OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
U.S. Department of the Interior

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

For Evaluation Year 2015
July 1, 2014 to June 30, 2015
Prepared by The Denver Field Division
September 2015

EXECUTIVE SUMMARY

The following summary captures the highlights of the Evaluation Year 2015 (EY 2015) Annual Evaluation Report for the Utah Regulatory Program. The report covers the period of July 1, 2014 to June 30, 2015.

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 2015, 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

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 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. DOGM staff attended several professional conferences, meetings, and workshops during the evaluation year. DOGM also had one staff member attend an instructors' meeting to help revise one of the NTTP courses.

Accomplishments and Innovations

During EY 2015, 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, including haul road removal, has enhanced reclamation and greatly improved stability at this site. Ongoing work at the site includes culvert removal, stream channel restoration, and weed control.

During EY 2015, the Castle Gate and Des Bee Dove Mines 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. OSMRE is developing a GIS database of permit information in Utah to verify DOGM's data. OSMRE began this project during 2015, and such improvements in data are leading to a more accurate picture of coal mine disturbance and reclamation in Utah. There are currently 2,693 acres disturbed by coal mining; 2,276 of those acres consist of long-term facilities and active mining areas that are not yet subject to contemporaneous reclamation requirements. To date, the Utah Program has caused a total of 1,486 acres to be backfilled and regraded and 1,325 acres topsoiled and reseeded. Of these areas, Utah has approved final (Phase III) bond release on 608 acres. This year, DOGM approved 37 acres for Phase I bond release, 66 acres for Phase II bond release, and 47 acres for Phase III bond release. Only 88 acres were disturbed this year.

Program Amendments

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 2015 Topic-Specific Oversight Reviews included Coal Exploration and Methane Drainage Well Sites (Ensuring Reclamation Success and the Prevention of Off-site Impacts); and Notifications Prior to Permit Renewal Approvals (Customer Service). The Team's findings and recommendations for each evaluation can be found in Section VI of this report.

Grant Financial Administration

As part of the annual oversight process, OSMRE conducted a financial review of DOGM's Coal Regulatory Program. A financial "Drawdown Analysis" was conducted in accordance with Federal Assistance Manual (FAM) 1-160 on funds that were drawn from Utah's Fiscal Year (FY) 2014 Administration and Enforcement (A&E) Grant through February 17, 2015. Additionally, in accordance with the Department of the Interior Guidance Release (DIG) 2011 amendment 1, Utah was asked to complete the DIG 2011 Financial Assistance Evaluation Questionnaire. A programmatic review of Utah's FY 2013 (July 1, 2013 through June 30, 2014)

A&E Grant was also conducted as part of OSMRE's ongoing grant monitoring and oversight of the DOGM Coal Regulatory Program for EY 2014. The financial review concluded that DOGM is utilizing its grant funds in an appropriate and timely manner and in accordance with statutory requirements and OSMRE guidelines. The programmatic review determined that the proposed activities and actions identified in DOGM's FY 2013 A&E regulatory grant application were consistent with the budgeted and actual award activities reported above, are in accordance with Utah's approved A&E Program, and meet annual program goals, requirements, and objectives.

Regulatory Program Issues

An ongoing issue for the Utah Program in EY 2015 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.

Another issue involves a potential bond forfeiture situation at the Horizon mine. This issue is also described under Section VII below.

OSMRE Assistance

For the 12 month grant period starting July 1, 2014 (FY 2014), Utah received an Administration and Enforcement Grant of $2,193,040.00 for permitting, inspection, and other activities that it performs for coal mines. DOGM subsequently de-obligated $273,279.00 for a total grant amount of $1,919,761.00. OSMRE also approved Utah's application for civil penalty funds in the amount of $51,000.00 to complete full road reclamation at the White Oak Mine. DOGM originally received 90% OSMRE funding for the Utah AML Program for FY 2014 in the amount of $4,121,389.21. Utah's grant was subsequently amended to add $455,977.91 for a total of $4,577,367.12, which represented the approved allotted amount. 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 35 inspectable units (IUs) at the beginning of EY 2015, and a total of 33 IUs at the end of EY 2015. During the evaluation year, the Division granted Phase III bond release at two permitted sites (the Castle Gate and Des Bee Dove Mines) and removed them from DOGM's IU list. Of these 35 sites, there were four active permits associated with negative off-site impacts. Accordingly, 31 of the 35 IUs (89%) 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 – 893 acres, or 23.69% of the total disturbance of 3,770 acres;
> Phase II – 760 acres, or 20.16% of the total disturbance of 3,770 acres; and
> Phase III – 608 acres, or 16.13% of the total disturbance of 3,770 acres.

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Cover Page Photograph: Sage Grouse Habitat Improvement Area adjacent to the Coal Hollow Mine, Permit No. C/025/0005 (April 2015)

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 EY 2015, spanning July 1, 2014 through June 30, 2015.

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 Manager, 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 EY15 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.

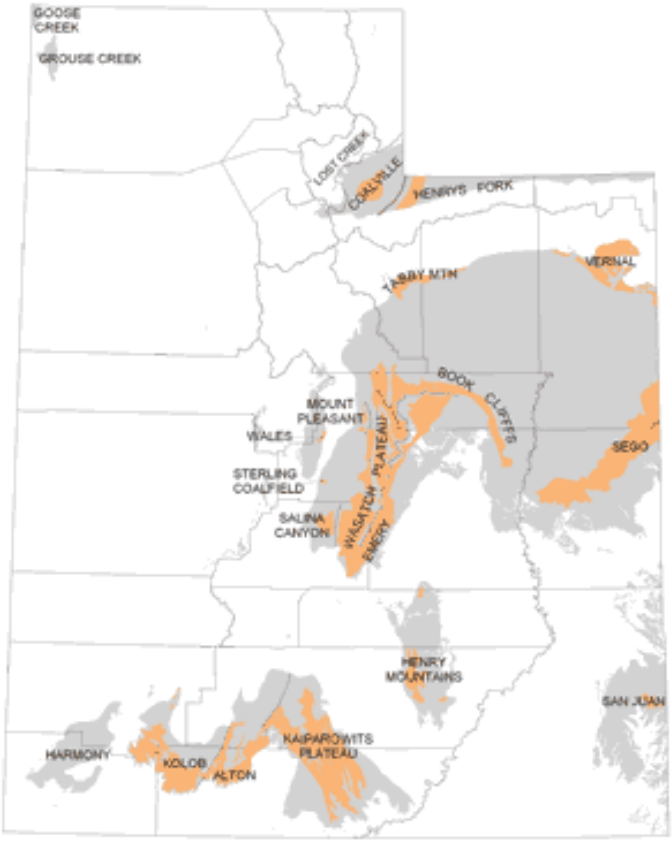
The following acronyms are used in this report:

A&E	Administration and Enforcement
AMD	Acid Mine Drainage
AML	Abandoned Mine Land
BLM	Bureau of Land Management
BOGM	Utah Board of Oil, Gas, and Mining
BTCA	Best Technology Currently Available
BTU	British Thermal Unit
CAD	Computer-Aided Design

CFR	Code of Federal Regulations
CY	Calendar Year
DFB	Denver Field Branch (within the Denver Field Division)
DFD	Denver Field Division
DIG	Department of the Interior Guidance Release
DOGM	Utah Division of Oil, Gas and Mining
DO	Division Order
DWRi	Utah Division of Water Rights
EY	Evaluation Year
FAM	Federal Assistance Manual
FOD	Field Office Director
FP	Fiscal Period
FTACO	Failure to Abate Cessation Order
FTE	Full-Time Equivalent
FY	Fiscal Year
GIS	Geographic Information Systems
HSR	Hidden Splendor Resources
IMCC	Interstate Mining Compact Commission
IU	Inspectable Unit
MRP	Mining and Reclamation Plan
NOV	Notice of Violation
NPS	National Park Service
NTTP	National Technical Training Program
OSMRE	Office of Surface Mining Reclamation & Enforcement
REG-8	OSMRE Directive REG-8
SMCRA	Surface Mining Control and Reclamation Act of 1977
SUFCO	Southern Utah Fuel Company
TDN	Ten-Day Notice
TIPS	Technical Innovation and Professional Services Program
UDWR	Utah Division of Wildlife Resources
UPDES	Utah Pollution Discharge Elimination System
USACE	U.S. Army Corps of Engineers
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

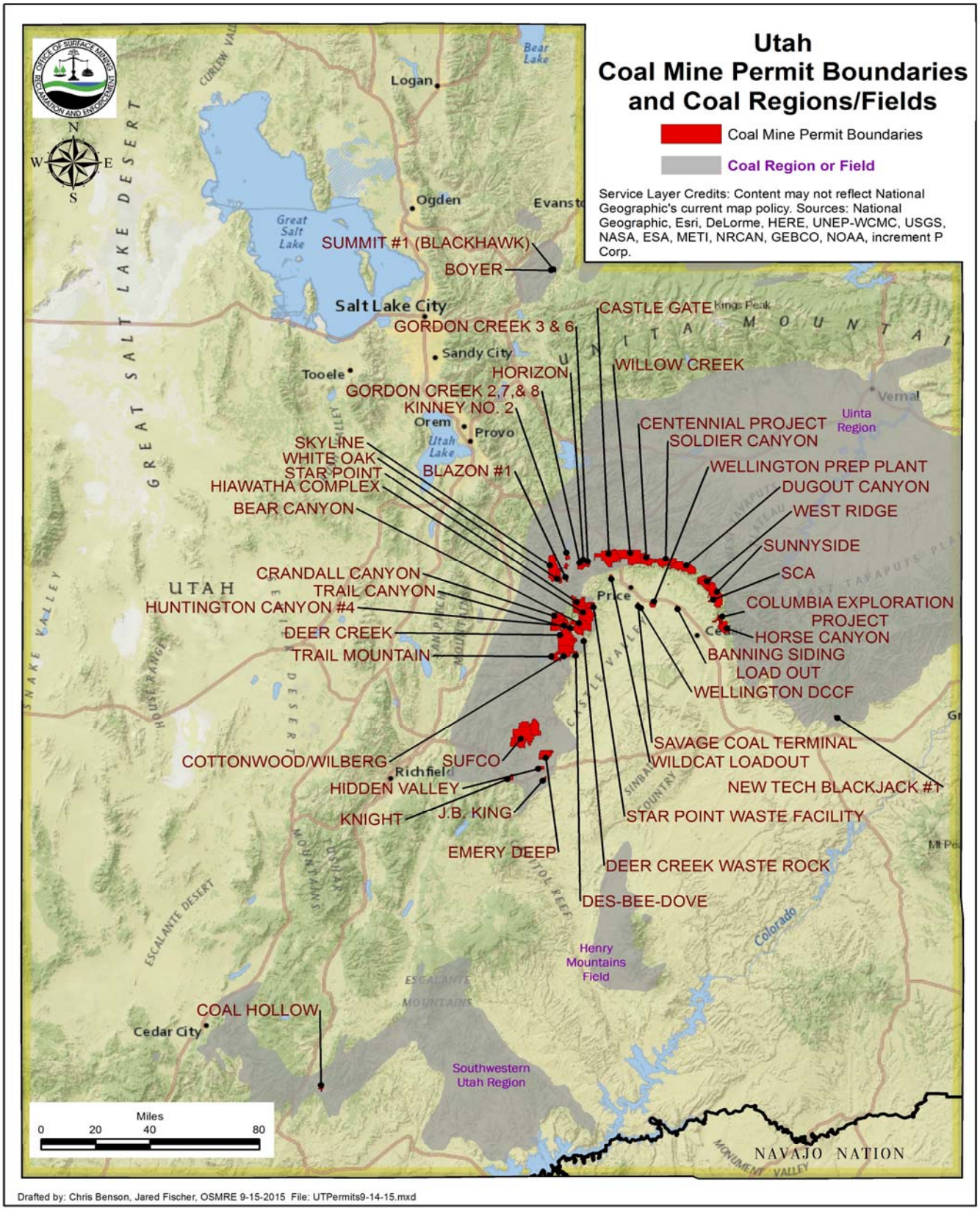
Coal is found beneath approximately 18% of the state of Utah, but only 4% is considered mineable based on economic viability at this time. The demonstrated coal reserve base ranges from 5.4 to 14 billion tons. The Federal government holds most of Utah's coal resources. Utah coal fields are shown on the figure below (Utah Geological Survey web site, Coal & Coalbed Methane at http://geology.utah.gov/utahgeo/energy/coal/index.htm, August 2013). In 2015, 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 1970s and peaked in 1996 at 28.9 million tons. Coal production in calendar year (CY) 2014 was approximately 18.4 million tons (Table 1) (OSM-1 quarterly coal production reporting). This production level represents a 3.2% increase from 2013 levels and ranks Utah 12th among coal producing states. The majority of the coal is produced by underground mining operations. In addition, Utah removed and reprocessed 494,201 tons of no value material in 2014 (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, 2015, there were 33 IUs in Utah including 19 active or temporarily inactive operations, 8 inactive operations, and 6 abandoned sites (Table 2). For these operations, permitted acreage totaled 3,020 acres (Table 2) and bonded acreage approved for disturbance totaled 2,693 acres (Table 6). Of the 11 operations that were actively producing coal as of June 30, 2015, six were underground mines, one was a private surface mining operation, and four were surface mining operations that extract coal from an underground mine refuse pile. Three of the six underground mines use the longwall mining method and three employ the room and pillar mining method. As of June 30, 2015, 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
Service Layer Credits: 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.
Logan
Bear Lake
Ogden
Great Salt Lake
Salt Lake City
Sandy City
Tooele
Orem
Provo
Utah Lake
Price
Vernal
Richfield
Cedar City
SUMMIT #1 (BLACKHAWK)
BOYER
GORDON CREEK 3 & 6
CASTLE GATE
WILLOW CREEK
HORIZON
GORDON CREEK 2,7,& 8
KINNEY NO. 2
CENTENNIAL PROJECT
SOLDIER CANYON
Uinta Region
SKYLINE
WHITE OAK
STAR POINT
HIAWATHA COMPLEX
BLAZON #1
BEAR CANYON
WELLINGTON PREP PLANT
DUGOUT CANYON
WEST RIDGE
SUNNYSIDE
SCA
CRANDALL CANYON
TRAIL CANYON
HUNTINGTON CANYON #4
DEER CREEK
TRAIL MOUNTAIN
COLUMBIA EXPLORATION PROJECT
HORSE CANYON
BANNING SIDING
LOAD OUT
WELLINGTON DCCF
SAVAGE COAL TERMINAL
WILDCAT LOADOUT
NEW TECH BLACKJACK #1
COTTONWOOD/WILBERG
SUFCO
HIDDEN VALLEY
KNIGHT
J.B. KING
STAR POINT WASTE FACILITY
EMERY DEEP
DEER CREEK WASTE ROCK
DES-BEE-DOVE
Henry Mountains Field
COAL HOLLOW
Southwestern Utah Region
NAVAJO NATION
GREAT SALT LAKE DESERT
UTAH
Miles
0 20 40 80
Drafted by: Chris Benson, Jared Fischer, OSMRE 9-15-2015 File: UTPermits9-14-15.mxd

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 2014 mining companies (except oil and gas), including coal mining companies, employed on average 673 and 384 persons in Carbon and Emery Counties, respectively. Kane County employed 52 people and Sevier County employed 599 persons on average in 2014. In Carbon County, coal mining companies represented two of the five largest employers. Additionally, coal mining companies represented two of the four largest employers in Emery County and the largest employer 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 Division receipt of applications for new permits, permit revisions, and bond release;
- Review applications for new permits, permit revisions, and bond release;
- Contest Division decisions on applications for new permits, permit revisions and bond release to the Board;
- Request an inspection of a mine site;
- Submit complaints if the public believes a violation of regulations is taking place;
- Object to proposed permits, permit revisions, and bond releases;
- Initiate civil suits; and
- Petition to initiate rulemaking.

OSMRE's Denver Field Division (DFD), located in the Western Region (WR), and the Utah Division of Oil, Gas and Mining (DOGM) 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 comprises five to six core members each from both DFD and DOGM. The Team cooperatively solicits public participation, conducts joint inspections, selects evaluation topics, and reports, discusses, and tracks off-site impacts. This evaluation method fosters a shared commitment to the implementation of SMCRA.

Each year, the Team solicits comments or suggestions from persons and groups who may have an interest in coal mining and, specifically, an interest in the oversight process, through an annual mailing. On February 25, 2014, 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 2015, and soliciting any questions or comments on previous oversight reports or the OSMRE/DOGM oversight process. In addition, DOGM posted a notice on its webpage requesting suggestions for oversight topics from the public, industry, and environmental groups. For EY 2015, the Team received two responses from the Bureau of Land Management (BLM) and the Utah Department of Natural Resources. Both complimented DOGM for its ability to openly communicate and work well with other State and Federal agencies. Although the comments did not result in a topic-specific oversight review this year, the Team always appreciates stakeholder input.

The public can also access OSMRE annual reports and Performance Agreements (PA) 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- DFB. Contact Alan Boehms, Manager, 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 Vernal, Uintah County in September and one held in Moab, Grand County in April.

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), U.S. Forest Service (USFS), BLM, County Commissioners and other interested parties to discuss issues relating to coal mining in the Carbon / Emery County areas. In addition to general updates, this past year included presentations on New Frontiers in Oil and Gas Development in Utah, Cooperative Weed Management Association, Goblin Valley State Park Expansion, DOGM GIS work, Horizontal Drilling, Proposed Waters of the U.S. Rule, the Crandall Canyon Mine Water Discharge Update, Abandoned Mine Reclamation Program Update, and the Utah Biomass Resources Group using Biochar in Restoration work.

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 a File Transfer Protocol site for authorized users.

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

- DOGM participates in monthly interagency conference calls or meetings to coordinate permitting issues. Agencies who participate in these calls include the BLM, State of Utah School and Institutional Trust Lands Administration, OSMRE, U. S. 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 staff attended several professional conferences, meetings, and workshops during the evaluation year. DOGM also had one staff member attend an instructors' meeting to help revise

one of the NTTP courses.

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

IV. MAJOR ACCOMPLISHMENTS AND INNOVATIONS

This year marks the 34th 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. Final Bond Releases

DOGM fully releases a reclamation performance bond (Phase III bond release) when a permittee demonstrates that a site meets or exceeds all DOGM program requirements for the disturbed land. During EY 2015, DOGM granted Phase III bond release for 5.56 acres at the Castle Gate Mine and 40.9 acres at the Des Bee Dove Mine. As of June 30, 2015, Utah has approved full and final Phase III bond release under its permanent regulatory program on nine mine sites.

2. Staffing and Workload

During the past year, the Division workload has remained fairly steady but may have dropped off slightly as a result of the soft coal market. The Division continues to function with a reduced staff of 13 FTEs 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 quarterly basis and reported on the DOGM website. DOGM's timeliness for meeting permit review deadlines during EY 2015 was 95%. EY 2014 was 91%, which was down slightly from 99% in EY 2013 but still higher than 90% in EY 2012.

3. 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 2015, the BOGM presented an Earth Day Award to one coal-related award winner, Canyon Fuel Company's Sufco Mine, which was recognized for its efforts to reduce surface disturbance during exploration by utilizing helicopter drilling on 12 exploration holes which amounted to a much reduced site disturbance from 174 to 87 square feet. Along with the drilling project, they also worked cooperatively with the Utah Division of Wildlife Resources and private landowners to improve Skumpah reservoir, by upgrading the access road and improving the earthen dam.

The Skyline Mine was nominated for an Earth Day Award for various good neighbor activities including:

Providing helicopter assistance to DOGM, Abandoned Mine Reclamation Program in work on the Wattis Fire (2014); providing helicopter monitoring photos of the Title V forfeiture site, White Oak Mine (2007-2014); and working with the Manti-La Sal National Forest and Snow College to close illegal camping disturbances and mechanically remove musk thistle, a state listed noxious weed (2014). They also sponsored two Scout troops for "Scout Weed Day" in 2014.

While the BOGM did not select Skyline for an Earth Day Award, the Division nominated them for the 2015 Excellence in Surface Mining Awards in the category of "Good Neighbor" based on the various efforts to coordinate with DOGM and the community during the past year.

4. 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 program and OSMRE's NTTP throughout the evaluation year. DOGM also continues to conduct Blaster Certification Training. The next scheduled annual Utah Coal Mine Surface Blaster Certification class is scheduled for September 2015.

5. State Program Amendments

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 and EY 2015, 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. There are plans to complete one final stage of the reclamation at this site during EY2016 which involves the removal of the access culvert and fill at Eccles Creek. Plans are currently being developed in conjunction with the Army Corp of Engineers and the Utah Division of Wildlife Resources.

During EY 2014 and EY 2015, 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. It will also reduce the coal recovery, as barriers and ribs need to be left in place.

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://linux3.ogm.utah.gov/WebStuff/wwwroot/division/tabs.html; access to the general public is more restricted. With this database:

- 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
- A network of people, companies, permits, projects, and other activities has been created and is used for notifications, mailing lists, inspection reports, fees and other DOGM related work.

DOGM continues to improve its processes for electronic permitting and has worked to incorporate all of the Mining and Reclamation Plans 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-DFB at 1999 Broadway, Suite 3320, Denver Colorado, 80202. Contact Alan Boehms, Manager, 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 2015.

DFD conducted three joint complete, six joint partial, one partial independent, and one joint bond release inspection of coal mining operations in Utah during EY 2015 (Table 13). These inspections are included in the DOGM complete and partial inspection totals reported below. During EY 2014, DOGM issued 10 notices of violation (NOVs) and no cessation orders. One NOV was vacated and DFD issued no Ten-Day Notices (TDN) during EY 2014. During EY 2015, DOGM issued 30 NOVs and one cessation order. Thirteen NOVs were subsequently vacated. DFD did not issue any TDNs this evaluation year. No enforcement actions were taken by DFD as a result of the independent inspections that were conducted. Observed mine site conditions indicate that DOGM is effectively implementing and enforcing its program.

DOGM conducted 115 complete inspections and 201 partial inspections of coal mining operations during this evaluation year (Table 10). In addition, DOGM conducted two 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 IUs with the exception that one partial inspection was missed at the Gordon Creek 2, 7, & 8 Mine during the first quarter of CY 2015. This site was missed when the inspector attempted to go to the site in March but could not gain access due to a large snow storm. A follow up inspection was not conducted.

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 2015 for both permitted sites and bond forfeiture sites. The Team identified six off-site impacts on four permitted sites and no off-site impacts at bond forfeiture sites during EY 2015. Because there were 35 IUs during this evaluation year (including the two sites at which DOGM granted Phase III bond release during the EY), 89% (31 of 35) 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 35 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 2015, there were 29 permitted mine sites where the performance bond had not been forfeited. The Team documented two minor encroachment impacts to a water resource and one "other" minor off-site impact to a water resource on one permitted site; one minor hydrology off-site impact to a land resource at a second permitted site; one minor encroachment impact to a land resource at a third permitted site; and another minor hydrology off-site impact to a land resource at a fourth permitted site. Accordingly, 86% (25 of 29) of the permitted IUs were free of negative off-site impacts (Table 5). Offsite impacts at the first site were identified during a joint DOGM–OSMRE oversight inspection, and the offsite impacts at the other three sites were identified during routine DOGM inspections. All of the offsite impacts were the result of operator negligence. DOGM issued NOVs and identified appropriate abatement measures to bring the sites into compliance. At the end of the EY, the operator of the first permitted site was in the process of addressing all of the required abatement actions. DOGM has issued a Failure to

Abate Cessation Order (FTACO) to the operator of the second permitted site for failing to complete the abatement measures identified in the NOV and is currently pursuing bond forfeiture. The operators at the remaining permitted sites took action to abate the violations within the required timeframes.

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 2015, DOGM did not observe any off-site impacts on the six bond forfeiture sites in Utah. 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 2015 (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. 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 (2,693 acres for EY 2015), there are 3,020 permitted acres for the 29 non-forfeited mines, or an average of 91.52 permitted acres per mine in Utah. While a 2007 legislative coal audit pointed out that the permit area may be defined as just the disturbed area, by rule the operator has the option to include what they would like, within reason, in their permit area. Several, but not all, operators reduced their permit areas by excluding shadow areas above underground mine workings. For this reason, DOGM excludes shadow area acreages and only reports areas permitted for disturbance in order to report underground mine permit areas in a consistent manner.

- Due to low precipitation, the bond liability period is a minimum of 10 years on sites requiring the establishment of vegetation.

Each mine's annual reclamation report shows mining and reclamation data based on the calendar year, and are reflected in the attached Table entitled "Reclamation Status Table for EY 2015 (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 2015, DOGM granted Phase I bond release on 37.3 acres, Phase II bond release on 65.41 acres, and Phase III bond release on 46.46 acres (Table 6). The Dugout Canyon Mine was granted Phase I and II bond release for 37.3 acres on January 7, 2015. The Castle Gate Mine was granted Phase II and III bond release for 5.56 acres on July 14, 2014, and the Des Bee Dove Mine was granted Phase II and III bond release for 40.9 acres on August 7, 2014. This completed the SMCRA obligation at these sites and they were removed from DOGM's IU list. An additional 88 acres were bonded and disturbed at the Coal Hollow Mine. The Cottonwood Waste Rock Site (17.44 acres) was also transferred from the Cottonwood Wilberg Mine to the Trail Mountain Mine.

Of the total disturbed acreage on active, temporarily inactive, inactive, final bond released, and bond forfeiture sites 1,325 of the 3,770 disturbed acres (35.15%) have been backfilled, regraded, re-topsoiled, and seeded. Long-term facilities (2,171 acres) and active mining areas that are not yet subject to contemporaneous reclamation requirements during any given evaluation year (105 acres), and thus not eligible for any phase of bond release, comprise a total of 2,276 acres. Subtracting those temporarily excluded acreages (2,276 acres) from the total disturbed acreage (3,770 acres), 1,325 of 1,494 acres (88.69%) of mining related disturbance subject to contemporaneous reclamation requirements have 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 608 acres. This successfully reclaimed acreage is 16.13% of the total disturbed acreage under the Utah permanent regulatory program (608 of 3,770 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 2015 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 2015, DOGM continued to evaluate bond forfeiture sites for reclamation success that could lead to the termination of jurisdiction. DOGM staff conducted seven complete and six partial inspections on these six abandoned mines (Table 10).

C. Customer Service

To evaluate the effectiveness of customer service provided by DOGM, the Team selects a program area to monitor the State's responses to complaints, requests for assistance, and services. During EY 2015, the Team evaluated the implementation of Utah's notification requirements prior to approving permit application renewals as a measure of DOGM's Customer Service. For a discussion of this evaluation, refer to Section VI (B) (2), "Customer Service – Notifications Prior to Permit Renewal Approvals." DOGM also conducted its seventh 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) (3).

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 6) 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 2015, 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 2015, the Team conducted two general evaluation topic reviews and one Western Region priority oversight review.

1. Reclamation Success and Prevention of Off-site Impacts – Coal Exploration and Methane Drainage Well Sites

The Team conducted an evaluation of coal exploration and methane drainage well sites for four approved permits to determine compliance with Utah's program Rules at: R645-301-532 and -742 (sediment control measures); R645-202-243 and R645-301-529.100 (temporary and permanent sealing of exploration holes, boreholes, and other exposed underground openings); R645-202-242 and R645-301-353.110, -353.120, and -353.140 (revegetation); R645-202-241 and R645-301-553.100 (backfilling and grading to approximate original contour); and R645-202-244 and R645-301-541.300 (removal of all facilities and equipment except those that provide additional environmental data, reduce or control on-site and off-site effects of the exploration activities, and that will facilitate future coal mining and reclamation operations by the person conducting the exploration). The Team reviewed permit documents and operator records, 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.

According to procedures developed by DOGM on February 1, 1995, in cooperation with the BLM and USFS, DOGM has the lead in reviewing minor coal exploration notices and major coal exploration applications where the coal is privately owned or state owned (including those instances where the surface is federally owned). The lands covered by these notices were the focus of this evaluation. Management and reclamation of methane drainage well sites were also evaluated. The Team will not review those exploration and methane drainage operations where the coal is federally owned. BLM has the lead in reviewing exploration operations on these lands.

Summary of Findings

OSMRE reviewed the permits for the Dugout Canyon, West Ridge, Centennial, and Deer Creek mines to understand the types and locations of activities associated with their coal exploration and underground mine methane drainage wells, the associated reclamation requirements, and any erosion control and/or water control systems approved in the permits.

Dugout Canyon Mine: This evaluation reviewed eight pads; reclamation had been completed as required for all drill sites except Pace Canyon #11; this drill site has yet to be fully reclaimed (drill hole removed but topsoil pile still present). Most of this pad is part of an active roadway and therefore reclamation of this site was appropriately delayed. Therefore, the operator demonstrated compliance with Rules: R645-301-532 and -742 (sediment control measures); R645-202-243 and R645-301-529.100 (temporary and permanent sealing of exploration holes, boreholes, and other exposed underground openings); R645-202-242 and R645-301-353.110, -353.120, and -353.140 (revegetation); R645-202-241 and R645-301-553.100 (backfilling and grading to approximate original contour); and R645-202-244 and R645-301-541.300 (removal of all facilities and equipment except those for environmental monitoring, those for reduction or control of on-site and off-site effects, and those that will facilitate future coal mining and reclamation operations).

West Ridge Mine: The lone degas pad used on this mine (operated by West Ridge Resources, Inc.), the Bear Canyon degas pad, was found to be in compliance with the applicable Utah rules referenced above. This pad is part of and directly adjacent to active mining / public road systems and has only been preliminarily reclaimed (i.e., described as ‘interim reclamation’ in the permit). No offsite were impacts observed.

Centennial Mine: Due to weather and treacherous road conditions, only one pad was evaluated at this mine and was found to be in compliance with the applicable Utah rules referenced above. The GVH#1 pad was well vegetated with mostly perennial grasses and sage present. The surrounding area includes these species as well as aspen forest. The area showed signs of extreme surface roughening; these “pocks” were designed to hold seeds, moisture, and sediment. They are still functioning as designed. No offsite were impacts observed.

Deer Creek: Eleven of the 13 dill hole pads that were reviewed were reclaimed. The two that have yet to be reclaimed still have potential use to the mine. While the sites have been recontoured and seeded, the two drill holes still exist for potential future use as monitoring stations. These two cased holes were locked at the time of this evaluation. The Team concluded that this mine complied with the applicable Utah rules referenced above.

Conclusions & Recommendations

Based on the findings above and the recommendations discussed therein, the Team concluded that DOGM was successful in ensuring reclamation success at these four mines, and that no off-site impacts were observed at the times of these inspections. However, the Team recommended preventative measures for two sites as a result of this evaluation:

Dugout Canyon Mine: One area of concern that was noted during this evaluation involved the topsoil pile at the #11 drill site in Cottonwood Canyon. This topsoil pile, while appropriately identified with a sign, is sparsely vegetated. Since it is directly adjacent to the road, erosion is likely in its present condition. Further protection of the topsoil pile is advised.

West Ridge Mine: With the presence of steep slopes, significant erosion may occur. As a result, DOGM should continue to monitor the cutslope of the Bear Canyon Gob Gas Vent Hole pad for signs of erosion, as it may compromise the pad and surrounding drainage. Currently, the pad and surrounding drainage control structures are in good condition.

2. Customer Service – Notifications Prior to Permit Renewal Approvals

The Team conducted an evaluation to determine the effectiveness of DOGM's customer service efforts in EY 2015. Specifically, the Team evaluated whether written and public notification requirements for the five most recent permit renewal applications were implemented in accordance with Utah's rules at R645-300-121.100, -121.110 through -121.160, -121.200, -121.300, -121.310, and -121.320, prior to DOGM approval.

Summary of Findings

Each permittee placed an advertisement of the proposed permit renewal application in a local newspaper of general circulation and submitted a copy to the Division as required. However, Trail Mountain's true copy of a newspaper advertisement was over-saturated and unreadable. In response, DOGM pulled a much more readable version from the newspaper notice website and attached it to DOGM's incoming public electronic permit files for the mine.

DOGM reviewed each advertisement to ensure that all information requirements were met. These requirements include the applicant's name and address; a precise map or description of the proposed permit area; where the public may inspect the application; and the name and address the public may use to contact the Division. However, there was inconsistent use of leading zeros on permit numbers for the Trail Mountain and Savage Coal Terminal permit renewals. For example, "C/015/009" appears in the newspaper advertisement for Trail Mountain, whereas "C/015/0009" appears elsewhere in the renewal package. Similarly, "C/007/022" appears in the newspaper advertisement for Savage Coal Terminal, whereas "C/007/0022" appears elsewhere in the renewal package. DOGM explained that four digits have been reserved for permit numbers, but since there are not very many mines in Utah, DOGM typically shortens them to just three digits. For instance, although the official permit number for Trail Mountain mine is "C/015/0009," DOGM also recognizes "C/015/009."

All prospective permittees made their applications available for the public to inspect and copy by filing a full copy at the courthouse of the county where the coal mining and reclamation operation was proposed to occur, as required.

For each administratively complete permit renewal application, DOGM issued written notification to local governmental agencies with jurisdiction over or an interest in the area of the proposed permit, and most federal or state governmental agencies with authority to issue permits

and licenses applicable to the proposed coal mining and reclamation operation, as required. However, none of the five permit renewal notifications were sent to the U.S. Army Corps of Engineers (USACE) district engineer or the National Park Service (NPS), and the permit renewal notification for Savage Coal Terminal did not appear to include local sewage and water treatment authorities. DOGM acknowledged that it neglected to notify the USACE of the permit renewals and agreed to add the USACE to its permit renewal distribution list for all mines. DOGM also explained that none of the five sample permits are near a national park, so the NPS has not shown an interest in them. Nevertheless, DOGM agreed to include the NPS in the notifications on a case-by-case basis. DOGM also acknowledged the permit renewal notification for Savage Coal Terminal did not appear to include local sewage and water treatment authorities. As a result, DOGM agreed to expand its permit renewal notification coverage by adding the Price River Water Conservancy to its permit renewal distribution list for all mines located in Carbon County.

DOGM maintains copies of all letters providing the written notices in its electronic files of the subject permit, as required.

Conclusions and Recommendations

Based on DOGM's responses to OSMRE's questions generated during this review, the Team concluded DOGM is effectively implementing its program and successfully serving its customers by ensuring written and public notification requirements for permit renewal applications are implemented in accordance with Rules R645-300-121.100 through -121.300, prior to DOGM approval.

However, DOGM can strengthen the customer service that is required by Rules R645-300-121.310 and -121.320 to provide written notifications to local governmental agencies with jurisdiction over or an interest in the coal mining and reclamation operation. Based on this review, the Team recommended that DOGM:

- Add the USACE to its permit renewal distribution list for all mines;
- Include the NPS on its permit renewal distribution list on a case-by-case basis (e.g., Coal Hollow);
- Add the Price River Water Conservancy to its permit renewal distribution list for all mines located in Carbon County; and
- Ensure

3. Seventh Annual Division-wide Stakeholder Satisfaction Survey (Utah self-evaluation)

DOGM also conducted its seventh annual survey of customer satisfaction during EY 2015 to evaluate performance at the Division and Program level and to foster improved customer service in the future. The survey concluded on September12, 2014. 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: 4.3

Accuracy of Information: 4.5
Helpfulness of Employees: 4.6
Expertise of Employees: 4.7
Availability of Information: 4.1
Composite Rating: 4.4

4. Western Region Priority Oversight Review – Financial Assistance Monitoring

In addition to the jointly selected topic-specific evaluations, OSMRE's Western Region elected to conduct a regional priority oversight review evaluating DOGM's financial and programmatic activities pertaining to OSMRE awarded funds (grants).

Summary of Findings

As part of the annual oversight process, OSMRE conducted a financial review of DOGM's Coal Regulatory Program. The review focused on the Utah DOGM's financial and programmatic activities pertaining to OSMRE awarded funds (grants). Both pre-award and post-award grant monitoring was conducted.

A financial "Drawdown Analysis" was conducted in accordance with Federal Assistance Manual (FAM) 1-160 on funds that were drawn from Utah's FY 2014 Administration & Enforcement (A&E)
the Interior Guidance Release (DIG) 2011 amendment 1, Utah was asked to complete the DIG

Utah's Financial System information was collected utilizing the DIG 2011 Financial Assistance Evaluation Questionnaire. Utah completed the questionnaire in accordance with the DOI instructions by the assigned due date. A review by the OSMRE Grant Specialist did not identify any problematic responses to the questionnaire, and subsequent follow-up discussions with the DFB Manager determined that no further investigation regarding the questionnaire was required. A level one Drawdown Analysis was conducted in accordance with the FAM 1-160. OSMRE's Financial Business and Management System reported seven draws from the United States Treasury letter of credit using the Automated Standard Application Payment system for Utah's Regulatory Grant during the review period. A review of all seven draws was performed at the summary level, and Utah provided accounting system generated reports to support the specific draws that were under review.

The first set of supporting documents provided by the State of Utah indicated the total amount of expenses for which the State sought reimbursement did not balance to the total amount of drawdowns as of February 17, 2015. The difference indicated that the drawdowns were less than what would have been appropriated for the time period reviewed.

The OSMRE Grant Specialist's review of a second set of supporting documents provided by the State of Utah noted the total drawdowns received by Utah did not correlate to the amount of Utah's drawdowns as indicated in OSMRE's records. Specifically, the documentation indicated the drawdowns by Utah were more than what was appropriated for the time period reviewed. Over drawing can be considered to be a major infraction to funds management.

However, subsequent discussions with the State of Utah's budget and accounting officer revealed that the first set of supporting documents were correct. The difference was due to Utah's current accounting system which allows for an overlap of Fiscal Periods (FP) within the Fiscal Year. For example, an expense could be accrued in FP7 but not accounted for until FP8. The first set of supporting documents reflected that process. As a result, the following issues were discussed concerning the first set of documentation:

- Since Utah's accounting system overlaps fiscal periods within the year, the possible issue of "reimbursable double dips" was discussed. The State budget and accounting officer assured OSMRE's Grant Specialist that Utah has processes in place to prevent such an occurrence. She also provided documentation and a link to the State of Utah's Administrative Services Division of Finance web site in support of her statement.
- The State budget and accounting officer also noted that during Utah's review of their accounting data for OSMRE's request, expenses were inappropriately coded in their system and that corrections were made.
- The OSMRE Grant Specialist inquired as to why the State of Utah did not take their full reimbursement due to them. The State budget and accounting officer responded that she was not sure why the State did not take full advantage of their available appropriations for that time period.

The system information and financial support documentation provided by Utah for its A&E regulatory grant fulfilled the objectives of OSMRE's Drawdown Analysis requirements and financial assistance questionnaire. Although Utah did not supply documentation to support total draws to the Treasury, they provided records verifying their claim that they drew less than what was available. Consequently, no further action for the drawdown analysis was recommended. Follow-up discussions with the Field Office Director (FOD) also determined that no further financial information was needed and an on-site visit with DOGM financial and programmatic staff was not required. As a result, the State of Utah appears to be utilizing the grant funds in an

with DOI requirements and provided no cause for concern. Thus, no deficiencies were identified and Utah's FY 2014 award activities were compliant with statutory requirements and other policy guidelines including Department of Interior Guidance Release 2011-03 Amendment 1 (DIG 2011-03), GMT-10 (Federal Assistance Manual), and the Utah coal regulations and financial system.

Nevertheless, due to irregularities that were identified with Utah's accounting system during the course of the drawdown analysis (e.g. overlap of Fiscal Periods and inappropriate coding of expenses rior to the closeout of Utah's FY 2014 grant , a second drawdown analysis should be performed to ensure appropriate reimbursement to the State; and (2) A drawdown analysis should be completed annually on all future awards for the State of Utah.

A programmatic review of Utah's FY 2013 (July 1, 2013 through June 30, 2014) A&E Grant as part of OSMRE's ongoing grant monitoring and oversight of the DOGM Coal Regulatory Program for EY 2014.

On June 12, 2013, DOGM requested Federal funds for FY 2013 to administer and enforce the provisions of SMCRA on Federal and State lands pursuant to the State program and the Cooperative Agreement. For FY 2013, funding was requested for 17 positions. On July 2, 2013, Utah was granted a Federal/OSMRE share of $1,990,266.00 for administering its Regulatory Program for the period of July 1, 2013, through June 30, 2014.

Utah's A&E Grant Closeout for FY 2013 described program information regarding permitting activities, inspection actions, citizen complaints, enforcement actions, lands unsuitable activities, and administrative activities. Utah's annual objectives and services to be provided, as identified in the program narrative (OSM Form 51), appeared to be reasonable based on past experience in order to comply with the approved program. No programmatic issues existed that needed to be addressed before completing the grant closeout.

The documentation provided in Utah's FY 2013 A&E regulatory grant application was complete and fulfilled OSMRE's programmatic review needs. In addition, the proposed activities and actions identified in the application were consistent with the budgeted and actual award activities reported above, are in accordance with Utah's approved A&E Program, and meet annual program goals, requirements, and objectives. Utah did not identify any technical assistance needs in its FY 2013 A&E grant application. There were no unresolved programmatic issues identified in Utah during calendar year 2013 that would have precluded the closeout of the grant, and the 2013 funding amount appears to have been balanced with demonstrated Utah A&E Program needs.

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. There were no corrective action plans in place during EY2015.

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 (TDNs) 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 OSMRE 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, 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 January of 2015. 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 have leveled off and stabilized at an average concentration of 1.6 mg/l. The total iron concentrations, collected from January to May of 2015, have fluctuated as low as 1.4 mg/l and as high as 1.82 mg/l. DOGM continues to monitor this discharge to ensure that the mine stays in compliance with the discharge permit. The new leveling off trend raises some concerns and should be closely watched. The Division will continue to compile total iron concentration evaluations every six months based on newly available data.

B. Horizon Mine – Intent to Forfeit Surety

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

Since January of 2014, HSR has been issued eleven NOVs and one FTACO. Of these, six of the NOVs were issued for HSR failing to conduct water monitoring or macro invertebrate surveys in

accordance with their Mining and Reclamation Plan (MRP); four of the NOVs were issued for HSR's failure to perform routine maintenance of the mine site resulting in inadequate drainage controls, increased erosion, and sediment transport outside the permit area; and one violation (NOV #10141) was issued for failure to maintain the sediment pond on site.

On August 5, 2014, a FTACO was issued to HSR for failing to complete the abatement measures identified in NOV #10141.

On September 10, 2014, the Division filed a Notice of Agency Action with the Board intending to seek permission to forfeit the reclamation bond. The Notice was subsequently dismissed which would allow the Division to complete administrative requirements. In the meantime, the permittee has attempted to change the post-mining land use from undeveloped land to recreational use by submitting three different permit change applications, none of which were approved.

The Division continues to pursue bond forfeiture and on June 22, 2015, filed with the permittee a Notice of Intent to Forfeit Surety and Opportunity to Cure.

VIII. OSMRE ASSISTANCE

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

A. Grants

For the 12 month grant period starting July 1, 2014 (FY 2014), Utah received an Administration and Enforcement Grant of $2,193,040.00 for permitting, inspection, and other activities that it performs for coal mines.

Utah's 2014 grant period is from July 1, 2014, through June 30, 2015, which corresponds with the State's fiscal year. DOGM requested $2,268,003.00 in Federal funds. However, DOGM's request was limited to the amount allocated for Utah in OSMRE's FY 2014 Final Regulatory Grant Distribution. Therefore, OSMRE funded an A&E Grant to the Utah program in the amount of $2,193,040 for the grant period starting July 1, 2014, and ending June 30, 2015 (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 90.9% of DOGM's total program costs. DOGM subsequently de-obligated $273,279.00 for a total grant amount of $1,919,761.00. OSMRE also approved Utah's application for civil penalty funds in the amount of $51,000.00 to complete full road reclamation at the White Oak Mine.

Abandoned Mine Land (AML) grant funding that would normally be available in FY 2014 was reduced by 10% due to sequestration. As a result, Utah's request was a 10% overall decrease from the 2013 grant request and OSMRE funded a grant to the Utah AML Program in the amount of $4,121,389.21 for a three year period which will end June 30, 2017 (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 $455,977.91 which resulted in a total funding amount of $4,577,367.12 for FY 2014. 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 2015, three DOGM employees (students) participated in three NTTP training courses covering Enforcement Procedures and two AML Design Workshops addressing Dangerous Openings and Fires. One DOGM employee participated in a TIPS instructor-led training opportunity covering CAD 400: Riding the CAD and GIS Gap in the SMCRA Workflow. Another DOGM employee participated in a TIPS online virtual class covering AMD Treat. Lastly, two DOGM employees attended a surety bonding workshop that was sponsored by the Council of Government Mining Attorneys.

OSMRE's Technical Librarian filled two reference requests for Utah Staff. OSMRE's Technical Library web site can be accessed at http://www.osmre.gov/resources/Library.shtm.

TIPS deployed a portable borehole camera video system to the Utah DOGM Title V staff. The system was used to evaluate potential subsidence impacts and burrowing owl presence at the Emery Deep Mine.

EY 2015 Utah Evaluation Team Members

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

Christine Belka, Flynn Dickinson, Dan MacKinnon, Duane Matt, Tom Medlin, Spencer Shumate, 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 2015

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**
2011	0.4	19.9	20.3
2012	0.6	16.6	17.2
2013	0.7	16.8	17.6
2014	0.6	17.8	18.4

[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]				Total Area
	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	
Surface Mines	3	0	1	4	0	0	0	0	4	150	550	0	0	700
Underground Mines	12	6	5	23	0	0	0	0	23	260	1,390	0	0	1,650
Other Facilities	4	2	0	6	0	0	0	0	6	100	570	0	0	670
Total	19	8	6	33	0	0	0	0	33	510	2,510	0	0	3,020

Permanent Program Permits and Initial Program Sites (Number on Federal Lands: 0)	**Total Number:**	33	**Average Acres per Site:**	91.52
Average Number of Permanent Program Permits and Initial Program Sites per Inspectable Unit (IU):	**Total Number:**	1.00	**Average Acres per IU:**	91.52
Permanent Program Permits in Temporary Cessation:	**Total Number:**	7	**Number More than 3 Years:**	0

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:	2	2	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	0	0		2	2		2	2		4	4	
Transfers, sales, and assignments of permit rights	0	0		0	0		0	0		0	0	
Small operator assistance	0	0		0	0		0	0		0	0	
Exploration permits										0	0	
Exploration notices[2]											0	
Revisions that do not add acreage to the permit area	5	5		55	55		6	6		66	66	
Revisions that add acreage to the permit area but are not incidental boundary revisions	0	0	0	1	1	26	0	0	0	1	1	26
Incidental boundary revisions	0	0	0	0	0	0	0	0	0	0	0	0
Totals	5	5	0	58	58	26	8	8	0	71	71	26

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:	47.0
Permits in temporary cessation	Notices received:	0	Terminations:	0
Midterm permit reviews completed	Number:	6		

[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	2	0	0	0	2	0	0	0	0	0	0	0	0
Encroachment	3	0	0	0	1	0	0	2	0	0	0	0	0
Other	1	0	0	0	0	0	0	1	0	0	0	0	0
Total	6	0	0	0	3	0	0	3	0	0	0	0	0

Total Number of Inspectable Units[1]: 29

Inspectable Units with one or more off-site impacts: 4

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

Inspectable Units free of off-site impacts: 25 % of Inspectable Units free of off-site impacts[4]: 86

[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	2	0	0	0	2	0	0	0	0	0	0	0	0
Encroachment	3	0	0	0	1	0	0	2	0	0	0	0	0
Other	1	0	0	0	0	0	0	1	0	0	0	0	0
Total	6	0	0	0	3	0	0	3	0	0	0	0	0

Total Number of Inspectable Units[5]:	35		
Inspectable Units with one or more off-site impacts:	4		
Exploration Inspectable Units with one or more off-site impacts:	0		
Inspectable Units free of off-site impacts:	31	% of Inspectable Units free of off-site impacts[4]:	89

[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		
18		19			0	**Phase I**	37
	19			47		**Phase II**	66
			47			**Phase III**	47
Number of Permanent Program Permits with Jurisdiction Terminated Under Phase III Bond Release During the Evaluation Year					2	**Other Releases - Acres**	
Initial Program Sites with Jurisdiction Terminated During the Evaluation Year					0	Administrative Adjustments	0
Number of Inspectable Units Removed					2	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			88
Total Area Bonded for Disturbance	2,652	2,693	41
Area Bonded for Disturbance without Phase I Bond Release	1,995	2,213	218
Area Bonded for Disturbance for which Phase I Bond Release Has Been Approved	161	133	(28)
Area Bonded for Disturbance for which Phase II Bond Release Has Been Approved	496	347	(149)
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	2,652	2,693	41

Bond Forfeiture Activity

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 only for those forfeiture sites not fully reclaimed.
[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.

Regulatory and AML Programs Staffing

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

Funds Granted to State by OSMRE

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	2,193,040		
Other Regulatory Funding, if applicable	0		
Subtotal (Regulatory Funding)	2,193,040	2,411,871	91
Small Operator Assistance Program Grant Funding	0	0	
Abandoned Mine Land Reclamation Funding	4,577,367	0	
Watershed Cooperative Agreement Program	0	0	
TOTAL	6,770,407		

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	19	76	152	76	157	19	100	18	95	19	18	95
Inactive	8	32	0	32	38	8	100	8	100	8	8	100
Abandoned	6	6	0	7	6	6	100	6	100	6	6	100
TOTALS [3]	33	114	152	115	201	33	100	32	97	33	32	97

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	17	17
Failure-to-Abate Cessation Order	1	1
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	8	0	11
	Technical Assistance		Other		Total
Site Visits	1		0		1

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	47.00
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	47.00

[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 2015

APPENDIX 1, Part B

Comments of State of Utah on the Report

Utah had no comments on the Annual Evaluation report.

APPENDIX 2: EY 2015 Utah Reclamation Status Table

Utah Reclamation Status Table for EY-2015 (Mine by Mine)

RECLAMATION STATUS OF ALL AREAS DISTURBED UNDER THE PERMANENT REGULATORY PROGRAM

Acres Disturbed As of EY-2015

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)
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		0	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
Plateau-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	72	0	37	37	37	37	19	19	19	19	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 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	28	28	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
Deer Creek Mine		X	0	92	91	0	0	1	0	1	0	1	0	1	0	1	0	1
Cottonwood/Wilberg Mine		X	0	49	28	0	0	21	0	21	0	21	0	21	0	21	0	21
Bear Canyon Mine		X	0	41	35	0	0	6	0	6	0	6	0	6	0	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		88	342	106	105	80	131	0	0	0	0	0	0	0	0	0	0
SUFCO Mine		X	0	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
Castle Gate Mine		X	0	63	0	0	0	63	0	63	6	63	6	63	6	63	6	63
Des-Bee-Dove Mine		X	0	137	0	0	0	137	0	137	41	137	41	137	41	137	41	137
Star Point Mine		X	0	101	0	0	0	101	0	101	0	101	0	101	0	101	0	101
Blackhawk-Willow Creek Mine		X	0	4	0	0	0	4	0	4	0	4	0	4	0	4	0	4
Trail Canyon Mine		X	0	10	0	0	0	10	0	10	0	10	0	10	0	10	0	10
Gordon Creek #3 and #6		X	0	17	0	0	0	17	0	17	0	17	0	17	0	17	0	17
Huntington #4 Mine		X	0	13	0	0	0	13	0	13	0	13	0	13	0	13	0	13
J.B. King Mine		X	0	28	0	0	0	28	0	28	0	28	0	28	0	28	0	28
Knight Mine		X	0	40	0	0	0	40	0	40	0	40	0	40	0	40	0	40
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 Mine		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	143	0	0
TOTAL	9	33	88	3770	2171	105	117	1486	37	893	66	1325	66	760	47	750	47	608

Legend	
	Final Bond Release Sites
	Bond Forfeiture Sites