

PERMIT CHANGE TRACKING FORM

DATE RECEIVED	11/22/93	PERMIT NUMBER	ACT/015/025
Title of Proposal:	Federal Violation	PERMIT CHANGE #	93 I
Description:	Abatement	PERMITTEE	Co-Op Mining
		MINE NAME	Bear Canyon

	DATE DUE	DATE DONE	RESULT
<input type="checkbox"/> 15 DAY INITIAL RESPONSE TO PERMIT CHANGE APPLICATION			<input type="checkbox"/> ACCEPTED <input type="checkbox"/> REJECTED
<input type="checkbox"/> Notice of Review Status of proposed permit change sent to the Permittee.			Permit Change Classification
<input type="checkbox"/> Request additional review copies prior to Division/Other Agency review.			<input type="checkbox"/> Significant Permit Revision
<input type="checkbox"/> Notice of Approval of Publication. (If change is a Significant Revision.)			<input type="checkbox"/> Permit Amendment
<input type="checkbox"/> Notice of request to modify proposed permit change prior to approval.			<input type="checkbox"/> Incidental Boundary Change

REVIEW TRACKING	INITIAL REVIEW		MODIFIED REVIEW		FINAL REVIEW AND FINDINGS	
DOGM REVIEWER	DUE	DONE	DUE	DONE	DUE	DONE
<input type="checkbox"/> Administrative						
<input type="checkbox"/> Biology						
<input type="checkbox"/> Engineering						
<input type="checkbox"/> Geology						
<input type="checkbox"/> Soils						
<input type="checkbox"/> Hydrology						
<input type="checkbox"/> Bonding						
<input type="checkbox"/> AVS Check						

COORDINATED REVIEWS	DUE	DONE	DUE	DONE	DUE	DONE
<input type="checkbox"/> OSMRE						
<input type="checkbox"/> US Forest Service						
<input type="checkbox"/> Bureau of Land Management						
<input type="checkbox"/> US Fish and Wildlife Service						
<input type="checkbox"/> US National Parks Service						
<input type="checkbox"/> UT Environmental Quality						
<input type="checkbox"/> UT Water Resources						
<input type="checkbox"/> UT Water Rights						
<input type="checkbox"/> UT Wildlife Resources						
<input type="checkbox"/> UT State History						
<input type="checkbox"/> Other						

<input type="checkbox"/> Public Notice/Comment/Hearing Complete (If the permit change is a Significant Revision)	<input type="checkbox"/> Permit Change Approval Form signed and approved effective as of this date. <input type="checkbox"/> Permit Change Denied.
<input type="checkbox"/> Copies of permit change marked and ready for MRP.	<input type="checkbox"/> Notice of <input type="checkbox"/> Approval <input type="checkbox"/> Denial to Permittee.
<input type="checkbox"/> Special Conditions/Stipulations written for approval.	<input type="checkbox"/> Copy of Approved Permit Change to File.
<input type="checkbox"/> TA and CHIA modified as required.	<input type="checkbox"/> Copy of Approved Permit Change to Permittee.
<input type="checkbox"/> Permit Change Approval Form ready for approval.	<input type="checkbox"/> Copies to Other Agencies and Price Field Office.

CO-OP MINING COMPANY

P.O. Box 1245
Huntington, Utah 84528



(801) 381-5238
Coal Sales (801) 381-5777

93I

November 19, 1993

Pamela Grubaugh-Littig
Permit Supervisor
Utah Division of Oil, Gas & Mining
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

NOV 22 1993

Ms. Grubaugh-Littig,

Re: Federal NOV 93-020-190-03, Co-Op Mining Company, Trail Canyon Mine, ACT/015/021, Emery County, Utah

Enclosed are three copies of a proposal to allow Co-Op to begin regrading work required for abatement of Federal NOV 93-020-190-03. This proposal is considered an interim step in the required work, and Co-Op understands that additional submittals will be required in the process of completing all of the work to abate the Federal NOV.

Co-Op requests that due to the restricted time frame for meeting the requirements of the federal NOV, the Division review this proposal and respond to it as soon as possible. Currently, the abatement deadline for completion of the work is December 9, 1993, and to this date no extension has been granted.

A copy of this proposal is being sent to OSM, accompanied by the enclosed letter. Co-Op wishes to file a copy of the enclosed letter with DOGM for their records.

Upon approval, three finalized copies will be sent to the Division. If you have any questions, please call Charles Reynolds at (801) 381-2450.

Thank You,

Wendell Owen
Wendell Owen,
Resident Agent

Enclosure(s)

CO-OP MINING COMPANY

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Mr Robert Hagen
United States Department of the Interior
Office of Surface Mining
Reclamation and Enforcement
505 Marquette Avenue N.W.
Albuquerque, New Mexico 87102

Nov. 18, 1993

RE: Reclamation of Trail Canyon Mine

The Co-op Mining Company is submitting a plan to the Utah Division of Oil, Gas, and Mining for additional reclamation work at the Trail Canyon site (copy enclosed), and is proceeding to implement that plan in compliance with the OSM directive.

This letter is to notify all concerned that we are doing so under protest on the grounds that to do so is not in the best interest of the site specific environment or of the public, in particular the private citizens most directly involved, and are doing so solely for the purpose of meeting the demands of OSM personnel even though it contrary to their own directive #INE-26 of 5/26/87, 3.,c. 3.

We disagree on several points with the OSM position regarding safety to the public as stated in your letter of Nov. 10, 1993, and in your statement of relevant facts in answer to our application for temporary relief as listed:

OSM states; Most if not all of the residential structures were built and/or occupied prior to any activity at the mine.

This is obviously an arbitrary statement made without any investigation of the facts as it is simply not true. Most of the residences were built after the construction of the road.

Osm states; Upon information and belief, the former access road was constructed and used for surface coal mining operations while persons lived below.

Used is correct but constructed is not. See above. Also, the issue is not as much the reclamation work itself as the removal of the road that functions as a protective terrace from rocks that break loose from the numerous ledges and natural highwalls that exist in the area. At the time of the original reclamation, the residents submitted a petition to DOGM to have the terrace and berm left for that purpose.

DOGM states; For example, OSM would not object to Co-op replacing the berm along the former access road above the residences, after reclamation of that road was completed.

The "road" was never any more than a narrow access way with only occasional spots widened enough to allow one vehicle to pull aside to let another go by. It now consists of nothing more in most places of a

create a new berm. At present, the former road has been reseeded and vegetation has been established. The berm and outslope have not been disturbed since the road was built over forty years ago, and is as stable and well vegetated as the surrounding area. Is it then in the best interest of the environment to go back in now, regrade it and reseed it, then when vegetation is again established, go back in a third time to return it to its present condition to build a berm?

OSM states; the operator is responsible for ensuring the lives and safety of persons and property during all of its operations, including reclamations.

That is correct. The company has, in the past, taken care that when any machine work is done precautions are taken to avoid placing an operator in a dangerous position, or to cause rocks or other materials to fall on private structures or vehicles, and we will continue to do so in the future. We also feel responsible to leave the property in a condition to ensure the lives and safety of persons and property after reclamation. This is why we are removing that protection only under protest.

I accompanied Tom Wright, the OSM inspector, on his inspection. He stated on three different occasions that we were not expected to place anyone in a position where they would be in danger. One such place exists about halfway up the former road, where it passes a high ledge. This material in this ledge is very loose with considerable sloughage already on the road, that would require considerable machine time under the ledge. The vibration of a machine during that time could cause additional sloughage. When in use, this place was maintained to minimize the danger, the condition has deteriorated a great deal since reclamation.

OSM states; Co-op allegation that the corrective action required -- is too dangerous to persons living below -- is grossly overstated. --- that allegation, by itself, does not exempt Co-op from its obligations to reclaim the site.

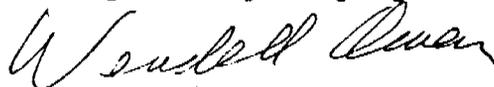
This is not an allegation by itself. Co-op hired slope stability engineers to make an assessment of the slope.

R645-301-553.524 states: Spoil placed on the outslope during previous mining operation will not be disturbed if such disturbances will cause instability of the remaining spoil or otherwise increase the hazard to the public health and safety, or to the environment.

In summary, We feel this directive is insensitive to the rights and safety of private citizens and property owners of the United States, and oppressive in its nature. Also, that improvement, if any, to the environment would be negligible, as it is in an area that consists of numerous natural highwalls and natural exposed coal seams (outcrop).

Wendell Owen, Resident Agent

Co-op Mining Company



APPLICATION FOR PERMIT CHANGE

Title of Change:
Lower Pad Regrading, 1993

Permit Number: *ACT 1915 1021*
 Mine: *Trail Canyon*
 Permittee: *Coe Op. Mining Co*

Description, include reasons for change and things required to implement:
work proposed as a result of Federal Nov 93-020-190-03. Abandoned action required to be complete by December 9, 1993

- Yes No 1. Change in the size of the Permit Area? _____ acres increase decrease.
- Yes No 2. Change in the size of the Disturbed Area? _____ acres increase decrease.
- Yes No 3. Will permit change include operations outside the Cumulative Hydrologic Impact Area?
- Yes No 4. Will permit change include operations in hydrologic basins other than currently approved?
- Yes No 5. Does permit change result from cancellation, reduction or increase of insurance or reclamation bond?
- Yes No 6. Does permit change require or include public notice publication?
- Yes No 7. Permit change as a result of a Violation? Violation # *93-020-190-03 (Federal)*
- Yes No 8. Permit change as a result of a Division Order? *D.O.#*
- Yes No 9. Permit change as a result of other laws or regulations? Explain:
- Yes No 10. Does permit change require or include ownership, control, right-of-entry, or compliance information?
- Yes No 11. Does the permit change affect the surface landowner or change the post mining land use?
- Yes No 12. Does permit change require or include collection and reporting of any baseline information?
- Yes No 13. Could the permit change have an effect on wildlife or vegetation outside the current disturbed area?
- Yes No 14. Does permit change require or include soil removal, storage or placement?
- Yes No 15. Does permit change require or include vegetation monitoring, removal or revegetation activities?
- Yes No 16. Does permit change require or include construction, modification, or removal of surface facilities?
- Yes No 17. Does permit change require or include water monitoring, sediment or drainage control measures?
- Yes No 18. Does permit change require or include certified designs, maps, or calculations?
- Yes No 19. Does permit change require or include underground design or mine sequence and timing?
- Yes No 20. Does permit change require or include subsidence control or monitoring?
- Yes No 21. Have reclamation costs for bonding been provided or revised for any change in the reclamation plan?
- Yes No 22. Is permit change within 100 feet of a public road or perennial stream or 500 feet of an occupied dwelling?
- Yes No 23. Is this permit change coal exploration activity inside 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, hereto.

W. Donald Thomas Per Agent 11/19/93
 Signed - Name - Position - Date

Subscribed and sworn to before me this *19* day of *November*, 19 *93*.
Leanne Stone
 Notary Public

My Commission Expires: _____, 19____
 State of _____
 County of _____



Notary Public
LEANNE STONE
 P.O. Box 800
 Huntington, Utah 84528
 My Commission Expires
 June 18, 1997
 State of Utah

Received by Oil, Gas & Mining

ASSIGNED PERMIT CHANGE NUMBER

