

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

IN THE MATTER OF THE)	
APPROVAL OF THE NOTICE)	
OF INTENT AND RECLAMA-)	O R D E R
TION PLAN SUBMITTED BY)	
UTAH POWER & LIGHT COM-)	
PANY, WILBERG MINE, EMERY)	
COUNTY, UTAH.)	Cause No. ACT-015-053

The above-entitled matter came on for hearing before the Board of Oil, Gas and Mining, I. Daniel Stewart Chairman, at nine o'clock a.m., on Wednesday, May 24, 1978, in the Executive Conference Room, Holiday Inn, 1659 West North Temple, Salt Lake City, Utah.

The following members of the Board were present and participating:

I. Daniel Stewart	Chairman
Charles Henderson	Board Member
John L. Bell	Board Member
C. Ray Juvelin	Board Member

The following members of the staff were present and participating:

Cleon B. Feight	Director
Patrick L. Driscoll	Chief Petroleum Engineer
Ronald W. Daniels	Coordinator Mined Land Development
Brian W. Buck	Engineering Geologist
Sheree Wilcox	Administrative Assistant

The following appearances were made:

For the office of Attorney General, State of Utah:	Paul Reimann
For protestant Crawford:	H. Wayne Wadsworth
For Utah Power & Light Company: =	Rosemary Richardson Ralph L. Jerman

The Board had heretofore entered an order approving the notice of intent and reclamation plan submitted by Utah Power & Light Company in connection with the operation of its Wilberg Mine, Emery County, Utah. Thereafter, protestant Crawford, one of the surface owners above the Wilberg Mine, filed a motion for reconsideration and request for evidentiary hearing. The motion was granted by the Board and it ruled that the motion for reconsideration was timely filed under the provisions of the Mined Land Reclamation Act.

The following persons were sworn and testified on behalf of protestant Crawford:

Henry C. Wilson	Bureau of Land Management
John D. Billings	U.S. Bureau of Reclamation

Staff Exhibits "A" through "K" were identified, offered and admitted; Crawford Exhibits "1" through "6" were identified, offered and admitted.

The Board, having heard and considered the testimony of the above witnesses, the exhibits offered and admitted and the arguments of counsel, and being fully advised in the premises, makes the following:

FINDINGS OF FACT

1. There is no feasible method by which it can be determined whether surface subsidence will occur in connection with the mining operations of Utah Power & Light Company or other coal operator, nor is it possible to determine what effect any subsidence might have on the hydrological system or the land surface.

2. Because of the unpredictability of subsidence and its effects, there is no practical or feasible way by which a reclamation plan could make provisions for correcting the effects of any subsidence except in a very general manner.

3. The objective of the Mined Land Reclamation Act is

to provide for reclamation in a manner which will create stable ecological conditions after mining has occurred. Thus, there should be a general plan for reclamation in the event subsidence and its consequent damage should occur at some future date. Such general plan must take into consideration the fact that mining will occur and cannot be unnecessarily interfered with..

Now, therefore, based upon the foregoing Findings of Fact, the Board enters the following:

ORDER

The notice of intent and reclamation plan submitted by Utah Power & Light Company in connection with its operations at the Wilberg Mine, Emery County, Utah, under date of September 9, 1977, be amended in the following respects:

1. To provide that in the event that subsidence of the surface occurs catastrophically at the Wilberg Mine, creating a surface safety hazard, Utah Power & Light Company will provide sufficient contouring or take other appropriate measures in a manner approved by the Division of Oil, Gas and Mining to correct the safety hazard so created.

2. To provide that in the event the hydrologic system above the Wilberg Mine is disturbed as a result of the operations of Utah Power & Light Company to the extent that surface water is measurably diminished, Utah Power & Light Company will be required to replace the surface water so diminished by the drilling of a well or by piping from some other source to the extent that there are appropriated water rights in said surface waters, Utah Power & Light Company and protestant Crawford shall cooperate and participate together in establishing a monitoring system to determine the surface at the Wilberg Mine sufficient to enable the Division to make a determination as to whether there has been

any diminishment of appropriated water rights as a result of the operations of Utah Power & Light Company at such mine.

Except as herein amended, the approval of said notice of intent and reclamation plan is hereby confirmed and shall remain in full force and effect.

DATED this 21 day of June, 1978.

BOARD OF OIL, GAS AND MINING

By I. Daniel Stewart
I. Daniel Stewart

Charles R. Henderson
Charles Henderson

John L. Bell
John L. Bell

C. Ray Juvelin
C. Ray Juvelin