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May Ann Wright



IN REPLY REFER TO:

United States Department of the Interior

OFFICE OF SURFACE MINING
Reclamation and Enforcement
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Denver, Colorado 80202-5733

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DIVISION OF
OIL, GAS AND MINING

January 30, 2002

Mr. Lowell P. Braxton,
Division Director
Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, UT 84114-5801

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Incoming
Copy from Susan
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RE: Decision Document to Approve Phase I Bond Release at the Energy West Mining Company, Cottonwood Wilberg Mine, Miller Canyon Portals, C/015/017

Dear Mr. Braxton:

This letter acknowledges the Office of Surface Mining's (OSM) receipt and review of the subject decision document dated November 19, 2001, which was prepared by the Utah Division of Oil, Gas and Mining (DOGGM). The Cottonwood Wilberg permit area, including the Miller Canyon Portals disturbed area, contains Federal lands. OSM is in agreement with the decision document and hereby provides OSM concurrence to release Phase I bond on the Miller Canyon Portals reclamation area as documented below and in accordance with the Federal regulations at 30 CFR 740.15 (d) (3), and 30 CFR 944.30, Article IX, section B, of the Federal-State, Federal lands cooperative agreement.

The decision document recounts the permitting, operational, and reclamation activities at the Miller Canyon Portals. DOGM finds the permittee has met or exceeded the requirements found at Utah Rule R645-301-880 including notification of affected surface landowners and adjacent landowners, government land management agencies, local governmental bodies, planning agencies, and water treatment authorities. The permittee's intention to seek Phase I bond release notification was published in the Emery County Progress, and no public comments were received by DOGM or the permittee.

DOGGM provided the required notifications for the September 6, 2001, bond release inspection, a DOGM October 19, 2001 inspection report documents the inspection findings, and the inspection report was provided to OSM with the decision document package. OSM and the Bureau of Land Management (BLM) were notified of the inspection but did not attend. DOGM, the permittee, and the Forest Service participated in the inspection. Both the DOGM inspection report and the Forest Service's October 19, 2001, concurrence letter recommend changes to the approved water monitoring plan for the Miller Canyon Portal discharges.

Cottonwood Wilberg Phase I bond release; pg. 2

The Forest Service also provided a January 22, 2002, letter (attached) to DOGM which recommends specific water monitoring parameters and frequency which are necessary to evaluate potential impacts to National Forest System lands. OSM understands that both DOGM and the permittee are in agreement with the Forest Service recommendation(s), and DOGM is processing a revision to include these water monitoring parameters and frequency in the approved water monitoring plan for the Miller Canyon Portals discharges. DOGM also finds in their decision document that water monitoring from the portals should continue through the Phase II and Phase III bond release periods.

BLM provided an April 4, 2000, concurrence letter to DOGM indicating they observed and approved the permanent portal sealing of the three Miller Canyon Portals in 1987, and had no objection to the proposed bond release. No other Federal land management agencies were involved in this action.

The permittee has demonstrated compliance with the backfilling and grading requirements, and surface water runoff control and monitoring requirements necessary to secure Phase I bond release. Specific mining and reclamation plan findings are documented in the DOGM decision document. The decision document also states that the mining and reclamation plan contains a concurrence letter from the Utah Division of Wildlife Resources.

The permittee has not requested a bond reduction and sufficient bond remains to assure completion of any remaining reclamation, and required environmental monitoring. OSM finds the permittee has met or exceeded the requirements of Utah Rule R645-301-880.

Thank you and your staff for coordinating this Federal lands bond release with OSM's Denver Field Division. Please address any questions concerning this letter to Henry Austin, Senior Reclamation Specialist, at haustin@osmre.gov or to (303) 844-1400 x1466.

Sincerely,


James F. Fulton, Chief
Denver Field Division

Attachment

cc: Energy West Mining Co.
BLM, Price, UT Field Office
USFS, Manti-La Sal, Price, UT