



ACT/015/019#2

CAPITAL PROJECT REQUEST (C.P.R.)

Project Title: Cottonwood Canyon Fan Reclamation		
Project Number: 45-9411	Budgeted: Reclamation Fund	C.E.R. Number:

Location/ Department: TRAIL MOUNTAIN	Accounting Control: Additions and/or Retirements:
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Required Start-Up: June 1997	Scheduled Completion: September 1997
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Project Description:

D.O.G.M. has recently raised concerns about the status of final reclamation of the Cottonwood Canyon Fan Portal. See the attached inspection report and letter dated June 27, 1996. It is proposed that the reclamation be completed in the construction season of 1997.

Also attached is the permitted reclamation plan and a cost estimate.

Project Cost Estimate:	Labor ----- \$16,099
	Equipment ---- \$40,674
	Material ----- \$13,285
	Total ----- \$70,058

Recommended by: <i>John Christensen</i>	Title: CONST. ENGINEER	Date: 10/8/96
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Approval/Authorization	Date
Manager, Mine:	
Manager, Technical Services: <i>[Signature]</i>	10/19/96
Manager, Operations: <i>[Signature]</i>	10/9/96
	10/16/96

COTTONWOOD CANYON FAN RECLAMATION

Cost Summary

TASK	LABOR	EQUIPMENT	MATERIAL
Material Removal: -(50hr)(\$135/hr) -(50hr)(\$26.31/hr)	\$1,316	\$6,750	
Material Haulage: -(30hr)(\$91/hr + 2(\$158/hr)) -(30hr)(3x\$26.31/hr) -(1700yds)(\$6/yd)	\$2,368	\$12,210 \$10,200	
Material Placement: -(30hr)(\$74/hr+.5x\$135/hr+\$23/hr) -(30hr)(2x\$26.31/hr)	\$1,579	\$4,935	
Revegetation Plan:			
Surf.Prepare: -(25hr)(\$25/hr+\$20/hr) -(25hr)(3x\$26.31/hr)	\$1,974	\$1,125	
Fertilize: -(12hr)(\$25/hr+\$6/hr) -(12hr)(4x\$26.31/hr) -(5 acres)(\$79.50/ac)	\$1,262	\$372	\$398
Mulch: -(12hr)(\$29.50/hr+\$21/hr) -(12hr)(2x\$29.25/hr) -(5 acres)(\$23/1000ft ²)	\$702	\$606	\$5,000
Seeding: -(12hr)(\$29.50/hr+\$6/hr) -(12hr)(3x\$26.31/hr) -(5ac)(24lbs/ac)(\$14/lb)	\$947	\$426	\$1,680
Planting: -(22hr)(\$16/hr) -(22hr)(3x\$26.31/hr) -(5ac)(1000plants/ac)(\$1/plt)	\$1,737	\$352	\$5,000
Foreman: -(100hr)(\$27.50/hr)	\$2,750		
SUB-TOTALS:	\$14,635	\$36,976	\$12,078
plus 10% contingency			
TOTAL:	\$70,058		

The Cottonwood Canyon fan portal was originally intended for ventilation of the Wilberg Mine as it developed westward. The portal site was excavated in 1980 to expose the coal seam and build a soil pad to support the fan house and other structures. During excavation all loose materials (dirt and rocks) were removed down to the solid rock ledges which are present now. Topsoil and Subsoil from the area was stockpiled for the eventual reclamation. Due to changes in the mine plan the fan portal has not been required as of this writing but remains a viable possibility for future development.

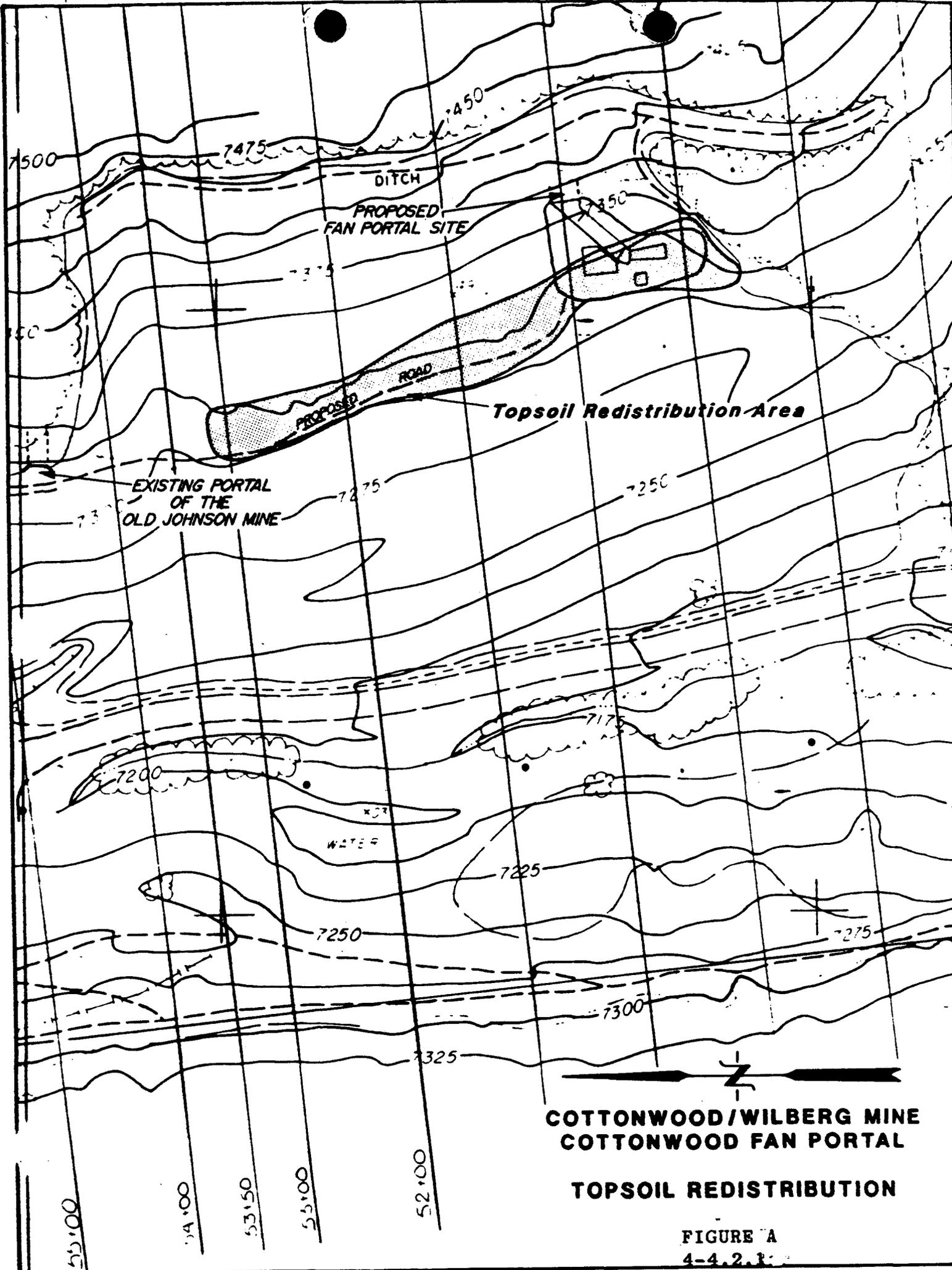
The original contour map was used to determine the pre-mining configuration and to establish the basis for how the disturbed area should be recontoured. The original slopes ranged from 20 percent to over 100 percent with the most common ranging from 50 to 80 percent. A stability analysis performed by Rollins, Brown and Gunnell, Inc. in 1980 determined that the disturbed area had an operating safety factor of 1.5 on a slope of 36 degrees (73%) (Letters dated May 13, 1980 and September 23, 1980, Rollins, Brown and Gunnell, Inc., Appendix XVIII). Therefore all backfilled slopes will be constructed with a 67% grade which will be well within the stability requirements for final reclamation and closely match the original contours.

Only the coal seam will be completely backfilled with the subsoil material and covered with topsoil to a depth of one foot. The exposed rock layers above the coal seam will

remain as they are. The height of each of the rock layers and the corresponding slopes are representative of the naturally occurring slopes in the surrounding area and the geomorphic processes of the area. Backfilling activities on these rock layers would produce a less stable slope and should be avoided.

Backfilling of the coal seam will require 5930 cubic yards of subsoil and 930 cubic yards of topsoil to accomplish the design goals. The existing subsoil stockpile contains 7960 cubic yards and the topsoil pile contains 990 cubic yards. Excess subsoil materials will be used to restore the pre-existing Johnson Mine access road in accordance with UMC 817.176. This will require an additional 1750 cubic yards of material. Any remaining soil will be distributed over the areas where the soil stockpiles were located and reclaimed according to the revegetation plan, page 4-27.

Refer to Utah Power and Light Mining Division Drawings Cottonwood Fan Portal Topography Cross-Section, CM-10406-CP and Reclamation Cross-Sections, CM-10813-CP, (Maps 4-6 and 4-7), and Figure A page 4-4.2.1, for details.



**COTTONWOOD/WILBERG MINE
COTTONWOOD FAN PORTAL**

TOPSOIL REDISTRIBUTION

FIGURE A

4-4.2.1

Equipment and materials will be transported to the site with a helicopter.

The diversion ditch will be backfilled using the material present in the outer shoulder and berm (see Map CM-10827-CP, Packet 4-9). This will require 176.6 cubic yards of material. Approximately 117.4 cubic yards are available in the shoulder and berm area. Additional material required for backfilling and water bar construction will be obtained during sediment pond removal and transported to the site by helicopter. Water bars will be constructed at locations indicated on Drawing CM-10828-CP, Packet 4-8. Approximately 15 cubic yards of material will be required for the nine (9) water bars.

The water bars will be installed diagonally across the backfilled ditch and bench. They will extend from the up-hill slope to the brow of the down-hill slopes. Rip-rap will be placed as indicated on Drawing CM-10828-CP to prevent erosion. The water bars will direct the overland across the reclaimed ditch and down the face of the slope.

Areas of potential overland flow concentrations will be protected with erosion control matting placed beneath rock rip-rap.

During removal of the sediment basins, the disturbed drainage ditch (DD-4, Map 3, Appendix XIII) will be recontoured with a D-6 Dozer and lined with erosion control matting. The matting will be anchored as specified

by the manufacturer.

Following backfilling, grading and contouring, the areas disturbed during final reclamation will be revegetated as described on pages 4-27 thru 4-29 (Revised 4/24/89). Sediment control (i.e. silt fence, straw bales, etc.) will be installed to control sediment until bond release is achieved.

Revegetation Plan for Cottonwood Portal Area

Disturbed areas and soil piles of the Cottonwood portal area total about five acres. Elevation is approximately 7,200 feet with a west and southwest exposure. On the steeper portion of the disturbed area, slope varies from 35-40°. The native plant community is dominated by Utah juniper and pinyon pine. However, both Douglas fir and White fir also occur. Common grasses are Salina Wildrye, Western Wheatgrass and Indian Ricegrass. Total aerial plant cover is about 40 percent. Soils are probably moderately alkaline and saline (results of soil analyses are given in Table 2). Surface soil texture is a silt loam. Topsoil is shallow and rocky.

Revegetation of the Cottonwood Fan Portal soil piles and disturbed slope was implemented in 1981. The techniques outlined on page 4-29 were utilized with the exception of Item 6 and 8. An irrigation system was installed at the time of initial seeding and the area was irrigated for several growing seasons. The seed mixture and plantings listed in Table 1 were used, with the addition of shadscale, Ephedra and Pinyon Pine container stock. The shrub plantings were randomly placed along the terraces rather than clumped as described in Item 6.

Recent vegetation monitoring indicates the revegetation efforts at the Cottonwood Fan Portal area have been successful. Therefore, the proposed species and methods are expected to be appropriate for final reclamation.

During the final revegetation, following analysis and redistribution of subsoil and topsoil, the slopes will be terraced on the contour about 6 inches deep with 2 foot vertical distance between terraces. This will prepare the soil for seeding. The grasses will be

Revised 11/21/83

Revised 5/3/84

Revised 3/1/89

Revised 4/24/89

4-27

seeded during the fall on the terraces. After hand raking, to cover the seed, ammonium nitrate and triple superphosphate fertilizers will be spread over the terraces at the rate determined from soil analysis. The following spring, container-grown shrubs will be transplanted into small basins among the grass rows.

Table 1: Cottonwood Fan Portal Seeding and Planting Rates

Seed Mixture:

<u>Common Name</u>	<u>Scientific Name</u>	<u>Lbs/Acre</u> <u>PLS</u>
<u>Grasses</u>		
Western Wheatgrass	<u>Agropyron smithii</u> var. Rosanna	6
Great Basin Wildrye	<u>Elymus salinus</u> var. Magnar	2
Indian Ricegrass	<u>Oryzopsis hymenoides</u> var. Paloma	4
<u>Forbs</u>		
Pacific Aster	<u>Aster chilensis</u>	0.2
Yellow Sweetclover	<u>Melilotus officinalis</u>	2
Northern Sweetvetch	<u>Hedysarum boreale</u>	10
	Seed Total	24.2
<u>Plantings</u>		
Four-wing Saltbush	<u>Atriplex canescens</u>	250
Big Sagebrush	<u>Artemisia tridentata</u>	250
Little Rabbitbrush	<u>Chrysothamnus viscidiflorus</u>	250
Utah Serviceberry	<u>Amelanchier utahensis</u>	250
	Total	1,000

Table 2: Soil Analysis

<u>Log No.</u>	<u>Site</u>	<u>pH</u>	<u>ECe</u>
1876	Topsoil	8.1	1.85
77	Topsoil	7.8	6.4
78	Subsoil	7.8	8.4
79	Subsoil	7.7	6.0

Revised 11/21/83
 Revised 12/12/83
 Revised 3/1/89
 Revised 4/24/89
 4-28

Revegetation Techniques:

1. Terraces will be formed with hand tools. This process will loosen the soil surface sufficient to facilitate seed broadcasting.
2. The seed mixture will be broadcast on the terraces with a "hurricane spreader" or hydroseeder.
3. The fertilizer will be broadcast on the terraces at the rate determined by soil analysis:

Approximately:

ammonium nitrate	50 lbs/acre
triple superphosphate	75 lbs/acre

4. The soil surface will then be turned lightly by hand raking to cover the seeds and fertilizer. (Raking will not be implemented with hydroseeding.)
5. Green alfalfa hay will be used for mulch at 2 tons/acre. On steep slopes netting will be applied to retain mulch in place. Flat slopes will be crimped. Hydroseeded areas will be hydromulched as a separate operation.
6. The following spring the shrub plantings will be hand planted in a random clump pattern. The clumps will be spaced 20 feet on centers with each individual planting on 2 foot centers. Each clump will have ten plantings with a minimum of 2 each species.
7. A basin will be formed at the clump site and a fertilizer tablet will be inserted at the root zone. Each plant will be hand watered at the time of planting.
8. Irrigation will be utilized if the first seeding fails. Then after reseeding and planting, sprinkler irrigation will be applied to the soil until surface saturation at two week intervals in May, June, July, and August.

Maintenance, monitoring and revegetation success will be the same as detailed in the Wilberg Mine Revegetation section Pages 4-20 thru 4-21.1.

State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael G. ...
Tel: ... 801-224-1203
Executive Director
James W. Carter
Division Director 801-224-6318 (TDD)

June 27, 1996

Val Payne
Sr. Environmental Engineer
PacifiCorp
PO Box 310
Huntington, Utah 84528

RE: Fan Portal, Cottonwood Mine, PacifiCorp, ACT/015/019, Folder #2, Emery County, Utah

Dear Mr. Payne:

About a month ago, mentioned that I would be writing you a letter concerning the Cottonwood Fan Portal.

The key question with the recent intertie of the Cottonwood and Trail Mountain mines:

- Does PacifiCorp still require the Cottonwood Fan Portal in the MRP specified disturbed area?
- If not, then the next question, what are your plans and time frames for reclamation?

A review of the record reveals the following highlights:

- (1) **The lower part of the Cottonwood Fan Portal disturbed area has been reclaimed; the upper part has not been reclaimed.**
- (2) **The upper area has been the subject of numerous discussion on why the area was not reclaimed by others, including OSM.**
- (3) **The intertie amendment proposed utilizing spoil and topsoil from one project to another project. As I understand, your proposal was discussed with the permitting staff to utilize the material from the overhead conveyor et. al. to reclaim the Cottonwood Fan Portal Area. However, as I recall, logistics did not work out, resulting in the material being stored at the waste rock site.**



Page 2

V. Payne/Cottonwood Mine

Fan Portal

June 27, 1996

How the Cottonwood Fan Portal squares with contemporaneous reclamation requirements of the Utah Coal Rules (R645-301-352) is a concern. If there is no need for the fan portal, believe the conditions are ripe for a decision on this matter.

The Division has made some progress on the matter of total high wall elimination. For example, the Gordon Creek #7 mine final reclamation plan was approved with a remnant high wall. Would appreciate your usual prompt reply on the specific questions and any other information that you believe is necessary for the resolutions of this matter.

Sincerely,



Wm. J. Malencik
Reclamation Specialist

sd

cc: DOGM. Please Route to:

- J. Helfrich
- L. Braxton
- D. Haddock
- P. Grubaugh-Littig
- File

inspection report

- Partial
- Complete
- Exploration

Inspection Date: September 12, 1996
 Time: 8:00 am to 3:00 pm
 Date of Last Inspection: 8/27/96

Mine Name: Cottonwood/Wulberg County: Emery Permit Number: Act 015/019
 Permittee and/or Operator's Name: Pace Corp/ Energy West
 Business Address: P.O. Box 1005, Huntington, UT 84528
 Type of Mining Activity: Underground Surface Prep. Plant Other
 State Official(s): Bill Malencik
 Company Official(s): Mike Dennis
 Federal Official(s): N/A

Weather Conditions: Clear/Temp highs 80°

Existing Acreage: Permitted- 1532 Disturbed- 102 Regraded- _____ Seeded- _____ Bonded- 102

Increased/Decreased: Permitted- _____ Disturbed- _____ Regraded- _____ Seeded- _____ Bonded- _____

Status: Exploration / Active / Inactive / Temporary Cessation / Bond Forfeiture
 Reclamation (Phase I / Phase II / Final Bond Release / Liability _____ Year)

REVIEW OF PERMIT, PERFORMANCE STANDARDS & PERMIT CONDITION REQUIREMENTS

Instructions

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 N/A.
 - b. For partial inspections check only the elements evaluated.
2. Document any noncompliance situation by referencing 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, Division Orders, and amendments.

	EVALUATED	N/A	COMMENTS	NOV/ENF
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. HYDROLOGIC BALANCE:				
a. DIVERSIONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. SEDIMENT PONDS AND IMPOUNDMENTS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. OTHER SEDIMENT CONTROL MEASURES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. WATER MONITORING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. EFFLUENT LIMITATIONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. EXPLOSIVES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. DISPOSAL OF EXCESS SPOIL/FILLS/BENCHES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 VALUES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. SLIDES AND OTHER DAMAGE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. CONTEMPORANEOUS RECLAMATION	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. BACKFILLING AND GRADING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. REVEGETATION	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. ROADS:				
a. CONSTRUCTION/MAINTENANCE/SURFACING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. DRAINAGE CONTROLS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. OTHER TRANSPORTATION FACILITIES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. SUPPORT FACILITIES/UTILITY INSTALLATIONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. AVS CHECK (4th Quarter-April, May, June) _____ (date)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. AIR QUALITY PERMIT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. BONDING & INSURANCE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

INSPECTION REPORT COMMENTS

Permit No. Act 015/019

Inspection Date 9/12/96

Please number comments to correspond with topics on previous page.

General Comments. This inspection included the following disturbed permitted areas i.e., Cottonwood area, active waste rock, the inactive waste rock site, and the Cottonwood mine.

Texaco contractor had roughed out ^{the} methane well access road across PacifiCorp permitted disturbed area. PacifiCorp permit amendment received 8/30/96 and approved 9/10/96 paved the way for Texaco to start road construction based on multi-agency jurisdictions and approvals as spelled out in the permit amendment approval Pending Matter. While not discussed at the inspection, I am still waiting for a response to the 6/27/96 Cottonwood law partial letter. Val Payne advised me that the Cottonwood law partial matter had been discussed at a management meeting. Further, that PacifiCorp personnel were assigned to develop a staff report on reclamation and reclamation costs.

It being three months since the letter of inquiry

Copy of report mailed to _____

Copy of report given to _____

Inspector's signature _____ No. _____

WHITE - DOGM YELLOW - OSM PINK - PERMITTEE OPERATOR GOLDENROD - NOV FILE

INSPECTION REPORT COMMENTS

Permit No. Act 0151019

Inspection Date 9/12/96

Please number comments to correspond with topics on previous page.

was written, suggest that the information verbalized to the undersigned be put in writing together with the current status. Attached to this inspection report is OSM's letter of 4/8/91.

Proposed Amendments: Alternative sediment control measures relating to the active waste rock haul road were again discussed. The operator stated that a group of Division personnel observed the siltfence and made suggestions to the permittee on those siltfence that must remain and those that could be removed. Siltfence removal was also discussed with the aforementioned group as related to the back field. The upshot of that discussion was part of the siltfences could be removed and part must remain.

The operator is in the process of preparing an amendment.

Signs & Markers: I.D signs were observed at all three sites. On the inactive waste rock site the telephone number shown thereon needs some consideration to make it more legible; however, balance of the information stands out.

Copy of report mailed to _____

Copy of report given to _____

Inspector's signature _____ No. _____

WHITE - DOGM; YELLOW - OSM; PINK - PERMITEE OPERATOR; GOLDENROD - NOV FILE

INSPECTION REPORT COMMENTS

Permit No. Act 015/019

Inspection Date 9/12/96

Please number comments to correspond with topics on previous page.

Topsoil. When the aforementioned group observed the silt fence, a soil determination was made, as I understand it, to designate soil material heretofore not classified as soil as soil material suitable for reclamation.

In order to perfect this conclusion, an amendment must be prepared and submitted to the Division.

Diversions. Observed most of the diversions and culverts. Exception, did not have time to check the upper fan portal disturbed diversion.

Other Sediment Control. Sediment control measures were in place which included five sediment ponds, berms, silt fences and strawbales. These were observed at the mine waste rock site, leach field, and Cottonwood fan portal area.

Coal Mine Waste piles were observed. The current lift is about two thirds full.

The coal mine waste pile appears to be draining runoff in a design manner to prevent water from being impounded on top of the pile.

Copy of report mailed to _____

Copy of report given to _____

Inspector's signature _____ No. _____

WHITE - DOGM YELLOW - DSM PINK - PERM TEE OPERATOR GOLDEN/PCD - NOV FILE

INSPECTION REPORT COMMENTS

Permit No. Act 015/019

Inspection Date 9/12/96

Please number comments to correspond with topics on previous page.

The operator is reclaiming the outslope of the pile as the height of the pile advances.

Non coal waste was picked from the coal waste + was stored in a separate temporary pile. The operator is cautioned to pickup coal waste immediately after the material is spread out and before compaction in order to pickup non coal waste that was uncovered.

Subsidence. Subsidence associated with the mining operations were explicitly shown and discussed in the 95 annual report.

Support Facilities at the mine and the Cottonwood Jaw portal areas were observed which are incident to the mine.

Copy of report mailed to PC/Val Payne; OSM/Marcia Petta; DOGM/Joe Helfrich

Copy of report given to Perm Field Office

Inspector's signature Tom J. Malinik

No. 26

WHITE - DOGM YELLOW - DSM PINK - PERMITEE OPERATOR GOLDENROD - NOV FILE

9/23/96.



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
SUITE 310
625 SILVER AVENUE, S.W.
ALBUQUERQUE, NEW MEXICO 87102

April 8, 1991



P. Griebel Little
DR
R. Daniels FYE

9/3/96

FAX PFO
Bill

*Verified that no
reply is
necessary now
(per conversation
with Henry
Austin 4/17/91)*

RECEIVED

APR 11 1991

DIVISION OF
OIL GAS & MINING

W Dr. Dianne R. Nielson, Director
Division of Oil, Gas and Mining
Department of Natural Resources
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, UT 84180-1203

Re: Ten-Day Letter 91-02-116-001, Violation 2 of 2

Dear Dr. Nielson:

In accordance with 30 CFR 842.11, the following is a written finding regarding the Division of Oil, Gas and Mining's (DOGM) response to the above Ten-Day Letter (TDL):

On February 28, 1991, the Albuquerque Field Office (AFO) conducted a joint random sample oversight inspection of the Cottonwood/Wilberg Mine. The inspection resulted in the issuance of TDL 91-02-116-001 (dated March 7, 1991), which was received by DOGM on March 11, 1991. The DOGM response was received by AFO on March 21, 1991, and will be considered a timely response.

The TDL 91-02-116-001, violation 2 of 2, reads: "Failure to backfill and grade surface areas disturbed incident to underground coal mining activities in accordance with a time schedule approved by the Division as a condition of the permit. Location: Proposed Cottonwood Fan Portal site. Regulation believed to have been violated: UMC 817.101(a)."

The DOGM response indicates UMC 817.101(a) was inappropriately cited and further states that there is no counterpart to UMC 817.100 (Contemporaneous Reclamation) approved as part of the State Program.

AFO, after consultation with Western Support Center Program Evaluation staff, believes that the discussion in 55 FR 13773, 13778 dated April 12, 1990, regarding contemporaneous reclamation (R614-301-352), infers that the Office of Surface Mining Reclamation and Enforcement's (OSM) Director recognizes the previously approved Utah rule at UMC 817.101(a) for underground mines, just as OSM recognized the previously approved Utah rule at SMC 816.101(a) for surface mines. AFO agrees with the DOGM response that there is no counterpart to UMC 817.100 (Contemporaneous Reclamation) currently approved as part of the State Program. OSM is

Dr. Dianne R. Nielson

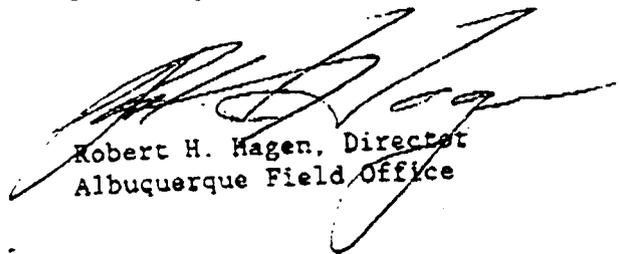
currently processing DOGM's Round II, R614 Rules Amendment package. The contemporaneous reclamation rule at R614-301-352 is included in this amendment and appears to be approvable as proposed. In this context, AFO finds the DOGM response to TDL 91-02-116-001, violation 2 of 2, to be good cause for no action at this time.

The Cottonwood Fan Portal site was excavated in 1980 with the resulting disturbed areas and soil stockpiles revegetated in 1981. The site has not been utilized to facilitate mining since 1981. The approved DOGM permit renewal for permit ACT/015/019 contains two stipulations concerning compliance with UMC 817.24-(1) and UMC 817.41-(1) dated July 6, 1989. The stipulations which required submission of a complete reclamation plan for the Cottonwood Fan Portal site including topsoil redistribution and revegetation plans have been satisfied by the permittee. Applicable sections of the permit including: Part III - Operation Plan at page 3-20.1 through 3-26; Part IV - Reclamation Plan at page 4-4 through 4-4.2 and 4-27 through 4-29, do not document the permittee's intent to develop the fan portal during the approved 5-year permit term nor beyond.

AFO recommends that DOGM re-evaluate the above permit sections after OSM approval of Rule R614-301-352 to ensure the permittee is in compliance with the contemporaneous reclamation provision. AFO believes that either more specific fan portal reclamation timeframes should be requested from the permittee for incorporation into the permit, or definite plans for the utilization of the area for a fan portal in the near future should be requested to provide justification for not commencing final reclamation.

Please address any questions concerning this finding to Stephen Rathbun or Henry Austin at (505) 766-1486.

Sincerely,



Robert H. Hagen, Director
Albuquerque Field Office

