ of ___ is vacated terminated because N/A

Part ___ of ___ is vacated terminated because N/A.

Date of service/mailling 11/8/91

Time of service/mailling 1 a.m. p.m.

Guy Davis
Permittee/Operator representative

Environmental Engineer
Title

Guy Davis
Signature

Wm. J Malencik
Division of Oil, Gas & Mining

Rec Spec
Title
#26

Wm. J Malencik
Signature

11/8/91



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

November 1, 1991

Mr. Blake Webster
PacifiCorp Electric Operations
Fuel Resources
One Utah Center; Suite 2100
210 South Main
Salt Lake City, Utah 84140-2100

Dear Mr. Webster:

Re: Approval of Abatement of NOV #N91-20-2-1, Des-Bee-Dove Mine, PacifiCorp Electric Operations, ACT/015/017, Folder #3 and #5, Emery County, Utah

Design specifications for the installation of waterbars and a berm have been reviewed and approved, effective October 31, 1991, conditioned upon submittal of certified design drawings.

Sincerely,

A handwritten signature in cursive script that reads "Pamela Grubaugh-Littig".

Pamela Grubaugh-Littig
Permit Supervisor

PGL/jbe

ONE UTAH CENTER

201 SOUTH MAIN • SUITE 2100 • SALT LAKE CITY, UTAH 84140-0021 • (801) 220-2000

October 7, 1991

Ms. Pamela Grubaugh-Littig
Permit Supervisor
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

RE: NOV 91-20-2-1 MODIFICATION ABATEMENT PLAN, PACIFICORP ELECTRIC OPERATIONS, DES BEE DOVE MINE, ACT/015/017 #2

Dear Pamela:

I am enclosing the runoff volume calculations and installation summary of the proposed waterbar containment of the Des Bee Dove haul road pad. Your timely response is appreciated in order to complete the abatement prior to the November 8, 1991 deadline.

If there are any questions, please call Guy Davis at 653-2312 or me at 220-4584.

Sincerely,

Guy Davis (for)

J. Blake Webster
Permitting Administrator

GD/dw
Enclosure

cc: Larry LaFrentz

RECEIVED

OCT 11 1991

DIVISION OF
OIL GAS & MINING

DES BEE DOVE HAUL ROAD PAD CALCULATIONS

RAINFALL TOTAL: 2.0 INCHES (10 YR/24 HR EVENT)
FROM US DEPARTMENT OF COMMERCE, NOAA
ATLAS 2, 1973

CN: 98
FROM SCS NATIONAL ENGINEERING HANDBOOK,
1972, SECTION 4, HYDROLOGY

RAINFALL RUNOFF VOLUME: $Q = \frac{(P - 0.2S)^2}{P + 0.8S}$

WHERE:

P = 2.0 INCHES

$S = \frac{1000 - 10}{CN} = .204$

Q = 1.90 INCH/FT²

PAD AREA = 1.94 ACRES = 84,506 FT²

TOTAL RUNOFF = 13,380 CU.FT.

6.31 FT² OF PAD AREA = 1 CU. FT. RUNOFF
VOLUME

WATERBAR SPACING:

FOR WIDER 1.43 ACRES

AVERAGE WATERBAR LENGTH - 125 FT.

125 FT. WATERBAR WILL HANDLE RUNOFF OF
1712 FT² OF AREA

SPACING OF WATERBARS APPROXIMATELY
EVERY 14 FT.

FOR NARROW .51 ACRES

AVERAGE WATERBAR LENGTH - 25 FT.

25 FT. WATERBAR WILL HANDLE 342 FT² OF AREA

SPACING OF WATERBARS APPROXIMATELY
EVERY 14'

INSTALLATION SUMMARY:

WATERBAR INSTALLATION:

Waterbars will be cut to a 1.0 ft. depth at 14 ft. spacing. The cut material will be bermed on the west edge of the cut. (See Typical Cross-Section.) Waterbars will be cut with no slope to contain the 10 yr/24 hr event. Waterbars will begin near the outside edge berm and extend to near the guardrail.

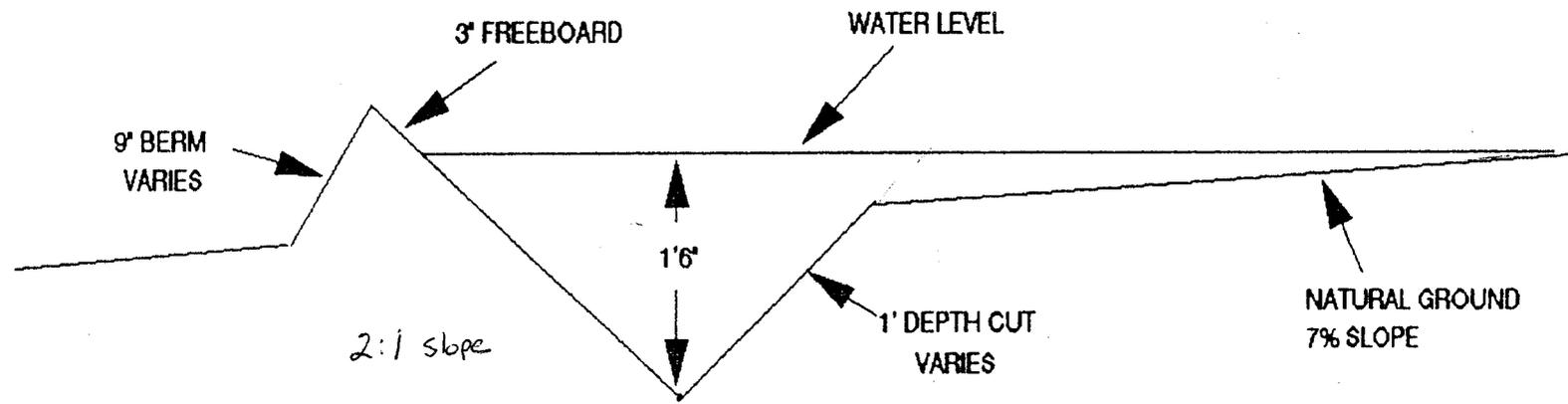
BERM INSTALLATION:

The berm will be installed approximately 6 ft. from the outslope. Equipment can not safely work closer to the outslope than this distance. Berm will be approximately 2 ft. high. (See Typical Cross-Section.)

SEEDING:

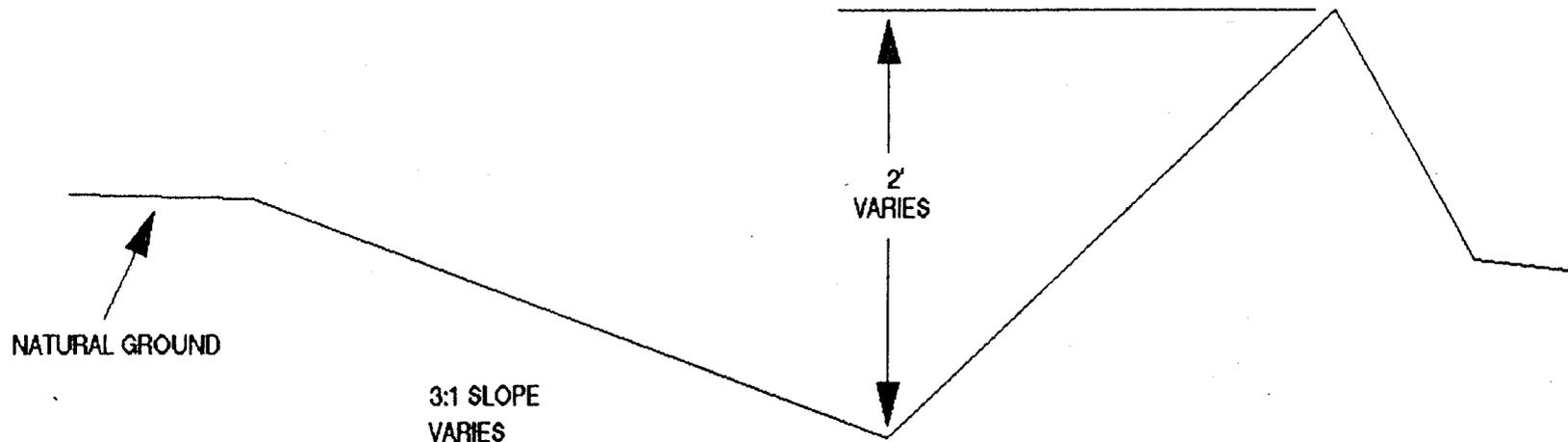
The berm and waterbars will be seeded with the approved seedmix and seeding method.

DES-BEE-DOVE HAUL ROAD PAD
WATERBAR - TYPICAL CROSS SECTION



* NO SCALE

DES-BEE-DOVE HAUL ROAD PAD
BERM - TYPICAL CROSS SECTION



* NO SCALE



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangarter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

October 2, 1991

TO: File

FROM: Susan M. White, Reclamation Biologist *SMW*

RE: Division of Oil, Gas and Mining with PacifiCorp Electric Operations Meeting, Violation #N91-20-2-1, Des-Bee-Dove Mine, ACT/015/017, Folder #2, Emery County, Utah

A joint DOGM/PacifiCorp meeting was held on October 1, 1991 to satisfy the requirements of a modification to violation N91-20-2-1. The meeting was attended by Bill Malencik (DOGM), Henry Sauer (DOGM), Susan White (DOGM), Guy Davis (PacifiCorp), and Val Payne (PacifiCorp). Val Payne did not participate in the field meeting.

Two main issues were discussed as outlined below:

1. First, a meeting is to be held prior to November 15, 1991. Several state and federal agencies are to be present at the meeting. The meeting is to provide recommendations to stabilize the erosion on the haul road fill slopes through the Mancos Shale. It was discussed that material such as test plot design, methods of past attempts to control erosion, and any other information should be sent to the participants prior to the meeting. The requirements of the Division to show reclamation feasibility can be combined with interim stabilization and discussed at this meeting. Lastly, the participants should agree on a recommendation prior to leaving the meeting. This recommendation would then be sent to the various participating agencies after the meeting for comments.
2. A discussion was held as to some immediate selected erosion control work to be completed by November 8, 1991. This discussion was held in the field. Two items would need to be implemented: first, a berm/ditch at the top of the fill; and second, interseeding of the pad. Several ditch or berm designs were discussed, the final designs are to be reviewed by PacifiCorp and Division engineers. All work is to be completed by November 8, 1991.

jbe
cc: Pamela Grubaugh-Littig
Bill Malencik
Henry Sauer

AT\015017.901
an equal opportunity employer



PACIFICORP
ELECTRIC OPERATIONS

ONE UTAH CENTER

201 SOUTH MAIN • SUITE 2100 • SALT LAKE CITY, UTAH 84140-0021 • (801) 220-2000

*Copy "A" Item
ACT/015/017 #2*

September 5, 1991

Ms. Pamela Grubaugh-Littig
Permit Supervisor
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

**RE: ABATEMENT ON NOV 91-20-2-1, Part 2, PACIFICORP ELECTRIC OPERATIONS,
DES BEE DOVE MINE, ACT/015/017**

Dear Pamela:

I am enclosing as abatement to NOV 91-20-2-1, Part 2, the proposed schedule for an Interim Reclamation/Stabilization Study.

PROJECT PHASES/TASKS

COMPLETION DATE

DESIGN

Literature Review (cont)

11-15-91

- Grading
- Drainage
- Erosion Control
- Revegetation
- Soil Treatments

Reconvene Investigative Task Force with site visit
Possible Members

11-15-91

- Scott Fisher (OSM, by DOGM)
- DOGM
- Soil Conservation Service
- BLM
- USU Extension Agent
- Operator

RECEIVED

SEP 11 1991

DIVISION OF
OIL GAS & MINING

Ms. Pamela Grubaugh-Littig
September 5, 1991
Page Two

Review Des Bee Dove Haul Road Reclamation Study (For Application to Interim Reclamation)	1-1-92
Environmental Options	
Economic Options	
Haul Road Erosion Sites	
Site/Area Characterization	4-30-92
Drainage Erosion Patterns	
Erosion and Sediment Control Review	4-30-92
Stabilization Products and Methods	
Mechanical Products and Methods	
Task Force Written Recommendations to Operator	6-1-92
MANAGEMENT REVIEW	8-1-92
Recommendations and Discussions	
Interim Erosion Plan	
Necessary Amendments	
IMPLEMENTATION	10-1-92

The proposed study involves several uncontrollable factors including personnel schedules, availability of materials and seasonal consideration. The proposed schedule is realistic when considering these factors.

If you have any questions or comments, please call Guy Davis at 653-2312 or me at 220-4584.

Sincerely,

Guy Davis (for)

J. Blake Webster
Permitting Administrator

GD/dw

cc: Jerry Pollock
Val Payne



MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name PacifiCorp Electric Operations

Mailing Address 324 South State P.O. Box 26128 Salt Lake City, UT 84126-0128

State Permit No. ACT/015/017

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 91-20-2-1 dated August 8, 19 91

Cessation Order No. C N/A dated _____, 19 _____

Part 1 of 1 is modified as follows: (a) Remedial Action Required/Additional item added herein. Implement by Nov. 8, 1991 selected erosion control measures identified at a

Reason for modification is joint DOGM/PacifiCorp on site field meeting.

(b) Abatement time on item (2) extended to Nov. 8, 1991.

Part _____ of _____ is modified as follows: _____

Reason for modification is Implement selected erosion control work this fall instead of delaying all work until next spring. For additional rationale refer to reverse side hereof.

Part _____ of _____ is modified as follows: _____

Date of service/ mailing September 20, 1991

Time of service/ mailing 1:00 a.m. p.m.

Date of inspection June 5, 1991

Date NOV was issued - August 8, 1991

Blake Webster

Permittee/Operator representative

Mailed

Signature

Permitting Administrator

Title

Wm. J. Malencik

Division of Oil, Gas & Mining

Wm. J. Malencik

Signature

Reclamation Specialist

Title



NO. N 91-20-2-1

To the following Permittee or Operator:

Name = PacifiCorp Electric Operations

Mine Des Bee Dove Surface Underground Other

County Emery State Utah Telephone 653-2312

Mailing Address 324 South State P.O. Box 26128 Salt Lake City, UT 84126-0128

State Permit No. ACT/015/017

Ownership Category State Federal Fee Mixed

Date of inspection June 5, 1991, 19

Time of inspection 11:00 a.m. p.m. to 8:00 a.m. p.m.

Operator Name (other than Permittee) Same As Above

Mailing Address Same As Above

notice of violation

Under authority of the Utah Coal Mining and Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated*, 1953, the undersigned authorized representative of the Division of Oil, Gas & Mining has conducted an inspection of above mine on above date and has found violation(s) of the act, regulations or required permit condition(s) listed in attachment(s). This notice constitutes a separate Notice of Violation for each violation listed.

You must abate each of these violations within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

The undersigned representative finds that **cessation of mining** is is not expressly or in practical effect required by this notice. For this purpose, "mining" means extracting coal from the earth or a waste pile, and transporting it within or from the mine site.

This notice shall remain in effect until it expires as provided on reverse side of this form, or is modified, terminated or vacated by written notice of an authorized representative of the director of the Division of Oil, Gas & Mining. Time for abatement may be extended by authorized representative for good cause, if a request is made within a reasonable time before the end of abatement period.

Date of service/ mailing August 8, 1991

Time of service/ mailing 4:00 a.m. p.m.

Blake Webster
Permittee/Operator representative

Permitting Administrator
Title

Signature

William J. Malencik
Division of Oil, Gas & Mining representative

Reclamation Specialist
Title

Signature

#26
Identification Number

SEE REVERSE SIDE

WHITE-DOGM YELLOW-OSM PINK-PERMITTEE/OPERATOR GOLDENROD-NOV FILE

DOGM/NOV-1
cc: Guy Davis

an equal opportunity employer



NOTICE OF VIOLATION NO. N 91-20-2-1

Violation No. 1 of 1

Nature of violation

Failure to prevent or control erosion, siltation, and air pollution attendant to erosion by vegetating or otherwise stabilizing all exposed surfaces in accordance with current, prudent engineering measures.

Provisions of act, regulations or permit violated

R614-301-752.210

Portion of operation to which notice applies

Haul Road:

- (1) Lower guard rail segment west of the belted upper guard rail
- (2) Road, horse shoe shaped outslope above the sediment pond

Remedial action required (including any interim steps)

To DOGM:

- (1) Submit a plan with designs to prevent uncontrolled road surface runoff from discharging on the road outslope
- (2) Submit a plan to further augment existing erosion control measures

Abatement time (including interim steps)

- (1) August 23, 1991 5:00 p.m.
- (2) September 9, 1991 5:00 p.m.

COMPANY/MINE Des Bee Dove

NOV/CO # 91-20-2-1

PERMIT # ACT/015/017

VIOLATION # 1 OF 1

EVENT VIOLATIONS INSPECTOR'S STATEMENT

A. SERIOUSNESS

1. What harmful event was this regulation designed to prevent? Refer to the DOGM reference list of events below and remember that the event is not the same as the violation. Check and explain each event.

- a. Activity outside the approved permit area.
- b. Injury to the public (public safety).
- c. Damage to property.
- d. Conducting activities without appropriate approvals.
- e. Environmental harm.
- f. Water pollution.
- g. Loss of reclamation/revegetation potential.
- h. Reduced establishment of a permanent, diverse and effective vegetative cover.
- i. Other.

2. Has the event occurred? Yes X No _____

If yes, describe it. If no, what would cause it to occur and how likely is it that it would happen.

Rill erosion on the Des Bee Dove haul road outslope. The rill depths vary from 48" to 6".

3. Would and/or does damage extend off the disturbed and/or permit area?

DISTURBED AREA

PERMIT AREA

Would: Yes _____ No X
 Does: Yes _____ No X

Would: Yes _____ No X
 Does: Yes _____ No X

4. Describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not damage would extend off the disturbed and/or permit area.

This has been a long standing complex problem with both the operator and the Division, collectively working on solutions. Reclamation plan calls for the road to be reclaimed. Several field meeting, test plots have been established, and the operator has monitored the erosion. All such efforts have been directed at finding effective proven solutions.

Potential damage off the disturbed area. Yes _____ No X

Potential damage off the permit area. Yes _____ No X

All runoff is controlled by siltation structures except the road drainage on the lower unbelted guard rail.

B. DEGREE OF FAULT (Only one question applies to each violation; check one and discuss.)

() No Negligence

If you think this violation was not the fault of the operator (due to vandalism or an act of God), explain. Remember the permittee is considered responsible for actions of all persons working on the mine site.

(X) Ordinary Negligence

If you think this violation was the result of not knowing about DOGM regulations, indifference to DOGM regulations or the lack of diligence or reasonable care. Explain.

The Division, operator and others have been actively involved in conducting field test plots on site to obtain data on what interim control measures would be feasible and not further add to the erosion problem.

() Recklessness

If the actual or potential environmental harm or harm to the public should have been evident to an operator, describe the situation and what if anything, the operator did to correct it prior to being cited.

() Knowing and Willful Conduct

Was the operator in violation of a specific permit condition? Did the operator receive prior warning of noncompliance by State or Federal inspectors concerning this violation? Has DOGM or DSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Yes

3. Was the submission of plans prior to physical activity required by this NOV? Yes X No _____ If yes, explain.

Plan 1: Submit plan and designs to control road runoff on the lower guard rail segment

Plan 2: Submit plan to augment additional erosion control measures on the outslope above the sediment pond.

August 8, 1991

DATE



AUTHORIZED REPRESENTATIVE

Wm. J. Malencik
Reclamation Specialist



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

September 11, 1991

Mr. Blake Webster
PacifiCorp Electric Operations
Fuel Resources
One Utah Center; Suite 2100
210 South Main Street
Salt Lake City, Utah 84140-0021

Dear Mr. Webster:

Re: Proposed Assessment for State Violation No. N91-20-2-1, PacifiCorp Electric Operations, Des-Bee-Dove Mine, ACT/015/017, Folder #5, Emery County, Utah

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under R614-401.

Enclosed is the proposed civil penalty assessment for the above-referenced violation. The violation was issued by Division Inspector, William J. Malencik on August 8, 1991. Rule R614-401-600 et. sec. has been utilized to formulate the proposed penalty. By these rules, any written information which was submitted by you or your agent, within fifteen (15) days of receipt of the Notice of Violation, has been considered in determining the facts surrounding the violation and the amount of penalty.

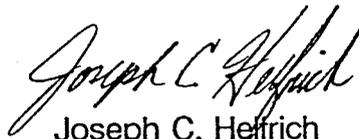
Under R614-401-700, there are two informal appeal options available to you:

1. If you wish to informally appeal the fact of this violation, you should file a written request for an Informal Conference within 30 days of receipt of this letter. This conference will be conducted by the Division Director. This Informal Conference is distinct from the Assessment Conference regarding the proposed penalty.
2. If you wish to review the proposed penalty assessment, you should file a written request for an Assessment Conference within 30 days of receipt of this letter. If you are also requesting a review of the fact of violation,

as noted in paragraph 1, the Assessment Conference will be scheduled immediately following that review.

If a timely request for review is not made, the fact of violation will stand, the proposed penalty(ies) will become final, and the penalty(ies) will be due and payable within thirty (30) days of the proposed assessment. Please remit payment to the Division, mail c/o Vicki Bailey.

Sincerely,


Joseph C. Heffrich
Assessment Officer

jbe
Enclosure

**WORKSHEET FOR ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING**

COMPANY/MINE PacifiCorp Electric/Des-Bee-Dove Mine NOV # N91-20-2-1

PERMIT # ACT/015/017 VIOLATION 1 OF 1

ASSESSMENT DATE 09/11/91 ASSESSMENT OFFICER Joseph C. Helfrich

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE 09/11/91 EFFECTIVE ONE YEAR TO DATE 09/11/90

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
_____	_____	_____

1 point for each past violation, up to one year;
5 points for each past violation in a CO, up to one year;
No pending notices shall be counted.

TOTAL HISTORY POINTS 0

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category, the Assessment Officer will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations Max 45 PTS

1. What is the event which the violated standard was designed to prevent?
Loss of reclamation/revegetation potential and reduced establishment of a permanent, diverse and effective vegetative cover.
2. What is the probability of the occurrence of the event which a violated standard was designed to prevent? Occurred

... PROBABILITY	RANGE
... None	0
... Unlikely	1-9
... Likely	10-19
... Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS

The inspector's statement revealed that rill erosion on the Des-Bee-Dove Haul Road
outslope had occurred. The rill depths varying from 48 to 6 inches, resulting in the
above-referenced events, thus 20 points are assigned.

3. What is the extent of actual or potential damage?

RANGE 0 - 25*

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 5

PROVIDE AN EXPLANATION OF POINTS

Minimal damage has occurred as a result of the violation.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement?

RANGE 0 - 25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS

PROVIDE AN EXPLANATION OF POINTS

TOTAL SERIOUSNESS POINTS (A or B) 25

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
 OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
 OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

... No Negligence	0
... Negligence	1-15
... Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE None

ASSIGN NEGLIGENCE POINTS 0

PROVIDE AN EXPLANATION OF POINTS

No negligence occurred as a result of the violation.

IV. GOOD FAITH MAX 20 PTS. (EITHER A or B) (Does not apply to violations requiring no abatement measures.)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area?
 ... IF SO - EASY ABATEMENT
 Easy Abatement Situation
- | | |
|---|-------------|
| ... Immediate Compliance | -11 to -20* |
| ... Immediately following the issuance of the NOV) | |
| ... Rapid Compliance | -1 to -10* |
| ... (Permittee used diligence to abate the violation) | |
| ... Normal Compliance | 0 |
- (Operator complied within the abatement period required)
 (Operator complied with conditions and/or terms of approved Mining and Reclamation Plan)

* Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance?
 ... IF SO - DIFFICULT ABATEMENT

Difficult Abatement Situation

- ... **Rapid Compliance** -11 to -20*
 (Permittee used diligence to abate the violation)
- ... **Normal Compliance** -1 to -10*
 (Operator complied within the abatement period required)
- ... **Extended Compliance** 0
 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)
 (Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan)

EASY OR DIFFICULT ABATEMENT? _____ ASSIGN GOOD FAITH POINTS 0

PROVIDE AN EXPLANATION OF POINTS

To be evaluated upon termination of the violation. _____

V. ASSESSMENT SUMMARY FOR N91-20-2-1

I.	TOTAL HISTORY POINTS	<u>0</u>
II.	TOTAL SERIOUSNESS POINTS	<u>25</u>
III.	TOTAL NEGLIGENCE POINTS	<u>0</u>
IV.	TOTAL GOOD FAITH POINTS	<u>0</u>
	TOTAL ASSESSED POINTS	<u>25*</u>
	TOTAL ASSESSED FINE	<u>\$ 0</u>

*Points assessed at less than 50, civil penalty discretionary.

jbe



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

July 17, 1991

Mr. Blake Webster
PacifiCorp Electric Operations
Fuel Resources
One Utah Center
210 South Main, Suite 2100
Salt Lake City, Utah 84140-0021

Dear Mr. Webster:

Re: Request for Surface Haul Road Runoff Plans and Erosion Study for Haul Road, PacifiCorp Electric Operations, Des-Bee-Dove Mine, ACT/015/017, Folder #2, Emery County, Utah

There is erosion associated with the permitted Des-Bee-Dove haul road. The belt line on the upper segment of the road routes surface runoff down the side of the road into a designed riprap channel and then to a sedimentation pond. This control measure was observed in the field and has been successful in keeping road runoff off the steep raw Mancos Shale road outslope. However, this measure has not been applied to a smaller, lower contiguous problem area. A plan must be submitted to address this issue.

An ongoing joint study is being conducted by you, the Division, OSM, and others addressing the final reclamation possibilities for the haul road. The studies, literature review, and field meeting have been helpful in formulating and updating the final reclamation plan. This information, however, must be utilized, in addition to any other information, in preparing an interim plan for this area. In order to refocus on the interim erosion prevention and further corrective actions, it is incumbent upon PacifiCorp Electric Operations to take the lead toward resolution of this issue. Therefore, it is necessary to:

- 1) Reconvene the previous joint study group with additional invitation to other OSM personnel and any others with special expertise;

- 2) Conduct group field meetings with written recommendations and time frames for the group;
- 3) Allow time for Division and group review of recommendations and receive Division approval for implementation; and
- 4) Amend permit as necessary.

Please submit plans for both the interim erosion control plan and the field group study by August 19, 1991. If you have any question, please call me.

Sincerely,



Pamela Grubaugh-Littig
Permit Supervisor

jbe
cc: *A* Team
AT015017.4

COMPANY/MINE Des Bee Dove

NOV/CO # 91-20-2-1

PERMIT # ACT/015/017

VIOLATION # 1 OF 1

EVENT VIOLATIONS INSPECTOR'S STATEMENT

A. SERIOUSNESS

1. What harmful event was this regulation designed to prevent? Refer to the DOGM reference list of events below and remember that the event is not the same as the violation. Check and explain each event.

- a. Activity outside the approved permit area.
- b. Injury to the public (public safety).
- c. Damage to property.
- d. Conducting activities without appropriate approvals.
- e. Environmental harm.
- f. Water pollution.
- g. Loss of reclamation/revegetation potential.
- h. Reduced establishment of a permanent, diverse and effective vegetative cover.
- i. Other.

2. Has the event occurred? Yes X No _____

If yes, describe it. If no, what would cause it to occur and how likely is it that it would happen.

Rill erosion on the Des Bee Dove haul road outslope. The rill depths vary from 48" to 6".

3. Would and/or does damage extend off the disturbed and/or permit area?

DISTURBED AREA

PERMIT AREA

Would: Yes _____ No X
 Does: Yes _____ No X

Would: Yes _____ No X
 Does: Yes _____ No X

4. Describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not damage would extend off the disturbed and/or permit area.

This has been a long standing complex problem with both the operator and the Division, collectively working on solutions. Reclamation plan calls for the road to be reclaimed. Several field meeting, test plots have been established, and the operator has monitored the erosion. All such efforts have been directed at finding effective proven solutions.

Potential damage off the disturbed area. Yes _____ No X

Potential damage off the permit area. Yes _____ No X

All runoff is controlled by siltation structures except the road drainage on the lower unbelted guard rail.

B. DEGREE OF FAULT (Only one question applies to each violation; check one and discuss.)

() No Negligence

If you think this violation was not the fault of the operator (due to vandalism or an act of God), explain. Remember the permittee is considered responsible for actions of all persons working on the mine site.

(X) Ordinary Negligence

If you think this violation was the result of not knowing about DOGM regulations, indifference to DOGM regulations or the lack of diligence or reasonable care. Explain.

The Division, operator and others have been actively involved in conducting field test plots on site to obtain data on what interim control measures would be feasible and not further add to the erosion problem.

() Recklessness

If the actual or potential environmental harm or harm to the public should have been evident to an operator, describe the situation and what if anything, the operator did to correct it prior to being cited.

() Knowing and Willful Conduct

Was the operator in violation of a specific permit condition? Did the operator receive prior warning of noncompliance by State or Federal inspectors concerning this violation? Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Yes

3. Was the submission of plans prior to physical activity required by this NOV? Yes X No _____ If yes, explain.

Plan 1: Submit plan and designs to control road runoff on the lower guard rail segment

Plan 2: Submit plan to augment additional erosion control measures on the outslope above the sediment pond.

August 8, 1991

DATE



AUTHORIZED REPRESENTATIVE

Wm. J. Malencik
Reclamation Specialist



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

September 11, 1991

Mr. Blake Webster
PacifiCorp Electric Operations
Fuel Resources
One Utah Center; Suite 2100
210 South Main Street
Salt Lake City, Utah 84140-0021

Dear Mr. Webster:

Re: Proposed Assessment for State Violation No. N91-20-2-1, PacifiCorp Electric Operations, Des-Bee-Dove Mine, ACT/015/017, Folder #5, Emery County, Utah

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under R614-401.

Enclosed is the proposed civil penalty assessment for the above-referenced violation. The violation was issued by Division Inspector, William J. Malencik on August 8, 1991. Rule R614-401-600 et. sec. has been utilized to formulate the proposed penalty. By these rules, any written information which was submitted by you or your agent, within fifteen (15) days of receipt of the Notice of Violation, has been considered in determining the facts surrounding the violation and the amount of penalty.

Under R614-401-700, there are two informal appeal options available to you:

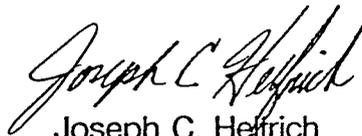
1. If you wish to informally appeal the fact of this violation, you should file a written request for an Informal Conference within 30 days of receipt of this letter. This conference will be conducted by the Division Director. This Informal Conference is distinct from the Assessment Conference regarding the proposed penalty.
2. If you wish to review the proposed penalty assessment, you should file a written request for an Assessment Conference within 30 days of receipt of this letter. If you are also requesting a review of the fact of violation,

Page 2
N91-30-2-1
ACT/015/017
September 11, 1991

as noted in paragraph 1, the Assessment Conference will be scheduled immediately following that review.

If a timely request for review is not made, the fact of violation will stand, the proposed penalty(ies) will become final, and the penalty(ies) will be due and payable within thirty (30) days of the proposed assessment. Please remit payment to the Division, mail c/o Vicki Bailey.

Sincerely,

A handwritten signature in cursive script that reads "Joseph C. Henrich".

Joseph C. Henrich
Assessment Officer

jbe
Enclosure

WORKSHEET FOR ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE PacifiCorp Electric/Des-Bee-Dove Mine NOV # N91-20-2-1

PERMIT # ACT/015/017 VIOLATION 1 OF 1

ASSESSMENT DATE 09/11/91 ASSESSMENT OFFICER Joseph C. Helfrich

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE 09/11/91 EFFECTIVE ONE YEAR TO DATE 09/11/90

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
_____	_____	_____

1 point for each past violation, up to one year;
5 points for each past violation in a CO, up to one year;
No pending notices shall be counted.

TOTAL HISTORY POINTS 0

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category, the Assessment Officer will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations Max 45 PTS

1. What is the event which the violated standard was designed to prevent?
Loss of reclamation/revegetation potential and reduced establishment of a permanent, diverse and effective vegetative cover.
2. What is the probability of the occurrence of the event which a violated standard was designed to prevent? Occurred

... PROBABILITY	RANGE
... None	0
... Unlikely	1-9
... Likely	10-19
... Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS

The inspector's statement revealed that rill erosion on the Des-Bee-Dove Haul Road
outslope had occurred. The rill depths varying from 48 to 6 inches, resulting in the
above-referenced events, thus 20 points are assigned.

3. What is the extent of actual or potential damage? RANGE 0 - 25*

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 5

PROVIDE AN EXPLANATION OF POINTS

Minimal damage has occurred as a result of the violation.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? RANGE 0 - 25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS

PROVIDE AN EXPLANATION OF POINTS

TOTAL SERIOUSNESS POINTS (A or B) 25

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
 OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
 OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

... No Negligence	0
... Negligence	1-15
... Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE None

ASSIGN NEGLIGENCE POINTS 0

PROVIDE AN EXPLANATION OF POINTS

No negligence occurred as a result of the violation.

IV. GOOD FAITH MAX 20 PTS. (EITHER A or B) (Does not apply to violations requiring no abatement measures.)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area?
 ... IF SO - EASY ABATEMENT
 Easy Abatement Situation
- | | |
|---|-------------|
| ... Immediate Compliance | -11 to -20* |
| ... Immediately following the issuance of the NOV) | |
| ... Rapid Compliance | -1 to -10* |
| ... (Permittee used diligence to abate the violation) | |
| ... Normal Compliance | 0 |
- (Operator complied within the abatement period required)
 (Operator complied with conditions and/or terms of approved Mining and Reclamation Plan)

* Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance?

... IF SO - DIFFICULT ABATEMENT

Difficult Abatement Situation

- ... **Rapid Compliance** -11 to -20*
(Permittee used diligence to abate the violation)
- ... **Normal Compliance** -1 to -10*
(Operator complied within the abatement period required)
- ... **Extended Compliance** 0
(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)
(Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan)

EASY OR DIFFICULT ABATEMENT? _____ ASSIGN GOOD FAITH POINTS 0

PROVIDE AN EXPLANATION OF POINTS

To be evaluated upon termination of the violation. _____

V. ASSESSMENT SUMMARY FOR N91-20-2-1

I.	TOTAL HISTORY POINTS	<u>0</u>
II.	TOTAL SERIOUSNESS POINTS	<u>25</u>
III.	TOTAL NEGLIGENCE POINTS	<u>0</u>
IV.	TOTAL GOOD FAITH POINTS	<u>0</u>
	TOTAL ASSESSED POINTS	<u>25*</u>
	TOTAL ASSESSED FINE	<u>\$ 0</u>

*Points assessed at less than 50, civil penalty discretionary.

jbe



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

July 17, 1991

Mr. Blake Webster
PacifiCorp Electric Operations
Fuel Resources
One Utah Center
210 South Main, Suite 2100
Salt Lake City, Utah 84140-0021

Dear Mr. Webster:

Re: Request for Surface Haul Road Runoff Plans and Erosion Study for Haul Road, PacifiCorp Electric Operations, Des-Bee-Dove Mine, ACT/015/017, Folder #2, Emery County, Utah

There is erosion associated with the permitted Des-Bee-Dove haul road. The belt line on the upper segment of the road routes surface runoff down the side of the road into a designed riprap channel and then to a sedimentation pond. This control measure was observed in the field and has been successful in keeping road runoff off the steep raw Mancos Shale road outslope. However, this measure has not been applied to a smaller, lower contiguous problem area. A plan must be submitted to address this issue.

An ongoing joint study is being conducted by you, the Division, OSM, and others addressing the final reclamation possibilities for the haul road. The studies, literature review, and field meeting have been helpful in formulating and updating the final reclamation plan. This information, however, must be utilized, in addition to any other information, in preparing an interim plan for this area. In order to refocus on the interim erosion prevention and further corrective actions, it is incumbent upon PacifiCorp Electric Operations to take the lead toward resolution of this issue. Therefore, it is necessary to:

- 1) Reconvene the previous joint study group with additional invitation to other OSM personnel and any others with special expertise;

- 2) Conduct group field meetings with written recommendations and time frames for the group;
- 3) Allow time for Division and group review of recommendations and receive Division approval for implementation; and
- 4) Amend permit as necessary.

Please submit plans for both the interim erosion control plan and the field group study by August 19, 1991. If you have any question, please call me.

Sincerely,



Pamela Grubaugh-Littig
Permit Supervisor

jbe
cc: "A" Team
AT015017.4



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

Plan: Implementation

Prudent eng. practices

*Natural Gas
Belt Line
Big - reg change*

*Terminated because
just submit a
plan.*

*#1 Lower grade 8/28/91
sent*

November 1, 1991

Continue with re-evaluation

*Mod for part 2 - 10/7 for road horse
Approved*

Mr. Blake Webster
PacifiCorp Electric Operations
Fuel Resources
One Utah Center; Suite 2100
210 South Main
Salt Lake City, Utah 84140-2100

Daytime entries
*Controlled
region
by controlling
water*
Only a plan
Road horse shoe
address modified
*approval of 2nd part
by 8/1/8 - install
Road shoe*

*installed
10/29/92 - Def.
11/2/92
Implemented #1*

Dear Mr. Webster:

Re: Approval of Abatement of NOV #N91-20-2-1, Des-Bee-Dove Mine, PacifiCorp Electric Operations, ACT/015/017, Folder #3 and #5, Emery County, Utah

Design specifications for the installation of waterbars and a berm have been reviewed and approved, conditioned upon submittal of certified design drawing

*Tom - Gray difference
Difference in energy dissipator*

Tom - 1/20
*Do you bag any
outside chance
have a memo reviewing
and approving plan...
Why did I want a
certified drawing? ~~xxx~~*

#2 1/24
Tom -
*Thank you, but
These were 1992 revised
any in 10/91?
Could you look
at and see why approved?
THANK YOU, thank you ~~pin~~*

PGL/jbe



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangarter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

Plan: Implementation →

Prudent eng. practices -

*Waterbars
Beltline
Reg - reg change*

*Eliminated
just submit a
plan.*

*#1 Lower grade 8/28/91
sent*

November 1, 1991

Continue with reclamation

*Mod for part 2 - 10/7 for road horse
approved*

Mr. Blake Webster
PacifiCorp Electric Operations
Fuel Resources
One Utah Center; Suite 2100
210 South Main
Salt Lake City, Utah 84140-2100

*Daytime entries ←
walled.
10/29/92 - Def.
11/2/92
Implemented Only a plan
#1*

*Controlled
erosion
by controlling
water*

*Road horse shoe -
address modified
approval 2nd part
by 8/1/8 - install
Horse shoe*

Dear Mr. Webster:

Re: Approval of Abatement of NOV #N91-20-2-1, Des-Bee-Dove Mine, PacifiCorp Electric Operations, ACT/015/017, Folder #3 and #5, Emery County, Utah

Design specifications for the installation of waterbars and a berm have been reviewed and approved, effective October 31, 1991, conditioned upon submittal of certified design drawings.

*Tom: Gray difference
Difference in energy dissipator*

Sincerely,

Pamela Grubaugh-Littig
Pamela Grubaugh-Littig
Permit Supervisor

PGL/jbe

ONE UTAH CENTER

201 SOUTH MAIN • SUITE 2100 • SALT LAKE CITY, UTAH 84140-0021 • (801) 220-2000

October 7, 1991

Ms. Pamela Grubaugh-Littig
Permit Supervisor
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

RE: NOV 91-20-2-1 MODIFICATION ABATEMENT PLAN, PACIFICORP ELECTRIC OPERATIONS, DES BEE DOVE MINE, ACT/015/017 #2

Dear Pamela:

I am enclosing the runoff volume calculations and installation summary of the proposed waterbar containment of the Des Bee Dove haul road pad. Your timely response is appreciated in order to complete the abatement prior to the November 8, 1991 deadline.

If there are any questions, please call Guy Davis at 653-2312 or me at 220-4584.

Sincerely,

Guy Davis (for)

J. Blake Webster
Permitting Administrator

GD/dw
Enclosure

cc: Larry LaFrentz

RECEIVED

OCT 11 1991

DIVISION OF
OIL GAS & MINING

INSTALLATION SUMMARY:

WATERBAR INSTALLATION:

Waterbars will be cut to a 1.0 ft. depth at 14 ft. spacing. The cut material will be bermed on the west edge of the cut. (See Typical Cross-Section.) Waterbars will be cut with no slope to contain the 10 yr/24 hr event. Waterbars will begin near the outside edge berm and extend to near the guardrail.

BERM INSTALLATION:

The berm will be installed approximately 6 ft. from the outslope. Equipment can not safely work closer to the outslope than this distance. Berm will be approximately 2 ft. high. (See Typical Cross-Section.)

SEEDING:

The berm and waterbars will be seeded with the approved seedmix and seeding method.

DES BEE DOVE HAUL ROAD PAD CALCULATIONS

RAINFALL TOTAL: 2.0 INCHES (10 YR/24 HR EVENT)
FROM US DEPARTMENT OF COMMERCE, NOAA
ATLAS 2, 1973

CN: 98
FROM SCS NATIONAL ENGINEERING HANDBOOK,
1972, SECTION 4, HYDROLOGY

RAINFALL RUNOFF VOLUME: $Q = \frac{(P - 0.2S)^2}{P + 0.8S}$

WHERE:

P = 2.0 INCHES

$S = \frac{1000 - 10}{CN} = .204$

Q = 1.90 INCH/FT²

PAD AREA = 1.94 ACRES = 84,506 FT²

TOTAL RUNOFF = 13,380 CU.FT.

6.31 FT² OF PAD AREA = 1 CU. FT. RUNOFF
VOLUME

WATERBAR SPACING:

FOR WIDER 1.43 ACRES

AVERAGE WATERBAR LENGTH - 125 FT.

125 FT. WATERBAR WILL HANDLE RUNOFF OF
1712 FT² OF AREA

SPACING OF WATERBARS APPROXIMATELY
EVERY 14 FT.

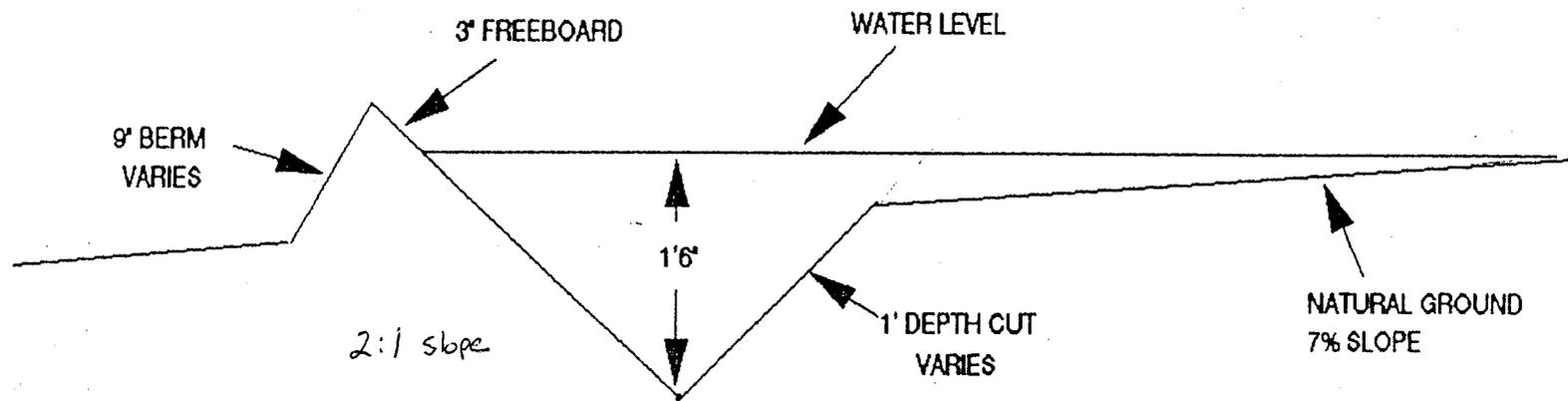
FOR NARROW .51 ACRES

AVERAGE WATERBAR LENGTH - 25 FT.

25 FT. WATERBAR WILL HANDLE 342 FT² OF AREA

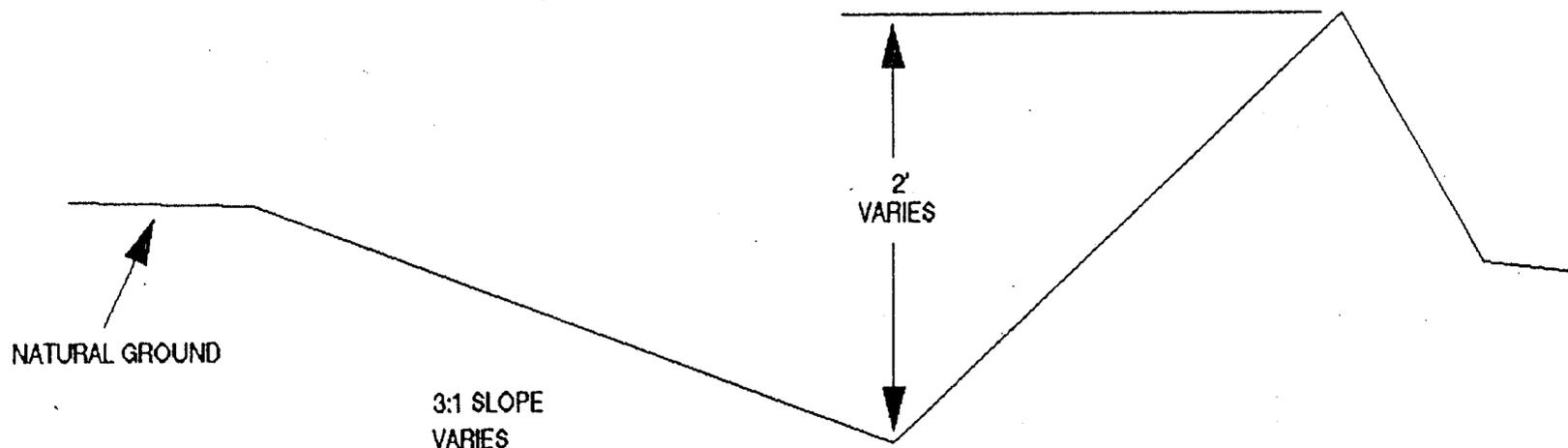
SPACING OF WATERBARS APPROXIMATELY
EVERY 14'

DES-BEE-DOVE HAUL ROAD PAD
WATERBAR - TYPICAL CROSS SECTION



* NO SCALE

DES-BEE-DOVE HAUL ROAD PAD
BERM - TYPICAL CROSS SECTION



* NO SCALE

From: Jim Carter (JCARTER)
To: PGRUBAUGH-LITTIG
Date: Friday, January 21, 1994 10:28 am
Subject: Des-Bee-Dove -Reply

If OSM vacates the NOV and issues a TDN, We'll respond accordingly. They will then have to find our response arbitrary and capricious before ordering a federal inspection and issuing a new NOV. If we believe their determination of arbitrary and capricious is unfounded, we'll sue to get a judicial interpretation of "arbitrary and capricious" Simple, see?

File Act/015/017 #2
Copy PDM



ONE UTAH CENTER

201 SOUTH MAIN • SUITE 2100 • SALT LAKE CITY, UTAH 84140-0021 • (801) 220-2000

August 19, 1991

Post-it brand fax transmittal memo 7671		# of pages	1
To	<i>PAM LITTIG</i>	From	<i>VAL PAYNE</i>
Co.	<i>DOGMA</i>	Co.	<i>PACIFICORP</i>
Dept.		Phone #	<i>653-2312</i>
Fax #	<i>359-3940</i>	Fax #	<i>653-2479</i>

Ms. Pamela Grubaugh-Littig
Permit Supervisor
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

RE: REQUEST FOR SURFACE HAUL ROAD RUNOFF PLANS AND EROSION STUDY FOR HAUL ROAD, PACIFICORP ELECTRIC OPERATIONS, DES BEE DOVE MINE, ACT/015/017, FOLDER #2, EMERY COUNTY, UTAH

Dear Ms. Littig:

The above referenced matter, which you addressed in your letter of July 17, 1991, is also the subject of Notice of Violation No. N91-20-2-1. The NOV, issued August 8, 1991 by Mr. Malencik, identifies remedial actions and establishes abatement deadlines of August 23 and September 9, 1991. The required remedial actions are consistent with the information requested in your letter. Your letter also established a response date of August 19, 1991.

Subsequent to a telephone conversation between yourself and Val Payne, it is my understanding that the NOV abatement times supersede the response date stated in your letter. Therefore, we will comply with the abatement measures and time frame established in the NOV.

If you have further comments regarding this matter, please contact me at 220-4584 or Val Payne at 653-2312.

Your consideration in this matter is appreciated.

Sincerely,
Val Payne
J. Blake Webster
Permitting Administrator

VP/dw



Norman H. Bangerter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

July 17, 1991

Certified Return Receipt Requested
P 074 979 100

Mr. Robert Hagen, Director
Office of Surface Mining
Reclamation and Enforcement
Suite 310, Silver Square
625 Silver Avenue, S.W.
Albuquerque, New Mexico 87102

Dear Mr. Hagen:

Re: Ten-Day Notice X91-02-370-004 TV1, PacifiCorp Electric Operations, Des-Bee-Dove Mine, ACT/015/017, Folder #2, Emery County, Utah

This letter is in response to the above-referenced Ten-Day Notice, certified copy received July 8, 1991.

Number 1 of 1 Reads: "Failure to control or prevent erosion on road disturbance." Location: The section of the haul road through the Mancos Shale layer below the belt line runoff control. Regulation Citation: R614-301-752.210

Division Response: This TDN was issued for failure to control or prevent erosion on the permitted Des-Bee-Dove haul road. The OSM oversight inspection pointed out:

- (1) That the belt line on the upper segment of the road routes surface runoff down the side of the road into a designed riprap channel and thence to a sediment pond. This control measure was observed in the field and has been successful in keeping road surface runoff off the steep raw Mancos shale road outslope. However, this measure has not been applied to a smaller, lower contiguous problem area; and

(2) That the studies, literature reviews and field meeting have been helpful in formulating and updating the final reclamation plan. Further, that erosion prevention and control for the interim period was not adequately addressed even though the field meeting and study plots have been implemented.

It should be pointed out at the outset that the erosion problem is confined to a small area and is isolated below the road and above the sediment pond. The outslope erosion area, as related to road distances, is less than ten percent of the total road area. The balance of the road is a testimony to high quality design proven by time. The Division does not intend to minimize the complex problem on the small area noted above. However, identifying problems and finding feasible solutions is collectively what we have been working on with OSM, the permittee, and others who have special expertise on this particular matter.

It was the consensus of the aforementioned group, at a previous field meeting, that proposed erosion corrective or prevention measures be validated through a field study trial. Thereafter, the proven successful practices would be implemented on the problem areas, and those that did not work would be noted and not applied. Long established conservation agencies, both federal and state that have worked on erosion, watershed, range, and vegetation management practices, fully recognize the complexity of erosion and vegetal regeneration on Mancos shale soils and subsoils. We have worked very closely with such organizations in order to benefit from these experiences.

We believe our collective actions on the erosion problem have been positive. In light of your concern, particularly as related to interim erosion protection, we are taking a two-fold action which we believe is a positive step to respond to the aforementioned TDN and result in on-the-ground corrective action. The two actions are as follows:

(1) The permittee has been requested to submit a plan with designs to prevent surface road runoff from discharging to the outslope on the lower segment of the haul road. A copy of the letter we have sent to the permittee is attached. The practices; i.e., belt line and approved diversion successfully utilized on the upper road mentioned in (1) above, will be implemented as an amendment on the lower segment.

(2) The studies, literature review, and field meetings, that have been helpful in formulating and updating the final reclamation plan, will be utilized in addition to other information in preparing the interim plan. In order to refocus on the interim erosion prevention and further corrective actions, our current thinking is as follows:

- (a) Reconvene the previous group with additional invitation for OSM participation and others with special expertise,
- (b) Group field meeting with written recommendations and time frames from the group,
- (c) Management review of recommendations and decisions on implementation, and
- (d) Notify permittee and obtain interim erosion plan and amendments as necessary.

The permittee has the lead role to develop a plan on items (1) and (2) above. This plan must be submitted to the Division by August 19, 1991. The Division, after reviewing the plan, will coordinate with the permittee on who will do what, as related to item (2).

Sincerely,



Lowell P. Braxton
Associate Director, Mining

jbe
Enclosure
cc: *A* Team
AT015017.1

file TADW 10-18.

UNITED STATES DEPARTMENT OF THE INTERIOR Office of Surface Mining Reclamation and Enforcement TEN-DAY NOTICE	Originating Office: OSM
	625 Silver SW, Suite 310 Albuquerque, NM 87102

Number: X-91 - 02 - 370 - 004 TV 1 Telephone Number: 505-766-1486

Ten-Day Notice to the State of Utah

You are notified that, as a result of _____ (e.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 action 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: <u>PacificCorp Electric Operations</u> County: <u>Emery</u> <small>(Or Operator if No Permit)</small>	<input type="checkbox"/> Surface
Mailing Address: <u>324 S. State St. P.O. Box 26128, Salt Lake City, UT 84126</u>	<input checked="" type="checkbox"/> Underground
Permit Number: <u>111A/015/017</u> Mine Name: <u>Des Be Dove</u>	<input type="checkbox"/> Other _____

NATURE OF VIOLATION AND LOCATION: Failure to control or prevent erosion on road disturbance. The section of the haul road through the Mancos shale layer below the belt line runoff control.

Section of State Law, Regulation or Permit Condition believed to have been violated: R614-301-752.210

NATURE OF VIOLATION AND LOCATION: _____ Rec DOB

_____ 7-8-91

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: _____

Date of Notice: <u>6/24/91</u> <u>cert receipt # 0965 799067</u>	Signature of Authorized Rep. <u>[Signature]</u> Print Name and ID: <u>MICHAEL S. ROLLINGS, 370</u>
---	---

RANDOM SAMPLE MEIR SUPPLEMENT

1. Permittee Pacificorp Elec. Operations 5. Days since Last State Complete Inspection (LSCI) 134
 2. Permit Number INA/015/017 * 6. Block 25 Categories in NON-COMPLIANCE this RSI 3
 3. Joint Inspection | Y | Y/N 4. Date 6-5-91 7. Total Violations this RSI 2

 8. List (only once) all violations:

- 1) where State enforcement was required and taken during the LSCI;
- 2) recorded in the LSCI report but the State failed to take enforcement;
- 3) observed during this RSI which clearly existed during the LSCI but the State failed to take enforcement; and
- 4) existing during this RSI which are not already listed under one of the categories above.

A	B	C	D	E	F	G	H	I	J	K
SPECIFIC STATE LAW/REGULATION VIOLATED	BLOCK 25 CATEGORY	ABATED (Y/N)	STATE ACTION	REASON IF UNCITED	CAUSE	SERIOUSNESS PEO	IMPACT	OSMRE ACTION	OPTIONAL	
1. <u>614, 301, 742 & 231</u> <u>300 (43)</u>	<u>D</u>	<u>N</u>	<u>A</u>	<u>-</u>	<u>A</u>	<u>2</u>	<u>1</u>	<u>1</u>		
Description: <u>PT maintain a ditch</u>										
2. <u>614, 301, 752, 210</u>	<u>J</u>	<u>N</u>	<u>2</u>		<u>A</u>	<u>2</u>	<u>4</u>	<u>2</u>		
Description: <u>PT control or prevent erosion on road</u>										
3. / / / /										
Description:										
4. / / / /										
Description:										
5. / / / /										
Description:										
6. / / / /										
Description:										
7. / / / /										
Description:										
8. / / / /										
Description:										
9. / / / /										
Description:										
10. / / / /										
Description:										

- STATE ACTION
- 1) Existed on LSCI, cited
 - 2) Existed on LSCI, not cited
 - 3) Cited Prior to LSCI, Abatement Pending
 - 4) Occurred since LSCI
 - 5) Permit defect

- STATE'S REASON FOR NOT CITING VIOLATION (AFTER DISCUSSION WITH THE STATE)
- 1) Not a Violation
 - 2) Precluded by State Policy
 - 3) Not Included under State Program
 - 4) Warning given in lieu of a Citation
 - 5) Violation not recognized (missed)
 - 6) Practice allowed under approved Permit
 - 7) Too minor to cite
 - 8) Working with Operator to Correct
 - 9) Other: _____

- CAUSES
- 1) Permit Defect
 - 2) Unusual Weather Conditions
 - 3) Unofficial Waiver
 - 4) Operator Negligence
 - 5) Other: _____

- PROBABILITY OF EVENT OCCURRENCE
- 1) None or Unlikely
 - 2) Likely
 - 3) Occurred

- IMPACT
- Damage Remains Within the Permit Area
- 1) None or Minor
 - 2) Moderate
 - 3) Considerable
- Damage Extends Beyond the Permit Area
- 4) None or Minor
 - 5) Moderate
 - 6) Considerable
- Obstruction to Enforcement
- 7) None or Minor
 - 8) Moderate

- OSMRE ACTION
- 1) Deferred to State Action
 - 2) TDN issued
 - 3) IH-OO issued
 - 4) Previously Cited, Abatement Pending
 - 5) Abated during or before OSMRE Inspection
 - 6) TDG issued
 - 7) TDN Issued, Permit Defect

United States Department of the Interior
Office of Surface Mining
Mine Site Evaluation Inspection Report

For Office Use Only

1a
Y Y M M

1b
Batch

1c
Report

2. Name of Permittee

PACIFIC POWER ELECTRIC

3. Street Address

311 S STATE ST

4. City

SALT LAKE CITY

5. State

UT

6. Zip Code

84126

7. Area Code

801

8. Telephone Number

853-2512

9. MSHA Number

SEE REPORT

10. Date of Inspection (Y Y M M D D)

9/10/05

11. State Permit Number

112/015/017

12. Name of Mine

DEE BEE DOWE

13. County Code

015

14. State Code

UT

15. Strata

16. State Area Office

17. OSM Field Office No.

02

18. OSM Area Office No.

19. OSM Sample No.

20. Type of Inspection (Code)

C

21. Joint Inspection Yes No

X

22. Inspector's ID No.

270

23. Status

A 01 Type of Permit

B T Mine Status (Code)

C 20 Type of Facility (Code)

D 22760.2 Number of Permitted Acres

E 0.0 Number of Disturbed Acres

24. Type of Activity (check applicable boxes).

A Steep Slope

B Mountain Top Removal

C Prime Farmlands

D Alluvial Valley Floors

E Anthracite

F Federal Lands

G Indian Lands

H Other

25. Performance Standards (Codes)

Instructions: Indicate compliance code. For any standard marked 2 or 3 provide narrative to support this determination.

Standards That Limit the Effects to the Permit Area

- A Distance Prohibitions
- B Mining Within Permit Boundaries
- C Signs and Markers
- D Sediment Control Measures
- E Design and Certification Requirements—Sediment Control
- F Effluent Limits
- G Surface Water Monitoring
- H Ground Water Monitoring
- I Blasting Procedures
- J Haul/Access Road Design and Maintenance
- K Refuse Impoundments
- L Other: Specify _____

Standards That Assure Reclamation Quality and Timeliness

- M Topsoil Handling
- N Backfilling and Grading
- O Following Reclamation Schedule
- P Revegetation Requirements
- Q Disposal of Excess Spoil
- R Handling of Acid or Toxic Materials
- S Highwall Elimination
- T Downslope Spoil Disposal
- U Post Mining Land Use
- V Cessation of Operations: Temporary
- W Other _____

PacifiCorp Electric Operations
324 South State Street
P.O. Box 26128
Salt Lake City, UT 84126-0128
801-220-4584

Des Bee Dove Mine
ACT/015/017

Complete inspection
6/5/91

Mitchell S. Rollings, 370, OSM
Bill Malencik, DOGM
Guy Davis, Environmental Engineer, PacifiCorp

This was a complete, random sample oversight inspection. The operator's representative accompanied us in the field and was present during the records/permit review at the end of the inspection.

NOV N91-26-6-1 was issued by DOGM for failing to maintain a ditch. The outslope ditch on the haul road was specifically approved to route runoff past the sedimentation pond into a drainage. The ditch was breeched so that the runoff went to the pond. The remedial actions were to reestablish the ditch and repair the associated erosion.

TDN 91-02-370-004 TV1 was issued for failure to control or prevent erosion on road disturbance. The haul road cuts through a Mancos shale layer. The out slopes of the road have eroded to form gullies as deep as 48". The erosion is pervasive throughout the disturbed shale layer. The lower part of the road has not had any preventive measures taken on the slopes. The upper part of the road has a beltline that routes runoff from the road surface down the side of the road, keeping it off the steep out slopes. The approved mine plan has a condition that addresses the reclamation of the road. Certain studies, literature and field, are to be done by specified dates. This information will then be used to formulate a reclamation plan. The condition does not address erosion control during the interim period until reclamation.

This operation went into temporary cessation in 2/87. The new permit was issued May 31, 1991, and neither the operator or the Price DOGM office had received a copy yet. AFO received a faxed copy from Price on 6/19/91. This new permit is for underground coal mining activities. The permit does not specify how long the temporary cessation is for nor is there an anticipated date for mining to restart. The permit simply states that the mine is awaiting favorable economic conditions and fuel demand. There are seven million tons of reserves and at the time of closure, the mine was producing about one million tons per year.

There were two locations that showed potential for problems but were not violations at the time of the inspection. One ditch next to the storage area needs to be reworked and possibly protected to control or prevent erosion. The downspout from the middle shop area discharges on the backfilled slope below this. The operator needs to monitor this

location due to the steepness and quality of protection afforded.

The mine has an MSHA number for each portal. The Deseret Portal is 42-00988, Beehive Portal is 42-00082, and the Little Dove Portal is 42-01393.

The operator for this site is:

Energy West Mining Co.

P.O. Box 310

Huntington, UT 84528

801-687-9821

and is a wholly owned subsidiary of the permittee.

Part 25 Performance Standards

25D addressed in the DOGM NOV issued as a result of this inspection

25J addressed in the TDN issued as a result of this inspection.

25V out of compliance because of the two actions listed above.



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

November 3, 1992

Mr. Robert Hagen, Director
Office of Surface Mining
Reclamation and Enforcement
505 Marquette N.W., Suite 1200
Albuquerque, New Mexico 87102

Tom - 1/20
Do you remember what this was?
What was Dug's other plan. Tom. Pam
LET'S TALK....

Dear Mr. Hagen:

Re: Abatement Plan, PacifiCorp, Des-Bee-Dove Mine, ACT/015/017-92C, Folder #2, Emery County, Utah

Enclosed please find the updated plan for the lower belted road drainage.

Sincerely,

Pamela Grubaugh-Littig
Permit Supervisor

pgl

Enclosure

cc: Bill Malencik, PFO

DES BEE DOVE LOWER BELTED ROAD DRAINAGE

To help reduce the recent erosion on the Junction Road fillslope between STA 156+00 and 161+00 the following plan has been designed.

To divert the road runoff from the fillslope area, used mine belting will be installed along the existing guard rail. The installation would be as depicted on Figure 2.

To handle the diverted runoff and direct the flow into a natural channel, a designed rip-rap channel and culvert would be constructed and installed. These designs and cross-sections are shown on Figures 3 and 4. The culvert will have a metal collar at the inlet according to permit packet 5-1 drawing 19 of 38. Outlet velocity control will be accomplished by construction of a 4' x 10' rock gabion energy dissipator of 18" angular rock. The angular rock will be contained by wire mesh.

Flow calculations, designs and drawings are as follows:

DES BEE DOVE LOWER BELTED ROAD DRAINAGE DESIGN

1. Area = 1.35 Acres (Figure 1)
2. Time of Concentration
 - a. Hydraulic Length - 1000 ft.
 - b. Average Slope - 7%
 - c. Velocity - 5.3 fps (Exhibit A)
 - d. Time of Concentration - .05 hr.
3. Curve Number
 - 80% at 98
 - 20% at 87
 - Weighted Average - 96 (Exhibit B)

AMENDMENT TO

APPROVED Mining & Reclamation Plan
Approved, Division of Oil, Gas & Mining

by ACT/015/017-92C JM date 11/3/92

4. Design Flow

4.07 cfs (Table 1)

10 yr./6 hr. Storm Event

5. Guard Rail Belting Installation

Figure 2

Length - Approx. 600 ft.

To Divert Road Runoff Away From Fillslope.

6. Channel Design

Figure 3

Rip-rap Sizing Calculation

Rip-rap Gradation

% smaller than given size by weight

70-100	14"
50-70	12"
35-50	9"
2-10	3"

Length - Approx. 270 ft.

7. Culvert Design

Figure 4

Length - Approx. 80 ft.

8. Erosion Protection

Energy Dissipator - Rock Gabion, 4' x 10' of 18" angular rock. (See Fig. 4)

Angular rock will be contained by wire mesh

AMENDMENT TO

APPROVED Mining & Reclamation Plan
Approved, Division of Oil, Gas & Mining

Approved by: JWA Date: 11/3/92

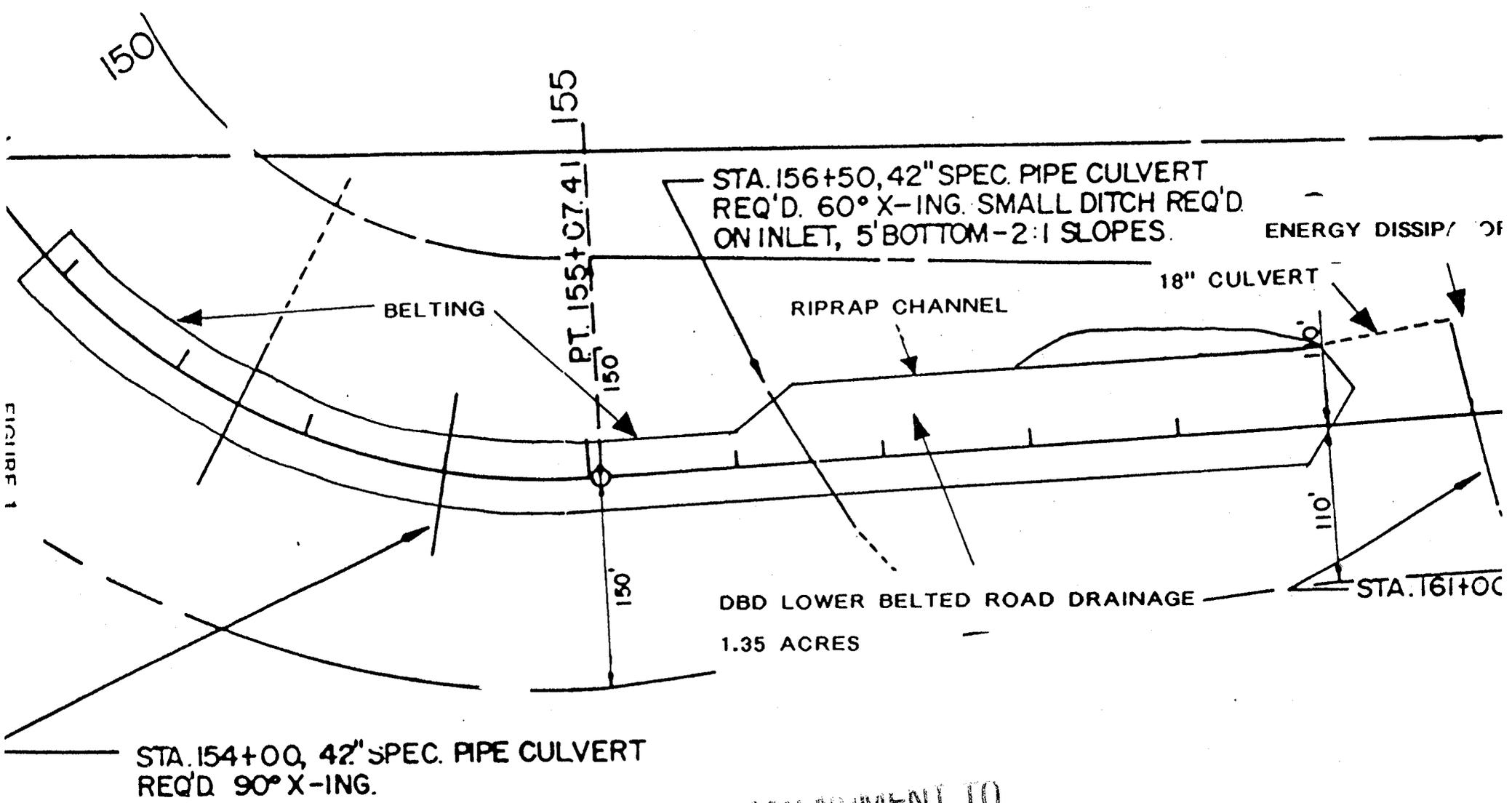


FIGURE 1

STA. 154+00, 42" SPEC. PIPE CULVERT
REQ'D 90° X-ING.

STA. 156+50, 42" SPEC. PIPE CULVERT
REQ'D. 60° X-ING. SMALL DITCH REQ'D
ON INLET, 5' BOTTOM-2:1 SLOPES.

ENERGY DISSIPATOR

18" CULVERT

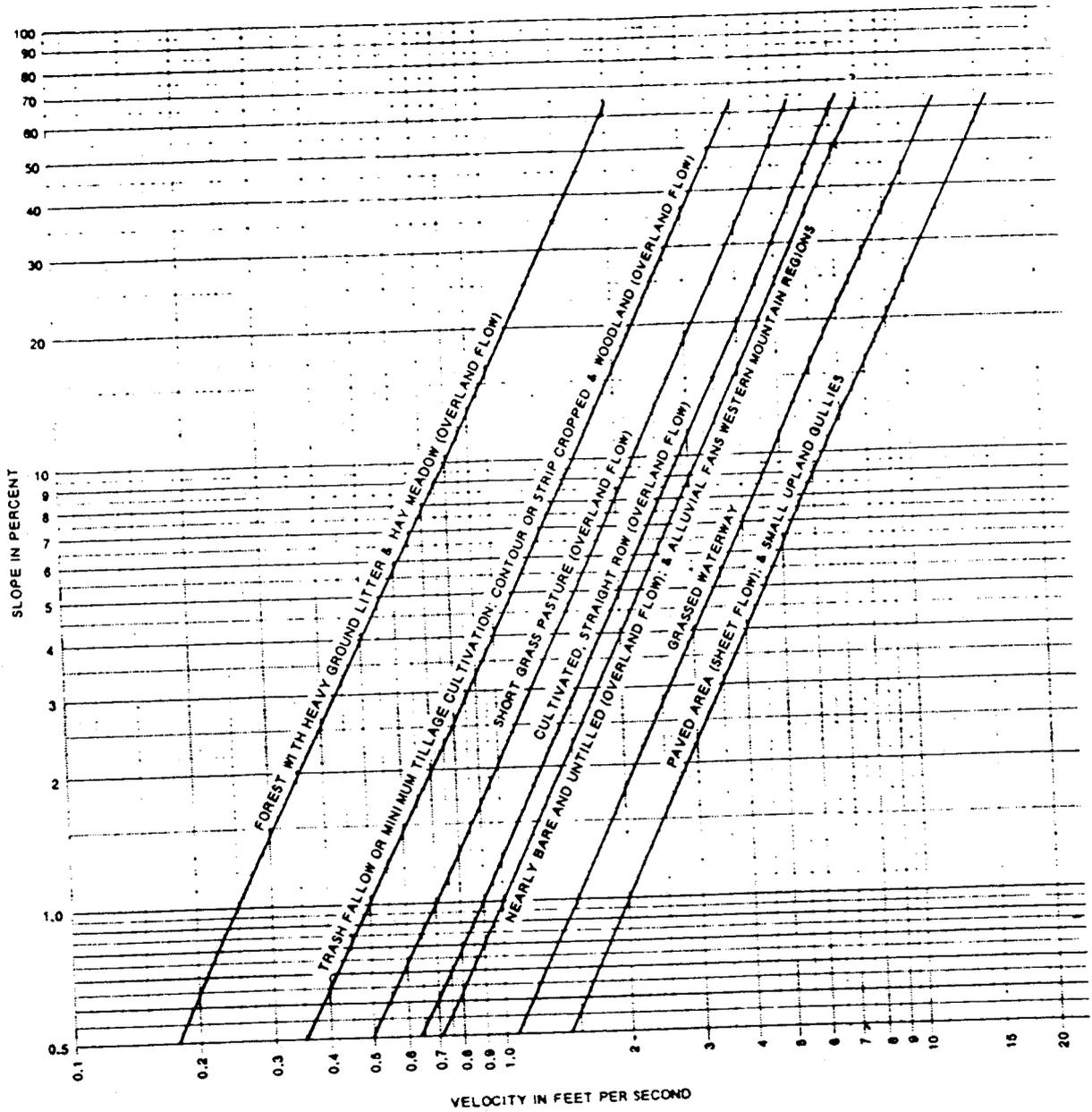
DBD LOWER BELTED ROAD DRAINAGE
1.35 ACRES

STA. 161+00

SCALE 1"=100'

AMENDMENT TO
APPROVED Mining & Reclamation Plan
Approved, Division of Oil, Gas & Mining

by ACT/015/017-92C TM date 11/3/92



FROM "NEH" SECTION 4

Figure 15.2.—Velocities for upland method of estimating T_c

AMENDMENT TO

IMPROVED Mining & Reclamation Plan
approved, Division of Oil, Gas & Mining

by ACT/015/07-92C TM date 11/3/92

Table 9.1.--Runoff curve numbers for hydrologic soil-cover complexes
(Antecedent moisture condition II, and $I_a = 0.2 S$)

Land use	Cover		Hydrologic soil group			
	Treatment or practice	Hydrologic condition	A	B	C	D
Fallow	Straight row	----	77	36	91	94
Row crops	"	Poor	72	81	88	91
	"	Good	67	78	85	89
	Contoured	Poor	70	79	84	88
	"	Good	65	75	82	86
	"and terraced	Poor	66	74	80	82
	" " "	Good	62	71	78	81
Small grain	Straight row	Poor	65	76	84	88
		Good	63	75	83	87
	Contoured	Poor	63	74	82	85
		Good	61	73	81	84
	"and terraced	Poor	61	72	79	82
		Good	59	70	78	81
Close-seeded legumes <u>1/</u> or rotation meadow	Straight row	Poor	66	77	85	89
	" "	Good	58	72	81	85
	Contoured	Poor	64	75	83	85
	"	Good	55	69	78	83
	"and terraced	Poor	63	73	80	83
	"and terraced	Good	51	67	76	80
Pasture or range		Poor	68	79	86	89
		Fair	49	69	79	84
		Good	39	61	74	80
	Contoured	Poor	47	67	81	88
	"	Fair	25	59	75	83
	"	Good	6	35	70	79
Meadow		Good	30	58	71	78
Woods		Poor	45	66	77	83
		Fair	36	60	73	79
		Good	25	55	70	77
Farmsteads		----	59	74	82	86
Roads (dirt) <u>2/</u> (hard surface) <u>2/</u>		----	72	82	87	89
		---	74	84	90	92

1/ Close-drilled or broadcast.
2/ Including right-of-way.

FROM "NEH" SECTION 4

AMENDMENT TO
 APPROVED Mining & Reclamation Plan
 Approved, Division of Oil, Gas & Mining
 ACT 1015/017-92C TWA date 11/3/92

INPUT SUMMARY

FOR W.S.: DBD LOWER BELTED ROAD DRAINAGE

STORM:	WATERSHED:
DISTRIBUTION = SCS TYPE 2	LAND SLOPE = 0.0000 PCT
PRECIP. DEPTH = 1.20 IN	CURVE NUMBER = 96.00
DURATION = 6.00 HR	CHANNEL LENGTH = 0.00 FT
NUMBER OF LINES = 915	TIME OF CONC. = 0.0500 HR
	AREA = 1.35 AC
	D = 0.0067 HR

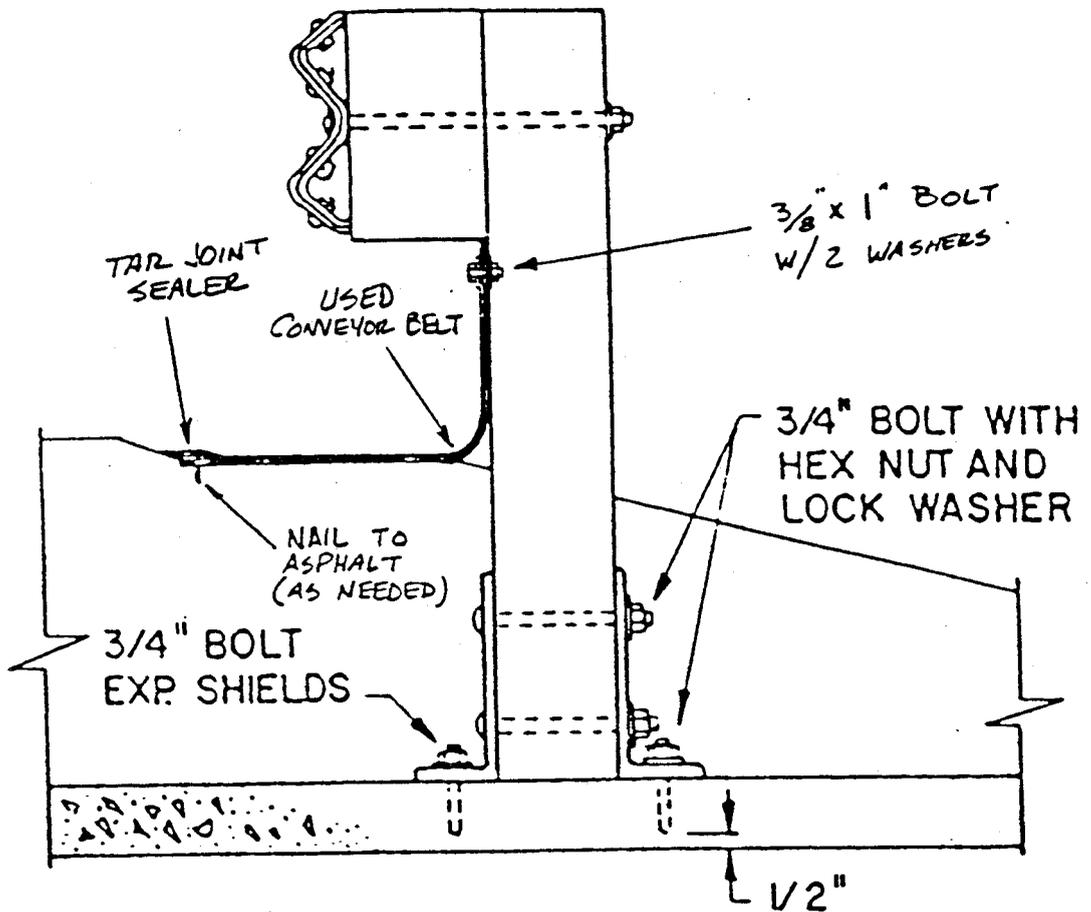
OUTPUT SUMMARY

RUNOFF DEPTH = 0.8121 IN
INITIAL ABSTRACTION = 0.0833 IN
PEAK FLOW = 4.07 CFS (2.9903 IFH)
AT T = 3.13 HRS

AMENDMENT TO

APPROVED Mining & Reclamation Plan
Approved, Division of Oil, Gas & Mining

by ACT/us/07-92C JM date 11/3/92



TYPICAL GUARD RAIL

BELTING INSTALLATION

AMENDMENT TO

APPROVED Mining & Reclamation Plan
 Approved, Division of Oil, Gas & Mining

by: ACT/OS-D7-92C TWD date 11/3/92

RIPRAP SIZING

RIPRAP SIZING FOR TRAPEZOIDAL DITCHES

ENTER LISTED PARAMETERS

1. FLOW RATE (CFS) 4.07
2. CHANNEL SLOPE .06
3. BOTTOM WIDTH (FT) 1.5
4. SIDE SLOPE .50
5. PHI ANGLE 43
6. SPECIFIC GRAVITY OF RIPRAP 2.65

DESIRED SAFETY FACTOR FOR CHANNEL BOTTOM 1

DESIRED SAFETY FACTOR FOR CHANNEL BANKS 1

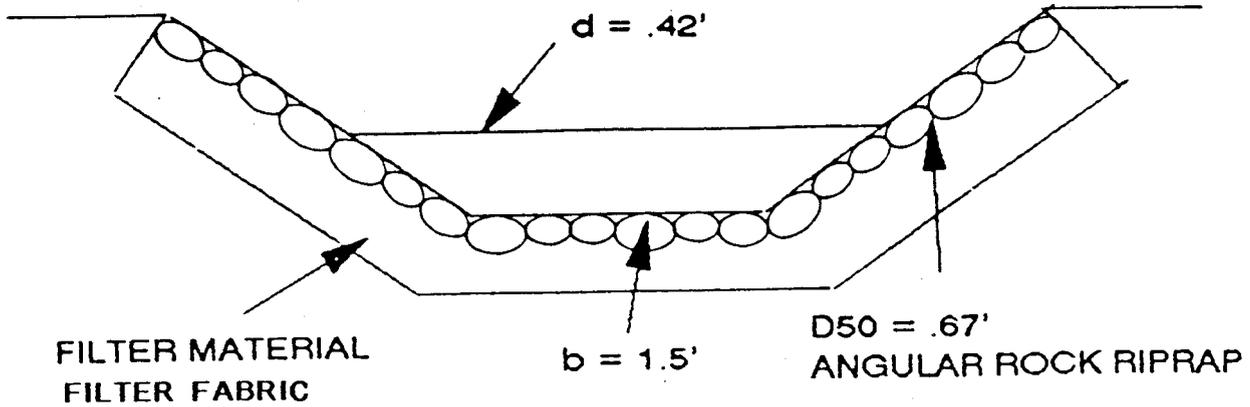
VELOCITY	DEPTH	DSO	S.F. BTM	S.F. BANK
4.433	.427	.6716	1.806	1

AMENDMENT 3

APPROVED Mining & Reclamation Plan
Approved, Division of Oil, Gas & Mining

by ACT/05/017-920 JMW Date 11/3/02

DES-BEE-DOVE MINE
CHANNEL AT
STA 156 TO 161



Trapezoidal Channel Analysis & Design
Open Channel - Uniform flow

Worksheet Name: DBD CHANNEL AT 156

Comment: CHANNEL AT STA 156 TO 161

Solve For Depth

Given Input Data:

Bottom Width.....	1.50 ft
Left Side Slope..	1.50:1 (H:V)
Right Side Slope.	1.50:1 (H:V)
Manning's n.....	0.035
Channel Slope....	0.0600 ft/ft
Discharge.....	4.07 cfs

Computed Results:

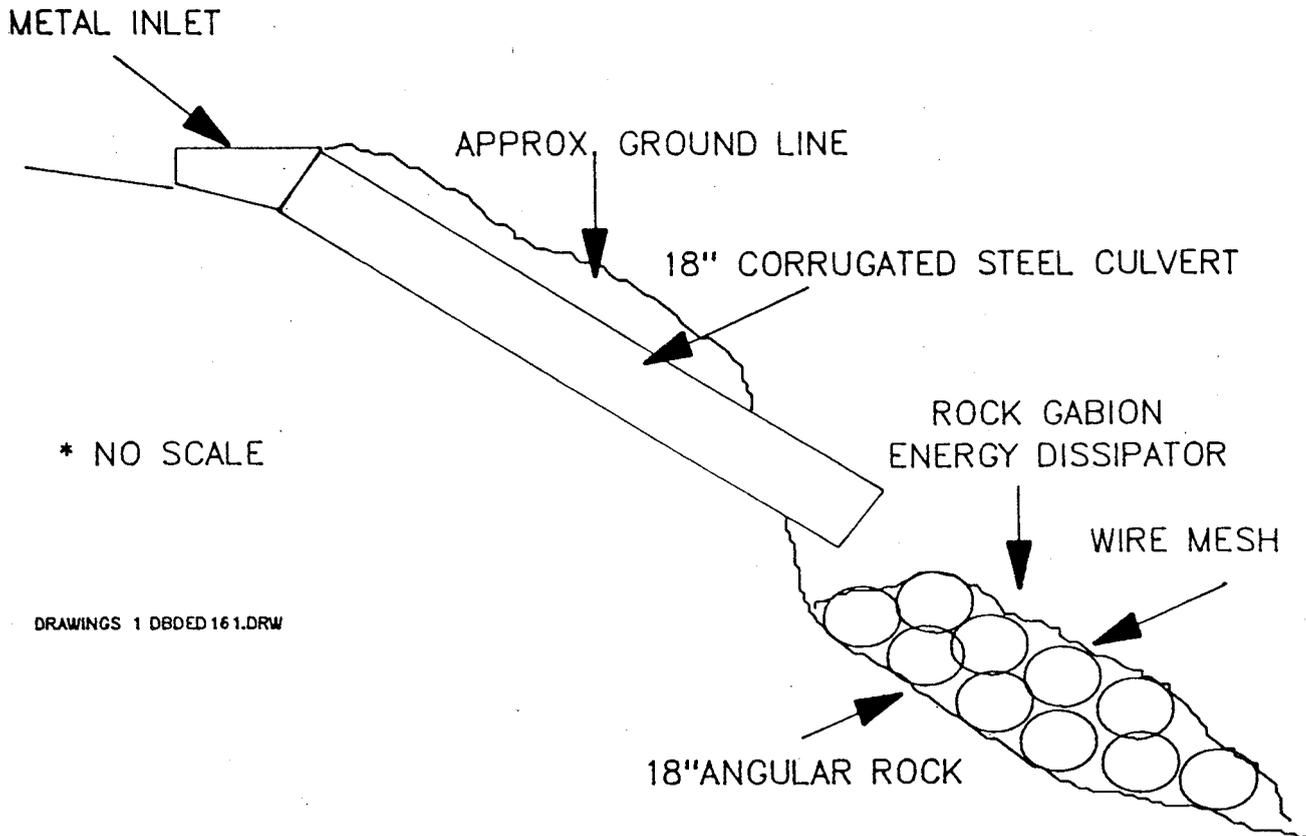
Depth.....	0.42 ft
Velocity.....	4.60 fps
Flow Area.....	0.88 sf
Flow Top Width...	2.75 ft
Wetted Perimeter.	3.00 ft
Critical Depth...	0.51 ft
Critical Slope...	0.0280 ft/ft
Froude Number....	1.43 (flow is Supercritical)

AMENDMENT TO

APPROVED Mining & Reclamation Plan
Approved, Division of Oil, Gas & Mining

by ACI/p15/p17-91c/TM date 11/3/92

DBD CULVERT ROAD DRAINAGE AT STA 161



* NO SCALE

DRAWINGS 1 DBDED161.DRW

Circular Channel Analysis & Design
Solved with Manning's Equation

Open Channel - Uniform flow

Worksheet Name: DBD CULVERT AT 161

Comment: ROAD DRAINAGE CULVERT AT STA 161 OUTLET

Solve For Actual Depth

Given Input Data:

Diameter.....	1.50 ft
Slope.....	0.4000 ft/ft
Manning's n.....	0.014
Discharge.....	4.07 cfs

Computed Results:

Depth.....	0.26 ft
Velocity.....	19.75 fps
Flow Area.....	0.21 sf
Critical Depth....	0.77 ft
Critical Slope....	0.0063 ft/ft
Percent Full.....	17.40 %
Full Capacity.....	61.69 cfs
QMAX @.94D.....	66.36 cfs
Froude Number.....	8.18 (flow is Supercritical)

Open Channel Flow Module, Version 3.21 (c) 1990
Haestad Methods, Inc. * 37 Brookside Rd * Waterbury, Ct 06708

FIGURE 4

AMENDMENT TO
APPROVED Mining & Reclamation Plan
 Approved, Division of Oil, Gas & Mining

hv ACT/dis/cf 920 TMA date 11/3/92

Route to Tom, ^{SV}
Review
Then file ACT/015/017 #2
920

One Utah Center
201 South Main, Suite 2100
Salt Lake City, Utah 84140-0021
(801) 220-2000



October 29, 1992

Ms. Pamela Grubaugh-Littig
Permit Supervisor
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, UT 84180-1203

RECEIVED

NOV 02 1992

DIVISION OF
OIL GAS & MINING

Letter 11/3

RE: ABATEMENT DEFICIENCIES FOR NOV 91-20-2-1, PART 1, PACIFICORP,
DES-BEE-DOVE MINE, ACT/015/017

Dear Pamela:

In response to the October 1, 1991 letter from Tom Munson, we re-submit Part 1 of the NOV abatement with the deficiencies addressed. For ease of understanding, the deficiency will be presented in bold, followed by the changes or additional explanation required to address the deficiency.

1. **The operator failed to provide a gradation for his riprap. Provide the D100 and D20 sizes for the channel design.**

Riprap gradation has been added to the drainage design.

2. **The installation of the culvert does not include any design specifics for the installation of the culvert (i.e., buried or installed on the surface, headwall dimensions).**

This information is shown in Fig. 4. The inlet to the culvert is a standard flared metal end-section. The culvert will be buried approximately 12" as shown.

3. **The rock impact basin is described as a 4' by 10' basin of 1.5' angular rock. The operator must provide calculations regarding the depth of the basin.**

The operator commits to a rock gabion energy dissipator with the same dimensions. The angular rock in the dissipator will be contained by wire mesh.

4. **The operator must submit a map of appropriate scale (1"=100") which shows the location of the watershed, channel, culvert and rock lined basin.**

The scale and energy dissipator has been added to Fig. 1. The watershed, channel and culvert were previously shown on Fig. 1.

The Division's timely response to this deficiency submittal is requested to allow installation before winter weather arrives.

If there are any questions, please call Guy Davis or me at 653-2312.

Sincerely,



Val Payne
Sr. Environmental Engineer

cc. J. Blake Webster

A:N912021.DEF



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

October 2, 1991

Mr. Blake Webster
Permitting Administrator
PacifiCorp Electric Operations
One Utah Center
210 South Main, Suite 2100
Salt Lake City, Utah 84140-0021

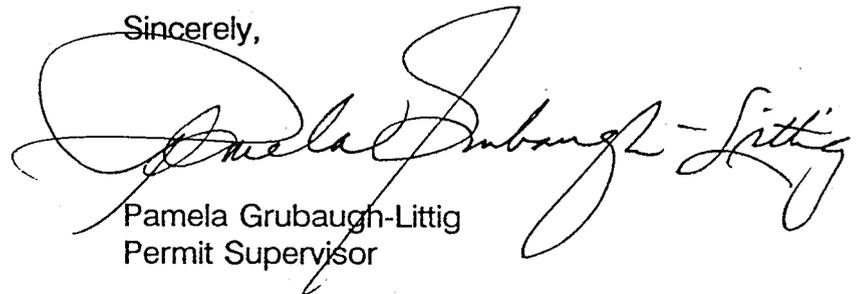
Dear Mr. Webster:

Re: Abatement for NOV #91-20-2-1-, Part 1, PacifiCorp Electric Operations, Des-Bee-Dove Mine, ACT/015/017, Folder #2 and #5, Emery County, Utah

Enclosed please find a memo that outlines additional information which must be submitted to consider the plans for the above-noted violation technically adequate. Please submit this information as soon as possible.

If you have any questions, please call me.

Sincerely,



Pamela Grubaugh-Littig
Permit Supervisor

PGL/jbe
Enclosure
AT015017N



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

October 1, 1991

To: Pamela Grubaugh-Littig, Permit Supervisor

From: Tom Munson, Senior Reclamation Hydrologist *TM*

RE: Abatement For NOV #N91-20-2-1, Part 1, Pacificorp Electric Operations, Des-Bee-Dove Mine, ACT/015/017, Folder #5, Emery County, Utah

SYNOPSIS

On September 18, 1991, the Division received an abatement plan for NOV #N91-20-2-1. This plan discussed reducing erosion on the Des-Bee-Dove Haul Road, on the Des-Bee-Dove Junction Road fill slope area west of the sediment pond.

ANALYSIS

The following information was submitted regarding watershed, channel, and culvert design. A channel design using a bottom width of 1.5 feet, a side slope of 1.5:1, and a filter blanket design of 2 inch minus road base thickness equaling the D50, where the D50 = .67 feet. The calculations regarding watershed design and flow appeared correct. The operator failed to provide a gradation for his riprap providing a D100 and a D20 sizes for the channel design. The installation of the culvert does not include any design specifics for the installation of the culvert (i.e., buried or installed on the surface, headwall dimensions). The rock impact basin is described as a 4' by 10' basin of 1.5' angular rock. The operator must provide calculations regarding the depth of the basin. Also, velocities of 19.75 f.p.s. at the culvert outlet (figure 4) do not allow for 1.5' diameter riprap to be used. Monitoring the basin over a period of one year does not necessarily minimize erosion to the extent possible as the rules require. A viable alternative might be grouting the riprap in place.

The operator must submit a map of appropriate scale (1"=100') which shows the location of the watershed, channel, culvert, and rock lined basin.

RECOMMENDATION

When the operator supplies this additional technical information described above, the plan will be considered technically complete.

TM/jbe
ATDESBEE

March 3, 1992

TO: Pamela Grubaugh-Littig, Permit Supervisor
FROM: Thomas Munson, Senior Reclamation Hydrologist
RE: Permit Conditions, Five Year Renewal, Pacificorp
Electric Operations, Des Bee Dove Mine, ACT/015/017,
File #2, Emery Country, Utah

1. Condition R645-301-728(1) TM

Required Action

The proposed sediment monitoring program is acceptable. The isolation of the plots, capturing all the runoff, drying the sediment samples and comparing the data with precipitation data is an accepted method of collecting worthwhile data on sediment yields for different plot treatments. The operator must submit a conceptual drawing showing dimensions and apparatus to be used in the second phase plot design in Appendix XVII.

2&3. Conditions R645-301-731 & R645-301-731.121 (1) TM

Required Action

The B.T.C.A. plan, using a typical cross-section of the contour ditch design found on Drawing CM-10393-DS, Sheet 3 of 5, BTCA Appendix XVII, Volume 7, and the calculations found in Appendix XVII are considered acceptable. This condition will be considered satisfied once the conceptual drawing and the revised Appendix XVII are submitted.

4. Condition R645-301-742.220(1) TM

Required Action

The January 30, 1992 submittal included page 3-54 which adequately addressed the sediment removal procedure for the pond, including descriptions related to testing of the removed material. The addition to Appendix VII discussed the expected velocities of 24.9 fps over the grouted riprap spillway. The spillway as designed will experience supercritical flows at the outlet and as such appropriate energy dissipation will be required to dissipate that energy. The grouted riprap spillway would be considered nonerosive and is approved based on the in place inspection program and the commitment to maintain the grout in good repair. The operator will be required to submit an energy dissipation design for the outlet of the spillway capable of withstanding the supercritical velocities.

5. Condition R645-301-742.300(1) (TM)

Required Action

The operator has not supplied any calculations for the ditches and culverts draining any areas north and west of drainage area #4. All ditches and culverts will be sized and calculations will be included in the PAP for the mine site. Plate 3-8 must show all hydrologic structures numbered corresponding to calculations in the text.

March 3, 1992

TO: Pamela Grubaugh-Littig, Permit Supervisor
FROM: Thomas Munson, Senior Reclamation Hydrologist
RE: Permit Conditions, Five Year Renewal, Pacificorp
Electric Operations, Des Bee Dove Mine, ACT/015/017,
File #2, Emery Country, Utah

1. Condition R645-301-728(1) TM

Required Action

The proposed sediment monitoring program is acceptable. The isolation of the plots, capturing all the runoff, drying the sediment samples and comparing the data with precipitation data is an accepted method of collecting worthwhile data on sediment yields for different plot treatments. The operator must submit a conceptual drawing showing dimensions and apparatus to be used in the second phase plot design in Appendix XVII.

2&3. Conditions R645-301-731 & R645-301-731.121 (1) TM

Required Action

The B.T.C.A. plan, using a typical cross-section of the contour ditch design found on Drawing CM-10393-DS, Sheet 3 of 5, BTCA Appendix XVII, Volume 7, and the calculations found in Appendix XVII are considered acceptable. This condition will be considered satisfied once the conceptual drawing and the revised Appendix XVII are submitted.

4. Condition R645-301-742.220(1) TM

Required Action

The January 30, 1992 submittal included page 3-54 which adequately addressed the sediment removal procedure for the pond, including descriptions related to testing of the removed material. The addition to Appendix VII discussed the expected velocities of 24.9 fps over the grouted riprap spillway. The spillway as designed will experience supercritical flows at the outlet and as such appropriate energy dissipation will be required to dissipate that energy. The grouted riprap spillway would be considered nonerosive and is approved based on the in place inspection program and the commitment to maintain the grout in good repair. The operator will be required to submit an energy dissipation design for the outlet of the spillway capable of withstanding the supercritical velocities.

5. Condition R645-301-742.300(1) (TM)

Required Action

The operator has not supplied any calculations for the ditches and culverts draining any areas north and west of drainage area #4. All ditches and culverts will be sized and calculations will be included in the PAP for the mine site. Plate 3-8 must show all hydrologic structures numbered corresponding to calculations in the text.

August 28, 1992

TO: Pamela Grubaugh-Littig, Permit Supervisor
FROM: Thomas Munson, Senior Reclamation Hydrologist
RE: Permit Conditions, Five Year Renewal, Pacificorp
Electric Operations, Des Bee Dove Mine, ACT/015/017,
File #2, Emery Country, Utah

1. Condition R645-301-728(1) TM

Required Action

The proposed sediment monitoring program is acceptable. The isolation of the plots, capturing all the runoff, drying the sediment samples and comparing the data with precipitation data is an accepted method of collecting worthwhile data on sediment yields for different plot treatments. The operator must submit a conceptual drawing showing dimensions and apparatus to be used in the second phase plot design in Appendix XVII.

Response

The Des-Bee-Dove Haul Road Reclamation Study Runoff and Sediment Yield Monitoring Program and a drawing of the proposed Test Plot Sediment Collection System are found in Appendix XVI. This condition is satisfied.

2&3. Conditions R645-301-731 & R645-301-731.121 (1) TM

Required Action

The B.T.C.A. plan, using a typical cross-section of the contour ditch design is found on Drawing CM-10393-DS, Sheet 3 of 5, BTCA Appendix XVII, Volume 7, and the calculations found in Appendix XVII are considered acceptable. This condition will be considered satisfied once the conceptual drawing and the revised Appendix XVII are submitted.

Response

The Des-Bee-Dove Haul Road Reclamation Study Runoff and Sediment Yield Monitoring Program and a Drawing of the proposed Test Plot Sediment Collection System are included in Appendix XVI instead of Appendix XVII as requested. This is acceptable.

4. Condition R645-301-742.220(1) TM

Required Action

The January 30, 1992 submittal included page 3-54 which adequately addressed the sediment removal procedure for the pond, including descriptions related to testing of the removed material. The addition to Appendix VII discussed the expected velocities of 24.9 fps over the grouted riprap spillway. The spillway as designed will experience supercritical flows at the outlet and as such appropriate energy dissipation will be required to dissipate that energy. The grouted riprap spillway would be considered nonerosive and is approved based on the in place inspection program and the commitment to maintain the grout in good repair. The operator will be required to submit an energy dissipation design for the outlet of the spillway capable of withstanding the supercritical velocities.

Response

The operator states that any potential discharge from the pond will flow from the spillway onto natural bedrock. This is considered adequate for energy dissipation and erosion protection at the outlet.

5. Condition R645-301-742.300(1) (TM)

Required Action

The operator has not supplied any calculations for the ditches and culverts draining any areas north and west of drainage area #4. All ditches and culverts will be sized and calculations will be included in the PAP for the mine site. Plate 3-8 must show all hydrologic structures numbered corresponding to calculations in the text.

Response

Drawing CM-10421-DS, Sheet 1 of 2, Packet 3-8, Volume 3 has been revised to reflect all the drainage areas, culverts, and ditches. Appendix XII gives all the data inputs for the hydrologic calculations associated with any structures. The structures in place were designed using the 10 yr/6 hr storm event. Any structures which have been identified as having erosive velocities have been demonstrated as stable using standard riprap calculations, identifying bedrock, Rip-Rap, natural cobble, and boulders where appropriate. This response is acceptable.

AUGUST 23, 1992

OCT

TRANSACTION REPORT

P.01

JUL-30-98 WED 03:11 PM

SEND (M)

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
JUL-30	03:07 PM	14356872695	4'06"	6	SEND	(M) OK	042	
			TOTAL	4M 6S	PAGES:	6		



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

Michael O. Leavitt
 Governor

Ted Stewart
 Executive Director

Lowell P. Braxton
 Division Director

1594 West North Temple, Suite 1210
 PO Box 145801
 Salt Lake City, Utah 84114-5801
 801-538-5340
 801-359-3940 (Fax)
 801-538-7223 (TDD)

UTAH DIVISION OF OIL, GAS AND MINING
 FACSIMILE COVER SHEET

DATE: July 30, 1998

FAX#: 1-435-687-2695

ATTN: Dennis Oakley

COMPANY: Energy Trust

DEPARTMENT: _____

NUMBER OF PAGES: (INCLUDING THIS ONE) 6

From: Pa A



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

Michael O. Leavitt
 Governor
 Ted Stewart
 Executive Director
 Lowell P. Braxton
 Division Director

1594 West North Temple, Suite 1210
 PO Box 145801
 Salt Lake City, Utah 84114-5801
 801-538-5340
 801-359-3940 (Fax)
 801-538-7223 (TDD)

UTAH DIVISION OF OIL, GAS AND MINING
 FACSIMILE COVER SHEET

DATE: July 30, 1998
 FAX#: 1-435-687-2695
 ATTN: Dennis Oakley
 COMPANY: Energy Trust
 DEPARTMENT: _____
 NUMBER OF PAGES: (INCLUDING THIS ONE) 6
 From: Paul

If you do not receive all of the pages, or if they are illegible, please call (801)538-5340.
 We are sending from a sharp facsimile machine. Our telecopier number is (801)359-3940.

MESSAGES:

for Geo Bell Here's the "3" memos - Paul, Wayne,
 & Priscilla
 Basically - need clarification on U-53809
 - I'deep up info about led use (More info about Controlled method aftering of the Talcus Test Plots)
 - finished report of frozen study
 Cottonwood Plant Reduction - still working on it!
~~Last week as usual had some work to do~~

Important: This message is intended for the use of the individual or entity of which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return this original message to us at the above address via regular postal service. Thank you.

Paul



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

1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801
801-538-5340
801-359-3940 (Fax)
801-538-7223 (TDD)

Michael O. Leavitt
Governor
Lowell P. Braxton
Division Director

FAX - 687-2695

July 21, 1998

TO: File

THRU: Daron Haddock, Permit Supervisor *DH*

FROM: Wayne H. Western, Senior Reclamation Specialist *w4w*

RE: Bond Release, PacifiCorp, Des-Bee-Dove Mine, INA/015/017-98BR, File #2, Emery County, Utah

SUMMARY:

On July 20, 1998, representatives from the Division, the Office of Surface Mining, Emery County and Energy West meet at the Des-Bee-Dove mine. They conduct the final inspection for bond release for the mine road. All parties agreed that the Permittee meets the minimum requirements for final bond release for section of mine road.

Analysis:

Except for the bond amount all engineering issue had been approved before the July 20, 1998 meeting. The Division determined that the Permittee meets the minimum requirements for final bond release. As part of the final bond release the Permittee gave the Division revised reclamation cost estimates. The Permittee removed the costs for reclaiming the mine road from the reclamation cost estimate. The Division reviewed the revised reclamation cost estimate and determined that the removal of the cost to reclaim the road was justified.

The Permittee did not request that the bond amount be reduced. Therefore, the Division will not make a bond reduction at this time. The Division will review the bond amount during the permit renewal and make any adjustments at that time.

Findings:

The Permittee meets the minimum requirements for final bond release on the mine road at the Des-Bee-Dove mine. The Division will not reduce the bond at this time. The Division will revise the bond amount during the permit renewal.



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

1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801
801-538-5340
801-359-3940 (Fax)
801-538-7223 (TDD)

Michael O. Leavitt
Governor
Lowell P. Braxton
Division Director

July 15, 1998

TO: File

THRU: Daron Haddock, Permit Supervisor

FROM: Paul Baker, Reclamation Biologist

RE: Haul Road Bond Release, PacifiCorp, Des Bee Dove Mine, ACT/015/017-BR98, Folder #2, Emery County, Utah

SUMMARY:

PacifiCorp has submitted a proposal to delete the Des Bee Dove haul road from the permit area. Numerous maps have been revised to accommodate this deletion, and much of the text has also been changed. Some of the text changes are not directly associated with the haul road; many simply update the plan to show current conditions at the site. A few are substantive, however.

This review does not consider every change made to the plan, and some problems may be found when the Division and operator begin to insert this proposal into the mining and reclamation plan.

TECHNICAL ANALYSIS:

ADMINISTRATIVE INFORMATION

RIGHT OF ENTRY

Regulatory Reference: R645-301-114

Analysis:

Right of entry information has been updated and now includes metes and bounds descriptions for the sediment pond access road area. Portions of the road right of way would still be in the permit area near the sediment pond.

It appears the applicant has taken the necessary steps to transfer and modify

rights of way, and the application contains letters to this effect from the Bureau of Land Management, the School and Institutional Trust Lands Administration, and the Forest Service. However, the application text does not mention right of way U-53809 except in a table on page 1-14 showing other permits. The application needs to show what rights are given by this right of way and how this relates to the road right of way which would overlap with the disturbed area boundary. Because of this overlap, there is a potential for conflict between the applicant and road users or the county.

Findings:

Information provided in the application is not considered adequate to comply with the requirements of this section of the regulations. Prior to approval, the applicant must provide the following in accordance with:

R645-301-114, The applicant needs to clarify its right of entry on right of way U-53809 and include this in the text. The disturbed area would overlap with the road right of way in this area, and there is a potential for conflict between the applicant and road users or the county.

RECLAMATION PLAN

REVEGETATION

Regulatory Reference: R645-301-341

Analysis:

The applicant proposes to delete the haul road vegetation study currently contained in Appendix XVI. For this study, the test plots were established in 1992 near the haul road, and they have been monitored a few times since then. Several different methods were used on these -plots, and there is valuable information in the history.

Appendix XVI should be retained in the plan, and the applicant needs to provide a concluding summary report about the plots. The most recent report in the Division's files is from 1995, only three years after the plots were established. The applicant should take quantitative data from the plots, analyze this data, and make conclusions about what treatments have been most successful.

The application includes other changes to the reclamation plan. Primarily, tree and shrub seedlings are being deleted from both interim and final revegetation planting mixes, and shrubs would be established from seed. No methods for establishing trees are included in the plan, but they are not needed. The proposed changes are acceptable.

June 3, 1998

TO: File

THRU: Daron Haddock, Permit Supervisor

FROM: Priscilla Burton, Reclamation Soils Specialist

RE: Bond Release for Haul Road. Pacific Corp. Des Bee Dove Mine, ACT/015/017-DO97A.
Folder #2, Emery County, Utah

SUMMARY:

Des Bee Dove went into temporary cessation on February 6, 1987. Pacificorp anticipates proceeding with reclamation at the Des Bee Dove mine site. Public notification of Pacificorp's intent to reclaim the mine haul road resulted in transfer of rights and responsibilities from Pacificorp to Emery County at Emery County's request. Removal of the haul road from the permit area reduces the disturbed area to 43.88 acres for the mine site, sediment pond and access road. The present submittal removes all discussion of the haul road from the MRP. Of interest to the Division and Pacificorp are the 1989 and 1992 test plots which are located on the outslopes of the haul road. Final evaluations should be gathered and interpreted from these sites prior to bond release for the haul road.

TECHNICAL ANALYSIS:

OPERATION PLAN

TOPSOIL SUBSTITUTES AND SUPPLEMENTS

Regulatory Reference: R645-301-233

Analysis:

Field Site Trials

Interim vegetation of fill slopes at the mine site was undertaken in 1988 as described on pages 4-63 through 4-66 of the 1990 MRP (and pages 4-14 and 4-15 of the present submittal). Annual evaluation of the interim revegetation effort were to be filed with the Pacificorp's annual reports to the Division. References to vegetation surveys were found in the 1990, 1992, 1994 and 1995 annual reports, but only the 1995 vegetation monitoring could be located. At five year intervals the soil materials on the fill slopes were to be sampled to record productivity changes (page 4-65 of the 1990 MRP and page 4-15 of the 1998 submittal). No reference to the location of these soil tests and analyses could be found.

Information to be gained from evaluation and interpretation of the 1988 interim seeding at the mine site, the 1989 test plots at Cottonwood/Wilberg is valuable to both Pacificorp and the Division in determining the best strategy for reclamation of the mine site. This information should be summarized and referenced in the MRP.

In 1989 and again in 1992 field trials were established along the haul road as referred to on Drawing CM-10874-DS and discussed in *Appendix XVI Haul Road Reclamation Study*; and pages 4-70 through 4-75.1 and 4-7 of the MRP. The MRP states on page 4-7 and 4-70 that final reclamation of the mine will be based on the outcome of these test plots. The present submittal also indicates that reclamation will incorporate the results of the reclamation studies conducted by the applicant from the 1989 plots and from 1990 - 1995 plots (pages 4-7 and 4-19 of the 1998 submittal), but eliminates the narrative referencing these test plots and the 1989 plots. The present submittal does refer to the 1989 test plots in *Volume 2, Part 4, Appendix II*, but the discussion is incomplete and findings are not presented.

A Task Force comprised of Pacificorp, DOGM, and consultants was in the process of reviewing the 1992 test plots. Their last meeting on September 11, 1996 was to be followed by a meeting in April 1997. The 1997 meeting never took place. Correspondence between Task Force members (see 1996 Folder #2) documents some successful soil/vegetation treatments and some useful conclusions regarding erosion control. These conclusions should be incorporated into the final reclamation plan for the mine site and the access road/sediment pond.

Findings:

Prior to approval, the permittee must provide the following in accordance with **R645-301- 233.340**, results of the physical and chemical analyses and field-site trials of the topsoil and overburden materials as described in the Mining and Reclamation Plan:

- 1) retain a description of all test plots in Appendix XVI and reference this location within the MRP.
- 2) interpret final evaluations and incorporate this information into the final reclamation plan of the MRP.

RECOMMENDATION

This proposal is not recommended for approval at this time.



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS

Hearings Division
6432 Federal Building
Salt Lake City, Utah 84138
(Phone: 801-524-3344)

February 28, 1995

PACIFICORP,	:	Docket No. DV 94-7-R
	:	
Applicant	:	Application for Review and Temporary Relief
	:	
v.	:	
	:	Notice of Violation
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT (OSMRE),	:	No. 93-020-190-05
	:	
Respondent	:	Des-Bee-Dove Mine, Emery County
	:	

DECISION

Appearances: John S. Kirkham, Esq., and James R. Haisley, Esq., Salt Lake City, Utah, for applicant;

Jon K. Johnson, Esq., Denver, Colorado, for respondent.

Before: Administrative Law Judges Rampton and Sweitzer

PacifiCorp has filed an Application for Review and an Application for Temporary Relief regarding Notice of Violation (NOV) No. 93-020-190-05. Inspector Thomas Wright of the Office of Surface Mining Reclamation and Enforcement (OSM) issued the NOV to PacifiCorp following a December 1993, Federal oversight inspection of the Des-Bee-Dove Mine, Emery County, Utah. The NOV alleged that PacifiCorp failed to control or prevent erosion on the outslope of a mine road in violation of Utah Administrative Code R645-301-752.210.

PacifiCorp argues that the NOV should be dismissed because OSM has failed to establish a prima facie case showing that a violation occurred. In addition, PacifiCorp argues that the erosion control measures it has implemented are in compliance with the requirements of Utah's erosion control performance standard.

A hearing in the matter was held on January 14, 1994, in Salt Lake City, Utah, before now retired Administrative Law Judge John R. Rampton, Jr. At the conclusion of the hearing, PacifiCorp's Application for Temporary Relief was granted, leaving only the Application for Review at issue. Both parties have agreed to waive further hearing on the Application for Review and have submitted briefs in support of their respective positions, final brief having been filed December 22, 1994. Upon the retirement of Judge Rampton, the case was assigned to the undersigned for decision consistent with 43 U.S.C. § 554(d). Following review of the complete record and the parties' briefs, and for the reasons set out below, I must conclude that no violation occurred and that the NOV should be dismissed.

Statement of the Facts

The State of Utah, pursuant to sections 503(a) and 523(c) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. §§ 1253(a) and 1273(c), has assumed primary responsibility for the regulation and control of surface coal mining and reclamation operations on State and Federal lands within its borders. See 30 CFR 944. The State's regulatory program for these operations (the Utah program) is administered by the Utah Division of Oil, Gas and Mining (UDOGM).

PacifiCorp is the permittee of the Des-Bee-Dove Mine (Mine) located in Emery County, Utah. Since 1987, mining operations at the Mine have been in temporary cessation (Ex. R-1).

On June 5, 1991, OSM Inspector Mitchell Rollings conducted a Federal oversight inspection of the Mine, including the outslope of the Mine haul road which was built in the mid-1980's to provide access to the Mine (Tr. 29, 106, 139, 212; Ex. R-1). He observed pervasive evidence of erosion on the outslope of the Mine haul road in the form of gullies and rills running down the slope (Exs. R-1, R-2, R-3). These gullies and rills had been in existence since at least 1987 (Tr. 161).

As a result of Inspector Rollings' observations, OSM issued to UDOGM on June 24, 1991, a ten-day notice (TDN) stating OSM's belief that PacifiCorp was violating applicable law by failing to control or prevent erosion on the outslope of the Mine haul road (Ex. R-1). UDOGM then issued a State Notice of Violation (State NOV) to PacifiCorp regarding the erosional features appearing on the Mine haul road outslope (Ex. A-B). In compliance with the abatement requirements of the State NOV, PacifiCorp submitted to UDOGM an approved sedimentation control plan providing for the installation of water bars, a water control berm, and a water control diversion along the Mine haul road above the road outslope (Tr. 123, 169-170, 174-176, 180-181). Between August 8, 1991, and November 8, 1991, PacifiCorp implemented the sedimentation control plan sufficiently so that the State NOV was terminated by UDOGM on November 8, 1991 (Tr. 125, Ex. A-B).

The implemented controls effectively prevented most of the road runoff from flowing onto the road outslope (Tr. 131-132, 145).

Meanwhile, PacifiCorp and UDOGM organized a task force to determine what other measures might be taken to control or prevent erosion on the road outslope (Tr. 133, Exs. A-F, A-G). The members of the task force include representatives of UDOGM, the U.S. Soil Conservation Service, Utah State University Extension Service, PacifiCorp, and its subsidiary, Energy Western Mining Company (Ex. A-G). Although OSM was invited to take part in the task force, OSM did not participate (Tr. 133-134).

The task force met on November 12, 1991, and concluded that the outslope rills and gullies are caused by water erosion and that the erosion control measures implemented by PacifiCorp should curtail and/or control this erosion (Ex. A-G). The task force also concluded that further erosional control and rehabilitation measures should be deferred pending completion of a study to evaluate erosion control measures and reclamation alternatives (Ex. A-G). Pursuant to the task force's recommendations, PacifiCorp, in 1992, with UDOGM oversight, launched a 3-year study to evaluate various erosion control methods (Ex. A-H, Tr. 188-189).

William Malencik, a UDOGM Reclamation Specialist and member of the task force, explained the reasoning behind the task force's conclusions. He noted that the road outslope is composed of Mancos shale and is very steep (Tr. 130-131; *see also* Tr. 52). By all accounts, Mancos shale is highly susceptible to erosion (Tr. 52, 130). Nevertheless, the outslope was considered stable, showing no evidence of tension cracks or mass movement and having naturally settled since the road's construction in the mid-1980's (Tr. 136, 139; Ex. A-G). Implementation of additional erosion control or rehabilitation measures would require the use of heavy equipment and disturbance of the slope, loosening the soil surface and destabilizing the steep slope (Tr. 131, 136, 139; Ex. A-G). The task force feared that if such measures failed, their implementation would only exacerbate the outslope erosion (Tr. 136; Ex. A-G).

The failure of these measures was a distinct possibility. In addition to being extremely erosive, Mancos shale is very resistant to revegetation because of its high salt content and tendency to form a hard surface crust (Tr. 128-129, 157). In light of these conditions, it was unclear whether implementation of additional measures, such as mulching, netting, tackifiers, and revegetation, would be effective (Tr. 152-153, 155-156, 161-167).

On December 2, 1993, OSM Inspector Thomas Wright conducted an inspection of the Mine and observed that no repair of the outslope rills and gullies had occurred after issuance of the TDN and State NOV in 1991 (Tr. 84-85; Ex. R-12). He concluded that because the rills and gullies had not been repaired, the State NOV had been improperly terminated, necessitating issuance of the NOV to PacifiCorp for its alleged failure to prevent or control erosion on the outslope (Ex. R-12). The NOV ordered PacifiCorp to

remedy the situation by eliminating the rills and gullies and by stabilizing the outslope (Ex. R-12).

Inspector Wright testified that, although he had taken no measurements of the rills and gullies, they appeared to be actively eroding (Tr. 83-84). Measurements taken by PacifiCorp from 1990 through 1993 specifically showed that the gullies were becoming wider and more shallow over time as a result of the sloughing off of the walls of the channels, but that the actual dimensions of the rills and gullies had changed very little (Tr. 90-92, 184).

UDOGM's position is that it weighed the risk of harm against the possible benefit of implementing additional erosion control measures and concluded that the certain harm of initially destabilizing the outslope outweighed the uncertain benefit that additional measures might ultimately produce (Tr. 135-139; Ex. A-G). As Mr. Malencik testified, "[t]he question [was] whether or not all the steps [had] been taken to minimize erosion considering the risk of failure if you did something on the outslope where you'd destabilize that." (Tr. 138-139). He further stated that if UDOGM had been aware of any other current prudent engineering practices that could have been implemented to control or prevent erosion, it would have required their implementation (Tr. 137).

Mr. Malencik concluded that PacifiCorp had done all it could to control or prevent erosion on the outslope in compliance with the Utah performance standards (Tr. 162, 167). OSM Inspector Wright believed that some erosion control measures should have been implemented on the outslope itself, but did not identify any measure which could have been implemented under the circumstances in accordance with current, prudent engineering practices (Tr. 104).

In December 1993, in response to the NOV, PacifiCorp considered using a variety of alternatives to eliminate the rills and gullies (Tr. 204-208). Like UDOGM and the task force, PacifiCorp concluded that efforts to rehabilitate the rills and gullies would destabilize the outslope and might not resolve the erosion problem (Tr. 207-208).

Discussion

In notice of violation proceedings, OSM has the initial burden of establishing a prima facie case as to the fact of the violation. The ultimate burden of persuasion regarding the fact of the violation rests with PacifiCorp as the applicant for review. 43 CFR 4.1171.

In this case, it is questionable whether OSM established a prima facie case. Assuming, arguendo, that a prima facie case was established, PacifiCorp met its burden of showing that no violation occurred because it has implemented all current prudent engineering practices to control and prevent erosion on the road outslope, as more fully discussed below.

The NOV issued by Inspector Wright alleges that PacifiCorp has violated Utah Administrative Code R645-301-752.210 by failing to "control or prevent erosion on road outsoles." (Ex. R-12). U.A.C. R645-301-752.210, in pertinent part, requires PacifiCorp to "control or prevent erosion * * * by vegetating or otherwise stabilizing all exposed surfaces in accordance with current, prudent engineering practices." OSM claims that some form of erosion control must be on the outsoles themselves in order for erosion control or prevention to be accomplished. As corrective action, the NOV requires PacifiCorp to "eliminate rills and gulches and stabilize slopes." (Ex. R-12)

OSM's position cannot be sustained because the evidence preponderates in favor of a finding that PacifiCorp did all it reasonably could to prevent or control erosion by stabilizing the outslope in accordance with current, prudent engineering practices. The undisputed testimony shows that PacifiCorp had put in place erosion control features including water bars, a water control berm, and a water control diversion. These devices effectively presented road runoff from going onto the road outslope. By the time the NOV was issued, the outslope was stabilized, with very little ongoing erosion.

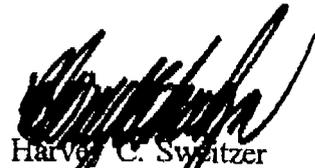
The great weight of the evidence clearly shows that filling the gullies and/or implementing additional erosion control measures would initially destabilize the slope. The evidence further shows that it is uncertain whether these actions would ultimately result in a reduction, rather than an increase, in erosion on the outslope. Faced with the certain harm of destabilizing the slope and the uncertainty of any ultimate benefit to be gained by attempting to further control erosion, the task force and UDOGM concluded that further attempts to control erosion would not be prudent pending completion of the erosion control studies.

OSM presented no evidence to refute this conclusion that any attempt to further control erosion would not be in accordance with current, prudent engineering practices. There was testimony concerning what common erosion control measures could be used on the outslope. Yet, none of OSM's witnesses identified an erosion control method that would be effective or prudent to implement under the difficult circumstances faced by PacifiCorp. For example, vegetation is a common erosion control device. However, by all accounts, implementation of a vegetation program would initially destabilize the slope, with only a small hope of ultimately succeeding in further stabilizing the slope.

In sum, PacifiCorp cannot be faulted for failing to take further action to control erosion when any such action was likely to result in an increase, rather than a decrease, in erosion. The un rebutted testimony of Mr. Malencik shows that it was not prudent for PacifiCorp to take further action, *i.e.*, that utilization of any additional, available engineering techniques to prevent or control erosion would not be considered prudent under the circumstances.

Conclusion

Based upon the foregoing, Notice of Violation No. 93-020-190-05 is hereby declared invalid and is dismissed.


Harvey C. Switzer
Administrative Law Judge

APPEAL INFORMATION

Any party adversely affected by this decision has the right to appeal to the Interior Board of Land Appeals. The appeal must comply strictly with the regulations in 43 CFR Part 4 (see enclosed information pertaining to appeals procedures.)

Distribution

By Certified Mail:

James R. Haisley, Esq.
John S. Kirkham, Esq.
Stoel, Rives, Boley, Jones & Grey
One Utah Center, Suite 1100
201 South Main Street
Salt Lake City, Utah 84111-4904

Jon K. Johnson, Esq.
Office of the Field Solicitor
U.S. Department of the Interior
P.O. Box 25007 (D-105)
Denver Federal Center
Denver, Colorado 80225-0007

Surface Mining Law Summary
Attention: Marcia Smith
P.O. Box 281
Corbin, Kentucky 40702

By Regular Mail:

Associate Solicitor
Division of Surface Mining
U.S. Department of the Interior
Room 6412 Main Interior Building
1849 C Street N.W.
Washington, D.C. 20240

Office of Surface Mining
Branch of Inspection & Enforcement
U.S. Department of the Interior
Room 110, South Interior Building
1951 Constitution Avenue, N.W.
Washington, D.C. 20245

Director
Office of Surface Mining
U.S. Department of the Interior
Attn: Special Assistant to the Director
Room 233, South Interior Building
1951 Constitution Avenue, N.W.
Washington, D.C. 20245

U.S. Department of the Interior
Office of Surface Mining
Attn: John Heider PSD
1999 Broadway Suite 3320
Denver, Colorado 80202-5733



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
Lowell P. Braxton
Division Director

1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801
801-538-5340
801-359-3940 (Fax)
801-538-7223 (TDD)

INSPECTION REPORT

Partial: X Complete: Exploration:
Inspection Date & Time: July 20, 1998, 10:30 AM to 1:00 PM
Date of Last Inspection: April 17, 1998

Mine Name: Des Bee Dove County: Emery Permit Number: ACT/015/017
Permittee and/or Operator's Name: PacifiCorp/Energy West Mining Company.
Business Address Box 1008, Huntington, Utah 84528
Type of Mining Activity: Underground X Surface Prep. Plant Other
State Officials(s): Paul Baker, Daron Haddock, Pam Grubaugh-Littig, Mary Ann Wright, Wayne Western, Bill Malencik
Company Official(s): Dennis Oakley, Chuck Semborski, Scott Child, Blake Webster, John Kirkham
Federal Official(s): Henry Austin Ray Petersen of the Emery County Road Department also attended
Weather Conditions: Sunny, 80's
Existing Acreage: Permitted- 2847 Disturbed- 78 Regraded- Seeded- Bonded- 78
Increased/Decreased: Permitted- 0 Disturbed- 0 Regraded- 0 Seeded- 0 Bonded- 0
Status: Exploration/ Active/ Inactive/ X Temporary Cessation/ Bond Forfeiture
Reclamation (Phase I/ Phase II/ Final Bond Release/ Liability Year)

REVIEW OF PERMIT, PERFORMANCE STANDARDS & PERMIT CONDITION REQUIREMENTS

Instructions

- Substantiate the elements on this inspection by checking the appropriate performance standard.
 - For complete inspections provide narrative justification for any elements not fully inspected unless element is not appropriate to the site, in which case check N/A.
 - For partial inspections check only the elements evaluated.
- Document any noncompliance situation by referencing the NOV issued at the appropriate performance standard listed below.
- Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
- Provide a brief status report for all pending enforcement actions, permit conditions, Division Orders, and amendments.

	<u>EVALUATED</u>	<u>N/A</u>	<u>COMMENTS</u>	<u>NOV/ENF</u>
1. PERMITS, CHANGE, TRANSFER, RENEWAL, SALE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. SIGNS AND MARKERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. TOPSOIL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. HYDROLOGIC BALANCE:				
a. DIVERSIONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. SEDIMENT PONDS AND IMPOUNDMENTS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. OTHER SEDIMENT CONTROL MEASURES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. WATER MONITORING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. EFFLUENT LIMITATIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. EXPLOSIVES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. DISPOSAL OF EXCESS SPOIL/FILLS/BENCHES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. COAL MINE WASTE/REFUSE PILES/IMPOUNDMENTS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. NONCOAL WASTE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL VALUES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. SLIDES AND OTHER DAMAGE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. CONTEMPORANEOUS RECLAMATION	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. BACKFILLING AND GRADING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. REVEGETATION	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. SUBSIDENCE CONTROL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. CESSATION OF OPERATIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. ROADS:				
a. CONSTRUCTION/MAINTENANCE/SURFACING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. DRAINAGE CONTROLS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. OTHER TRANSPORTATION FACILITIES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. SUPPORT FACILITIES/UTILITY INSTALLATIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. AVS CHECK (4th Quarter-April, May, June)_(date)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. AIR QUALITY PERMIT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. BONDING & INSURANCE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

INSPECTION REPORT

(Continuation sheet)

Page 2 of 2

PERMIT NUMBER: ACT/015/017

DATE OF INSPECTION: July 20, 1998

(Comments are Numbered to Correspond with Topics Listed Above)

1. Permits, Change, Transfer, Renewal, Sale

This was a bond release inspection for the haul road. There have been no objections to transfer of the road to Emery County. In fact, the Forest Service and Bureau of Land Management have actually completed their portions of the transfer. There are a few problems with the amendment to the mining and reclamation plan, but these are relatively minor.

2. Signs and Markers

As a last step before the bond is released, the permittee will need to remove disturbed area and other markers from the road area. This should not be done, however, until the Division directs.

13. Revegetation

We looked at and discussed the test plots on the terrace next to the road above the sediment pond. The Division is asking PacifiCorp to retain information about the test plots in the plan and to provide a summary report for the plan. Some treatments were very successful, especially the treatment where coal waste was spread on the surface. This probably resulted from both chemical and physical changes to the soil: the coal probably served to lower the pH, and it helped to break the impact of raindrops and allow greater infiltration.

16. Roads

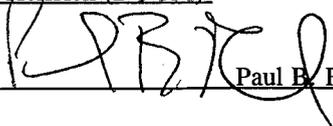
a. Construction/Maintenance/Surfacing

There are some repairs the County is requesting that PacifiCorp make to the road, but they are willing to accept the road with an agreement PacifiCorp will make or pay for the repairs.

Copy of this Report:

Mailed to: James Fulton (OSM), Chuck Semborski (PacifiCorp)

Given to: Joe Helfrich (DOGM)

Inspector's Signature:  Paul B. Baker #41 Date: July 22, 1998



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

1594 West North Temple, Suite 1210

PO Box 145801

Salt Lake City, Utah 84114-5801

801-538-5340

801-359-3940 (Fax)

801-538-7223 (TDD)

Michael O. Leavitt
Governor

Lowell P. Braxton
Division Director

July 6, 1998

Chuck Semborski, Environmental Supervisor
Energy West
P.O. Box 310
Huntington, Utah 84528

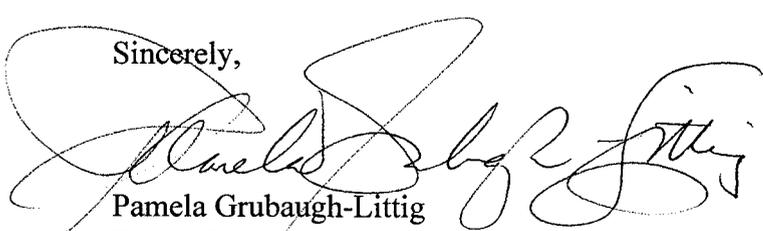
Re: Phase III Bond Release Inspection, PacifiCorp, Des-Bee-Dove, ACT/015/017-BR-98A,
Folder #2, Emery County, Utah

Dear Mr. Semborski:

The Division will be conducting a Phase III Bond Release inspection for the haul road at the Des-Bee-Dove Mine on Monday, July 20, 1998 beginning at 10:30 a.m. This proposed reduction in the permit area due to the change in postmining land use, i.e. Emery County has accepted and made this road part of the county road system.

If you have any questions, please call me.

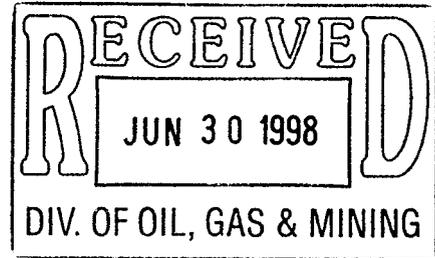
Sincerely,


Pamela Grubaugh-Littig
Permit Supervisor

tam

cc: Bryant Anderson, Emery County Planning
James, Fulton, OSM
Janette S. Kaiser, USFS, Price
Richard Manus, BLM, Price
Alan Rabinoff, BLM, Salt Lake
David Terry, SITLA

O:\015017.DBD\FINAL\NSRSLT.WPD



June 26, 1998

Janette Kaiser
Forest Supervisor
United States Forest Service
Department of Agriculture
Manti-LaSal National Forest
599 West Price River Drive
Price, Utah 84501

Dear Ms. Kaiser:

*ACT/015/017 #2
Copy PAM*

This letter is sent to inform you that PacifiCorp's Energy West Mining Company has filed an application for partial bond release of the Des Bee Dove Mine. This bond release is required as a result of the proposed transfer of the Des Bee Dove Haul Road and all of the associated Right-of-Ways to Emery County. This road is to become part of the county road system. The permit acreage of the Des Bee Dove Mine will be reduced approximately 77 acres, however, a reduction in the bond amount is not being sought at this time.

As required by the State of Utah, R645-Coal Mining Rules (R645-301-880.100), all adjoining property owners, local governmental bodies, etc, are notified, informing them of the operators intention to seek release for the bond. A public notice was published in the Emery County Progress commencing on May 12, 1998 and run for four (4) consecutive weeks.

If you have any questions, or require further information pertaining the Des Bee Dove Haul Road transfer, please feel free to call me at (435) 687-4720.

Sincerely,

Chuck Semborski
For Chuck Semborski
Geology/Permitting Supervisor

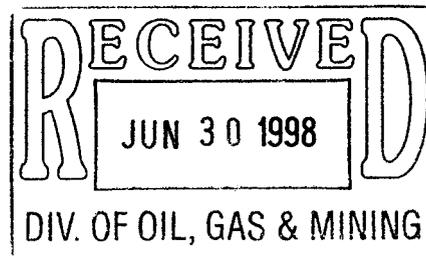
CAS/DCO/dco

cc: Pam Grubaugh-Littig (DOGM)
Blake Webster (IMC)
File (EWMC)

Huntington Office:
(801) 687-9821
Fax (801) 687-2695
Purchasing Fax (801) 687-9092

Deer Creek Mine:
(801) 381-2317
Fax (801) 381-2285

Cottonwood Mine:
(801) 748-2319
Fax (801) 748-2380



June 26, 1998

Richard Manus
Area Manager
United States of America
Department of the Interior
Bureau of Land Management
125 South 600 West
Price, Utah 84501

Dear Mr Manus:

*ACT/015/017 #2
Copy Pam*

This letter is sent to inform you that PacifiCorp's Energy West Mining Company has filed an application for partial bond release of the Des Bee Dove Mine. This bond release is required as a result of the proposed transfer of the Des Bee Dove Haul Road and all of the associated Right-of-Ways to Emery County. This road is to become part of the county road system. The permit acreage of the Des Bee Dove Mine will be reduced approximately 77 acres, however, a reduction in the bond amount is not being sought at this time.

As required by the State of Utah, R645-Coal Mining Rules (R645-301-880.100), all adjoining property owners, local governmental bodies, etc, are notified, informing them of the operators intention to seek release for the bond. A public notice was published in the Emery County Progress commencing on May 12, 1998 and run for four (4) consecutive weeks.

If you have any questions, or require further information pertaining the Des Bee Dove Haul Road transfer, please feel free to call me at (435) 687-4720.

Sincerely,

For **Chuck Semborski**
Geology/Permitting Supervisor

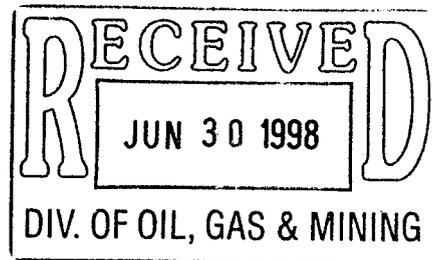
CAS/DCO/dco

cc: Pam Grubaugh-Littig (DOGM)
Blake Webster (IMC)
File (EWMC)

Huntington Office:
(801) 687-9821
Fax (801) 687-2695
Purchasing Fax (801) 687-9092

Deer Creek Mine:
(801) 381-2317
Fax (801) 381-2285

Cottonwood Mine:
(801) 748-2319
Fax (801) 748-2380



June 26, 1998

Mr. Randy Johnson
Emery County Board of Commissioners
P.O. Box 629
Castle Dale, UT 84513

Dear Mr. Johnson:

This letter is sent to inform you that PacifiCorp's Energy West Mining Company has filed an application for partial bond release of the Des Bee Dove Mine. This bond release is required as a result of the proposed transfer of the Des Bee Dove Haul Road and all of the associated Right-of-Ways to Emery County. This road is to become part of the county road system. The permit acreage of the Des Bee Dove Mine will be reduced approximately 77 acres, however, a reduction in the bond amount is not being sought at this time.

*ACT/015/017 #2
Copy [initials]*

As required by the State of Utah, R645-Coal Mining Rules (R645-301-880.100), all adjoining property owners, local governmental bodies, etc, are notified, informing them of the operators intention to seek release for the bond. A public notice was published in the Emery County Progress commencing on May 12, 1998 and run for four (4) consecutive weeks.

If you have any questions, or require further information pertaining the Des Bee Dove Haul Road transfer, please feel free to call me at (435) 687-4720.

Sincerely,

for
Dan Oakley
Chuck Semborski
Geology/Permitting Supervisor

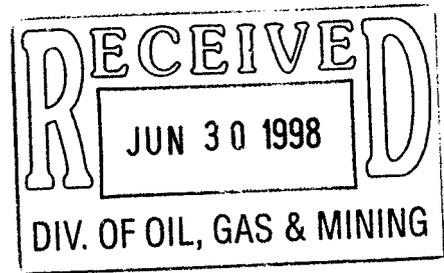
CAS/DCO/dco

cc: Pam Grubaugh-Littig (DOGM)
Blake Webster (IMC)
File (EWMC)

Huntington Office:
(801) 687-9821
Fax (801) 687-2695
Purchasing Fax (801) 687-9092

Deer Creek Mine:
(801) 381-2317
Fax (801) 381-2285

Cottonwood Mine:
(801) 748-2319
Fax (801) 748-2380



June 26, 1998

Jan Parmenter
School Institutional Trust Lands Administration
SE Area Office
11655 Hwy 191
Suite 5
Moab, Utah 84532-3062

Dear Mr. Parmenter:

This letter is sent to inform you that PacifiCorp's Energy West Mining Company has filed an application for partial bond release of the Des Bee Dove Mine. This bond release is required as a result of the proposed transfer of the Des Bee Dove Haul Road and all of the associated Right-of-Ways to Emery County. This road is to become part of the county road system. The permit acreage of the Des Bee Dove Mine will be reduced approximately 77 acres, however, a reduction in the bond amount is not being sought at this time.

*ACT/012/017 #2
Copy Dan*

As required by the State of Utah, R645-Coal Mining Rules (R645-301-880.100), all adjoining property owners, local governmental bodies, etc, are notified, informing them of the operators intention to seek release for the bond. A public notice was published in the Emery County Progress commencing on May 12, 1998 and run for four (4) consecutive weeks.

If you have any questions, or require further information pertaining the Des Bee Dove Haul Road transfer, please feel free to call me at (435) 687-4720.

Sincerely,

For Chuck Semborski
Geology/Permitting Supervisor

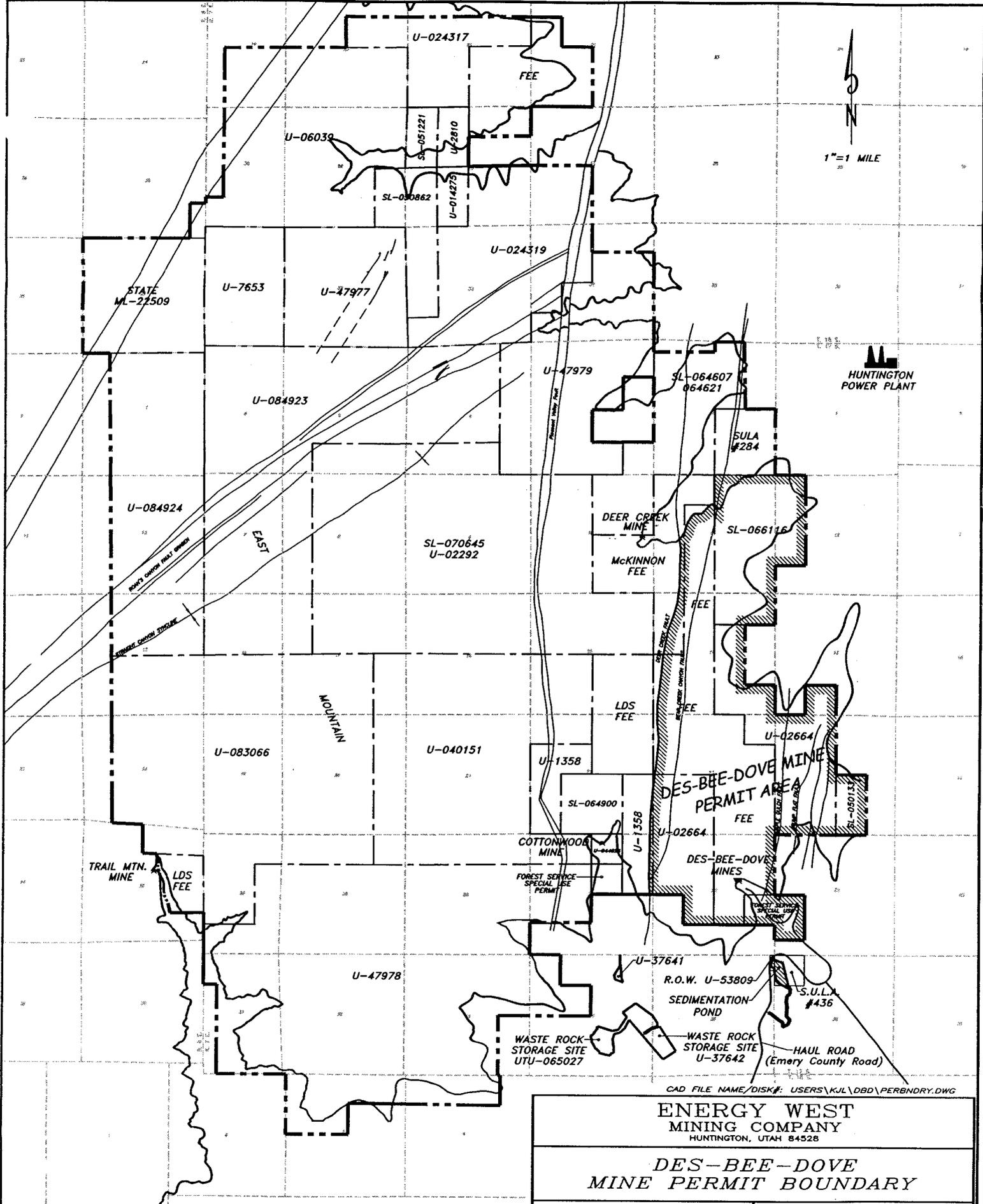
CAS/DCO/dco

cc: Pam Grubaugh-Littig (DOGM)
Blake Webster (IMC)
File (EWMC)

Huntington Office:
(801) 687-9821
Fax (801) 687-2695
Purchasing Fax (801) 687-9092

Deer Creek Mine:
(801) 381-2317
Fax (801) 381-2285

Cottonwood Mine:
(801) 748-2319
Fax (801) 748-2380



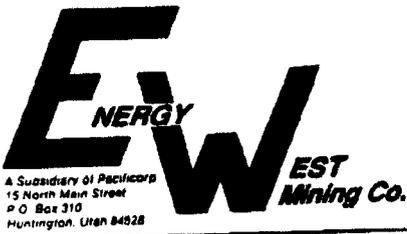
CAD FILE NAME/DISK#: USERS\KJL\BDD\PERBNDRY.DWG

**ENERGY WEST
MINING COMPANY**
HUNTINGTON, UTAH 84528

**DES-BEE-DOVE
MINE PERMIT BOUNDARY**

DRAWN BY: **K. LARSEN**
SCALE: **1" = 1 MILE**
DATE: **FEBRUARY 17, 1998**

FIGURE 1
DRAWING #:
SHEET **1** OF **1** REV. _____



FAX TRANSMITTAL MEMO

Date 6-5-98

PLEASE DELIVER TELECOPY TO: Pam Grubaugh-Littig

LOCATION: Salt Lake DOGM

FROM: Dennis Oakley

NUMBER OF PAGES, INCLUDING THIS PAGE: 2

COMMENTS: Pam Here is the Affidavit of Publication for the Des Bee Dove haul road amendment.

Dennis

Huntington Office:
(801) 687-9821
Fax # (801) 687-2695

Deer Creek Mine:
(801) 381-2317
Fax # (801) 381-2285

Cottonwood Mine:
(801) 748-2319
Fax # (801) 748-2380

AFFIDAVIT OF PUBLICATION

STATE OF UTAH)

SS.

County of Emery,)

I, Kevin Ashby, on oath, say that I am the Publisher of the Emery County Progress, a weekly newspaper of general circulation, published at Castle Dale, State and County aforesaid, and that a certain notice, 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 12th day of May, 1998 and that the last publication of such notice was in the issue of such newspaper dated the 2nd day of June, 1998.



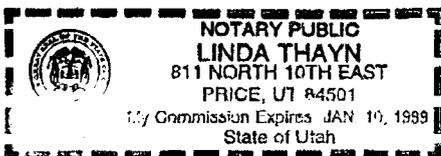
Kevin Ashby - Publisher

Subscribed and sworn to before me this 2nd day of June, 1998.



Notary Public My commission expires January 10, 1999 Residing at Price, Utah

Publication fee, \$344.00



Application for Postmining Land Use Change and Bond Release

PacifiCorp, Des-Bee-Dove Mine

ACT/015/017

Energy West Mining Company

P.O. Box 310

Huntington, Utah 84528

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator, is filing with the Division of Oil, Gas and Mining an application for Postmining Land Use change and Bond Release for the Des-Bee-Dove Mine, specifically, the presently designated Des-Bee-Dove Haul Road, from Highway 57 to an area close to the County Road referred to as Danish Bench. The Construction of this portion of haul road was designated by roadway stationing, starting at 96+00 center of road, located a few hundred feet above the Danish Bench connection in the direction of the mine site, and ending at Highway 57, stationing 243+18 center of roads.

PacifiCorp, filed notification to reclaim the Des-Bee-Dove Mine and associated Rights-of-Ways (R/W) as permitted (February 26, 1997). Since that time the County has expressed interest in acquiring the Haul Road and incorporating the road into the county road system.

Negotiations for land Rights-of-Way transfer between PacifiCorp, the County and those government agencies as listed below have been completed. This means that the haul road and associated Rights-of-Way would remain in place and become part of the "County Road System". The State Division of Oil, Gas and Mining would no longer have permitting control within these areas as listed.

The road and associated Rights-of-Way, wherein the road lies is listed below within the closest 1/4 section.

State of Utah Road Right-of-Way No. 2470 (49.34 acres) utilized for the location of the Junction Haul Road located within Section 36, T17S, R7E, SLM and Section 2, T18S, R7E, SLM.

State of Utah-The NE 1/4 NE 1/4 Section 2, T18S, R7E, SLM.

State of Utah-The NW 1/4 NE 1/4 Section 2, T18S, R7E, SLM.

State of Utah-The SW 1/4 NE 1/4 Section 2, T18S, R7E, SLM.

State of Utah-The NW 1/4 SE 1/4 Section 2, T18S, R7E, SLM.

State of Utah-The NE 1/4 SW 1/4 Section 2, T18S, R7E, SLM.

State of Utah-The NE 1/4 NW 1/4 Section 36, T17S, R7E, SLM.

State of Utah-The SE 1/4 NW 1/4 Section 36, T17S, R7E, SLM.

State of Utah-The NW 1/4 NW 1/4 Section 36, T17S, R7E, SLM.

BLM Right-of-Way Grant U-50148 (28.29 acres) utilized for the location of the Junction Haul Road within the E 1/2 E 1/2 Section 35, T17S, R7E, SLM.

BLM-The NE 1/4 NE 1/4 Section 35, T17S, R7E, SLM.

BLM-The SE 1/4 NE 1/4 Section 35, T17S, R7E, SLM.

BLM-The NE 1/4 SE 1/4 Section 35, T17S, R7E, SLM.

BLM-The SE 1/4 SE 1/4 Section 35, T17S, R7E, SLM.

United States Forest & Special Use Permit utilized for the location of the Junction Haul Road located within the SW 1/4 SW 1/4 Section 25, SE 1/4 SW 1/4 Section 25 and the SE 1/4 SE 1/4 Section 26, T17S, R7E, SLM.

POSTMINING LAND USE

The current Des-Bee-Dove permit states that the postmining land use for the area of the mine will be for grazing and wildlife. The postmining land use would be expanded to reflect current public uses of the area which include the following land use categories:

- Access for Industrial/Commercial (coal bed methane extraction)
- Recreation

A Surety Bond is posted with the Division in the amount of \$1,837,712.00, payable to the State of Utah, Division of Oil Gas and Mining (DOG M) and the Office of Surface Mining Reclamation and Enforcement (OSM).

This notice is being published to comply with the Surface Mining Control and Reclamation Act of 1997 and the State and Federal regulations promulgated pursuant to said Act. The application for Postmining Land Use Change is on file at the Castle Dale, County Court House in the Public Records Office and at the State Department of Natural Resources as listed below.

Written comments may be submitted to: State of Utah, Department of Natural Resources, Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Box 145801, Salt Lake City, Utah 84114-5801. Comments must be in within 30 days from the date of last publication of this notice.

Published in the Emery County Progress May 12, 19, 26 and June 2, 1998.

United States
Department of
Agriculture

Forest
Service

Manti-La Sal
National Forest

599 West Price River Dr.
Price, Utah 84501
Phone # (435) 637-2817
Fax # (435) 637-4940

File Code: 2730

Date: April 21, 1998



Mr. Randy Johnson, Chairman
Emery County Commission
75 East Main
P O Box 629
Castle Dale, UT 84513

Dear Randy:

PacifiCorp issued a "Notice of Intent" to reclaim the haul road within Des-Bee-Dove Coal Mine Permit Area. This road is referred to as the Wilberg Coal Mine to Desert Coal Mine Road. The portions of the road within the National Forest have been under "Special Use Permit" to PacifiCorp.

Emery County published the public notice of their intent to consider accepting the Wilberg Coal Mine to Desert Coal Mine Road as a public road of the County in the local newspaper the "Emery County Progress". Upon receiving "Notice of Intent", Emery County in Commission Meeting on September 17, 1997, requested comment on whether they should accept and add the road to the county road system. All Commissioners were in support of leaving the road open for public access.

Interwest Mining Company (PacifiCorp), the permittee, agrees to modify the permits to allow Emery County to obtain a FRTA Public Road Easement on the road in a letter dated November 20, 1997. The Forest Service met with Interwest Mining and Emery County on December 3, 1997 and outlined the necessary steps.

A Decision Memo and Public Road Easement Deed were prepared for the Forest Supervisor's signature and signed by the Forest Supervisor on January 30, 1998, enclosed is the Easement Deed. Please have the Deed recorded and returned to the Manti-La Sal National Forest, attention Brent Barney. We plan to amend PacifiCorp's Special Use Permit for the portion of road conveyed by this easement upon receipt of the recorded deed.

Sincerely,

Janette S. Kaiser
for

JANETTE S. KAISER
Forest Supervisor

Enclosures

cc:
D2/3
Interwest Mining Company

Post-It® Fax Note	7671	Date	4-24-98	# of pages	1
To	CHUK SAMPORSKI	From	EDDIT CHND		
Co./Dept.	EMERY	Co.	INC.		
Phone #		Phone #			
Fax #		Fax #			

United States
Department of
Agriculture

Forest Service
Manti-La Sal
National Forest

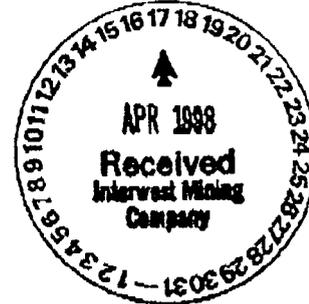
599 West Price River Dr.
Price, Utah 84501
Phone # (435) 637-2817
Fax # (435) 637-4940

Post-It™ brand fax transmittal memo 7871		# of pages > 2
To	CHUCK SEMBORSKI	
From	SCOTT CHILD	
Co.	E WEST	
Co.	IMC	
Dept.		
Phone #		
Fax #		

File Code: 2730

Date: April 15, 1998

ATTN: Mr. Lowell Braxton
Utah Coal Regulatory Program
Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
P O Box 145801
Salt Lake City, Utah 84114-5801



Dear Mr. Braxton:

PacificCorp issued a "Notice of Intent" to reclaim the haul road within Des-Bee-Dove Coal Mine Permit Area. This road is referred to as the Wilberg Coal Mine to Desert Coal Mine Road. The portion of the road within the National Forest has been under "Special Use Permit" to PacificCorp.

Emery County published the public notice of their intent to consider accepting the Wilberg Coal Mine to Desert Coal Mine Road as a public road of the County in the local newspaper the "Emery County Progress". Upon receiving the "Notice of Intent", Emery County in Commission Meeting on September 17, 1997, requested comment on whether they should accept and add the road to the county road system. All Commissioners were in support of leaving the road open for public access.

Interwest Mining Company (PacificCorp), the permittee, agreed to enter into a "Right-of-Way Transfer Agreement" that allows Emery County to obtain a FRTA Public Road Easement on the road in a letter dated November 20, 1997. The Forest Service met with Interwest Mining and Emery County on December 3, 1997 and outlined the necessary steps.

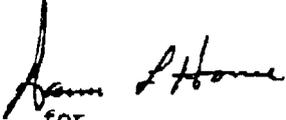
A Decision Memo and Public Road Easement Deed was prepared for the Forest Supervisor's signature and signed on January 30, 1998. Once that Deed is transmitted to Emery County and recorded, the change in jurisdiction will be complete. At that time, we will terminate the Special Use Permit authorizing PacificCorp's use of the road.

Mr. Lowell Braxton

2

We are also writing to inform you that the proposed postmining land use change is acceptable to the Forest Service. The Forest Service supports the retention of the road in public ownership for the future use of Emery County residents and Forest visitors.

Sincerely,



for

JANETTE S. KAISER
Forest Supervisor

cc:

D2/3

Interwest Mining Company



State of Utah

School and Institutional
TRUST LANDS ADMINISTRATION

Michael O. Leavitt
Governor
David T. Tazry
Director

675 East 500 South, Suite 500
Salt Lake City, Utah 84102-8918
801-538-5100
801-385 0822 (Fax)



March 24, 1998

Utah Coal Regulatory Program
Division of Oil, Gas and Mining
1594 West North temple, Suite 1210
Box 145801
Salt Lake City, UT 84114-5801

ATTN: Lowell Braxton

RE: Post-mining Land Use for the Des-Bee-Dove Haul Road, Acquisition of the Road Rights-of-Way by Emery County - PacifiCorp, Des-Bee-Dove Mine, ACT/015/017, Emery County, Utah

Dear Mr. Braxton:

Representatives of the School and Institutional Trust Lands Administration (Trust Lands Administration) have met on several occasions with representatives of PacifiCorp, and its related entity Energy West Mining Company, and Emery County, a political subdivision of the State of Utah. We have been made aware of the fact that PacifiCorp and Emery County have entered into a "Right-of-Way Transfer Agreement," dated March 18, 1998, and that PacifiCorp and Emery County are in the process of complying with the Trust Lands Administration's requirements with respect to the transfer of the rights-of-way for the Wilberg/Des-Bee-Dove Road.

We are writing on behalf of the Trust Lands Administration to inform you that we concur with and support the proposed transfer to Emery County. The transfer is in process and we do not anticipate any difficulty in completing the transfer. We are also writing to inform you that the proposed post-mining land use change is acceptable to us and that we support the retention of this roadway for future use by the residents of Emery County.

If you have questions or concerns regarding our position, please feel free to contact me.

Sincerely,

KEVIN S. CARTER
ASSISTANT DIRECTOR - SURFACE

cc: Scott Child, Interwest Mining Co.

Price Field Office
125 South 600 West
Price, Utah 84501

2810
UTU-50148
(UT-066)

Mr. Lowell Braxton
Utah Coal Regulatory Program
P. O. Box 145801
Salt Lake City, Utah 84114-5801

MAR 26 1998

Re: Postmining Land Use for the Des-Bee-Dove Haul Road, Acquisition of the Road Right-of-way by Emery County-- PacifiCorp, Des-Bee-Dove Mine AC1/015/017, Emery County, Utah

Dear Mr. Braxton:

Energy West Mining Company has proposed transferring a coal haul road under BLM right-of-way UTU-50148 to Emery County, a political subdivision of the state of Utah. Emery County and Energy West Mining Company apparently have entered into a right-of-way transfer agreement dated March 18, 1998.

The Bureau of Land Management has no objection to the transfer of this right-of-way to Emery County. However, we will not recognize the transfer until Emery County files an application to assign the subject right-of-way and a decision has been made to approve the assignment. The proposed postmining land use change from a coal haul road to an Emery County road is acceptable to BLM.

If you have any questions please feel free to contact Mark Mackiewicz of my staff at (435) 636-3600.

Sincerely,

THOMAS E. RASMUSSEN

Thomas E. Rasmussen
Acting Field Manager

cc: Scott M. Child, Interwest Mining Company ✓

MMackiewicz:mm:3/26/98
Braxton.ltr Des-Bee-Dove road





Public Lands Department

Val Payne, Director

March 19, 1998

Mr. Scott M. Child
Property Management Administrator
Interwest Mining Company
One Utah Center
201 South Main Street, Suite 2000
Salt Lake City, Utah 84140-0020

RE: Des-Bee-Dove Crossover Road Right-of-Way Transfer Agreement

Dear Scott:

Transmitted herewith, please find one executed original of the Des-Bee-Dove Crossover Road Right-of-Way Transfer Agreement. The document was approved and executed by the Emery County Board of Commissioners during their regular meeting on March 18, 1998.

Thank you for your efforts regarding this matter. Please advise me if further actions are required of Emery County to facilitate completion of the transfer process.

Sincerely,

Val Payne
Public Lands Director

Enclosure

cc: D. Blackwell w/ copy encl.
R. Funk w/ copy encl.
R. Johnson w/o copy encl.
K. Petersen w/o copy encl.
C. Semborski, Energy West w/o copy encl.
B. Wilson w/o copy encl.

RIGHT-OF-WAY TRANSFER AGREEMENT

THIS RIGHT-OF-WAY TRANSFER AGREEMENT ("Agreement") made and entered into this 18th day of March, 1998, by and between PACIFICORP, an Oregon corporation, having an address c/o Interwest Mining Company, One Utah Center, Suite 2000, 201 South Main, Salt Lake City, Utah 84140-0020 ("PacifiCorp") and EMERY COUNTY, a political subdivision of the State of Utah, having an address c/o Emery County Courthouse, 95 East Main, Castledale, Utah 84513 (hereinafter referred to as "Emery County").

RECITALS:

- A. PacifiCorp (the successor in interest to Utah Power & Light Company) and its wholly-owned subsidiary and managing agent, Interwest Mining Company, conduct certain mining operations in the State of Utah through PacifiCorp's wholly-owned subsidiary Energy West Mining Company (hereinafter referred to as "Energy West"); and
- B. PacifiCorp has in the past conducted operations through Energy West at the Des-Bee-Dove mine ("Mine") in Emery County, Utah, and the Mine is permitted by the State of Utah Division of Oil Gas and Mining ("DOG M") as ACT/015/017 ("Permit"); and
- C. PacifiCorp, through its predecessor Utah Power & Light Company, acquired certain rights-of-way and constructed a road on those rights-of-way to provide an alternative means of access to the area of the Mine; and
- D. Since its construction, the road has been used by the public as a means of access to certain areas of Emery County and another resource developer has established other rights-of-way along the same corridor; and

E. By letter dated February 26, 1997, PacifiCorp provided its notice of intent to the State of Utah and other interested parties indicating that PacifiCorp intended to reclaim the Des-Bee-Dove mine, including the portion of the Mine haul road within the Permit area sometime prior to the next renewal of the Permit; and

F. By letter dated April 4, 1997, Energy West received an indication from Rex Funk, Road Supervisor, Emery County, that Emery County might be interested in the transfer of the Mine haul road to the Emery County road system in order to accommodate other existing uses of the road and related rights-of-way; and

G. Ownership of the road by Emery County would provide a public facility needed to support the post-mining land use for the area of the Mine as presently approved in the Permit; and

H. Transfer of the road to Emery County would make it a part of the Emery County road system and subject to all of the same construction and maintenance standards as other public roads with maintenance costs funded from Emery County sources; and

I. At present with no active mining operations the principle uses of the road are related to public access to both public and private lands for approved post-mining land uses; and

J. On September 2 and 9, 1997 a public notice was published in the Emery County Progress announcing a public hearing for the purpose of receiving "public comment on whether the Emery County Commission should accept and add the [crossover] road to the County Road System in order to provide access."

K. On September 17, 1997, the Emery County Board of County Commissioners held a public hearing on the issue as to whether or not "the Emery County Commission should accept and add the Des-Bee-Dove [crossover] road to the Emery County road system in order to provide public access" and following of the public hearing the County Commission approved a motion to pursue negotiations with Energy West to work on a plan to bring the road to an agreeable standard and to prepare the documents necessary to transfer the road to the Emery County road system; and

L. Emery County is willing to accept the transfer of the road and the related rights-of-way if the road is no longer subject to the jurisdiction of DOGM and Emery County is provided with funds adequate to bring the road into compliance with the standards applicable to the Emery County road system.

WITNESSETH

NOW, THEREFORE, in consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed as follows:

1. Agreement to Transfer. PacifiCorp hereby agrees to transfer to Emery County and Emery County hereby agrees to accept from PacifiCorp upon the terms and conditions herein contained all of the right, title and interest of PacifiCorp in and to the hereinafter described rights-of-way issued by the Bureau of Land Management, the State of Utah School and Institutional Trust Lands Administration and the United States Forest Service, together with the road constructed thereon, its storm runoff conveyance structures, drainage control features, guard rails and related appurtenances (collectively hereinafter the "Road").

2. Road. Emery County agrees to accept the Road in its present condition subject to the terms and conditions herein contained and to thereafter exercise sole and exclusive jurisdiction over the Road as a part of the Emery County road system.

3. Compensation. At the present time, the Road does not comply in all respects with the standards applicable to public roads within the Emery County road system. To compensate Emery County for the cost it will incur in upgrading the Road to meet the established standards, PacifiCorp hereby agrees to pay to Emery County, and Emery County agrees to accept as full compensation for the activities it must conduct in order to bring the Road into compliance with the applicable standards, the amount of \$383,910.00. Said amount shall be paid by PacifiCorp to Emery County at the closing.

4. Condition of the Road. Emery County acknowledges that Emery County has inspected the Road and that it will accept the Road in its present "as is" and "where is" condition on the date of execution of this Agreement with all faults and without warranty or representation of any kind express or implied by PacifiCorp. Emery County has not relied upon, nor has PacifiCorp made, any express or implied representations, warranties or statements concerning the physical condition, quality of construction, workmanship, use or fitness for any particular purpose of the Road. Emery County acknowledges that it has had ample opportunity to inspect and observe and it has inspected and observed the Road and knows of its condition.

5. Right-of-Way Transfer. The transfer by PacifiCorp to Emery County of the rights-of-way associated with the Road will be by four separate assignment documents executed individually as to each of the following rights-of-way:

- Special Use Permit (road) - Utah Power & Light Company is named as the permittee and the permit was issued by the United States Forest Service, September 20, 1982. The transfer of the Special Use Permit is subject to the provisions of 36 C.F.R. § 251.59 which the parties agree to comply with in connection with the transfer.

- State Easements - Right-of-Way # 2470, dated October 18, 1982, and Easement No. 446 were issued by the State of Utah through the Division of State Lands and Forestry and by its successor the School and Institutional Trust Lands Administration, respectively, and Utah Power & Light Company and PacifiCorp are, respectively, named as grantee. The transfer of said State Easements is subject to the rules and regulations of the State of Utah School and Institutional Trust Lands Administration, which the parties agree to comply with in connection with the transfer.

- Right-of-way U-50148 - The United States Department of the Interior, Bureau of Land Management issued right-of-way U-50148 on September 13, 1982 to Utah Power and Light Company. Said right-of-way is subject to the regulations contained at 43 C.F.R. subpart 2800, which the parties agree to comply with in connection with the transfer.

6. **Permit.** The parties acknowledge that the area contained within each of the above-described rights-of-way is presently contained within the Permit area and disturbed area of the Permit. Upon execution of this Agreement, Energy West will submit to DOGM for conditional approval the documentation appropriate to exclude the area of the rights-of-way from the Permit. The parties mutually agree to exercise their good faith effort to have the

Road removed from the Permit area and conclude the transfer contemplated by this Agreement. Upon receipt of approval of the changes in the Permit needed to confirm that the area of the rights-of-way will no longer be subject to the jurisdiction of DOGM under the Permit, the parties shall mutually agree upon a date for execution of the transfer documents provided for in Section 5, which shall occur within thirty (30) days of the date of approval by DOGM.

7. Execution of Transfer Documents. Upon receipt of the conditional approval of the transfer by DOGM, the parties shall execute transfer documents with respect to each of the four rights-of-way in a form substantially similar to the four instruments of transfer attached hereto as Exhibits A (Forest Service), B (School and Institutional Trusts Lands Administration), C (School and Institutional Trust Lands Administration, and D (BLM). Inasmuch as the governing regulations provide that no assignments shall be recognized by the underlying land owners unless or until they are approved in writing by the respective authorized officers, the parties agree to submit the executed transfer documents to the respective agencies for their approval prior to closing. The parties agree to exercise their best efforts to obtain the approval of the transfer documents from each of the agencies issuing the rights-of-way.

8. Closing. The closing of the transfer contemplated by this Agreement shall take place within fifteen (15) days following receipt of the last of the approvals from the three agencies identified in Section 5. At the closing, PacifiCorp will deliver to Emery County its check in the amount specified in Section 3 above, together with copies of the executed transfer documents, the correspondence evidencing approval by the issuing agencies formally

transferring the rights-of-way to Emery County and such of the maps and engineering data related to the Road as Emery County might reasonably request. Upon delivery of the check and the transfer documents, the closing shall be deemed complete.

9. Possession. Emery County shall be entitled to possession of the rights-of-way immediately upon completion of the closing.

10. Notices. Any notice given under this Agreement shall be in writing and shall be delivered personally or sent by certified mail, return receipt requested. If notice is given by mail, it shall be deemed received seventy-two (72) hours following the time of the deposit in the United States mail as evidenced by the postmark on such notice. Any such notice shall be delivered or mailed to the following addresses:

If to PacifiCorp:

Interwest Mining Company
Attn: Property Administration
One Utah Center, Suite 2000
201 South Main
Salt Lake City, Utah 84140-0020

If to Emery County:

Emery County Courthouse
95 East Main
Castledale, Utah 84513

Any party may, by the giving of written notice as provided hereunder, change the address to which notices are to be directed.

11. Miscellaneous.

(a) This Agreement and all other instruments executed in furtherance of the transactions contemplated hereby and the rights and obligations of the parties hereunder and under such instruments shall be governed in accordance with the laws of the State of Utah.

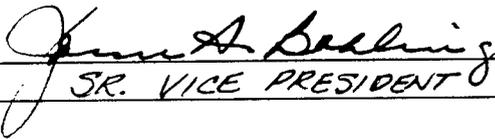
(b) The invalidity or unenforceability of any portion or provision of this Agreement shall in no way affect the validity or enforceability of any other portion or provision of this Agreement.

(c) This Agreement may not be amended or modified in any respect except by written agreement by a duly authorized representative of each of the signing parties.

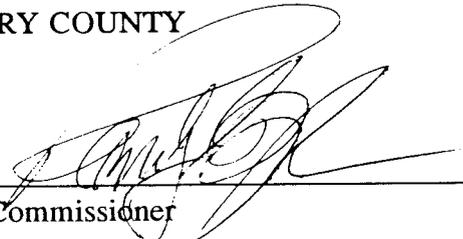
(d) With respect to the subject matter hereof, this Agreement supersedes all previous negotiations, understandings and agreements, whether written or oral, between the parties or their representatives, and constitutes the entire agreement of the parties.

EXECUTED and made effective as of the date first above written.

PACIFICORP

By 
Its SR. VICE PRESIDENT

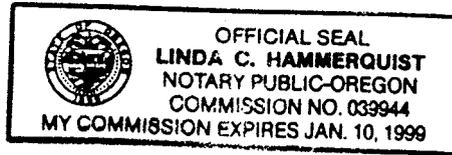
EMERY COUNTY

By 
Commissioner

By 
Commissioner

By 
Commissioner

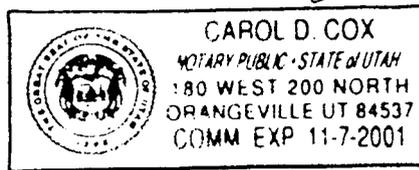
STATE OF ~~UTAH~~-OREGON)
 : SS.
COUNTY OF MULTNOMA)



The foregoing instrument was acknowledged before me this 4th day of March, 1998,
by John A. Bohling, the SR. VICE PRESIDENT of PacifiCorp, an Oregon corporation.

Linda C. Hammerquist
NOTARY PUBLIC

STATE OF UTAH)
 : SS.
COUNTY OF Emery)



The foregoing instrument was acknowledged before me this 18th day of March, 1998,
by Randy Johnson, the Commissioner of Emery, County, Utah.

Carol D. Cox
NOTARY PUBLIC

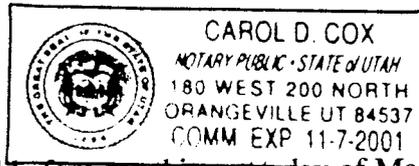
STATE OF UTAH)
 : SS.
COUNTY OF Emery)



The foregoing instrument was acknowledged before me this 15th day of March, 1998,
by Kent Petersen, the Commissioner of Emery, County, Utah.

Carol D. Cox
NOTARY PUBLIC

STATE OF UTAH)
 : SS.
COUNTY OF Emery)



The foregoing instrument was acknowledged before me this 17th day of March, 1998,
by Bevan Wilson, the Commissioner of Emery, County, Utah.

Carol D. Cox
NOTARY PUBLIC

Exhibits A

Consists of transfer instruments to the Forest Service, State of Utah Institutional Trusts Lands Administration and the Bureau of Land Management .

These forms are to be completed and submitted to the respective agencies for approval, upon our finalizing the Transfer Agreement .

APPLICATION FOR TRANSPORTATION AND
UTILITY SYSTEMS AND FACILITIES
ON FEDERAL LANDS

FORM APPROVED
OMB NO. 1004-0060
Expires: May 31, 1986

FOR AGENCY USE ONLY

NOTE: Before completing and filing the application, the applicant should completely review this package and schedule a preapplication meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the preapplication meeting.

Application Number

Date filed

1. Name and address of applicant (include zip code)

2. Name, title, and address of authorized agent if different from Item 1 (include zip code)

3. TELEPHONE (area code)

Applicant

Authorized Agent

4. As applicant are you? (check one)

- a. Individual
- b. Corporation *
- c. Partnership/Association *
- d. State Government/State Agency
- e. Local Government
- f. Federal Agency

* If checked, complete supplemental page

5. Specify what application is for: (check one)

- a. New authorization
- b. Renew existing authorization No. _____
- c. Amend existing authorization No. _____
- d. Assign existing authorization No. _____
- e. Existing use for which no authorization has been received *
- f. Other *

* If checked, provide details under Item 7

6. If an individual, or partnership are you a citizen(s) of the United States? Yes No

7. Project description (describe in detail): (a) Type of system or facility, (e.g., canal, pipeline, road); (b) related structures and facilities; (c) physical specifications (length, width, grading, etc.); (d) term of years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction. (Attach additional sheets, if additional space is needed.)

8. Attach map covering area and show location of project proposal

9. State or local government approval: Attached Applied for Not required

10. Nonreturnable application fee: Attached Not required

11. Does project cross international boundary or affect international waterways? Yes No (If "yes," indicate on map)

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

13a. Describe other reasonable alternative routes and modes considered.

b. Why were these alternatives not selected?

c. Give explanation as to why it is necessary to cross Federal lands.

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (Specify number, date, code, or name.)

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability.

18. Describe the probable effects that the proposed project will have on: (a) populations of fish, plant, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

19. Name all the Department(s)/Agency(ies) where this application is being filed.

I HEREBY CERTIFY. That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant

Date

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

APPLICATION FOR TRANSPORTATION AND UTILITY SYSTEMS
AND FACILITIES ON FEDERAL LANDS

GENERAL INFORMATION
ALASKA NATIONAL INTEREST LANDS

This application will be used when applying for a right-of-way, permit, license, lease, or certificate for the use of Federal lands which lie within conservation system units and National Recreation or Conservation Areas as defined in the Alaska National Interest Lands Conservation Act. Conservation system units include the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, and National Forest Monuments.

Transportation and utility systems and facility uses for which the application may be used are:

1. Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.
2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.
3. Pipelines, slurry and emulsion systems, and conveyor belts for transportation of solid materials.
4. Systems for the transmission and distribution of electric energy.
5. Systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communications.
6. Improved rights-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.
7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

This application *must* be filed simultaneously with each Federal department or agency requiring authorization to establish and operate your proposal.

In Alaska, the following agencies will help the applicant file an application and identify the other agencies the applicant should contact and possibly file with:

Department of Agriculture
Regional Forester, Forest Service (USFS)
Federal Office Building, P.O. Box 1628
Juneau, Alaska 99802
Telephone: (907) 588-7247 (or a local Forest Service Office)

Department of Interior
Bureau of Indian Affairs (BIA)
Juneau Area Office, P.O. Box 3-8000
Juneau, Alaska 99802
Telephone: (907) 586-7209

Bureau of Land Management (BLM)
701 C Street, Box 13
Anchorage, Alaska 99513
Telephone: (907) 271-5055 (or a local BLM Office)

National Park Service (NPS)
Alaska Regional Office, 540 West 5th Avenue, Room 202
Anchorage, Alaska 99501
Telephone: (907) 271-4196

U.S. Fish & Wildlife Service (FWS)
Office of the Regional Director
1011 East Tudor Road
Anchorage, Alaska 99503
Telephone: (907) 276-3800

Note-Filings with any Interior agency may be filed with any office noted above or with the: Office of the Secretary of the Interior, Regional Environmental Officer, Box 120, 1675 C Street, Anchorage, Alaska 99513.

Department of Transportation
Federal Aviation Administration
Alaska Region AAL-4, P.O. 14
Anchorage, Alaska 99513

NOTE - The Department of Transportation has established the above central filing point for agencies within that Department. Affected agencies are: Federal Aviation Administration (FAA), Coast Guard (USCG), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA).

OTHER THAN ALASKA NATIONAL INTEREST LANDS

Use of this form is not limited to National Interest Conservation Lands of Alaska.

Individual departments/agencies may authorize the use of this form by applicants for transportation and utility systems and facilities on other Federal lands outside those areas described above.

For proposals located outside of Alaska, applications will be filed at the local agency office or at a location specified by the responsible Federal agency.

SPECIFIC INSTRUCTIONS
(Items not listed are self-explanatory)

Item

- 7 Attach preliminary site and facility construction plans. The responsible agency will provide instructions whenever specific plans are required.
- 8 Generally, the map *must* show the section(s), township(s), and range(s) within which the project is to be located. Show the proposed location of the project on the map as accurately as possible. Some agencies require detailed survey maps. The responsible agency will provide additional instructions.
- 9, 10, and 12 - The responsible agency will provide additional instructions.
- 13 Providing information on alternate routes and modes in as much detail as possible, discussing why certain routes or modes were rejected and why it is necessary to cross Federal lands will assist the agency(ies) in processing your application and reaching a final decision. Include only reasonable alternate routes and modes as related to current technology and economics.
- 14 The responsible agency will provide instructions.
- 15 Generally, a simple statement of the purpose of the proposal will be sufficient. However, major proposals located in critical or sensitive areas may require a full analysis with additional specific information. The responsible agency will provide additional instructions.
- 16 through 18 - Providing this information in as much detail as possible will assist the Federal agency(ies) in processing the application and reaching a decision. When completing these items, you should use sound judgment in furnishing relevant information. For example, if the project is not near a stream or other body of water, *do not* address this subject. The responsible agency will provide additional instructions.

Application *must* be signed by the applicant or applicant's authorized representative.

If additional space is needed to complete any item, please put the information on a separate sheet of paper and identify it as "Continuation of Item".

SUPPLEMENTAL

NOTE: The responsible agency(ies) will provide additional instructions.	CHECK APPROPRIATE BLOCK	
	ATTACHED	FILED*
I - PRIVATE CORPORATIONS		
a. Articles of Incorporation	<input type="checkbox"/>	<input type="checkbox"/>
b. Corporation Bylaws	<input type="checkbox"/>	<input type="checkbox"/>
c. A certification from the State showing the corporation is in good standing and is entitled to operate within the State.	<input type="checkbox"/>	<input type="checkbox"/>
d. Copy of resolution authorizing filing	<input type="checkbox"/>	<input type="checkbox"/>
e. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.	<input type="checkbox"/>	<input type="checkbox"/>
f. If application is for an oil or gas pipeline, describe any related right-of-way or temporary use permit applications, and identify previous applications.	<input type="checkbox"/>	<input type="checkbox"/>
g. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by proposal.	<input type="checkbox"/>	<input type="checkbox"/>

II - PUBLIC CORPORATIONS

a. Copy of law forming corporation	<input type="checkbox"/>	<input type="checkbox"/>
b. Proof of organization	<input type="checkbox"/>	<input type="checkbox"/>
c. Copy of Bylaws	<input type="checkbox"/>	<input type="checkbox"/>
d. Copy of resolution authorizing filing	<input type="checkbox"/>	<input type="checkbox"/>
e. If application is for an oil or gas pipeline, provide information required by Item "I-f" and "I-g" above.	<input type="checkbox"/>	<input type="checkbox"/>

III - PARTNERSHIP OR OTHER UNINCORPORATED ENTITY

a. Articles of association, if any	<input type="checkbox"/>	<input type="checkbox"/>
b. If one partner is authorized to sign, resolution authorizing action is	<input type="checkbox"/>	<input type="checkbox"/>
c. Name and address of each participant, partner, association, or other	<input type="checkbox"/>	<input type="checkbox"/>
d. If application is for an oil or gas pipeline, provide information required by Item "I-f" and "I-g" above.	<input type="checkbox"/>	<input type="checkbox"/>

* If the required information is already filed with the agency processing this application and is current, check block entitled "Filed." Provide the file identification information (e.g., number, date, code, name). If not on file or current, attach the requested information.

NOTICE

The Privacy Act of 1974 provides that you be furnished the following information in connection with information required by this application for an authorization.

AUTHORITY: 16 U.S.C. 310; 5 U.S.C. 301.

PRINCIPLE PURPOSE: The information is to be used to process the application.

ROUTINE USES: (1) The processing of the applicant's request for an authorization. (2) Documentation for public information. (3) Transfer to appropriate Federal agencies when concurrence is required prior to granting a right in public lands or resources. (4)(5) Information from the record and/or the record will be transferred to appropriate Federal, State, local or foreign agencies, when relevant to civil, criminal or regulatory investigations or prosecutions.

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is voluntary. If all the information is not provided, the application may be rejected.

DATA COLLECTION STATEMENT

The Federal agencies collect this information from applicants requesting right-of-way, permit, license, lease, or certification for the use of Federal lands.

The Federal agencies use this information to evaluate the applicant's proposal.

The public is obligated to respond to this information request if they wish to obtain permission to use Federal lands.

**Assignment of Instrument
CORPORATE**

Instrument Number: _____
Legal Description:

The undersigned, as owner of record title interest as hereinafter described, for good and valuable consideration and \$ _____ DOLLARS does hereby assign to

the rights, title, interest, and privileges in the above referenced instrument, as indicated on the application which is attached to and made a part hereof.

It is hereby certified that the statements made herein are true, complete, and correct to the best of the undersigned's knowledge and belief and are made in good faith.

Executed this _____ day of _____, 19____.

(Assignor)

Assignor's Acknowledgment

STATE OF)
) ss.
COUNTY OF)

The foregoing assignment was acknowledged before me this _____ day of _____, 19____
by _____.

My Commission Expires:

Notary Public, residing at:

Corporate Acceptance of Assignment

Comes now _____, a corporation of the State of _____ which is qualified to do business in the State of Utah, and hereby accepts the assignment from _____ of _____, which assignment is dated _____, subject to all of the covenants and obligations of the holder of said instrument.

Executed this _____ day of _____, 19____.

BY: _____

AUTHORITY: _____

(Officer, Agent, Attorney-in-Fact)

**Application for Postmining Land Use
Change and Bond Release
PacifiCorp, Des-Bee-Dove Mine
ACT/015/017
Energy West Mining Company
P.O. Box 310
Huntington, Utah 84528**

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator, is filing with the Division of Oil, Gas and Mining an application for Postmining Land Use change and Bond Release for the Des-Bee-Dove Mine, specifically, the presently designated Des-Bee-Dove Haul Road, from Highway 57, to an area close to the County Road referred to as Danish Bench. The Construction of this portion of haul road was designated by roadway stationing, starting at 96+00 center of road, located a few hundred feet above the Danish Bench connection in the direction of the mine site, and ending at Highway 57, stationing 243+18 center of roads.

PacifiCorp, filed notification to reclaim the Des-Bee-Dove Mine and associated Rights-of-Ways (RW) as permitted (February 26, 1997). Since that time the County has expressed interest in acquiring the Haul Road and incorporating the road into the county road system.

Negotiations for land Rights-of-Way transfer between PacifiCorp, the County and those government agencies as listed below have been completed. This means that the haul road and associated Rights-of-Way would remain in place and become part of the "County Road System". The State Division of Oil, Gas and Mining would no longer have permitting control within these areas as listed.

The road and associated Rights-of-Way, wherein the road lies is listed below within the closest 1/4 section:

- State of Utah Road Right-of-Way No. 2470 (49.34 acres) utilized for the location of the Junction Haul Road located within Section 36, T17S, R7E, SLM and Section 2, T18S, R7E, SLM.
- State of Utah-The NE 1/4 NE 1/4 Section 2, T18S, R7E, SLM.
- State of Utah-The NW 1/4 NE 1/4 Section 2, T18S, R7E, SLM.
- State of Utah-The SW 1/4 NE 1/4 Section 2, T18S, R7E, SLM.
- State of Utah-The NW 1/4 SE 1/4 Section 2, T18S, R7E, SLM.
- State of Utah-The NE 1/4 SW 1/4 Section 2, T18S, R7E, SLM.
- State of Utah-The NE 1/4 NW 1/4 Section 36, T17S, R7E, SLM.
- State of Utah-The SE 1/4 NW 1/4 Section 36, T17S, R7E, SLM.
- State of Utah-The NW 1/4 NW 1/4 Section 36, T17S, R7E, SLM.
- BLM Right-of-Way Grant U-50148 (28.29 acres) utilized for the location of the Junction Haul Road within the E 1/2 E 1/2 Section 35, T17S, R7E, SLM.
- BLM-The NE 1/4 NE 1/4 Section 35, T17S, R7E, SLM.
- BLM-The SE 1/4 NE 1/4 Section 35, T17S, R7E, SLM.
- BLM-The NE 1/4 SE 1/4 Section 35, T17S, R7E, SLM.
- BLM-The SE 1/4 SE 1/4 Section 35, T17S, R7E, SLM.
- United States Forest & Special Use Permit utilized for the location of the Junction Haul Road located within the SW 1/4 SW 1/4 Section 25, SE 1/4 SW 1/4 Section 25 and the SE 1/4 SE 1/4 Section 26, T17S, R7E, SLM.

POSTMINING LAND USE

The current Des-Bee-Dove permit states that the postmining land use for the area of the mine will be for grazing and wildlife. The postmining land use would be expanded to reflect current public uses of the area which include the following land use categories:

- Access for Industrial/Commercial (coal bed methane extraction)
- Recreation.

A Surety Bond is posted with the Division in the amount of \$1,837,712.00, payable to the State of Utah, Division of Oil Gas and Mining (DOGGM) and the Office of Surface Mining Reclamation and Enforcement (OSM).

This notice is being published to comply with the Surface Mining Control and Reclamation Act of 1997 and the State and Federal regulations promulgated pursuant to said Act. The application for Postmining Land Use Change is on file at the Castle Dale, County Court House in the Public Records Office and at the State Department of Natural Resources as listed below.

Written comments may be submitted to: State of Utah, Department of Natural Resources, Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Box 145801, Salt Lake City, Utah 84114-5801. Comments must be in within 30 days from the date of last publication of this notice.

Published in the Emery County Progress May 12, 19, 26 and June 2, 1998.

PUBLIC NOTICE

NOTICE TO CONTRACTOR

The Utah Department of Transportation is advertising for Proposal forms, plans and specifications are on file for review by pre locations listed below. Keep in touch with UDOT's home page (http://www.udot.utah.gov) for updates to Addenda, Planholders List, Bid Results, Abstract related items. From the home page select "Consultants & Contractors." From the "Construction Division" page select the desired

Utah Department of Transportation
Calvin L. Rampton Complex (2nd Floor)
4501 South 2700 West, Salt Lake City, Utah 84119
Phone: (801) 965-4346
Also, the offices of the Department's Region and/or District locations:

- UDOT Price District
Rt #3, Box 75C5, Price UT 84501; Phone: (801) 636-1414
- UDOT Richfield District
PO Box 700, Richfield UT 84701; Phone: (801) 896-1399
- UDOT Cedar City
PO Box 1009, Cedar City, UT 84721; Phone: (801) 586-4346

To bid these projects, the contractor must purchase specifications and plans from the Utah Department of Transportation, Calvin L. Rampton Complex, 4501 South 2700 West, Salt Lake City, Utah 84119; Phone: (801) 965-4346. Contractors proposing to bid UDOT Heavy Highway Construction projects advertised estimate of \$500,000 or more must file and gain Prequalification to receiving bid documents from the Utah Department of Transportation contact: (801) 965-4108.

Project No. SP-999(486)

Sealed proposals will be received at the above address until June 2, 1998, and at that time publicly opened for construction of an **Carbon and Emery Counties**, the same being identified as **State Major Project SP-999(486)**.

The length of road to be constructed or improved is 1.0 mile from R.P. 9.5 and SR-264 from R.P. 5.2 to R.P. 15.3.

The principal items of work are approximately as follows: **Asphalt 823 Megagrams; Emulsified Asphalt, HFRS-2P, 618 Megagrams; Lifts 12.5 mm, 13,704 Megagrams.**

The project is to be completed by **August 21, 1998**. Plans, specifications and proposal forms may be obtained a cost of **\$10.00**, plus tax, no part of which will be refunded.

Dated 9th day of May, 1998

UTAH DEPARTMENT OF TRANSPORTATION
The

Published in the Emery County Progress May 12, 1998.

PUBLIC NOTICE

A Special Meeting of the Municipal Building Authority of Emery County will be held on Wednesday, May 20, 1998, at 9:00 AM, in the Commission Chamber, Courthouse at 95 East Main, Castle Dale, Utah.

Dated this 7th day of May, 1998.

Clerk/Auditor
Published in the Emery County Progress May 12 and 19, 1998.

NOTICE OF TRUSTEE'S SALE

The following described property will be sold at public auction, payable in lawful money of the United States at the time of sale, at the Emery County Courthouse in Castle Dale, Utah on June 2, 1998 at 1:00 P.M. of said date for foreclosing a Deed of Trust executed by Cook Holdings Inc., as Trustor, L. Kitchen and Maxine Kitchen as joint tenants, as Beneficiary and Emery County as Trustee, covering real property located in Castle Dale, Utah 84513, described as follows:

Tax ID#01-0013-0020

BEGINNING at the Northwest corner of Lot 3, Block 11, Castle Dale, Utah, thence East 77 feet; thence South 107.25 feet; thence East 24.5 feet; thence South 101.5 feet; thence North 214.5 feet to the point of beginning
DATED THIS 7th DAY OF May, 1998.

United States
Department of
Agriculture

Forest
Service

Manti-La Sal
National Forest

599 West Price River Dr.
Price, Utah 84501
Phone # (435) 637-2817
Fax # (435) 637-4940

File Code: 2730

Date: April 15, 1998

ATTN: Mr. Lowell Braxton
Utah Coal Regulatory Program
Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
P O Box 145801
Salt Lake City, Utah 84114-5801

Mary Ann
Cozy Aaron, Paul, Joe, Ron
12-sided
ACT/015/017 # 2

Dear Mr. Braxton:

PacifiCorp issued a "Notice of Intent" to reclaim the haul road within Des-Bee-Dove Coal Mine Permit Area. This road is referred to as the Wilberg Coal Mine to Desert Coal Mine Road. The portion of the road within the National Forest has been under "Special Use Permit" to PacificCorp.

Emery County published the public notice of their intent to consider accepting the Wilberg Coal Mine to Deseret Coal Mine Road as a public road of the County in the local newspaper the "Emery County Progress". Upon receiving the "Notice of Intent", Emery County in Commission Meeting on September 17, 1997, requested comment on whether they should accept and add the road to the county road system. All Commissioners were in support of leaving the road open for public access.

Interwest Mining Company (PacificCorp), the permittee, agreed to enter into a "Right-of-Way Transfer Agreement" that allows Emery County to obtain a FRTA Public Road Easement on the road in a letter dated November 20, 1997. The Forest Service met with Interwest Mining and Emery County on December 3, 1997 and outlined the necessary steps.

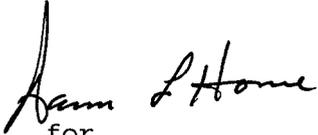
A Decision Memo and Public Road Easement Deed was prepared for the Forest Supervisor's signature and signed on January 30, 1998. Once that Deed is transmitted to Emery County and recorded, the change in jurisdiction will be complete. At that time, we will terminate the Special Use Permit authorizing PacificCorp's use of the road.

Mr. Lowell Braxton

2

We are also writing to inform you that the proposed postmining land use change is acceptable to the Forest Service. The Forest Service supports the retention of the road in public ownership for the future use of Emery County residents and Forest visitors.

Sincerely,

A handwritten signature in cursive script, appearing to read "Janette S. Kaiser".

for
JANETTE S. KAISER
Forest Supervisor

cc:
D2/3
Interwest Mining Company



March 26, 1998

Utah Coal Regulatory Program
Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801

Copy cover letter
to Pam
Daron

Re: Midterm Review Requirements, PacifiCorp, Des-Bee-Dove Mine,
ACT/015/017, Folder #6, Emery County, Utah.

Attention: Pam Grubaugh-Littig # 2

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator hereby submit our responses to the midterm review items as outlined in your letter dated February 27, 1998. Each of the items are listed and addressed below:

Midterm Items (italic)

Response (bold italic)

1. *An AVS check to ensure that Ownership and Control information is current and correct.*

Updated copies of the NOV's and PacifiCorp Officers is attached, and is the latest record available. (Replace list of Officers), (Add to the existing list of NOV's) Refer to Attachment #1

In regards to the Resident Agent, this revision was accomplished in January of 1997. Volume 1, Part 1, (Refer to Attached Sheet Pg.1-2, revised 12-12-96, approved Jan. 29, 1997. (Attachment #1)

2. *A review of the bond to ensure that it is in order and that the cost estimate is accurate and is escalated to the appropriate year dollars.*

A review of the bond amount was evaluated and revised to include current conditions and elimination of the haulroad. (Refer to the attached revised sheets of reclamation costs). Volume 2, Part 4, Pages 4-109 to and including 4-147. attachment #2) Also, refer to the revised pages for the bond amount, Volume 2, Part 4, Pages 4-102, and 4-103. (Attachment # 3)

Huntington Office:
(801) 687-9821

Fax (801) 687-2695

Purchasing Fax (801) 687-9092

Deer Creek Mine:
(801) 381-2317

Fax (801) 381-2285

Cottonwood Mine:
(801) 748-2319

Fax (801) 748-2380

3. *A review of the Plan to ensure that the requirements of all permit conditions, division orders, notice of violation abatement plans, and permittee-initiated Plan changes are appropriately incorporated into the Plan document. (Division Order 97A is still outstanding)*

Upon review of the MRP, past violations, abatement Plans, permittee initiated Plan changes and Division Orders, all concerns have been incorporated and reflected as required, with exception of Order 97A, which will be submitted by April 30, 1998. (Refer to the Haul Road Disposition Amendment - 97A, when received)

4. *A review of applicable portions of the permit to ensure that the Plan contains commitments for application of the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside of the permit area.*

Upon review of the MRP, alternative sediment control areas (ASCA's) have been addressed and incorporated in the permit. ASCA's are routinely examined on monthly inspections and after storm events. Packet 3-7, map 3 of 3 (CM-10388) is included in Volume 3 which show the locations of these sites (see attachment 4). Refer to Volume 2, Part 3, Pages 3-38 to 3-42. (Refer to Attachment #4)

In further review of the MRP it was concluded that the Surface Facility Map would require revisions and will be included for your review. Refer to attached drawing CM-10388-DS, Plate 3-7, (3 of 3), revisions were made to 2-3 and 3-3 of this group. (Refer to attachment #4) The changes or revisions are listed below. When approved, and in the Division response to the above items, Energy West will make additional copies (7) for distribution to the other agencies, and submit these to the Division.

Drawing 2-3:

remove fuel tank at lower pumphouse

Drawing 3-3:

remove office, bathhouse, warehouse text, concrete pad still in place.

remove underground gasoline tank

remove belt structure for the Little Dove Mine to the Stack Tube.

remove shed by Deseret #2 fan, (Concrete outline remains)

remove pick table

remove Beehive fan Evasae

If there are any questions or further concerns regarding the above response list please call Richard Northrup at 687-4822 or Charles Semborski at 687-4720.

Sincerely,

Richard Matthews
for Mr. Semborski

Charles Semborski

Environmental and Geological Supervisor

cc: Blake Webster
Carl Pollastro
Charles Semborski
Susan Tuttle (file)

February 27, 1998

Chuck Semborski, Environmental Supervisor
Energy West
P.O. Box 310
Huntington, Utah 84528

Re: Midterm Review Requirements, PacifiCorp, Des Bee Dove Mine, ACT/015/017, Folder #3, Emery County, Utah

Dear Mr. Semborski:

The Division is required to review each active permit during its term, in accordance with R645-303-211. This review is to take place at the mid point of the permit term (February 28, 1998 for Des Bee Dove) and will cover pertinent elements that have been selected for review. The Mid Term Review for the Des Bee Dove Mine is now being conducted and the items chosen for review encompass the following:

1. An AVS check to ensure that Ownership and Control information is current and correct. (The Division is aware that the current plan still lists Val Payne as the Resident Agent and this needs to be corrected.)
2. A review of the bond to ensure that it is in order and that the cost estimate is accurate and is escalated to the appropriate year dollars.
3. A review of the Plan to ensure that the requirements of all permit conditions, division orders, notice of violation abatement plans, and permittee-initiated Plan changes are appropriately incorporated into the Plan document. (You should be aware that Division Order 97A is still outstanding and will be reviewed as part of the Mid Term.)
4. A review of applicable portions of the permit to ensure that the Plan contains commitments for application of the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside of the permit area.
5. The Division may at it's option, conduct a technical site visit in conjunction with the assigned compliance inspector to document the status and effectiveness of operational, reclamation, and contemporaneous reclamation practices.

Information that you would like us to review as part of the mid term review must be submitted by March 30, 1998. Once the outstanding issues have been corrected the mid term review will be concluded.

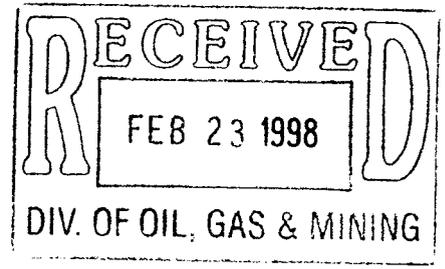
If you have any questions regarding these requirements or the Mid Term Review please don't hesitate to call.

Sincerely,

Mary Ann Wright
Associate Director, Mining

cc: Paul Baker
Joe Helfrich
Daron Haddock

O:\015017.DBD\FINAL\MIDTERM.98



February 18, 1998

Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801

Attention : Pamela Grubaugh-Littig

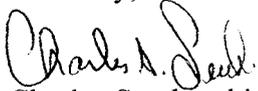
Re: Publication of Des-Bee-Dove Postmining Land Use Change

PacifiCorp, by and through its wholly-owned subsidiary Energy West Mining Company ("Energy West") as mine operator hereby submit an application of public notice to be advertised in the Emery County Progress. Publication dates should begin during the week of February 23-27, 1998. Certification of dates will be forthcoming.

If there are any questions or concerns regarding this notice please contact Richard Northrup at 687-4822 or Charles Semborski at 687-4720.

Thank You for your assistance and expertise concerning this matter.

Sincerely,


Charles Semborski
Environmental and Geology Supervisor

This

*ACT/015/017 #2
Copy Aaron,
Paul
c
RAM*

cc: Charles Semborski
Carl Pollastro
Blake Webster
Susan Tuttle (file)

Huntington Office:
(801) 687-9821
Fax (801) 687-2695
Purchasing Fax (801) 687-9092

Deer Creek Mine:
(801) 381-2317
Fax (801) 381-2285

Cottonwood Mine:
(801) 748-2319
Fax (801) 748-2380

Application for Postmining Land Use Change
PacifiCorp, Des-Bee-Dove Mine
ACT/015/017
Energy West Mining Company
P.O. Box 310
Huntington, Utah 84528

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator, is filing with the Division of Oil, Gas and Mining an application for Postmining Land Use change for the Des-Bee-Dove Mine, specifically, the presently designated Des-Bee-Dove Haul Road, from Highway 57 to an area close to the County Road referred to as Danish Bench. The Construction of this portion of haul road was designated by roadway stationing, starting at 96+00 center of road, located a few hundred feet above the Danish Bench connection in the direction of the mine site, and ending at Highway 57, stationing 243+18 center of roads.

PacifiCorp, "Energy West" filed notification to reclaim the Des-Bee-Dove Mine and associated Rights-of-Ways (R/W) as permitted (February 26, 1997). Since that time the County has expressed interest in acquiring the Haul Road and incorporating the road into the county road system.

Negotiations for land R/W transfer between PacifiCorp, the County and those government agencies as listed below are ongoing to accomplish this proposal. This would mean that the haul road and associated R/W's would remain in place and become part of the " County Road System". The State Division of Oil, Gas and Mining would no longer have permitting control within these areas as listed.

The associated R/W's, wherein the road lies is listed below within the closest 1/4 section.

State of Utah Special Lease Agreement No. 436, utilized for a sediment pond and a portion of the Haul Road R/W, located in the NW 1/4 NW 1/4, section 36, T17S, R7E, SLM.

State of Utah, The NE 1/4 NW 1/4, Section 36, T17S, R7E, SLM.

State of Utah Road Right-of-Way No. 2470 (49.34 acres) utilized for the location of the Junction Haul Road located within Section 36, T17S, R7E, SLM and Section 2, T18S, R7E, SLM.

State of Utah-The NE 1/4 NE 1/4 Section 2, T18S, R7E, SLM.

State of Utah-The NW 1/4 NE 1/4 Section 2, T18S, R7E, SLM.

State of Utah-The SW 1/4 NE 1/4 Section 2, T18S, R7E, SLM.

State of Utah-The NW 1/4 SE 1/4 Section 2, T18S, R7E, SLM.

State of Utah-The NE 1/4 SW 1/4 Section 2, T18S, R7E, SLM.

State of Utah-The NE 1/4 NW 1/4 Section 36, T17S, R7E, SLM.

State of Utah-The SE 1/4 NW 1/4 Section 36, T17S, R7E, SLM.

BLM Right-of-Way Grant U-50148 (28.29 acres) utilized for the location of the Junction Haul Road within the E 1/2 E 1/2 Section 35, T17S, R7E, SLM.

BLM-The NE 1/4 NE 1/4 Section 35, T17S, R7E, SLM.

BLM-The SE 1/4 NE 1/4 Section 35, T17S, R7E, SLM.

BLM-The NE 1/4 SE 1/4 Section 35, T17S, R7E, SLM.

BLM-The SE 1/4 SE 1/4 Section 35, T17S, R7E, SLM.

United States Forest & Special Use Permit utilized for the location of the Junction Haul Road located within the SW 1/4 SW 1/4 Section 25, SE 1/4 SW 1/4 Section 25 and the SE 1/4 SE 1/4 Section 26, T17S, R7E, SLM.

POSTMINING LAND USE

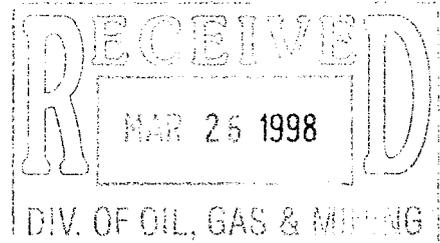
The current Des-Bee-Dove permit states that the postmining land use for the area of the mine will be grazing and wildlife. The postmining land use would be expanded to reflect current public uses of the area which include the following land use categories:

Access for Industrial/Commercial (coal bed methane extraction) and recreation.

This notice is being published to comply with the Surface Mining Control and Reclamation Act of 1997 and the State and Federal regulations promulgated pursuant to said Act. The application for Postmining Land Use Change is on file at the Castle Dale, County Court House in the Public Records Office and at the State Department of Natural Resources as listed below.

Written comments may be submitted to: State of Utah Department of Natural Resources, Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Box 145801, Salt Lake City, Utah 84114-5801. Comments must be in within 30 days from the date of last publication of this notice.

Published in the Emery County Progress on the following dates:



March 23, 1998

Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801

*Copy to [unclear], Joe
[unclear], Paul,
[unclear]*

Re: Request for 30 day time extension on the Des-Bee-Dove Haul Road Disposition and Land Use Changes. PacifiCorp, Des-Bee-Dove Mine, ACT/015/017-DO97A, Folder #2 and #5, Emery County, Utah.

*(will extend to
4/30)*

Attention: Pamela Grubaugh-Littig

PacifiCorp by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator, hereby officially request a 30 day time extension on the above amendment, Division Order 97A.

The above mentioned amendment is in its final stages of completion, but in the process of awaiting and acquiring the County Commissioners approval and signatures to the land transfer agreement, it appears Energy West will not meet the deadline previously established.

The County Commissioners approved of the transaction and signed the land transfer agreement on March 18, 1998. (Evening of that day)

Energy West received the signed document on the 19th of March and made arrangements to deliver the original copy to Interwest for the following day, March 20, 1998.

Discussion with Scott Child of Interwest, land management supervisor, leads us to believe that finalizing the remaining transactions between the various government agencies will take us beyond the submittal date as outlined by the Division, which is March 30, 1998.

Therefore, with these concerns Energy West would ask for consideration to extend the submittal deadline until April 30, 1998.

We appreciate your patience and considerations in this regard, progress is being made and completion of the DO-97A/amendment is of highest priority within our department.

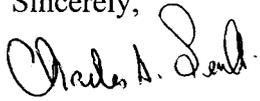
Thank You for your help and assistance in this matter, if there are any further concerns please call Richard Northrup at 687-4822 or Charles Semborski at 687-4720.

Huntington Office:
(801) 687-9821
Fax (801) 687-2695
Purchasing Fax (801) 687-9092

Deer Creek Mine:
(801) 381-2317
Fax (801) 381-2285

Cottonwood Mine:
(801) 748-2319
Fax (801) 748-2380

Sincerely,



Charles Semborski
Environmental and Geology Supervisor

cc: Charles Semborski
Carl Pollastro
Blake Webster
Susan Tuttle (file)



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

Lowell P. Braxton
Division Director

1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801
801-538-5340
801-359-3940 (Fax)
801-538-7223 (TDD)

March 26, 1998

Chuck Semborski, Environmental Supervisor
Energy West Mining Company
P.O. Box 310
Huntington, Utah 84528

Re: Extension Granted for Division Order, PacifiCorp, Des-Bee-Dove Mine, ACT/015/017 - DO97A, Folder #3, Emery County, Utah

Dear Mr. Semborski:

Pursuant to your written request dated March 23, 1998 for an extension on the submittal of requisite documents and final submittal for Division Order ACT/015/017-DO-97A, an extension is granted until April 30, 1998.

It is understood that the land transfer agreement was approved by the Emery County Commissioners on March 18, 1998. However, finalizing the remaining transactions for the Des-Bee-Dove Haul Disposition may take more time, beyond the submittal date as outlined by the Division which is March 30, 1998.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pamela Grubaugh-Littig'.

Pamela Grubaugh-Littig
Permit Supervisor

tat

cc: Daron Haddock
Joe Helfrich
Paul Baker, PFO

O:\015017.DBD\FINAL\EXTDO.WPD



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

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
Lowell P. Braxton
Division Director

1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801
801-538-5340
801-359-3940 (Fax)
801-538-7223 (TDD)

March 26, 1998

Chuck Semborski, Environmental Supervisor
Energy West Mining Company
P.O. Box 310
Huntington, Utah 84528

Re: Extension Granted for Submittal of Annual Reports, PacifiCorp, Trail Mountain Mine, ACT/015/009, Des-Bee-Dove Mine, ACT/015/017, Deer Creek Mine, ACT/015/018, Cottonwood/Wilberg Mine, ACT/015/019, Folder #3, Emery County, Utah

Dear Mr. Semborski:

Pursuant to your written request dated March 23, 1998 for an extension on the submittal of annual reports for the above-noted PacifiCorp mines, an extension is granted until April 30, 1998.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Pamela Grubaugh-Littig'.

Pamela Grubaugh-Littig
Permit Supervisor

tat

cc: Bill Malencik, PFO
Paul Baker, PFO

O:\015009.TMT\FINAL\EXT\ANNRP.WPD



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Price Field Office
125 South 600 West
Price, Utah 84501

2810
UTU-50148
(UT-066)

Mary Ann Wright
orig -> Pam
cc P. Baker
3/26/98

Mr. Lowell Braxton
Utah Coal Regulatory Program
P. O. Box 145801
Salt Lake City, Utah 84114-5801

MAR 26 1998
DIV. OF LAND MANAGEMENT

Re: Postmining Land Use for the Des-Bee-Dove Haul Road, Acquisition of the Road Right-of-way by Emery County-- PacifiCorp, Des-Bee-Dove Mine ACT(015/017, Emery County, Utah

Dear Mr. Braxton:

#2 Copy AM Baron

Energy West Mining Company has proposed transferring a coal haul road under BLM right-of-way UTU-50148 to Emery County, a political subdivision of the state of Utah. Emery County and Energy West Mining Company apparently have entered into a right-of-way transfer agreement dated March 18, 1998.

The Bureau of Land Management has no objection to the transfer of this right-of-way to Emery County. However, we will not recognize the transfer until Emery County files an application to assign the subject right-of-way and a decision has been made to approve the assignment. The proposed postmining land use change from a coal haul road to an Emery County road is acceptable to BLM.

If you have any questions please feel free to contact Mark Mackiewicz of my staff at (435) 636-3600.

Sincerely,

Thomas E. Rasmussen
Acting Field Manager

cc: Scott M. Child, Interwest Mining Company

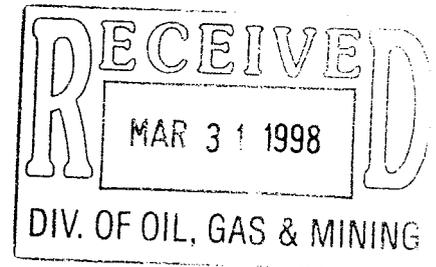


State of Utah

School and Institutional
TRUST LANDS ADMINISTRATION

Michael O. Leavitt
Governor
David T. Terry
Director

675 East 500 South, Suite 500
Salt Lake City, Utah 84102-2818
801-538-5100
801-355-0922 (Fax)



March 24, 1998

Utah Coal Regulatory Program
Division of Oil, Gas and Mining
1594 West North temple, Suite 1210
Box 145801
Salt Lake City, UT 84114-5801

ATTN: Lowell Braxton

RE: Post-mining Land Use for the Des-Bee-Dove Haul Road, Acquisition of the Road Rights-of-Way by Emery County - PacifiCorp, Des-Bee-Dove Mine, ACT/015/017, Emery County, Utah

*Copy Baron, Paul,
Mason, Pam
#2*

Dear Mr. Braxton:

Representatives of the School and Institutional Trust Lands Administration (Trust Lands Administration) have met on several occasions with representatives of PacifiCorp, and its related entity Energy West Mining Company, and Emery County, a political subdivision of the State of Utah. We have been made aware of the fact that PacifiCorp and Emery County have entered into a "Right-of-Way Transfer Agreement," dated March 18, 1998, and that PacifiCorp and Emery County are in the process of complying with the Trust Lands Administration's requirements with respect to the transfer of the rights-of-way for the Wilberg/Des-Bee-Dove Road.

We are writing on behalf of the Trust Lands Administration to inform you that we concur with and support the proposed transfer to Emery County. The transfer is in process and we do not anticipate any difficulty in completing the transfer. We are also writing to inform you that the proposed post-mining land use change is acceptable to us and that we support the retention of this roadway for future use by the residents of Emery County.

If you have questions or concerns regarding our position, please feel free to contact me.

Sincerely,

KEVIN S. CARTER
ASSISTANT DIRECTOR - SURFACE

cc: Scott Child, Interwest Mining Co.

**Application for Postmining Land Use
Change and Bond Release
PacifiCorp, Des-Bee-Dove Mine
ACT/015/017
Energy West Mining Company
P.O. Box 310
Huntington, Utah 84528**

- Section 31: Lot 1, E1/2, E1/2 W1/2
 Section 32: All
 Section 33: N1/2, SW1/4, W1/2 SE1/4
 Section 34: S1/2 NW1/4, NW1/4 NW1/4
- Ship 18 South, Range 7 East, SLM**
 Section 4: NW1/4 NE1/4, N1/2 NW1/4
 Section 5: N1/2 NE1/4, NW1/4
- Cottonwood/Wilberg Permit will be reduced from approximately 10,600 acres to
 the revised permit area is presented in the following description:
- Ship 17 South, Range 6 East, SLM**
 Section 13: E1/2, E1/2 W1/2
 Section 24: E1/2, E1/2 W1/2
 Section 25: N1/2 NE1/4,
- Beginning at the SE corner of NE 1/4 SE 1/4 section 25,
 Township 17 South, Range 6 East, SLM; Thence North 160
 rods, West 116 rods to center line of Cottonwood creek; thence
 southerly along center line of said creek to a point 84 rods West
 of the beginning; thence East 84 rods to the beginning. Said
 parcel contains 100 acres, more or less.
- Ship 17 South, Range 7 East, SLM**
 Section 15: W1/2
 Section 16: ALL
 Section 17: ALL
 Section 18: ALL
 Section 19: ALL
 Section 20: ALL
 Section 21: ALL
 Section 22: W1/2, W1/2 SE1/4
 Section 27: NW1/4, N1/2 SW1/4, W1/2 NE1/4
 Section 28: N1/2 N1/2, N1/2 SE1/4 NW1/4, N1/2 S1/2 NE1/4
 Section 29: N1/2 N1/2
 Section 30: Lots 1, 2, 3, N1/2 N1/2, S1/2 NW1/4, N1/2 SE1/4,
 W1/2 W1/2 SW1/4 NE1/4, W1/2 W1/2 NW1/4 S1/4
 E1/2 SE1/4 NW1/4 NE1/4
 Beginning N-0-01-00-W 545.54 feet from the East
 1/4 corner of Section 34, T. 17 S. R. 7 E. SLB&M,
 Thence, S-72-20-00-W 28.25 feet;
 Thence, S-62-54-12-W 69.67 feet;
 Thence, S-54-05-38-W 340.36 feet;
 Thence, S-72-32-03-E 87.70 feet;
 Thence, N-50-27-20-E 295.51 feet;
 Thence, N-69-41-04-W 64.41 feet;
 Thence, N-0-01-00-W 789.68 feet;
 Thence, N-39-55-41-W 1,978.92 feet;
 Thence, N-54-04-29-E 678.73 feet;
 Thence, S-54-11-25-E 887.95 feet to the point of
 beginning.
 Section 35: Beginning S-32-35-06-E 333.34 feet from the East
 1/4 corner of Section 34, T. 17 S. R. 7 E. SLB&M;
 Thence, S-25-37-57-E 113.14 feet;
 Thence, S-25-27-00-W 117.42 feet;
 Thence, S-72-20-00-W 186.65 feet;
 Thence, N-0-01-00-W 545.54 feet to the point of
 beginning.
 Beginning S-32-35-06-E 582.18 feet from the East
 1/4 corner of Section 34, T. 17 S. R. 7 E. SLB&M,
 Thence, S-32-35-06-E 1296.31 feet;
 Thence, S-55-31-08-W 658.71 feet;
 Thence, N-39-55-41-W 729.59 feet;
 Thence, N-0-01-00-W 789.68 feet;
 Thence, N-69-41-04-W 334.14 feet to the point of
 beginning.

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator, is filing with the Division of Oil, Gas and Mining an application for Postmining Land Use change and Bond Release for the Des-Bee-Dove Mine, specifically, the presently designated Des-Bee-Dove Haul Road, from Highway 57 to an area close to the County Road referred to as Danish Bench. The Construction of this portion of haul road was designated by roadway stationing, starting at 96+00 center of road, located a few hundred feet above the Danish Bench connection in the direction of the mine site, and ending at Highway 57, stationing 243+18 center of roads.

PacifiCorp, filed notification to reclaim the Des-Bee-Dove Mine and associated Rights-of-Ways (R/W) as permitted (February 26, 1997). Since that time the County has expressed interest in acquiring the Haul Road and incorporating the road into the county road system.

Negotiations for land Rights-of-Way transfer between PacifiCorp, the County and those government agencies as listed below have been completed. This means that the haul road and associated Rights-of-Way would remain in place and become part of the "County Road System". The State Division of Oil, Gas and Mining would no longer have permitting control within these areas as listed.

The road and associated Rights-of-Way, wherein the road lies is listed below within the closest 1/4 section.

- State of Utah Road Right-of-Way No. 2470 (49.34 acres) utilized for the location of the Junction Haul Road located within Section 36, T17S, R7E, SLM and Section 2, T18S, R7E, SLM.
- State of Utah-The NE 1/4 NE 1/4 Section 2, T18S, R7E, SLM.
- State of Utah-The NW 1/4 NE 1/4 Section 2, T18S, R7E, SLM.
- State of Utah-The SW 1/4 NE 1/4 Section 2, T18S, R7E, SLM.
- State of Utah-The NW 1/4 SE 1/4 Section 2, T18S, R7E, SLM.
- State of Utah-The NE 1/4 SW 1/4 Section 2, T18S, R7E, SLM.
- State of Utah-The NE 1/4 NW 1/4 Section 36, T17S, R7E, SLM.
- State of Utah-The SE 1/4 NW 1/4 Section 36, T17S, R7E, SLM.
- State of Utah-The NW 1/4 NW 1/4 Section 36, T17S, R7E, SLM.

- BLM Right-of-Way Grant U-50148 (28.29 acres) utilized for the location of the Junction Haul Road within the E 1/2 E 1/2 Section 35, T17S, R7E, SLM.
- BLM-The NE 1/4 NE 1/4 Section 35, T17S, R7E, SLM.
- BLM-The SE 1/4 NE 1/4 Section 35, T17S, R7E, SLM.
- BLM-The NE 1/4 SE 1/4 Section 35, T17S, R7E, SLM.
- BLM-The SE 1/4 SE 1/4 Section 35, T17S, R7E, SLM.

United States Forest & Special Use Permit utilized for the location of the Junction Haul Road located within the SW 1/4 SW 1/4 Section 25, SE 1/4 SW 1/4 Section 25 and the SE 1/4 SE 1/4 Section 26, T17S, R7E, SLM.

POSTMINING LAND USE

The current Des-Bee-Dove permit states that the postmining land use for the area of the mine will be for grazing and wildlife. The postmining land use would be expanded to reflect current public uses of the area which include the following land use categories:

- Access for Industrial/Commercial (coal bed methane extraction)
- Recreation.

A Surety Bond is posted with the Division in the amount of \$1,837,712.00, payable to the State of Utah, Division of Oil Gas and Mining (DOG M) and the Office of Surface Mining Reclamation and Enforcement (OSM).

This notice is being published to comply with the Surface Mining Control and Reclamation Act of 1997 and the State and Federal regulations promulgated pursuant to said Act. The application for Postmining Land Use Change is on file at the Castle Dale, County Court House in the Public Records Office and at the State Department of Natural Resources as listed below.

Written comments may be submitted to: State of Utah, Department of Natural Resources, Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Box 145801, Salt Lake City, Utah 84114-5801. Comments must be in within 30 days from the date of last publication of this notice.

Surety bond is posted with the Division for the Cottonwood/Wilberg mine in the amount of \$1,837,712.00. This notice is being published to comply with the Surface Mining Control and Reclamation Act of 1997 and State and Federal regulation promulgated pursuant to said Act. Written comments may be submitted to: State of Utah, Department of Natural Resources, Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Box 145801, Salt Lake City, Utah 84114-5801. Said comments must be submitted within thirty (30) day from the last publication of this notice.
 Published in the Emery County Progress April 28 May 5, 12 and 19, 1998.

RIGHTS-OF-WAY LOCATED WITHIN THE FOLLOWING SECTIONS TO BE TRANSFERRED TO THE COUNTY

- State of Utah Road Rights-of-Way No. 2470 (49.34), and No. 446 (6.6 acres more or less) utilized for the location of the Junction Haul Road located within Section 36, T17S, R7E, SLM and Section 2, T18S, R7E, SLM.

The NW 1/4 NW 1/4 Section 36, T17S, R7E, SLM.
The NE 1/4 NW 1/4 Section 36, T17S, R7E, SLM.
The NE 1/4 NE 1/4 Section 2, T18S, R7E, SLM.
The NW 1/4 NE 1/4 Section 2, T18S, R7E, SLM.
The SW 1/4 NE 1/4 Section 2, T18S, R7E, SLM.
The NW 1/4 SE 1/4 Section 2, T18S, R7E, SLM.
The NE 1/4 SW 1/4 Section 2, T18S, R7E, SLM.

- BLM Right-of-Way Grant U-50148 (28.29 acres) utilized for the location of the Junction Haul Road within the E 1/2 E 1/2 Section 35, T17S, R7E, SLM.

The NE 1/4 NE 1/4 Section 35, T17S, R7E, SLM
The SE 1/4 NE 1/4 Section 35, T17S, R7E, SLM
The NE 1/4 SE 1/4 Section 35, T17S, R7E, SLM
The SE 1/4 SE 1/4 Section 35, T17S, R7E, SLM

- United States Forest Service Special Use Permit consisting of 8.95 acres utilized for the location of the Junction Haul Road located within the:

SW 1/4 SW 1/4 Section 25, T17S, R7E, SLM.
SE 1/4 SW 1/4 Section 25, T17S, R7E, SLM.
SE 1/4 SE 1/4 Section 26, T17S, R7E, SLM.

Mew

4211

Moab District
San Rafael Resource Area
P. O. Drawer AB
Price, Utah 84501

2890
U-53809
(U-067)

Post-it® Fax Note	7671	Date	11-5-97	# of pages	8
To	KERRY LARSEN		From	SCOTT CHILD	
Co./Dept.			Co		
Phone #			Phone #		
Fax #			Fax #		

RIGHT-OF-WAY
U-53809

Section A

1. There is hereby granted, pursuant to Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761), a nonexclusive, nonpossessory right-of-way to:

Utah Power and Light Company
P. O. Box 899
Salt Lake city, Utah 84110

In case of change of address the Holder shall immediately notify the Authorized Officer.

2. To use, subject to terms and conditions set out below, the following described Public Land.

Salt Lake Meridian
T. 17 S., R. 7 E.,
Sec. 35, E½NE½NE½NE½

3. Description of the right-of-way facility and purpose:

The right-of-way is for a sediment storage area which is to be stabilized in place and rehabilitated. The right-of-way is 200 feet wide and 660 feet long and contains 3.04 acres, more or less.

A map showing the location of the right-of-way over the above described Public Land is attached hereto as Exhibit "A".

Terms and Conditions

Section B

1. The right-of-way Holder agrees to comply with all the applicable regulations contained in 43 CFR 2800.

2. If the right-of-way Holder violates any of the terms and conditions to this grant, the Authorized Officer, after giving written notice may declare the grant terminated.

3. This grant is subject to all valid rights existing on the effective date of this grant.

4. There is hereby reserved to the Authorized Officer the right to grant additional rights-of-way or permits for compatible uses, on, over, under, or adjacent to the lands involved in this grant.

**DES-BEE-DOVE MINE
EMERY COUNTY, UTAH
BUREAU OF LAND MANAGEMENT
GRANT U-53809**

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator provides the current description for Grant U-53809. The nonexclusive, nonpossessory right-of-way, public land grant U-53809 contains approximately 3.04 acres more or less and is located within T-17-S, R-7-E, Section 35, E1/2 NE1/4 NE1/4. The right-of-way grant U-53809 consists of a parcel 200 feet by 660 feet long, wherein the NE corner of the parcel begins on the NE corner of section 35. The overlapping right-of-way grant was issued to store sediment material extracted from the Des-Bee-Dove sedimentation pond.

Explanation :

"Energy West" recently advertised intentions to reclaim the Des-Bee-Dove Mine site and haul road. Reclamation would commence after the existing mine permit expires and a reclamation permit obtained, in the year 2001. The old Des-Bee-Dove coal haul road has been out of service for coal hauling purposes since the mine was temporarily closed in 1987. The road since closing has been used by the public and recently by Texaco, Oil and Exploration Co. Texaco uses the road to access drill hole sites, etc. Since Energy West advertised its intent to reclaim the mine site and haul road, Emery County has expressed interest in obtaining the haul road to be included as part of the County Road System. A land transfer agreement of the Des-Bee-Dove Haul Road and all Rights-of-Way from "Energy West" to the Emery County Road Department has been negotiated, as of March 18, 1998. During negotiations the County requested that the overlapping Right-of-Way grant, U-53809 be retained by Energy West, since possible third party interference and revegetation responsibilities associated with the sediment storage pile may occur. Therefore, "Energy West" is in agreement with the County to retain grant U-53809, within their permit and accept the responsibility of revegetation if deemed necessary by the BLM. "Energy West" has provided a description of the permit area required for storage containment within the U-53809 grant.

A drawing has been provided to depict the area which will reflect the containment area within the Grant. Refer to Plate 1-6 of this appendix.

The following is the description of the permit area within grant U-53809:

Beginning from the NE corner of Section 35, T-17-S, R-7-E, SLM, thence S 0° 08' W, along the section line 209.88 feet; thence West, 55.08 feet; thence S 61° 30' 29" W, 56.74 feet; thence S 26° 00' 26" W, 90.37 feet; thence S 11° 12' 34" W, 95.46 feet; thence S 27° 46' 21" E, 128.25 feet; thence East, 102.64 feet; thence N 0° 08' E, along the section line 315.40 feet to point of beginning. Said area contains approximately .96 acres, more or less.

**Des-Bee-Dove Coal Mine
Emery County, Utah**

Right-of-Entry Description and Purpose For The Use of Existing Access Road to Sediment Pond
and Delineation of the Pond Disturbance Area.

T. 17S., R. 7E., SLM

(State)

Section 36 NW 1/4 SW 1/4
SW 1/4 NW 1/4
NW 1/4 NW 1/4

(BLM)

Section 35 SE 1/4 NE 1/4
NE 1/4 SE 1/4

The Right-of-Entry description is revised to reflect the outside boundary of the roadway access and includes the perimeter of the pond disturbance area.

Beginning at a point 269.98 feet West and 140.86 feet North of the East 1/4 corner of section 35, T17S. R7E., SLM and intersecting the Des-Bee-Dove Haul Road Right-of-Way; thence S 61° 43' E, 127.70 feet ; thence S 51° 13' E, 459.78 feet; thence S 60° 43' E, 163.50 feet; thence S 3° 43' E, 213.14 feet; thence N 64° 47' E, 278.44 feet; thence N 22° 17' E, 249.11 feet; thence N 44° 13' W, 217.52 feet; thence N 2° 47' E, 431.98 feet; thence N 10° 13' W, 194.24 feet; thence N 6° 13' E, 231.03 feet; thence N 51° 13' E, 154.75 feet; thence N 7° 13' E, 230.82 feet; thence N 39° 13' W, 188.61 feet; thence N 13° 48' 40" W, 1030.83 feet; thence N 40° 36' 39" W, 46.42 feet; thence S 88° 27' 37" W, 100.39 feet; thence N 61° 03' 40" W, 163.27 feet, thence West, 79.30 feet, thence S 0° 08' W, 517.82 feet; thence S 13° 48' 40" E, 454.63 feet; thence S 60° 37' 19" E, 640.87 feet; thence S 7° 13' W, 189.18 feet; thence S 51° 13' W, 155.25 feet; thence S 6° 13' W, 258.97 feet; thence S 10° 13' E, 195.76 feet; thence S 2° 47' W, 448.02 feet; thence S 44° 13' E, 206.48 feet; thence S 22° 17' W, 196.89 feet; thence S 64° 47' W, 185.56 feet; thence N 3° 43' W, 166.86 feet; thence N 60° 43' W, 186.50 feet; thence N 51° 13' W, 460.22 feet; thence N 61° 43' W, 132.30 feet; thence S 28° 16' 51" W, 50.00 feet; to point of beginning, said area contains approximately 13.88 acres. Refer to Volume III, Drawing CS1740D, Plate 1-6.

The primary purpose of the above mentioned Right of Entry is to allow Energy West Mining Co. permitted access to the Des-Bee-Dove Mine sedimentation pond and Sediment Storage Area for regular maintenance. Perimeter will be delineated with signs.

DES-BEE-DOVE CROSS-OVER ROAD
ADDITIONAL RIGHT OF WAY NO. 446
STATE OF UTAH TO EMERY COUNTY

Beginning at a point which is 209.88 feet, S 0° 08' W along the section line from the Northwest corner of Section 36, T. 17 S., R.7 E., SLM, said point being on the south right of way line of Des-Bee-Dove Cross-Over Road; thence S 0° 08' W, 84.98 feet; along the section line; thence N 88° 27' 37" E, 322.85 feet; thence S 40° 36' 49" E, 1213.53 feet; to a point on a non-tangent circular curve to the left having a Radius of 912.96 feet and an Arc length of 596.74 feet; thence Southeasterly, 596.74 feet along said curve (chord bears S 53° 48' 13" E, 586.18 feet); thence N 17° 28' 16" E, 130.00 feet to the south right of way line of said road at a point on a non-tangent circular curve to the right having a Radius of 782.96 feet and an Arc length of 517.82 feet; thence Northwesterly, 517.82 feet along said curve on said right of way (chord bears N 53° 34' 56" W, 508.43 feet); thence N 40° 36' 49" W, 1177.51 feet along said right of way to a point on a non-tangent circular curve to the left having a Radius of 267.46 feet and an Arc length of 33.30 feet; thence Northwesterly, 33.30 feet along said curve on said right of way (chord bears N 46° 47' 08" W, 33.28 feet); thence N 39° 38' 53" E, 60.00 feet along said right of way to a point on a non-tangent circular curve to the left having a Radius of 327.47 feet and an Arc length of 517.31 feet; thence Westerly, 517.31 feet along said curve on said right of way (chord bears S 84° 23' 31" W, 465.17 feet) to the point of beginning.

containing 6.6 acres more or less.

Revised February 13, 1998



United States Department of the Interior

OFFICE OF SURFACE MINING

Reclamation and Enforcement

WASHINGTON, D.C. 20240

MAY 29 1985

Memorandum

To: Assistant Secretary for Land and Minerals Management

From: ^{ACTING} Director, Office of Surface Mining

Subject: Recommendation for Approval of the Des-Bee-Dove Mine Complex Mining Plan, Utah Power and Light Company, Emery County, Utah, Federal Leases U-02664, SL-050133 and SL-066116.

I recommend your approval of the Des-Bee-Dove Mine Complex mining plan pursuant to the Mineral Leasing Act (MLA). The Office of Surface Mining (OSM) has reviewed the permit application package (PAP), and the Administrator of the Western Technical Center has informed me that he is prepared to issue a permit for the Des-Bee-Dove Mine Complex pursuant to your approval of the mining plan. My recommendation to approve the Utah Power and Light Company's mining plan is based on: (1) the applicant's complete PAP, (2) OSM's proposed permit conditions, (3) public participation, (4) review of the PAP by the Utah Division of Oil, Gas and Mining and OSM, (5) compliance with the National Environmental Policy Act, (6) documentation assuring compliance with applicable requirements of other Federal laws, regulations, and executive orders other than SMCRA, and (7) comments and recommendations or concurrences of other Federal agencies including the findings and recommendations of the Bureau of Land Management with respect to the resource recovery and protection plan and other requirements of the leases and the MLA.

The Secretary may approve a mining plan for Federal lands under 30 U.S.C. 207(c) and 1273(c). I find that the proposed operations will be in compliance with all applicable laws and regulations, and I recommend the Des-Bee-Dove Mine Complex mining plan updated through March 20, 1985, be approved.

Approval:

I approve this mining plan:

Deputy Assistant Secretary for Land and Minerals Management

J. Steven Griles

JUN - 3 1985

Date

APR 17 1985

MEMORANDUM

TO: Director, Office of Surface Mining

FROM: Allen D. Klein, Administrator, Western Technical Center

SUBJECT: Recommendation for Approval of Utah Power and Light Company's Des-Bee-Dove Mine Complex Mining Plan and Permit, Emery County, Utah, Federal Leases U-02664, SL-050133, and SL-066116

I. Recommendation

I recommend approval with conditions of the Utah Power and Light Company's Des-Bee-Dove Mine Complex permit for an underground operation. This is an existing mine. My recommendation is based on the technical analysis and environmental assessment of the complete application. The applicant has proposed to continue underground mining on Federal coal leases U-02664, SL-050133, and SL-066116, during the 5-year permit. Private fee coal will be mined during this permit and subsequent permits issued during the 13-year life-of-mine. The permit, with conditions included with this memorandum, will be in conformance with the applicable Federal regulations, the Utah State Program, and the Mineral Leasing Act, as amended. I also recommend that you advise the Assistant Secretary for Land and Minerals Management, under 30 CFR 746.14 that the Utah Power and Light Company's Des-Bee-Dove Mine Complex mining plan is ready for approval. I concur that a bond in the amount of \$1,837,712.00 is adequate.

The Utah Division of Oil, Gas and Mining (UDOGM) and the Office of Surface Mining (OSM), identified elements of the applicant's proposal which require conditions to comply with State and Federal law. The State permit ACT/015/017 and conditions are incorporated into the proposed Federal permit UT-0015, 4/85. The State regulatory authority will issue this permit subsequent to the Federal permit.

My recommendation for approval is based on the complete mining plan and permit application package, updated to March 15, 1985. I have determined that this action will not have a significant impact on the human environment.

Humphreys Swain Kovacic Dawes Klein

CONCURRENCES

OF							
SURNAME	<i>out</i>	<i>WCS</i>	<i>BK</i>	<i>DP</i>			
DATE		<i>4/12/85</i>	<i>4/12/85</i>	<i>4/16/85</i>			

II. Background

The proposed Des-Bee-Dove Mine Complex is located in Emery County, Utah, in the area of East Mountain and mostly in the Manti-La Sal National Forest. The permit area and life-of-operation contains 2,847 surface acres, of which 1,877 acres are Federal, 50 acres are State, and 920 acres are private surface. All of these acres have been leased. This mine operation will not adversely affect any additional environmentally-sensitive areas. The proposed majority of the sub-surface operations will utilize room-and-pillar mining methods. The Blind Canyon and Hiawatha coal seams will be mined to yield a production rate of 725,000 tons per year. All surface mine operations are scheduled to cease around the year 1998.

The U.S. Fish and Wildlife Service concurrence memorandum dated January 11, 1985, expressed concern for mule deer mortality resulting from deer-vehicle collisions along the Des-Bee-Dove/Wilberg Junction Road (used as a haulroad), and potential effects resulting from subsidence on raptor nests and nesting habitat within the permit area. Both of the issues have been addressed. Utah Power and Light Company has committed to assist the Utah Division of Wildlife Resources (UDWR) in a monitoring program to identify potential hazard sections of the road and to implement mitigation measures in consultation with UDWR (permit application package (PAP), page 4-36). All concerns expressed by the U.S. Fish and Wildlife Service have been resolved.

Reclamation of the sediment pond and adjacent areas (approximately four acres) will be undertaken after runoff water quality from the reclaimed surface facilities area has reached acceptable levels. These levels have not been defined by the applicant, nor have sediment control plans been submitted for this second phase of reclamation. The sediment pond is located in the highly erosive Mancos shale and can be expected to have a high initial erosion rate. Special condition No. 1. (Attachment A) has been added to Permit UT-0015, 4/85 to address this deficiency.

The U.S. Forest Service concurrence letter dated January 3, 1985, expressed concern for 5 issues. OSM has responded to the Forest Service with a letter addressing each of their concerns. (Response is attached to the USFS letter enclosed in the Concurrence section of this document.) Two of the issues identified in the Forest Service letter, burying toxic waste and relocation of the gate, are included in Attachment A, Special Conditions (Nos. 2 and 3) to the SMCRA permit. The remaining issues do not require conditions to the permit.

CONCURRENCES

OF.								
SURNAME								
DATE								

The Des-Bee-Dove Mine Complex permit application was reviewed by OSM and the State of Utah, using the approved Utah State Program and the Federal Lands Program (30 CFR Chapter VII, Subchapter D). The Mineral Leasing Act portion of the plan was also reviewed for compliance with the applicable portion of 43 CFR 3480. The TA and the environmental assessment (EA) for this mine application were prepared by OSM. These documents, other documents prepared by UDOGM, the company's application, and other correspondence developed during the completeness and technical reviews are part of OSM's mining plan and permit application file.

A chronology of events related to this mining plan application is attached. After the Utah Power and Light Company published the newspaper notice as required, no written comments, objections, or requests for an informal conference were received. Written concurrence was provided by Bureau of Land Management, Branch of Solid Minerals; U.S. Forest Service; Bureau of Land Management, Moab District; letters from U.S. Fish and Wildlife Service; and, the State Historic Preservation Officer.

The information in the permit application and mining plan, as well as other information documented in the recommendation package and made available to the applicant, has been reviewed by UDOGM staff in coordination with the OSM Project Leader.

The Des-Bee-Dove Mine Complex closed December 1983, due to a fire in the Beehive Mine and for economic reasons. The mine complex was reopened on January 14, 1985, to provide coal to the Hunter Power Plant to partially replace production lost due to the closure of the Wilberg Mine as a result of a fire which started in the mine on December 19, 1984.

The Des-Bee-Dove/Wilberg Junction Road was constructed in 1983, in response to public concern for safety in the previous route that went through the residential streets of Orangeville, Utah. Utah Power and Light Company represented the road as a public road and failed to obtain a permit from the regulatory authority to construct the haulroad. UDOGM issued a notice of violation to Utah Power and Light Company on July 18, 1984, that required the haulroad be included in the PAP for a permanent program permit. On July 31, 1984, UDOGM issued a cessation order preventing the Utah Power and Light Company from using the road. The cessation order was terminated October 1, 1984. The Utah Board of Oil, Gas and Mining reopened the haulroad under an emergency order pursuant to the approved Utah State Program, to allow Utah Power and Light Company to resume production and delivery of coal to the Hunter Power Plant without routing trucks through the town of Orangeville on *January 17, 1985.*

*The haul road was included in the Des-Bee-Dove Mine permit issued May 29, 1985 (OSM) and — UDOGM.
June 3, 1985*

CONCURRENCES

OF. NO.								
SURNAME								
DATE								

Procedures comply with the requirements for public participation. The notice of availability of a complete permit application package includes the entire permit area including the Des-Bee-Dove/Wilberg Junction Road. No comments or requests for an informal conference were received during the public comment period. Previously, the public used the opportunity to comment on the need for this road during the public review process for the Emery Units 3 and 4 Environmental Impact Statement (BLM, 1979) and made it clear that the construction and use of this road was an important mitigation of the increased traffic resulting from the construction of the additional power units at the Hunter Power Plant.

CONCURRENCES

OFFICIAL FILE COPY								
SURNAME								
DATE								



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

1986 JAN -2 PM 8 51
WESTERN TECHNICAL CENTER

December 30, 1985

Mr. Allen D. Klein, Administrator
Western Technical Center
Office of Surface Mining
Brooks Towers
1020 Fifteenth Street
Denver, Colorado 80202

Dear Mr. Klein:

RE: Office of Surface Mining Letter of December 13, 1985
Regarding Utah Power & Light Company Responses to Federal
Permit Condition #1 for the Des-Bee-Dove Mine,
ACT/015/017, #2, Emery County, Utah

The Division is in receipt of your December 13, 1985 letter regarding Utah Power & Light Company's (UP&L) responses of October 31 and November 21, 1985 to federal permit Condition #1. These concerns have been transmitted to the operator. As soon as the operator responds we will transmit this information to you.

The last paragraph of your letter raises a question regarding the location of the sedimentation pond at the Des-Bee-Dove Mine in relation to the surface facilities. The Division can not provide historical perspective to this question since the permitting effort for this mine was undertaken by the Office of Surface Mining. I will direct my staff to address this situation during the mid-term review of this permit (in 1988). In the meantime, I would appreciate suggestions that your staff might have to remedy this evident permit oversight.

Best regards,

Dianne R. Nielson
Director

JJW/btb
cc: Chris Shingleton
John Whitehead
9294R-55

DEC 13 1985

Dr. Dianne Nielson, Director
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Dear Dr. Nielson:

The Office of Surface Mining Reclamation and Enforcement (OSMRE), Western Technical Center has reviewed Utah Power and Light's (UPL) October 31, 1985 and November 21, 1985 submittals in response to Federal permit condition number 1. We have found the responses to be inadequate in several respects.

Our foremost concern is that the reclamation plan proposes construction of a part of the contour furrows outside the permit area, as shown on revised map 4-2. UPL's intent for extending the contour furrows outside the permit area appears to be control of runoff adjacent and to the east of the Des-Bee-Dove/Wilberg Junction road. This will probably enhance the success of the reclamation effort, however, all proposed reclamation activities and associated disturbance must occur within the permit boundary. UPL should consider proposing expansion of the permit area to allow this activity. Otherwise, the plan cannot be approved as proposed. Revised map 4-2 does not show the alignment of the Des-Bee-Dove/Wilberg Junction road. This map must be revised to show the road and any other recent changes in the area.

We agree with your concern about the adequacy of the spacing of contour furrows. UPL should provide sufficient design information to demonstrate that the contour furrows will retain runoff from the 10-year, 24-hour event without failing, including the designed spacing needed for furrows of the proposed size. A discussion should be provided of mitigation for damage, during the bond liability period, as a result of larger storm events.

Parsons Holbrook Albrecht Shilling Dawes Klesh

		CONCURRENCES					
OFFICE	MPRB	SPM	MPRB	Shilling	Dawes	Klesh	
SURNAME	Parsons	Holbrook	Albrecht	Shilling	Dawes	Klesh	
DATE	12/12/85	12/12/85	12/12/85	12/14/85	12/15/85		

A question arose during our review of the reclamation plan of the Deseret sedimentation pond related to the discharge of untreated runoff outside the permit boundary. UMC 817.42(a)(1) requires that drainage from disturbed area or mine discharge must be passed through a sedimentation pond, a series of sedimentation ponds, or a treatment facility before leaving the permit area. The Deseret sedimentation pond is isolated from the facilities and portal area and, therefore, all runoff from these areas leaves the permit area before reaching the required sedimentation pond. This should be remedied.

If you have any questions feel free to contact Stephen Parsons or Richard Holbrook at (303) 844-2451.

Sincerely,

(Sgd) Melvin L. Shilling

Allen D. Klein
 Administrator
 Western Technical Center

cc: Robert Hagen, AFO

Parsons/0078t

CONCURRENCES

OFFICE ▶								
SURNAME ▶								
DATE ▶								



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Moab District
P. O. Box 970
Moab, Utah 84532

OSM-WTC

1985 JAN 11 AM 9:04

WESTERN TECHNICAL CENTER

JAN - 9 1985

3482
U-02664
(U-067)

Memorandum

To: Western Technical Center, OSM, Denver

Attention: Allen Klein

From: District Manager, Moab

Subject: Concurrence with Approval of PAP Including Addition of a Haulage Road to the Des-BeeDove Mine Plan, Utah Power and Light Company

We have no objection to adding to the permit application package (PAP) the haulage road between the Des-Bee-Dove Mine and the Wilberg haulage road. This road has been completed with all necessary rights-of-way and permits required by the BLM. It also is compatible with our land use plans. Adding the road to the PAP will have no effect on the resource recovery and protection plan (R² P²). In fact, the road is essential to the mine now that Utah Power and Light Company's Des-Bee-Dove Mine must supply coal to the Hunter Power Plants due to the disaster at the Wilberg Mine.

We therefore give our concurrence to approval of the subject PAP including the addition of the coal haulage road.

cc: USO (U-921)

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
ECOLOGICAL SERVICES
2060 ADMINISTRATION BUILDING
1745 WEST 1700 SOUTH
SALT LAKE CITY, UTAH 84104-5110

OSM-WTC
1985 JAN 17 PM 12:39
WESTERN TECHNICAL CENTER

(ES)

January 11, 1985

MEMORANDUM

TO: Acting Deputy Administrator
Technical Service Center West
Office of Surface Mining
Denver, Colorado

ATTN: Mark Humphrey

FROM: Field Supervisor

SUBJECT: Completeness Review, Des-Bee-Dove Mine, Utah Power and
Light UT-0015

This letter completes our most recent review of the Des-Bee-Dove mine plan relating to the outstanding concerns of our agency. These concerns were verbally transmitted to Mr. Mark Humphrey on January 8, 1985. We believe that they can readily be addressed through stipulations or as mitigating measures.

Specific concerns are:

- The road constructed in 1983 connecting the Wilberg and Des-Bee-Dove mines should be mitigated for significant wildlife impacts. This road apparently crossed critical deer winter range. The Company should commit to mitigation that satisfies both the Bureau of Land Management and Utah Division of Wildlife Resources. Possible mitigation for the 86.5 acres of new surface disturbance is enhancement of deer winter range to maintain the carrying capacity of the critical habitat and hazards to deer resulting from construction design or traffic should be analyzed and hazards minimized.
- Eagle nests in Sections 14 and 24 may be affected by subsidence if mining occurs under their supporting cliffs. If mining is conducted under the nests, mining methods should be employed that prevent destruction of the nests or nestlings. Failure to prevent these losses would place the Company and the approving

agencies in violation of "The Bald Eagle Act". Determination of mitigating measures for these potential losses should be deferred until this situation exists and the resultant opportunities for mitigation are known. Due to the potential for subsidence, a monitoring plan should be developed (such as had been planned for the South Lease of the Wilberg Mine prior to the recent fire) to identify and quantify impacts of subsidence prior to mining under escarpments sheltering raptor nests.

Please advise if this does not fulfill your requirements for concurrence and additional information is required.

A handwritten signature in black ink, appearing to read "Robert L. McClure". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

cc: DWR, Salt Lake City, Utah
DWR, Price, Utah
OGM, Salt Lake City, Utah
ARD/HR, Denver, Colorado



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dianne R. Nielson, Ph.D., Division Director

JAN 21 AM 8:41
WESTERN TECHNICAL CENTER

January 18, 1985

Allen D. Klein, Administrator
Western Technical Center
Office of Surface Mining
Brooks Towers
1020 - 15th Street
Denver, Colorado 80202

Dear Allen:

In accordance with our earlier discussions, enclosed is a copy of the Emergency Order for use of the Des Bee Dove road by Utah Power and Light Company to haul coal from the Des Bee Dove Mine to the Hunter Power Plant.

I will contact you concerning progress on approval of the Des Bee Dove permit application, including the road, prior to extension of this Emergency Order of the Board.

Best regards,

Dianne R. Nielson
Director

mjm
Enclosure
cc: R. Daniels
J. Helfrich
S. Pruitt
mine file
0076V-9