

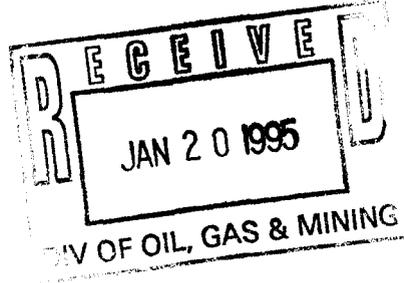
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One Utah Center  
201 South Main, Suite 2100  
Salt Lake City, Utah 84140-0021  
(801) 220-2000

A Division of PacifiCorp



January 20, 1995



Utah Coal Regulatory Program  
Division of Oil, Gas and Mining  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84528

**RE: PERMIT AMENDMENT TO ADDRESS DIVISION ORDER, PACIFICORP,  
COTTONWOOD/WILBERG MINE, ACT/015/019-DO94A, FOLDER #3,  
EMERY COUNTY, UTAH**

*Copy to Mr. Carter, FAM*

Attention: Mr. James W. Carter

The enclosed information is submitted in response to the Division's letter, dated December 20, 1994, which transmitted the above referenced Division Order. PacifiCorp was ordered to address items identified in a December 13, 1994 letter from the Forest Service to the Division. A copy of the order and the Forest Service letter are attached for your information.

Seven items in the Cottonwood Mining and Reclamation Plan (MRP) were identified by the Forest Service as needing to be corrected. Five of the items are addressed by the information included herein. However, I respectfully request an additional two (2) weeks in which to address the two items regarding fish and wildlife information.

*approved  
Vol 2 p2-163  
Vol 2 p 4-55 to end  
LMB*

A notarized copy of Form DOGM-C1 is enclosed. Additionally, the attached copy of Form DOGM-C2 provides instructions for incorporating the amended information into the Mining and Reclamation Plan.

Copies of the current MRP pages, with the modifications hi-lited, are provided to facilitate identification of changes.

Thank you for your consideration in this matter.

If you have questions or comments, please call me at 653-2312, ext. 16.

Sincerely,

A handwritten signature in black ink that reads "Val Payne". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Val Payne

Sr. Environmental Engineer

cc: M. Moon  
B. Webster  
File

# APPLICATION FOR PERMIT CHANGE

Title of Change:

*PERMIT AMENDMENT*

Permit Number: *ACT10151019*

Mine: *COTTONWOOD/WILBERG*

Permittee: *PACIFICORP*

Description, include reason for change and timing required to implement:

*RESPONSE TO PERMIT DEFICIENCIES IDENTIFIED IN DIVISION ORDER  
ACT/015/019-0094A.*

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 1. Change in the size of the Permit Area? _____ acres <input type="checkbox"/> increase <input type="checkbox"/> decrease.               |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 2. Change in the size of the Disturbed Area? _____ acres <input type="checkbox"/> increase <input type="checkbox"/> decrease.            |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 3. Will permit change include operations outside the Cumulative Hydrologic Impact Area?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 4. Will permit change include operations in hydrologic basins other than currently approved?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 5. Does permit change result from cancellation, reduction or increase of insurance or reclamation bond?                                  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 6. Does permit change require or include public notice publication?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 7. Permit change as a result of a Violation? Violation # _____   |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 8. Permit change as a result of a Division Order? D.O.# <i>ACT/015/019-0094A</i>   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 9. Permit change as a result of other laws or regulations? Explain: _____  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 10. Does permit change require or include ownership, control, right-of-entry, or compliance information?                                 |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 11. Does the permit change affect the surface landowner or change the post mining land use?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 12. Does permit change require or include collection and reporting of any baseline information?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 13. Could the permit change have any effect on wildlife or vegetation outside the current disturbed area?                                |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 14. Does permit change require or include soil removal, storage or placement?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 15. Does permit change require or include vegetation monitoring, removal or revegetation activities?                                     |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 16. Does permit change require or include construction, modification, or removal of surface facilities?                                  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 17. Does permit change require or include water monitoring, sediment or drainage control measures?                                       |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 18. Does permit change require or include certified designs, maps, or calculations?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 19. Does permit change require or include underground design or mine sequence and timing?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 20. Does permit change require or include subsidence control or monitoring?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 21. Have reclamation costs for bonding been provided or revised for any change in the reclamation plan?                                  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 22. Is permit change within 100 feet of a public road or perennial stream or 500 feet of an occupied dwelling?                           |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 23. Is this permit change coal exploration activity <input type="checkbox"/> inside <input type="checkbox"/> outside of the permit area? |

Attach 3 complete copies of proposed permit change as it would be incorporated into the Mining and Reclamation Plan.

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

*Val E Payne* VAL E PAYNE SR. ENVIRONMENTAL ENG. 1/20/95  
Signed - Name - Position - Date

Subscribed and sworn to before me this *20th* day of *January*, 19 *95*

My Commission Expires: \_\_\_\_\_  
Attest: STATE OF  
COUNTY OF \_\_\_\_\_

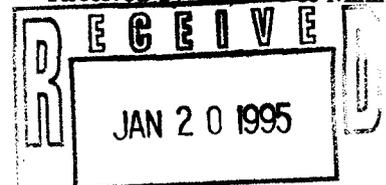
Notary Public

*Shelby M. Hurt*  
Notary Public  
*Nov 19, 1996*  
*Utah*  
*Emery*



NOTARY PUBLIC  
SHELBY M. HURT  
15 North Main St.  
Huntington, Utah 84528  
My Commission Expires  
November 19, 1996  
STATE OF UTAH

Received by Oil, Gas & Mining



DIV OF OIL, GAS & MINING

ASSIGNED PERMIT CHANGE NUMBER





**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  
3750 Center, Suite 350  
Salt Lake City, Utah 84190-1203  
801-538-5340  
801-359-3940 (Fax)  
801-538-5319 (TDD)

December 20, 1994

Val Payne  
PacifiCorp  
P. O. Box 1005  
Huntington, Utah 84528

Re: Permit Deficiency, PacifiCorp, Cottonwood/Wilberg Mine, ACT/015/019-DO94A,  
Folder #3, Emery County, Utah

*Val*

Dear Mr. Payne:

A review of the Cottonwood/Wilberg Mining and Reclamation Plan was conducted in conjunction with the recent permit renewal. As a result of the review the Manti-La Sal National Forest identified a few items that are inaccurate and which need to be corrected. The Division is issuing the enclosed Division Order which requires you to correct the deficiencies. Please note that you are required to respond within 30 days.

Please call if you have any questions.

Very truly yours,

*James W. Carter*

James W. Carter  
Director

Enclosures

cc: D. Haddock  
P. Grubaugh-Littig  
J. Helfrich

COVDO94A.COT



STATE OF UTAH  
DIVISION OF OIL, GAS AND MINING

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PACIFICORP

Val Payne  
Sr. Environmental Engineer  
P. O. Box 1005  
Huntington, Utah 84528

ORDER & FINDINGS  
of  
PERMIT DEFICIENCY

PERMIT NUMBER ACT/015/019  
DIVISION ORDER # 94A

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PURSUANT to R645-303-212, the DIVISION ORDERS the PERMITTEE, PacifiCorp (permittee), to make the permit changes enumerated in the findings of permit deficiency in order to be in compliance with the State Coal Program. These findings of permit deficiency are to be remedied in accordance with R645-303-220.

FINDINGS OF PERMIT DEFICIENCY

The Division finds the permit deficient in that the Mining and Reclamation Plan that it is based on contains some outdated and inaccurate information.

Regulations Cited R645-301-111.200, R645-301-121

Requirements

In order to comply with these regulations, the permittee must correct the items identified in the December 13, 1994 letter from the Forest Service to the Division. (see attached letter)

ORDER

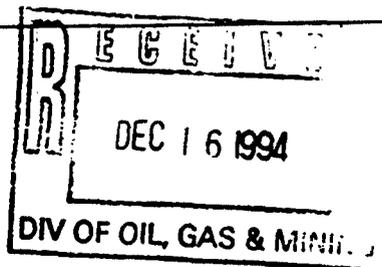
PacifiCorp (Permittee) is ordered to make the requisite permit changes in accordance with R645-303-220 and to submit a complete application for permit change to address the findings of permit deficiency within 30 days of date of the Order. Approval by the Division must be obtained within 60 days of date of this Order. All approvals not obtained within 60 days may result in a hindrance violation.

Ordered this 20th day of December, 1994, by the Division of Oil, Gas, and Mining.

*James W. Carter for*

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James W. Carter, Director  
Division of Oil, Gas and Mining



File Code: 2820-4

Date: December 13, 1994

Utah Division of Oil, Gas and Mining  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
ATTN: Pam Grubaugh-Littig

*Copy Pam: Daron*  
*ACT/012/019 #2*

Dear Pam,

We have reviewed the Cottonwood Mining and Reclamation Plan for the 5-year permit renewal. The following items need to be corrected:

Volume 1, Part 2.

Remove the cultural resources report. Replace it with a description of the area surveyed and a statement saying the information is on file with the surface management agency and is exempt from Freedom of Information Act requests.

Volume 2, page 2-163.

The list of species of special significance should be updated. It is based on information from 1979 and 1980.

Volume 2, page 4-3.

Used Asphalt products are classified as hazardous waste and can not be buried on the forest. According to Carl Wadsworth, Utah Division of Environmental Quality, the options are to either recycle the asphalt or take it to a permitted solid waste landfill.

Volume 2, page 4-40.

This section should have a description of the areas covered by the cultural resource surveys, but should give no site-specific data. The text should say that the surface management agency has a copy of the report, but that they are exempt from the Freedom of Information Act.

Volume 2, page 4-47, last paragraph.

PacifiCorp now owns the land near Burnt Tree Spring, and the wooden cabin has been removed.

Volume 2, page 4-48, first paragraph.

The cabin has been removed.

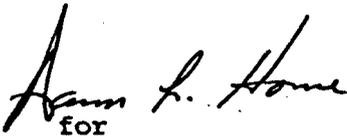
Volume 2, Fish and wildlife report after page 4-55.

This report is for the Deer Creek Mine. It should be redone to address the Cottonwood Mine. Specific problems are the lack of information on Grimes Wash and Cottonwood Creek, and the statement that there are no golden eagle nest sites in the mine area.

We consent to the permit renewal, with the stipulation that these corrections be made by March 1, 1995.

If you have any questions, please contact Dale Harber at the address listed above.

Sincerely,



for

DEANE H. ZELLER

Acting Forest Supervisor

## Chapter I - INTRODUCTION

### A. General Data on the Project

In July and August, 1980, the Archeological-Environmental Research Corporation (AERC) of Salt Lake City, Utah, conducted a sample survey cultural resource evaluation for Utah Power and Light Company (UPL) on East Mountain in Emery County, Utah (see Figure 1). Utah Power and Light Company, desirous of preparing a mine plan application for submission to federal and state authorities, requested that cultural resource evaluations be conducted within the potential subsidence zone which would comply with pertinent government legislation, i.e., Executive Order 11593 "Protection and Enhancement of Cultural Environment" (Federal Register, Vol. 36, No. 95, May 15, 1971), and "The Archeological and Historical Data Conservation Act of 1974," which is an amendment of "The Reservoir Salvage Act of 1960" (74 Stat. 220). For additional information on this Utah Power and Light Company development, please refer to the mine plan application.

AERC's field evaluations in this locality actually began in the summer of 1976 when, as a consultant to UPL AERC began evaluating proposed exploratory drill locations and access roads. AERC activities on East Mountain for UPL from 1976 through 1979, were documented in the following reports: UPL-76-6 (August 9 and 24, 1976), UPL-77-5 (May 26, 1977), UPL-77-9 (August 2, 1977), UPL-77-10 (August 26, 1977), UPL-77-12 (September 8, 1977), UPL-78-6 (July 6, 1978), UPL-78-10 (September 21, 1978), UPL-79-10 (June 27, 1979), UPL-79-14 (November 21, 1979) and UPL-79-14 (December 12, 1979).

project area is actually located on the southern and eastern top and slopes of East Mountain and flanked to the east and west by Huntington Canyon and Cottonwood Canyon. The survey area is on the Hiawatha, Utah USGS 15 minute topographic quad.

All field notes and site data are filed at AERC headquarters in Bountiful, Utah. Site reports are being submitted to the Utah State Historic Preservation Office as well as to all relevant government agencies.

backfilling the cut areas. Individual items are explained in detail below.

Item 3-A Asphalt Removal and Disposal:

The asphalt and gravel road base from the service road, truck turn around, upper parking lot, portal bench, South Wilberg tunnels and South Wilberg storage pad will be removed and disposed with the concrete in the lower parking lot.

Item 3-B South Wilberg Binwall Removal:

This structure will be torn down and removed from the permit area.

Item 3-C South Wilberg Fan Pad:

Material excavated from the South Wilberg storage area will be used to backfill this area. The slope will be built to a 1.5h:1v slope using the original Roberts & Schaefer construction specifications (see Existing Structure section for details).

Item 3-D South Wilberg Storage Yard:

The material remaining after the fan pad is completed will be used to seal the portal and tunnel entrances and the general area will be contoured to the approximate original contour.

Item 3-E Road - 9th East Portals:

Material from the berm along side the road will be used to backfill and contour the road cut.

Item 3-F Portal Bench Road:

Material excavated from the upper parking lot will be used to backfill the road cut. Starting at the edge of the

PROTECTION OF PUBLIC PARKS AND HISTORIC PLACES (784.17)

No public parks are located in or adjacent to the permit area.

Cultural resource information contained in this application was based on field surveys contracted to A.E.R.C. (Archeological Environmental Research Corporation) and conducted under the auspices of Richard Hauck.

Several separate surveys were conducted. Prior to the construction of the Wilberg Mine portal site and associated offsite facilities, archeological surveys were conducted. Results of these surveys disclosed several sites adjacent to Grimes Wash. These reports are included in the Environment section

During the planning of the Cottonwood fan portal site and utility corridor, an archeological survey was conducted. It also identified several sites. Although this project has since been reduced to only the fan portal, this report is also included.

For lands within the permit area not covered by planned surface disturbances, but yet could be affected by subsidence, a general 15 percent random survey was conducted. Basis of this survey was extrapolated from requirements mandated by OSM for authorization to mine coal from the Des-Bee-Dove Mine, an adjacent mine. Results of this survey are contained in the report found in the Environment section.

Regarding the seeps and springs, Utah Power has been actively monitoring these, together with water generated within the mines since 1978 and has set up an organization with the full intention of monitoring them for the next several years.

The hydrologic monitoring indicates that mining under the seeps and springs at the depths of cover of Cottonwood/Wilberg Mine, up to 2,400 feet, does not dry up the seep or spring. This phenomenon is most probably due to the presence of bentonitic shale layers in the overburden which swell when wet forming an impervious clay layer. This healing characteristic is expected to seal subsidence cracks to prevent downward migration of water and subsequent loss of springs and other water sources.

The Cottonwood/Wilberg Mine will be mining some 8 feet of coal at depths from 1,500 to 2,400 feet of cover. Therefore, it is Utah Power's belief that the seeps and springs on East Mountain will not be adversely affected.

Regarding the small wooden building on East Mountain, subsidence studies (NCB) show that structures constructed of rigid materials such as brick work, concrete or stone work

suffer greater damage than buildings with frame construction. Therefore, it is Utah Power's belief that the cabin referred to will not suffer material damage.

Mitigation of Subsidence Damage Effects

Should material damage be incurred by the cabin despite the planned subsidence damage prevention measures, the applicant will repair the damage caused by subsidence resulting from the applicant's activities or compensate the owner of the cabin for such damage.

Any roads, fences, stock ponds, earth dams or water troughs, which are materially damaged by subsidence will be repaired and regraded to restore them to their pre-subsidence usefulness.

Should significant subsidence impacts occur, the applicant will restore, to the extent technologically and economically feasible, those surface lands that were reduced in reasonably foreseeable use as a result of such subsidence, to a condition capable of supporting reasonably foreseeable uses that such lands were capable of supporting before subsidence.

In the event that surface waters above the Wilberg Mine are diminished as a result of the operations of the applicant, including any subsidence therefrom, to the extent that appropriated surface water is measurably diminished,