

UTAH DIVISION OF OIL, GAS AND MINING  
STATE DECISION DOCUMENT

For  
Phase III Bond Release  
PacifiCorp  
Energy West Mining Company  
Des-Bee-Dove Mine  
C/015/0017  
January 30, 2007

**CONTENTS**

- Administrative Overview
- Chronology
- Findings
- Recommendation for Phase III Bond Release
- Technical Analysis
- Affidavit of Publication
- Phase III Bond Release Inspection Report
- BLM Concurrence Letter

File in:

Confidential

Shelf

Expandable

Refer to Record No. 0003 Date 01/30/2007  
In C/015/0017/047/eng  
for additional information

## **ADMINISTRATIVE OVERVIEW**

Phase III Bond Release  
PacifiCorp  
Energy West Mining Company  
Des-Bee-Dove Mine  
C/015/0017

January 29, 2007

### **ACTION**

The Permittee seeks Phase III bond release on 2.52 acres associated with the pumphouse site and the reclaimed haul road.

### **BACKGROUND**

The Des-Bee-Dove Mine is located approximately 13 miles northwest of the Hunter Power Plant (Castle Dale) in Emery County, Utah. The Des-Bee-Dove Mine has been closed since 1987 when the portals were closed. Most of the leases associated with the mine have been relinquished and the permit area now contains approximately 100 acres.

The mine site contained three separate mines, the Deseret Mine, the Beehive Mine and the Little Dove Mine. In 1997, PacifiCorp submitted to the Division a notice of intent to begin reclamation. The reclamation on the Phase III bond release area was done in 2000.

On August 23, 2006, the Division received a request for Phase III bond release on 2.52 acres associated with the pumphouse site and the reclaimed haul road. The Permittee requested Phase III bond release because of oil and gas development that will occur on or near the site. On December 11, 2006, the Division received additional information. In 2007, the postmining land use was changed to industrial to allow for Phase III bond release because of oil and gas development that would occur on site.

## **CHRONOLOGY FOR PHASE III BOND RELEASE**

Phase III Bond Release  
PacifiCorp  
Energy West Mining Company  
Des-Bee-Dove Mine  
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- 1898: Mining operations begin in the area where the Des-Bee-Dove Mine is located. The mine eventually becomes known as the Griffith Mine.
- 1936: Mr. Edwards and Mr. Broderick purchase the Griffith Mine and build an access road.
- 1938: The Castle Valley Fuel Company purchases the Griffith Mine.
- 1938: The Church of Jesus Christ of Latter-Day-Saints (LDS Church) purchases coal lands adjacent to the Castle Valley Fuel Company.
- The LDS Church Mine operates under contract to Mr. Killian of Orangeville until 1943, when operations were suspended due to World War II.
- 1947: The LDS Church purchases the Castle Valley Fuel's operation and combines the operations to form the Deseret Coal Company, a church welfare project.
- 1972: Utah Power and Light purchases the Deseret Coal Company.
- 1987: The Des-Bee-Dove Mine is idled.
- 1997: PacifiCorp submitted notice of intent to reclaim all areas.
- 1997: Haul road was taken over by Emery County and Phase III bond release for the road granted. Phase III bond release did not reduce the bond amount.
- 1998: Pumphouse area consisting of 1.6 acres was reclaimed.
- 1999: Surface facilities of the upper and lower mine site were removed.
- 2000: Remote portals were reclaimed.
- 2002: Upper mine site was reclaimed.
- 2003: Lower mine site and access road were reclaimed.
- 2005: Work on Phase 3 area (sediment pond) began.
- 2006: Phase I bond release application for mine facilities for the main mine area.
- 2006: On June 29, 2006, the Division, BLM, and a representative from Emery County conducted a Phase I bond release inspection. OSM and the USFS were invited to attend but were not able to attend.
- 2006: On August 23, 2006, the Permittee requested Phase III bond release on 2.52 acres associated with the pumphouse site and reclaimed haul road.
- 2006: On September 28, 2006, the Division conducted a Phase III bond release inspection with the Permittee and the BLM.

## **SUMMARY OF FINDINGS**

Phase III Bond Release  
PacifiCorp  
Energy West Mining Company  
Des-Bee-Dove Mine  
C/015/0017

January 30, 2007

The Division determined that 2.52 acres for which the Permittee sought bond release meets the requirements for Phase III bond release. All structures on site were removed, backfilling and grading was completed and topsoil was placed as required by the mining and reclamation plan and drainages were established.

## **PHASE III BOND RELEASE RECOMMENDATION**

Phase III Bond Release  
PacifiCorp  
Energy West Mining Company  
Des-Bee-Dove Mine  
C/015/0017

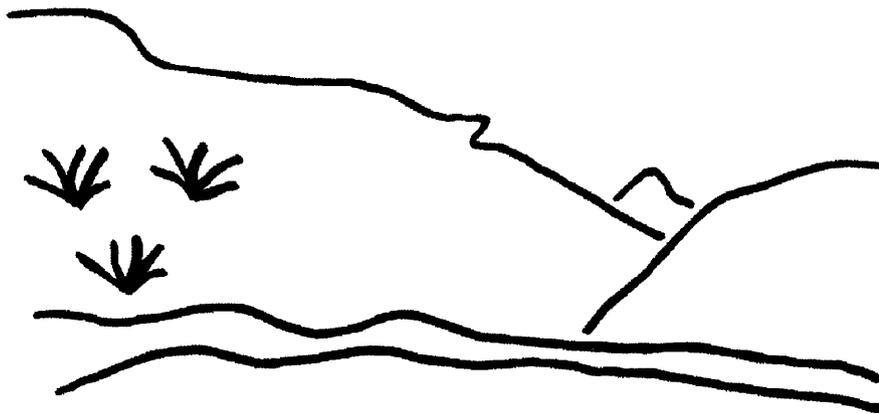
January 30, 2007

The Division recommends that Phase III bond release be granted on the 2.52 acres associated with with the pumphouse site and the reclaimed haul road.

The bond Permittee did not seek bond release for the Phase III bond release. The current bond on the site is for \$1,837,712.

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# State of Utah



## Utah Oil Gas and Mining

### Coal Regulatory Program

Des-Bee-Dove Mines  
PacifiCorp  
Technical Analysis  
January 30, 2007

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## **TECHNICAL ANALYSIS DESCRIPTION**

The Division received this proposed amendment August 30, 2006. On December 11, 2006, the Division received additional information. The amendment is for Phase III bond release on 2.52 acres that are being reclaimed at the Pumphouse Area (pumphouse and pumphouse access road) and at lower end of the Des Bee Dove Mines access road. This includes all of the areas that are being reclaimed in N/2 SW/4 SW/4, Sec. 25, T. 17 S., R. 7 E. (20 acres). Upon receiving Phase III bond release, the Permittee would submit an amendment to remove this entire 20-acre parcel from the permit area.

Grading, recontouring, and seeding at the Pumphouse Area were completed in the fall of 2000. This reclamation work involved 1.62 acres, all of which is in this Phase III bond release request. The Pumphouse Area reclamation plan is in Appendix IV (Volume 5).

XTO has approval from the BLM's Mineral Management Service and the Oil and Gas section of the Division to bore a coal-bed methane well (Utah Federal 17-7-25-14) in N/2 SW/4 SW/4, Sec. 25, T. 17 S., R. 7 E., SLBM. The pad location, as it has been staked, was selected with input from the USFS and BLM and straddles the lower end of the graded, recontoured, and seeded Des Bee Dove Mines road. The proposed drill pad and adjacent area are federal land. The USFS is the surface management agency, and USFS Special Use Permits provided the Permittee the right-of-entry to build the pumphouse and roads at the mine site.

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Grading, recontouring, and seeding at the Pumphouse Area were completed in the fall of 2000. This reclamation work involved 1.62 acres, all of which is in this Phase III bond release request. The Pumphouse Area reclamation plan is in Appendix IV (Volume 5).

The Phase 3 Reclamation Plan, covering the sedimentation pond and pond access road, is in Appendix XVI. The Permittee completed Phase 3 grading, recontouring, and seeding in 2006. None of the Phase 3 area is included in this bond release request.

Reclamation of the sedimentation pond in Phase 3 completed the first step (Phase I) of reclamation for the entire permit area, although in April 2006 the Permittee requested Phase I bond release for only the Phase 1, Phase 2, and Pumphouse Area reclamation. Approval of this Phase I bond release was recommended by the Division staff but has not been approved at the federal level.

The Division's AML section finished reclamation work on several areas in N/2 SW/4 SW/4, Sec. 25, T. 17 S., R. 7 E. that were not disturbed by the Permittee and will not be disturbed by XTO.

In order for XTO to construct a drill pad for this well, the Permittee must be released from their reclamation bond and obligation to reclaim the site to pre-mining conditions. The Permittee is applying for Phase III bond release on 2.52 acres, which includes the proposed XTO drill pad and access road plus the remainder of the area that the Permittee is reclaiming in the N/2 SW/4 SW/4 of Sec. 25.

The Permittee feels that - in addition to the possibility that construction of the pad will infringe outside the projected 0.90-acre footprint of the drill pad and road - dust, trash, equipment, and vehicles from XTO's operations may also impact the Permittee's adjacent reclaimed lands. The Permittee is concerned such impacts would result in NOV's, require additional remediation, and delay or prevent timely bond release.

An additional concern for the Permittee involves OHV use of the cattle trail through the area. Even though the USFS currently prohibits motorized vehicles on the trail, tire tracks and other evidence indicate OHVs and trucks are using at least the lower section of the trail. The Permittee feels there is a high probability that, once the XTO drill pad is built, OHV drivers will skirt the drill pad by driving on the adjacent reclaimed areas.

**TECHNICAL ANALYSIS DESCRIPTION**

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January 30, 2007

Concurrent with the application for Phase III bond release for the XTO drill site and access road, the Permittee has submitted an application for PMLU change for the entire permit area. PMLU would change from grazing and wildlife to grazing, wildlife, recreation, and mineral development.

A bond release inspection was done September 28, 2006. In addition to the Division and Permittee, representatives of the Emery County Lands Council, BLM, and UDWR participated. The USFS expressed that their staff was familiar with the site and opted not to send a representative. In e-mails dated September 22 and October 12, 2006, Dale Harber and Tom Lloyd of the USFS expressed support for Phase III bond release on the 2.52 acres. Mr. Lloyd also suggested a 100 ft buffer around the pad and road to reduce the potential for future conflicts between XTO, the USFS, the Permittee, and the Division. Bond release on the 2.52 acres would make the buffer zone a matter between XTO and the USFS.

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**TECHNICAL ANALYSIS DESCRIPTION**

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## RECLAMATION PLAN

### POSTMINING LAND USES

Regulatory Reference: 30 CFR Sec. 784.15, 784.200, 785.16, 817.133; R645-301-412, -301-413, -301-414, -302-270, -302-271, -302-272, -302-273, -302-274, -302-275.

#### Analysis:

Concurrent with this application for Phase III bond release on 2.52 acres, the Permittee has submitted an application for Post Mining Land Use (PMLU) change for the entire permit area, 120.1 acres. The Division received this proposed amendment August 18, 2009 (Task No. 2606). The proposed amendment changes the PMLU from grazing and wildlife to grazing, wildlife, recreation, and mineral development. The vegetation requirements for the current grazing and wildlife use cannot be met until the end of an Extended Responsibility Period of at least 10 years, as required under R645-357. The change to mineral development (industrial) will allow a less stringent vegetative ground cover standard to be considered for bond release.

In a letter to Energy West dated August 8, 2006, the USFS supports the proposed PMLU change for the N/2 SW/4 SW/4, Sec. 25, T. 17 S., R. 7 E. (20 acres) in which the 2.52-acre Phase III bond release lies; the Division does not know the USFS position on PMLU change for the entire permit area. Upon receiving Phase III bond release, the Permittee states they will submit an amendment to the Division to remove these 20 acres from the permit area.

Post Mining Land Uses are discussed in RECLAMATION PLAN: POSTMINING USES R645-301-412.100 in Volume 2, Part 4. The text in this section of the currently approved MRP is out-of-date, discussing PMLU as it was before Appendices IV, XIV, XV, and XVI were updated or added. This proposed amendment removes outdated references to features no longer included in the reclamation plan, lists PMLU as grazing, wildlife habitat, recreation, and mineral development (including oil and gas development), and adds information on the XTO well and road.

#### Findings:

The Permittee has met the requirements of this Post Mining Land Uses section of the Coal Mining Rules, although the PMLU described in this amendment is subject to the Division's approval of the pending Post Mining Land Use Change amendment.

## **APPROXIMATE ORIGINAL CONTOUR RESTORATION**

Regulatory Reference: 30 CFR Sec. 784.15, 785.16, 817.102, 817.107, 817.133; R645-301-234, -301-412, -301-413, -301-512, -301-531, -301-533, -301-553, -301-536, -301-542, -301-731, -301-732, -301-733, -301-764.

### **Analysis:**

The Permittee met the minimum requirements of this section. The Division made a finding that the site met the approximate original contour requirements as part of the Phase I bond release. The Division reviewed AOC requirements as part of the Phase III bond release and concluded that the site met the approximate original contour requirements because:

- Minimize off-site effects. The site is vegetated and there is no evidence that there are site impacts.
- Achieve a final surface configuration that closely resembles the general surface configuration of the land before mining. The land in and around the site was disturbed by pre-SMCRA activities. Therefore, predisturbed contour maps are not available. The reclaimed site has a similar topography to the surrounding area.
- Provide a subsurface foundation for a vegetative cover capable of stabilizing the surface from erosion. The vegetation appears to be sufficient to stabilize erosion.
- Support the approved postmining land use. The site will be stable enough to support an industrial postmining land use.

### **Findings:**

The Permittee met the minimum requirements of this section of the regulations.

## **BACKFILLING AND GRADING**

Regulatory Reference: 30 CFR Sec. 785.15, 817.102, 817.107; R645-301-234, -301-537, -301-552, -301-553, -302-230, -302-231, -302-232, -302-233.

### **Analysis:**

#### **General**

The Division determined during the Phase I bond release process that the site met the minimum backfilling and grading requirements. The only general backfilling and grading requirement that is applicable to the site is the requirement for the minimum safety factor. The site is level and easily meets the minimum 1.3 safety factor requirement.

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**RECLAMATION PLAN**

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**Findings:**

The Permittee met the minimum requirements of this section of the regulations.

**MINE OPENINGS**

Regulatory Reference: 30 CFR Sec. 817.13, 817.14, 817.15; R645-301-513, -301-529, -301-551, -301-631, -301-748, -301-765, -301-748.

**Analysis:**

There are no mine openings associated with the 2.52-acre site.

**Findings:**

The Permittee met the minimum requirements of this section of the regulations.

**TOPSOIL AND SUBSOIL**

Regulatory Reference: 30 CFR Sec. 817.22; R645-301-240.

**Analysis:**

Requirements for Phase III bond release are described in R645-301-880.330. The Rule states that "no bond will be fully released under provisions of this section until reclamation requirements of the Act and the permit are fully met. Charles Semborski signed the C1 form, certifying on behalf of PacifiCorp that the information contained in the application is true and correct.

Reclamation of the Pumphouse area is described in Volume 5 - Appendix IV. The information was reviewed under Task AM00A. Small amounts of surface coal waste deposits were buried in the former pumphouse storage tank area. The road was ripped and the road berm served as substitute topsoil. Site photos and maps are provided in Appendix A of R645-301-500, Appendix IV of the MRP.

Reclamation of the access road as part of Phase 2 is described in Appendix XV. Phase 2 was reviewed under tasks AM02D, AM03B, and Task 1786. Both Phase 1 & 2 Des Bee Dove reclamation soils information is found in Appendices A – C of App. XIV and on Plate 200-1 of App XV.

## RECLAMATION PLAN

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Phase 2 substitute topsoil was gathered from the surrounding slopes nearest the work.

### Findings:

The information provided meets the requirements for Phase III bond release.

## ROAD SYSTEMS AND OTHER TRANSPORTATION FACILITIES

Regulatory Reference: 30 CFR Sec. 701.5, 784.24, 817.150, 817.151; R645-100-200, -301-513, -301-521, -301-527, -301-534, -301-537, -301-732.

### Analysis:

#### Reclamation

All roads within the Phase III bond release area have been reclaimed.

### Findings:

The Permittee met the minimum requirements of this section of the regulations.

## HYDROLOGIC INFORMATION

Regulatory Reference: 30 CFR Sec. 784.14, 784.29, 817.41, 817.42, 817.43, 817.45, 817.49, 817.56, 817.57; R645-301-512, -301-513, -301-514, -301-515, -301-532, -301-533, -301-542, -301-723, -301-724, -301-725, -301-726, -301-728, -301-729, -301-731, -301-733, -301-742, -301-743, -301-750, -301-751, -301-760, -301-761.

### Analysis:

#### Hydrologic Reclamation Plan

Granting Phase III bond release will not affect the hydrology of the permit or adjacent areas. There are no changes proposed for any of the Hydrology sections of the MRP.

The Division has received a copy of the plan for XTO's pad and road. Talon Resources of Huntington, Utah prepared it for XTO. Sedimentation and erosion control methods to be used include silt fence, riprap, ditches, and culverts. Only minor washes are present in and adjacent to the pad and road site. Hydrologic impacts from the pad and road should be negligible.

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## RECLAMATION PLAN

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### **Findings:**

The Permittee has met the requirements for Reclamation Hydrologic Information.

## **REVEGETATION**

Regulatory Reference: 30 CFR Sec. 785.18, 817.111, 817.113, 817.114, 817.116; R645-301-244, -301-353, -301-354, -301-355, -301-356, -302-280, -302-281, -302-282, -302-283, -302-284.

### **Analysis:**

#### **Revegetation: General Requirements**

During the September 28, 2006 bond release inspection, the Division noted that the plant density and diversity at the site was good. In addition, the vegetation was sufficient to control erosion and support the postmining land use, which is industrial.

### **Findings:**

The Permittee met the minimum requirements of this section of the regulations.

## **MAPS, PLANS, AND CROSS SECTIONS OF RECLAMATION OPERATIONS**

Regulatory Reference: 30 CFR Sec. 784.23; R645-301-323, -301-512, -301-521, -301-542, -301-632, -301-731.

### **Analysis:**

#### **Bonded Area Map**

The Permittee meet the minimum requirements for showing the bonded area on Figure 1 of the bond release application. The Permittee clearly label the 2.52 areas for which they sought Phase III bond release.

### **Findings:**

The information provided in the bond release application is considered adequate to meet the requirements of this section.

## **BONDING AND INSURANCE REQUIREMENTS**

Regulatory Reference: 30 CFR Sec. 800; R645-301-800, et seq.

### **Analysis:**

#### **General**

The Permittee did not meet all of the general requirements for Phase III bond release. Those requirements are:

- **Notarized Statement:** The Permittee included a notarized statement from a responsible official certifying that the information in the bond release package is true and correct to the best of the official's information.
- **Notification Letters:** The Permittee included copies of letters sent to surface and mineral owners in and around the bond release area as well as local government officials. The letters contained the minimum information.
- **Newspaper Advertisements:** The Permittee included a draft copy of the newspaper advertisement. The draft newspaper advertisement contained the minimum information needed. The Permittee included proof of publication.

#### **Determination of Bond Amount**

The Permittee did not request any bond release. Therefore, the Division will not change the bond amount.

### **Findings:**

The information provided in the bond release application is considered adequate to meet the requirements of this section.

## **CUMULATIVE HYDROLOGIC IMPACT ASSESSMENT (CHIA)**

Regulatory Reference: 30 CFR Sec. 784.14; R645-301-730.

### **Analysis:**

This action does not require revision or update of the East Mountain CHIA.

### **Findings:**

This action does not require revision or update of the East Mountain CHIA.

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# AFFIDAVIT OF PUBLICATION

STATE OF UTAH)

ss.

County of Emery,)

I, Richard Shaw, on oath, say that I am the Publisher of the Emery County Progress, a weekly newspaper of general circulation, published at Castle Dale, State and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for 4 (Four) consecutive issues, and that the first publication was on the 12th day of September, 2006 and that the last publication of such notice was in the issue of such newspaper dated the 3rd day of October, 2006.



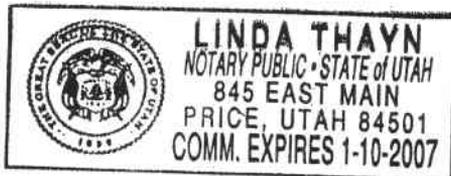
Richard Shaw - Publisher

Subscribed and sworn to before me this 3rd day of October, 2006.



Notary Public My commission expires January 10, 2007 Residing at Price, Utah

Publication fee, \$572.16

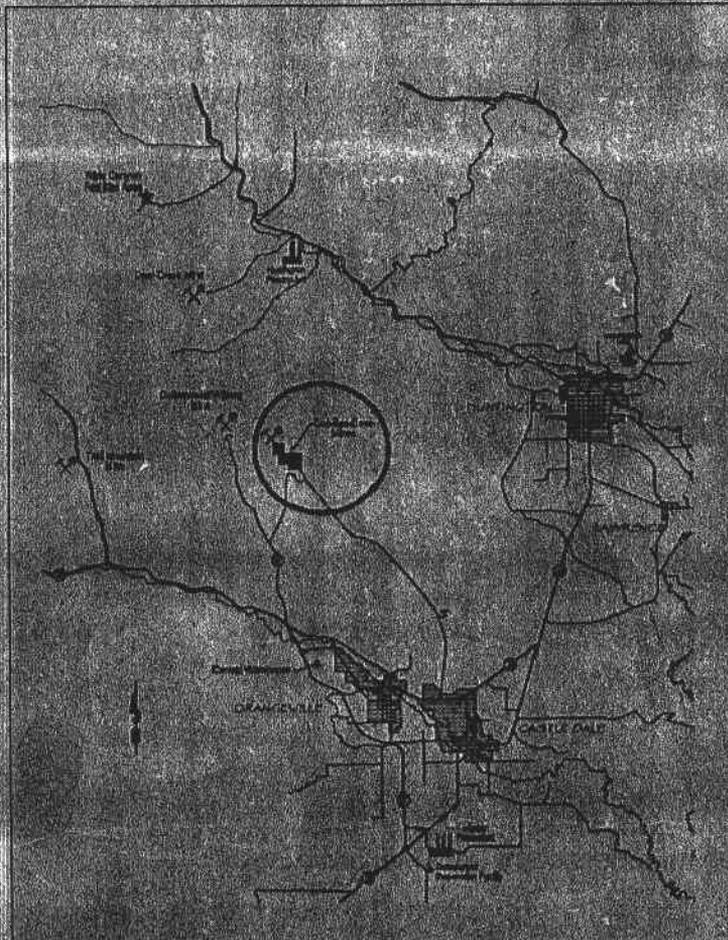


PacifiCorp  
Des Bee Dove Mine  
C/015/0017  
(Permit Approved August 2005)

Phase III Bond Release Application

Energy West Mining Company  
P.O. Box 310  
Huntington, Utah 84528

PacifiCorp, by and through its wholly-owned subsidiary Energy West Mining Company ("Energy West") as mine operator, hereby submits an application for Phase III bond release for a portion of the Des Bee Dove Mine site. The said area, located within the N $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 25, Township 17 South, Range 7 East, SLBM. The total acreage proposed for release is approximately 2.52 acres and is located as shown in the illustration.



The proposed Phase III bond release area includes the Rambohouse area, a 1.62 acre area reclaimed in 1999, and the main access road, a 0.90 acre area reclaimed in 2003.

Recently, XTO Energy Inc. has expressed interest in constructing a gas well and mud pit within this area. Since Energy West will have no control over construction or operational activities of the gas well, they wish to forfeit their reclamation responsibilities and receive a release of liability of the area.

Currently, a surety bond is filed with the Division of Oil, Gas and Mining in the amount of \$1,837,712.00 and is payable to the State of Utah, Division of Oil, Gas and Mining (DOG M), and the Office of Surface Mining Reclamation and Enforcement (OSM). No reduction of bond is being requested pertaining to this action, however, a Phase I Bond Release Application for the mine site has been submitted and is pending approval.

A copy of the Phase III application may be examined at the office of the Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Salt Lake City, Utah 84114-5904. Written comments, objections, or requests for a public hearing and



State of Utah

Department of Natural Resources

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas & Mining

JOHN R. BAZA
Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

Inspection Report

Table with 2 columns: Field (Permit Number, Inspection Type, etc.) and Value (C0150017, BOND RELEASE, etc.)

Inspector: Wayne Western, Environmental Scientist III

Weather: Clear skies temperature 70's

InspectionID Report Number: 1091

Accepted by: pgrubaug
10/26/2006

Table titled 'Representatives Present During the Inspection:' listing OGM staff and company representatives.

Permitee: PACIFICORP
Operator: ENERGY WEST MINING CO
Site: DES BEE DOVE MINE
Address: PO BOX 310, HUNTINGTON UT 84528
County: EMERY
Permit Type: PERMANENT COAL PROGRAM
Permit Status: RECLAIMED

Current Acreages

Table with 2 columns: Acreage and Category (Total Permitted, Total Disturbed, Phase I, Phase II, Phase III)

Mineral Ownership

- Checkboxes for Federal, State, County, Fee, Other

Types of Operations

- Checkboxes for Underground, Surface, Loadout, Processing, Reprocessing

Report summary and status for pending enforcement actions, permit conditions, Division Orders, and amendments:

The bond release inspection was done as part of the Phase III bond release application, Task ID #2625.
In addition, Angela Wadman from the BLM attended.

Inspector's Signature:

Date Friday, September 29, 2006

Wayne Western, Environmental Scientist III

Inspector ID Number: 42

Note: This inspection report does not constitute an affidavit of compliance with the regulatory program of the Division of Oil, Gas and Mining.

**REVIEW OF PERMIT, PERFORMANCE STANDARDS PERMIT CONDITION REQUIREMENTS**

1. Substantiate the elements on this inspection by checking the appropriate performance standard.
  - a. For COMPLETE inspections provide narrative justification for any elements not fully inspected unless element is not appropriate to the site, in which case check Not Applicable.
  - b. For PARTIAL inspections check only the elements evaluated.
2. Document any noncompliance situation by reference the NOV issued at the appropriate performance standard listed below.
3. Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
4. Provide a brief status report for all pending enforcement actions, permit conditions, Divison Orders, and amendments.

	Evaluated	Not Applicable	Comment	Enforcement
1. Permits, Change, Transfer, Renewal, Sale	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Signs and Markers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Topsoil	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.a Hydrologic Balance: Diversions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.b Hydrologic Balance: Sediment Ponds and Impoundments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.c Hydrologic Balance: Other Sediment Control Measures	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.d Hydrologic Balance: Water Monitoring	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.e Hydrologic Balance: Effluent Limitations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Explosives	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Disposal of Excess Spoil, Fills, Benches	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Coal Mine Waste, Refuse Piles, Impoundments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Noncoal Waste	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Protection of Fish, Wildlife and Related Environmental Issues	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Slides and Other Damage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Contemporaneous Reclamation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Backfilling And Grading	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. Revegetation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Subsidence Control	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Cessation of Operations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.a Roads: Construction, Maintenance, Surfacing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16.b Roads: Drainage Controls	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Other Transportation Facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Support Facilities, Utility Installations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. AVS Check	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Air Quality Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. Bonding and Insurance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**1. Permits, Change, Transfer, Renewal, Sale**

The Division is simultaneously processing Task ID #2606, a postmining land use change to industrial and recreation for the entire permit area. The land for the Phase III bond release includes 0.9 acres reclaimed in 2003 and 1.62 acres reclaimed in 1999. It is the same land under consideration for Phase III bond release under Task ID #2625.

**2. Signs and Markers**

Signs and markers were present.

**3. Topsoil**

Both the 1.62 and 0.9 acre parcel were reclaimed using available soils (not stockpiled topsoil). The sites were both roughened for stability, but the 1999 reclaimed site had little evidence of roughening left. The surface gouges were still present in the 2003 reclaimed site. The saltbush (Atriplex) was three feet high at the 2003 site!

**4.a Hydrologic Balance: Diversions**

There are no diversions on site.

**4.b Hydrologic Balance: Sediment Ponds and Impoundments**

There are no sedimentation ponds or impoundments on site.

**4.c Hydrologic Balance: Other Sediment Control Measures**

Vegetation and/or surface roughening is controlling erosion. There was no evidence rills or gullies on either the 1999 or 2003 site.

**4.d Hydrologic Balance: Water Monitoring**

There has never been water monitoring on this part of the Des Bee Dove Mines permit area.

**5. Explosives**

No explosives were on site.

**6. Disposal of Excess Spoil, Fills, Benches**

No excess spoil was on site.

**7. Coal Mine Waste, Refuse Piles, Impoundments**

No refuse piles or impoundments (other than pocks) were on site.

**8. Noncoal Waste**

No noncoal waste was on site.

**9. Protection of Fish, Wildlife and Related Environmental Issues**

For the 2.3 acres inspected, the plant diversity is high and cover is good. The area should support wildlife grazing needs.

**10. Slides and Other Damage**

No slides were noted.

**12. Backfilling And Grading**

Backfilled areas appeared to be stable.

### **13. Revegetation**

For the Phase III bond release, the Permittee has requested for 1.62 acres in addition to the estimated area needed for the XTO drill pad of 0.9 acres. The Permittee presented that the need for this additional area was to reduce the possibility of XTO and ATVs from impacting the reclaimed area to the west of the pad. The Permittee stated that impacts to vegetation could occur from windblown dust resulting from drilling operations, and increased trash build up and ATV activity because of increased visibility and access. The Permittee also stated that the release of these 1.62 acres would provide a clearer delineation (straight line running east to west) for the remaining permit area.

The Division had no significant concerns for releasing the 0.9 acres for PIII bond release, but questioned whether the Permittee had demonstrated an objective need for the additional 1.62 acres. As far as vegetation being impacted to the point of preventing bond release, vegetation surveys for bond release typically include taking many random samples over the entire permit area and averaging sample parameters for each community type. Even if the area to the west of the XTO pad was impacted and surveyed, it is highly doubtful that its contribution to the overall average for the entire permit area would be enough to prevent bond release.

Furthermore, although the Division is not intimately familiar with oil drilling, the concept of windbreaks is not understood. Typically, tree and shrub windbreaks are designed such that there are one or more rows of trees and shrubs to reduce wind effects. The site west of the XTO pad has two natural windbreaks; these are the islands of undisturbed area. These islands have mature Utah juniper trees mixed with shrubs of various heights and species characteristics. Also, there appears to be a moderate elevation gain between the XTO pad and reclaimed areas. This elevation gain along with the natural vegetation windbreak may help reduce the amount of wind-blown dust from the XTO project to the 1.62 acres.

As far as trash is concerned, other mines have reclaimed areas next to major highways. Typically, the DOGM inspectors let the Permittees know of trash build up prior to ever issuing a NOV. The Permittees and DOGM work cooperatively to keep a vigilant eye on the amount of trash on their reclaimed site.

As far as the increased ATV use is concerned, there may be a problem. However, much of the reclaimed area at DesBee Dove and especially the road heading north of the XTO pad face this same problem.

### **14. Subsidence Control**

The area was not within a subsidence zone.

### **16.a Roads: Construction, Maintenance, Surfacing**

All roads had been reclaimed. A cattle trail was on the site and in good working order.

Permit Number: C0150017  
Inspection Type: BOND RELEASE  
Inspection Date: Thursday, September 28, 2006

**16.b Roads: Drainage Controls**

Roads have been removed.

0071



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Price Field Office  
125 South 600 West  
Price, UT 84501  
<http://www.blm.gov/utah/price/>

RECEIVED

DEC 26 2006

DIV. OF OIL, GAS & MINING

DEC 22 2006

3484  
U-02664  
(UT-070)

Pamela Grubaugh-Littig  
Permit Supervisor  
Utah Division of Oil Gas and Mining  
P. O. Box 145801  
1594 West North Temple Street, Suite 1210  
Salt Lake City, Utah 84114-5801

Subject: Des-Bee-Dove Mine Phase III Bond Release for 2.52 acres

*ok*  
*J. Young*  
*12/15/06*  
Task NO. 2714

Dear Mrs. Grubaugh-Littig:

The Bureau of Land Management (BLM) has been asked to respond if our agency has any objections or concerns to Phase III bond release (reclamation bond) of 2.52 acres for the Deseret-Beehive and Dove Mines. This area is located in T17S R7E Section 25 and was the location for Des-Bee-Dove's pump-house.

We have participated in the September 28, 2006 onsite inspection as well as the Phase I Bond inspection on June 29, 2006. This area geographically is known as "Danish Bench." The Manti-La Sal National Forest is the surface owner with the BLM as the subsurface (minerals) owner.

We have reviewed our files in regards to our response. The federal coal leases were issued for the Blind Canyon and Hiawatha Seams in the Blackhawk Formation. Mining occurred in a north-westerly trend. The Hiawatha Seam is exposed at the Deseret Mine, and the Beehive/Little Dove breakouts are located 140 feet above in the Blind Canyon seam. The area in review for reclamation is located below the coal-bearing Black Hawk Formation, in the Mancos Shale.

We have attached photographs of the area for Phase III bond release taken during the onsite.

The Oil and Gas rights have been leased. This area was analyzed in the Ferron Natural Gas Environmental Impact Statement for its potential for natural gas development. A lessee has expressed interest in developing a new well in the area for Phase III Bond Release.

The proposed surface disturbance is below the Starpoint Sandstone and the proposed drilling will be into the Ferron Sandstone Member of the Mancos Shale. Therefore, the well would not impact the coal seams in the Blackhawk Formation.

We have no objections to Phase III bond release.

If you have any questions or comments, please contact Angela Wadman of my staff at 435-636-3661.

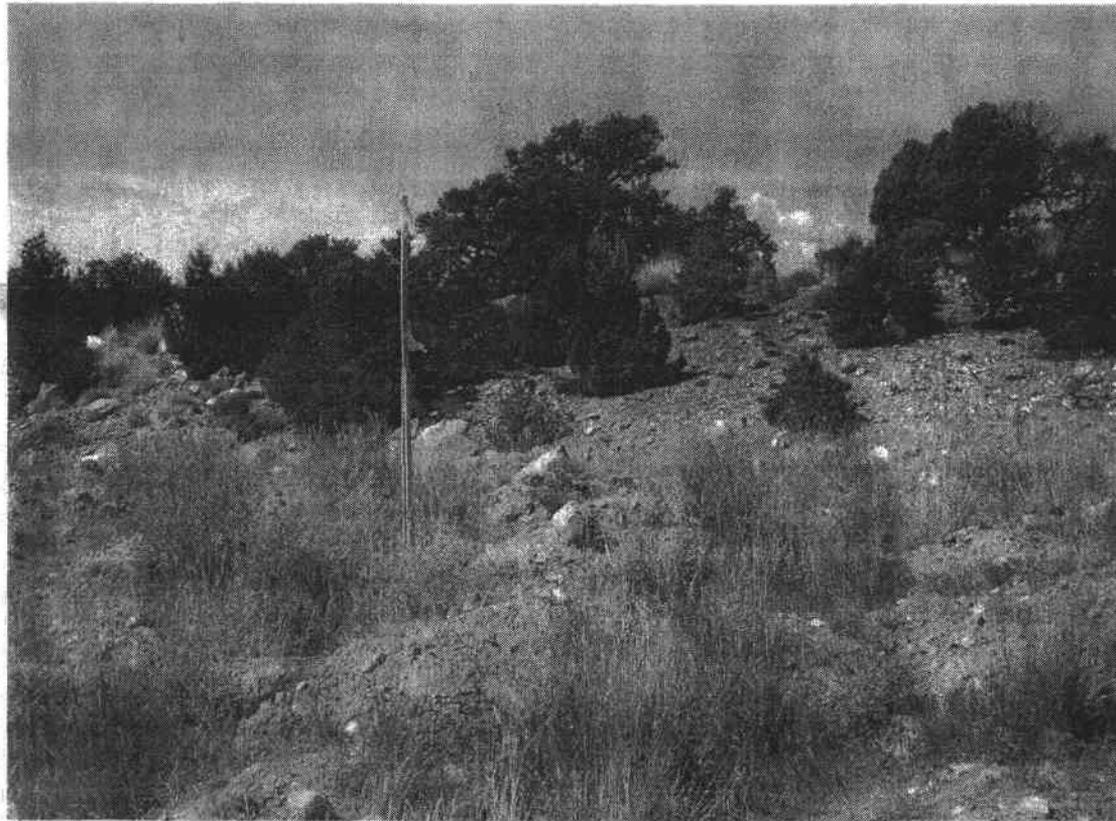
Sincerely,

*Stu. B. S.*  
Acting For Rebecca Doolittle

Acting Assistant Field Manager

cc: UT-923, SD, Utah

## **Des-Bee-Dove Phase III Bond Release**



The proposed well site located  $\frac{1}{2}$  mile from the road.



The above picture is of the general area for Phase III Bond Release. The picture taken below is of the south side of the trail and the southern extent for bond release.

