



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

Michael O. Leavitt  
Governor

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Executive Director

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Salt Lake City, Utah 84180-1203  
801-538-5340  
801-359-3940 (Fax)  
801-538-5319 (TDD)

September 7, 1995

Val Payne  
Senior Environmental Engineer  
Energy WestPacifiCorp  
P.O. Box 310  
Huntington, Utah 84528

Re: Permit Renewal, Des-Bee-Dove Mine, PacifiCorp, ACT/015/017, Folder #3,  
Emery County, Utah

*Val*  
Dear Mr. Payne:

Enclosed please find the Decision Document for the Des-Bee-Dove Mine permit renewal. Please sign both copies of the permit and return one to the Division.

Very truly yours,

A handwritten signature in cursive script that reads "James W. Carter".

*for*  
James W. Carter  
Director

Enclosure

cc: James Fulton, OSM, WRCC, Denver  
Lowell Braxton (w/o enclosure)  
Daron Haddock (w/o enclosure)  
Pamela Grubaugh-Littig  
Price Field Office



PERMIT RENEWAL

Des-Bee-Dove Mine

PacifiCorp

ACT/015/017

September 7, 1995

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## PERMIT RENEWAL

### Administrative Overview

Des-Bee-Dove Mine

PacifiCorp

ACT/015/017

September 7, 1995

### Background

The Des-Bee-Dove Mine Complex is one of four mines permitted by PacifiCorp located on East Mountain about seven miles north of Orangeville, Utah. The four mines permitted by PacifiCorp are: the Des-Bee-Dove Mine, Cottonwood/Wilberg, Deer Creek and Trail Mountain Mine.

The Des-Bee-Dove Mine Complex closed in 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 Mine temporarily ceased operations on February 6, 1984. No mining activity has occurred since that date. A memo to the Coal Regulatory staff dated October 11, 1988 from Lowell P. Braxton, Associate Director, Mining entitled "Guidelines for Duration of Temporary Cessation of Operations", outlined that temporary cessation may extend to 15 years.

### Junction Haul Road

The Des-Bee-Dove/Wilberg Junction Haul Road was constructed in 1983, in response to public concern for safety because the previous route went through the residential street 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 Junction Haul Road. UDOGM issued a notice of violation to Utah Power and Light Company on July 18, 1984, that required the Junction Haul Road 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 on October 1, 1984. The Utah Board of Oil, Gas and Mining reopened the Haul Road under an emergency order pursuant to the approved Utah Coal 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.

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The entire permit area, including the Junction, Road, was permitted by OSM in April 1985. The State issued the permanent program permit on September 20, 1985.

Permit Transfer - 1991

The permit was transferred from Utah Power and Light Company to PacifiCorp Electric Operations (aka PacifiCorp) on March 15, 1991.

Ten-Day Notice and State Violation (Erosion on Junction Haul Road)

On June 24, 1991, OSM-AFO issued a ten-day notice (TDN) to the state of Utah because it was OSM's belief that PacifiCorp was violating applicable law by failing to control or prevention erosion on the outslope of the Junction Haul Road. UDOGM issued a state violation to PacifiCorp regarding erosional features appearing on the Junction Haul Road outslope. In compliance with the abatement requirement of the state NOV, PacifiCorp submitted to UDOGM an approved sedimentation control plan that provided for the installation of water bars, a water control berm and a water control diversion along the Junction Haul Road above the road outsoles.

Between August 8, 1991 and November 8, 1991, PacifiCorp implemented the sedimentation control plan and the state violation was terminated on November 8, 1991. It was stated that the implementation effectively prevented most of the road runoff from flowing onto the road outslope.

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. Members of the task force included representatives of UDOGM, the U.S. Soils Conservation Service (now the National Resource Conservation Service), Utah State University Extension Service, PacifiCorp and its subsidiary, Energy West Mining Company. Although OSM was invited to take part in the task force, OSM-AFO did not participate.

The task force met on November 12, 1991 and concluded that the outsoles' rills and gullies are caused by water erosion and that the erosion control implemented by PacifiCorp should curtail and/or control the erosion.

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The task force also concluded that further erosion and rehabilitation measures should be deferred pending completion of a study to evaluate erosion control measures and reclamation alternatives. Pursuant to the task force recommendations, PacifiCorp in 1992, with UDOGM oversight, launched a 3-year study to evaluate various erosion control methods.

On December 2, 1993, an inspector from OSM-AFO conducted an inspection of the mine and observed that "no repair of the outslope rills and gullies had occurred after the issuance of the TDN and state violation in 1991". He concluded that because the rills and gullies had not been repaired, the state violation had been improperly terminated, necessitating issuance of the federal violation to PacifiCorp for its alleged failure to prevent or control erosion on the outslope. The federal violation ordered PacifiCorp to remedy the situation by eliminating the rills and gullies and by stabilizing the outsoles.

In December 1993, in response to the federal violation, PacifiCorp considered using a variety of alternatives to eliminate the rills and gullies. 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.

On February 28, 1995, the federal violation was declared invalid and dismissed by Administrative Law Judges Rampton and Sweitzer (attached).

#### Public Notice

The applicant published notice for the five-year permit renewal for four consecutive weeks in the Emery County Progress ending on August 1, 1995. Two letters were received about the permit renewal, but an informal conference was not requested.

#### Recommendation for Approval

Approval for the five-year permit renewal is recommended.



# United States Department of the Interior

## OFFICE OF HEARINGS AND APPEALS

Hearings Division  
6432 Federal Building  
Salt Lake City, Utah 84138  
(Phone: 801-524-5344)

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                           |
|   | : |   |
|   | : | Des-Bee-Dove Mine, Emery County             |
|   | : |   |
| Respondent  | : |   |

### 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 gullies 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.

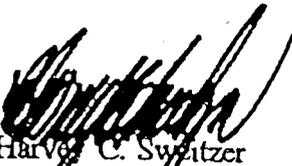
The great weight of the evidence clearly shows that filling the gullies and/or implementing additional erosion control measures would initially destabilize the slope. The evidence further shows that it is uncertain whether these actions would ultimately result in a reduction, rather than an increase, 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:

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Jon K. Johnson, Esq.  
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U.S. Department of the Interior  
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Surface Mining Law Summary  
Attention: Marcia Smith  
P.O. Box 281  
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U.S. Department of the Interior  
Office of Surface Mining  
Attn: John Heider PSD  
1999 Broadway Suite 3320  
Denver, Colorado 80202-5733

PERMIT RENEWAL

Chronology

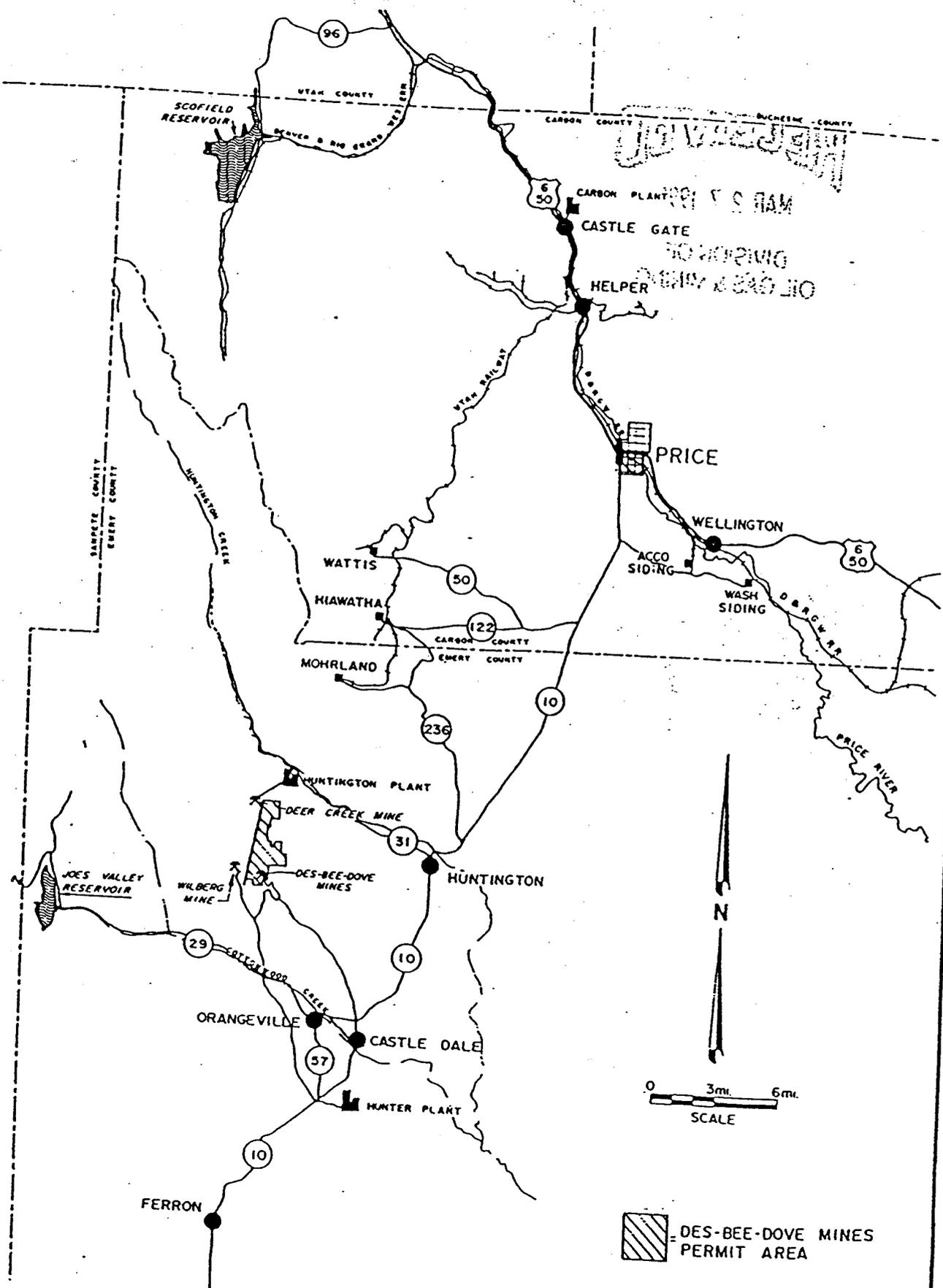
Des-Bee-Dove Mine

PacifiCorp

ACT/015/017

September 7, 1995

|                   |   |
|-------------------|---|
| April 28, 1995    | PacifiCorp submits permit renewal application.  |
| June 29, 1995     | Division issues Determination of Completeness.  |
| July 1, 1995      | PacifiCorp initiates public notice for four consecutive weeks.  |
| August 25, 1995   | Comments were received from the BLM, but an informal conference was not requested.  |
| August 29, 1995   | Comments were received by the Craig Smith, representing Huntington-Cleveland Irrigation Company.  |
| August 31, 1995   | Memo to File from Pamela Grubaugh-Littig, stating that Division management will respond to Craig Smith prior to proceeding and there is administrative delay in the permit renewal process. |
| September 6, 1995 | Letter to Craig Smith from the Division verifying that comments were received, but an informal conference was not requested.  |
| September 7, 1995 | Permit renewal issued.  |



 DES-BEE-DOVE MINES PERMIT AREA

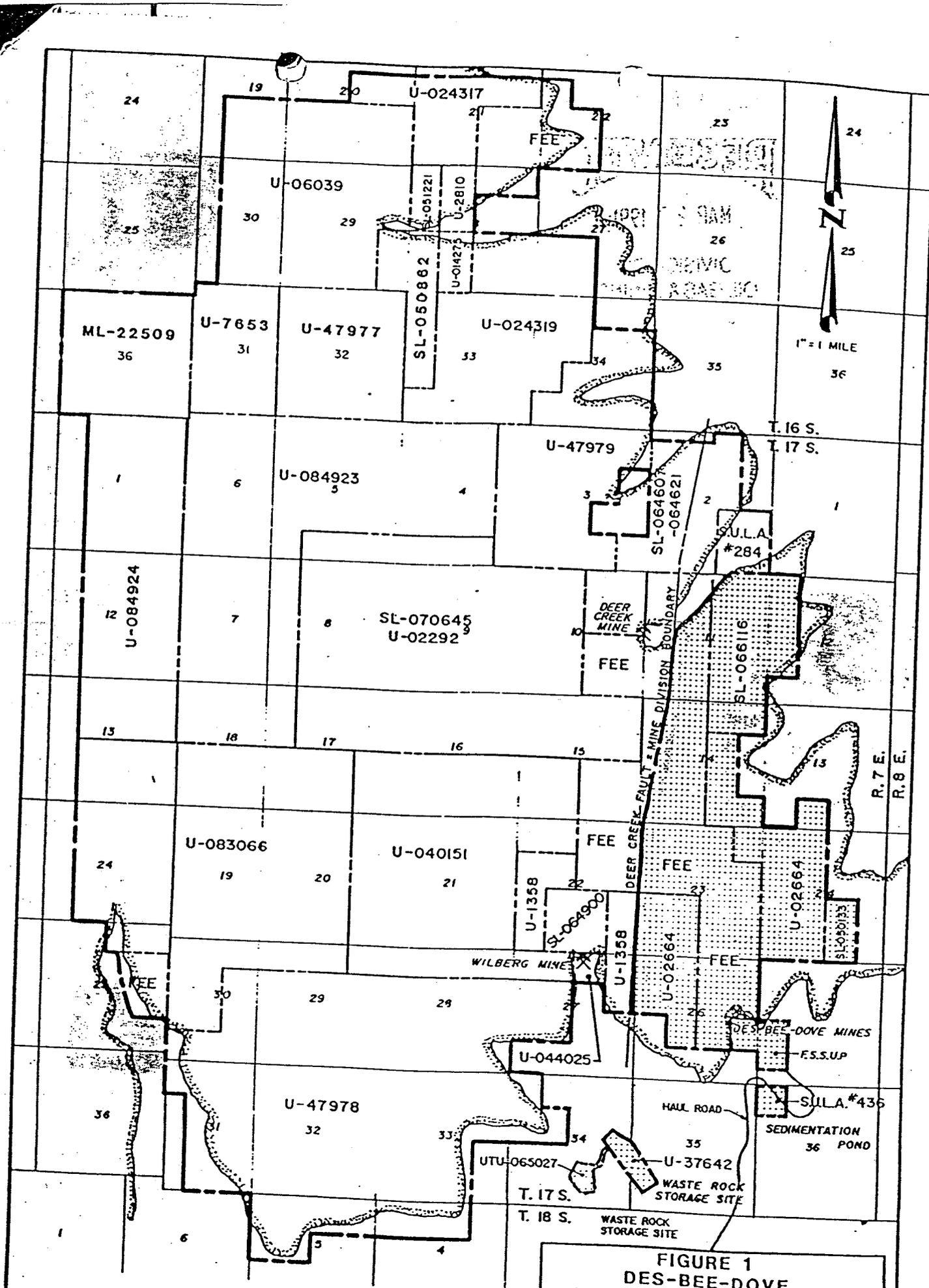


FIGURE 1  
DES-BEE-DOVE

## FINDINGS

### FIVE-YEAR RENEWAL

Pacificorp  
Des-Bee-Dove Mine  
ACT/015/017

Emery County, Utah

September 7, 1995

1. Application for the permit renewal was made on April 29, 1995. (R645-303.233.100)
2. The terms and conditions of the existing permit are being satisfactorily met. (R645-303-233.110)
3. The present coal mining and reclamation operations are in compliance with the environmental protection standards of the State Program. (R645-303-233.120)
4. The requested renewal does not substantially jeopardize the operator's continuing ability to comply with the State Program on existing permit areas. (R645-303-233.130)
5. The permittee has provided evidence of having liability insurance (R645-303-233.140) (Associated Electric and Gas Insurance Services Limited, Policy number XO296A1A95, from February 24, 1995 to February 24, 1996).
6. The permittee has provided evidence that a performance bond is in effect for the operation and will continue in full force and effect for the proposed period of renewal (R645-303-233.150) (St. Paul Fire and Marine Insurance - Surety Bond 400 JN 6139 in the amount of \$1,837,712).
7. For the most recent permit term, permit changes ordered by the Division and violations requiring a permit change have been incorporated into the permit.

A:\FIVEYR.TA

FEDERAL

PERMIT  
ACT/015/017

September 7, 1995

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

This permit, **ACT/015/017**, is being renewed for the state of Utah by the Utah Division of Oil, Gas and Mining (Division) to:

PacifiCorp  
P. O. Box 310  
Huntington, Utah 84528

for the Des-Bee-Dove Mine. A Surety Bond is filed with the Division in the amount of \$1,837,712, payable to the State of Utah, Division of Oil, Gas and Mining and the Office of Surface Mining Reclamation and Enforcement (OSM). The Division must receive a copy of this permit signed and dated by the permittee.

**Sec. 1 STATUTES AND REGULATIONS** - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act.

**Sec. 2 PERMIT AREA** - The permittee is authorized to conduct underground coal mining activities on the following described lands within the permit area at the Des-Bee-Dove Mine, situated in the state of Utah, Emery County and located:

**Township 17 South, Range 7 East, SLM**

Section 11: E1/2, E1/2 W1/2  
Section 12: W1/2 NW1/4, NW1/4 SW1/4  
Section 13: SE1/4 SW1/4  
Section 14: W1/2, W1/2 E1/2, NE1/4 NE1/4, SE1/4 SE1/4  
Section 23: All  
Section 24: W1/2, W1/2 SE1/4  
Section 25: W1/2 SW1/4  
Section 26: N1/2, N1/2 SE1/4, NE1/4 SW1/4  
Section 35: Portions of the E1/2 E1/2  
Section 36: Portions of the N1/2 NW1/4

**Township 18 South, Range 7 East, SLM**

Section 2: Portions of the W1/2 NE1/4, Portions of the NE1/4 SW1/4

This legal description is for the permit area of the Des-Bee-Dove Mine.

The permittee is authorized to conduct underground coal mining activities and related surface activities on the foregoing described property subject to the conditions of all applicable conditions, laws and regulations.

- Sec. 3 COMPLIANCE** - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.
- Sec. 4 PERMIT TERM** - This permit expires on August 30, 2000.
- Sec. 5 ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the prior written approval of the Division Director. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13{e} and R645-303-300.
- Sec. 6 RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the Division, including but not limited to inspectors, and representatives of the Office of Surface Mining Reclamation and Enforcement (OSM), without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:
- (a) have the rights of entry provided for in 30 CFR 840.12, R645-400-220, 30 CFR 842.13 and R645-400-110;
  - (b) be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-100 and R645-400-200 when the inspection is in response to an alleged violation reported to the Division by the private person.
- Sec. 7 SCOPE OF OPERATIONS** - The permittee shall conduct underground coal mining activities only on those lands specifically designated as within the permit area on the maps submitted in the approved plan and approved for the term of the permit and which are subject to the performance bond.
- Sec. 8 ENVIRONMENTAL IMPACTS** - The permittee shall take all possible steps to minimize any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of the permit, including, but not limited to:
- (a) Any accelerated or additional monitoring necessary to determine the nature and extent of noncompliance and the results of the noncompliance;

- (b) immediate implementation of measures necessary to comply; and
- (c) warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

- Sec. 9 DISPOSAL OF POLLUTANTS** - The permittee shall dispose of solids, sludge, filter backwash or pollutants in the course of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program and the Federal Lands Program which prevents violation of any applicable state or federal law.
- Sec. 10 CONDUCT OF OPERATIONS** - The permittee shall conduct its operations:
- (a) in accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and
  - (b) utilizing methods specified as conditions of the permit by the Division in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.
- Sec. 11 EXISTING STRUCTURES** - As applicable, the permittee will comply with R645-301 and R645-302 for compliance, modification, or abandonment of existing structures.
- Sec. 12 RECLAMATION FEE PAYMENTS** - The operator shall pay all reclamation fees required by 30 CFR Part 870 for coal produced under the permit, for sale, transfer or use.
- Sec. 13 AUTHORIZED AGENT** - The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.
- Sec. 14 COMPLIANCE WITH OTHER LAWS** - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq.) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.
- Sec. 15 PERMIT RENEWAL** - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act, the approved Utah State Program and the Federal Lands Program.

- Sec. 16 CULTURAL RESOURCES** - If during the course of mining operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify the Division. The Division, after coordination with OSM, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by Division within the time frame specified by Division.
- Sec. 17 APPEALS** - The permittee shall have the right to appeal as provided for under R645-300-200.
- Sec. 18 SPECIAL CONDITIONS** - There are special conditions associated with this permitting action, as described in Attachment A.

The above conditions (Secs. 1-18) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease. The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of the Division and the permittee at any time to adjust to changed conditions or to correct an oversight. The Division may amend these conditions at any time without the consent of the permittee in order to make them consistent with any federal or state statutes and any regulations.

**THE STATE OF UTAH**

By: James P. Bampton for J.W. Coe

Date: 9/8/95

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

\_\_\_\_\_  
**Authorized Representative of  
the Permittee**

Date: \_\_\_\_\_

**ATTACHMENT A**

**CONDITIONS**

*LIB 9-8-95*

1. PacifiCorp must notify the Division within 14 days of the decision on the appeal of outstanding federal cessation order C94-020-370-002, 1 of 1.

FEDERAL

PERMIT  
ACT/015/017

September 7, 1995

*Original to file  
ACT/015/017  
file*

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

*Copy to #3  
Permit Binder  
and PFO*

This permit, **ACT/015/017**, is being renewed for the state of Utah by the Utah Division of Oil, Gas and Mining (Division) to:

**PacifiCorp**  
P. O. Box 310  
Huntington, Utah 84528

for the Des-Bee-Dove Mine. A Surety Bond is filed with the Division in the amount of \$1,837,712, payable to the State of Utah, Division of Oil, Gas and Mining and the Office of Surface Mining Reclamation and Enforcement (OSM). The Division must receive a copy of this permit signed and dated by the permittee.

**Sec. 1 STATUTES AND REGULATIONS** - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act.

**Sec. 2 PERMIT AREA** - The permittee is authorized to conduct underground coal mining activities on the following described lands within the permit area at the Des-Bee-Dove Mine, situated in the state of Utah, Emery County and located:

**Township 17 South, Range 7 East, SLM**

- Section 11: E1/2, E1/2 W1/2
- Section 12: W1/2 NW1/4, NW1/4 SW1/4
- Section 13: SE1/4 SW1/4
- Section 14: W1/2, W1/2 E1/2, NE1/4 NE1/4, SE1/4 SE1/4
- Section 23: All
- Section 24: W1/2, W1/2 SE1/4
- Section 25: W1/2 SW1/4
- Section 26: N1/2, N1/2 SE1/4, NE1/4 SW1/4
- Section 35: Portions of the E1/2 E1/2
- Section 36: Portions of the N1/2 NW1/4

**Township 18 South, Range 7 East, SLM**

- Section 2: Portions of the W1/2 NE1/4, Portions of the NE1/4 SW1/4

This legal description is for the permit area of the Des-Bee-Dove Mine.

The permittee is authorized to conduct underground coal mining activities and related surface activities on the foregoing described property subject to the conditions of all applicable conditions, laws and regulations.

- Sec. 3 COMPLIANCE** - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.
- Sec. 4 PERMIT TERM** - This permit expires on August 30, 2000.
- Sec. 5 ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the prior written approval of the Division Director. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13{e} and R645-303-300.
- Sec. 6 RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the Division, including but not limited to inspectors, and representatives of the Office of Surface Mining Reclamation and Enforcement (OSM), without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:
- (a) have the rights of entry provided for in 30 CFR 840.12, R645-400-220, 30 CFR 842.13 and R645-400-110;
  - (b) be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-100 and R645-400-200 when the inspection is in response to an alleged violation reported to the Division by the private person.
- Sec. 7 SCOPE OF OPERATIONS** - The permittee shall conduct underground coal mining activities only on those lands specifically designated as within the permit area on the maps submitted in the approved plan and approved for the term of the permit and which are subject to the performance bond.
- Sec. 8 ENVIRONMENTAL IMPACTS** - The permittee shall take all possible steps to minimize any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of the permit, including, but not limited to:
- (a) Any accelerated or additional monitoring necessary to determine the nature and extent of noncompliance and the results of the noncompliance;

- (b) immediate implementation of measures necessary to comply; and
- (c) warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

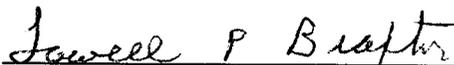
- Sec. 9 DISPOSAL OF POLLUTANTS** - The permittee shall dispose of solids, sludge, filter backwash or pollutants in the course of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program and the Federal Lands Program which prevents violation of any applicable state or federal law.
- Sec. 10 CONDUCT OF OPERATIONS** - The permittee shall conduct its operations:
- (a) in accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and
  - (b) utilizing methods specified as conditions of the permit by the Division in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.
- Sec. 11 EXISTING STRUCTURES** - As applicable, the permittee will comply with R645-301 and R645-302 for compliance, modification, or abandonment of existing structures.
- Sec. 12 RECLAMATION FEE PAYMENTS** - The operator shall pay all reclamation fees required by 30 CFR Part 870 for coal produced under the permit, for sale, transfer or use.
- Sec. 13 AUTHORIZED AGENT** - The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.
- Sec. 14 COMPLIANCE WITH OTHER LAWS** - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq.) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.
- Sec. 15 PERMIT RENEWAL** - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act, the approved Utah State Program and the Federal Lands Program.

**Sec. 16 APPEALS** - The permittee shall have the right to appeal as provided for under R614-300-200.

**Sec. 17 SPECIAL CONDITIONS** - There are special conditions associated with this permitting action as described in Attachment A.

The above conditions (Secs. 1-17) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease. The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of the Division and the permittee at any time to adjust to changed conditions or to correct an oversight. DOGM may amend these conditions at any time without the consent of the permittee in order to make them consistent with any federal or state statutes and any new regulations.

**THE STATE OF UTAH**

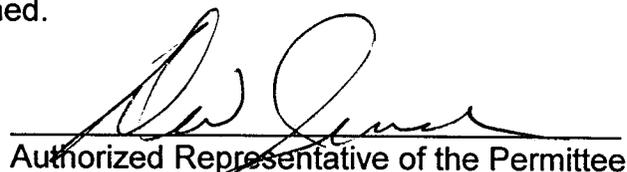


\_\_\_\_\_  
Lowell P. Braxton, Director  
Division of Oil, Gas and Mining

Date: 2/26/01

(Note: Original Permit was signed September 1, 2000  
by Lowell P. Braxton, see attached.  
This permit is identical to that permit, except the Authorized  
Representative of the Permittee is different.)

I certify that I have read, understand and accept the requirements of this permit  
and any special conditions attached.

  
\_\_\_\_\_  
Authorized Representative of the Permittee

Date: MARCH 7, 2001

**ATTACHMENT A**

**CONDITIONS**

*LFB 9-8-95*

1. PacifiCorp must notify the Division within 14 days of the decision on the appeal of outstanding federal cessation order C94-020-370-002, 1 of 1.



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

Michael O. Leavitt  
Governor  
Ted Stewart  
Executive Director  
James W. Carter  
Division Director

355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340  
801-359-3940 (Fax)  
801-538-5319 (TDD)

September 7, 1995

TO: File

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

RE: Compliance Review for Section 510 (c) Findings, Des-Bee-Dove Mine, PacifiCorp, ACT/015/017-95A, Folder #3, Emery County, Utah

As of the writing of this memo there is a "conditional issue" recommendation from the Applicant Violator System for permit ACT/015/017. The conditional issue refers to federal cessation order C94-020-370-002 issued September 15, 1994 and currently under appeal.

The permit has been conditioned to state: "PacifiCorp must notify the Division within 14 days of the decision on the appeal of outstanding federal cessation order C94-020-370-002, 1 of 1."

PacifiCorp does not have any demonstrated pattern of wilful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

licant Evaluation

Applicant Violator System

07-Sep-1995 12:31:38

State : UT Permit No :  
Applicant : 108521( PACIFICORP )

Appl No : ACT015017

Seqno : 2

SYSTEM RECOMMENDATION IS BASED ON ENTITY OFT

SYSTEM RECOMMENDATION : COND ISSUE 09/07/95  
PREVIOUS SYSTEM RECOMMENDATION :

Records retrieved : 1

| ST | PERMIT | RP ID  | SEQ | VTTYPE | VIOLNO          | VIOLDATE |
|----|--------|--------|-----|--------|-----------------|----------|
| CO | NONE   | 108521 | 0   | CMIS   | C94-020-370-002 | 09/15/94 |

RCM\_MNT(F7) PERMIT/APPL(F8) REPORTS(F9)  
PRV\_SCR(F3) VIOL(F4) EVOFT(F5) VOFT(F6) CHOICES(F10)

■ avsdg

10:29

licant Evaluation

Applicant Violator System

07-Sep-1995 12:31:38

State : UT Permit No :  
Applicant : 108521( PACIFICORP )

Appl No : ACT015017

Seqno : 2

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PREVIOUS SYSTEM RECOMMENDATION :

Records retrieved : 1

| ST | PERMIT | RP ID  | SEQ | VTTYPE | VIOLNO          | VIOLDATE |
|----|--------|--------|-----|--------|-----------------|----------|
| CO | NONE   | 108521 | 0   | CMIS   | C94-020-370-002 | 09/15/94 |

RCM\_MNT(F7) PERMIT/APPL(F8) REPORTS(F9)  
PRV\_SCR(F3) VIOL(F4) EVOFT(F5) VOFT(F6) CHOICES(F10)

■ 'sdg

10:29

Applicant Evaluation

Applicant Violator System

07-Sep-1995 12:31:38

State : UT Permit No :  
Applicant : 108521( PACIFICORP )

Appl No : ACT015017

Seqno : 2

SYSTEM RECOMMENDATION IS BASED ON ENTITY OFT

|  |                                  |
|--|----------------------------------|
| State : UT Permit No :   | Appl No : ACT015017              |
| Permittee :  | Seqno : 2                        |
| Applicant : 108521( PACIFICORP )                                   |                                  |
| SYSTEM : C (COND ISSUE) Date : 07-Sep-1995 Mode : VIEW             |                                  |
| Reason: 0 AML, 0 AUD, 1 CMIS, 0 FORF, 0 STATE, 0 NRSP VIOLATION(S) |                                  |
| OSMRE :  | Date : Mode : VIEW               |
| Reason:  |                                  |
| SRA :  | Date : 07-Sep-1995 Mode : UPDATE |
| Reason:  |                                  |

SAVE (F5) DELETE (F8)  
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■ avsdg

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|--|----------------------------------|
| State : UT Permit No :   | Appl No : ACT015017              |
| Permittee :  | Seqno : 2                        |
| Applicant : 108521( PACIFICORP )                                   |                                  |
| SYSTEM : C (COND ISSUE) Date : 07-Sep-1995 Mode : VIEW             |                                  |
| Reason: 0 AML, 0 AUD, 1 CMIS, 0 FORF, 0 STATE, 0 NRSP VIOLATION(S) |                                  |
| OSMRE :  | Date : Mode : VIEW               |
| Reason:  |                                  |
| SRA :  | Date : 07-Sep-1995 Mode : UPDATE |
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 PRV\_SCR (F3) QUIT (F4) CHOICES (F10)

■ avsdg

10:30

CODE  
RED

cc. JWC  
JMS  
PJA  
Aug file

# NIELSEN & SENIOR

Attorneys & Counselors  
Since 1882

Arthur H. Nielsen  
Gary A. Weston  
Earl Jay Peck  
Neil R. Sabin  
R. Dennis Ickes\*†  
Harold C. Verhaaren  
Mark H. Anderson\*  
B. Kent Ludlow  
Richard M. Hymas  
John K. Mangum  
Richard K. Hincks  
Noel S. Hyde  
Robert P. Faust  
J. Craig Smith\*  
Jay R. Mohlman  
David B. Hartvigsen\*†  
Marilynn P. Fineshriber  
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Suite 1100, Eagle Gate Plaza & Office Tower  
60 East South Temple, Salt Lake City, Utah 84111  
Post Office Box 11808, Salt Lake City, Utah 84147  
Telephone (801) 532-1900 — Fax (801) 532-1913

A Professional Corporation

Edwin W. Senior (1862-1925)  
Clair M. Senior (1901-1965)

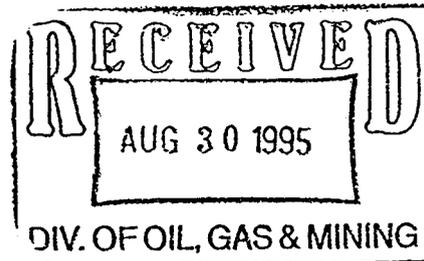
Also Licensed to Practice in

- \* Arizona
- California
- ‡ Colorado
- \* Idaho
- † Navajo Bar
- New Mexico
- Washington, D.C.

Of Counsel

Harold A. Ranquist\*

August 29, 1995



James W. Carter, Esq., Director  
Division of Oil, Gas & Mining  
Department of Natural Resources  
State of Utah  
355 West North Temple  
III Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203

Re: Application for Renewal of Coal Mining Permit  
for Des Bee Dove Mine

Dear Jim:

This letter will convey the written comments of Huntington-Cleveland Irrigation Company ("Huntington-Cleveland") to the above-referenced Application for Renewal. As you are aware, Huntington-Cleveland holds the majority of water rights in the Huntington Creek drainage. Huntington Cleveland along with other water users has grown increasingly concerned over impacts of coal mining on water quality and water quantity.

We believe that mine permit renewal could be an opportunity for the Division of Oil, Gas & Mining ("DOGM") to review actual water data gathered by the Permittee during mining operation, to determine if projected hydrological impact in the "Probably Hydrologic Consequences" ("PHC") and the "Cumulative Hydrologic Impact Analysis" ("CHIA") are accurate.

As you know, prior to mining the PHC and CHIA are used to predict if there will be any hydrologic impact outside of the permit area. However, these are projections only, and may or may not be correct. After actual mining has occurred, actual data can then be used to determine if the PHC and CHIA were accurate. Permit renewal is an excellent opportunity for such a review.

Jaames W. Carter, Esq.  
August 29, 1995  
Page 2

We would note that R645-303-232.250 allows DOGN to require "Additional, revised, or updated information." Thus, regulatory authority to require actual water data and if necessary analysis of such data appears to exist.

We would respectfully request that actual water quantity and quality data sufficient to determine the accuracy of the PHC and CHIA be required for this and all subsequent mine permit renewals. We would be happy to meet with you in an informal conference setting to further discuss this issue.

Thank you for your attention to this matter and continued interest in water issues related to mining.

Yours truly,



J. Craig Smith

cc: Huntington-Cleveland Irrigation Company



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

Michael O. Leavitt  
Governor

Ted Stewart  
Executive Director

James W. Carter  
Division Director

355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340  
801-359-3940 (Fax)  
801-538-5319 (TDD)

September 6, 1995

CERTIFIED RETURN RECEIPT REQUESTED  
No P. 074 977 578

J. Craig Smith  
Nielsen and Senior  
Suite 1100, Eagle Gate Plaza &  
Office Towers  
60 East South Temple  
Salt Lake City, Utah 84111

Re: Permit Renewal, Des Bee Dove Mine, PacifiCorp, ACT/015/017, Folder #2,  
Emery County, Utah

Dear Mr. Smith:

Thank you for your letter to Director Carter of August 29, 1995, wherein you discussed reviewing water monitoring information and updating PHCs and CHIAS at permit renewal.

I agree with your assertion that R 645-303- 232.250 allows the Division to request "additional revised or updated information" at the time of permit renewal. However, no data have been submitted to the Division substantiating a change to the Des Bee Dove PHC and CHIA.

Mining at other Utah coal mines may encounter situations not anticipated in the PHC or CHIA. Given a reason to believe the PHC or CHIA requires modification, the Division will order changes to the PHC, and make appropriate changes to the CHIA. My preference is to take such action in a timely manner, and not defer updating information to permit renewal time.

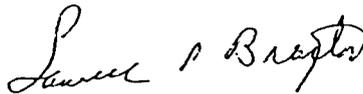
Your letter of August 29 does not object specifically to the Des Bee Dove permit renewal, and our telephone conversation of September 5, verified this. Given



Page 2  
J. Craig Smith  
September 6, 1995

this and our concurrence that the Division may require specific updated information prior to and at permit renewal, an informal conference prior to renewal of the Des Bee Dove permit is not required.

Sincerely,



Lowell P. Braxton  
Associate Director, Mining

vb

cc: J. Carter  
P. Grubaugh-Littig

DESBEE95

. Carter, Esq.  
29, 1995

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Yours truly,



J. Craig Smith

cc: Huntin-Cleveland Irrigation Company



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

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September 6, 1995

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No P. 074 977 578

J. Craig Smith  
Nielsen and Senior  
Suite 1100, Eagle Gate Plaza &  
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60 East South Temple  
Salt Lake City, Utah 84111

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Emery County, Utah

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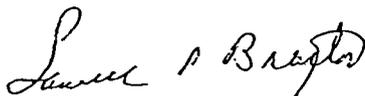
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Page 2  
J. Craig Smith  
September 6, 1995

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Sincerely,



Lowell P. Braxton  
Associate Director, Mining

vb  
cc: J. Carter  
P. Grubaugh-Littig  
DESBEE95



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Utah State Office  
324 South State, Suite 301  
Salt Lake City, Utah 84111-2303

IN REPLY REFER TO:

U-02664  
SL-066116  
3480  
(UT-921)

AUG 25 1995

~~CONFIDENTIAL~~

*TH - copy created  
ACT/015/017 #2  
JK*

Mr. James Carter  
Utah Division of Oil, Gas, and Mining  
355 West North Temple  
3 Triad Center  
Salt Lake City, Utah 84180-1203

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info - why marked  
Confidential - Pgh  
9/6/95*

Dear Mr. Carter:

The United States Department of the Interior, Bureau of Land Management (BLM) is responding to your "Determination of Administrative Completeness-Permit Renewal, Des-Bee-Dove Mine, PacifiCorp, Act/015/017-95A, Folder #3, Emery County, Utah," dated June 29, 1995. The following are a list of related issues that need to be addressed.

### ISSUES:

1. Federal Lease Relinquishment: On May 15, 1995, PacifiCorp has filed with the BLM a letter requesting relinquishment of the entire Federal coal lease SL-066116. This lease along with Federal coal lease U-02664, which has not been relinquished, and some fee coal owned by Pacificorp, comprise the Des-Bee-Dove mine complex. Your determination to extend the Des-Bee-Dove permit for five (5) more years and the relinquishment of Federal coal lease SL-066116 appear to be in conflict. The conflict seems to be the issue of right to entry covered under 30 CFR 778.15 Right of Entry Information.

2. Reserves: On July 11, 1988, UP&L (Mr. David Smaldone) submitted a letter to Utah Division of Oil, Gas, and Mining (UDOGM) (Mr. John Whitehead) and stated that, "over 3 million tons (remaining) of this (Des-Bee-Dove) coal are Federally owned." On September 24, 1990, UP&L submitted a Resource Recovery and Protection Plan showing the mining of the coal in lease SL-066116 and other Federal leases. The reserves in lease SL-066116 have been estimated by BLM to be approximately . . . . We understand that you also have a responsibility under 30 CFR 810.2 (b) for "maximum use and conservation of the solid fuel resource being recovered . . . ." ←

3. Bond: At the present time UDOGM has a \$1,837,712 bond for the reclamation of the Des-Bee-Dove mine. In the "Evaluation of the Coal Procurement Policies and Coal Management Practices of PacifiCorp," by Energy Ventures Analysis, Inc., January 1991, the maintenance cost for the Des-Bee-Dove mine that is charged to the Hunter Stockpile is \$982,000 per year. The report also states that, "[t]here are no plans to resume production" in the Des-Bee-Dove mine.

With approximately ~~no other probable access to this coal, this coal will be bypassed.~~ and ←  
and the remaining recoverable reserves needs to be addressed by all parties.

Thank you for the opportunity to comment. Any questions on this matter may be referred to Stan Perkes, at 539-4036.

Sincerely,



Douglas M. Koza  
Deputy State Director  
Mineral Resources



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

Michael O. Leavitt  
Governor

Ted Stewart  
Executive Director

James W. Carter  
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Salt Lake City, Utah 84180-1203  
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801-359-3940 (Fax)  
801-538-5319 (TDD)

August 31, 1995

TO: File

FROM: Pamela Grubaugh-Littig, Permit Supervisor 

RE: Permit Renewal, Des-Bee-Dove Mine, PacifiCorp, ACT/015/017-95A,  
Folder #3, Emery County, Utah

A letter from Craig Smith, representing the Huntington-Cleveland Irrigation Company, was received at the Division on August 30, 1995. This letter contained written comments about the permit renewal and a request for an informal conference. Division management is preparing a letter to Craig Smith to address his concerns. The permit should have been renewed August 30, 1995, however, until resolution of the informal conference, the permit renewal has administrative delay.

cc: James Carter  
Lowell Braxton  
Daron Haddock  
Joe Helfrich  
Bill Malencik



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

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3 Triad Center, Suite 350  
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801-538-5319 (TDD)

June 29, 1995

Val Payne  
Senior Environmental Engineer  
Energy West  
P.O. Box 310  
Huntington, Utah 84528

Re: Determination of Administrative Completeness - Permit Renewal, Des-Bee-Dove Mine, PacifiCorp, ACT/015/017-95A, Folder #3, Emery County, Utah

Dear Mr. Payne:

The permit renewal application has been determined administratively complete (with the submittal of a copy of the Surety Bond, the Certificate of Liability Insurance and a copy of the proposed newspaper notice), pursuant to the Permit Renewal Directive, effective January 12, 1994. This letter is notice to commence the publication notice of the permit renewal for four consecutive weeks. Please submit the Affidavit of Publication to the Division after publication is complete.

This operation went into temporary cessation on February 6, 1987 and no mining has occurred at this site since that date. A memo dated October 11, 1988 from Lowell P. Braxton, entitled "Guidelines for Duration of Temporary Cessation of Operations", (attached) stated that temporary cessation may extend to either 15 years after initiation of temporary cessation, or up to the third five-year permit renewal, whichever occurs first. Final reclamation would be required to commence at the end of the third five-year renewal, or 15 years after the initiation of temporary cessation if no action is taken by the permittee to activate the property. This is the second permit renewal for this mine, and therefore, reclamation would have to begin by 2002.

PacifiCorp has been working with the Division to update the legal and financial information for their Utah operations. By July 17, 1995, please submit all of the finalized legal and financial information for inclusion in the mining and reclamation plan as well as the updated compliance information.

Determination of Completeness  
Des-Bee-Dove Mine  
ACT/015/018  
Page 2

If you have any questions, please call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Pamela Grubaugh-Littig". The signature is written in a cursive style with a large, looping initial "P".

Pamela Grubaugh-Littig  
Permit Supervisor

Enclosure

cc: Lowell Braxton  
Daron Haddock  
Joe Helfrich  
Bill Malencik



# 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

October 11, 1988

TO: Coal Regulatory Staff  
FROM: Lowell Braxton, Administrator *LOB*  
RE: Guidelines for Duration of Temporary Cessation of Operations

"Temporary Cessation of Operations" (UMC 817.131) outlines the requirements of the permittee for temporary cessation of operations but does not define the length of time an operator may maintain a permitted property under a temporary cessation. The regulation could be construed that the duration is indefinite. Conversely, "Contemporaneous Reclamation" (UMC 817.100) requires reclamation be undertaken in a contemporaneous fashion.

The purpose of this memo is to outline the guidelines for "duration" of temporary cessation of operations prior to final reclamation. Four aspects should be considered in terms of "extended" temporary cessation as follows:

1. An approved reclamation permit must be maintained by the operator. An adequate bond must be posted at all times.
2. Site maintenance must be undertaken as required according to the approved permit and performance standards.
3. Significant remaining mineable coal reserves must be documented by the permittee (BLM concurrence for federal coal mines).

If an operator meets the three conditions previously noted, then the duration of temporary cessation may extend to either 15 years after initiation of temporary cessation, or up to the third five-year permit renewal, which ever occurs first. Thusly, final reclamation would be required to commence at the end of the third five-year permit term following notification of temporary cessation or 15 years after initiation of temporary cessation if no action is taken by the permittee to activate the property.

Failure to meet the three conditions noted above will result in the Division ordering immediate final reclamation.

An operator has the option of appealing to the Board if ordered to complete final reclamation by the Division.

vb  
WPOM/13-1&2



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

Michael O. Leavitt  
Governor

Ted Stewart  
Executive Director

James W. Carter  
Division Director

355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340  
801-359-3940 (Fax)  
801-538-5319 (TDD)

June 29, 1995

FIELD(001)

Re: Determination of Completeness, Five-Year Permit Renewal, PacifiCorp, Des-Bee-Dove Mine, ACT/015/017, Folder #3, Emery County, Utah

Dear Mr. FIELD(002):

The Utah Division of Oil, Gas and Mining has determined the five-year permit renewal application for the Des-Bee-Dove Mine to be administratively complete. Notice is hereby given to all appropriate agencies in accordance with R645-300-121.300 of the Utah Coal Mining Reclamation Act of this permit renewal.

The permit area (approximately 2,760 acres) is located in Emery County, Utah and is described as follows:

Township 17 South, Range 7 East, SLM

Section 11: E1/2, E1/2 W1/2  
Section 12: W1/2 NW1/4, NW1/4 SW1/4,  
Section 13: SE1/4 SW1/4,  
Section 14: W1/2, W1/2 E1/2, NE1/4 NE1/4, SE1/4 SE1/4,  
Section 23: All  
Section 24: W1/2, W1/2 SE1/4,  
Section 25: W1/2 SW1/4,  
Section 26: N1/2, N1/2 SE1/4, NE1/4 SW1/4,  
Section 35: Portions of the E1/2 E1/2, and  
Section 36: Portions of the N1/2 NW1/4

Township 18 South, Range 7 East, SLM

Section 2: Portions of the W1/2 NE1/4, Portions of the NE1/4 SW1/4

State of Utah Special Use Lease Agreement No. 436 utilized for a sedimentation pond located in NW1/4NW1/4 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.

BLM Right-of Way Grant U-37642 utilized for waste rock disposal (48.62 acres) located within E1/2 Section 34 and SW1/4 Section 35, T17S, R7E, SLM.

BLM Right-of-Way Grant U-50148 (28.29 acres) utilized for the location of the Junction Haul Road located within E1/2E1/2 Section 35, T17S, R7E, SLM.

BLM Right-of-Way Grant U-57134 (.37 acres) utilized for the location of the Sediment Pond Access Road located within the E1/2NE1/4 Section 35, T17S, R7E, SLM.

BLM Right-of-Way Grant UTU-65027 (25.49 acres) utilized for Waste Rock Disposal located within the SE1/4 Section 34, T17S, R7E, SLM.

United States Forest Service Special Use Permit for surface facilities, 100 acres located in Section 25 and 26, T17S, R7E, SLM.

United States Forest Service Special Use Permit of 8.95 acres utilized for the location of the Junction Haul Road located within SW1/4SW1/4 Section 25 and SE1/4SE1/4 Section 26, T17S, R7E, SLM.

Additionally, PacifiCorp is allowed to conduct surface coal mining and reclamation operations on the foregoing described property subject to the conditions of the leases, the approved mining plan, and Utah State permit ACT/015/017, including all conditions and all other applicable conditions, laws and regulations.

This operation went into temporary cessation on February 6, 1987 and no mining has occurred at this site since that date. Division guideline, dated October 11, 1988, stated that temporary cessation may extend to either 15 years after initiation of temporary cessation, or up to the third five-year permit renewal, whichever occurs first. Final reclamation would be required to commence at the end of the third five-year renewal, or 15 years after the initiation of temporary cessation if no action is taken by the permittee to activate the property. This is the second permit renewal for this mine, and therefore, reclamation would have to begin by February 6, 2002.

Page 3  
Five-Year Permit Renewal  
ACT/015/017  
June 29, 1995

No decision will be made by the Director for a minimum period of 30 days after submission of this Notice of Availability to the appropriate agencies. This plan is available for public review at the Division of Oil, Gas and Mining, 355 West North Temple, 3 Triad Center, Suite 350, Salt Lake City, Utah 84180-1203. If no adverse comments are received, the Division will successively renew this mining permit.

Comments on the Permit Application Package may be addressed to the Director:

James W. Carter, Director  
Division of Oil, Gas and Mining  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203

For further information, please contact Lowell P. Braxton or Pamela Grubaugh-Littig at the above address.

Sincerely,



Lowell P. Braxton  
Associate Director, Mining

mbm  
cc: P. Grubaugh-Littig  
DETCOMP.DBD

Art Abbs, Acting Director  
Office of Surface Mining  
Reclamation and Enforcement  
505 Marquette N.W., Suite 1200  
Albuquerque, New Mexico 87102

Chief of Federal Programs  
Office of Surface Mining  
1999 Broadway Ste 3320  
Denver, CO 80202-5733

Mark Bailey, Area Manager  
Price River Resource Area  
Bureau of Land Management  
900 North 700 East  
PO Box AB  
Price, UT, 84501

Alan Rabinoff, Chief  
Mining Law and Solid Minerals  
Bureau of Land Management  
324 South State Street  
P.O. Box 45155  
Salt Lake City, Utah 84145-0155

Robert D. Williams, Assistant Field Supervisor  
U.S. Fish and Wildlife Services  
Ecological Services  
Lincoln Plaza  
145 E. 1300 South Ste 404  
Salt Lake City, UT 84115

Janette S. Kaiser, Forest Supervisor  
U.S. Forest Service  
Manti-LaSal National Forest  
599 West Price River Road  
Price, Utah 84501

Mark Page, Regional Engineer  
Utah Division of Water Rights  
Southeastern Regional Office  
453 South Carbon Avenue  
P. O. Box 718  
Price, UT 84501-0718

Brent Bradford, Deputy Director  
Office of the Executive Director  
Department of Environmental Quality  
168 North 1950 West  
P.O. Box 144810  
Salt Lake City, UT 84114-4810

Max J. Evans, Director  
Utah Division of State History  
300 Rio Grande  
Salt Lake City, Utah 84101

Scott Hirschi, Director  
School and Institutional Trust Lands Administration  
3 Triad Center, Suite 400  
355 West North Temple  
Salt Lake City, Utah 84180-1204

Bill Howell, Executive Director  
Southeastern Utah Association  
of Local Governments  
P. O. Box 297  
Price, UT 84501

Bryant Anderson  
Emery County Planning and Zoning  
P.O. Box 297  
Castle Dale, Utah 84513

William P. Yellowtail, Jr.  
Regional Administrator  
Environmental Protection Agency  
999 18th Street  
Denver Place, Ste. 500  
Denver, CO 80202-2405

Carolyn B. Wright, Research Analyst  
Governor's office of Planning and Budget  
Government Relations Dept  
State Planning Coordinator Office  
116 State Capitor  
Salt Lake City, Ut 84114

Barclay Gardner  
Dept of Community and Economic Development  
324 South State Street, Ste 500  
Salt Lake City, UT 84111

Mike Schwinn, District Engineer  
U.S. Army Corps of Engineers  
1403 South 600 West  
Bountiful, UT 84010

Gary L. Roeder, District Conservationist  
U.S. Soil Conservation Service  
350 North 400 East  
Price, UT 84501

Ted Stewart, Executive Director  
Dept. of Natural Resources  
1636 West North Temple, Ste. 316  
Salt Lake City, UT 84116-3193

Ben Grimes  
North Emery Water Users Association  
P. O. Box 418  
Elmo, Utah 84521

AFFIDAVIT OF PUBLICATION

Main, Suite 2100, Salt Lake City, Utah 84140-0021, hereby announces its intent to file an application for renewal of a Coal Mining Permit for the Des Bee Dove Mine with the Division of Oil, Gas and Mining under the laws of the State of Utah and the Office of Surface Mining.

STATE OF UTAH)

A copy of the complete application is available for public inspection at the Emery County Recorder's Office, Emery County Courthouse, Castle Dale, Utah 84513.

ss.

Written comments on the application should be submitted to the State of Utah, Division of Oil, Gas and Mining, 355 West North Temple, 3 Triad Center, Suite 350, Salt Lake City, Utah 84180-1203. Said comments must be submitted within thirty (30) days from the date of the last publication of this notice.

County of Emery,)

The area to be mined is contained on the U.S.G.S. 7.5-minute "Red Point", quadrangle map.

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 afore-said, 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 11th day of July, 1995 and that the last publication of such notice was in the issue of such newspaper dated the 1st day of August, 1995.

The approximately 2,760 acres contained in the permit area involve all or part of the following federal coal leases and fee lands:

The following federal coal leases, upon which the Applicant bases its right to perform coal mining in the permit area, have all been subleased or assigned to Utah Power & Light Company.

Lease No. U-02664  
Issued to Corporation of the Presiding Bishop of the LDS Church 1/1/57

Section 13 SE1/4SW1/4,  
Section 23 NE1/4NE1/4, SW1/4  
Section 24 W1/2  
Section 26 NW1/4, NE1/4SW1/4

and  
Section 14 SW1/4NE1/4, W1/2SE1/4, SE1/4SE1/4  
Added by Modification 10/31/79

Township 17 South, Range 7 East, SLM Utah, containing 920 acres  
Lease No. SL-050133

Issued to Bertha Christensen 8/1/33  
Section 24 W1/2SE1/4

Township 17 South, Range 7 East, SLM Utah, containing 80 acres  
Lease No. SL-066116

Issued to Samuel K. Howard 6/1/55

Section 11 E1/2

Section 14 N1/2NE1/4

Section 12 W1/2NW1/4, NW1/4SW1/4

Township 17 South, Range 7 East, SLM Utah, containing 520 acres

OWNERS OF COAL TO BE MINED OTHER THAN THE UNITED STATES

Description of Land:

Section 11 SE1/4NW1/4, E1/2SW1/4

Section 14 E1/2NW1/4, SW1/4

Section 23 NW1/4, SE1/4, NW1/4NE1/4, S1/2NE1/4

Section 26 NE1/4, NW1/4SE1/4

Township 17 South, Range 7 East, SLM Utah, containing 1,000 acres

Owner:

PacifiCorp

One Utah Center

201 South Main, Suite 2100

Salt Lake City, Utah 84140-0021

Description of Land:

Section 14 W1/2NW1/4

Section 11 W1/2SW1/4

That part lying East of the Deer Creek Fault

Township 17 South, Range 7 East, SLM Utah

Owner:

The Malcolm McKinnon Estate

Zions First National Bank Trustee

Salt Lake City, Utah 84111

SURFACE OWNERS OF RECORD WITHIN THE PERMIT AREA

Description of Land:

Section 11 SE1/4NW1/4, E1/2SW1/4

Section 14 SW1/4

Section 23 NW1/4, SE1/4, NW1/4NE1/4, S1/2NE1/4

Section 26 NE1/4, NW1/4SE1/4

Township 17 South, Range 7 East, SLM Utah

Owner:

PacifiCorp

One Utah Center

201 South Main, Suite 2100

Salt Lake City, Utah 84140-0021

Description of Land:

Section 14 That portion lying East of the Deer Creek Fault in the NW1/4

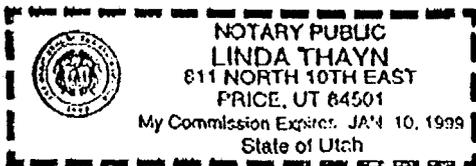
Section 11 That portion lying East of the Deer Creek Fault in the W1/4

Kevin Ashby - Publisher

Subscribed and sworn to before me this 1st day of August, 1995.

Notary Public My commission expires January 10, 1999 Residing at Price, Utah

Publication fee, \$704.00



FEDERAL

PERMIT  
~~ACT/015/017~~

May 31, 1991

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

This permit, ACT/015/017, is being renewed for the state of Utah by the Utah Division of Oil, Gas and Mining (Division) to:

PacifiCorp Electric Operations  
324 South State Street  
P.O. Box 26128  
Salt Lake City, Utah 84126-0128

for the Des-Bee-Dove Mine. A Surety Bond is filed with the Division in the amount of \$1,837,712, payable to the State of Utah, Division of Oil, Gas and Mining and the Office of Surface Mining Reclamation and Enforcement (OSM). The Division must receive a copy of this permit signed and dated by the permittee.

**Sec. 1 STATUTES AND REGULATIONS** - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act.

**Sec. 2 PERMIT AREA** - The permittee is authorized to conduct underground coal mining activities on the following described lands within the permit area at the Des-Bee-Dove Mine, situated in the state of Utah, Emery County and located:

Township 17 South, Range 7 East, SLM

Section 11: E1/2, E1/2 W1/2

Section 12: W1/2 NW1/4, NW1/4 SW1/4

Section 13: SE1/4 SW1/4

Section 14: W1/2, W1/2 E1/2, NE1/4 NE1/4, SE1/4 SE1/4

Section 23: All

Section 24: W1/2, W1/2 SE1/4

Section 25: W1/2 SW1/4

Section 26: N1/2, N1/2 SE1/4, NE1/4 SW1/4

Section 35: Portions of the E1/2 E1/2

Section 36: Portions of the N1/2 NW1/4

Township 18 South, Range 7 East, SLM

Section 2: Portions of the W1/2 NE1/4, Portions of the NE1/4 SW1/4

This legal description is for the permit area of the Des-Bee-Dove Mine. The permittee is authorized to conduct underground coal mining activities and related surface activities on the foregoing described property subject to the conditions of all applicable conditions, laws and regulations.

- Sec. 3 COMPLIANCE** - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.
- Sec. 4 PERMIT TERM** - This permit becomes effective on May 31, 1991, and expires on August 29, 1995.
- Sec. 5 ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the prior written approval of the Division Director. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13{e} and R614-303-300.
- Sec. 6 RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the Division, including but not limited to inspectors, and representatives of the Office of Surface Mining Reclamation and Enforcement (OSM), without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:
- (a) have the rights of entry provided for in 30 CFR 840.12, R614-400-220, 30 CFR 842.13 and R614-400-110;
  - (b) be accompanied by private persons for the purpose of conducting an inspection in accordance with R614-400-100 and R614-400-200 when the inspection is in response to an alleged violation reported to the Division by the private person.
- Sec. 7 SCOPE OF OPERATIONS** - The permittee shall conduct underground coal mining activities only on those lands specifically designated as within the permit area on the maps submitted in the approved plan and approved for the term of the permit and which are subject to the performance bond.
- Sec. 8 ENVIRONMENTAL IMPACTS** - The permittee shall take all possible steps to minimize any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of the permit, including, but not limited to:

- (a) Any accelerated or additional monitoring necessary to determine the nature and extent of noncompliance and the results of the noncompliance;
- (b) immediate implementation of measures necessary to comply; and
- (c) warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

**Sec. 9 CONDUCT OF OPERATIONS** - The permittee shall conduct its operations:

- (a) in accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and
- (b) utilizing methods specified as conditions of the permit by the Division in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.

**Sec. 10 EXISTING STRUCTURES** - As applicable, the permittee will comply with R614-301 and R614-302 for compliance, modification, or abandonment of existing structures.

**Sec. 11 RECLAMATION FEE PAYMENTS** - The operator shall pay all reclamation fees required by 30 CFR Part 870 for coal produced under the permit, for sale, transfer or use.

**Sec. 12 AUTHORIZED AGENT** - The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.

**Sec. 13 COMPLIANCE WITH OTHER LAWS** - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq.) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.

**Sec. 14 PERMIT RENEWAL** - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act, the approved Utah State Program and the Federal Lands Program.

**Sec. 15 CULTURAL RESOURCES** - If during the course of mining operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify the Division. The Division, after coordination with OSM, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by Division within the time frame specified by Division.

**Sec. 16 APPEALS** - The permittee shall have the right to appeal as provided for under R614-300-200.

**Sec. 17 SPECIAL CONDITIONS** - There are special conditions associated with this permitting action, as described in Attachment A.

The above conditions (Secs. 1-17) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease. The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of the Division and the permittee at any time to adjust to changed conditions or to correct an oversight. The Division may amend these conditions at any time without the consent of the permittee in order to make them consistent with any federal or state statutes and any regulations.

THE STATE OF UTAH

By: Deanne R. Nielson

Date: 5-31-91

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

J. Brett Gray  
Authorized Representative of  
the Permittee

Date: June 10, 1991

## 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 sediment pond quarterly, either by a professional engineer or else by a specialist experienced in the construction of impoundments (514.310);
- 2) Certification of the quarterly report promptly after each inspection by a qualified, registered, professional engineer and to send a copy of the report to the Division (514.312); and
- 3) Annual certification of the sediment pond by a qualified, registered, professional engineer and inclusion of the certification in the Annual Report.

### 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

crosshatching, highwalls, portal faceups, and other areas which will receive fill material.

- 2) Map 4-1 (Final Reclamation Map), sheet 2, must be modified to accurately show the anticipated final surface configuration of the present earthen fill structures.
- 3) Map 4-1 (Final Reclamation Map), sheet 5, must be modified to correspond to Map 3-10, i.e., it must show those areas that will receive and those that will contribute fill material with the same shading and crosshatch scheme used on Map 3-10.
- 4) Accurate cross-sections of the bathhouse/warehouse pad must be added to Map 4-1 (Final Reclamation Map), sheet 4. These cross sections must demonstrate that there is sufficient material available at the edge of the bathhouse/warehouse pad to completely backfill the pad, when that material is combined with the material that will be contributed by the other fill structures.
- 5) Earthwork quantities summarized on page 4-6 must be modified to verify the recalculated volume estimates as a result of the map and cross section changes.

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

Within 45 days of permit renewal, the permittee must submit a detailed plan for inclusion in the PAP, as to how the following information from the proposed test plots will be achieved, based on the following requirements:

- |                |   |
|----------------|---|
| <u>728.331</u> | Predicted sediment yield from the reclaimed haul road area;   |
| <u>728.332</u> | Acidity, total suspended and dissolved solids and other important water quality parameters of local impact from the impact of coal mining and reclamation operations; and |
| <u>728.335</u> | Characterizations required by the Division for the test plots which must include:   |

- 1) Application methodology assessment for hydromulch (i.e., treatment method-soil prewetted prior to application to allow for better absorption of stabilizers) and other treatments, implying different methods of application must be tried and evaluated;
- 2) Soil bed preparation (roughness of seedbed) in relation to erosion control; and
- 3) Runoff collection on test plots to determine water quality (i.e., TDS and TSS).

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

Within 45 days of permit renewal, the permittee must submit technically adequate plans, for inclusion in the PAP, for sediment control (BTCA) on all areas not being treated by the sediment pond during reclamation. The PAP must include all sediment control measures and siltation measures with design criteria, cross-sections and maps as required by rule R614-301-742.110, Sediment Control Measures.

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

Within 45 days of permit renewal, the permittee must submit a detailed BTCA plan as an appendix to the PAP which specifically addresses the following issues (this is required in addition to the current plan, to use contour furrows and berms as shown on Plate 4-1, sheet 3 of 5):

- 1) A plan for providing sediment control during construction and following construction of all stream crossings and culvert removal sites where permanent diversions will be installed;
- 2) A revised and upgraded plan for the contour furrows and berms as shown on Plate 4-1, sheet 3 of 5 to address the runoff storage capacity of these BTCA measures in relation to the 10-year, 24-hour storm runoff volume. This will verify the treatments' effectiveness in providing treatment for all areas not draining to the sediment pond. This must be included in a BTCA Appendix showing all areas treated with BTCA measures other than sediment ponds; and

- 3) The assessment of the runoff water quality must be included as a design criteria for the test plot study. The data must be interpreted and included as part of the BTCA appendix upon submittal following test plot implementation. The plan must identify the surface water quality and quantity parameters to be monitored, sampling frequency and site location.

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

Within 45 days of permit renewal, the permittee must submit certified cross-sections of the sediment pond and certify maps HM-1 and HM-5 per the requirements identified in R614-301-731.730, R614-301-731.740 and R614-301-731.750.

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

Within 45 days of permit renewal, the permittee must provide drawings (Appendix VIII) that provide consistent information regarding the sediment pond. Three as-built drawings in Appendix VII provide three different pond bottom elevations. Page 3-54 of the PAP states five feet of clearance between a full sediment load elevation and the decant elevation. None of this information is in agreement (drawing #01-52-1-015 was revised on February 24, 1989 and October 1, 1984, to show as-built plans).

In addition to accurate as-built drawings and cross-sections being provided, the following information must also be submitted:

- 1) Sediment levels and clean-out elevations marked on all cross-sections (cross-sections are not marked as-built and certified);
- 2) Decant and clean-out procedures and a sediment testing and storage plan per Division guidelines;
- 3) A discussion of how sediment levels are determined to meet the 60% clean-out elevation determination; and
- 4) Calculations to prove that the open channel spillway is of nonerodible construction and capable of maintaining sustain flows. Riprap sizing calculations for the spillway must be included in Appendix VIII.

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

Within 45 days of permit renewal, all hydrologic calculations for existing hydrologic structures at the Des-Bee-Dove Mine site must be submitted for inclusion in the PAP.

jbe  
DES-STIP.TA



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

*Permit Bids*

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

March 15, 1991

Mr. Blake Webster  
Permitting Administrator  
PacifiCorp Electric Operations  
Fuel Resources  
324 South State Street  
P.O. Box 26128  
Salt Lake City, Utah 84126-0128

Dear Mr. *Blake* Webster:

Re: Permit Transfer Approval, PacifiCorp Electric Operations, Des-Bee-Dove Mine, ACT/015/017, Folder #3, Emery County, Utah

PacifiCorp Electric Operations has met all of the requirements in accordance with R614-303-300 of the Utah Coal Program, including the 510(c) clearance for both PacifiCorp Electric Operations, the permittee, and Energy West Mining Company, the operator. The transfer of the permit (as modified by CO #C90-20-2-1) for the Des-Bee-Dove Mine from Utah Power and Light Company to PacifiCorp Electric Operations is hereby approved.

Enclosed are two copies of the permanent program permit (as modified by CO #C90-20-2-1) that incorporate the change in the permittee's name. Please sign both copies and return one copy to the Division.

Thank you for your continued cooperation.

Best regards,

Dianne R. Nielson  
Director

Enclosures

cc: R. Hagen, OSMRE  
L. Braxton, DOGM  
P. Grubaugh-Littig, DOGM

AT015017.01

**FINDINGS**  
**Permit Transfer**  
**Des-Bee-Dove Mine**  
**ACT/015/017**  
**Successor: PacifiCorp Electric Operations**

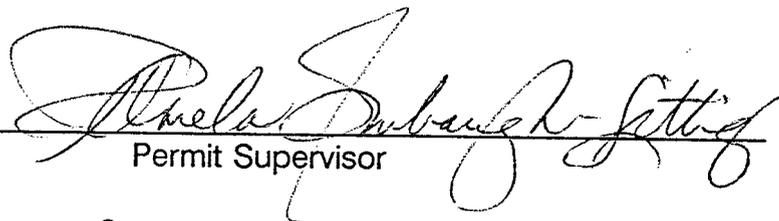
1. All procedures for public participation required by the Act, and the approved Utah State Program have been complied with (R614-300-120).
2. The permit application (as modified by CO #C90-20-2-1) is accurate and complete and all requirements of the Surface Mining Control and Reclamation Act (the "Act"), and the approved Utah State Program have been complied with (R614-300-133.100).
3. The proposed permit area is:
  - (a) Not within an area under study for designated lands unsuitable for underground coal mining operations (R614-300-133.210);
  - (b) not included within an area designated unsuitable for underground coal mining operations (R614-300-133.220); and
  - (c) not on any lands subject to the prohibitions or limitations of 30 CFR 761.11{a} (national parks, etc.), 761.11{f} (public buildings, etc.) and 761.11{g} (cemeteries).
4. Assessment of the probable cumulative impacts of all anticipated coal mining and reclamation operations on the hydrologic balance has made an assessment of the probable cumulative impacts of all anticipated coal mining and reclamation operations on the hydrologic balance in the cumulative impact area and has determined that the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area has been made by the Division. The permit application has been designed to prevent damage to the hydrologic balance in the proposed permit area (R614-300-133.400 and UCA 40-10-11{2}(c)).
5. The operation would not affect the continued existence of any threatened or endangered species or result in the destruction or adverse modification of their critical habitats as determined under the Endangered Species Act of 1973 (16 U.S.C. 1531 et.seq.) (R614-300-133.500).
6. The Division's issuance of a permit is in compliance with the National Historic Preservation Act and implementing regulations (36 CFR 800) and (R614-300-133.600).
7. The successor has demonstrated that reclamation as required by the State Program can be accomplished according to information given in the permit application.

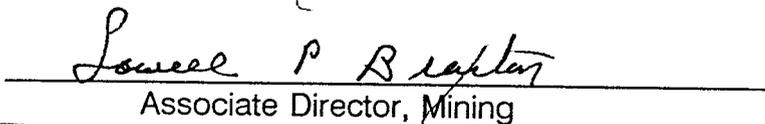
8. The successor has demonstrated that any existing structure will comply with the applicable performance standards of R614-301 and R614-302. (R614-300-133.720)

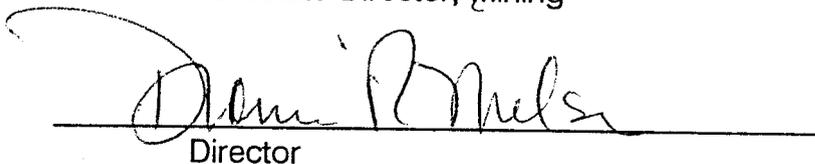
9. The successor has paid all reclamation fees from previous and existing coal mining and reclamation operations as required by 30 CFR Part 870. A 510{c} report has been run on the Applicant Violator System (AVS), which shows that: prior violations of applicable laws and regulations have been corrected; PacifiCorp Electric Operations is not delinquent in payment of fees for the Abandoned Mine Reclamation Fund; and the successor does not control and has not controlled mining operations with a demonstrated pattern of wilful violations of the Act of such nature, duration, and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the provisions of the Act [R614-300-132 (OSMRE Relatedness Report dated February 15, 1991)].

10. The successor has satisfied the applicable requirements of R614-302.

11. The successor has filed a reclamation performance bond in the amount of \$1,837,712 made payable to the Division of Oil, Gas and Mining, and the Office of Surface Mining, Reclamation and Enforcement (OSM).

  
\_\_\_\_\_  
Permit Supervisor

  
\_\_\_\_\_  
Associate Director, Mining

  
\_\_\_\_\_  
Director

FEDERAL

**PERMIT**  
Permit Number ACT/015/017

March 15, 1991

**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

This permit (i.e., the expired permit currently being abated under CO #C90-20-2-1), ACT/015/017, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (Division) to:

**PacifiCorp Electric Operations**  
324 South State Street  
P.O. Box 26128  
Salt Lake City, Utah 84126-0128

for the Des-Bee-Dove Mine. A Surety Bond is filed with the Division in the amount of \$1,837,712, payable to the State of Utah, Division of Oil, Gas and Mining and the Office of Surface Mining Reclamation and Enforcement (OSM). The Division must receive a copy of this permit signed and dated by the permittee.

- Sec. 1 STATUTES AND REGULATIONS** - This permit (as modified by CO #C90-20-2-1) is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act.
- Sec. 2 PERMIT AREA** - The permittee is authorized to conduct underground coal mining activities (when CO #C90-20-2-1 is abated) on the following described lands within the permit area at the Des-Bee-Dove Mine, situated in the state of Utah, Emery County and located:

Township 17 South, Range 7 East, SLM

- Section 11: E1/2, E1/2 W1/2  
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Section 25: W1/2 SW1/4  
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Section 35: Portions of the E1/2 E1/2  
Section 36: Portions of the N1/2 NW1/4

Township 18 South, Range 7 East, SLM

Section 2: Portions of the W1/2 NE1/4, Portions of the NE1/4 SW1/4

This legal description is for the permit area of the Des-Bee-Dove Mine. The permittee is authorized to conduct underground coal mining activities and related surface activities on the foregoing described property subject to the conditions of all applicable conditions, laws and regulations when CO #C90-20-2-1 is abated.

- Sec. 3 COMPLIANCE** - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.
- Sec. 4 PERMIT TERM** - This permit (as modified by CO #C90-20-2-1) becomes effective on March 15, 1991, and expires on August 29, 1995, pending resolution of CO #C90-20-2-1.
- Sec. 5 ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the approval of the Director, Division. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13{e} and R614-303-300.
- Sec. 6 RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the Division, including but not limited to inspectors, and representatives of the Office of Surface Mining Reclamation and Enforcement (OSM), without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:
- (a) have the rights of entry provided for in 30 CFR 840.12, R614-400-220, 30 CFR 842.13 and R614-400-110;
  - (b) be accompanied by private persons for the purpose of conducting an inspection in accordance with R614-400-100 and R614-400-200 when the inspection is in response to an alleged violation reported to the Division by the private person.
- Sec. 7 SCOPE OF OPERATIONS** - The permittee shall conduct underground coal mining activities only when CO #C90-20-2-1 is abated and only on those lands specifically designated as within the permit area on the maps submitted in the approved plan and approved for the term of the permit and which are subject to the performance bond.

**Sec. 8 ENVIRONMENTAL IMPACTS** - The permittee shall take all possible steps to minimize any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of the permit, including, but not limited to:

- (a) Any accelerated or additional monitoring necessary to determine the nature and extent of noncompliance and the results of the noncompliance;
- (b) immediate implementation of measures necessary to comply; and
- (c) warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

**Sec. 9 CONDUCT OF OPERATIONS** - The permittee shall conduct its operations:

- (a) in accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and
- (b) utilizing methods specified as conditions of the permit by the Division in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.

**Sec. 10 EXISTING STRUCTURES** - As applicable, the permittee will comply with R614-301 and R614-302 for compliance, modification, or abandonment of existing structures.

**Sec. 11 RECLAMATION FEE PAYMENTS** - The operator shall pay all reclamation fees required by 30 CFR Part 870 for coal produced under the permit, for sale, transfer or use.

**Sec. 12 AUTHORIZED AGENT** - The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.

**Sec. 13 COMPLIANCE WITH OTHER LAWS** - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq,) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.

**Sec. 14 PERMIT RENEWAL** - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act, the approved Utah State Program and the Federal Lands Program.

**Sec. 15 CULTURAL RESOURCES** - If during the course of mining operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify the Division. The Division, after coordination with OSM, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by Division within the time frame specified by Division.

**Sec. 16 APPEALS** - The permittee shall have the right to appeal as provided for under R614-300-200.

The above conditions (Secs. 1-16) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease. The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of the Division and the permittee at any time to adjust to changed conditions or to correct an oversight. The Division may amend these conditions at any time without the consent of the permittee in order to make them consistent with any federal or state statutes and any regulations.

THE STATE OF UTAH

By: Harriet P. Nelson

Date: 3-15-91

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

\_\_\_\_\_  
Authorized Representative of  
the Permittee

Date: \_\_\_\_\_

FEDERAL

**PERMIT**  
Permit Number ACT/015/017

March 15, 1991

**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

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**PacifiCorp Electric Operations**  
324 South State Street  
P.O. Box 26128  
Salt Lake City, Utah 84126-0128

for the Des-Bee-Dove Mine. A Surety Bond is filed with the Division in the amount of \$1,837,712, payable to the State of Utah, Division of Oil, Gas and Mining and the Office of Surface Mining Reclamation and Enforcement (OSM). The Division must receive a copy of this permit signed and dated by the permittee.

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- Section 11: E1/2, E1/2 W1/2  
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Township 18 South, Range 7 East, SLM

Section 2: Portions of the W1/2 NE1/4, Portions of the NE1/4 SW1/4

This legal description is for the permit area of the Des-Bee-Dove Mine. The permittee is authorized to conduct underground coal mining activities and related surface activities on the foregoing described property subject to the conditions of all applicable conditions, laws and regulations when CO #C90-20-2-1 is abated.

- Sec. 3 COMPLIANCE** - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.
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**THE STATE OF UTAH**

By: Daniel R. Nelson

Date: 3-15-91

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

\_\_\_\_\_  
**Authorized Representative of  
the Permittee**

Date: \_\_\_\_\_

Permit Bidel

**FINDINGS**  
**Permit Transfer**  
**Des-Bee-Dove Mine**  
**ACT/015/017**  
**Successor: PacifiCorp Electric Operations**

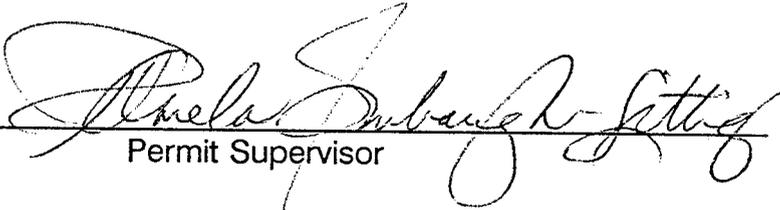
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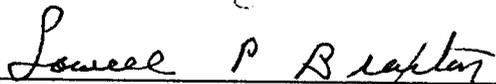
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\_\_\_\_\_  
Permit Supervisor

  
\_\_\_\_\_  
Associate Director, Mining

  
\_\_\_\_\_  
Director

FEDERAL

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**Sec. 15 CULTURAL RESOURCES** - If during the course of mining operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify the Division. The Division, after coordination with OSM, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by Division within the time frame specified by Division.

**Sec. 16 APPEALS** - The permittee shall have the right to appeal as provided for under R614-300-200.

The above conditions (Secs. 1-16) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease. The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of the Division and the permittee at any time to adjust to changed conditions or to correct an oversight. The Division may amend these conditions at any time without the consent of the permittee in order to make them consistent with any federal or state statutes and any regulations.

**THE STATE OF UTAH**

By: William R. Nelson

Date: 3-15-91

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

\_\_\_\_\_  
**Authorized Representative of  
the Permittee**

Date: \_\_\_\_\_

Permit  
Binder

**Technical Analysis  
Des-Bee-Dove Mine  
PacifiCorp Electric Operations  
ACT/015/017  
Permit Renewal**

R614-301-100 GENERAL CONTENTS (SW)

R614-301-112 Identification of Interests

PacifiCorp is an Oregon corporation. The permit permittee is PacifiCorp Electric Operations and the mine operator is Energy West Mining Company (page 1-2). J. Blake Webster, PacifiCorp Electric Operations-Fuel Resources, is the mine's resident agent who will accept Service of Process. The names of PacifiCorp's officers and directors are found on pages 1-5 through 1-10. PacifiCorp currently has 10 coal mining and/or reclamation operations permitted in the United States (pages 1-2 through 1-4). The name and address of each owner of the surface and mineral property to be mined (page 1-39) and of each owner contiguous to the permit area (page 1-11 and 1-12) are listed in the permit application. The mine has three MSHA numbers, one assigned to each mine or portal, Deseret, Beehive and Little Dove. The permittee has no option, bid or other interest in any contiguous acreage other than within the permit areas of the Deer Creek Coal Mine and the Cottonwood Coal Mine.

R614-301-113 Violation Information

PacifiCorp has never had a federal or state coal mining permit suspended, revoked or forfeited a performance bond (page 1-13). A list of all violations received by PacifiCorp is provided on pages 1-14 through 1-28.

R614-301-114 Right-of-Entry Information

The documents upon which the permittee bases their legal right to enter and conduct coal mining and reclamation operations on is found on pages 1-29, 1-35, and 1-38 through 1-41. Surface owner consent for severance from surface and coal rights was given by the McKinnon Trust (page 1-29.1 through 1-29.2).

R614-301-115 Status of Unsuitability Claims

The permittee has consulted with federal land agencies and the Division, no lands within or adjacent to the permit area is designated or under study as unsuitable for coal mining and reclamation operations (page 1-30). No facilities or operations will be conducted within 300 feet of an occupied dwelling.

R614-301-116 through 150 Permit Term, Insurance and Maps

The permit application is for a five-year permit term (page 1-31). The Certificate of Liability Insurance is carried by Associated Electric & Gas Insurance Services Limited (pages 1-32 through 1-34). Public notice of permit renewal was made by PacifiCorp for the Des-Bee-Dove Mine (page 1-43).

The permit application package is clear, concise and filed in a format which is acceptable to the Division. A notarized signature by the Permitting Administrator stating that all information in the permit is true and correct is found on page 7.

All maps and plans are of an appropriate scale, and all applicable maps and plans distinguish between operations which occurred prior to August 3, 1977 and prior to issuance of a permit by the Division on August 29, 1985.

COMPLIANCE

The permittee is in compliance with all sections of R614-301-100.

R614-301-200 SOILS (HS)

R614-301-210 Introduction

Approximately 78 acres of disturbance is associated with the Des-Bee-Dove Mine Facility. Disturbed acreage is as follows: Mine area = 20 acres (pre-PL95-87); haul road = 50 acres; sedimentation pond and haul road = 8 acres (page 3-19). Subsoil was salvaged and stockpiled (Plate 3-7) from the sedimentation pond disturbance (page 3-53). Topsoil and/or subsoil was not separately removed from the mine area because initial construction occurred prior to the passage of PL 95-87 (page 3-22). The haul road was constructed without prior approval from the Division and therefore, no topsoil was salvaged. The permittee has proposed the use of substitute topsoil material as a plant growth medium for the reclamation of the mine area and the haul road (page 4-58).

Soil/spoil analyses of the fills within the mine facilities area is described on pages 4-59 and 4-60. Soil sample results of the adjacent undisturbed soils is on pages 2-183 through 2-188; soil sample results from the haul road on pages 2-177 and 2-178; and soil sample results of the adjacent undisturbed soils on pages 2-179 through 2-182.

### R614-301-220 Environmental Description

The soils of the Des-Bee-Dove Mine are primarily colluvium and rock outcrops derived primarily from sandstone and shale. The soils tend to be very stony or bouldery, loamy skeletal (calcareous) mixed mesic throughout the profile.

An aridic bordering on a xeric to ustic moisture regime with a mesic temperature regime prevails. Average annual precipitation is between 8-10 inches with the mean annual soil temperature higher than 8°C but lower than 15°C. The topography of the area is gently sloping to steep, ranging from 0% to vertical but typically between 50% to 80% slopes. The aspect ranges from north to south but is generally southeast facing. The soil capability classification ranges from VIIIs-sx to VIIIs-3 non-irrigated.

Under native vegetation erosion hazards associated with these soils, are moderate to severe. The erosion hazard for disturbed soils is high to severe. These soils are generally well drained and range in texture from very gravelly sandy loam to silt loam. The pH of the surface horizon ranges from neutral (7.0) to 8.4. The electrical conductivity (EC) is generally low (<4 mmhos/cm at 25°C), however, outwashes and conical slopes derived from Mancos Shale may have EC greater than or equal to 22 mmhos/cm at 25°C. The depths of reported A horizon ranges from 4-18 inches.

The Des-Bee-Dove Mine soil resource was surveyed at an unreported scale; but, the scale appears to be an Order II. The soils in the vicinity of the disturbance are as follows: lithic ustorthents; xerollic calciorthids.

The major limiting factors for the soils in the vicinity of the disturbance is extremely high growing-season temperatures, low precipitation, high exchangeable sodium, and high salt activity. Hence, the soils are low in nutrient and moisture availability and have poor physical conditions which deter water movement and root penetration.

### R614-301-221 Prime Farmland Investigation

An investigation was conducted by the Soil Conservation Service to determine if prime farmland exists within the permit area. Ferris P. Allgood, State Scientist (1983) for the U.S. Soil Conservation Service, determined that the soils in the permit area are too steep and/or above established irrigation systems and therefore, do not meet the requirements for prime farmland (pages 2-224 through 2-227).

### R614-301-230 Operational Plan

The disturbance associated with the mine area occurred prior to the passage of PL 95-87 (page 3-22). The disturbance created during the haul road construction was accomplished without prior approval from the Division. Topsoil was not separately salvaged from these areas. The permittee has proposed utilizing substitute topsoil from the surface (top 18-24 inches, page 4-62) of the five major fills of the mine area and the downcast road fill/base material from the haul road (pages 4-58 & 4-62).

As of February 6, 1987, the Des-Bee-Dive Mine was temporarily closed. The mine remains idle; however, prior to the resumption of coal mining activity, the permittee will give six months advance public notification (Page 3-1). The permittee does not anticipate new disturbance during the ensuing five-year permit term (page 3-22). The only activity planned for the next permit term is general maintenance and inspections and implementations of test plots to determine the suitability of the proposed substitute topsoil material (see R614-301-233).

### R614-301-233 Topsoil Substitutes and Supplements

The downcast material and fill along the haul road was sampled in 1985 (page 2-177 through 2-178). Results indicate a saline/sodic soil and material which is unacceptable as a plant growth medium for final reclamation when compared with adjacent undisturbed soils (i.e., potential borrow material sampled in 1990) (pages 2-179 through 2-182) and Division Guideline for the Management of Topsoil and Overburden (Table 2).

The permittee has proposed the use of the road fill material as a plant growth for final reclamation (page 4-58). The permittee has prepared and submitted a proposal (letter to Pam Grubaugh-Littig, dated July 31, 1990/Des-Bee-Dove Haul Road Reclamation Study, February 15, 1991) to conduct field site trials to determine the reclaimability of the major fill slope located between stations 131+00 and 142+00 (Plate 5-5). Division review of said proposal will continue and test plots will be implemented in the Fall of 1991.

More favorable plant growth conditions exist from stations 165+00 through 243+18. This material is primarily sandstone parent material with lower slope angles and with adjacent undisturbed pinyon-juniper overstory and greater effective precipitation. However, as indicated by the soil analysis and the poor interim revegetation success along the embankments of the road, the Division finds that additional field site trials or the identification of a borrow site is necessary to insure the reclamation of this portion (including the access road to the sedimentation pond) of the haul road.

The outcome of the aforementioned site trials will greatly influence the reclamation plan for the haul road. Successful techniques as proven by the site trials will only be incorporated into the reclamation plan after Division approval (page 4-82).

The suitability of the five major fills within the mine area (i.e., proposed substitute topsoil material) and the depth of the coal waste soil mantle within the tipples pad must be determined. The original sample set found on pages 4-59 and 4-60 is incomplete and must be compatible with the soil analysis conducted for the undisturbed soils adjacent to the mine area (pages 2-183 through 2-188).

#### 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 tipples 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.

#### R614-301-234 Topsoil Storage

The only topsoil/subsoil stockpile on the permit area is located adjacent to the sedimentation pond (plate 3-7, sheet 3 of 3). At the time of pond construction, it was determined that no topsoil existed in sufficient quantities to warrant separate removal and storage. Therefore, only subsoil has been stockpiled. Approximately 12,650 yds<sup>3</sup> of material has been stockpiled (Map 2-13, sheet 1 of 3). The stockpile has been seeded and is protected by berms, diversions and sediment control structures (page 3-53).

The pond area (4.5 acres) will be covered with the stockpile material at an average depth of 18 inches. Revegetation will proceed as outlined for the haul road (page 4-88).

#### R614-301-240 Reclamation Plan

As stated before, the reclamation of the mine area and haul road will be contingent upon the results derived from the various revegetation test plots (page 4-7). However, the basic reclamation procedure will not vary substantially from the forthcoming narrative.

All concrete, asphalt and all coal cleaned from the surface of the mine area will be used as coarse backfill and buried against the highwalls and covered with at least four feet of nontoxic- and nonacid-forming material (pages 3-24, 3-27, 3-30, 4-1, and 4-65). Maximum final fill slopes will be equal to or less than 2h:1v (page 4-1).

All asphalt and road base from the haul road will be placed at the north end of the project area and will be covered with four feet of soil removed from the excavation of the drainage channel (page 4-7).

If fill material is suitable as a plant growth medium for final reclamation of the mine area (see R614-301-233), the upper 18-24 inches of fill will be removed and temporarily stored (page 4-62) and protect with a mulch cover (page 4-69). After final grading, the surface of the backfilled material will be in an uncompacted roughened condition. If compacted, smooth surfaces exist, the material will be ripped to eliminate slippage surfaces and promote root penetration (page 4-70). All reclaimed roads will be scarified (page 4-90). The temporarily stored substitute topsoil will be redistributed on the newly graded surface 6-12 inches deep (page 4-62). Following redistribution of topsoil, samples will be taken (2 samples/acre @ 1 foot) and analyzed (page 4-101) for fertilizer recommendation. Fertilizer will then be applied at the recommended rates (page 4-70). The site will then be hand broadcast with seed (seed mixture page 4-76) and raked to cover seed. Following seeding, the area will be covered with hay mulch (2 tons/acre) and netted or covered with erosion control blanket (page 4-77). If rills and/or gullies on regraded surfaces develop that are greater than nine inches, the channels will be filled, regraded or otherwise stabilized and the areas will be reseeded.

The revegetation plan for the haul road may be revised to incorporate the results of the test plot studies; however, reclamation will follow the techniques and methodologies outlined above, except where noted below.

The haul road Pinyon-Juniper vegetation type seed mixture and the haul road/sediment pond salt desert shrub vegetation type seed mixture are described on pages 4-82 and 4-83. After backfilling and grading and installation of contour furrows (page 4-7) the material which ends up at the surface will be treated with soil enhancer (i.e., Land Tech Irish Peat at 250 lbs/acre) (page 4-84). The area will be hydroseeded. Fertilizer will be applied at the following rate: Ammonium Nitrate - 200 lbs/acre; Triple Super Phosphate - 300 lbs/acre; Sulfur - 1000 lbs/acre. A wood fiber hydromulch with tackifier will be applied at 2000 lbs/acre and 50 gal/acre respectively.

## COMPLIANCE

The permittee is in compliance with all sections of R614-301-200, except for condition R614-301-233-(1) (HS).

## R614-301-300 BIOLOGY (SW)

### R614-301-320 Environmental Description

The Des-Bee-Dove Mine permit area covers five vegetative communities (page 2-159). The Pinyon-Juniper is the largest covering 1,480 acres or 53 percent of the area. The Pinyon-Juniper community is also the largest vegetative type which has been disturbed, 70 percent of the disturbance or 55 acres. There are 640 acres of sagebrush and 607 acres of mixed-Conifer communities within the permit area, although none of these vegetation types are located within the disturbed area. The Salt-Desert shrub community, which only makes up three percent of the permit area vegetation, makes up 30 percent of the disturbed area. One small Aspen community is within the permit area, this area is only three acres in size.

The Soil Conservation Service estimated productivity of the Pinyon-Juniper and Salt-Desert shrub communities at the Des-Bee-Dove Mine area. Potential production of the Pinyon-Juniper community is 1,000 pounds per acre and only 200 pounds per acre in the Salt-Desert shrub community (page 2-154). Low productivity on these sites is not unexpected due to low rainfall amounts and the southern exposure of the mine area.

A letter from the U. S. Fish and Wildlife Service in 1980 states, "To the best of our knowledge, no endangered or threatened plant species or critical habitat or threatened or endangered wildlife species occur in the disturbed areas of the subject mining operations" (page 2-196). A letter sent to the U.S. Fish and Wildlife Service by the Division requesting current confirmation of this statement was signed on March 26, 1991. The permittee states that there has been winter sightings of Bald Eagles flying above the permit area.

The lower portion of the permit area haul road is classified as high priority deer winter range (Map 2-18). Critical elk winter range is located above the disturbed area, within the permit area on East Mountain. The entire escarpment area along East Mountain is designated as a raptor nesting zone (Map 2-178). This includes the mine disturbance area. Three golden eagle nest groups are found within the permit area.

The location and boundary of the reference areas are shown on Maps 2-12 and 2-13. These maps also delineate vegetative communities within the disturbed area boundary and within and adjacent to the permit area.

### R614-301-330 Operation Plan

Most of the mine area at the Des-Bee-Dove Mine was disturbed prior to August 3, 1977. However, the permittee has stabilized all fill slopes within the mine facilities area with planting an interim seed mixture (page 4-164). The permittee has

committed to control erosion on disturbed areas by vegetative planting (page 4-66). The seed mixture, seedbed preparation, fertilizer and mulch plans for interim revegetation are found on pages 4-66 through 4-68.

Planned subsidence is expected through pillar extraction. Subsidence from both coal seams should not exceed 20 feet (page 4-150). The permittee has committed to replace any water, or any other resources, lost due to subsidence (page 4-156). Historically, the mine has had escarpment failure under the Castle Gate Sandstone (page 4-157). Future mining plans provide for greater protection of the escarpment. The golden eagle nests, 56B and 87C, are located within future proposed mining areas. Both these nest sites overlie barrier pillars which will remain unmined (page 4-161) as protection from subsidence.

Critical elk winter range and other areas on East Mountain are generally unaffected from mining disturbance (page 4-160). Subsidence monitoring is conducted annually to detect any such disturbance. No prime fisheries are located within the permit area, however hydrologic monitoring and sediment treatment continues on the properties. The transmission line to the mine provides phase-to-phase and phase-to-ground clearances to preclude electrical contact of raptors as agreed by the U. S. Fish and Wildlife Service (page 4-161). The haul road runs through high priority deer winter range. Employees are shown a video produced by the Utah Division of Wildlife Resources (UDWR) to reduce the disturbance and killing of wildlife (page 4-162). Training is also provided on how to avoid deer-vehicle collisions as well as posting signs on the haul road (page 4-163). Personnel will also be instructed on the value of snake dens and reporting such locations to UDWR.

#### R614-301-340 Reclamation Plan

The permittee has developed a revegetation schedule which should allow sufficient times to complete all tasks (page 4-75.1).

Three different seed mixtures are proposed for final reclamation. The seed mixtures are the mine site - Pinyon-Juniper vegetation type (page 4-76), haul road - Pinyon-Juniper vegetation type (page 4-82), and haul road sediment pond - Salt-Desert shrub vegetation type (page 4-83).

The mine site seed mixture will be applied by broadcasting methods. The area will be raked to cover the seed and fertilizer. Areas which have been hand broadcast seeded will be covered with 2 tons per acre mulch and netting or erosion control blanket. Following hydroseeding, 2,000 pounds mulch with tackifier will be applied. The permittee was asked to delineate where each mulch treatment would be applied. The permittee felt that the requirements of the regulation had been met without this designation (response to technical deficiency, letter dated February 7, 1991). The

spring following planting, 200 shrub and tree species per acre will be planted (pages 4-76 through 4-79).

The appropriate haul road seed mixtures will be applied with a hydroseeder. No plans are stated to try to incorporate the seed by raking. The request was made to the permittee by the Division to drill seed accessible area along the haul road. The permittee's response was that the request is not supported by the regulations (letter dated February 7, 1991). Fertilizer and sulphur will be applied by the hydromulcher. Hydromulch will then be applied at the rate of 2,000 pounds per acre (pages 4-82 through 4-84).

Final reclamation will restore drainage channels and revegetate the disturbed area. Rock piles of varying sizes will be left as small mammal habitat. Some of the revegetation seed mixture is similar to the adjacent undisturbed community. The mine site seed mixture is primarily designed for erosion control on steep slopes, and not for wildlife value. However, if sufficient plant diversity is established, sufficient food and cover for wildlife should be obtained (page 4-165).

The plan for planting trees and shrubs at the mine site calls for clumping and layering in order to optimize cover value (page 4-78). Shrubs seeded along the haul road have proven nutritional value for wildlife species, particularly deer in this high priority winter range area. Shrubs seeded in the Salt-Deseret shrub community along the haul road were primarily selected for the ability to grow in Mancos Shale. Nutritional value was also selected for in some shrubs however, test plot information will determine if the shrubs will grow in this soil type.

#### R614-301-350 Performance Standards

The proposed vegetative cover is designed to be diverse, effective, permanent and capable of stabilizing the soil surface. However, two problem areas exist in the disturbed area:

- Area 1      In final reclamation the Pinyon-Juniper mine site disturbance area will have topsoil applied of which some has been seeded with Crested Wheatgrass and Smooth Brome. This potential seed bank of Crested Wheatgrass and Smooth Brome could establish plants on the final reclaimed area. The permit (page 4-73 through 4-75) justifies the use of these species due to deep rooting depth (Smooth Brome) and drought resistance (Crested Wheatgrass). These are the characteristics which tend to make these species aggressive and out compete the native species. This could potentially reduce diversity in this area. However, the U. S. Forest Service insists that this seed mixture is consistent with the management plan for the area (page 4-66).

Area 2      The Salt-Desert shrub disturbed area along the haul road is in the Mancos Shale formation. The soil is high in clays, erosive and high in salts. Some steep slopes also occur in this area. Some success has occurred from interim seeding on gentle slopes. However, to date, no success has been achieved from interim seeding on the steeper slopes. Deep erosion gullies have formed on the road fill slopes. Currently, a test plot was installed by the operator (in 1989) to test a synthetic emulsion for erosion control and the seed mixture. Additional test plots are scheduled to be installed in the Fall of 1991.

Total vegetative cover of the Salt-Desert shrub reference area is 26 percent. If 26 percent cover is achieved on the reclaimed Mancos Shale steep slopes, this still may not be sufficient vegetative cover to control erosion. The reclaimability of this area to predisturbance conditions is yet to be proven. These areas were approved by OSM in 1985.

The disturbed areas will be seeded in the Fall. Fall is the locally accepted season of planting in this area.

Success standards for Phase II bond release will be judged by comparing the reclaimed areas to reference areas and pre-determined shrub density standards. Two reference areas were selected; a Pinyon-Juniper and Salt-Desert shrub. Reference areas are shown on Map 2-13. Baseline vegetative data for the two reference areas are detailed in a consultants report on pages 2-145 through 2-166 and 2-168. Vegetative cover, shrub and tree density and species lists were measured and compiled for these sites.

The postmining land use is for wildlife and livestock grazing. Therefore, diversity, cover productivity, and shrub stocking rates will be used to determine revegetation success using Division accepted statistical comparisons and confidence intervals (page 4-85). The period of extended responsibility will continue for a minimum of ten years. Quantitative vegetation monitoring will occur in years 2, 3, 5, 9 and 10. Productivity measurements will be taken in years 9 and 10 (pages 4-80 through 4-82 and 4-85 through 4-87) and reference area data in year 10.

## COMPLIANCE

The permittee is in compliance with all sections of R614-301-300.

## R614-301-400 LAND USE AND AIR QUALITY (SW)

### R614-301-411 Environmental Description

Mining began in 1898 in an unnamed canyon in which the Des-Bee-Dove mines are now located. Mining has continued off and on until the present (page 3-1). Utah Power and Light purchased the mine from the LDS church in 1972. Both the Blind Canyon Seam (map 1-3) and Hiawatha Seam (map 1-3) were mined prior to August 3, 1977. Additionally, the haul road was built without Division approval and a cessation order was issued. As such, no pre-mining productivity or land conditions are available.

However, reference areas are representative of the premining condition of the land. Productivity data is given on page 2-154, and the ecological condition of these reference areas are rated as fair. Land uses within the permit area, as described by the land use agencies, are recreation, forestry and mining, non-rangeland, grazing, and sand and gravel, as designated on map 2-17A. A discussion on livestock and wildlife stocking rates is given on pages 2-220 and 2-221.

Two cultural resource surveys were conducted for the permit area. One survey in 1980 for the general permit area (pages 2-1 through 2-131) and another for the haul road (pages 2-134 through 2-142). No significant finds were reported by the consultant. A letter from the Utah Division of State History (page 2-132), dated August 8, 1990, confirms the consultants report.

### R614-301-412 Reclamation Plan

The postmining land use is grazing and wildlife habitat (page 4-106). By regrading to approximate original contour and after revegetation, the wash area should provide equivalent vegetative cover. Other areas at the mine site will be regraded to approximate original contour. However, terraces will be incorporated into the landscape where once steep, eroded slopes were located (page 4-105). These terraces will provide enhanced vegetative cover from the original area and flat areas for the wildlife and livestock. The reclamation of the road system will leave a cattle trail for access to the top of East Mountain. The cattle trail will allow continued use of the area by cattlemen, sportsmen and property owners. The trail will exclude vehicle use. The absence of water limits the potential of other uses (page 4-106).

Land surface owners are the U.S. Forest Service, Bureau of Land Management and the State of Utah Division of Lands and Forestry. The right-of-way for the surface use of these lands state that each site will be restored to their natural state (page 4-107). The permittee believes that the reclamation of these lands is in compliance with the right-of-way and postmining land usage.

## COMPLIANCE

The permittee is in compliance with all sections of R614-301-400.

### R614-301-500 ENGINEERING (JK)

#### R614-301-512 Certification (See R614-301-731.700, .730, and .740)

Most cross-sections, maps, plans and engineering designs which require certification under this section have been certified by a qualified, registered, professional engineer (page 6 and certification stamps on individual maps and plans).

#### R614-301-513 Compliance with MSHA Regulations and MSHA Approvals

There are no impoundments which meet the size or volume criteria of 30 CFR 77.216(a), no coal processing waste dams or embankments, and no refuse piles at this mine site.

The mine was idled in February of 1987. At that time, all openings to the surface from underground were temporarily sealed and posted with warning signs, in accordance with 30 CFR 75.1711 (page 3-1). All openings will be maintained in this temporarily-sealed condition throughout the permit period. The Division will be given 30 days notice if and when the mine reopens.

#### R614-301-514 Inspections

There are no excess spoil disposal facilities or structures and no refuse piles which require inspection or certification.

The permittee commits to making quarterly inspections of the sediment pond and to include these inspections in the Annual Report (page 3-20). This commitment, however, is incomplete.

### 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 sediment pond quarterly, either by a professional engineer or else by a specialist experienced in the construction of impoundments (514.310);

- 2) Certification of the quarterly report promptly after each inspection by a qualified, registered, professional engineer and to send a copy of the report to the Division (514.312); and
- 3) Annual certification of the sediment pond by a qualified, registered, professional engineer and inclusion of the certification in the Annual Report.

R614-301-515 Reporting and Emergency Procedures

In the event of either a slide or an impoundment hazard, the permittee is committed to notify the Division promptly and to comply with any remedial measures required to protect and ensure the public health and safety (page 3-18).

In the event that temporary cessation of operations is to extend beyond 30 days, the permittee is committed to notify the Division and to comply with all of the requirements of R614-301-513.300 (page 3-18).

R614-301-516 Prevention of Slides in Surface Coal Mining and Reclamation Activities

Not applicable.

R614-301-520 Operation Plan

R614-301-521.110 Previously Mined Areas

Maps 1-3 (Mine Permit Area with Mine Development - - Beehive/Little Dove Mine) and 1-4 (Mine Permit Area with Mine Development - - Deseret Mine) show the location and extent of known workings of active, inactive, and abandoned underground mines within the permit and adjacent areas.

R614-301-521.120 Existing Surface and Subsurface Facilities and Features

Maps 3-6 and 3-7 (Surface Facilities Location Map), and Map 3-10 (Existing Earthen Structures) correctly show the locations of buildings, facilities, features, and roads within and adjacent to the permit area.

R614-301-521.130 Landowners and Right of Entry and Public Interest Maps

Maps 1-1 (Coal Ownership Map) and 1-2 (Surface Ownership Map) correctly show the boundaries and present owners of all lands within or contiguous to the permit area as well as those lands upon which the permittee has the legal right to enter and begin coal mining operations.

R614-301-521.140 Mine Maps and Permit Area Maps

Maps 1-3 (Mine Permit Area with Mine Development - - Beehive/Little Dove Mine), 1-4 (Mine Permit Area with Mine Development - - Deseret Mine), 1-5 (Disturbed Area Boundary Map), 3-10 (Existing Earthen Structures), 4-1 (Final Reclamation Map), and 4-3 (Disturbed Area Cross Sections) correctly show all areas which will be affected by mining and reclamation operations. A planimeter check of the permit area and disturbed area as represented by the maps shows them to be very close to the respective values of 2847 acres and 74.5 acres calculated by the permittee.

R614-301-521.150 Land Surface Configuration Maps

Maps 3-6 and 3-7 (Surface Facilities Location Map), 3-8 (Surface Drainage Map), and 3-10 (Existing Earthen Structures) adequately represent the existing land surface configuration of the area affected by surface operations and facilities.

R614-301-521.160 Maps and Cross Sections of the Proposed Features for the Proposed Permit Area

Maps 1-2 (Surface Ownership Map), 1-5 (Disturbed Area Boundary Map), and 3-6 and 3-7 (Surface Facilities Location Map) show all buildings and facilities, bonded areas, coal loading and storage areas, noncoal waste storage areas, and explosive storage facilities.

R614-301-521.170 Transportation Facilities Maps

Roads and conveyors are the only transportation facilities at this mine. All are shown on Maps 3-6 and 3-7 (Surface Locations Map) and described in detail in the text of the mine plan (pages 3-43 through 3-46).

R614-301-521.200 Sign and Markers Specifications

The permittee commits to maintaining mine and permit identification signs, perimeter markers, buffer zone markers, topsoil markers, and explosive warning signs in the appropriate places. All signs will be made of thin sheet metal and each type will be of a uniform design (pages 3-17 through 3-18).

R614-301-522 Coal Recovery

The mining operation will involve only room-and-pillar methods. Pillars will be extracted, except in those areas where they may be needed for roof support. Only barrier pillars and strata control coal will be left in place. Using such mining methods, the permittee expects an overall coal recovery rate of just over 50%. The permittee

commits, moreover, to work with the Bureau of Land Management to extract the maximum amount of economically recoverable coal (pages 3-7 through 3-9).

#### R614-301-523 Mining Methods

The application contains a full description of the proposed mining operation. Room-and-pillar methods with continuous mining machinery will be employed. The mining plan will be based on a six-entry system, with 20-foot entries on 80-foot centers. Three to five entries will be driven in development sections, and these entries will be 20-feet wide and will be driven on 50-foot X 100-foot centers. Using these mining methods, the permittee expects to reach an annual production of approximately 800,000 tons (pages 3-7 through 3-17).

#### R614-301-524 Blasting and Explosives

Since the mine site is already fully developed, the permittee does not foresee the need for any surface blasting. However, should the need for explosives arise, the permittee commits to develop a blasting plan in accordance with this section (Appendix VI and page 3-46).

#### R614-301-525 Subsidence

The application contains a subsidence control plan which includes an inventory of the area likely to be affected by subsidence, a description of methods of subsidence control to be employed, plans for mitigation of subsidence-caused damage, and details of a subsidence monitoring plan (pages 4-148 through 4-160).

The area likely to be affected by subsidence contains renewable resources in the form of springs, water seeps, grazing land, timber, and wildlife. Streams in the area are all ephemeral or intermittent. No structures such as buildings, roads, powerlines, oil or gas wells, pipelines, or utility structures are found in the area (page 4-148).

Room-and-pillar mining with pillar extraction is, by definition, a method of planned and controlled subsidence. The permittee expects, therefore, that any subsidence will occur as a gradual and uniform lowering of the land surface with little effect on the resources of the area (page 4-149).

The permittee commits to mitigate any material damage caused by subsidence. Such mitigation will consist of repair of subsidence cracks, repair of fences or stock ponds, and restoration of lost or diminished water resources (pages 4-155 through 4-157).

Subsidence was originally monitored using a combination of conventional surveying and aerial photogrammetry. However, since 1987, aerial photogrammetry has been the sole method of gathering subsidence data. Subsidence data are gathered from a network of control points which are established over each panel. The data are compiled in both map and table form and are submitted to the Division in the Annual Report. Subsidence monitoring will continue until subsidence has ceased, as agreed upon by both the permittee and the Division (pages 4-150 through 4-155).

#### R614-301-526 Mine Facilities

The application contains a narrative explaining the construction, use, maintenance, and removal of all surface facilities. All facilities are listed, along with their respective dates of construction, on page 3-57. Individual descriptions of all facilities are located throughout the text of Part 3. All facilities are located on Maps 3-6 and 3-7 (Surface Facilities Location Map), and photographs of all facilities are found in Appendix IX.

The permittee commits to operating and maintaining all facilities in accordance with R614-301. All facility plans are on file and available for public inspection at PacifiCorp Electric Operations office in Salt Lake City, Utah (pages 3-19 through 3-72).

#### R614-301-527 Transportation Facilities

There are two primary roads and no ancillary roads in the permit area. The two primary roads are the mine access road and the Des-Bee-Dove/Wilberg junction road. The mine access road begins at the lower end of the mine property and ends in the area of the Beehive portal. It is approximately 6100 feet in length. The Des-Bee-Dove/Wilberg Haul Road begins near the lower end of the property, on Danish Bench, winds past the sedimentation pond, and ends at its junction with the Wilberg road. It is approximately 2.8 miles long (pages 3-43 through 3-45).

Seven conveyors are used in the coal handling and sizing process. They are (1) the Little Dove Conveyor, (2) the Transfer Reclaim Conveyor, (3) the Deseret Conveyor, (4) the Main Stockpile Feed Conveyor, (5) the Auxiliary Stockpile Feed Conveyor, (6) the Tipple Feed Conveyor, and (7) the Tipple Process Conveyor. All conveyors are 42 inches in width except for the Tipple Feed Conveyor, which is 36 inches in width.

The Little Dove Conveyor delivers coal from the Little Dove portal to the stacking tube transfer, from the base of which it is delivered to the Deseret transfer by the Transfer Reclaim Conveyor. The Deseret Conveyor delivers coal to the Deseret transfer from both the Deseret mine and the Beehive mine via an underground transfer.

Two conveyors leave the Deseret transfer: the Main Stockpile Feed Conveyor and the Auxiliary Stockpile Feed Conveyor. The Main Stockpile Feed Conveyor delivers coal from the Deseret Transfer to the Main Stockpile by way of the picking table and the large concrete surge bin. The Auxiliary Stockpile Feed Conveyor delivers coal from the Deseret transfer to the upper coal storage pile, which lies next to the Main Stockpile and on the same earthen pad.

The Tipple Feed Conveyor takes coal from the base of the Main Stockpile to the Tipple and the Tipple Process Conveyor. The Tipple Process Conveyor, of course, is simply the internal tipple conveyor system (pages 3-45 through 3-46).

R614-301-528 Handling and Disposal of Coal, Overburden, Excess Spoil, and Coal Mine Waste

Coal is carried to the tipple from the mines by the conveyor system described in Section 527 (Transportation Facilities) above. It is sized and sorted in the tipple process. It is then loaded into trucks at the tipple and carried from there to its various destinations, primarily the Hunter Power Plant (pages 3-26 through 3-27).

Little, if any, overburden or spoil is now produced at this mine. That which was produced in the past was produced before 1977 and was incorporated into the various earthen fill structures and will be used as fill in final reclamation (pages 3-22).

No coal processing waste is produced as coal is not washed at this site.

Noncoal mine waste is gathered in concrete trash bins near the mine portals and in a pile below the tipple. As required, the noncoal waste is hauled from these bins to a state landfill for disposal (page 3-28).

R614-301-529 Management of Mine Openings

This mine has been idle since February 6, 1987. All mine openings have been sealed with temporary seals. All openings have, in addition, been fenced and posted with warning signs to prevent entry by unauthorized persons or by wildlife (pages 3-1 and 3-6). This temporary closing of the portals is in accordance with 30 CFR 75.1711-3.

R614-301-530 Operational Design Criteria and Plans

R614-301-532 Sediment Control

The total disturbed area of the mine site, including the sedimentation pond, is only 74.5 acres. Because of the steep topography and lack of space, the area designed for runoff collection and sediment control is almost 300 acres.

Runoff from both disturbed and undisturbed areas is collected by the drainage system and routed to the sedimentation pond. The drainage system consists of berms and ditches which catch the runoff from the pad areas and of underground culverts which collect this runoff, carry it beneath the permit area, and discharge it into the main channel of the canyon. The runoff follows the main channel then enters a large 72-inch diameter culvert which carries it beneath the Des-Bee-Dove/Wilberg Haul Road, and discharges into the sedimentation pond just south of that road. The entire runoff collection system, including the sedimentation pond, is designed to completely handle a 10-year, 24-hour storm event (pages 3-33 through 3-42 and 3-51 through 3-55).

Sewage from the office and bathhouse is collected in a 2500-gallon septic tank just south of the office complex. Treated effluent from the septic tank goes through a 6-inch line to a leach field near the tippie (page 3-38).

Areas, the runoff from which cannot be routed to the sedimentation pond, are designated as Alternative Sediment Control Areas (ASCAs). These areas are listed in Table 7, page 3-40. The sediment control for these areas consists of silt fences, straw bales, gravel filter dikes, berms, and catch basins. The total ASCA area for the mine site is 1.24 acres (pages 3-38 through 3-40).

In addition to the sediment control measures already mentioned, the permittee commits to contemporaneous reclamation and revegetation of denuded areas (pages 3-38 through 3-42).

#### R614-301-533 Impoundments

To meet State and Federal effluent limitations, a single sedimentation pond was constructed in 1979. The pond has a capacity of 19.8 acre-feet, which is adequate to completely contain a 10-year, 24-hour storm event. The pond is partly incised and partly banked. It lies south of the mine site in the bottom of the main channel of the canyon (pages 3-52 through 3-55 and Appendix VIII).

The sediment pond was analyzed for static and seismic stability by the firm of Chen Northern, Inc. in August of 1990. Chen Northern used, for the analysis, a standard rotational failure model (Bishop's Simplified Method of Slices). The pond embankments were found to have a minimum static factor of safety of 1.65 and a minimum seismic (pseudo-static with acceleration of 0.1g) factor of safety of 1.28. These figures compare favorably with the respective required minimum values of 1.5 and 1.2 (Appendix III).

#### R614-301-534 Roads

There are two primary roads and no ancillary roads in the permit area. The two primary roads are the mine access road and the Des-Bee-Dove/Wilberg junction road. The mine access road begins at the lower end of the mine property and ends in the area of the Beehive portal. It is approximately 6100 feet in length. It is paved below the office/bathhouse/warehouse pad and gravel surfaced above there. Its average grade is about 10%. Plans, profiles, and cross-sections for the mine access road are found in Map 3-9 (pages 3-43 through 3-44)

The Des-Bee-Dove/Wilberg Haul Road begins near the lower end of the property, on Danish Bench, winds past the sedimentation pond, and ends at its junction with the Wilberg road. It is approximately 2.8 miles long and is paved over its entire length. Plans, profiles, and cross-sections for the Des-Bee-Dove/Wilberg junction road are found in Appendix XIV (pages 3-43 through 3-44).

The road embankments were analyzed for static stability by the firm of Chen Northern, Inc. in August of 1990. Chen Northern used, for the analysis, a standard rotational failure model (Bishop's Simplified Method of Slices). The embankments were found to have a minimum static factor of safety of 1.72. This figure compares favorably with the required minimum value of 1.3 (Appendix III).

#### R614-301-535 Spoil

No spoil is now produced at this mine. Spoil which was produced in the past was produced before 1977 and was incorporated into the various earthen fill structures and will be used as fill in final reclamation (page 3-22).

#### R614-301-536 Coal Mine Waste

Coal mine waste, including sedimentation pond cleaning waste, is disposed of in a 16-acre waste rock disposal facility which lies just west of the Cottonwood/Wilberg haul road. This facility is shared with the Cottonwood/Wilberg Mine and was permitted in 1990 as a major revision of the Cottonwood/Wilberg permit (ACT/015/019).

The waste rock disposal facility is essentially a head-of-hollow fill which lies at the head of an ephemeral wash near the base of a cliff. Waste rock is placed in the fill and compacted in 10-foot lifts. As each lift is being filled, its outslopes are covered with topsoil and revegetated. This cycle of compaction and contemporaneous reclamation will continue until the design capacity of the entire facility is reached (page 3-43 and Cottonwood/Wilberg Waste Rock Storage Facility Volume, ACT/015/019).

R614-301-537 Regraded Slopes

See R614-301-533 (Backfilling and Grading) below.

R614-301-540 Reclamation Plan

R614-301-542 Narratives, Maps and Plans

542.100 Reclamation Timetable -- In accordance with this section, the PAP includes a detailed timetable for the completion of each major step in the reclamation plan. The timetable shows the time estimated for the completion of each major step in reclamation as if that step were an operation in itself. Most of the reclamation operations, however, will be conducted concurrently rather than consecutively. Thus, the initial phase of reclamation, which will involve the largest proportion of reclamation activities -- and which will include removal of facilities, portal sealing, backfilling and grading, disposal of toxic- and acid-forming materials, drainage channel installation, and revegetation -- is expected to take approximately 105 days. Reclamation of the Des-Bee-Dove/Wilberg Haul Road and the sediment pond will be accomplished five years into the reclamation period and is expected to take approximately 70 days (pages 4-109 through 4-115).

542.200 Backfilling Plan -- In accordance with this section, the PAP includes a plan for backfilling, soil stabilization, compacting and grading (see R614-301-553 "Backfilling and Grading").

542.300 Final Surface Configuration Maps -- Map 4-1 (Final Reclamation Map), which includes five sheets, shows the planned final surface configuration with contour maps (sheets 1, 2, and 3) and cross-sections (sheets 4 and 5). These sheets, however, do not accurately represent the final surfaces, or the required and available volumes of material for the various earthwork operations. In addition, Map 3-10 (Existing Earthen Structures), which is tied to Map 4-1, does not clearly show what material will be displaced. These deficiencies were discussed in a May 29, 1991 meeting between Jesse Kelley of the Division and Blake Webster of PacifiCorp Electric Operations.

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

crosshatching, highwalls, portal faceups, and other areas which will receive fill material.

- 2) Map 4-1 (Final Reclamation Map), sheet 2, must be modified to accurately show the anticipated final surface configuration of the present earthen fill structures.
- 3) Map 4-1 (Final Reclamation Map), sheet 5, must be modified to correspond to Map 3-10, i.e., it must show those areas that will receive and those that will contribute fill material with the same shading and crosshatch scheme used on Map 3-10.
- 4) Accurate cross-sections of the bathhouse/warehouse pad must be added to Map 4-1 (Final Reclamation Map), sheet 4. These cross sections must demonstrate that there is sufficient material available at the edge of the bathhouse/warehouse pad to completely backfill the pad, when that material is combined with the material that will be contributed by the other fill structures.
- 5) Earthwork quantities summarized on page 4-6 must be modified to verify the recalculated volume estimates as a result of the map and cross section changes.

542.500 Timetable and Plan for Sediment Pond Removal -- In accordance with this section, the PAP includes a plan and timetable for removal of the sediment pond. Removal of the sediment pond will take place five years after the start of the reclamation period. The pond will first be drained and allowed to dry. It will then be broken down and backfilled to achieve the original contour of the area and reestablish the original drainage (pages 4-88 through 4-89 and Map 4-1, sheet 3).

542. 600 Roads -- In accordance with this section, the PAP includes plans for reclaiming all roads. There are two primary roads: the Portal Access Road and the Des-Bee-Dove/Wilberg Haul Road.

The portal access road will be reclaimed during the initial phase of reclamation. The asphalt surface will be removed and buried at the base of the bathhouse/warehouse fill (page 4-132). The road surface will then be ripped, covered with topsoil, and revegetated (pages 4-89 through 4-90). The road, in its roughened condition, will be left as a cattle trail to East Mountain as part of the postmining land use of grazing and wildlife habitat (pages 4-106 through 4-107).

The Des-Bee-Dove/Wilberg Haul Road will be left in place during the first five years of the reclamation period to provide access to the sediment pond. At the time of sediment pond removal, the road will also be reclaimed. The asphalt surface will be

removed and covered with at least four feet of inert material at the north end of the road. All culverts will then be removed and the drainages restored. The road will then be backfilled and graded with material displaced during its construction and revegetated (pages 4-7 through 4-9 and 4-126 through 4-127).

542.700 Final Abandonment of Mine Openings and Disposal Areas -- All portals have been fenced and posted to prevent entry of wildlife or unauthorized persons. During reclamation, all portals will be sealed with concrete block walls and backfilled with at least 25 feet of noncombustible fill material. Since the mine workings are down dip from the portals, no hydrologic seals or drainage structures will be necessary (page 4-1 and Figure 1 of Chapter 4).

No fills, embankments, or other structures for disposal of spoil, coal mine waste, or noncoal mine waste are present at this site. Spoil and underground development waste were incorporated into the various earthen fills when the mine was opened, which was prior to 1977. These materials will be used in the backfilling and grading of the site during final reclamation.

542.800 Reclamation Cost Estimate -- In accordance with this section, the PAP contains a detailed estimate of reclamation costs upon which the bond amount is based (pages 4-109 through 4-147). The total estimated reclamation cost is \$1,254,519 (1985 dollars). The total bond amount presently posted is \$1,837,712. Using the Means Historical Cost Index escalation factor of 1.84% (1990), the original total estimated reclamation cost of \$1,254,519 equates to \$1,505,432 (1995 dollars). Thus, the present bond amount is adequate.

The reclamation cost is complete and represents the cost of final reclamation.

R614-301-550 Reclamation Design Criteria and Plans

R614-301-551 Casing and Sealing of Underground Openings

All portals have been fenced and posted to prevent entry of wildlife or unauthorized persons. During reclamation, all portals will be sealed with concrete block walls and backfilled with at least 25 feet of noncombustible fill material (page 4-1 and Figure 1 of Chapter 4). This is consistent with MSHA, 30 CFR 75.1711 and represents sound engineering procedure.

Since the mine workings are down dip from the portals, no hydrologic seals or drainage structures will be necessary.

### R614-301-552 Permanent Features

No small depressions or impoundments of any kind will be retained after final reclamation.

### R614-301-553 Backfilling and Grading

There are eight areas where backfilling and grading will take place. They are (1) the Beehive/Little Dove Portal Area, (2) the Deseret Portal Area, (3) the Stockpile Area, (4) the Tipple Pad, (5) the Bathhouse/Warehouse/Parking Area, (6) the Portal Access Road, (7) the Des-Bee-Dove/Wilberg Haul Road, and (8) the Sediment Pond Area. These areas will be graded and/or backfilled as follows:

#### 1) Beehive/Little Dove Portal Area

This is a fill area at the head of the canyon. Material from the fill will be used to completely backfill the highwall and the portals. Some surplus material will also go into the Bathhouse/Warehouse/Parking fill. The fill will then be excavated to bedrock to restore the drainage. The maximum slope will be 2h:1v (pages 4-3, 4-4, 4-6, 4-121, Plates 3-10 and 4-1).

#### 2) Deseret Portal Area

This is a fill area just below the Beehive/Little Dove Portal Area. Material from the fill will be used to completely backfill the highwall and the portals. Some surplus material will also go into the Bathhouse/Warehouse/Parking Fill. The fill will then be removed to bedrock to restore the drainage (pages 4-3 and 4-6, Plates 3-10 and 4-1).

#### 3) Stockpile Area

This is a fill area just below the Deseret Portal Area fill. The area has no highwalls or portals. Material from the fill will be pulled back to fill the area. Some surplus material will also go into the Bathhouse/Warehouse/Parking fill (pages 4-3 and 4-6, Plates 3-10 and 4-1).

#### 4) Tipple Pad

This is the largest of the earthen fill structures. The outslope of the structure was cut back in 1984 to a slope of 2h:1v in order to improve stability and raise the factor of safety above the required 1.5 (R614-301-537.230). This fill, which was constructed before 1977, constitutes a "settled and revegetated" fill under R614-301-537.200 and, as such, will not be removed. Instead, the drainage will be established around the fill by way of a riprap channel and will descend the face of the fill by way of a large riprap fan (pages 4-4, 4-5, 4-92, Plate 3-10 and 4-1).

The material in the Tipple Area Fill will be characterized by subsurface sampling during the summer of 1991 (see Condition R614-301-233). This will serve to determine whether or not the fill is made up of acid- and toxic-forming material (pages 4-3, 4-5, 4-91, Plates 3-10 and 4-1).

5) Bathhouse/Warehouse/Parking Area

This is a large cut and fill structure that lies southwest of the Tipple Area. It will be completely backfilled and terraced using material from its outslope as well as material borrowed from the other fill structures. The maximum slope will be 3h:1v (pages 4-4, 4-5, 4-6, 4-122 through 4-125, Plate 3-10 and 4-1).

6) Portal Access Road

This is the main road through the property from the entrance gate to the Beehive/Little Dove Portal Area. It will be reclaimed during the initial phase of reclamation. The asphalt surface will be removed and buried at the base of the bathhouse/warehouse fill (page 4-132). The road surface will then be ripped, covered with topsoil, and revegetated (pages 4-89 through 4-90). The road, in its roughened condition, will be left as a cattle trail to East Mountain as part of the postmining land use of grazing and wildlife habitat (pages 4-106 and 4-107, Plates 3-10 and 4-1).

7) Des-Bee-Dove/Wilberg Haul Road

This road will be left in place during the first five years of the reclamation period to provide access to the sediment pond. At the time of sediment pond removal, the road will also be reclaimed. The asphalt surface will be removed and buried with at least four feet of inert material at the north end of the road. All culverts will then be removed and the drainages restored. The road will then be backfilled and graded with material displaced during its construction and revegetated (pages 4-7, 4-8, 4-9, 4-126, and 4-127).

8) Sediment Pond

Removal of the sediment pond will take place five years after the start of the reclamation period. The pond will first be drained and allowed to dry. It will then be broken down and backfilled to achieve the original contour of the area and reestablish the original drainage (pages 4-88, 4-89, and Plate 4-1).

The entire disturbed area will be graded and all earthen structures except the tipple pad filled or reduced to achieve approximate original contour. All highwalls (Beehive/Little Dove Area, Deseret Portal Area, and Bathhouse/Warehouse/Parking Area) will be completely eliminated and depressions will be filled. Only the Portal Access Road will be left, and it will be in a broken and roughened condition. As has

been mentioned, the Portal Access Road, as reclaimed, will serve as a cattle trail to East Mountain, constituting an enhancement of the postmining land use of grazing and wildlife habitat (Plate 4-1).

A slope stability analysis of the bathhouse/warehouse fill was performed in August of 1990 by the firm of Chen Northern, Inc. (Appendix III). The stability analysis done by Chen Northern determined the relevant characteristics of the fill material (page 4-91) and used these in a standard rotational (Bishop's Method of Slices) failure model. The static factor of safety for a 2h:1v slope was found to be at least 1.74. Since no reclaimed slope will be steeper than 2h:1v, the static factor of safety for all grading and backfilling should be at least 1.74, which compares very favorably with the required value of 1.3 (533.130).

Material used in backfilling will be minus 3 inches. Material will be placed in 18-inch lifts and compacted in constructing the fills (page 4-90). The factor of safety is acceptable, and the foundation of all fills is and will be solid bedrock. The stability of all postmining slopes meets the requirements for backfilling and grading.

## COMPLIANCE

The permittee is in compliance with all sections of R614-301-500, except condition R614-301-514.300-(1) and R614-301-542.300-(1) (JK).

### R614-301-700 HYDROLOGY (TM)

#### R614-301-710 Introduction

Existing hydrologic resources are discussed in Volume 9 (section R614-301-722) of the PAP. All springs have been identified, as well as, any perennial, intermittent or ephemeral drainage on Map HM-5. Groundwater is also discussed in Volume 9.

#### R614-301-711.300 General Requirements

The methods and calculations utilized to achieve compliance with hydrologic design criteria and plans required by R614-301-740 are found on pages 4-11 through 4-57 of the PAP.

#### R614-301-713 Inspection

Inspection of all sediment ponds will be conducted quarterly. A certified annual report will be submitted to the Division (page 3-53 of the PAP).

R614-301-720 Environmental Description

722.100 No subsurface water has been encountered in the mine and the mine was bounded by faults on either side of the permit area leaving the area basically devoid of any aquifers.

722.200 The location of surface water bodies such as streams, lakes, ponds, and springs can be found on Map HM-5, Volume 9.

722.300 The elevations and locations of monitoring stations used to gather baseline data on water quality and quantity in preparation of the application is found on Map HM-1 of the PAP. The only surface water monitoring station is UPDES monitoring point UT-0023591-001 as shown on Map HM-1. Spring 82-51 is monitored according to accepted Division Guidelines (Volume 9).

722.400 No water wells are known to exist in the permit area or adjacent area.

R614-301-724 Baseline Information

All information related to hydrologic baseline and operational data collection and sampling programs is delineated in Volume 9 of the PAP. The permittee has identified all surface and groundwater sampling locations, parameters sampled, and monitoring schedules in Appendix A of Volume 9 of the PAP.

R614-301-724.400 Climatological Information

Climatological information is described in Volume 9 of the PAP. The permittee maintains a rainfall gauge and weather station above the Des-Bee-Dove Mine as shown on Map HM-1. All data from the weather station is submitted quarterly to the Division. This includes rainfall, temperature, and humidity.

R614-301-724.500 Supplemental Information

All supplemental information regarding erosion control test plots and treatments are contained on pages 4-70 through 4-72. These plots were set up to ascertain what erosion control treatments would provide protection from erosion on Mancos Shale. In addition to the current test plots, the permittee proposes to develop some additional test plots adjacent to the existing test plots incorporating a variety of treatments and soil amendments. These test plots will help better define the use of various erosion control and planting techniques (see Reclamation Study Update dated February 15, 1991).

R614-301-724.600 Survey of Renewable Resource Lands

Discussion of renewable resources and damage due to subsidence addresses the potential for impact related to subsidence and indicates no impact will occur (page 4-149). No damage to renewable resources have been documented to date.

R614-301-725 Baseline Cumulative Impact Area Information

Necessary hydrologic and geologic information in Volumes 2 and 9 of the PAP, addresses the Cumulative Impacts on the Hydrologic Balance for the Des-Bee-Dove Permit Area.

Increase in TDS (primarily sodium, calcium magnesium, bicarbonate, and sulfate, and TSS will occur and possible diminution of spring flow due to subsidence-related effects were the two impacts identified in the initial permit issued on June 20, 1985 (see CHIAS, Appendix I).

On going water monitoring is discussed in the current PAP in regards to the spring monitoring in Volume 9. It was interpreted in the initial permit review that monitoring of springs would provide the necessary documentation to determine the effects of subsidence. Spring 82-51 will be monitored during the months of July through October and raw data submitted quarterly as referenced in Volume 9.

Reclamation studies are in progress to better define the best erosion control methods and water harvesting methods to achieve reclamation success.

R614-301-727 Alternative Water Source Information

The discussion regarding water replacement is acceptable in that the PAP provides enough detailed information on existing water rights to identify the ownership of springs identified within the permit area as shown in Table HT-4. Any loss or adverse occurrence to water rights will be reported to the Division within ten days and then meet the applicant with the Division to determine the necessary course of action.

R614-301-728 Probable Hydrologic Consequences (PHC) Determination

The PHC makes certain findings regarding the hydrologic balance, acid- or toxic-forming materials, sediment yield, water quality, flooding, and other characteristics as determined by the Division.

The original permit issued by OSM determined that the "reclamation of the Haul Road will involve removal of all culverts. Material from culvert excavation will be used to cover the remaining road sections. The ephemeral stream channels will be returned to their original condition" (OSM's Technical Analysis, Hydrologic Balance -

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

Within 45 days of permit renewal, the permittee must submit a detailed BTCA plan as an appendix to the PAP which specifically addresses the following issues (this is required in addition to the current plan, to use contour furrows and berms as shown on Plate 4-1, sheet 3 of 5):

- 1) A plan for providing sediment control during construction and following construction of all stream crossings and culvert removal sites where permanent diversions will be installed;
- 2) A revised and upgraded plan for the contour furrows and berms as shown on Plate 4-1, sheet 3 of 5 to address the runoff storage capacity of these BTCA measures in relation to the 10-year, 24-hour storm runoff volume. This will verify the treatments' effectiveness in providing treatment for all areas not draining to the sediment pond. This must be included in a BTCA Appendix showing all areas treated with BTCA measures other than sediment ponds; and
- 3) The assessment of the runoff water quality must be included as a design criteria for the test plot study. The data must be interpreted and included as part of the BTCA appendix upon submittal following test plot implementation. The plan must identify the surface water quality and quantity parameters to be monitored, sampling frequency and site location.

R614-301-731.200 Water Monitoring

The permittee currently monitors one spring 82-51, T17S R7E S26, WR #93-1605-F.S., shown on Map HM-5, Volume 9. In addition to this spring, the permittee monitors the sediment pond using discharge permit #UT-0023591; expiring October 31, 1992, as described in Volume 9 of the PAP. Since all drainage is ephemeral in nature and the sediment pond sits below all mine site disturbance, it becomes the sole monitoring point of significance. A detailed BTCA plan discussing monitoring locations, sampling frequency and parameters will be submitted as part of the conditional response to R614-301-731.121.

R614-301-731.300 Acid- and Toxic-Forming Materials (TM & HS)

All acid- and toxic-forming materials will be properly identified and treated when necessary as discussed on page 4-90 of the PAP.

Waste rock disposal plans and the reclamation plans are described for the old (now reclaimed) Cottonwood/Wilberg Waste Rock Storage Site in Appendix V. If a

coal mine activities resume, a roof and floor sampling plan approved by the Division and implemented. All future waste rock and sedimentation pond waste will be disposed of in the New Cottonwood/Wilberg Waste Rock Facility (pages 3-28 and 3-55).

The permittee has committed to covering all acid- and/or toxic-forming materials with at least four feet of nonacid- and nontoxic-forming materials or disposing of said material in an approved disposal facility within a permitted area (page 4-69).

Subsequent to facility demolition and prior to backfilling and grading, the permittee will conduct a soil/spoil sampling program to identify acid- and/or toxic-forming materials. Sampling methods and techniques will follow the procedures outlined on pages 4-100 through 4-102. If analysis indicate the presence of acid- and/or toxic-forming materials, additional sampling will be conducted.

731.400 No wells have been identified within the permit area.

731.500 No discharges are permitted within the permit area.

731.521 All portal seals are designed to prevent gravity discharges from the mine.

731.600 Stream Buffer Zones are not applicable to this PAP, due to the fact that all drainage is ephemeral in nature.

731.700 All water diversions are shown on certified Plate 3-11 for the main mine site. All storm water impoundment drawings are shown in Appendix VIII.

731.730 A map showing locations and elevations of each surface water station used for monitoring, shown on Map HM-5 and HM-1 is not certified.

731.740 Map HM-5 which shows the location of the Des-Bee-Dove Sediment Pond is not certified.

731.750 Cross-sections found in Appendix VIII of the PAP which show the cross-sections of the sediment pond are not certified.

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

Within 45 days of permit renewal, the permittee must submit certified cross-sections of the sediment pond and certify maps HM-1 and HM-5 per the requirements identified in R614-301-731.730, R614-301-731.740 and R614-301-731.750.

731.800 Water Rights and Replacement

The permittee has provided a statement which commits to replace any water determined to be lost or adversely affected as a result of the permittee's mining operations (page 4-156 of the PAP).

R614-301-740 Design Criteria and Plans

R614-301-742 Sediment Control Measures

The permittee has addressed what sediment control measures will be implemented for the mine site on areas not draining to the sediment pond (page 3-40 of the PAP and shown on Plate 3-7, sheet 3 of 3). The total drainage area of 1.24 acres was calculated. Monitoring and sampling will be completed as delineated on page 3-40.

The remainder of the mine site and the surrounding area is treated by the sediment pond as shown on Plate HM-1.

The permittee provided a plan for implementing test plots as described in Des-Bee-Dove Haul Road Reclamation Study to verify the success of reclamation methodologies on the reclaimed road.

R614-301-742.220 Sedimentation Ponds

The sediment pond was designed to contain treat the 10-year, 24-hour precipitation event. The pond is decanted down to the decant elevation of 6757.0 after a 24-hour detention time is maintained by a non-clogging dewatering device as shown in Appendix VIII. All calculations, drawings, and cross-sections of the sediment pond are contained in Appendix VII and VIII, and discussions are included on pages 3-53, 3-54 and 3-55 of the PAP.

The permittee appears to be in compliance with this rule but needs to supply the following additional information to clarify the plan and to confirm compliance.

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

Within 45 days of permit renewal, the permittee must provide drawings in Appendix VIII that provide consistent information regarding the sediment pond. Three as-built drawings in Appendix VII provide three different pond bottom elevations. Page 3-54 of the PAP states five feet of clearance between a full sediment load elevation and the decant elevation. None of this information is in agreement (drawing #01-52-1-015 was revised on February 24, 1989 and October 1, 1984, to show as-built plans).

In addition to accurate as-built drawings and cross-sections being provided, the following information must also be submitted:

- 1) Sediment levels and clean-out elevations marked on all cross-sections (cross-sections are not marked as-built and certified);
- 2) Decant and clean-out procedures and a sediment testing and storage plan per Division guidelines;
- 3) A discussion of how sediment levels are determined to meet the 60% clean-out elevation determination; and
- 4) Calculations to prove that the open channel spillway is of nonerodible construction and capable of maintaining sustain flows. Riprap sizing calculations for the spillway must be included in Appendix VIII.

#### R614-301-742.300 Diversions

Diversions have been constructed on the main mine site property to minimize adverse impact to the hydrologic balance. Drawings (Plate 3-8 sheet 1 of 2 and 2 of 2) and discussions found in Appendix VII do not currently include any calculations for the existing hydrologic structures at the Des-Bee-Dove Mine Site.

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

Within 45 days of permit renewal, all hydrologic calculations for existing hydrologic structures at the Des-Bee-Dove Mine site must be submitted for inclusion in the PAP.

#### COMPLIANCE

The permittee is in compliance with all sections of R614-301-700, except conditions R614-301-728-(1), R614-301-731-(1), R614-301-731.121-(1), R614-301-700-(1), R614-301-742.220-(1), and R614-301-742.300-(1) (TM).

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