

0001

From: Priscilla Burton
To: OGMCOAL
Date: 1/6/2009 3:33 PM
Subject: Fwd: 015017 Cottonwood Waste Rock Disposal Site bond release Task 2964
Place: OGMCOAL
Attachments: 0013.pdf

Outgoing
c/015/0019
#2964
R

>>> Priscilla Burton Tuesday, December 09, 2008 3:59 PM >>>
 Dennis,

Attached is the OSM concurrence for Phase I bond release. This document states that BLM written concurrence for Phase I bond release was obtained on June 22, 1999, although I could not find an electronic copy of that letter.

Here are some talking points for your meeting:

PacifiCorp submitted an application for Phase I bond release on 13.81 reclaimed acres on December 17, 1998.

Public notification on December 29, 1998, January 5, 12, and 19, 1999 in the Emery County Progress. The comment period ended and there were no comments.

April 19, 1999 Letter sent to PacifiCorp, Bureau of Land Management (BLM), and Office of Surface Mining (OSM) inviting them to attend a Phase I bond release inspection at the Cottonwood Waste Rock site on May 13, 1999.

May 13, 1999 Phase I bond release inspection is conducted at the Cottonwood Waste Rock site. In attendance were:

- Dennis Oakley, Energy West Mining Company
- Henry Austin, OSM
- Wayne Western, DOGM
- Robert Davidson, DOGM
- Bill Malencik, DOGM
- Pamela Grubaugh-Littig, DOGM

This bond release inspection consisted of walking the site. The findings for the Phase I bond release had previously been made. This was a verification inspection.

June 22, 1999 BLM written concurrence for Phase I bond release.

The Division approved the Phase I bond release on July 22, 1999, but no monies were refunded. An amount of \$504,148.00 is currently dedicated for reclamation of the

Waste Rock site.

Priscilla Burton, CPSSc
Division Oil Gas & Mining
319 Carbonville Rd., Ste. C
Price UT 84501

priscillaburton@utah.gov
(435) 613-3733

State of Utah office hours are Monday through Thursday, 6am to 7pm.

>>> "Oakley, Dennis" <Dennis.Oakley@PacifiCorp.com> Tuesday, December 09, 2008
1:39 PM >>>

Mike,

This Thursday at 8:30am will work. Scott Child and myself will meet you at your office in Price.

Thanks for setting this meeting up.

Dennis Oakley CPESC
Senior Environmental Engineer

15 North Main Street
P.O. Box 310
Huntington, Utah 84528

Phone: 435.687.4825
Cell: 435.636.5053
Fax: 435.687.2695
email: dennis.oakley@pacificorp.com

Even if you're on the right track, you'll get run over if you just sit there.

- Will Rogers -

-----Original Message-----

From: [Mike Robinson@blm.gov](mailto:Mike_Robinson@blm.gov) [mailto:[Mike Robinson@blm.gov](mailto:Mike_Robinson@blm.gov)]
 Sent: Tuesday, December 09, 2008 12:03 PM
 To: Oakley, Dennis
 Cc: Jim Smith; Joe Helfrich; [Mike Stiewig@blm.gov](mailto:Mike_Stiewig@blm.gov); Pete Hess; Priscilla Burton; Child, Scott; [Steve Rigby@blm.gov](mailto:Steve_Rigby@blm.gov); swiler@blm.gov
 Subject: RE: Emailing: Waste Rock Disposal Site FG

Dennis;

We would like to set up the meeting with you and any others you would like to invite for Thursday, December 11, at 8:30 am. Please reply with confirmation.

Thanks

Mike Robinson
 Realty Specialist
 BLM Price Field Office
 125 South 600 West
 Price, Utah 84501
 Phone: (435) 636-3630
 Fax: (435) 636-3657

"Oakley, Dennis"
 <Dennis.Oakley@PacifiCorp.com>

To

12/05/2008 01:24 PM
 "[Mike Robinson@blm.gov](mailto:Mike_Robinson@blm.gov)"
 <[Mike Robinson@blm.gov](mailto:Mike_Robinson@blm.gov)>, "Jim Smith" <jimdsmith@utah.gov>, "Joe Helfrich" <JOEHELFRICH@utah.gov>, "Pete Hess" <PETEHESS@utah.gov>, "Priscilla Burton" <PRISCILLABURTON@utah.gov>

CC

"[Mike Stiewig@blm.gov](mailto:Mike_Stiewig@blm.gov)"
 <[Mike Stiewig@blm.gov](mailto:Mike_Stiewig@blm.gov)>, "[Steve Rigby@blm.gov](mailto:Steve_Rigby@blm.gov)"
 <[Steve Rigby@blm.gov](mailto:Steve_Rigby@blm.gov)>, "swiler@blm.gov" <swiler@blm.gov>, "Child, Scott"

<Scott.Child@PacifiCorp.com>

Subject

RE: Emailing: Waste Rock Disposal
Site FGr

Mike,

I can certainly understand your stance on this issue as I have read the 2007 ROW Grant UTU-37642 and all of its stipulations. However, I would like to meet with you to discuss this issue in more detail. I will fill in our land and regulatory affairs manager and have him attend this meeting. Please let me know when you and your manager are available to meet. We are available next week on Tuesday, Wednesday, Thursday (before noon), and Friday.

Best Regards,

Dennis Oakley CPESC
Senior Environmental Engineer

15 North Main Street
P.O. Box 310
Huntington, Utah 84528

Phone: 435.687.4825
Cell: 435.636.5053
Fax: 435.687.2695
email: dennis.oakley@pacificorp.com

Even if you're on the right track, you'll get run over if you just sit there.

- Will Rogers -

-----Original Message-----

From: [Mike Robinson@blm.gov](mailto:Mike_Robinson@blm.gov) [mailto:Mike_Robinson@blm.gov]
Sent: Thursday, December 04, 2008 2:39 PM
To: Oakley, Dennis; Jim Smith; Joe Helfrich; Pete Hess; Priscilla Burton
Cc: [Mike Stiewig@blm.gov](mailto:Mike_Stiewig@blm.gov); [Steve Rigby@blm.gov](mailto:Steve_Rigby@blm.gov); swiler@blm.gov
Subject: Emailing: Waste Rock Disposal Site FGr

Good Afternoon;

I hate to be the bearer of bad news, but I would rather you hear it from me than from someone else. According to the renewed grant attached below that was issued last year, reclamation will require re-contouring to the approximate original contours (see 9.a. of the grant) before the BLM will accept relinquishment of the site back to the BLM.

Thank you for your time.

Mike Robinson
Realty Specialist
BLM Price Field Office
125 South 600 West
Price, Utah 84501
Phone: (435) 636-3630
Fax: (435) 636-3657
(See attached file: Waste Rock Disposal Site FGr.PDF)



IN REPLY REFER TO:

United States Department of the Interior

OFFICE OF SURFACE MINING

Reclamation and Enforcement

1999 Broadway, Suite 3320

Denver, Colorado 80202-5733

July 21, 1999

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

ACT/015/019 #2

RE: Decision Document to Approve Phase I Bond Release at the Cottonwood/Wilberg Mine, Waste Rock Site

Dear Mr. Braxton:

This letter acknowledges the Office of Surface Mining's (OSM) receipt and review of the subject decision document prepared by the Utah Division of Oil, Gas and Mining (DOGM). The proposed bond release area at the waste rock site contains Federal lands. OSM is in agreement with the decision document and hereby provides OSM concurrence to release Phase I bond on 14 acres of the Cottonwood/Wilberg waste rock site 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 thoroughly describes the reclamation history of the waste rock site identifying significant inspection observations which occurred throughout reclamation of the site including backfilling, grading, and revegetation. Beginning in October, 1998, the decision document clearly describes the bond release process milestones DOGM implemented in accordance with Utah Rule R645-301-880 through 880.330. Engineering and hydrological analysis, topsoil replacement analysis, and inspection findings demonstrate compliance with the approved reclamation plan for the site.

DOGM conducted the required bond release inspection on May 13, 1999, and OSM's Denver Field Division (DFD) participated in the inspection. There were no problems noted during the inspection. The United States Department of the Interior, Bureau of Land Management, (BLM) was notified of the bond release inspection and elected not to attend. No public comments were received by DOGM through the advertized comment period. BLM provided DOGM written concurrence dated June 22, 1999, agreeing with the proposed Phase I bond release.



IN REPLY REFER TO:

United States Department of the Interior

OFFICE OF SURFACE MINING

Reclamation and Enforcement

1999 Broadway, Suite 3320

Denver, Colorado 80202-5733

Cottonwood/Wilberg Waste Rock Site, pg.2

The permittee, PacifiCorp, has met the requirements for Phase I bond release found at Utah Rule R645-301-800, and DOGM has processed the bond release application in accordance with the applicable Utah rules. OSM understands approximately 13.81 acres (14 acres) are eligible for Phase I bond release at the waste rock site. The surface rock storage area at the site is not included in the release area. OSM understands no release of bond monies has been requested or approved.

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

Sincerely,

James F. Fulton

James F. Fulton, Chief
Denver Field Division

cc: Dennis Oakley, PacifiCorp
USD/BLM/Utah