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

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September 12, 1997

TO: File

THRU: Daron Haddock, Permit Supervisor

FROM: Paul Baker, Reclamation Biologist

RE: Postmining Land Use of the Des Bee Dove Haul Road, PacifiCorp, Des Bee Dove Mine, ACT/015/017-DO, Folder #2, Emery County, Utah

SUMMARY:

The Division Order in which violation N97-41-3-1 was vacated says:

Within 60 days of receipt of this Order, the permittee shall submit plans to the Division that discuss the disposition of the roadside ditch containing the pipeline that is subject of the NOV upon reclamation of the Des-Bee Dove haul road.

This was written June 10, 1997, and the time for complying with the order was subsequently extended to December 2, 1997.

On December 2, 1997, the Division received a letter from Charles Semborski of PacifiCorp addressed to Lowell Braxton. Included with the letter was a notebook with copies of correspondence and other materials associated with the violation and order, a map of the haul road and sediment pond areas, and a page with a legal description of the sediment pond and the access road to the pond. No C-1 or C-2 forms were received; however, the letter indicates it is an amendment application.

The letter cannot be regarded as an application because the C-1 and C-2 forms were not received, the letter is not in a form where it can be inserted in the mining and reclamation plan, and because it only suggests that certain changes be made to the plan. Because the Division allowed PacifiCorp to submit a draft proposal, PacifiCorp is in compliance with the order. However, the mining and reclamation plan is still deficient, and PacifiCorp needs to submit an amendment application.

If the haul road is turned over to Emery County as the letter says will be proposed, several changes and deletions need to be made to the plan. Items that need to be addressed in a future amendment application include:

1. Postmining land use change. The letter says the postmining land use of the lands in the vicinity of the Des Bee Dove road would be expanded to reflect current public uses of the area which now include industrial and recreation. While retention of the road in itself does not constitute a change to the land use, the road would be used for more purposes than currently envisioned in the mining and reclamation plan. A change in the land use from premining land uses is considered a significant revision that needs to go through the public participation process.

2. The Division needs documentation from the land owners (School and Institutional Trust Lands Administration, Forest Service, and the Bureau of Land Management) of their acceptance of the transfer of the leases or rights of way from PacifiCorp to Emery County. The Division also needs to know from these agencies that the proposed land use is acceptable.

3. PacifiCorp needs to show that Emery County is willing to accept the road.

4. Before bond is released, PacifiCorp will need to maintain the road and associated structures to appropriate standards so it can be used for the postmining land use.

5. PacifiCorp needs to show the road will not cause diminution of water quality in the area, including erosion control. Most of the area near the road is probably adequately vegetated, but the Division has concerns about the large cuts and fills in Mancos Shale materials. PacifiCorp should show that erosion is being controlled in this area through a combination of runoff control, revegetation, and other measures.

The letter shows several sections of the plan that need to be changed or deleted, and it says Energy West will expend the significant number of man hours needed in making the required revisions when the Division has found the contents of the draft amendment acceptable. The concept of the proposal in Energy West's letter is acceptable, but it is impossible for the Division to make specific comments. Numerous pages and maps would be deleted or changed, and the Division must see the nature of the changes before approving them.

The way by which PacifiCorp has chosen to respond to the Division Order will, if successful, satisfy its requirements. However, it is not a direct response, so the process is taking longer than originally anticipated.

RECOMMENDATIONS:.

The Division Order where violation N97-41-3-1 was vacated required PacifiCorp to submit plans showing the disposition of the haul road following reclamation, and PacifiCorp has chosen to respond by attempting to delete the road from the permit area. The Division's November 10, 1997, letter allowed PacifiCorp to submit a draft amendment by December 2, 1997; however, the Division still needs to receive an amendment application. PacifiCorp needs to request an extension of time to comply with the Division Order.

It is recommended PacifiCorp submit a schedule to the Division outlining when they will complete making changes to the plan, giving public notice, and obtaining approvals from government agencies. Based on this information, the Division could modify the Division Order.

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