

### Document Information Form

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**Explanation:**

FINDINGS OF FACT, CONCLUSIONS AND ORDER

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BEFORE THE DIVISION OF OIL, GAS, AND MINING  
DEPARTMENT OF NATURAL RESOURCES  
in and for the STATE OF UTAH

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IN THE MATTER OF THE APPLI- )  
CATION OF UTAH POWER & LIGHT )  
COMPANY FOR APPROVAL OF A ROAD )  
AT THE WILBERG MINE, PURSUANT )  
TO THE PROVISIONS OF SECTION )  
717.17(j)(2)(ii) OF THE RULES )  
AND REGULATION PROMULGATED )  
UNDER THE SURFACE MINING CON- )  
TROL AND RECLAMATION ACT )  
(Public Law 95-87) )

FINDINGS OF FACT  
CONCLUSIONS AND ORDER

Cause No. OSM-003

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The above-entitled matter came on for hearing before  
Gleon B. Feight, hearing officer, at nine o'clock a.m.,  
on Thursday, May 25, 1978, in the Executive Conference  
Room, Holiday Inn, 1659 West North Temple, Salt Lake  
City, Utah.

In addition to the hearing officer, the matter was heard  
by the following members of the staff who were present and  
participating:

James W. Smith	Reclamation Soil Specialist
Michael Thompson	Reclamation Hydrologist

The applicant, Utah Power & Light Company, was repre-  
sented by Ralph L. Jerman. The following persons were  
sworn in and testified on behalf of applicant:

Dean L. Bryner	Vice President, Utah Power & Light Company
Samual Musser	Consulting Engineer
William Boley	United States Forest Service

The hearing officer having heard and considered the  
testimony of all of the witnesses and all evidence and  
exhibits introduced and received during the course of the  
hearing, and being fully advised in the premises, now,  
therefore, makes and enters the following Findings of Fact

and Conclusions:

#### FINDINGS OF FACT

1. The Division has the authority under applicable law to make and enter the order set forth below.

2. Due, proper and legal notice of the time, place and purpose of the hearing was given to all interested parties in the form and in the manner and within the time prescribed by the rules and regulations of the Board and the Mine Reclamation Act of the State of Utah.

3. Utah Power & Light Company owns and, under contract, operates the Wilberg Mine, Emery County, Utah, which is an underground coal mining operation.

4. Utah Power & Light Company is presently engaged in extensive site development at the Wilberg Mine. Such site development consists of surface grading to provide level areas for parking, storage, coal processing facility and other mine-related functions, as well as an access haul road to facilitate coal hauling, supplies and equipment delivery and general personnel access. The site development has been designed by a national consulting engineering firm and is presently under construction. The roadbed area above the point of connection with the Utah state road comprises 3.4 acres and is designed to be constructed at a 12 percent uniform grade. Such grade was determined by the location of the various parking and working levels and to take advantage of the natural terrain by balancing the required cuts and fills.

5. The road as presently designed has been approved by the United States Forest Service, United States Geological Survey and the Bureau of Land Management, which approval took approximately one year to obtain. The connecting state road is to be constructed and maintained by the Utah

Department of Transportation in accordance with its standard practices and specifications.

6. The consulting engineering firm which designed the road has since considered alternatives necessary to comply with the maximum grade requirements set forth in Paragraph 717.17(j) of the applicable regulations. Any realignment of the road is met by various constraints as the road is required to provide access to six different level areas, comprising a total of 5.5 acres. Any attempt to relocate those levels would require extensive additional disturbance of the mine area.

7. The most feasible proposed realignment of the road would result in considerably more extensive earthwork operations and would expose approximately 4 additional acres of disturbed area, 3.3 acres of which would be cut and fill slope. This would increase the disturbed area by approximately 30 percent over what would be required to build the road as presently designed. Such realignment would encroach into an old rockslide, requiring extensive removal of material to accomplish stabilization. This would cut deep into the sandstone cliffs and would require the removal of approximately 137,300 cubic yards of additional material, an increase of 40 percent over that required under the plans as presently approved.

8. Earthwork operations required to accomplish the modified plan would force the removal of approximately 4 additional acres of existing vegetal cover consisting of pinion, juniper, blue spruce and sparse grasses. The chances of re-establishing the vegetal cover by reseeding would be less than 30 percent. The realignment of the road to reduce the percentage grade to comply with the above regulation would result in substantially more erosion

than the construction of the road as presently designed. The increase of erosion would be in order of magnitude of 300 percent.

9. Any realignment of the road would require additional approval of the U.S. Forest Service and other governmental agencies involved. The U.S. Forest Service is opposed to realignment which would increase the disturbed areas and consequent erosion. Obtaining such approvals would involve months of time and would make it impossible for Utah Power & Light Company to place the Wilberg Mine in operation this year as required to meet its load demands. Unless construction is commenced immediately, it would not be completed by winter. Additionally, realignment of the road would result in fill of approximately 16 feet at the point where the road meets the road being constructed by the Utah State Department of Transportation. Consequently, the State would have to re-engineer and reconstruct its road for a substantial distance in order to make the proper connection.

#### CONCLUSIONS

1. The access and haul road presently designed to be constructed at Utah Power & Light Company's Wilberg Mine at a uniform grade of 12 percent will be built at a grade which will adequately and properly control erosion.

2. To reconstruct said road would result in substantially more degradation of the environment and would result in considerably more erosion than would result if the road is constructed as presently designed.

3. The Division has made a determination that construction of said road at the uniform 12 percent grade is proper under the Mine Land Reclamation Act and the regulations promulgated thereunder and is to be built at a grade

necessary to control erosion. Consequently, Utah Power & Light Company should be authorized to proceed with the construction of said road at the 12 percent uniform grade.

Pursuant to the foregoing Findings of Fact and Conclusions, the Division hereby makes the following:

ORDER

Subject to approval by the Office of Surface Mining and the Secretary of the Department of Interior, Utah Power & Light Company is hereby authorized to proceed with the construction of its access and haul road at its Wilberg Mine in Emery County, Utah, and to construct said road at a uniform 12 percent grade as presently designed and as presented to the Division at the hearing held on May 25, 1978.

DATED this \_\_\_\_\_ day of June, 1978.

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Cleon B. Feight  
Hearing Officer