

**OFFICE OF SURFACE MINING  
RECLAMATION AND ENFORCEMENT**

U.S. Department of the Interior



**Annual Evaluation Report for the  
Regulatory Program Administered by  
The Division of Oil, Gas and Mining  
of Utah**



**For Evaluation Year 2018  
July 1, 2017 to June 30, 2018**  
Prepared by The Denver Field Division  
September 2018

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EXECUTIVE SUMMARY

The following summary captures the major highlights of the Evaluation Year 2018 (EY 2018) Annual Evaluation Report for the Utah regulatory program. While the full report further details the State's achievements, the following summary outlines the significant regulatory program accomplishments that occurred between July 1, 2017, and June 30, 2018.

The Utah Division of Oil, Gas and Mining (DOGGM or the Division) regulates the exploration and development of coal in the State of Utah, which supports the existence of a viable coal mining industry to meet the Nation's energy needs; implements standards that safeguard the environment and protect public health and safety; and achieves the successful reclamation of land affected by coal mining activities. During EY 2018, DOGGM continued to achieve the regulatory and reclamation goals of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), including the protection of the public and the environment from the adverse effects of coal mining.

**Reclamation**

DOGGM continues to effectively administer its Title V reclamation program. While no new acres were disturbed during EY 2018, the Division collectively granted Phase I bond release on 56.856 acres, Phase II bond release on 87.601 acres, and Phase III bond release on 10.89 acres. The Division has confirmed its commitment to ensuring successful land restoration in Utah through its use of innovative reclamation techniques to control erosion. Since the State program was approved, a total of 804 acres have been approved for Phase III bond release.

During EY 2018, DOGGM demonstrated its persistence and diligence in effectively implementing its approved State program to ensure successful on-the-ground reclamation. Specifically, in EY 2018, the Division continued to make significant progress with the Horizon Mine bond forfeiture site. This year, the Division collected monies from the sale proceeds of the property held as surety for the Horizon Mine, and shortly thereafter assembled a bid package for the reclamation project. The Division anticipates that reclamation will be completed in EY 2019. Further, during EY 2018, OSMRE and the Division collaboratively collected data and imagery with various technological tools to better evaluate and monitor reclamation success at multiple mines.

**Resolving Regulatory Program Issues**

During EY 2017 and EY 2018, OSMRE and DOGGM consistently worked together to review Utah's bonding practices. For background information, see the EY 2017 Annual Evaluation Report. In EY 2018, Action Plan #UT-2017-001 was terminated after DOGGM resolved issues associated with bond calculation methods. Significant improvements have been observed as DOGGM continues to implement its revised calculation guidance, yielding more conservative bond amounts per mine.

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*Cover Page Photograph: Cottonwood/Wilberg Mine, 2018*

## I. INTRODUCTION

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) created the Office of Surface Mining Reclamation and Enforcement (OSMRE) in the Department of the Interior. SMCRA provides OSMRE with the authority to oversee the implementation of, and provide Federal funding for, the State regulatory programs and Abandoned Mine Land (AML) programs that have been approved by the Secretary of the Interior as meeting the minimum standards specified by SMCRA. In addition to conducting oversight of approved State programs, OSMRE provides technical assistance, staff training, financial grants and assistance, and management assistance to each State program. This report contains summary information regarding the Utah program and the effectiveness of the Utah program in meeting the applicable purposes of SMCRA, as specified in section 102. This report covers EY 2018, spanning July 1, 2017 through June 30, 2018.

Detailed background information and comprehensive reports for the program elements evaluated during the period are available for review and copying at OSMRE's Denver Field Branch (DFB), 1999 Broadway, Suite 3320, Denver, Colorado 80202. Contact Howard E. Strand, DFB Manager, at [hstrand@osmre.gov](mailto:hstrand@osmre.gov) or (303) 293-5026.

The reports are also available at the OSMRE Oversight Documents website at <http://odocs.osmre.gov/>. Adobe Acrobat Reader® is needed to view these documents. Acrobat Reader® is free and can be downloaded at <http://get.adobe.com/reader/>. Follow these steps to gain access to the document of interest:

1. Select Utah from the drop down box labeled "State." Also select EY 2018 as the "Evaluation Year" and then click "Submit". The search can be narrowed by choosing selections under the "Keyword" or "Category" headings.
2. The oversight documents and reports matching the selected State and Evaluation Year will appear at the bottom of the page.
3. Select "View" for the document that is of interest and the report will appear for viewing, saving, and/or printing.

The following acronyms are used in this report:

AWR	America West Resources
AML	Abandoned Mine Land
BLM	Bureau of Land Management
BOGM	Utah Board of Oil, Gas and Mining
BTU	British Thermal Unit
CFR	Code of Federal Regulations
DFB	Denver Field Branch (within the Denver Field Division)
DFD	Denver Field Division

DOGM	Utah Division of Oil, Gas and Mining
DO	Division Order
DWRi	Utah Division of Water Rights
EY	Evaluation Year
FY	Fiscal Year
HSR	Hidden Splendor Resources
IU	Inspectable Unit
MRP	Mining and Reclamation Plan
NEPA	National Environmental Policy Act
NOI	Notice of Intent to Sue
NOV	Notice of Violation
NTTP	National Technical Training Program
OSMRE	Office of Surface Mining Reclamation and Enforcement
REG-8	OSMRE Directive REG-8
SMCRA	Surface Mining Control and Reclamation Act of 1977
TDN	Ten-Day Notice
TIPS	Technical Innovation and Professional Services Program
UCMRA	Utah Coal Mining and Reclamation Act
UPDES	Utah Pollutant Discharge Elimination System
USFS	United States Forest Service
USFWS	United States Fish and Wildlife Service
WEG	WildEarth Guardians
WR	OSMRE, Western Region

## II. OVERVIEW OF COAL MINING INDUSTRY IN UTAH

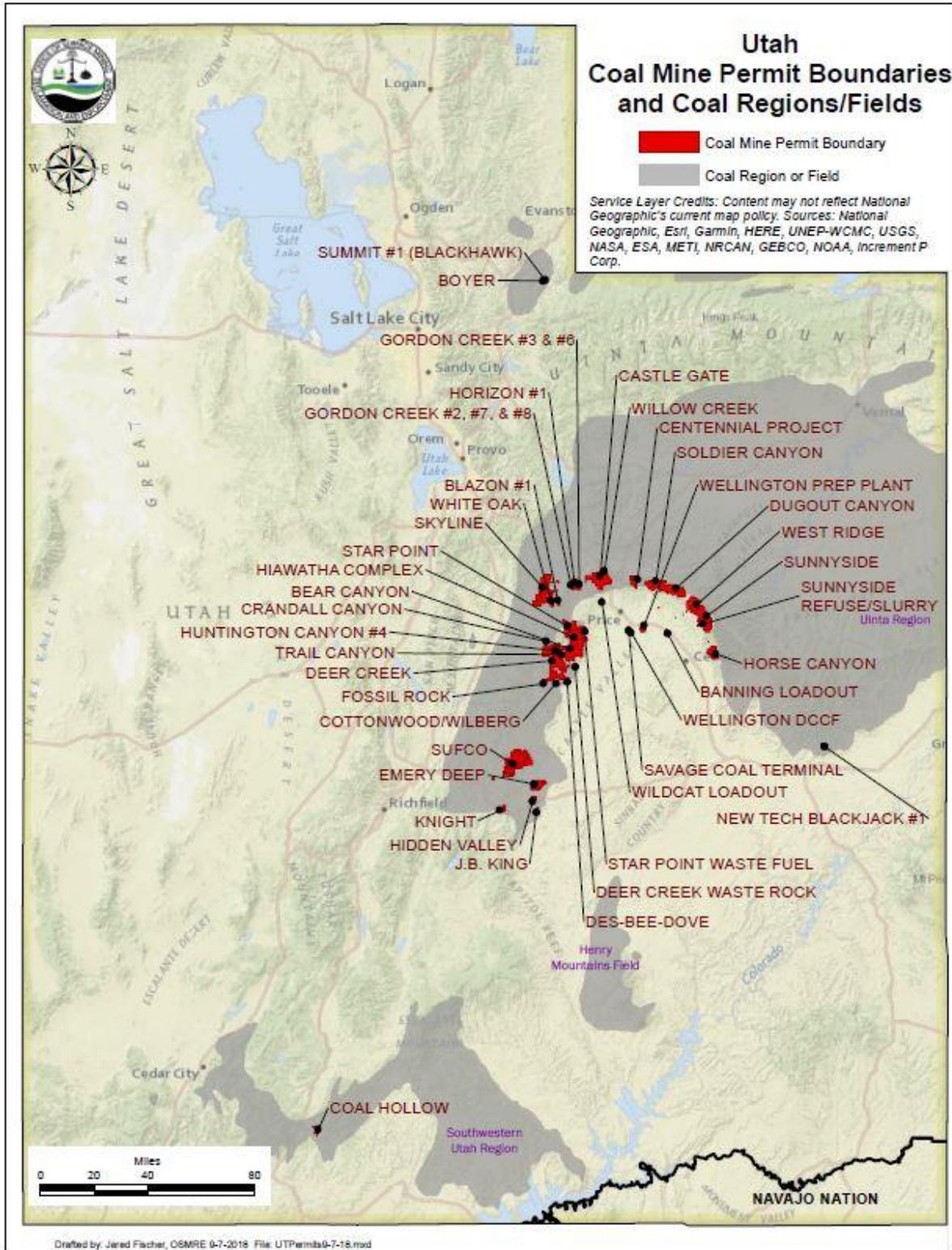


Coal is found beneath approximately 18% of the State of Utah, but only 4% is considered mineable based on economic viability at this time. The demonstrated coal reserve base ranges from 5.4 to 14 billion tons. The Federal government holds most of Utah’s coal resources. Utah coal fields are shown on the figure below (Utah Geological Survey web site, Coal & Coalbed Methane at <http://geology.utah.gov/utahgeo/energy/coal/index.htm>, August 2016). In EY 2018, the Wasatch Plateau, Book Cliffs, Emery, and Alton coalfields were actively being mined. This includes operations in Carbon, Emery, Kane, and Sevier Counties. The climate of the Wasatch Plateau and Book Cliffs Coal Fields is characterized by hot, dry summers, the late-summer (so-called *monsoon*) rains, and cold, relatively moist winters. Normal precipitation varies from six inches in the lower valleys to more than 40 inches on some high plateaus. The growing season ranges from five months in some valleys to only 2½ months in mountainous regions.

Most of the coal is bituminous and is of Cretaceous age. The BTU value is high compared to most other western States. Sulfur content ranges from low to medium in the more important coal fields, and is comparatively elevated in the Alton coalfield.

Coal production steadily increased from the early 1970s, peaked in 1996 at 28.9 million tons, and has generally declined since. Coal production in calendar year 2017 was approximately 14.47 million tons (Table 1) (OSM-1 quarterly coal production reporting). This production level represents about a 2.9% decrease from 2016 levels and ranks Utah tenth among coal producing States. The majority of the coal is produced by underground mining operations.

As of June 30, 2018, there were 32 inspectable units (IUs) in Utah including 16 active operations, 9 inactive operations, which include 7 sites in temporary cessation and 2 reclaimed sites, and 7 abandoned sites (Table 2). For these operations, permitted acreage totaled 2,850 acres (Table 2) and bonded acreage approved for disturbance totaled 2,510 acres (Table 6) at the end of EY 2018. The total amount of bond dollars held as of June 30, 2018, was \$65,131,362.00. Of the 11 operations actively producing coal as of June 30, 2018, six were underground mines, one was a private surface mining operation, and four were surface mining operations that extract coal from an underground mine refuse pile. Three of the six underground mines use the long wall mining method and three employ the room and pillar mining method. As of June 30, 2018, Utah had also reclaimed 469 acres of disturbance at the seven abandoned sites.



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### **III. OVERVIEW OF THE PUBLIC PARTICIPATION AND OUTREACH EFFORTS**

The term “public” includes all stakeholders (i.e. citizenry at large, industry, other Federal, State or local agencies, and environmental groups). Opportunities for public participation occur at significant points in the Utah program and involve the ability of the public to:

- Request that areas be designated as unsuitable for mining;
- Receive notification by advertisement of Division receipt of applications for new permits, permit revisions, and bond release;
- Review applications for new permits, permit revisions, and bond release;
- Contest Division decisions on applications for new permits, permit revisions, and bond releases to the Utah Board of Oil, Gas and Mining (BOGM or the Board);
- Request an inspection of a mine site;
- Submit complaints if the public believes a violation is taking place;
- Object to proposed permits, permit revisions, and bond releases;
- Initiate civil suits; and
- Petition to initiate rulemaking.

OSMRE’s Denver Field Division (DFD), located in the Western Region (WR), and the Utah Division of Oil, Gas and Mining (DOGM or the Division) formed an Evaluation Team (the Team) to conduct annual evaluations of Utah’s coal regulatory program (the Utah program). The Team evaluates how effective DOGM is in ensuring that coal mining and reclamation is successful, preventing off-site impacts, and providing service to its customers. The Team makes recommendations for improving the administration, implementation, and maintenance of the Utah program. The Team structure is comprised of four to five members from both DFD and DOGM. The Team cooperatively solicits public participation, conducts joint inspections, selects evaluation topics, and reports, discusses, and tracks off-site impacts. This evaluation method fosters a shared commitment to the implementation of SMCRA.

Each year, the Team solicits comments or suggestions from persons and groups who may have an interest in coal mining and, specifically, an interest in the oversight process through an annual mailing. On February 22, 2017, the Team mailed outreach letters to coal mining stakeholders (State, Federal, and local governmental agencies, coal mine permittees, environmental groups, consulting firms, and coal mining trade groups), soliciting input for topics to evaluate during EY 2018, and soliciting any questions or comments on previous oversight reports or the OSMRE/DOGM oversight process. In addition, DOGM posted a notice on its webpage requesting suggestions for oversight topics from the public, industry, and environmental groups.

For EY 2018, the Team received three public outreach responses. In its letter dated March 3, 2017, the Bureau of Land Management (BLM) noted its appreciation of the ongoing efforts to maintain open communication and commented on the effectiveness of the monthly Interagency Coordination Meeting teleconferences. The Utah Department of Environmental Quality (Utah DEQ), Division of Water Quality, in its letter dated March 17, 2017, also commended the

Division for its timeliness, accuracy, and thoroughness in its responses to Utah DEQ information requests and assistance provided for water quality-related matters. Utah DEQ's letter additionally notes its appreciation for DOGM's assistance in providing water quality data and keeping Utah DEQ informed and updated on notice of violations. The Team also received a response from the General Manager at the Fossil Rock Mine on March 30, 2017, which stated concerns related to the relationship between the Division and OSMRE. DFB responded on April 5, 2017, stating it understands the importance of maintaining a positive working relationship as an essential component to effectively administer, and successfully achieve the purpose of, SMCRA and the Utah program. The response letter also clarified OSMRE's dedication to providing the Division with the necessary programmatic and technical assistance or support whenever needed. The Team always appreciates stakeholder input, even if the responsive comments do not result in a topic-specific oversight review, as was the case this year.

The public can access OSMRE Annual Reports and Performance Agreements via the internet at the OSMRE Oversight Documents website at <http://odocs.osmre.gov/>. The introduction section of this report details how to access information using this website. Additional data used by OSMRE in its evaluation of the Utah program are available for review in the evaluation files maintained at the WR-DFD-DFB. Contact Howard E. Strand, Manager, DFB, at [hstrand@osmre.gov](mailto:hstrand@osmre.gov) or (303) 293-5026.

Public participation for this year includes:

#### **A. Board of Oil, Gas and Mining Meetings**

The approved SMCRA program for the State of Utah is administered by DOGM. The Board is a multi-interest citizen board that establishes the regulations, standards, and policies that guide DOGM. The Board was created and under the authority of the Utah Oil and Gas Conservation Act, at Title 40, Chapter 6 of the Utah Code. The Board consists of seven members appointed by the Governor, with the advice and consent of the Senate, who are knowledgeable in oil, gas, mining, environmental, geology, and royalty matters. BOGM convened 11 hearings during this Evaluation Year. The meetings were all held in Salt Lake City, with the exception of the June hearing, which was held in Delta. In addition, the Board appointed a Hearing Officer to conduct three separate Hearings on Oil and Gas matters for the Board. The three hearings occurred in July of 2017, November of 2017, and one in June 2018.

#### **B. Education and Community Outreach**

DOGM has implemented the use of Collaborative Meetings usually rotated as needed between Carbon and Emery Counties. This innovative forum has provided opportunities for information exchange and increased education among the citizens, operators, and agencies in these counties. DOGM representatives meet with county water user associations, coal operators, Utah Division of Water Rights (DWRi), United States Forest Service (USFS), BLM, County Commissioners and other interested parties to discuss issues relating to coal mining in the Carbon/Emery County areas. In addition to general updates, this past year included presentations on how to utilize the DOGM website, the Ground Water Protection Council's national oil and gas produced water

study, and the Cottonwood/Wilberg final reclamation project.

The Division maintains information on their website at <http://www.ogm.utah.gov/>. This information includes: DOGM's Water Quality Database, announcements of pending rules, mine information, contact information, additional links to other informative web pages, technical information, amendment tracking information, and access to a File Transfer Protocol site for authorized users.

DOGM provides leadership and outreach in the coordination with other state and federal agencies involved in coal resource recovery.

- DOGM participates in monthly interagency conference calls or meetings to coordinate permitting issues. Agencies who participate in these calls include the BLM, State of Utah School and Institutional Trust Lands Administration, OSMRE, USFS, DWRi, Utah Division of Wildlife Resources, USFS, and the United States Army Corps of Engineers. The Division's cooperative agreement, which authorizes the State regulation of surface coal mining and reclamation operations on Federal lands, is somewhat unique as compared to other Federal lands States. The Utah cooperative agreement requires the State to obtain Federal agency concurrence, rather than OSMRE performing this coordination effort.
- DOGM and Utah DEQ meet periodically to review its existing Memorandum of Understanding. The discussions include Utah Pollutant Discharge Elimination System (UPDES) and other water-related compliance issues concerning coal mines.

### **C. Information and Technology Exchanges**

DOGM participates on the steering committees for the OSMRE National Technical Training Program (NTTP), National Technology Transfer, the Technical Innovation and Professional Services Program (TIPS), and is a member of the Western Region Technology Transfer Team. DOGM exchanged information with other States through participation in the Interstate Mining Compact Commission annual meetings and as a representative of the Reclamation Committee for the Western Interstate Energy Board. The Division staff attended several professional conferences, meetings, and workshops during the Evaluation Year. DOGM also participates in various local venues including the State Resource Development and Coordinating Council, the Emery County Public Lands Council, the Canyon Country Partnership, and various Utah Partners in Conservation Development projects.

## **IV. MAJOR ACCOMPLISHMENTS AND INNOVATIONS**

This year marks the 37th anniversary since the State of Utah achieved primacy. The maturation of the program has helped protect the public and minimize environmental impacts within the Utah coalfields.

Over the past year, OSMRE monitored DOGM's performance in meeting the goals and objectives of the approved State program. Once again, OSMRE finds that DOGM is successfully implementing its State program. In addition to the accomplishments discussed below, DOGM assisted Federal agencies with completing mine-specific reports and reviews as required under the State program, SMCRA, and the National Environmental Policy Act (NEPA). During EY 2018, DOGM assisted OSMRE with Environmental Assessments under NEPA and BLM with a hydrology report. OSMRE notes that the Division is easy to work with and is always very responsive. OSMRE looks forward to maintaining the positive working relationship with the Division and continued collaboration in the upcoming Evaluation Years.

Major accomplishments and innovations for this year include:

### **A. Accomplishments**

#### **1. Final Bond Releases**

DOGM fully releases a reclamation performance bond (Phase III bond release) when a permittee demonstrates that a site meets or exceeds all State program requirements for the disturbed land. During EY 2018, DOGM granted Phase III bond release for 10.17 acres at the Hiawatha Mine, 0.36 acres at the Skyline Mine, and 0.36 acres at the West Ridge Mine. As of June 30, 2018, Utah has approved full and final Phase III bond release under its permanent regulatory program on nine mine sites.

#### **2. Staffing and Workload**

During the past year, the Division workload has remained fairly steady. Even with the current coal market, the Division's workload has remained active with the existing mines adding new leases along with the required permit changes. The Division continues to function with a reduced staff of 13 full time equivalent employees assigned to the coal program and a continued reduction in State General funds and Federal funding. New employees are trained and are quickly able to contribute to the efforts of the coal regulatory program. The Division continues to improve work processes and electronic information transfer to manage the workload. Even with the reduced staff, DOGM continues to complete the necessary reviews and permitting actions required under its approved State program. The timeliness of actions is measured on a quarterly basis and reported on the DOGM website. DOGM's timeliness for meeting permit review deadlines during EY 2018 was 97%, a slight improvement over EY 2017, which was 91% and EY 2016, which was 92%.

### **3. Environmental Excellence Awards**

The Board sponsors an Environmental Excellence Award (formerly Earth Day Awards) program to recognize operators or individuals for going beyond what is required by regulation to protect the environment while providing society with essential natural resources. In April of 2018, BOGM presented an Environmental Excellence Award to eight different companies for their environmental stewardship. Among the eight companies were three coal-related award winners. The three coal-related award winners included:

1. Canyon Fuel Company's SUFCO Mine, which was recognized for conducting projects that help the local communities such as facilities at Skutumpah Reservoir and made improvements to historic trails;
2. Canyon Fuel Company's Skyline Mine, which reduced the footprint of the Swen's Canyon fan shaft disturbed area from 7.2 acres to 4.5 acres by using the raised bore technique; and
3. Canyon Fuel Company's Dugout Canyon Mine, for using a GPS-guided dozer to complete the reclamation of its waste rock site, which improved the use of soil resources.

### **4. State Program Amendments**

On February 24, 2012, OSMRE submitted a letter to DOGM requiring that it submit a program amendment pursuant to 30 C.F.R. § 732.17(e)(2) after OSMRE was notified of then recent changes made to Utah State law. Such changes included revisions to the Utah Judicial Code, specifically at Utah Code Ann. § 78B-5-828, which established a new requirement that plaintiffs in environmental actions must post a surety bond or cash equivalent before a court may issue a preliminary injunction and/or before an agency may grant an administrative stay in the action. By letter dated April 18, 2012, DOGM submitted a State program amendment in response to OSMRE's 732 letter. OSMRE published the proposed rule notice on June 12, 2012. 77 Fed. Reg. 34,892 (June 12, 2012). Following the initial submission of the final rule notice for internal review, OSMRE was required to further revise the Federal Register notice for the final rule to ensure any changes to the State law will be in accordance with the Utah program and consistent with SMCRA. The final rule remains under review at the Regional Solicitor's office.

## **B. Innovations**

### **1. Innovative Reclamation Practices**

**Use of Unmanned Aerial Systems to Monitor Mine Reclamation Success:** During EY 2018, the Division applied for and received a Utah Public Lands Initiative grant through Utah State University in the amount of \$52,000 to study and measure the effectiveness of certain reclamation techniques. The objective of this grant is to develop a land reclamation monitoring protocol designed around the use of unmanned aerial systems (UAS) as well as ground-based surveys. The overall goal is to provide a quantitative tool to efficiently and economically evaluate the success of land reclamation activities, specifically the effectiveness of “pocking” as an erosion control measure at the Cottonwood/Wilberg mine.

Pocking is a relatively new hill slope stabilization technique for small to large disturbances ranging from one to 50 acres. This proposal addresses the UAS Public Lands Initiative topics of evaluation of restoration projects and use of creative tools to integrate the management of private, state, and federal lands in Utah. The outcomes of this work will include new assessment tools for land managers as well as programs to assess the effectiveness of land restoration efforts.

Also during EY 2018, the Division contacted and received technical assistance from OSMRE, Technology Management Division (TMD), TIPS Geospatial Information Services Branch (GIS Branch) to help gather geospatial data at three mines: Cottonwood/Wilberg, Horizon, and Hiawatha. In October of 2017, data was collected using unmanned aerial methods. In May of 2018, data was gathered using terrestrial LiDAR. This data will be compared to data that will be collected at these same sites in the future and will be useful in assessing the effectiveness of the reclamation techniques used.

**Reclamation of the Wellington Prep Plant:** Ongoing efforts to remove coal fines from the slurry ponds continue at the Wellington Prep Plant site. The coal fines are being utilized as fuel for the Sunnyside Cogen power plant. This is an effective method of reducing the reclamation liability and footprint at the Wellington site. At the end of Fiscal Year (FY) 2016, approximately 197,367 tons of coal had been removed from the North slurry cell. During the July 1, 2016 to July 31, 2017 period, an additional 145,000 tons were removed. During EY 2018, 138,741 tons of coal fines were removed from the slurry impoundments.

### **2. Electronic Permitting**

DOGM maintains a database and data processing for electronic permitting. Elements of the database include permit review tracking, automated inspection reports, document indexing, and annotation of digital photographs.

DOGM is converting files and mining plans from paper to electronic PDF files stored in the database. The electronic database provides DOGM staff and the public with easy access to those files. A secure access portal is available to view mine files for other agencies, companies, and the public at <https://www.ogm.utah.gov/coal/filesbypermitinfo.php>; access to the general public

is more restricted. With this database:

- Inspections and compliance information is tracked;
- Staff permitting tasks are assigned, scheduled and tracked;
- Mine operators can track submittals, permits, and amendments status online; and
- A network of people, companies, permits, projects, and other activities has been created and is used for notifications, mailing lists, inspection reports, fees and other DOGM related work.

DOGM continues to improve its processes for electronic permitting and has worked to incorporate all of the Mining and Reclamation Plans (MRP) for each mine into an electronic format. Most of the mines are now able to submit amendments to the Division in a paperless format. DOGM anticipates that all of the mines will participate in electronic permitting as the initial systems and processes continue to be refined.

## **V. SUCCESS IN ACHIEVING THE PURPOSES OF SMCRA**

To further the concept of reporting end-results and on-the-ground success, the findings from topic-specific reviews and public participation evaluations are collected by OSMRE for a national perspective on the number and extent of observed off-site impacts, the number of acres that have been mined and reclaimed to meet bond release requirements for the various phases of reclamation, and the effectiveness of customer service provided by the State.

To validate the credibility of State programs and enhance Federal oversight improvement efforts, OSMRE announced in November of 2009 that it would immediately increase the number of oversight inspections that it performs. OSMRE also began conducting independent unannounced oversight inspections. Independent inspections are intended to provide insight into the effectiveness of State programs by evaluating the current compliance status of mines in each state. OSMRE continued these oversight efforts during EY 2018.

DFD conducted three complete and seven partial oversight inspections, which included one joint partial independent inspection and one joint bond release inspection, of coal mining operations in Utah during EY 2018 (Table 13). These inspections are included in the DOGM complete and partial inspection totals reported below. DFD did not issue any Ten-Day Notices (TDN) during EY 2018.

During EY 2018, DOGM conducted 102 complete inspections and 161 partial inspections of coal mining operations (Table 10). In addition, DOGM conducted three bond release inspections this year. Of those three bond release inspections, one was conducted at the West Ridge Mine and two were conducted at the Coal Hollow Mine. In EY 2018, DOGM issued four Notices of Violation (NOV) and four Cessation Orders. None of the violations were vacated. Based on the above numbers and DFD's monthly review of all DOGM inspection reports and enforcement actions, the Team finds that DOGM has met the required inspection frequency at only 27 out of 32 IUs (84.4%). The Division clarified that the inspection frequency deviation generally resulted

from issues related to site access and change in staff. Specific circumstances included:

- Two inspections were missed at the Willow Creek Mine site primarily due to a change in staff and inability to access the site during the winter months.
- One complete inspection was missed at the Wellington Dry Coal Facility because the site has been abandoned and no one is available to unlock the facility; however, a partial inspection was conducted instead.
- A complete inspection was missed during the fourth quarter at the Crandall Canyon Mine. This was again due to a change in staff and a partial inspection was conducted instead of a complete. A complete inspection was also missed during the second quarter of 2018. However, a partial was done instead.
- Finally, Division staff was unable to complete the scheduled partial inspection at the Cottonwood Mine, despite attempts made, due to adverse weather conditions.

### **A. Off-Site Impacts**

An “off-site impact” results from a surface coal mining and reclamation activity or operation that causes a negative effect on resources (people, land, water, or structures) outside the area permitted for conducting mining and reclamation activities. The applicable State program must regulate or control the mining or reclamation activity, or the result of the activity, causing an off-site impact. In addition, the impact on the resource must be substantiated as being related to a mining and reclamation activity, and must be outside the area authorized by the permit for conducting mining and reclamation activities (OSMRE Directive REG-8).

Table 5 shows the number and type of off-site impacts that were observed and documented as having occurred during EY 2018 for both permitted sites and bond forfeiture sites. The Team identified one minor off-site impact on one permitted site and no off-site impacts at bond forfeiture sites during EY 2018. Because there were 32 IUs during this Evaluation Year, approximately 97% (31 of 32) were free of negative off-site impacts.

#### *Permitted Mine Sites Where Reclamation Performance Bonds Have Not Been Forfeited*

The Team assessed whether off-site impacts had occurred on each of the 32 IUs that existed during the evaluation period. Several sources of information are employed to identify off-site impacts. These include but are not limited to: DOGM and OSMRE inspection reports; enforcement actions; civil penalty assessments; citizen complaints; special studies; and information from other environmental agencies. Field evaluations for off-site impacts are conducted during routine inspections (or in response to a citizen’s complaint) by DOGM and OSMRE.

During EY 2018, there were 25 permitted mine sites where the performance bond had not been forfeited or was in the process of being forfeited. The Team documented one minor off-site impact to a land resource at one site. Accordingly, 96% (24 of 25) of all IUs were free of negative off-site impacts (Table 5). DOGM identified the off-site impact, which was the result of operator negligence, during a routine inspection. DOGM issued a Cessation Order (CO#

21201) to the permittee and identified appropriate abatement measures to bring the site into compliance. At the end of the EY, the Division was pursuing methods to ensure completion of the abatement measures by the required deadline, which was extended into EY 2019.

*Bond Forfeitures and Revoked Permit Sites*

Since OSMRE approved the Utah program in 1981, DOGM has forfeited reclamation performance bonds for seven mines. The White Oak Mines #1 and #2 are counted with the bond forfeiture sites because the Division issued the determination to forfeit; however, due to the surety company going into bankruptcy, only part of the bond forfeiture monies were received (\$999,000). Additional monies (\$1.217 million) were obtained from the Lodestar Bankruptcy Trustee, Frontier Insurance, and a “General Settlement Fund” outside of the Lodestar bankruptcy estate. Reclamation of this site was completed when the last project was finished during EY 2016. DOGM did additional work during EY 2017 to control erosion occurring from highway runoff. The work was funded through a WRI grant in the amount of \$5,000, and was completed in the Spring of 2017. With the conclusion of this project, reclamation of the White Oak mine is now complete. The site continues to be inspected as a bond forfeiture site.

The Horizon Mine is the seventh, and most recent, bond forfeiture site. Following the sale of a condominium held as collateral bond, the Division was able to collect the proceeds during EY 2018, which it will use to complete the reclamation work at the Horizon Mine. Consequently, the forfeited acreage (ten acres) at Horizon Mine is incorporated into the DST data for EY 2018. Reclamation of the site is commencing with a contract awarded to a private construction firm.

During EY 2018, DOGM did not observe any off-site impacts on the seven bond forfeiture sites in Utah. As a result, 100% of the bond forfeiture and permit revocation sites (7 of 7) were free of off-site impacts at the end of EY 2018 (Table 5).

**B. Reclamation Success**

According to REG-8, OSMRE will evaluate and report on the effectiveness of State programs in ensuring successful reclamation on lands affected by surface coal mining operations.

Determinations of success will be based on the number of acres that meet the bond release standards and have been released by the State. According to the Utah Administrative Code, at R645-301-880.300 through R645-301-880.330, phased bond release is defined as:

Phase I – When the operator completes the backfilling and regrading (which may include the replacement of topsoil) and drainage control of a bonded area in accordance with the approved reclamation plan.

Phase II – When revegetation has been established on the regraded mined lands in accordance with the approved reclamation plan.

Phase III – When the operator has successfully completed all surface coal mining and reclamation operations, but not before the expiration of the period specified for operator responsibility.

In addition to the nationwide information reported, offices and states may conduct specific evaluations and report on individual performance standards. Table 6 in Appendix 1 catalogues the acreage of land released from bond for Phase I, II, and III during EY 2018.

*Permitted Mine Sites Where Reclamation Performance Bonds Have Not Been Forfeited*

Each EY, the Team compiles reclamation information for all operations that DOGM has permitted under the Utah program since the program was approved on January 21, 1981. This reclamation information is derived from annual reclamation reports submitted to DOGM by all permitted coal mine operations and Evaluation Year bond release data contained in DOGM's permitting database. Historically, the amount of bond release acreage in Utah is very low due to the following two factors:

- Most of the permitted operations are underground mines (Table 2). Regulated surface facilities associated with underground mining operations typically remain active during the entire life of the operation. Although the surface disturbances for Utah mines are relatively small (2,510 acres for EY 2018), there are 2,850 total permitted acres, with an average of 89.06 permitted acres per mine in Utah. While a 2007 legislative coal audit pointed out that the permit area may be defined as just the disturbed area, by rule the operator has the option to include what they would like, within reason, in their permit area. Several, but not all, operators reduced their permit areas by excluding shadow areas above underground mine workings. For this reason, DOGM excludes shadow area acreages and only reports areas permitted for disturbance in order to report underground mine permit areas in a consistent manner.
- Due to low precipitation, the bond liability period is a minimum of 10 years on sites requiring the establishment of vegetation.

Each mine's annual reclamation report shows mining and reclamation data based on the calendar year, which is reflected in the attached Table entitled "Reclamation Status Table for EY 2018 (Mine by Mine)." See Appendix 2. Using the data from this table, the Team can determine acreage in the following categories: disturbed acreage; acreage backfilled and graded; acreage topsoiled and seeded; acreage seeded for 10 years or longer; and Phase I, II, and III bond release acreages.

During EY 2018, DOGM granted a total of Phase I bond release on 56.856 acres, Phase II bond release on 87.601 acres, and Phase III bond release on 10.89 acres (Table 6).<sup>1</sup> The total Phase I bond release reported consisted of 1.6 acres granted at the Hiawatha Mine on July 12, 2017, 0.36 acres granted at Skyline (Phase I, II, and III release granted), 0.36 acres granted at West Ridge Mine (also Phase I, II, and III release granted), and two Phase I bond releases were granted at the Coal Hollow Mine, one for 30.429 acres on September 27, 2017, and the other for 24.107 acres on March 23, 2018. In addition to the 0.36 acres completely released at the Skyline and West Ridge Mines, the Coal Hollow Mine was granted Phase II bond release for 77.431 acres on September 27, 2017. During the EY, the Hiawatha Mine was granted Phase II and III bond

<sup>1</sup> Totals reported in both Table 6 and the Reclamation Status Table are rounded to the nearest whole number.

release for 10.17 acres on July 12, 2017, the Skyline Mine was granted Phase III bond release for 0.36 acres on November 16, 2017, and the West Ridge Mine was granted Phase III bond release for 0.36 acres on November 22, 2017.

There were no additional acres disturbed or bonded in Utah during EY 2018. Of the total disturbed acreage on active, temporarily inactive, inactive, and bond forfeiture sites, 1,406 acres of the 3,793 disturbed acres (37%) have been backfilled, regraded, re-topsoiled, and seeded. Long-term facilities (2,109 acres) and active mining areas (223 acres) are currently functioning in their intended capacities and are not yet subject to contemporaneous reclamation requirements during any given Evaluation Year. These areas, comprising a total of 2,332 acres, are thus not eligible for any phase of bond release.

Since the Utah program was approved in 1981, DOGM has granted Phase III bond release on approximately 804 total acres. This successfully reclaimed acreage is 21.2% of the total disturbed acreage under the Utah permanent regulatory program (804 of 3,793 acres) which includes all permitted mining operations and full Phase III bond release mines. At the end of EY 2018, there were 2,200 acres bonded for disturbance without Phase I bond release (Table 6).

OSMRE concludes that reclamation of mined land in Utah is successful based on the Team's review of the coal permittee's annual reclamation reports, DOGM's permitting database, the EY 2018 Utah Reclamation Status Table, OSMRE oversight inspections, and routine DOGM monthly inspections that include reclamation success evaluations of those reclaimed lands.

#### *Bond Forfeitures and Revoked Permit Sites*

As shown in Table 7, DOGM has completed, or has commenced, initial reclamation on all seven bond forfeiture sites. During the latter half of EY 2017, DOGM was in the process of forfeiting the bond at the Horizon Mine, the seventh forfeiture site referenced in Table 7 and mentioned above. The proceeds generated from the sale of a condominium held as collateral bond, however, were not considered collected monies until EY 2018.

During EY 2018, DOGM staff conducted seven complete inspections on these seven abandoned mines (Table 10). DOGM continues to evaluate bond forfeiture sites for reclamation success that could lead to the termination of jurisdiction.

### **C. Customer Service**

Each Evaluation Year, OSMRE monitors the effectiveness of customer service provided by DOGM. Areas evaluated include bond releases and DOGM's responses to citizen complaints, although other areas of customer service are also considered. OSMRE did not receive any citizen complaints pertaining to Utah during EY 2018. Utah's program also provides for public involvement of permitting actions when a new application is received, when a permit is renewed, when any significant permit revision is proposed, and when a phase of reclamation is completed to the point of requesting bond release from a tract of reclaimed land. DOGM provided the required notices to landowners and other interested parties for significant revision applications, renewals and bond release applications. DOGM staff encourages participation in bond release inspections by the landowners and county officials. OSMRE and DOGM also evaluated

DOGM's outreach and interaction with the public, adjacent landowners, current and potential operators, other State and Federal agencies, and other programs within DOGM. DOGM responded to numerous requests for information from landowners, mining companies, government agencies and others. In addition, DOGM performed outreach to citizens and communities, operators, and stakeholders by providing opportunities to discuss issues, by participating in programs that help to educate the public about mining, and by coordinating with other State and Federal agencies involved in coal extraction.

DOGM also conducted its tenth annual survey of customer satisfaction to evaluate performance at the Division and program level and to foster improved customer service in the future. The results of this survey are discussed under Section VI.(B.).

## **VI. NATIONAL PRIORITY AND GENERAL OVERSIGHT TOPIC REVIEWS**

National Priority Reviews and general oversight topic reviews can be located and reviewed at OSMRE's website as listed at the introduction section of this report. Individual reports prepared by OSMRE are part of the oversight process of each State and contain findings and details regarding the evaluation of specific elements of the State program.

### **A. National Priority Reviews**

National Priority Reviews are oversight topic reviews selected by OSMRE to review nationwide. In EY 2018, there were no National Priority Reviews.

### **B. Topic-Specific Oversight Reviews**

General Oversight Topic Reviews are conducted as specified in the Utah Performance Agreement/Evaluation Plan. Due to workload constraints, the Team did not conduct topic-specific evaluations during EY 2018.

DOGM also conducted its tenth annual survey of customer satisfaction during EY 2018 to evaluate performance at the Division and program level and to foster improved customer service in the future. The survey concluded on September 15, 2017. The results of the survey for the coal program, on a 1 to 5 scale with 5 being the highest satisfaction, were as follows:

Timeliness of Services: 3.67  
Accuracy of Information: 3.92  
Helpfulness of Employees: 4.08  
Expertise of Employees: 3.92  
Availability of Information: 3.67  
Composite Rating: 3.85

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## VII. PROGRAM PROBLEMS AND ISSUES

OSMRE has initiated a corrective action process that applies when problems are identified with a State's approved regulatory program, or the State's actions under that program, that could, if left unaddressed, result in a failure by the State to effectively implement, administer, enforce, or maintain its approved State regulatory program. Site-specific issues identified by the DFD during inspections are addressed by DOGM when they are identified.

During EY 2017, OSMRE responded to, and issued its decision on, a request for State program evaluation under 30 C.F.R. Part 733 (733 request) and a citizen complaint, filed in the same letter submitted by WildEarth Guardians (WEG). Although OSMRE determined that the request did not warrant further evaluation under 30 C.F.R. Part 733, and that the Division had shown good cause in its TDN response, OSMRE requested technical assistance during its review of the allegations. OSMRE's technical review findings indicated potential, separate problems associated with DOGM's internal bond cost calculation practices. This resulted in the development of a corrective action plan, which was resolved during EY 2018. Please see the EY 2017 Utah Annual Evaluation Report for a summary of the allegations and disposition of the WEG citizen complaint and 733 request.

An additional ongoing issue remains present at the Crandall Canyon Mine (discussed below), which both DOGM and OSMRE continue to monitor.

### A. Action Plan #UT-2017-001

Upon issuing the TDN determination and decision on the 733 request, OSMRE began developing an Action Plan to address the potential, separate issues identified during the aforementioned technical review. After much collaboration between OSMRE and DOGM, Action Plan #UT-2017-001 was signed in May of 2017. The Action Plan was developed to address four identified issues that related to DOGM's bond calculation methods and practices. A majority of the issues pertained to one of DOGM's technical directives, which, both as written and as applied, conflicted with the requirements under the approved Utah program. The fourth issue regarded the development of clearer internal guidelines for staff use to ensure consistent, defensible cost estimating procedures for calculating and adjusting bond amounts. Four criteria for resolution and action sequences were outlined to directly resolve each issue. At the close of EY 2017, DOGM and OSMRE were in the process of completing the action sequence for all four issues within the Action Plan.

Following DOGM's submission of revised Tech-007 drafts in June and July of 2017, DFD provided comments that DOGM incorporated into a final, signed guidance document on July 17, 2017. On July 18, 2017, the Division sent out a letter notifying all coal operators that it will be implementing bond calculation practices in accordance with the revised Tech-007 guidance. In a letter dated July 19, 2017, DFD determined that DOGM had satisfied all four criteria for resolution and associated action sequences in a timely manner in accordance with the Action Plan. DFD therefore terminated Action Plan #UT-2017-001. DOGM continues to implement the revised Tech-007.

For additional information related to this Action Plan, please visit the OSMRE Oversight Documents website at <http://odocs.osmre.gov/>.

## **B. Horizon Mine – Intent to Forfeit Surety**

On December 20, 2012, the Division received notice that the Horizon Mine was in idle status and had been for several months. On February 25, 2013, the Division received notice that America West Resources (AWR) had filed a voluntary petition pursuant to Chapter 11 of Title 11 of the United States Bankruptcy code, and pursuant to the powers and procedures approved by the court sought to sell the Horizon Mine by auction sale. In July of 2013, the court dismissed the bankruptcy petition. Hidden Splendor Resources (HSR) and its subsidiary AWR were not able to sell the mine operations, and instead sold all of the equipment used and necessary to continue mining operations.

Since January of 2014, HSR has been issued 11 NOVs and one FTACO. Of these, six of the NOVs were issued for HSR failing to conduct water monitoring or macro invertebrate surveys in accordance with its MRP; four of the NOVs were issued for HSR's failure to perform routine maintenance of the mine site resulting in inadequate drainage controls, increased erosion, and sediment transport outside the permit area; and one violation (NOV #10141) was issued for failure to maintain the sediment pond on site. On August 5, 2014, a FTACO was issued to HSR for failing to complete the abatement measures identified in NOV #10141. On September 10, 2014, the Division filed a Notice of Agency Action with the Board intending to seek permission to forfeit the reclamation bond. The Notice was subsequently dismissed which would allow the Division to complete administrative requirements. During this process, the permittee attempted to change the post-mining land use from undeveloped land to recreational use by submitting three different permit change applications, none of which were approved.

On April 25, 2017, the Division filed a motion before the Board to default and enter judgment against HSR and AWR to (1) forfeit the reclamation surety, (2) order the Division to proceed with a Trustees Sale, Foreclosure, or other Sale of the real property held has surety for the reclamation obligations and use the sale proceeds for reclamation, (3) authorize the Utah Attorney General to proceed as necessary to recover civil penalties from officers, directors, or agents of HSR for failure to abate violations, and (4) direct the Division and the Utah Attorney General to take all necessary actions to require Alexander H. Walker III, and any other agents, owners and controllers of Horizon Mine to complete reclamation of the mine site.

Shortly after the filing, HSR contacted the Division regarding a proposed settlement agreement. After an agreement was reached, it was presented before BOGM on April 26, 2017. The Board (1) approved the Stipulation to settle all claims, and dismiss notice of agency action against Alexander Walker III and Amanda Walker Cardinalli (referred to herein as the "Stipulation"); and (2) granted DOGM's motion to default and enter judgment against HSR and AWR. In issuing its Order approving the Stipulation, the Board authorized the surrender and transfer of title of the condominium held has surety for the reclamation of Horizon Mine. Following the BOGM Order, OSMRE subsequently provided a letter concurring in the bond forfeiture and

DOGM received the title to the condominium on May, 17, 2017. At the end of EY 2017, the Division was in the process of selling the property.

In early EY 2018, the Division sold the condominium held as collateral. Throughout EY 2018, DOGM received partial refunds of the association dues initially paid by the Division, under contest, to the homeowner's association during closing, providing it with a total of \$452,951.70 for monies to be allocated to complete reclamation. In March of 2018, the Division completed the scope of work and bid package for the final reclamation of the site. The Division anticipates that reclamation will be completed during EY 2019.

### **C. Crandall Canyon Six Month Mine-Water Discharge Reports**

On August 6, 2007, a mine collapse occurred at the Crandall Canyon Mine, which took the lives of six miners. Because the mine was shut down in such an unexpected manner, the provisions for mine water discharge had not been adequately addressed. Water began discharging from the mine portals shortly after they were sealed. A Division Order (C/015/032-DO 08A) was issued on April 22, 2008, requiring Genwal Resources, Inc. (Genwal), permittee for the Crandall Canyon Mine, to make requisite permit changes and update the MRP to include a plan for the discharge of post-reclamation mine water in accordance with R645-301-551, R645-301-731.521, and R645-301-751. The level of iron in the water started to exceed the UPDES discharge parameters and soon began to stain the receiving stream, Crandall Creek. On August 11, 2009, the Division issued a violation to the mine for failure to minimize the disturbance to the hydrologic balance. The mine was required to stop discharging water that exceeded the UPDES permit; a treatment facility was built that would treat the water before it was discharged into Crandall Creek.

On August 16, 2010, DOGM issued Division Order 10A (DO-10A) which superseded all versions of previous Division Orders. DO-10A was accompanied by DOGM's June 7, 2010, hydrologic report finding probable perpetual pollutional discharge. DO-10A required Genwal to conduct increased water quantity and quality monitoring, revise the MRP to reflect the increased monitoring, provide a bond or trust fund by October 16, 2010, that would yield a yearly payment sufficient to cover the operating costs for the water treatment system in perpetuity (then estimated at \$325,000/year), revise the Probable Hydrologic Consequences determination to reflect current conditions, and make other associated changes to the permit. Genwal Resources complied with the requirements to conduct increased water monitoring and to amend the permit to reflect the increased monitoring. Genwal appealed the Division Order to BOGM on September 15, 2010, indicating its belief that there was no authority for requiring a perpetual bond and no rules were in place to govern a trust fund bonding mechanism.

BOGM filed its findings of fact and conclusions of law in the matter of Genwal's request for Board review of DO-10A on March 6, 2012. BOGM amended and vacated portions of DO-10A, finding that DOGM had appropriately sought a bond adjustment but that an interest bearing bonding mechanism would require rulemaking prior to implementation. Additionally, BOGM dismissed DOGM's hydrologic report and findings of probable perpetual pollutional discharge and accepted Genwal's hydrologic report claiming the noncompliant discharge would not likely

persist more than three years. BOGM ruled that the additional bond amount Genwal was required to post must be based on Genwal's costs assuming a best-case scenario. BOGM determined this to be three years of current operating costs (\$240,000), or \$720,000.00. Genwal posted the additional \$720,000.00 bond on July 6, 2012.

On January 28, 2013, BOGM issued a written Memorandum Decision and Order, which modified the March 6, 2012, Order by requiring Genwal to submit water quality data on a six month recurring schedule for the purpose of reassessing bond adequacy. On January 30, 2013, DOGM responded to TDN #X12-140-933-001 by stating that it had "good cause" for not taking action in response to the TDN because under its State program a violation did not exist and it was precluded from taking action due to the Board's March 6, 2012, and January 28, 2013, Orders. The response also indicated DOGM had taken appropriate action to address the bonding issue based on the plan to monitor and reassess the need for bond adjustments on a six-month recurring schedule.

On March 21, 2013, OSMRE issued its determination that DOGM had taken appropriate action to cause the violation to be abated by instituting a bond review schedule in accordance with R645-301-830.410. OSMRE reasoned that the State was acting within its authority to determine a cost basis for any necessary bond adjustment. The water quality data available at the time was insufficient to draw statistically valid conclusions regarding the duration of polluttional discharge. DOGM's plan to reassess the bond adequacy on a six-month recurring schedule is within the State's discretion under its approved State program and constitutes appropriate action under 30 C.F.R. § 842.11(b)(1)(ii)(B)(4). OSMRE's March 21, 2013, determination also terminated Action Plan #UT-2012-001 because DOGM had taken appropriate action to correct the violation.

Since June of 2010, numerous reports have been prepared by the DOGM and Genwal that examine the mine discharge water at Crandall Canyon. In compliance with the January 28, 2013, BOGM Order, DOGM and Genwal prepared reports that present an update on the data collected in accordance with the six-month recurring schedule, the last being in July of 2017. The reports focus on data collected since approximately January of 2010 (after total iron concentrations in the discharge peaked). The updated reports describe: the data currently being collected; plots which have been prepared to examine the data; a recent data evaluation; recent compliant samples; a rate kinetics analysis; and predictive compliance analysis.

Genwal has continued to perform monthly sampling and analysis of the mine discharge water in accordance with the Crandall Canyon MRP. In addition, Genwal has occasionally collected laboratory analysis samples more frequently than required by the MRP and has also been sampling the discharge using a total iron field analysis. The Division has also taken numerous samples to verify and bolster the sampling results. The sampling is conducted to evaluate the need for continued treatment of the mine discharge water in order to meet the 1.24 mg/L maximum daily effluent limitation for total iron in accordance with their UPDES permit. The total iron concentrations, collected from June 2017 to June 2018, have fluctuated from as low as 0.901 mg/L to as high as 1.22 mg/L. All samples taken during the last year have been under the 1.24 mg/l threshold. Comparing this information to the previous six months, the average total iron concentration has decreased. Data compiled from prior years further evidences continuous

improvement. The Division continues to compile and review total iron concentration evaluations every six months based on newly available data.

## **VIII. OSMRE ASSISTANCE**

OSMRE provides technical assistance and technology support to State regulatory and AML programs at the individual State level on project specific efforts, and at the national level in the form of national meetings, forums, and national initiatives. OSMRE provides direct technical assistance in project and problem investigation, design and analysis, permitting assistance, developing technical guidelines, training, and support. OSMRE initiated a regional Technology Transfer Team in 2004 to support and enhance the technical skills needed to operate regulatory and reclamation programs on which each State, including Utah, has a representative.

### **A. Grants**

Utah's 2017 grant period was from July 1, 2017, through June 30, 2018, which corresponds with the State's FY and OSMRE's EY 2018. DOGM requested \$2,578,118.00 in Federal funds. However, DOGM's request was limited to the amount allocated for Utah in OSMRE's FY 2017 Final Regulatory Grant Distribution. Therefore, OSMRE funded an Administration and Enforcement Grant to the Utah program in the amount of \$2,532,165.00 for the grant period starting July 1, 2017, and ending June 30, 2018 (Table 9). Through a Federal lands cooperative agreement, OSMRE reimburses DOGM for permitting, inspection, and other activities that it performs for mines on Federal lands. Because most of the acreage mined for coal in Utah is on Federal lands (Table 2), OSMRE funds 93% of DOGM's total program costs, which is \$2,717,527 (Table 9). As of June 30, 2018, the Division anticipates having Title V funds to de-obligate at the end of the FY.

Utah requested \$2,479,301.00 in AML funding for FY 2017. OSMRE subsequently funded a grant to the Utah AML Program in the amount of \$2,479,301.00 for a three-year period, from July 1, 2017 through June 30, 2020 (Table 9). This amount represented 100% funding that would normally be available for Utah's AML Program under SMCRA.

### **B. Education/Outreach/Tools**

DOGM staff participated in two training sessions through the NTTP training program and one training session through TIPS.

As summarized above, the OSMRE-WR GIS Branch provided UAS collection of light detection and ranging (LiDAR) and visible imagery of the Cottonwood/Wilberg Mine reclamation area on September 26, 2017, under a contract with Juniper Unmanned. The LiDAR and true color imagery that was collected was shared with DOGM and derivative products such as digital elevation models and orthorectified imagery were completed. The Division inspectors and OSMRE GIS Branch staff collaborated on remote sensing monitoring using the European Space Agency Copernicus Sentinels satellites to monitor the progress of the earthwork that was conducted on the site from September of 2017 to March of 2018. OSMRE-WR GIS Branch staff

completed high resolution terrestrial LiDAR and photography collection at the Cottonwood/Wilberg site on May 22, 2018. The data, point clouds, and photographs were shared in a collaborative workspace with DOGM.

The OSMRE-WR GIS Branch also provided UAS collection of LiDAR and visible photography for the Horizon Mine and Hiawatha Mine/Cultural Area in September of 2017 to provide baseline (before reclamation processes) mapping information. The OSMRE-WR, GIS Branch staff also collected high resolution terrestrial LiDAR and photography data for the Horizon Mine site in May of 2018. This data was also shared with DOGM. Ongoing monitoring using Copernicus Sentinels is being shared with the Division. After reclamation work is initiated, high-resolution remote sensing collections will be conducted in collaboration with DOGM. Follow-up terrestrial scanning with the Riegl LiDAR system is planned for the growing season of 2019.

### **EY 2018 Utah Evaluation Team Members**

Daron Haddock, Steve Christensen, and Priscilla Burton, DOGM

Alexis Long, Christine Belka, Dan MacKinnon, and Tom Medlin, DFD

Dana Dean, DOGM, and Howard Strand, DFD (Team coaches)

## **IX. TABLE FOOTNOTES**

The table data is provided as an attachment to the Annual Evaluation Report. There are some data sets that require additional description. The following are explanations for the data sets with anomalies that deviate from what is standard, normal, or expected:

DST Table 7: Bond Forfeiture Activity. Utah has bond forfeiture sites which have been completely reclaimed, but jurisdiction has not been terminated. Table 7 does not account for this situation. Because Table 7 automatically populates data into other tables, all bond forfeiture sites must be reported here. The data in Table 7 has been footnoted to indicate that Utah has bond forfeiture sites that have been completely reclaimed, but jurisdiction has not been terminated. Additionally, as referenced in above discussions, Horizon Mine was in the process of being forfeited but monies from the forfeiture were not collected during EY 2017. As the proceeds were collected during EY 2018, the Horizon Mine acreage (ten acres) will be counted as forfeited in this year's DST and RST data.

## **Appendix 1: Summary of Core Data to Characterize the Utah Program**

### **Utah Annual Evaluation Report Evaluation Year 2018**

#### **APPENDIX 1, Part A**

#### **Summary of Core Data to Characterize the Utah Program**

The following tables present summary data pertinent to mining operations and regulatory activities under the Utah regulatory program. Unless otherwise specified, the reporting period for the data contained in the tables is the Evaluation Year. Other data and information used by OSMRE in its evaluation of Utah's performance are available for review in the evaluation file maintained by the Denver Field Division.

Because of the enormous variations from state to state in the number, size, and type of coal mining operations and the differences between State programs, the summary data should not be used to compare one state to another.

#### **List of Tables**

- Table 1 Coal Produced for Sale, Transfer, or Use
- Table 2 Permanent Program Permits, Initial Program Sites, Inspectable Units, and Exploration
- Table 3 Permits Allowing Special Categories of Mining
- Table 4 Permitting Activity
- Table 5 Off-Site Impacts
- Table 6 Surface Coal Mining and Reclamation Activity
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- Table 8 Regulatory and AML Programs Staffing
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- Table 12 Lands Unsuitable Activity
- Table 13 OSMRE Oversight Activity
- Table 14 Status of Action Plans
- Table 15 Post-Mining Land Use Acreage of Sites Fully Reclaimed

Utah

EY 2018, ending June 30, 2018

TABLE 1

<b>COAL PRODUCED FOR SALE , TRANSFER, OR USE A</b> (Millions of short tons)			
<b>Calendar Year</b>	<b>Surface Mines</b>	<b>Underground Mines</b>	<b>Total</b>
2014	0.6	17.8	18.4
2015	0.3	14.2	14.5
2016	0.7	14.2	14.9
2017	0.7	13.7	14.5

A Coal production is the gross tonnage (short tons) and includes coal produced during the calendar year (CY) for sale, transfer or use. The coal produced in each CY quarter is reported by each mining company to OSM during the following quarter on line 8(a) of form OSM-1, "Coal Reclamation Fee Report." Gross tonnage does not provide for a moisture reduction. OSM verifies tonnage reported through routine auditing of mining companies. This production may vary from that reported by other sources due to varying methods of determining and reporting coal production.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

U.S. Department of the Interior

Utah  
EY 2018, ending June 30, 2018

TABLE 2

PERMANENT PROGRAM PERMITS, INITIAL PROGRAM SITES, INSPECTABLE UNITS, AND EXPLORATION														
Mines and Other Facilities	Numbers of Permanent Program Permits and Initial Program Sites									Area in Acres <sup>2</sup>				
	Permanent Program Permits				Initial Program Sites					Permanent Program Permits (Permit Area)		Initial Program Sites		
	Active	Inactive	Abandoned	Total	Active	Inactive	Abandoned	Total	Insp. Units <sup>4</sup>	Federal Lands	State/Tribal and Private Lands	Federal Lands	State/Tribal and Private Lands	Total Area
Surface Mines	3	0	1	4	0	0	0	0	4	150	650	0	0	800
Underground Mines	10	7	6	23	0	0	0	0	23	330	1,030	0	0	1,360
Other Facilities	3	2	0	5	0	0	0	0	5	120	570	0	0	690
<b>Total</b>	<b>16</b>	<b>9</b>	<b>7</b>	<b>32</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>32</b>	<b>600</b>	<b>2,250</b>	<b>0</b>	<b>0</b>	<b>2,850</b>
Permanent Program Permits and Initial Program Sites (Number on Federal Lands: 0)				Total Number:		32			Average Acres per Site:				89.06	
Average Number of Permanent Program Permits and Initial Program Sites per Inspectable Unit (IU):				Total Number:		1.00			Average Acres per IU:				89.06	
Permanent Program Permits in Temporary Cessation:				Total Number:		7			Number More than 3 Years:				0	
<b>EXPLORATION SITES</b>				Total Number of Sites			Sites on Federal Lands <sup>4</sup>			Exploration Inspectable Units				
Exploration Sites with Permits:				0			0			0				
Exploration Sites with Notices:				5			5			0				

<sup>1</sup>An Inspectable Unit may include multiple small and neighboring Permanent Program Permits or Initial Program Sites that have been grouped together as one Inspectable Unit, or conversely, an Inspectable Unit may be one of multiple Inspectable Units within a Permanent Program Permit.

<sup>2</sup>Total Inspectable Units calculation includes Exploration Sites Inspectable Units

<sup>3</sup>When a Permanent Program Permit or Initial Program Site contains both Federal and State and Private lands, the acreage for each type of land is in the applicable column.

<sup>4</sup>The number of Exploration Sites on Federal lands includes sites with exploration permits or notices any part of which is regulated by the state under a cooperative agreement or by OSM pursuant to the Federal Lands Program, but excludes exploration sites that are regulated by the Bureau of Land Management

TABLE 3

PERMITS ALLOWING SPECIAL CATEGORIES OF MINING			
Special Category of Mining	30 CFR Citation Defining Permits Allowing Special Mining Practices	Numbers of Permits	
		Issued During EY	Total Active and Inactive Permits
Experimental Practice	785.13(d)	0	1
Mountaintop Removal Mining	785.14(c)(5)	0	0
Steep Slope Mining	785.15(c)	0	0
AOC Variances for Steep Slope Mining	785.16(b)(2)	0	0
Prime Farmlands Historically Used for Cropland	785.17(e)	0	0
Contemporaneous Reclamation Variances	785.18(c)(9)	0	0
Mining on or Adjacent to Alluvial Valley Floors	785.19(e)(2)	0	0
Auger Mining	785.20(c)	0	0
Coal Preparation Plants Not Located at a Mine Site	785.21(c)	0	0
In-Situ Processing	785.22(c)	0	0
Remining	773.15(m) and 785.25	0	2
Activities in or Within 100 Feet of a Perennial or Intermittent Stream	780.28(d) and/or (e) 784.28(d) and/or (e)	0	18

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

U.S. Department of the Interior

Utah  
EY 2018, ending June 30, 2018

TABLE 4

PERMITTING ACTIVITY												
Type of Application	Surface Mines			Underground Mines			Other Facilities			Totals		
	App. Rec.	Issued/ Appvd	Acres	App. Rec.	Issued/ Appvd	Acres <sup>1</sup>	App. Rec.	Issued/ Appvd	Acres	App. Rec.	Issued/ Appvd	Acres
New Permits	0	0	0	0	0	0	0	0	0	0	0	0
Renewals	1	1		2	2		0	0		3	3	
Transfers, sales, and assignments of permit rights	0	0		0	0		0	0		0	0	
Small operator assistance	0	0		0	0		0	0		0	0	
Exploration permits										0	0	
Exploration notices <sup>2</sup>											0	
Revisions that do not add acreage to the permit area	11	11		36	36		4	4		51	51	
Revisions that add acreage to the permit area but are not incidental boundary revisions	0	0	0	0	0	0	0	0	0	0	0	0
Incidental boundary revisions	0	0	0	0	0	0	0	0	0	0	0	0
<b>Totals</b>	<b>12</b>	<b>12</b>	<b>0</b>	<b>38</b>	<b>38</b>	<b>0</b>	<b>4</b>	<b>4</b>	<b>0</b>	<b>54</b>	<b>54</b>	<b>0</b>
Permits terminated for failure to initiate operations:							Number:	0	Acres:		0.0	
Acres of Phase III bond releases (Areas no longer considered to be disturbed):									Acres:		11.0	
Permits in temporary cessation							Notices received:	0	Terminations:		0	
Midterm permit reviews completed							Number:	4				
<sup>1</sup> Includes only the number of acres of proposed surface disturbance <sup>2</sup> State approval not required. Involves removal of less than 250 tons of coal and does not affect lands designated unsuitable for mining.												

TABLE 5

OFF-SITE IMPACTS EXCLUDING BOND FORFEITURE SITES													
RESOURCES AFFECTED		People			Land			Water			Structures		
DEGREE OF IMPACT		Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major
TYPE OF IMPACT EVENT	NUMBER OF EVENTS												
Blasting	0	0	0	0	0	0	0	0	0	0	0	0	0
Land Stability	0	0	0	0	0	0	0	0	0	0	0	0	0
Hydrology	0	0	0	0	0	0	0	0	0	0	0	0	0
Encroachment	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	1	0	0	0	1	0	0	0	0	0	0	0	0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Total Number of Inspectable Units <sup>1</sup> :					25								
Inspectable Units with one or more off-site impacts:					1								
Exploration Inspectable Units with one or more off-site impacts <sup>2</sup> :					0								
Inspectable Units free of off-site impacts:					24			% of Inspectable Units free of off-site impacts <sup>4</sup> :			96		
<sup>1</sup> Total number of Inspectable Units is (1) the number of active and inactive inspectable units at the end of the Evaluation Year and (2) the number of Inspectable Units that were final bond released or removed during the Evaluation Year													
<sup>2</sup> Exploration Inspectable Units with one or more off-site impacts is a subset of Inspectable Units with one or more off-site impacts													
OFF-SITE IMPACTS AT BOND FORFEITURE SITES													
RESOURCES AFFECTED		People			Land			Water			Structures		
DEGREE OF IMPACT		Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major
TYPE OF IMPACT EVENT	NUMBER OF EVENTS												
Blasting	0	0	0	0	0	0	0	0	0	0	0	0	0
Land Stability	0	0	0	0	0	0	0	0	0	0	0	0	0
Hydrology	0	0	0	0	0	0	0	0	0	0	0	0	0
Encroachment	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Total Number of Inspectable Units <sup>3</sup> :					7								
Inspectable Units with one or more off-site impacts:					0								
Inspectable Units free of off-site impacts:					7			% of Inspectable Units free of off-site impacts <sup>4</sup> :			100		
<sup>3</sup> Total number of Inspectable Units is (1) the number of bond forfeiture sites that were reclaimed during the Evaluation Year and (2) the number of bond forfeiture sites that were unreclaimed at the end of the Evaluation Year													

Utah  
EY 2018, ending June 30, 2018

**TABLE 5  
(Continued)**

<b>TOTAL OFF-SITE IMPACTS INCLUDING BOND FORFEITURE SITES</b>													
<b>RESOURCES AFFECTED</b>		<b>People</b>			<b>Land</b>			<b>Water</b>			<b>Structures</b>		
<b>DEGREE OF IMPACT</b>		<b>Minor</b>	<b>Moderate</b>	<b>Major</b>	<b>Minor</b>	<b>Moderate</b>	<b>Major</b>	<b>Minor</b>	<b>Moderate</b>	<b>Major</b>	<b>Minor</b>	<b>Moderate</b>	<b>Major</b>
<b>TYPE OF IMPACT EVENT</b>	<b>NUMBER OF EVENTS</b>												
Blasting	0	0	0	0	0	0	0	0	0	0	0	0	0
Land Stability	0	0	0	0	0	0	0	0	0	0	0	0	0
Hydrology	0	0	0	0	0	0	0	0	0	0	0	0	0
Encroachment	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	1	0	0	0	1	0	0	0	0	0	0	0	0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Total Number of Inspectable Units <sup>5</sup> :				32									
Inspectable Units with one or more off-site impacts:				1									
Exploration Inspectable Units with one or more off-site impacts:				0									
Inspectable Units free of off-site impacts:				31									
										% of Inspectable Units free of off-site impacts <sup>4</sup> :		97	
<sup>4</sup> % of Inspectable Units free of off-site impacts is based on the number of Inspectable Units during the Evaluation Year. The number of Inspectable Units may vary during the Evaluation Year.													
<sup>5</sup> Total number of Inspectable Units is (1) the number of active and inactive Inspectable Units at the end of the Evaluation Year and (2) the number of Inspectable Units that were final bond released or removed during the Evaluation Year and (3) the number bond forfeiture sites that were reclaimed during the Evaluation Year and (4) the number of bond forfeiture sites that were unreclaimed at the end of the Evaluation Year.													

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

U.S. Department of the Interior

Utah  
EY 2018, ending June 30, 2018

TABLE 6

SURFACE COAL MINING AND RECLAMATION ACTIVITY							
Areas of Phase I, II, and III Bond Releases During the Evaluation Year (EY)							
Phase I Releases  Total Acres Released in Approved Phase I Releases	Phase II Releases		Phase III Releases			Total Acres Released During the EY	
	Total Acres Released in Approved Phase II Releases	Acres not previously released under Phase I	Total Acres Released in Approved Phase III Releases	Acres not previously released under Phase II	Acres not previously released under Phase I or II		
56		0			1	Phase I	57
	77			11		Phase II	88
			11			Phase III	11
Number of Permanent Program Permits with Jurisdiction Terminated Under Phase III Bond Release During the Evaluation Year					0	Other Releases - Acres	
Initial Program Sites with Jurisdiction Terminated During the Evaluation Year					0	Administrative Adjustments	0
Number of Inspectable Units Removed					0	Bond Forfeiture	0
Areas of Permits Bonded for Disturbance by Surface Coal Mining and Reclamation Operations							

	Total Acres at Start of EY	Total Acres at End of EY	Change in Acres During EY
New Area Bonded for Disturbance			0
Total Area Bonded for Disturbance	2,531	2,510	(21)
Area Bonded for Disturbance without Phase I Bond Release	2,266	2,200	(66)
Area Bonded for Disturbance for which Phase I Bond Release Has Been Approved	265	310	45
Area Bonded for Disturbance for which Phase II Bond Release Has Been Approved	60	127	67
Area Bonded for Disturbance with Bonds Forfeited During Evaluation Year			10
Area Bonded for Remining	350	350	0
Areas of Permits Disturbed by Surface Coal Mining and Reclamation Operations			
Disturbed Area	2,531	2,510	N/A

Utah

EY 2018, ending June 30, 2018

TABLE 7

<b>BOND FORFEITURE ACTIVITY (Permanent Program Permits)</b>			
<b>Bond Forfeiture and Reclamation Activity</b>	<b>Number of Sites</b>	<b>Dollars</b>	<b>Acres</b>
Sites with bonds forfeited and collected that were un-reclaimed at the start of the current Evaluation Year (i.e., end of previous Evaluation Year) <sup>1</sup>	6		469
Sites with bonds forfeited and collected during the current Evaluation Year	1	452,952	10
Sites with bonds forfeited and collected that were re-permitted during the current Evaluation Year	0		0
Sites with bonds forfeited and collected that were reclaimed during the current Evaluation Year	0		0
Sites with bonds forfeited and collected that were un-reclaimed at the end of the current Evaluation Year <sup>1</sup>	7		479
Sites with bonds forfeited but un-collected at the end of the current Evaluation Year	0		0
<b>Forfeiture Sites with Long-Term Water Pollution</b>			
Bonds forfeited, lands reclaimed, but water pollution is still occurring	0		
Bonds forfeited, lands reclaimed, and water treatment is ongoing	0		
<b>Surety/Other Reclamation Activity In Lieu of Forfeiture</b>			
Sites being reclaimed by surety/other party at the start of the current Evaluation Year (i.e., the end of previous Evaluation Year) <sup>2</sup>	0		0
Sites where surety/other party agreed during the current Evaluation Year to do reclamation	0		0
Sites being reclaimed by surety/other party that were re-permitted during the current Evaluation Year	0		0
Sites with reclamation completed by surety/other party during the current Evaluation Year <sup>3</sup>	0		0
Sites being reclaimed by surety/other party at the end of the current Evaluation Year <sup>2</sup>	0		0
<sup>1</sup> Includes data only for those forfeiture sites not fully reclaimed. <sup>2</sup> Includes all sites where surety or other party has agreed to complete reclamation and the site is not fully reclaimed. <sup>3</sup> These sites are also reported in Table 6, Surface Coal Mining and Reclamation Activity, because Phase III bond release would be granted on these sites.			

**TABLE 8**

<b>REGULATORY AND AML PROGRAMS STAFFING</b>	
<b>Function</b>	<b>Number of FTEs</b>
<b>Regulatory Program</b>	
Permit Review and Maintenance	7.00
Inspection	2.00
Other (supervisory, clerical, administrative, fiscal, personnel, etc.)	4.00
<b>Regulatory Program Total</b>	13.00
<b>AML Program Total</b>	11.00
<b>TOTAL</b>	24.00

Utah

EY 2018, ending June 30, 2018

TABLE 9

<b>FUNDS GRANTED TO STATE OR TRIBE BY OSM (Actual Dollars Rounded to the Nearest Dollar)</b>			
<b>Type of Funding</b>	<b>Federal Funds Awarded</b>	<b>Total Program Cost</b>	<b>Federal Funds Awarded as a Percentage of Total Program Costs</b>
<b>Regulatory Funding</b>			
Administration and Enforcement Grant	2,532,165		
Other Regulatory Funding, if applicable	0		
<b>Subtotal (Regulatory Funding)</b>	2,532,165	2,717,527	93
<b>Small Operator Assistance Program Grant Funding</b>	0	0	
<b>Abandoned Mine Land Reclamation Funding</b>	2,479,301	2,479,301	100
<b>Watershed Cooperative Agreement Program</b>	0	0	
<b>TOTAL</b>	5,011,466		

TABLE 10

**STATE INSPECTION ACTIVITY  
INSPECTABLE UNITS FOR WHICH STATE MET REQUIRED INSPECTION FREQUENCY ON AN  
INSPECTABLE UNIT-BY-INSPECTABLE UNIT BASIS <sup>1</sup>**

Inspectable Units (IUs)	Total number of inspectable units <sup>2</sup>	Number of inspections required annually		Number of inspections conducted		IUs Met Complete Inspection Frequency Requirement		IUs Met Partial Inspection Frequency Requirement		IUs Met Complete and Partial Inspection Frequency Requirements		
		Complete inspections	Partial inspections	Complete inspections	Partial inspections	Number	Percent	Number	Percent	Total number of IUs	Number that met inspection frequency	Percent
<b>COAL MINES AND FACILITIES</b>												
Active	16	64	128	62	136	14	88	15	94	16	13	81
Inactive	9	36	0	33	22	7	78	9	100	9	7	78
Abandoned	7	7	0	7	3	7	100	7	100	7	7	100
<b>TOTALS <sup>3</sup></b>	<b>32</b>	<b>107</b>	<b>128</b>	<b>102</b>	<b>161</b>	<b>28</b>	<b>88</b>	<b>31</b>	<b>97</b>	<b>32</b>	<b>27</b>	<b>84</b>
<b>Coal Exploration Activities <sup>4</sup></b>		<b>Complete Inspections</b>						<b>Partial Inspections</b>				
Exploration sites with permits		0						0				
Exploration sites with notices		0						0				

<sup>1</sup> Calculated on a site-specific basis.  
<sup>2</sup> Total number includes both permanent program permits and initial program sites.  
<sup>3</sup> OSM is assuming that all states have gone through the process described in 30 CFR §40.11(h) and §42.11(f) to reduce inspection frequency on abandoned/forfeited sites.  
<sup>4</sup> Includes all valid notices and permits. No inspection frequency data are provided since SMCRA does not establish a minimum numerical inspection frequency for coal exploration activities.  
<sup>5</sup> NA - Not Available

**TABLE 11**

<b>STATE OR TRIBAL ENFORCEMENT ACTIVITY</b>		
<b>Type of Enforcement Action</b>	<b>Number of Actions <sup>1</sup></b>	<b>Number of Violations <sup>1</sup></b>
Notice of Violation	12	12
Failure-to-Abate Cessation Order	0	0
Imminent Harm Cessation Order	0	0
<sup>1</sup> Does not include actions and violations that were vacated.		

Utah

EY 2018, ending June 30, 2018

TABLE 12

<b>LANDS UNSUITABLE ACTIVITY</b>		
<b>Activity</b>	<b>Number</b>	<b>Acres</b>
Petitions Received	0	
Petitions Rejected	0	
Petitions Accepted	0	
Decisions Denying Petition	0	
Decisions Declaring Lands Unsuitable	0	0
Decisions Terminating Unsuitable Designations	0	0

Utah

EY 2018, ending June 30, 2018

TABLE 13

<b>OSM OVERSIGHT ACTIVITY</b>					
<b>Oversight Inspections and Site Visits</b>					
	<b>Complete</b>		<b>Partial</b>		
	Joint	Non-Joint	Joint	Non-Joint	Total
Oversight Inspections	3	0	7	0	10
	<b>Technical Assistance</b>		<b>Other</b>		<b>Total</b>
Site Visits	0		0		0
<b>Violations Observed by OSM and Citizen Requests for Inspection<sup>1</sup></b>					
<b>Type of Action</b>					<b>Total number of each action</b>
How many violations were observed by OSM on oversight inspections?					0
Of the violations observed, how many did OSM defer to State action during inspections?					0
Of the violations observed, how many did OSM refer to the State through Ten-Day Notices? <sup>2</sup>					0
How many Ten-Day Notices did OSM Issue for observed violations? <sup>3</sup>					0
How many Ten-Day Notices did OSM issue to refer citizen requests for inspection?					0
How many Notices of Violation did OSM issue?					0
How many Failure-to-Abate Cessation Orders did OSM issue?					0
How many Imminent Harm Cessation Orders did OSM issue?					0
<b>OSM Action for Delinquent Reporting or Non-Payment of Federal AML Reclamation Fees</b>					
How many Ten-Day Notices for delinquent reporting or non-payment of Federal AML reclamation fees did OSM issue?					0
How many Notices of Violation for delinquent reporting or non-payment of Federal AML reclamation fees did OSM issue?					0
How many Federal Failure-to-Abate Cessation Orders for delinquent reporting or non-payment of Federal AML reclamation fees did OSM issue?					0
<sup>1</sup> This section does not include actions for delinquent reporting or non-payment of Federal AML fees that are reported in the last section of the table. <sup>2</sup> Number of violations contained in Ten-Day Notices not including those issued to refer citizen requests for inspection. <sup>3</sup> Number of Ten-Day Notices issued not including those to refer citizen requests for inspection.					

Utah  
EY 2018, ending June 30, 2018

TABLE 14

STATUS OF ACTION PLANS

Action Plan ID	Problem Type <sup>4</sup>	Problem Title	Problem Description	Date Action Plan Initiated	Scheduled Completion Date	Actual Completion Date
555	RP	Bond Cost Calculations and Methods (UT-2017-001)	Resolving issues related to bond calculation	05/03/2017	7/18/2017	07/18/2017

<sup>4</sup> Problem Type: "PA" indicates a required Program change under subchapter T or 732  
"RP" indicates a Regulatory Program implementation or administrative problem

Utah

EY 2018, ending June 30, 2018

**TABLE 15**  
**(Optional)**

<b>POST-MINING LAND USE ACREAGE OF SITES FULLY RECLAIMED</b>	
<b>(Phase III bond release or termination of jurisdiction under the Initial Program)</b>	
<b>Land Use<sup>1</sup></b>	<b>Acres Released</b>
Cropland	0.00
Pasture/Hayland	0.00
Grazingland	0.00
Forestry	0.00
Residential	0.00
Industrial/Commercial	0.00
Recreation	0.00
Fish & Wildlife Habitat	0.00
Developed Water Resources	0.00
Undeveloped land or no current use or land management	0.00
Other - Public Utilities	0.00
Other -	0.00
<b>Sub-Total Other</b>	<b>0.00</b>
<b>Total</b>	<b>0.00</b>
<sup>1</sup> Land uses as defined in 30 CFR 701.5 or "Other" as defined under the state or tribal program	

## **Comments of State of Utah on the Report**

### **Utah Annual Evaluation Report**

#### **Evaluation Year 2018**

#### **APPENDIX 1, Part B**

### **Comments of State of Utah on the Report**

Utah had no comments on the Annual Evaluation Report.

APPENDIX 2: EY 2018 Utah Reclamation Status Table

Utah Reclamation Status Table for EY 2018 (Mine by Mine)																				
RECLAMATION STATUS OF ALL AREAS DISTURBED UNDER THE PERMANENT REGULATORY PROGRAM																				
Acres Disturbed As of EY 2018																				
Mine Name	Mine type		Disturbed area		Long-term mining or reclamation facilities	Active mining area	Areas backfilled and graded		Areas released phase I bond		Areas soiled and seeded / planted		Areas released phase II bond		Areas final seeded / planted for 10 years		Areas released phase III bond			
	Surface/ Other Facilities	Underground	EY	Total (all years)			EY	Total (all years)	EY	Total (all years)	EY	Total (all years)	EY	Total (all years)	EY	Total (all years)	EY	Total (all years)	EY	Total (all years)
Skyline Mine		X	0	140	140	0	0	0	0.36	0.36	0	0	0.36	0.36	0	0	0.36	0.36		
Hiawatha Mine		X	0	290	192	0	1.6	97.6	1.6	97.6	10.17	93	10.17	93.17	10.17	93.17	10.17	93.17		
Wellington Preparation Plant	Prep Plant		0	392	392	0	0	0	0	0	0	0	0	0	0	0	0	0		
Horse Canyon Mine		X	0	117	43	0	0	74	0	74	0	74	0	74	0	74	0	74		
Gordon Creek #2, #7, and #8		X	0	35	2	0	0	33	0	33	0	33	0	33	0	33	0	33		
Soldier Canyon Mine		X	0	24	24	0	0	0	0	0	0	0	0	0	0	0	0	0		
Centennial Mine		X	0	47	47	0	0	0	0	0	0	0	0	0	0	0	0	0		
Savage Coal Terminal	Loadout		0	133	133	0	0	0	0	0	0	0	0	0	0	0	0	0		
Wildcat Loadout	Loadout		0	112	112	0	0	0	0	0	0	0	0	0	0	0	0	0		
Banning Siding Loadout	Loadout		0	22	22	0	0	0	0	0	0	0	0	0	0	0	0	0		
Sunnyside Refuse & Slurry	Reprocessing		0	202	197	0	0	5	0	5	0	5	0	5	0	5	0	5		
Plateau-Willow Creek Mine		X	0	188	0	0	0	188	0	188	0	188	0	188	0	187	0	187		
Dugout Canyon Mine		X	0	109	72	0	0	37	0	37	0	19	0	19	0	2	0	2		
West Ridge Mine		X	0	31	31	0	0	0	0.36	0.36	0	0	0.36	0.36	0	0	0.36	0.36		
Star Point Refuse Mine	X		0	153	153	0	0	0	0	0	0	0	0	0	0	0	0	0		
Wellington Dry-Coal Facility	Reprocessing		0	30	30	0	0	0	0	0	0	0	0	0	0	0	0	0		
Hidden Valley Mine		X	0	7	0	0	0	7	0	7	0	7	0	7	0	7	0	7		
Fossil Rock Mine		X	0	28	28	0	0	0	0	0	0	0	0	0	0	0	0	0		
Emery Deep Mine		X	0	86	86	0	0	0	0	0	0	0	0	0	0	0	0	0		
Deer Creek Mine		X	0	92	91	0	0	1	0	1	0	1	0	1	0	1	0	1		
Cottonwood/Wilberg Mine		X	0	49	28	0	0	21	0	21	0	21	0	21	0	21	0	21		
Bear Canyon Mine		X	0	41	35	0	0	6	0	6	0	6	0	6	0	6	0	6		
Crandall Canyon		X	0	34	22	0	0	12	0	12	0	0	0	0	0	0	0	0		
Coal Hollow Mine	X		0	443	123	223	54,536	320	54,536	219	77,431	77,431	77,431	77,431	0	0	0	0		
Sufco Mine		X	0	96	96	0	0	0	0	0	0	0	0	0	0	0	0	0		
Castle Gate Mine		X	0	63	0	0	0	63	0	63	0	63	0	63	0	63	0	63		
Des-Bee-Dove Mine		X	0	137	0	0	0	137	0	137	0	137	0	137	0	137	0	137		
Star Point Mine		X	0	101	0	0	0	101	0	101	0	101	0	101	0	101	0	101		
Blackhawk-Willow Creek Mine		X	0	4	0	0	0	4	0	4	0	4	0	4	0	4	0	4		
Trail Canyon Mine		X	0	10	0	0	0	10	0	10	0	10	0	10	0	10	0	10		
Gordon Creek #3 and #6		X	0	17	0	0	0	17	0	17	0	17	0	17	0	17	0	17		
Huntington #4 Mine		X	0	13	0	0	0	13	0	13	0	13	0	13	0	13	0	13		
J.B. King Mine		X	0	28	0	0	0	28	0	28	0	28	0	28	0	28	0	28		
Knight Mine		X	0	40	0	0	0	40	0	40	0	40	0	40	0	40	0	40		
Horizon Mine		X	0	10	10	0	0	0	0	0	0	0	0	0	0	0	0	0		
Sunnyside Coal Company		X	0	287	0	0	0	287	0	0	0	287	0	0	0	287	0	0		
Blazon #1 Mine		X	0	7	0	0	0	7	0	0	0	7	0	0	0	7	0	0		
Summit #1 Mine		X	0	14	0	0	0	14	0	0	0	14	0	0	0	14	0	0		
Boyer Mine		X	0	7	0	0	0	7	0	0	0	7	0	0	0	7	0	0		
New Tech Black Jack #1 Mine		X	0	3	0	0	0	3	0	0	0	3	0	0	0	3	0	0		
White Oak #1 & #2 Mines and Loadout	X		0	151	0	0	0	151	0	0	0	151	0	0	0	151	0	0		
<b>TOTAL</b>			<b>9</b>	<b>32</b>	<b>0</b>	<b>3793</b>	<b>2109</b>	<b>223</b>	<b>56</b>	<b>1684</b>	<b>57</b>	<b>1114</b>	<b>88</b>	<b>1406</b>	<b>88</b>	<b>931</b>	<b>10</b>	<b>1271</b>	<b>11</b>	<b>804</b>

Legend	
	Final Bond Release Sites
	Bond Forfeiture Sites