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

For Evaluation Year 2014
July 1, 2013 to June 30, 2014

Prepared by The Denver Field Division

September 2014

EXECUTIVE SUMMARY

The following summary captures the highlights of the Evaluation Year 2014 (EY 2014) Annual Evaluation Report for the Utah Regulatory Program. The report covers the period of July 1, 2013 to June 30, 2014.

The Utah Program

The Utah Division of Oil, Gas and Mining (DOGM) regulates exploration for, 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 2014, Utah continued to achieve the regulatory and reclamation goals of the Surface Mining Control and Reclamation Act (SMCRA), including the protection of the public and the environment from the adverse effects of coal mining.

Overview of Public Participation and Outreach Efforts

The Utah coal regulatory program continued to provide increased environmental improvement for coal field citizens during EY 2014 (July 1, 2013, through June 30, 2014), and effectively achieved or exceeded the regulatory and reclamation goals of SMCRA. DOGM performed outreach to citizens and communities, operators, and stakeholders by providing opportunities to discuss issues, by participating in programs that helped to educate the public about mining, and by coordinating with other State and Federal agencies involved in coal extraction. DOGM sent 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 performance evaluation topics as well as any questions or comments on previous oversight reports or the OSMRE/DOGM oversight process.

DOGM has implemented the use of Collaborative Meetings rotated each quarter 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.

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 (WRTT) Team.

Accomplishments and Innovations

During EY 2014, DOGM was able to complete a contract for additional reclamation at the White Oak mine, a bond forfeiture site that has undergone various stages of reclamation. The

additional work has helped to stabilize this site and has greatly enhanced the reclamation of the area. Ongoing work at the site includes haul road removal and weed control.

During EY 2014, the Star Point Mine achieved Phase III bond release by completing reclamation requirements and applying for final bond release.

DOGM is also progressing in its efforts to institute electronic permitting. Most of the active mines are now submitting permitting actions electronically. As a result, DOGM has made significant improvements in the timeliness of permitting actions.

DOGM continues to administer an effective Title V reclamation program. OSMRE developed the Reclamation Status Table (Appendix 2 of this report) to better track reclamation in the state and on a region-wide basis. DOGM compiles annual reclamation data from mine operators and reports it to OSMRE in this format. DOGM and OSMRE now have an accurate picture of coal mine disturbance and reclamation in Utah. There are currently 2,652 acres disturbed by coal mining and 2,208 of those acres consist of long-term facilities and active mining areas that are not yet subject to contemporaneous reclamation requirements. This year, DOGM approved six acres for Phase I bond release, six acres for Phase II bond release, and 87 acres for Phase III bond release. An additional 13 acres were bonded and disturbed during the evaluation year.

Program Amendments

DOGM completed a rewrite of the Ownership and Control sections of the Utah coal rules in response to OSMRE's October 2, 2009, request for rule amendments. DOGM completed the state rulemaking process and submitted a formal program amendment on June 25, 2012. The final rule Federal Register notice was published on June 6, 2014.

During the 2012 evaluation year, DOGM submitted an amendment to the Judicial Code, Title 78 of the Utah Code requiring plaintiffs who obtain temporary relief (administrative stay or preliminary injunction) in an environmental action to post a surety bond or equivalent pending state agency or judicial review. DOGM submitted the amendment in response to a February 24, 2012, letter that OSMRE sent in accordance with 30 CFR 732.17(e)(2). The final rule Federal Register notice is currently under Regional Solicitor review.

Topic Specific Oversight Reviews

The EY 2014 Topic-Specific Oversight Review included Impacts to Ground and Surface Water Resources by Mining Activity (Ensuring Reclamation Success and the Prevention of Off-site Impacts). The OSMRE / DOGM Evaluation Team (Team) concluded that DOGM is effectively implementing surface and groundwater monitoring requirements in accordance with the performance standards of Utah's program rules to ensure both reclamation success and prevention of off-site impacts. The Team also made recommendations for each mine that was evaluated (see Section VI of this report).

Regulatory Program Issues

An ongoing issue for the Utah Program in EY 2014 involves the monitoring and treatment of mine water discharge at the Crandall Canyon Mine. Continued monitoring of this issue is described under Section VII Regulatory Program Issues.

OSMRE Assistance

For the 12 month grant period starting July 1, 2013 (Fiscal Year 2013, or FY 2013), Utah received an Administration and Enforcement Grant of $1,990,266.00 for permitting, inspection, and other activities that it performs for coal mines. DOGM originally received 90% OSMRE funding for the Utah AML Program for Fiscal Year 2013 in the amount of $4,334,360.00. Utah's grant was subsequently amended to add $235,999.00 for a total of $4,570,659.00, which represented the approved allotted amount. A second amendment followed adding another $236,929.00 (Utah de-obligated $236,000.00 from FY 2011 and re-obligated that amount to FY 2013). This amendment resulted in a total funding amount of $4,807,588.13 for FY 2013. OSMRE also provided DOGM with free-of-charge technical training courses, use of technical equipment, and library reference materials upon request.

Prevention of Off-site Impacts

An off-site impact is defined as anything resulting from a surface coal mining and reclamation activity or operation that causes a negative effect on resources (people, land, water, structures) where that impact is intended to be minimized or prevented by SMCRA or the applicable State program. Utah had a total of 36 inspectable units (IU's) at the beginning of EY 2014, and a total of 35 IU's at the end of EY 2014. During the evaluation year, the Division granted Phase III bond release at a permitted site (the Star Point Mine) and removed it from DOGM's IU list. Of these 36 sites, there was one active permit associated with negative off-site impacts. Accordingly, 35 of the 36 IU's (97%) were free of negative off-site impacts.

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. Success will be determined 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, 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 Utah, the following figures address the cumulative totals for bond release by phase:

Phase I – 816 acres or 22.41% of total disturbance,
Phase II – 655 acres or 17.98% of total disturbance,
Phase III – 521 acres or 14.31% of total disturbance.

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Cover Page Photograph: (Reclaimed Castle Gate Mine (Sowbelly Canyon), C/007/0004) (May 2014)

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 authority to OSMRE to oversee the implementation of and provide federal funding for the state regulatory programs and abandoned mine land 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, as well as 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 the Evaluation Year (EY) July 1, 2013 to June 30, 2014.

Detailed background information and comprehensive reports for the program elements evaluated during the period are available for review and copying at the OSMRE's Denver Field Branch (DFB), 1999 Broadway, Suite 3320, Denver, Colorado, 80202. Contact Alan Boehms, DFB Chief, at aboehms@osmre.gov or (303) 293-5012.

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 EY14 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.

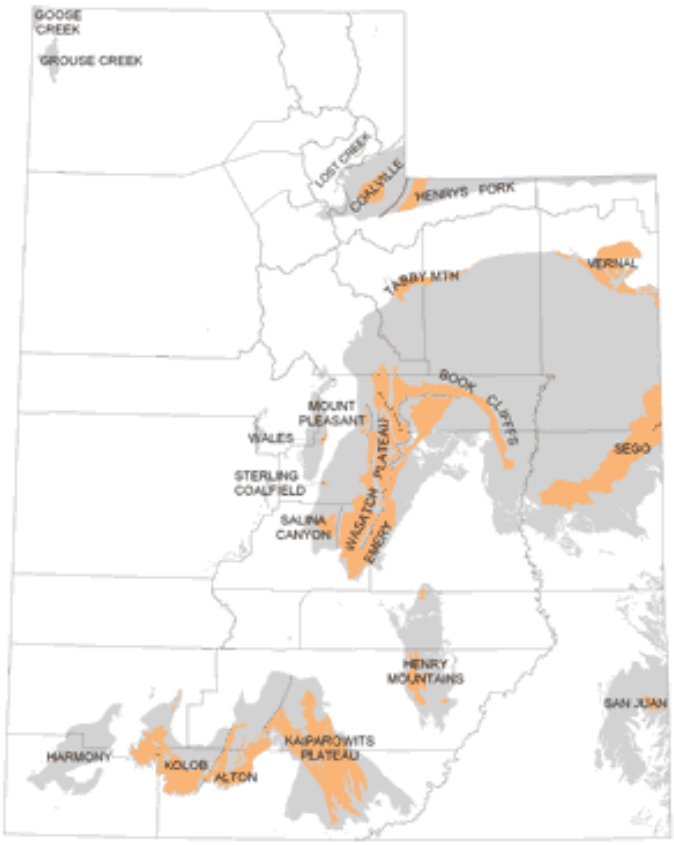
The following acronyms are used in this report:

A&E	Administration and Enforcement
AML	Abandoned Mine Land
BLM	Bureau of Land Management
BOGM	Utah Board of Oil, Gas, and Mining
BTCA	Best Technology Currently Available
CFR	Code of Federal Regulations
CHIA	Cumulative Hydrologic Impact Assessment
CIA	Cumulative Impact Area

CY	Calendar Year
DFB	Denver Field Branch (within the Denver Field Division)
DFD	Denver Field Division
DOGM	Division of Oil, Gas and Mining
DWRi	Utah Division of Water Rights
EPA	Environmental Protection Agency
EY	Evaluation Year
FTE	Full-Time Equivalent
FY	Fiscal Year
IMCC	Interstate Mining Compact Commission
IT	Information Technology
IU	Inspectable Unit
MRP	Mining and Reclamation Plan
NOV	Notice of Violation
PHC	Probable Hydrologic Consequences
UPDES	Utah Pollution Discharge Elimination System
NTTP	National Technical Training Program
OSMRE	Office of Surface Mining Reclamation & Enforcement
REG-8	OSMRE Directive REG-8
PAP	Permit Application Package
SMCRA	Surface Mining Control and Reclamation Act of 1977
SUFCO	Southern Utah Fuel Company
T&E	Threatened or Endangered Species
TDN	Ten-Day Notice
TIPS	Technical Innovation and Professional Services Program
UDWR	Utah Division of Wildlife Resources
UPDES	Utah Pollution Discharge Elimination System
USFWS	United States Fish and Wildlife Service
USFS	United States Forest Service
WIEB	Western Interstate Energy Board
WR	Western Region
WRTT	Western Region Technology Transfer

II. OVERVIEW OF COAL MINING INDUSTRY IN UTAH

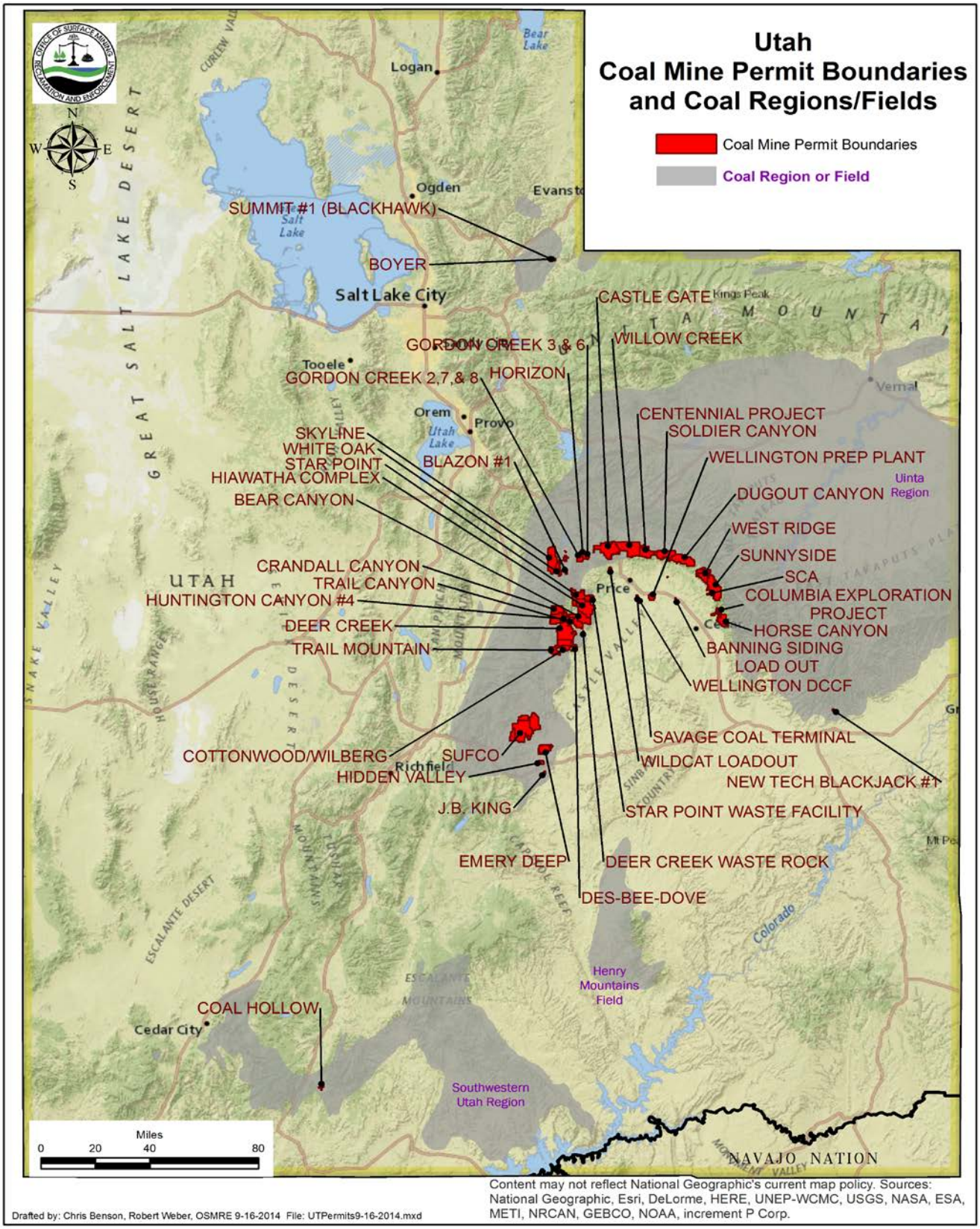
Coal is found beneath approximately 18% of the state of Utah, but only 4% is considered mineable based on economic viability at this time. The demonstrated coal reserve base ranges from 5.4 to 14 billion tons. The Federal government holds most of Utah's coal resources. Utah coal fields are shown on the figure below (Utah Geological Survey web site, Coal & Coalbed Methane at http://geology.utah.gov/utahgeo/energy/coal/index.htm, August 2013). In 2014, the Wasatch Plateau, Book Cliffs, Emery, and Alton coalfields were being actively mined.



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 1970's and peaked in 1996 at 28.9 million tons. Coal production in calendar year (CY) 2013 was approximately 17.6 million tons (Table 1) (OSM-1 quarterly coal production reporting). This production level represents a 2.3% increase from 2012 levels and ranks Utah 13th among coal producing states. The majority of the coal production is produced by underground mining operations. In addition, Utah removed and reprocessed 516,580 tons of no value material in 2013 (OSMRE no value determinations for coal waste tonnage exempts permittees from the required SMCRA (abandoned mine lands) severance tax per ton of coal (waste) mined).

As of June 30, 2014, there were 35 IU's in Utah including 21 active or temporarily inactive operations, 8 inactive operations, and six abandoned sites (Table 2). For these operations, permitted acreage totaled 3190 acres (Table 2) and bonded acreage approved for disturbance totaled 2652 acres (Table 6). Of the 11 operations that were actively producing coal as of June 30, 2014, seven were underground mines, one was a private surface mining operation, and three were surface mining operations that extract coal from an underground mine refuse pile. Four of the seven underground mines use the longwall mining method and three employ the room and pillar mining method. As of June 30, 2014, Utah had also reclaimed 462 acres of disturbance for the six abandoned sites.


Utah
Coal Mine Permit Boundaries
and Coal Regions/Fields
Coal Mine Permit Boundaries
Coal Region or Field
SUMMIT #1 (BLACKHAWK)
BOYER
CASTLE GATE
WILLOW CREEK
GORDON CREEK 3 & 6
GORDON CREEK 2,7,& 8
HORIZON
CENTENNIAL PROJECT
SOLDIER CANYON
WELLINGTON PREP PLANT
DUGOUT CANYON
Uinta Region
WEST RIDGE
SUNNYSIDE
SCA
COLUMBIA EXPLORATION PROJECT
HORSE CANYON
BANNING SIDING
LOAD OUT
WELLINGTON DCCF
SKYLINE
WHITE OAK
STAR POINT
HIAWATHA COMPLEX
BEAR CANYON
BLAZON #1
CRANDALL CANYON
TRAIL CANYON
HUNTINGTON CANYON #4
DEER CREEK
TRAIL MOUNTAIN
COTTONWOOD/WILBERG
SUFCO
HIDDEN VALLEY
J.B. KING
SAVAGE COAL TERMINAL
WILDCAT LOADOUT
NEW TECH BLACKJACK #1
STAR POINT WASTE FACILITY
EMERY DEEP
DEER CREEK WASTE ROCK
DES-BEE-DOVE
Henry Mountains Field
COAL HOLLOW
Southwestern Utah Region
Logan
Ogden
Salt Lake City
Tooele
Orem
Provo
Price
Richfield
Vernal
Cedar City
UTAH
GREAT SALT LAKE DESERT
NAVAJO NATION
Miles
0 20 40 80
Drafted by: Chris Benson, Robert Weber, OSMRE 9-16-2014 File: UTPermits9-16-2014.mxd
Content may not reflect National Geographic's current map policy. Sources: National Geographic, Esri, DeLorme, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp.

Utah's coal mining industry has a direct, significant impact on the local economies where mining occurs. Coal mining currently occurs in Carbon, Emery, Kane, and Sevier Counties. The Utah Department of Workforce Services reports that in 2013 mining companies (except oil and gas), including coal mining companies, employed on average 669 and 492 persons in Carbon and Emery Counties, respectively. Kane County employed 31 people and Sevier County employed 558 persons on average in 2013. In Carbon County, coal mining companies represented three of the six largest employers with one being the largest employer. Additionally, coal mining companies were the largest employer in Emery County and the second largest in Sevier County. See http://jobs.utah.gov/jsp/wi/utalmis/default.do for more information on coal related employment in Utah.

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.

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 Regulatory Program and involve the ability of the public to:

- Request that areas be designated as unsuitable for mining;
- Receive notification by advertisement of permit application receipt;
- Review permit and revision applications;
- Contest the decision of the Board on permit applications and revisions;
- Request an inspection of a mine site;
- Submit blasting, groundwater well, and/or general permit complaints if public believes a violation of regulations is taking place;
- Object to proposed 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) formed an Evaluation Team (the Team) to conduct annual evaluations of Utah's Coal Regulatory Program. The Team evaluates how effective DOGM is in: ensuring that coal mining and reclamation is successful; preventing off-site

impacts; and providing quality service to its customers. The Team makes recommendations for improving the administration, implementation, and maintenance of the Program. The Team structure is comprised of three to four core members each from the WR 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 20, 2013, 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 2014, and soliciting any questions or comments on previous oversight reports or the OSMRE/DOGM oversight process. In addition, DOGM posted a notice on its web page requesting suggestions for oversight topics from the public, industry, and environmental groups. This year the Team received six responses from: the Emery County Public Lands Council; the Mayor of Emery Town; the Utah Department of Heritage and Arts; the Utah Geological Survey; the United States Forest Service (USFS); and one private citizen. The input we received from the commenters resulted in a topic-specific evaluation to investigate DOGM's review and implementation of coal operator's water monitoring programs (see Section VI of this report).

The public can also 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 (page 6) details how to access information using this website. Additional data used by OSMRE in its evaluation of Utah's Program are available for review in the evaluation files maintained at the WR-DFD, Denver Field Branch (DFB). Contact Alan Boehms, Chief, DFB, at aboehms@osmre.gov or (303) 293-5012.

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 Utah Board of Oil, Gas and Mining (BOGM) is a multi-interest citizen board which establishes the regulations, standards, and policies that guide DOGM. BOGM consists of seven members 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, except for one that was held in Cedar City, Iron County.

B. Education and Community Outreach

DOGM has implemented the use of Collaborative Meetings rotated each quarter 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), USFS, Bureau of Land Management (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 Utah Geological Survey work on Manning Canyon Shale in Central Utah; Crandall Canyon Mine Water Discharge Update; Mining on the Swell; EPA New Power Plant Rules; Office of Energy Development Updates; Coal Leasing Process Through Relinquishment; Bowie Resources Introduction; BLM / USFS Sage Grouse Plan; Utah Energy; the Utah Permanent Community Impact Fund Board Coal Study; and Knight-Ideal Loadout Reclamation.

The Division also participated at the Utah Mining Association and the Utah Governor's Energy Conference with an information booth that was set up as part of the conference. The Division maintains information on their web site 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 an FTP 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, United States Fish and Wildlife Service (USFWS), DWRi, Utah Division of Wildlife Resources (UDWR), USFS and the United States Army Corps of Engineers. Utah's cooperative agreement with the Secretary for the State regulation of surface coal mining and reclamation operations on Federal lands is somewhat unique to other Federal lands states. Utah's agreement requires the State to obtain Federal agency concurrence, rather than OSMRE performing this coordination effort.

- The DOGM and the Utah Department of Environmental Quality meet periodically to review their existing Memorandum of Understanding. The discussions include 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 (WRTT).

DOGM exchanged information with other states through participation in the Interstate Mining Compact Commission (IMCC) annual meetings and as a representative of the Reclamation Committee for the Western Interstate Energy Board (WIEB).

DOGM also participates in various local venues including the State Resource Development and Coordinating Council, the Emery County Public Lands Council and various Utah Partners in Conservation Development projects.

IV. MAJOR ACCOMPLISHMENTS AND INNOVATIONS

This year marks the 33rd anniversary of the primacy program in the State of Utah. 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 performance in meeting the goals and objectives of the approved state program. Once again, OSMRE finds that DOGM is successful in implementing its regulatory program. A list of the oversight reviews used to reach this conclusion is included in Section VII of this report. OSMRE looks forward to working cooperatively with DOGM during the next evaluation year.

Major accomplishments and innovations for this year include:

A. Accomplishments

1. Staffing and Workload

During the past year, the Division workload has remained fairly steady but may have dropped off slightly as a result of the soft coal market. The Division continues to function with a reduced staff of 14 FTE's 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 by the regulatory program. The timeliness of actions is measured on a monthly basis and reported quarterly on the Governor's scorecard. DOGM's timeliness for meeting permit review deadlines during EY 2014 was 91%, which was down slightly from 99% in EY 2013 but still higher than 90% in EY 2012.

2. Earth Day Awards

The BOGM sponsors an 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 2014, the BOGM presented Earth Day Awards to two coal-related award winners. Intermountain Power Agency was recognized for its efforts to complete a five year project in converting 9 miles of railroad (formerly used to transport coal) to a recreation trail between the Horse Canyon area and Sunnyside, Utah. The trail is used by hikers, bikers, ATV users, horseback riders and various other recreationists. PacifiCorp/Energy West Mining Co. was also recognized for their willingness to allow the Utah AML program to utilize their permitted waste rock facility for the disposal of waste from the Abandoned Byron

Howard Mine. Approximately 2,100 tons of coal waste material was disposed of at the Deer Creek Waste Rock site saving the AML program about $60,000 in transportation and disposal costs.

3. Training

DOGM continues to ensure that its staff is professionally and technically competent. Employees from Utah were provided the opportunity to attend instructor-led training sessions held by OSMRE's TIPS division and OSMRE's NTTP throughout the evaluation year. DOGM also continues to conduct Blaster Certification Training. During the week of January 13-17, 2014, DOGM conducted the annual Utah Coal Mine Surface Blaster Certification class. Seven new applicants were certified as State of Utah coal mine surface blasters. Nine previously certified individuals renewed their certifications by successfully passing the re-certification examination on January 17, 2014.

4. State Program Amendments

DOGM completed a rewrite of the Ownership and Control sections of the coal rules in response to OSMRE's October 2, 2009, request for extensive rule amendments. DOGM completed the state rulemaking process and submitted a formal program amendment on June 25, 2012. The final rule Federal Register notice for the amendment was published on June 6, 2014.

By letter dated April 18, 2012, DOGM sent OSMRE an amendment to the Judicial Code, Title 78 of the Utah Code that requires plaintiffs who obtain temporary relief (administrative stay or preliminary injunction) in an environmental action to post a surety bond or equivalent pending state agency or judicial review. DOGM submitted the amendment in response to a February 24, 2012, letter sent by OSMRE in accordance with 30 CFR 732.17(e)(2). The final rule Federal Register notice for the amendment has been drafted and is currently under review by the Regional Solicitor.

B. Innovations

1. Innovative Reclamation Practices

Reclamation of the White Oak Mine: The White Oak Mine is a bond forfeiture site that has undergone various stages of reclamation with limited success. The Division was able to develop a scope of work and secure a contract to complete additional reclamation at the site during EY 2011 and EY 2012. This included establishing terraces on steep slopes, backfilling sink holes, reworking and stabilizing the stream channel, placing bio-solids on much of the site, and reseeding and planting vegetation. This additional work included stabilizing two sink holes, installing drop structures in the stream channel, planting containerized stock and tublings, and supplemental seeding and mulching. The reclamation work, all completed with bond forfeiture money, has greatly improved the conditions at the site as well as the landowner's satisfaction. In October of 2012 additional seeding and mulching and some thistle control was completed. There are plans for additional Musk thistle treatment in the future. During EY 2014, the site was

monitored for vegetation growth and stability. The terraces appear to function as designed and the stream channel was stable. Weed control continues to be an issue and the Division has partnered with the Skyline Cooperative Weed Management Association in conjunction with the Utah Department of Agriculture to spray the Musk Thistle in the area.

During EY 2014, the Coal Hollow Mine implemented highwall mining. This mining method has greatly reduced the disturbance footprint that the mine had originally proposed. This in turn will greatly reduce the amount of reclamation that will be required on the site, as many of the pits will no longer be excavated.

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 http://linux1.ogm.utah.gov/WebStuff/wwwroot/coal/filesbypermitinfo.php; access to the general public is more restricted. Some of the abilities of the database include:

- Inspections and compliance information are tracked;
- Staff permitting tasks are assigned, scheduled and tracked;
- Mine operators can track submittals, permits, and amendments status online; and
- An interconnected relational database 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 for each of the mines 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 performance 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. Individual topic-

specific reports that provide additional details on how the following evaluations and measurements were conducted are available online at http://odocs.osmre.gov/ or at the WR-DFD Denver Field Branch (DFB) at 1999 Broadway, Suite 3320, Denver Colorado, 80202. Contact Alan Boehms, Chief, DFB, at aboehms@osmre.gov or (303) 293-5012.

To validate the credibility of State Regulatory 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 regulatory programs by evaluating the current compliance status of mines in each state. OSMRE continued these oversight efforts during EY 2014.

DFD conducted two joint complete, six joint partial, one complete independent, and three joint bond release inspections of coal mining operations in Utah during EY 2014. These inspections are included in the DOGM complete and partial inspection totals reported below. During EY 2013, DOGM issued nine notices of violation (NOVs) while the DFD issued one Ten-Day Notice (TDN). During EY 2014, DOGM issued 10 notices of violation (NOVs) and no cessation orders. One NOV was vacated. DFD did not issue any TDNs this evaluation year. No enforcement actions were taken by DFD as a result of the independent inspection that was conducted. Observed mine site conditions indicate that DOGM is effectively implementing and enforcing its program.

DOGM conducted 119 complete inspections and 228 partial inspections of coal mining operations during this evaluation year (Table 10). In addition, DOGM conducted three bond release inspections this year. 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 or exceeded the required inspection frequency on all IU's with the exceptions that one complete inspection was missed at the Banning Loadout during the fourth quarter of CY 2013 and one complete inspection was missed at the Columbia Well Site during the first quarter of CY 2014. In addition, complete inspections were not performed at the abandoned Boyer and Summit Mines during EY 2014. Both of these mines were inspected in June of 2013, and they are generally inspected during the summer months due to inaccessibility during part of the year. Consequently, while complete inspections of these sites had not yet occurred by the end of EY 2014, they were conducted in August of 2014.

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 authorized by the permit 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 2014 for both permitted sites and bond forfeiture sites. The Team identified one off-site impact on a permitted site and no off-site impacts at bond forfeiture sites during EY 2014. Because there were 36 IU's during this evaluation year (including the site at which DOGM granted Phase III bond release during the EY), 97% (35 of 36) 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 36 permitted coal mining operations that existed at some time 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's 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 2014, there were 30 permitted mine sites where the performance bond had not been forfeited. DOGM documented one minor land encroachment off-site impact on a permitted site. Accordingly, 97% (29 of 30) of the permitted IU's were free of negative off-site impacts (Table 5). This off-site impact was identified during a routine DOGM inspection. DOGM issued a Notice of Violation (NOV) and identified appropriate abatement measures to bring the site into compliance. The operator took action to abate the violation within the required timeframe. DOGM had approved the abatement measures and terminated the NOV at the end of EY 2014.

Bond Forfeitures and Revoked Permit Sites

Since OSMRE approved the Utah permanent regulatory program in 1981, DOGM has forfeited reclamation performance bonds for six mines. The White Oak Mines #1 and #2 are counted with the bond forfeiture sites because the Division issued the determination to forfeit; however, bond forfeiture monies were never received. Monies were obtained from the Lodestar Bankruptcy Trustee, Frontier Insurance, and a "General Settlement Fund" outside of the Lodestar bankruptcy estate. Reclamation of this site is ongoing.

During EY 2014, there were six bond forfeiture sites in Utah. DOGM did not observe any off-site impacts. As a result, 100% of the bond forfeiture and permit revocation sites (6 of 6) were free of off-site impacts at the end of EY 2014 (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. Success will be determined 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, 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.

Permitted Mine Sites Where Reclamation Performance Bonds Have Not Been Forfeited

Each Evaluation Year the Team compiles reclamation information for all operations that DOGM has permitted under the Utah Regulatory Program since its approval 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. For operations where reclamation performance bonds have not been forfeited, the Team used disturbed acreage that had received bond release as a measure of reclamation success. 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 (2,652 acres for EY 2014), there are 3,190 permitted acres for the 29 non-forfeited mines, or an average of 91.14 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, we exclude shadow area acreages and only report areas permitted for disturbance 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.

The annual reclamation reports show mining and reclamation data based on the calendar year, and is reflected in the attached Table entitled "Reclamation Status Table for EY 2014 (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 2014, DOGM granted Phase I bond release on six acres, Phase II bond release on six acres, and Phase III bond release on 87 acres (Table 6). The Bear Canyon Mine was granted Phase I and II bond release for six acres on January 13, 2014. The Star Point Mine was granted Phase III bond release for 87 acres on July 29, 2013. This completed the SMCRA obligation at this site and it was removed from DOGM's IU list. An additional 13 acres were bonded and disturbed during the evaluation year at the Wildcat Loadout and SUFCO Mine.

Of the total disturbed acreage on active, temporarily inactive, inactive, final bond released, and bond forfeiture sites 1,220 of the 3,642 disturbed acres (33.50%) has been backfilled, regraded, re-topsoiled, and seeded. Long-term facilities and active mining areas that are not yet subject to contemporaneous reclamation requirements during any given evaluation year, and thus not eligible for any phase of bond release, comprise a total of 2,298 acres. Subtracting those temporarily excluded acreages from the total disturbed acreage, 1,220 of 2,305 acres (52.93%) of mining related disturbance subject to contemporaneous reclamation requirements has been backfilled, regraded, re-topsoiled, and seeded. Several operations have not submitted bond release applications for lands that have been reclaimed 10 years or longer.

Since the Utah Permanent Regulatory Program was approved in January, 1981, DOGM has granted Phase III bond release on a total of 521 acres. This successfully reclaimed acreage is 14.31% of the total disturbed acreage under the Utah permanent regulatory program (521 of 3,642 acres) which includes all permitted mining operations and full Phase III bond release mines, but excludes bond forfeiture sites).

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 2014 Utah Reclamation Status Table, OSMRE oversight inspections, and DOGM routine monthly inspections that include reclamation success evaluations of the reclaimed lands.

Bond Forfeitures and Revoked Permit Sites

As shown in Table 7, DOGM has completed initial reclamation on all six bond forfeiture sites with the exception of eight acres at the White Oak Mine. During EY 2014, DOGM continued to evaluate bond forfeiture sites for reclamation success that could lead to the termination of jurisdiction. DOGM staff conducted five complete and seven partial inspections on six abandoned mines (Table 10).

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. Neither OSMRE nor DOGM received any citizen complaints during EY 2014. 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. DOGM also 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. Lastly, DOGM conducted its sixth 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)(2).

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 (page 3) 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 2014, there were no National Priority Reviews.

B. General Oversight Topic Reviews

General Oversight Topic Reviews are conducted as specified in the Utah Performance Agreement/Evaluation Plan. For EY 2014, the Team conducted one general evaluation topic review.

1. Reclamation Success and Prevention of Off-site Impacts – Impacts to Ground and Surface Water Resources by Mining Activity

The Team conducted an evaluation of surface and groundwater monitoring requirements for three approved permits to determine compliance with hydrologic monitoring requirements, as defined by Utah's program Rules at R645-301-724.100, -724.200, -731.210, 731.220, as well as for the prevention of off-site impacts and reclamation success. The Team reviewed permit documents and operator records pertaining to surface and groundwater monitoring as well as Utah's rules prior to conducting the field reviews.

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 authorized for conducting mining and reclamation activities or on undisturbed areas within the permit. Reclamation success is a measure of a State's success in implementing procedures to

allow for timely bond release of mined areas while ensuring that these areas are properly meeting the needs of the post-mining land use.

Off-site impacts are prevented and/or mitigated by ensuring that sediment and drainage control plans are being properly implemented and that all applicable performance standards of the Utah Rules are being enforced. Reclamation success is also highly dependent on DOGM enforcing the use of proper sediment control measures, channel designs, and best technology currently available (BTCA) on reclamation areas.

Successfully implemented water monitoring plans ensure both reclamation success and prevention of off-site impacts. This is accomplished by monitoring for changes to the hydrologic balance by evaluating baseline data on surface and groundwater quality and quantity and comparing it to data collected through the active periods of mining up to final bond release. DOGM is able to address conditions throughout the entirety of the mining operation by evaluating these monitoring data and by responding appropriately when monitoring data suggests that a particular operation or practice at the mine could be contributing to an off-site impact. By successfully approving, enforcing, and implementing a water monitoring program in accordance with the Utah Rules, DOGM ensures that the long term integrity of the hydrologic balance is being preserved, that adverse impacts are being mitigated accordingly, and ultimately that long term reclamation success is being accomplished.

Summary of Findings

In compliance with R645-301-724.200 baseline surface water information was supplied in all three of the permits reviewed by the Team. The information includes the name and location of surface water streams, stock watering ponds and conveyance ditches, surface water rights information, and detailed seasonal surface water quantity and quality information including flow rates, total suspended solids (TSS), total dissolved solids (TDS) / specific conductance, pH, total iron and total manganese. All three permits are in compliance with R645-301-731.220 regarding surface water monitoring program requirements. Surface water monitoring includes monitoring of perennial and intermittent streams and all UPDES outfall points. Sampling is done on a quarterly basis at the Crandall Canyon and Coal Hollow Mines.

At the SUFCO Mine, Section 7.2.4.1 page 7-14 of the PAP states, “Due to the general inaccessibility of the sample points during the winter, no winter sampling occurs.” Consequently, quarterly sampling is not possible at all surface and groundwater monitoring locations at the SUFCO Mine, and the Team recommended that Table 7-3 of the SUFCO permit be updated to state that winter sampling is limited.

All three permits contained groundwater monitoring programs that meet the water monitoring program requirements of R645-301-731.220, as well as baseline information in accordance with R645-301-724.200. Groundwater rights, including location and ownership of springs, are included in the permits. The groundwater monitoring programs include monitoring of springs and wells within alluvium, coal seams, and other significant and potentially water-bearing rock formations. Groundwater hydrologic monitoring parameters and baseline information include TDS, specific conductance, pH, total iron, and total manganese. Sampling is typically done on a

quarterly basis for most monitoring sites, but due to accessibility issues is sometimes only done three times per year at the SUFCO Mine.

Groundwater monitoring data is no longer collected at the Crandall Canyon Mine from wells due to a mine collapse that affects access to the well monitoring sites, which were all located underground within the coal mine. While this is noted in Table 7-10, the text in Section 7.31.21 of the PAP needs to be updated to state that monitoring of mine inflows and wells is no longer conducted for this reason. However, the monitoring of springs within the affected area is still conducted and is considered by DOGM to be sufficient groundwater monitoring.

All hydrologic monitoring data is uploaded electronically to the DOGM database and is evaluated by DOGM in detailed quarterly water quality memorandums. OSMRE reviewed samples of these reports for all three mines and found that they adequately address and identify changes in water quality and/or quantity.

A Probable Hydrologic Consequences (PHC) analysis is conducted by the operator to analyze impacts to the hydrologic balance within the permit area and to aid in designing the hydrologic reclamation plan. The Cumulative Hydrologic Impact Assessment (CHIA) is conducted by DOGM to ensure that the surface mining and reclamation operation is designed to prevent material damage to the hydrologic balance in the cumulative impact area (CIA). The CHIA uses information presented in the PHC in addition to other available sources to evaluate the potential for off-site impacts and cumulative impacts to the hydrologic balance. The CIA's for the three mines included the permit areas of the respective mines and adjacent areas, sometimes including multiple mining permits. Based on the CHIA's, DOGM found that the operations were designed to prevent material damage to the hydrologic balance in the CIA's and identified no potential material damage from existing and anticipated mining operations in the CIA's.

The CHIA analyses at all three mines were made in accordance with the Utah Rules. However, The Team recommended that the CIA delineation at the Crandall Canyon Mine be further justified. Specifically, DOGM was asked to address why the CIA is cut off on the east and south by apparently arbitrary straight lines (not related to natural hydrologic systems) rather than including all of the Maple Gulch, Danish Bench, and Grimes Wash Watersheds. This location contains many contiguous permit areas which extend aerially for large distances and occupy significant portions of the local watersheds.

No significant issues were found upon evaluation of the as-builts or field inspections of sediment ponds and diversions at any of the three mines, other than a minor action item which was identified for a pond inlet channel at the Coal Hollow Mine. All ponds were designed to safely pass the peak runoff from a 25-year, 6-hour storm event or greater event as specified by DOGM, which is proper for temporary ponds utilizing emergency spillways. Additionally, all sediment pond and diversion as-builts are PE certified in accordance with Utah R645 rules.

Stream buffer zone markers were visibly placed adjacent to the Lower Robinson Creek diversion at the Coal Hollow Mine in the undisturbed area in accordance with R645-301-731.600. All permitting requirements were met by DOGM in allowing the diversion of the Lower Robinson Creek and it will be reclaimed to meet the pre-mining characteristics of the original stream.

The Team conducted a general evaluation of sediment control practices using BTCA at the three

mines and did not identify any problems. Runoff was diverted to the extent possible away from all disturbance areas, all disturbed runoff was reporting to sediment ponds, and best management practices including rip rap, silt fence, straw waddles, and other means were being utilized where necessary. Overall the sediment and drainage control plans appeared to effectively control the runoff and limit contributions of excess suspended solids to streams and other flows outside the permit areas. Additionally, contemporaneous reclamation was being enforced at the Coal Hollow surface mine to minimize the disturbance area and stabilize backfill materials. Reclaimed areas at this mine appeared to be stable and measures were in place to control and limit the effects of erosion.

At the SUFCO mine, the most current longwall panel progression beneath the South Fork of Quitchipah Creek and the surrounding area caused extensive subsidence cracks, some of which caused the stream to completely drain underground for a brief period of time. The mining company mitigated the issue by dumping bentonite and gravel in the streambed to seal the subsidence cracks to restore flow, and will continue to monitor the area to ensure that flow is not interrupted or diminished. Surface and groundwater (springs) monitoring locations were in place surrounding the affected area for no less than four years prior to undermining the section and are currently monitored according to conditions in the mitigation plan. The monitoring locations include all identified springs in the area as well as four surface water monitoring locations along Quitchipah Creek: 006A, 006B, 006C, and 006D. The Team found that the operator was in compliance with all R645 rules regarding the subsidence control plan, mitigation measures, and other pertinent issues. OSMRE recommended that DOGM direct SUFCO to develop a detailed site-specific contingency plan to repair Quitchipah Creek in the event that the bentonite and gravel in the streambed are not effective on a permanent basis in mitigating flow losses and other impacts.

Following the collapse of the Crandall Canyon Mine in 2007, water began discharging at a significant rate from one of the mine portals. Because the water has non-compliant total iron concentrations in excess of what is allowed in the UPDES permit, a temporary treatment system was constructed by the operator and has been utilized since then. The Utah Board of Oil, Gas and Mining (the Board) issued an order on March 6, 2012, requiring the operator to post a bond to cover the costs to operate the water treatment system for three years. 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.

As a result, the operator conducts monthly sampling for temperature, pH, specific conductance, iron, manganese, aluminum, alkalinity, sulfate, and dissolved oxygen for the pre-treatment and post-treatment mine water discharge. In addition, DOGM takes field samples during each mine inspection to ensure that the data reasonably matches what the operator is reporting.

The discharge has steadily been dropping and is currently stabilized at around 340 gallons per minute (gpm), down from 600-700 gpm. Because of reduced discharge emanating from the mine portal, the operator has recently ceased adding flocculent to the water treatment system and is able to adequately remove most of the total iron from the water without it. This has saved a considerable amount of money for operating the water treatment system and is encouraging given that the iron concentrations have also begun to stabilize, with concentrations ranging from 1.28 to 2.3 mg/L and averaging 1.6 mg/L in the past five months. However, given the scientific

uncertainty of the matter, OSMRE recommends that in addition to continued six month predictive compliance updates that the long-term treatment bond at Crandall Canyon be extended beyond the current 3-year term.

Conclusions & Recommendations

Based on the findings above and the recommendations discussed therein, the Team concluded that DOGM is effectively implementing surface and groundwater monitoring requirements in accordance with the performance standards of Utah's program rules to ensure both reclamation success and prevention of off-site impacts. Please see the full evaluation report for detailed site-specific recommendations.

2. Customer Service – Sixth Annual Division-wide Stakeholder Satisfaction Survey (Utah self-evaluation)

DOGM also conducted its sixth annual survey of customer satisfaction during EY 2014 to evaluate performance at the Division and Program level and to foster improved customer service in the future. The survey concluded on September 30, 2013. 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: 4.1
Accuracy of Information: 4.1
Helpfulness of Employees: 4.3
Expertise of Employees: 4.0
Availability of Information: 3.7
Composite Rating: 4.0

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 regulatory program. Site-specific issues identified by the DFD during inspections were addressed by DOGM when they were identified. Some issues are ongoing and both DOGM and OSMRE continue to monitor them.

A. 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 November 9, 2009, after having conducted an inspection at the site, OSMRE issued two Ten-Day Notices (TDN's) for: (1) failure to conduct operations only in accordance with the approved permit, which pertained to the water treatment facility; and (2) failure to maintain adequate bond coverage at all times, which pertained to not having bond for long term treatment of the mine water discharge.

By letter to the Office of Surface Mining dated November 23, 2009, DOGM explained the emergency informal approval of the permit amendment allowing construction of a water treatment facility at the Crandall Canyon mine. Also on November 23, 2009, DOGM issued Division Order C/015/0032-DO09A requiring Genwal Resources to increase the bond held for the site.

The water treatment facility was informally allowed to be constructed before Genwal had submitted a complete permit revision application package. Water was not to enter the facility until DOGM received the requisite engineering details and approved the plan. DOGM was concerned that any further corrective action, or notice of violation, would only delay efforts to treat the water and abate the underlying problem.

On December 3, 2009, OSMRE found that DOGM had shown good cause for not issuing a violation pertaining to the water treatment facility being constructed under emergency procedures and that DO-9A constituted appropriate action to cause the inadequate bond to be corrected. For those reasons, OSMRE terminated both TDNs. DOGM subsequently revised DO-09A on December 22, 2009, to add requirements that Genwal provide annual operating cost estimates for the ongoing and continual treatment of water, to post money by January 23, 2010, for a water treatment trust fund in the amount required to generate an annuity equal to the estimate provided, to supply detailed engineering plans for final portal closure and final site configuration, to supply new reclamation bond estimates which reflect new plan changes, and to post any additional bond required by March 18, 2010.

On August 16, 2010, DOGM issued Division Order 10A (DO-10A) which superseded all versions of DO-08A and DO-09A. 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 Mining and Reclamation Plan 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 in place to govern a trust fund bonding mechanism. By letter dated December 23, 2010, OSMRE revoked its December 3, 2009 termination of TDN #X09-140-182-002 because adequate bond had not yet been posted. BOGM first heard legal arguments on this matter on January 26, 2011. In May 2011, the BOGM requested that the Division and Genwal work out an agreeable financial mechanism for this financial assurance in the form of a contract between DOGM and Genwal. As part of a good faith effort during negotiations, DOGM revised DO-10A on June 20, 2011, to require a bond or trust fund that will yield a yearly payment sufficient to cover the costs of water treatment in perpetuity with interim steps and timeframes. Subsequent to unsuccessful negotiations between the Division and Genwal, BOGM issued a Minute Entry on September 30, 2011, which required rule making and an evidentiary hearing regarding bonding costs and the expected duration of the pollutional discharge. DOGM has not pursued an amendment to its bonding regulations and the subsequent Board decision on this matter appears to have negated that need. On October 17, 2011, OSMRE issued a letter to DOGM stating that revised DO-10A constituted appropriate action to cause the inadequate bond to be corrected and terminated the TDN. OSMRE attached Action Plan #UT-2012-001 to the October 17th letter. The Action Plan was developed to monitor the State's progress toward successful resolution of this case.

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 must post 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.

OSMRE developed and implemented Action Plan #UT-2012-001 to monitor DOGM's progress in resolving the inadequate bond. The Action Plan outlined the steps called for in DO-10A and alternatives in the event DO-10A was not upheld by the BOGM or was unsuccessful in attaining an adequate bond. On September 14, 2012, OSMRE revised Action Plan #UT-2012-001 as a result of the BOGM's decision. The original Action Plan did not anticipate a situation in which BOGM would acknowledge the bond was inadequate but require the increase in bond to be based on the operator's costs assuming a best-case scenario. Rule R645-301-830.200 requires bond amounts to be sufficient to assure the completion of the reclamation plan if the work has to be performed by the Division in the event of forfeiture. Upon further consideration of this matter, OSMRE issued a new TDN (#X12-140-933-001) on December 7, 2012, citing a potential violation of R645-301-830.200. This TDN identified the potential failure to secure bond sufficient to assure completion of the reclamation plan if the Division must perform the work in the event of forfeiture.

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 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 not sufficient to draw statistically valid conclusions regarding the duration of pollutional discharge. DOGM's plan to reassess the bond adequacy on a six-month recurring schedule is within the State's discretion under its approved program and constitutes appropriate action under 30 CFR 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 April of 2014. 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.

The most recent analysis concludes that the iron concentrations in the mine water discharge are trending downward. One pre-treatment sample taken in November of 2013 was in compliance with the discharge standard. DOGM continues to monitor this discharge to ensure that the mine stays in compliance with the discharge permit and to verify that the pollutional discharge is attenuating.

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 which each state, including Utah, has a representative.

A. Grants

Utah's 2013 grant period is from July 1, 2013, through June 30, 2014, which corresponds with the State's fiscal year. DOGM requested $1,990,266.00 in Federal funds. DOGM's request was slightly below the grant distribution of 1,990,278.00 that was available for Utah. Therefore, OSMRE funded an A&E Grant to the Utah program in the amount of $1,990,266.00 for the grant period starting July 1, 2013 and ending June 30, 2014 (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 89.54% of DOGMS's total program costs.

Abandoned Mine Land (AML) grant funding that would normally be available in FY 2013 was reduced by 10% due to sequestration. As a result, Utah's request was a 10% overall decrease from the 2012 grant request and OSMRE funded a grant to the Utah AML Program in the amount of $4,334,360.00 for a three year period which will end June 30, 2016 (Table 9). This amount represented 90% funding that would normally be available for Utah's AML Program under SMCRA. Utah's grant was subsequently amended to add $235,999.00 for a total of $4,570,659.00, which represented the approved allotted amount. A second amendment followed adding another $236,929.00 (Utah de-obligated $236,000.00 from FY 2011 and re-obligated that amount to FY 2013). This amendment resulted in a total funding amount of $4,807,588.13 for FY 2013. This grant applies to both administrative and construction expenses.

B. Education/Outreach/Tools

Through NTTP and TIPS, OSMRE offers free-of-charge technical training courses to State and Tribal employees. During EY 2014, two DOGM employees (students) participated in two NTTP training opportunities covering Coalfield Communications and a Bonding Workshop for Cost Estimation. No DOGM employees participated in any TIPS instructor-led training opportunities during EY 2014.

OSMRE's Technical Librarian filled one reference request and provided eight article reprints to Utah Staff. OSMRE's Technical Library web site can be accessed at http://www.techtransfer.osmre.gov/NTTMainSite/osmlibrary.shtm.

TIPS deployed a RICOH GPS camera to the Utah DOGM Title V staff at their Salt Lake City Offices. The camera was used to document water monitoring sites and to help pinpoint the locations on maps.

EY 2014 Utah Evaluation Team Members

Steve Christensen, Steve Demczak, Daron Haddock, and Steve Schneider, DOGM

Flynn Dickinson, Dan MacKinnon, Duane Matt, and Howard Strand, DFD

Dana Dean, DOGM, and Alan Boehms, 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 were not available this EY and were recorded as a null value; other data sets require additional description. The following are explanations for the null data sets or anomalies that deviate for 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 which have been completely reclaimed, but jurisdiction has not been terminated.

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

Utah Annual Evaluation Report
Evaluation Year 2014

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.

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TABLE 1

COAL PRODUCED FOR SALE , TRANSFER, OR USE [A] (Millions of short tons)			
Calendar Year	**Surface Mines**	**Underground Mines**	**Total**
2010	0.0	19.0	19.1
2011	0.4	19.9	20.3
2012	0.6	16.6	17.2
2013	0.7	16.8	17.6

[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.

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								Insp. Units[1] [2]	Area in Acres[3]				
	Permanent Program Permits				Initial Program Sites					Permanent Program Permits (Permit Area)		Initial Program Sites		
	Active	Inactive	Aban-doned	Total	Active	Inactive	Aban-doned	Total		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	680	0	0	830
Underground Mines	13	7	5	25	0	0	0	0	25	300	1,390	0	0	1,690
Other Facilities	5	1	0	6	0	0	0	0	6	100	570	0	0	670
Total	21	8	6	35	0	0	0	0	35	550	2,640	0	0	3,190

Permanent Program Permits and Initial Program Sites (Number on Federal Lands: 0)	**Total Number:**	35	**Average Acres per Site:**	91.14
Average Number of Permanent Program Permits and Initial Program Sites per Inspectable Unit (IU):	**Total Number:**	1.00	**Average Acres per IU:**	91.14
Permanent Program Permits in Temporary Cessation:	**Total Number:**	7	**Number More than 3 Years:**	6

EXPLORATION SITES	Total Number of Sites	Sites on Federal Lands[4]	Exploration Inspectable Units
Exploration Sites with Permits:	0	0	0
Exploration Sites with Notices:	3	3	0

[1] 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.

[2] Total Inspectable Units calculation includes Exploration Sites Inspectable Units

[3] 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.

[4] 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			
		Numbers of Permits	
Special Category of Mining	**30 CFR Citation Defining Permits Allowing Special Mining Practices**	**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	2
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

TABLE 4

PERMITTING ACTIVITY

Type of Application	Surface Mines			Underground Mines			Other Facilities			Totals		
	App. Rec.	Issued/ Appvd	Acres	App. Rec.	Issued/ Appvd	Acres[1]	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		3	3		6	6	
Transfers, sales, and assignments of permit rights	0	0		8	8		3	3		11	11	
Small operator assistance	0	0		0	0		0	0		0	0	
Exploration permits										0	3	
Exploration notices[2]											0	
Revisions that do not add acreage to the permit area	13	13		21	21		9	9		43	43	
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	1	1	85	0	0	0	0	0	0	1	1	85
Totals	15	15	85	31	31	0	15	15	0	61	64	85

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:	87.0
Permits in temporary cessation	Notices received:	0	Terminations:	0
Midterm permit reviews completed	Number:	5		

[1]Includes only the number of acres of proposed surface disturbance
[2]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	1	0	0	0	1	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	1	0	0	0	1	0	0	0	0	0	0	0	0

Total Number of Inspectable Units[1]: 30

Inspectable Units with one or more off-site impacts: 1

Exploration Inspectable Units with one or more off-site impacts[2]: 0

Inspectable Units free of off-site impacts: 29 % of Inspectable Units free of off-site impacts[4]: 97

[1] 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

[2] 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
Total	0	0	0	0	0	0	0	0	0	0	0	0	0

Total Number of Inspectable Units[3]: 6

Inspectable Units with one or more off-site impacts: 0

Inspectable Units free of off-site impacts: 6 % of Inspectable Units free of off-site impacts[4]: 100

[3] 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

TABLE 5
(Continued)

TOTAL OFF-SITE IMPACTS
INCLUDING 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	1	0	0	0	1	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	1	0	0	0	1	0	0	0	0	0	0	0	0

Total Number of Inspectable Units[5]:	36		
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:	35	% of Inspectable Units free of off-site impacts[4]:	97

[4] % 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.

[5] 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 forefeiture 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.

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	Phase II Releases		Phase III Releases			Total Acres Released During the EY	
Total Acres Released in Approved Phase I Releases	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		
6		0			0	**Phase I**	6
	6			0		**Phase II**	6
			87			**Phase III**	87
Number of Permanent Program Permits with Jurisdiction Terminated Under Phase III Bond Release During the Evaluation Year					1	**Other Releases - Acres**	
Initial Program Sites with Jurisdiction Terminated During the Evaluation Year					0	Administrative Adjustments	0
Number of Inspectable Units Removed					1	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			13
Total Area Bonded for Disturbance	2,726	2,652	(74)
Area Bonded for Disturbance without Phase I Bond Release	1,988	1,995	7
Area Bonded for Disturbance for which Phase I Bond Release Has Been Approved	161	161	0
Area Bonded for Disturbance for which Phase II Bond Release Has Been Approved	577	496	(81)
Area Bonded for Disturbance with Bonds Forfeited During Evaluation Year			0
Area Bonded for Remining	350	350	0
Areas of Permits Disturbed by Surface Coal Mining and Reclamation Operations			
Disturbed Area	2,726	2,652	N/A

TABLE 7

BOND FORFEITURE ACTIVITY
(Permanent Program Permits)

Bond Forfeiture and Reclamation Activity	Number of Sites	Dollars	Acres
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) [1]	6		462
Sites with bonds forfeited and collected during the current Evaluation Year	0	0	0
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 [1]	6		462
Sites with bonds forfeited but un-collected at the end of the current Evaluation Year	0		0
Forfeiture Sites with Long-Term Water Pollution			
Bonds forfeited, lands reclaimed, but water pollution is still occuring	0		
Bonds forfeited, lands reclaimed, and water treatment is ongoing	0		
Surety/Other Reclamation Activity In Lieu of Forfeiture			
Sites being reclaimed by surety/other party at the start of the current Evaluation Year (i.e., the end of previous Evaluation Year) [2]	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 [3]	0		0
Sites being reclaimed by surety/other party at the end of the current Evaluation Year [2]	0		0

[1] Includes data for those forfeiture sites where reclamation has been completed but the State has not yet terminated jurisdiction. The acreage has also been corrected from 2011 when the DST was implemented.
[2] Includes all sites where surety or other party has agreed to complete reclamation and the site is not fully reclaimed.
[3] 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

REGULATORY AND AML PROGRAMS STAFFING	
Function	**Number of FTEs**
Regulatory Program	
Permit Review and Maintenance	8.00
Inspection	3.00
Other (supervisory, clerical, administrative, fiscal, personnel, etc.)	3.00
Regulatory Program Total	14.00
AML Program Total	10.00
TOTAL	24.00

Regulatory and AML Programs Staffing

TABLE 9

FUNDS GRANTED TO STATE OR TRIBE BY OSM (Actual Dollars Rounded to the Nearest Dollar)			
Type of Funding	**Federal Funds Awarded**	**Total Program Cost**	**Federal Funds Awarded as a Percentage of Total Progam Costs**
Regulatory Funding			
Administration and Enforcement Grant	1,990,266		
Other Regulatory Funding, if applicable	0		
Subtotal (Regulatory Funding)	1,990,266	2,222,768	90
Small Operator Assistance Program Grant Funding	0	0	
Abandoned Mine Land Reclamation Funding	4,807,588	0	
Watershed Cooperative Agreement Program	0	0	
TOTAL	6,797,854		

Funds Granted to State by OSMRE

TABLE 10

STATE INSPECTION ACTIVITY

INSPECTABLE UNITS FOR WHICH STATE MET REQUIRED INSPECTION FREQUENCY ON AN INSPECTABLE UNIT-BY-INSPECTABLE UNIT BASIS [1]

Inspectable Units (IUs)	Total number of inspectable units [2]	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
COAL MINES AND FACILITIES												
Active	21	84	168	83	174	20	95	21	100	21	20	95
Inactive	8	32	0	31	47	7	88	8	100	8	7	88
Abandoned	6	6	0	5	7	4	67	6	100	6	4	67
TOTALS [3]	35	122	168	119	228	31	89	35	100	35	31	89

Coal Exploration Activities [4]	Complete Inspections	Partial Inspections
Exploration sites with permits	0	0
Exploration sites with notices	0	0

[1] Caculated on a site-specific basis.
[2] Total number includes both permanent program permits and initial program sites.
[3] OSM is assuming that all states have gone through the process described in 30 CFR 840.11(h) and 842.11(f) to reduce inspection frequency on abandoned/forfeited sites
[4] 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.
[5] NA - Not Available

TABLE 11

STATE OR TRIBAL ENFORCEMENT ACTIVITY

Type of Enforcement Action	Number of Actions [1]	Number of Violations [1]
Notice of Violation	9	9
Failure-to-Abate Cessation Order	0	0
Imminent Harm Cessation Order	0	0

[1] Does not include actions and violations that were vacated.

TABLE 12

LANDS UNSUITABLE ACTIVITY		
Activity	**Number**	**Acres**
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

TABLE 13

OSM OVERSIGHT ACTIVITY

Oversight Inspections and Site Visits

	Complete		Partial		
	Joint	Non-Joint	Joint	Non-Joint	Total
Oversight Inspections	3	0	6	0	9
	Technical Assistance		Other		Total
Site Visits	0		0		0

Violations Observed by OSM and Citizen Requests for Inspection[1]

Type of Action	Total number of each action
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? [2]	0
How many Ten-Day Notices did OSM Issue for observed violations? [3]	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

OSM Action for Delinquent Reporting or Non-Payment of Federal AML Reclamation Fees

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

[1] 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.
[2] Number of violations contained in Ten-Day Notices not including those issued to refer citizen requests for inspection.
[3] Number of Ten-Day Notices issued not including those to refer citizen requests for inspection.

TABLE 14

STATUS OF ACTION PLANS

Action Plan ID	Problem Type[1]	Problem Title	Problem Description	Date Action Plan Initiated	Scheduled Completion Date	Actual Completion Date
None						

[1] Problem Type: "PA" indicates a required Program change under subchapter T or 732
"RP" indicates a Regulatory Program implementation or administrative problem

TABLE 15
(Optional)

POST-MINING LAND USE ACREAGE OF SITES FULLY RECLAIMED
(Phase III bond release or termination of jurisdiction under the Initial Program)

Land Use[1]	Acres Released
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	87.00
Developed Water Resources	0.00
Undeveloped land or no current use or land management	0.00
Other - Public Utilities	0.00
Other -	0.00
Other -	0.00
Other -	0.00
Other -	0.00
Other -	0.00
Other -	0.00
Other -	0.00
Sub-Total Other	0.00
Total	87.00

[1] 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 2014

APPENDIX 1, Part B

Comments of State of Utah on the Report

Utah had no comments on the Annual Evaluation report.

APPENDIX 2: EY 2014 Utah Reclamation Status Table

Utah Reclamation Status Table for EY-2014 (Mine by Mine)

RECLAMATION STATUS OF ALL AREAS DISTURBED UNDER THE PERMANENT REGULATORY PROGRAM

Acres Disturbed As of EY-2014

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	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)
Castle Gate Mine		X	0	63	0	0	0	63	0	63	0	58	0	58	0	57	0	57
Skyline Mine		X	0	122	122	0	0	0	0	0	0	0	0	0	0	0	0	0
Hiawatha Mine		X	0	290	194	0	0	96	0	96	0	96	0	0	0	0	0	0
Wellington Preparation Plant	X		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	0	0	1
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
Horizon Mine		X	0	10	10	0	0	0	0	0	0	0	0	0	0	0	0	0
Savage Coal Terminal	X		0	133	133	0	0	0	0	0	0	0	0	0	0	0	0	0
Wildcat Loadout	X		11	89	89	0	0	0	0	0	0	0	0	0	0	0	0	0
Banning Loadout	X		0	22	22	0	0	0	0	0	0	0	0	0	0	0	0	0
SCA	X		0	202	197	0	0	5	0	5	0	5	0	5	0	5	0	5
Willow Creek Mine		X	0	188	0	0	0	188	0	188	0	188	0	188	0	93	0	93
Dugout Mine		X	0	109	109	0	0	0	0	0	0	0	0	0	0	0	0	0
West Ridge Mine		X	0	31	31	0	0	0	0	0	0	0	0	0	0	0	0	0
Star Point Refuse Mine	X		0	153	153	0	0	0	0	0	0	0	0	0	0	0	0	0
Wellington Dry-Coal Cleaning Facility	X		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	0	0	0	0	0
Trail Mountain Mine		X	0	10	10	0	0	0	0	0	0	0	0	0	0	0	0	0
Emery Deep Mine		X	0	249	249	0	0	0	0	0	0	0	0	0	0	0	0	0
Des-Bee-Dove Mine		X	0	137	0	0	0	137	0	137	0	96	0	96	0	96	0	96
Deer Creek Mine		X	0	92	91	0	0	1	0	1	0	1	0	1	0	1	0	1
Cottonwood/Willberg Mine		X	0	67	46	0	0	21	0	21	0	21	0	21	0	21	0	21
Bear Canyon Mine		X	0	41	35	0	6	6	6	6	6	6	6	6	0	0	0	0
Crandall Canyon		X	0	35	23	0	0	12	0	12	0	0	0	0	0	0	0	0
Coal Hollow Mine	X		0	254	106	97	0	51	0	0	0	0	0	0	0	0	0	0
SUFCO Mine		X	2	50	50	0	0	0	0	0	0	0	0	0	0	0	0	0
Columbia Exploration Project		X	0	1	0	0	0	1	0	0	0	1	0	0	0	0	0	0
Star Point Mine		X	0	101	0	0	0	101	0	101	0	101	0	101	87	101	87	101
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
Sunnyside Coal Company		X	0	287	0	0	0	287	0	0	0	287	0	0	0	0	0	0
Blazon Mine		X	0	7	0	0	0	7	0	0	0	7	0	0	0	0	0	0
Summit #1		X	0	14	0	0	0	14	0	0	0	14	0	0	0	0	0	0
Boyer Mine		X	0	7	0	0	0	7	0	0	0	7	0	0	0	0	0	0
New Tech Black Jack #1 Mine		X	0	3	0	0	0	3	0	0	0	3	0	0	0	0	0	0
White Oak #1 & #2 Mines and Loadout	X		0	151	0	0	0	143	0	0	0	143	0	0	0	0	0	0
TOTAL			13	3642	2208	97	6	1329	6	816	6	1220	6	655	87	520	87	521

Legend	
	Final Bond Release Sites
	Bond Forfeiture Sites