



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



For Evaluation Year 2020  
July 1, 2019 to June 30, 2020

Prepared by Unified Regions 5, 7-11 (Denver Field Division)  
August 2020

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EXECUTIVE SUMMARY

The following summary captures the major highlights of the Evaluation Year (EY) 2020 Annual Evaluation Report for the Utah coal regulatory program. While the full report further details the State's achievements, the following summary outlines the significant regulatory program accomplishments that occurred between July 1, 2019, and June 30, 2020.

The Utah Division of Oil, Gas and Mining (DOGGM or the Division):

- regulates the exploration and development of coal in the State of Utah, which supports the existence of a viable coal mining industry to meet the Nation's energy needs;
- implements standards that safeguard the environment and protect public health and safety; and
- achieves the successful reclamation of land affected by coal mining activities.

During EY 2020, DOGGM continued to achieve the regulatory and reclamation goals of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), including the protection of the public and the environment from the adverse effects of coal mining.

### **Reclamation**

DOGGM continues to effectively administer its Title V program. While 111 new acres were disturbed during EY 2020, the Division collectively granted Phase II bond release on 3.70 acres and Phase III bond release on 37.85 acres. The Division has confirmed its commitment to ensuring successful land reclamation in Utah through its use of innovative reclamation techniques to control erosion. Since the State program was approved, approximately 844 acres have been approved for Phase III bond release.

During EY 2020, DOGGM demonstrated its persistence and diligence to effectively implement its approved State program and ensure successful on-the-ground reclamation. The Division:

- approved the final bond release and terminated its jurisdiction on one site;
- continued to make significant progress reclaiming the remaining four bond forfeiture sites; and
- collaborated with OSMRE to collect data and imagery with various technological tools to better evaluate and monitor reclamation success at multiple mines.

### **Resolving Regulatory Program Issues**

During EY 2020, the Office of Surface Mining Reclamation and Enforcement (OSMRE) and DOGGM regularly worked together to address impacts resulting from the Trail Mountain wildfire and maintained open communication with other Federal agencies, County representatives, and permittees. The Division's ability to ensure the State program requirements and objectives are satisfied, even in instances involving multiple parties alongside the need to promptly issue its decision on urgent matters, further demonstrates that DOGGM is properly and effectively implementing, administering, and enforcing its State program in accordance with SMCRA and the Federal regulations. An additional example of the Division's unwavering commitment during EY 2020 is their persistence with the Wellington Dry-Coal Facility bond forfeiture proceedings.

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*Cover Page Photograph: Deer Creek Mine, 2020*

## I. INTRODUCTION

SMCRA created OSMRE as a bureau within the Department of the Interior. SMCRA provides OSMRE with the authority to oversee the implementation of, and provide Federal funding for, the State regulatory programs and Abandoned Mine Land programs that have been approved by the Secretary of the Interior as meeting the minimum standards specified by SMCRA. In addition to conducting oversight of approved State programs, OSMRE provides technical assistance, staff training, financial grants and assistance, and management assistance to each State program. This report contains summary information regarding the Utah program and its effectiveness in meeting the applicable purposes of SMCRA as specified in section 102. This report covers Evaluation Year (EY) 2020, spanning July 1, 2019 through June 30, 2020.

Detailed background information and comprehensive reports for the program elements evaluated during the period are available for review and copying at OSMRE's Denver Field Branch (DFB), One Denver Federal Center, Bldg. 41, Lakewood, Colorado 80225-0065. Contact Howard E. Strand, DFB Manager, at [hstrand@osmre.gov](mailto:hstrand@osmre.gov) or (303) 236-2931.

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

1. Select Utah from the drop down box labeled "State." Also select EY 2020 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:

<b>BLM</b>	Bureau of Land Management
<b>BOGM</b>	Utah Board of Oil, Gas and Mining
<b>BTU</b>	British Thermal Unit
<b>DFB</b>	Denver Field Branch (within the Denver Field Division)
<b>DFD</b>	Denver Field Division
<b>DOGM</b>	Utah Division of Oil, Gas and Mining
<b>DO</b>	Division Order
<b>DWRi</b>	Utah Division of Water Rights
<b>EY</b>	Evaluation Year
<b>FY</b>	Fiscal Year
<b>FFY</b>	Federal Fiscal Year

<b>IU</b>	Inspectable Unit
<b>IUL</b>	Inspectable Units List
<b>MRP</b>	Mining and Reclamation Plan
<b>NOV</b>	Notice of Violation
<b>NTTP</b>	National Technical Training Program
<b>OSMRE</b>	Office of Surface Mining Reclamation and Enforcement
<b>RST</b>	Reclamation Status Table
<b>SMCRA</b>	Surface Mining Control and Reclamation Act of 1977
<b>TDN</b>	Ten-Day Notice
<b>UPDES</b>	Utah Pollutant Discharge Elimination System
<b>USFS</b>	United States Forest Service

## II. OVERVIEW OF COAL MINING INDUSTRY IN UTAH

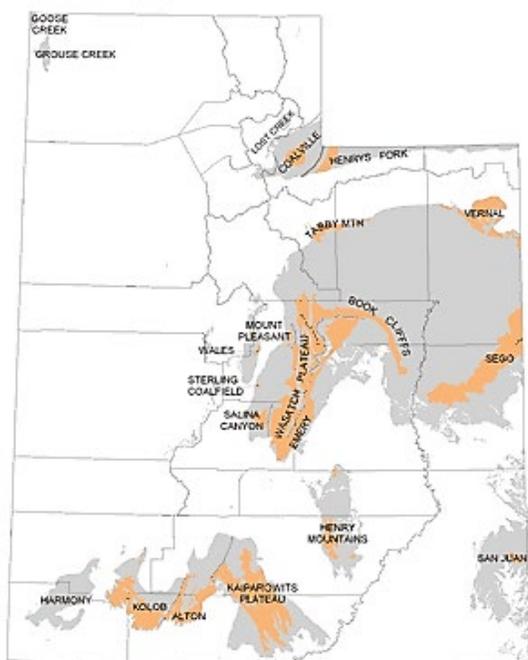


Figure 1 - Utah Coal Fields

Coal is found beneath approximately 18% of the State of Utah, but only four percent 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 1 (Utah Geological Survey web site, Coal & Coalbed Methane at <http://geology.utah.gov/utahgeo/energy/coal/index.htm>, August 2016). In EY 2020, the Wasatch Plateau, Book Cliffs, Emery, and Alton coalfields were actively being mined. This includes operations in Carbon, Emery, Kane, and Sevier Counties. The climate of the Wasatch Plateau and Book Cliffs Coal Fields is characterized by hot, dry summers, the late-summer (i.e. *monsoon*) rains, and cold, relatively moist winters. Normal precipitation varies from six inches in the lower valleys to more than 40 inches on some high plateaus. The growing season ranges from five months in some valleys to only 2½ months in mountainous regions.

Most of the coal is of Cretaceous age. Historically, metallurgic coal has been extracted in the State of Utah; however, currently all active operations are mining bituminous coal. The British Thermal Unit (BTU) value is high compared to most other western States. Sulfur content ranges from low to medium in the more important coal fields, and is comparatively elevated in the Alton coalfield.

Coal production steadily increased from the early 1970s, peaked in 1996 at 28.9 million tons, and has generally declined since. Coal production in calendar year 2019 was approximately 13.919 million gross tons (Table 1). This production level represents about a 2.8% decrease from 2018 levels and ranks Utah 10th among coal producing States. The majority of the coal is produced by underground mining operations; there is only one surface/open pit mine in Utah.

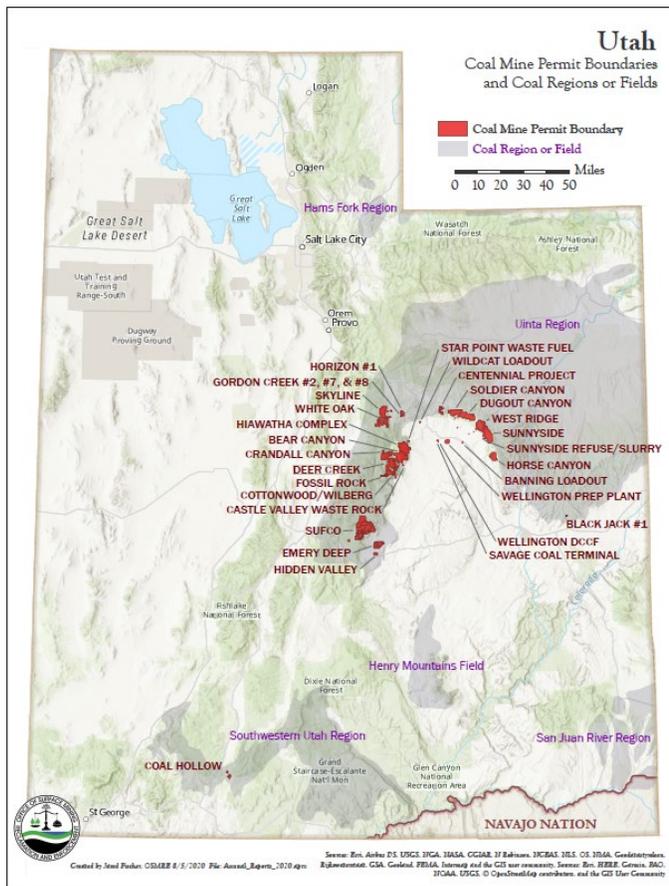


Figure 2 - Coal Mines in Utah.

At the beginning of EY 2020, there were 29 inspectable units (IUs) in Utah (Figure 2). One IU was removed to reflect the Division’s approval for final bond release and termination of jurisdiction at Gordon Creek 2, 7, 8 on December 10, 2019. Consequently, as of June 30, 2020, there were 28 IUs in Utah including 16 active operations, eight inactive operations, and four forfeiture sites (Table 2). Per the June 30, 2020, Utah Inspectable Units List (IUL), specific to the 16 active status sites, four are longwall mining operations, two are room and pillar mining operations, one entails open pit mining, two involve re-mining of refuse material, three sites are categorized as a processing plant or load out, one waste rock site, and the remainder are in the process of being reclaimed. All eight inactive sites are in temporary cessation. At the end of EY 2020, four forfeiture sites remain on Utah’s IUL, which include the Horizon Mine, White Oak #1 and #2 Mines, Sunnyside Mine, and Black Jack #1 Mine. While Table 7 data indicates that 451 acres remains unreclaimed, reclamation activity remained ongoing at the four forfeiture sites during EY 2020.

At the completion of EY 2020 the 28 IUs in Utah had 2,950 total permitted acres (Table 2), 2,596 acres bonded for disturbance (Table 6), and bonds totaling \$66,781,142 to insure proper reclamation.

### 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 coal regulatory program (the Utah program) and involve the ability of the public to:

- request that areas be designated as unsuitable for mining;
- receive notification by advertisement of Division receipt of applications for new permits, permit revisions, and bond release;

- review applications for new permits, permit revisions, and bond release;
- contest Division decisions on applications for new permits, permit revisions, and bond releases to the Utah Board of Oil, Gas and Mining (BOGM or the Board);
- request an inspection of a mine site;
- submit complaints if the public believes a violation is taking place;
- object to proposed permits, permit revisions, and bond releases;
- initiate civil suits; and
- petition to initiate rulemaking.

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

Through an annual mailing 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. On February 13, 2019, 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 2020, 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 2020, the Team received one public outreach response. In its letter dated February 28, 2019, the Bureau of Land Management (BLM) noted its appreciation of the ongoing efforts to maintain open communication during the monthly Interagency Calls. BLM also noted its appreciation on the easily accessible online permitting documents and how they reduce costs. The Team always appreciates stakeholder input, even if the responsive comments do not result in a topic-specific oversight review, as was the case this year.

The public can access OSMRE Annual Reports and Performance Agreements via the internet at the OSMRE Oversight Documents website at <http://odocs.osmre.gov/>. The introduction section of this report details how to access information using this website. Additional data used by OSMRE in its evaluation of the Utah program are available for review in the evaluation files maintained at OSMRE's Denver Field Branch (DFB), One Denver Federal Center, Bldg. 41, Lakewood, Colorado 80225-0065. Contact Howard E. Strand, DFB Manager, at [hstrand@osmre.gov](mailto:hstrand@osmre.gov) or (303) 236-2931.

**A. Board of Oil, Gas and Mining (BOGM or the Board) Meetings**

The approved SMCRA program for the State of Utah is administered by DOGM. The Board is a multi-interest citizen board that establishes the regulations, standards, and policies that guide DOGM. The Board was created and under the authority of the Utah Oil and Gas Conservation Act, at Title 40, Chapter 6 of the Utah Code. The Board consists of seven members knowledgeable in oil, gas, mining, environmental, geology, and royalty matters who are appointed by the Governor with the advice and consent of the Senate. One coal-related hearing was brought before BOGM during EY 2020.

The hearing was a continuation of the bond forfeiture of the Wellington Dry Coal Cleaning Facility (Permit # C/007/0045). In EY 2019 the Board approved the forfeiture of the Wellington Dry Coal Cleaning Facility bond. However, the Board did not authorize the use of any of the forfeited bond funds to cure an off-site impact that came about during active operations of the facility. On December 10, 2019, DOGM's legal counsel submitted a Motion to Reconsider to the Board on the matter of utilizing bond money to address the off-site impact. The Board hearing that occurred during this EY 2020 (May 22, 2020) allowed DOGM to present its argument outlined in a Motion to Reconsider. The Board did not render a decision on that day but rather sought advisement from its counsel. At the end of EY 2020, the matter remained pending before the Board.

**B. Education and Community Outreach**

DOGM has implemented the use of Collaborative Meetings which are rotated 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), the United States Forest Service (USFS), BLM, County Commissioners and other interested parties to discuss issues relating to coal mining in the Carbon/Emery County areas.

The Collaborative Meetings are held on an as needed basis. Typically DOGM facilitates the meetings in instances of significant permitting actions where communication with the public or potentially affected stakeholders is prudent. In other cases, DOGM conducts the Collaborative Meetings when interest is expressed on a particular topic/issue. No Collaborative Meetings were conducted during EY 2020. A Collaborative Meeting was scheduled for March 25, 2020 but was subsequently canceled as a result of COVID-19.

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

DOGM is the facilitator of monthly interagency conference calls or meetings to coordinate

permitting issues. Agencies who participate in these calls include the BLM, State of Utah School and Institutional Trust Lands Administration, OSMRE, USFS, DWRi, Utah Division of Wildlife Resources, USFS, and the United States Army Corps of Engineers. The Division's cooperative agreement, which authorizes the State regulation of surface coal mining and reclamation operations on Federal lands, is somewhat unique compared to other Federal lands States because it requires the State to obtain Federal agency concurrence rather than OSMRE performing this coordination effort.

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

DOGM participates on the steering committees for the OSMRE National Technical Training Program (NTTP), National Technology Transfer, and the Technical Innovation and Professional Services Program, and is a member of the Technology Transfer Team. DOGM exchanged information with other States through participation in the Interstate Mining Compact Commission annual meetings and as a representative of the Reclamation Committee for the Western Interstate Energy Board. The Division staff attended several professional conferences, meetings, and workshops during EY 2020. 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 39th anniversary since the State of Utah achieved primacy. The maturation of the program has helped protect the public and minimize environmental impacts within the Utah coalfields.

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

Major accomplishments and innovations for this year include:

### **A. Accomplishments**

#### *1. Phase III Bond Releases*

DOGM fully releases a reclamation performance bond (Phase III bond release) when a permittee demonstrates that a site meets or exceeds all State program requirements for the disturbed land.

During EY 2020, DOGM approved Phase III bond release on a total of 37.85 acres. More specifically, the Division approved Phase III bond release on 3.70 acres at the Cottonwood Wilberg Mine along with a final bond release of 34.15 acres at the Gordon Creek 2, 7, and 8 Mine. As of June 30, 2020, Utah has approved full and final Phase III bond release under its permanent regulatory program at a total of 11 mine sites.

### *2. Reclamation at Bond Forfeiture Sites*

During EY 2020, reclamation remained ongoing at the following forfeiture sites: (1) Horizon Mine, (2) White Oak #1 and #2 Mines, (3) Sunnyside Mine, and (4) Black Jack Mine. See further discussion at Section V(A) below.

### *3. Staffing and Workload*

During the past year, the Division workload has remained fairly steady with the existing mines adding new leases along with the required permit changes. The Division continues to function with a reduced staff of 13 full-time equivalent employees assigned to the coal program due to a continued reduction in State General funds and Federal funding. New employees are trained and are quickly able to contribute to the efforts of the coal regulatory program. The Division continues to improve work processes and electronic information transfer to manage the workload. Even with the reduced staff, DOGM continues to complete the necessary reviews and permitting actions required under its approved State program. The timeliness of actions is measured on a quarterly basis and reported on the DOGM website. DOGM's timeliness for meeting permit review deadlines during EY 2020 was 91.5%.

### *4. Environmental Excellence Awards*

The Board sponsors an Environmental Excellence Award (formerly Earth Day Awards) program to recognize operators or individuals for going beyond what is required by regulation to protect the environment while providing society with essential natural resources. No coal mining related projects were nominated for Environmental Excellence Awards during EY 2020.

## **B. Innovations**

### *1. Pocking and the Use of Unmanned Aerial Systems (UAS) to Evaluate Mine Reclamation Success*

During EY 2018, the Division applied for and received a \$52,000 Utah Public Lands Initiative grant through Utah State University to conduct a two-year study to measure the effectiveness of a land reclamation technique known as "pocking." The study is being conducted in collaboration with Utah State University as well as with OSMRE. The primary study and data collection sites

are located at the recently reclaimed Cottonwood/Wilberg Mine and the Des-Bee-Dove Mine; both located in Emery County Utah.

Pocking is a hill slope stabilization technique which consists of deep gouging reclaimed hill slopes with approximately 18 to 24” depressions (i.e. pocks). The pocks are constructed using a track hoe to gouge cups or divots directly adjacent to one another forming ridges between each gouge. The pocks are irregularly oriented across the hillslope and resemble the dimples of a golf ball.

The objective of this study is to evaluate and quantify the effectiveness of pocking as a reclamation technique. To date, there are essentially no references in scientific literature that describe or quantify the effectiveness of pocking at reducing sediment erosion rates from reclaimed hill slopes. Qualitative assessments at Utah coal mines, where the technique has been implemented for many years, have shown pocking to be a successful reclamation technique. As such, the study will be the first attempt to quantify the effectiveness of this technique to reduce erosion and promote vegetation reestablishment on reclaimed land in arid to semi-arid environments. One of the goals of the study is to utilize the obtained data in developing standard designs and protocols for pocking reclaimed lands as well as protocols for monitoring post-reclamation using UASs.

In EY 2019, DOGM and Utah State University conducted multiple UAS surveys and a terrestrial LiDAR scan of the newly reclaimed Cottonwood/Wilberg Mine site. The 3D model developed by utilizing both of these datasets will be compared to future UAS flight data and LiDAR data sets to track the change of the pocks. It is anticipated after a couple summers of monsoonal rain storms, the pocks will capture eroded sediment within the bottoms of the depressions, thus preventing sediment from leaving the site and causing off-site impacts. Vegetation establishment will also be quantified using a multispectral sensor mounted to the UAS. The Cottonwood/Wilberg Mine was flown in 2019 with this sensor at “green-up,” or when the vegetation is the healthiest, to quantify one season of growth. Des-Bee-Dove will be flown at green-up as well to quantify successful vegetation establishment a decade and a half after the site was reclaimed using the pocking technique. These efforts continued during EY 2020.

## *2. Electronic Permitting*

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

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

- Inspections and compliance information is tracked;
- Staff permitting tasks are assigned, scheduled and tracked;

- Mine operators can track submittals, permits, and amendments status online; and
- A network of people, companies, permits, projects, and other activities has been created and is used for notifications, mailing lists, inspection reports, fees and other DOGM related work.

DOGM continues to improve its processes for electronic permitting and has worked to incorporate all the Mining and Reclamation Plans (MRPs) into an electronic format. All of the mines are now able to submit amendments to the Division in a paperless format.

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

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

To validate the credibility of State programs and enhance Federal oversight improvement efforts, OSMRE announced in November of 2009 that it would immediately increase the number of oversight inspections that it performs. OSMRE also began conducting independent unannounced oversight inspections. Independent inspections are intended to provide insight into the effectiveness of State programs by evaluating the current compliance status of mines in each State. OSMRE continued these oversight efforts during EY 2020.

In EY 2020 DFD conducted two complete and two partial oversight inspections including one joint partial independent inspection and two joint bond release inspections (Table 13). These inspections are included in the DOGM complete and partial inspection totals reported below. DFD did not issue any Ten-Day Notices (TDNs) during EY 2020.

During EY 2020, DOGM conducted a total of 101 complete inspections and 139 partial inspections of all coal mining operations (Table 10). In addition, DOGM conducted bond release inspections this year at the Cottonwood/Wilberg Mine, and the Gordon Creek 2, 7, and 8 Mine. In EY 2020, DOGM issued six Notices of Violation (NOVs). One of the violations was vacated. Based on the above numbers and DFD's monthly review of all DOGM inspection reports and enforcement actions, the Team finds that DOGM has met the required inspection frequency at 18 out of the 28 IUs (64.3%), as a result of the COVID-19 pandemic and pandemic-related travel restrictions. The Division was therefore unable to conduct its routine inspections during the month of April, but quickly resumed inspections in May of 2020.

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

An "off-site impact" results from a surface coal mining and reclamation activity or operation that causes a negative effect on resources (people, land, water, or structures) outside the area permitted for conducting mining and reclamation activities. The applicable State program must regulate or control the mining or reclamation activity, or the result of the activity, causing an off-

site impact. In addition, the impact on the resource must be substantiated as being related to a mining and reclamation activity, and must be outside the area authorized by the permit for conducting mining and reclamation activities (OSMRE Directive REG-8).

Table 5 shows the number and type of off-site impacts that were observed and documented as having occurred during EY 2020 for both permitted sites and bond forfeiture sites. The Team identified one minor off-site impact on one permitted site and no off-site impacts at bond forfeiture sites during EY 2020. Because there were 28 IUs during this Evaluation Year, 96% (27 of 28) 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 28 IUs during the evaluation period. Several sources of information are employed to identify off-site impacts. These include but are not limited to: DOGM and OSMRE inspection reports, enforcement actions, civil penalty assessments, citizen complaints, special studies, and information from other environmental agencies. Field evaluations for off-site impacts are conducted during routine inspections (or in response to a citizen's complaint) by DOGM and OSMRE.

During EY 2020, there were 25 permitted mine sites where the performance bond had not been forfeited. The Team documented one minor off-site impact to a land resource at one site. Accordingly, 97% (28 of 29) of all IUs in Utah were free of negative off-site impacts (Table 5). DOGM identified the off-site impact (the result of operator negligence) during a routine inspection. DOGM issued a Cessation Order (CO #21201) to the permittee and identified appropriate abatement measures to bring the site into compliance. These events are further described in section VII below and in the EY 2020 Off-Site Impacts Oversight Report, available on <http://odocs.osmre.gov/>.

#### Bond Forfeitures and Revoked Permit Sites

A total of seven bond forfeitures have occurred in Utah since the State program was approved in 1981. By the end of EY 2020, only four bond forfeiture sites remain on Utah's IUL.

The Division has demonstrated its persistence in ensuring reclamation is completed and each site is well stabilized before terminating jurisdiction. During EY 2020, reclamation was either completed or ongoing at the remaining four bond forfeiture sites:

**White Oak #1 & #2 Mines (White Oak):** Reclamation of the White Oak site was completed when the last project was finished during EY 2016. DOGM did additional work during EY 2017 to control erosion occurring from highway runoff. The work was funded through a DWRi grant in the amount of \$5,000 and was completed in the Spring of 2017. With the conclusion of this project, reclamation of the White Oak Mine is now complete. The site continues to be inspected as a bond forfeiture site. DOGM and OSMRE have discussed a pending termination of jurisdiction of the White Oak site. A complete inspection of the site is scheduled for early EY 2021. Following that inspection, DOGM staff will evaluate if termination of jurisdiction is appropriate.

**Horizon Mine:** During EY 2018, the Division collected the proceeds following the sale of a condominium held as collateral bond for the Horizon Mine; these funds financed the completion of the reclamation work at this site. The majority of the reclamation work of the Horizon Mine was completed in the fall of EY 2019. In EY 2020, DOGM completed a robust planting effort to further enhance revegetation efforts. Throughout EY 2020 DOGM staff have been utilizing hand-tools in areas where thistle has begun to manifest. Those efforts will continue into EY 2021. The reclamation of remaining water monitoring wells is scheduled in the first half of EY 2021.

**Sunnyside Mine:** DOGM and OSMRE have discussed the termination of jurisdiction of the Sunnyside Mine. DOGM is currently reviewing the historical information in their files to determine and confirm that all reclamation work has been completed. When DOGM determines that termination of jurisdiction is appropriate, OSMRE will be notified of the final inspection date and invited to attend.

**New-Tech/Black Jack #1 Mine:** Based on recent inspections of the mine site, small openings (< 2') in the middle bench portal area were observed. Currently, the Utah AML program is considering whether it may utilize State funds to close the openings. In May of 2019, DOGM coal program staff accompanied AML staff archaeologist to conduct an initial survey of the site. Annual inspection of the mine was conducted in August of EY 2020.

During EY 2020, DOGM did not observe any off-site impacts at any of the bond forfeiture sites. As a result, 100% of the bond forfeiture and permit revocation sites were free of off-site impacts at the end of EY 2020 (Table 5).<sup>1</sup>

## **B. Reclamation Success**

According to Directive REG-8, OSMRE will evaluate and report on the effectiveness of State programs in ensuring successful reclamation on lands affected by surface coal mining operations. Determinations of success will be based on the number of acres that meet the bond release standards and have been released by the State. According to the Utah Administrative Code, at R645-301-880.300 through R645-301-880.330, phased bond release is defined as:

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

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

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<sup>1</sup> While only four bond forfeiture sites remained at the end of EY 2020, Table 5 data incorporates all bond forfeiture sites existing during the Evaluation Year. See the Table 5 Footnote below for further explanation.

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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.

Table 6 catalogues the acreage of land released from bond for Phase I, II, and III during EY 2020.

*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 program since the program was approved on January 21, 1981. This reclamation information is derived from annual reclamation reports submitted to DOGM by all permitted coal mine operations and Evaluation Year bond release data contained in DOGM's permitting database. Historically, the amount of bond release acreage in Utah is very low due because most of the permitted operations have been 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 disturbance for Utah mines are relatively small (2,596 acres for EY 2020), there are 2,950 total permitted acres, with an average of 105.36 permitted acres per mine. 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 to report underground mine permit areas in a consistent manner.

Each mine's annual reclamation report shows mining and reclamation data based on the calendar year, which is reflected in the EY 2020 Utah Reclamation Status Table.<sup>2</sup> See Appendix 1, Part B. 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 2020, DOGM approved Phase I bond release on 0 total acres, Phase II bond release on 3.70 acres, and Phase III bond release on 37.85 total acres (Table 6).<sup>3</sup> The 3.70 (rounded to 4 acres in Table 6) acres represent the only acreage approved for Phase II bond release during EY 2020. After the 3.70 acres were approved for Phase III bond release at the Cottonwood Wilberg Mine on December 10, 2019, the Division also approved final bond release for the remaining 34.15 acres at the Gordon Creek 2, 7, and 8 Mine on May 12, 2020.

One hundred eleven acres were added to the disturbed area acreage in Utah during EY 2020. The 111 acres represents new acreage approved by the Division at one mine. Of the total disturbed acreage on active, temporarily inactive, inactive, and bond forfeiture sites, 1,414 acres of the 3,919 disturbed acres (36%) have been backfilled, regraded, re-topsoiled, and seeded.

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<sup>2</sup> See Table FN Disclaimer regarding OSMRE's intended use of data reported within the RST.

<sup>3</sup> Totals reported in both Table 6 and the Reclamation Status Table are rounded to the nearest whole number.

Long-term facilities (2,104 acres) and active mining areas (160 acres) are currently functioning in their intended capacities and are not yet subject to contemporaneous reclamation requirements during any given Evaluation Year. These areas, comprising a total of 2,264 acres, are thus not eligible for any phase of bond release.

Since the Utah program was approved in 1981, DOGM has granted Phase III bond release on approximately 844 total acres. This successfully reclaimed acreage is 21.5% of the total disturbed acreage under the Utah permanent regulatory program (844 of 3,919 acres) which includes all permitted mining operations and full Phase III bond release mines. At the end of EY 2020, there were 2,293 acres bonded for disturbance without Phase I bond release (Table 6).

OSMRE concludes that reclamation of mined land in Utah is successful based on the Team's review of the coal permittee's annual reclamation reports, DOGM's permitting database, the EY 2020 Utah Reclamation Status Table, OSMRE oversight inspections, and routine DOGM monthly inspections that include reclamation success evaluations of those reclaimed lands.

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

As shown in Table 7, DOGM has completed, or has commenced, initial reclamation on all four bond forfeiture sites that remain on Utah's EY 2020 IUL.

During the latter half of EY 2020, DOGM was still in the process of forfeiting the bond at the Wellington Dry-Coal Cleaning Facility. As the Division was still pursuing bond forfeiture and the matter remained ongoing before the Board at the end of EY 2020, the surety bond posted was not considered collected monies for EY 2020 reporting purposes.

During EY 2020, DOGM staff conducted four complete inspections on the four remaining forfeiture sites (Table 10). DOGM continues to evaluate bond forfeiture sites for reclamation success that could lead to the termination of jurisdiction.

### **C. Customer Service**

Each Evaluation Year, OSMRE monitors the effectiveness of customer service provided by DOGM. Areas evaluated include bond releases and DOGM's responses to citizen complaints, although other areas of customer service are also considered. OSMRE did not receive any citizen complaints pertaining to Utah during EY 2020. Utah's program also provides for public involvement of permitting actions when a new application is received, when a permit is renewed, when any significant permit revision is proposed, and when a phase of reclamation is completed to the point of requesting bond release from a tract of reclaimed land. DOGM provided the required notices to landowners and other interested parties for significant revision applications, renewals and bond release applications. DOGM staff encourages participation in bond release inspections by the landowners and county officials. OSMRE and DOGM also evaluated DOGM's outreach and interaction with the public, adjacent landowners, current and potential operators, other State and Federal agencies, and other programs within DOGM. DOGM responded to numerous requests for information including those from landowners, mining companies, and government agencies. In addition, DOGM performed outreach to citizens and communities, operators, and stakeholders by providing opportunities to discuss issues, by

participating in programs that help to educate the public about mining, and by coordinating with other State and Federal agencies involved in coal extraction.

DOGM also conducted its 11th annual survey of customer satisfaction to evaluate performance at the Division and program level and to foster improved customer service in the future. The results of this survey are discussed under Section VI(B).

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

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

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

National Priority Reviews are oversight topic reviews selected by OSMRE to review nationwide. In EY 2020, there were no National Priority Reviews.

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

General Oversight Topic Reviews are conducted as specified in the Utah Performance Agreement/Evaluation Plan. For EY 2020, the Team did not select or conduct any topic specific evaluations due to staffing and workload constraints and because the Team was unaware of any issues which would warrant a more thorough review.

DOGM also conducted its tenth annual survey of customer satisfaction during EY 2020 to evaluate performance at the Division and program level and to foster improved customer service in the future. The results of the survey for the coal program during EY 2020, on a 1 to 5 scale with 5 being the highest satisfaction, were as follows:

Timeliness of Services: 3.89  
Accuracy of Information: 4.38  
Helpfulness of Employees: 4.425  
Expertise of Employees: 4.00  
Availability of Information: 3.71

## **VII. REGULATORY PROGRAM PROBLEMS AND ISSUES**

OSMRE initiates its corrective action process in response to identified problems or issues concerning a State's approved regulatory program, or the State's actions under that program, that could, if left unaddressed, result in a failure by the State to effectively implement, administer,

enforce, or maintain its approved State regulatory program. Site-specific issues identified by the DFD during inspections are addressed by DOGM when they are identified.

During EY 2020, the Division addressed ongoing issues at the Crandall Canyon Mine (discussed below) and continued with the bond forfeiture process of the Wellington Dry Coal Cleaning site.

### **A. Crandall Canyon Mine- Reclamation Plan Revisions**

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 Utah Pollutant Discharge Elimination System (UPDES) discharge parameters and soon began to stain the receiving stream, Crandall Creek. On August 11, 2009, the Division issued a violation to the mine for failure to minimize the disturbance to the hydrologic balance. The mine was required to stop discharging water that exceeded the UPDES permit; a treatment facility was built that would treat the water before it was discharged into Crandall Creek.

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

BOGM filed its findings of fact and conclusions of law in the matter of Genwal's request for Board review of DO-10A on March 6, 2012. BOGM amended and vacated portions of DO-10A, finding that DOGM had appropriately sought a bond adjustment but that an interest bearing bonding mechanism would require rulemaking prior to implementation. Additionally, BOGM dismissed DOGM's hydrologic report and findings of probable perpetual pollutional discharge and accepted Genwal's hydrologic report claiming the noncompliant discharge would not likely persist more than three years. BOGM ruled that the additional bond amount Genwal was required to post must be based on Genwal's costs assuming a best-case scenario. BOGM determined this to be three years of current operating costs (\$240,000), or \$720,000.00. Genwal posted the additional \$720,000.00 bond on July 6, 2012.

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

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

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

Genwal has continued to perform monthly sampling and analysis of the mine discharge water in accordance with the Crandall Canyon MRP. In addition, Genwal has occasionally collected laboratory analysis samples more frequently than required by the MRP and has also been sampling the discharge using a total iron field analysis. The Division collects mine water effluent samples during every monthly inspection of the mine site. The samples are collected in tandem with Genwal. The split sampling (i.e. DOGM and Genwal) is conducted to evaluate the need for continued treatment of the mine discharge water in order to meet the 1.24 mg/L maximum daily effluent limitation for total iron in accordance with their UPDES permit. All samples collected during 2018 and through May of 2019 have been in compliance with the 1.24 mg/l threshold. Data compiled from prior years further evidences continuous improvement. The Division continues to compile and review total iron concentration evaluations every quarter.

On January 15, 2019, Genwal petitioned for the release of the \$720,000 bond established by the BOGM in its findings of fact and conclusions of law on March 6, 2012. The \$720,000 bond was established to cover the operating costs of the water treatment system for three years (see discussion above). The petition for bond release was based on the conclusions of both the DOGM and Genwal mine water update reports filed with the BOGM in January of 2019. In both

reports, the data demonstrated compliant total iron concentrations below the 1.24 mg/L threshold for all of 2018. DOGM did not oppose the release of the water treatment system bond. On February 25, 2019, BOGM ordered the release of the water treatment bond and found that Genwal was no longer obligated to file semi-annual hydrologic monitoring reports. The bond was released by DOGM on March 11, 2019.

On February 4, 2019, DOGM issued a Division Order (DO-19B) to Genwal Resources. DO-19B directed Genwal to revise the final reclamation plan for the Crandall Canyon Mine to account for: the Miner Memorial, the mine water discharge from the north portals and a seeping sandstone ledge located immediately below the mine portals. Since the issuance of DO-19B, Genwal has submitted three amendments to DOGM during EY 2020. In each instance, numerous outstanding deficiencies were identified. DOGM is working as diligently as possible to resolve the myriad of permitting requirements and issues that have arisen with these proposed reclamation plan revisions. It is DOGM's goal to have the Crandall Canyon Mine's final reclamation plan revision and accompanying bond in place during EY 2021.

## **B. Wellington Dry-Coal Cleaning Facility**

As reported in the EY 2018 Utah Annual Evaluation Report and the EY 2018 Utah Off-Site Impacts Report, the Division identified one off-site impact at Wellington Dry during a routine inspection. On February 1, 2018, DOGM issued a Cessation Order (CO) for violations associated with the permittee selling a material produced as a byproduct of its coal separating process to a trucking company, which the trucking company used for road base at that company's off-site facility. As a result, DOGM issued CO #21201 for failure to keep coal processing waste in the permitted area. The CO required the permittee to (1) recover all coal processing material at the trucking company's property and properly dispose of it in the permit area; (2) submit for the Division's review and receive approval of an amendment to update the Mine Reclamation Plan (MRP) to address reclamation of coal processing waste; and (3) submit and receive the Division's approval of an amendment to update the MRP to address the operational requirements of having coal processing waste. All three abatement measures were originally required to be completed by April 30, 2018.

Throughout EY 2018 and EY 2019, the Division demonstrated its persistence in ensuring completion of the abatement measures it previously required to bring the Wellington Dry site into compliance.<sup>4</sup> DOGM issued fines and took additional enforcement action after the permittee failed to bring the site into compliance by the extended deadlines.<sup>5</sup> In the Fall of 2019, the Division issued three additional NOV's and three Failure-to-Abate Cessation Orders (FTACO). DOGM issued FTACO #21206 on August 1, 2018 in relation to CO #21201. On August 2, 2018, the Division issued NOV #21207 for failure to allow inspection and NOV

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<sup>4</sup> See the EY 2018 Utah Annual Evaluation Report, EY 2018 Utah Off-Site Impacts Report, and the EY 2019 Utah Off-Site Impacts Report for a full discussion.

<sup>5</sup> During EY 2018, the Division issued two other COs that did not result in an OSI. This included CO #21198 issued on September 19, 2017 for failure to provide adequate bond coverage and CO #21202 issued on February 8, 2018 for failure to maintain liability insurance. The Division also held an Informal Conference and ultimately upheld violations in April 2018.

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#21208 for failure to maintain diversions and culverts. On August 3, 2018, NOV #21209 was issued for failure to provide a resident agent. On September 4, 2018, the Division issued two FTACOs, FTACO #21210 for failure to abate CO #21207 and FTACO #21212 for failure to abate CO #21208.

On April 10, 2019, the Division filed a Notice of Agency Action with the Board that requested that the Board take action to forfeit the reclamation surety so as to provide DOGM with the necessary funds to reclaim the Wellington Dry permit area. Additionally, the Division requested that the Board:

[A]uthorize the Division to use the forfeited funds, as necessary, to reclaim lands outside of the permit boundary that have been disturbed by the mining operations; and authorize the Division to pursue actions against owners and controllers of the permittee and mining operations as may be necessary to pursue the collection of fines and civil penalties for willful and knowing violations of the Coal Act, and to recover costs of reclamation of lands disturbed by the mining operations to the extent the amount of the surety is inadequate for that purpose.

On May 17, 2019, the Division filed a Motion to Continue Hearing, proposing to reschedule the matter for the next Board hearing on June 26, 2019. The Board approved and entered the Order on May 20, 2019. Prior to the Board's June 2019 hearing, the Division filed additional exhibits documenting the ongoing issues occurring at the Wellington Dry site. One of these documents included a memorandum the Division filed with the Board on June 25, 2019, in support of its request in the Notice of Agency Action for the Board to authorize use of a portion of the forfeited surety to mitigate damages to land outside the permit area. At the end of EY 2019, and following the Board hearing on June 26, 2019, the Division continued to pursue bond forfeiture of the site to collect the monies necessary to cover the cost of reclaiming the area, including the off-site impact noted in the EY 2019 Annual Evaluation Report data for the State of Utah. In December of 2019, the Division filed a Motion for Reconsideration before the Board. By the end of EY 2020, the Board proceedings remained pending.

### **C. State Program Amendments**

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

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## 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

SMCRA and the Federal regulations provide that States with approved regulatory programs may apply for and receive Federal grant monies, to assist the States in meeting the costs of administering reclamation and enforcement programs consistent with the Act. Coinciding with EY 2020, the Federal Fiscal Year 2019 (FFY)/Utah Fiscal Year 2020 grant period occurred July 1, 2019, through June 30, 2020.

In its FFY 2019 grant application, DOGM requested Federal funds based on its eligibility under the acreage-weighted option outlined in the Federal Assistance Manual. However, the amount of monies OSMRE could award was limited to the amount allocated for Utah in OSMRE's FY 2019 Final Regulatory Grant Distribution. As a result, OSMRE awarded the Administration and Enforcement Grant in the amount of \$2,544,453.00 for the grant period (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 funded 94% of DOGM's total program costs, which was listed as \$2,707,881.00 in the Division's grant application (Table 9). As of June 30, 2020, the Division anticipates having Title V funds to de-obligate at the end of the FY.

For the Utah AML Program, Utah requested \$1,362,163.00 in AML funding. During EY 2020, OSMRE awarded the Utah 2019 AML grant in the amount of \$1,362,163.00 for a three-year period (Table 9). This amount represented 100% funding that would normally be available for Utah's AML Program under SMCRA.

### B. Education/Outreach/Tools

During EY 2020, DOGM staff (two total participants) attended two training courses through the NTTP training program. These courses, Applied Engineering Principles and Historical Archaeological Resources, were both held in Pittsburgh, Pennsylvania in August of 2019.

**EY 2020 Utah Evaluation Team Members**

- Steve Christensen and Priscilla Burton, DOGM
- Alexis Long, Christine Belka, Dan MacKinnon, and Tom Medlin, DFD
- Dana Dean, DOGM, and Howard Strand, DFD (Team coaches)

## IX. TABLE FOOTNOTES

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

### **EY 2020 Utah Reclamation Status Table:**

**DISCLAIMER:** OSMRE's Directive REG-8, consistent with the reclamation performance measures established by the Government Performance and Results Act (GPRA), determines and evaluates reclamation success based upon the number of acres that meet phased bond release standards and have been released by the State. These data are reported annually in Table 6 which reports the State program's specific acreage of Phase I, II, and III bond releases and the acreage bonded at the beginning and end of the evaluation period. OSMRE will report the number of acres being mined and the number of acres being reclaimed pursuant to OSMRE Directive REG-8.

In addition to Table 6, OSMRE annually prepares the Reclamation Status Table (RST). OSMRE developed this based upon GPRA data with the intent to showcase additional stages of reclamation. Because many Western mines complete reclamation work well in advance of applying for phased bond release, OSMRE staff believe that bond release is not entirely representative of reclamation work being conducted in the West. The RST allows OSMRE to show major steps in the reclamation process alongside acreages that have received phased bond release on a mine-specific basis. It is important to note that the backfilling and grading activities, as well as revegetation efforts, reported in the RST are not officially verified and approved as meeting program standards until the State receives and approves phased bond release applications. Acreages reported as backfilled and graded, topsoiled and seeded, and planted for ten years are all provided by the permittee for the purposes of monitoring their earthwork activities, ensuring timely reclamation, and administering the ten-year revegetation liability period. Because this work has not always undergone the bond release process, these datasets will be dynamic and will inherently contain more variability and larger risk of error than relying exclusively upon bond release numbers. However, OSMRE believes collecting these data provides meaningful insights into on-the-ground activities which outweigh potential errors in reporting. The RST will document for each mine: (1) the acres receiving Phase I, II, and III bond release; (2) the acres disturbed, backfilled, graded, topsoiled and seeded, and seeded for ten years; and (3) the cumulative totals for these reclamation status categories for all years.

OSMRE will include all mines permitted under the Utah program including active and inactive mines and mines where DOGM has forfeited performance bonds.

Table data are compiled from the individual mine annual reports and used and reported by OSMRE in the RST.

Please be aware that non-bond release data is solely included for the purpose of depicting

ongoing reclamation and should not be considered as reclamation work approved or certified as complete by the State. OSMRE wishes to also clarify that credit for reclamation work completed **cannot** be given until a permittee undergoes formal bond release, which must be approved by the Division.

**Table 5:** During EY 2020, the Wellington Dry bond forfeiture proceedings remained pending before the Board and were therefore not finalized.

**Table 6:** During EY 2020, an administrative adjustment has been added (three) to account for rounded data.

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**Utah Annual Evaluation Report  
Evaluation Year 2020**

**APPENDIX 1**

**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**

<b>COAL PRODUCED FOR SALE, TRANSFER, OR USE <sup>A</sup></b> (Millions of short tons)			
<b>Calendar Year</b>	<b>Surface Mines</b>	<b>Underground Mines</b>	<b>Total</b>
2016	0.7	14.2	14.9
2017	0.7	13.7	14.5
2018	0.5	13.8	14.3
2019	0.2	13.7	13.9

<sup>A</sup> 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**

<b>PERMANENT PROGRAM PERMITS, INITIAL PROGRAM SITES, INSPECTABLE UNITS, AND EXPLORATION</b>														
<b>Mines and Other Facilities</b>	<b>Numbers of Permanent Program Permits and Initial Program Sites</b>								<b>Insp. Units<sup>1 2</sup></b>	<b>Area in Acres<sup>3</sup></b>				<b>Total Area</b>
	<b>Permanent Program Permits</b>				<b>Initial Program Sites</b>					<b>Permanent Program Permits (Permit Area)</b>		<b>Initial Program Sites</b>		
	<b>Active</b>	<b>Inactive</b>	<b>Abandoned</b>	<b>Total</b>	<b>Active</b>	<b>Inactive</b>	<b>Abandoned</b>	<b>Total</b>		<b>Federal Lands</b>	<b>State/Tribal and Private Lands</b>	<b>Federal Lands</b>	<b>State/Tribal and Private Lands</b>	
<b>Surface Mines</b>	3	0	1	4	0	0	0	0	4	150	800	0	0	950
<b>Underground Mines</b>	9	6	3	18	0	0	0	0	15	290	970	0	0	1,260
<b>Other Facilities</b>	4	2	0	6	0	0	0	0	6	120	620	0	0	740
<b>Total</b>	16	8	4	28	0	0	0	0	28	560	2,390	0	0	2,950

**Permanent Program Permits and Initial Program Total Number: 28 Average Acres per Site: 105.36**  
**Sites (Number on Federal Lands: 0)**  
**Average Number of Permanent Program Permits and Total Number: 1.12 Average Acres per IU: 118.00**  
**Initial Program Sites per Inspectable Unit (IU):**  
**Permanent Program Permits in Temporary Total Number: 8 Number More than 3 Years: 0**  
**Cessation:**

<b>EXPLORATION SITES</b>	<b>Total Number of Sites</b>	<b>Sites on Federal Lands<sup>4</sup></b>	<b>Exploration Inspectable Units</b>
<b>Exploration Sites with Permits:</b>	0	0	0
<b>Exploration Sites with Notices:</b>	3	3	3

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

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

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

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

TABLE 3

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

TABLE 4

PERMITTING ACTIVITY												
Type of Application	Surface Mines			Underground Mines			Other Facilities			Totals		
	App. Rec.	Issued/ Appvd	Acres	App. Rec.	Issued/ Appvd	Acres <sup>1</sup>	App. Rec.	Issued/ Appvd	Acres	App. Rec.	Issued/ Appvd	Acres
New Permits	0	0	0	0	0	0	0	0	0	0	0	0
Renewals	0	0		2	2		1	1		3	3	
Transfers, sales, and assignments of permit rights	0	0		0	0		0	0		0	0	
Small operator assistance	0	0		0	0		0	0		0	0	
Exploration permits										0	0	
Exploration notices <sup>2</sup>											1	
Revisions that do not add acreage to the permit area	6	6		37	37		3	3		46	46	
Revisions that add acreage to the permit area but are not incidental boundary revisions	0	0	0	1	1	790	0	0	0	1	1	790
Incidental boundary revisions	0	0	0	0	0	0	0	0	0	0	0	0
<b>Totals</b>	<b>6</b>	<b>6</b>	<b>0</b>	<b>40</b>	<b>40</b>	<b>790</b>	<b>4</b>	<b>4</b>	<b>0</b>	<b>50</b>	<b>51</b>	<b>790</b>

Permits terminated for failure to initiate operations: Number: 0 Acres: 0.0

Acres of Phase III bond releases (Areas no longer considered to be disturbed): Acres: 38.0

Permits in temporary cessation Notices received: 0 Terminations: 0

Midterm permit reviews completed Number: 6

<sup>1</sup>Includes only the number of acres of proposed surface disturbance

<sup>2</sup>State approval not required. Involves removal of less than 250 tons of coal and does not affect lands designated unsuitable for mining.

**TABLE 5**

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

<b>TABLE 5 (Continued)</b>													
<b>OFF-SITE IMPACTS AT BOND FORFEITURE SITES</b>													
<b>RESOURCES AFFECTED</b>		<b>People</b>			<b>Land</b>			<b>Water</b>			<b>Structures</b>		
<b>DEGREE OF IMPACT</b>		<b>Minor</b>	<b>Moderate</b>	<b>Major</b>	<b>Minor</b>	<b>Moderate</b>	<b>Major</b>	<b>Minor</b>	<b>Moderate</b>	<b>Major</b>	<b>Minor</b>	<b>Moderate</b>	<b>Major</b>
<b>TYPE OF IMPACT EVENT</b>	<b>NUMBER OF EVENTS</b>												
Blasting	0	0	0	0	0	0	0	0	0	0	0	0	0
Land Stability	0	0	0	0	0	0	0	0	0	0	0	0	0
Hydrology	0	0	0	0	0	0	0	0	0	0	0	0	0
Encroachment	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Total Number of Inspectable Units <sup>3</sup> :				4									
Inspectable Units with one or more off-site impacts:				0									
Inspectable Units free of off-site impacts:				4				% of Inspectable Units free of off-site impacts <sup>4</sup> :				100	
<sup>3</sup> Total number of Inspectable Units is (1) the number of bond forfeiture sites that were reclaimed during the Evaluation Year and (2) the number of bond forfeiture sites that were unreclaimed at the end of the Evaluation Year													

**TABLE 5 (Continued)**

<b>TOTAL OFF-SITE IMPACTS INCLUDING BOND FORFEITURE SITES</b>													
<b>RESOURCES AFFECTED</b>		<b>People</b>			<b>Land</b>			<b>Water</b>			<b>Structures</b>		
<b>DEGREE OF IMPACT</b>		<b>Minor</b>	<b>Moderate</b>	<b>Major</b>	<b>Minor</b>	<b>Moderate</b>	<b>Major</b>	<b>Minor</b>	<b>Moderate</b>	<b>Major</b>	<b>Minor</b>	<b>Moderate</b>	<b>Major</b>
<b>TYPE OF IMPACT EVENT</b>	<b>NUMBER OF EVENTS</b>												
Blasting	0	0	0	0	0	0	0	0	0	0	0	0	0
Land Stability	0	0	0	0	0	0	0	0	0	0	0	0	0
Hydrology	0	0	0	0	0	0	0	0	0	0	0	0	0
Encroachment	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	1	0	0	0	1	0	0	0	0	0	0	0	0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Total Number of Inspectable Units <sup>5</sup> :				29									
Inspectable Units with one or more off-site impacts:				1									
Exploration Inspectable Units with one or more off-site impacts:				0									
Inspectable Units free of off-site impacts:				28									
<sup>4</sup> % of Inspectable Units free of off-site impacts is based on the number of Inspectable Units during the Evaluation Year. The number of Inspectable Units may vary during the Evaluation Year.													
<sup>5</sup> Total number of Inspectable Units is (1) the number of active and inactive Inspectable Units at the end of the Evaluation Year and (2) the number of Inspectable Units that were final bond released or removed during the Evaluation Year and (3) the number bond forfeiture sites that were reclaimed during the Evaluation Year and (4) the number of bond forfeiture sites that were unreclaimed at the end of the Evaluation Year.													

**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			
0		0			0	Phase I	0	
	4			0		Phase II	4	
			38			Phase III	38	
Number of Permanent Program Permits with Jurisdiction Terminated Under Phase III Bond Release <sub>1</sub> During the Evaluation Year						Other Releases - Acres		
Initial Program Sites with Jurisdiction Terminated During the Evaluation Year: 0						Administrative Adjustments		
Number of Inspectable Units Removed <sub>1</sub>						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								111
Total Area Bonded for Disturbance						2,526	2,596	70
Area Bonded for Disturbance without Phase I Bond Release						2,187	2,293	106
Area Bonded for Disturbance for which Phase I Bond Release Has Been Approved						339	303	(36)
Area Bonded for Disturbance for which Phase II Bond Release Has Been Approved						126	94	(32)
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						2,526	2,596	70

**TABLE 7**

<b>BOND FORFEITURE ACTIVITY (Permanent Program Permits)</b>			
<b>Bond Forfeiture and Reclamation Activity</b>	<b>Number of Sites</b>	<b>Dollars</b>	<b>Acres</b>
Sites with bonds forfeited and collected that were un-reclaimed at the start of the current Evaluation Year (i.e. end of previous Evaluation Year) <sup>1</sup>	4		451
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 <sup>1</sup>	4		451
Sites with bonds forfeited but un-collected at the end of the current Evaluation Year	0		0
<b>Forfeiture Sites with Long-Term Water Pollution</b>			
Bonds forfeited, lands reclaimed, but water pollution is still occurring	0		
Bonds forfeited, lands reclaimed, and water treatment is ongoing	0		
<b>Surety/Other Reclamation Activity In Lieu of Forfeiture</b>			
Sites being reclaimed by surety/other party at the start of the current Evaluation Year (i.e., the end of previous Evaluation Year) <sup>2</sup>	0		0
Sites where surety/other party agreed during the current Evaluation Year to do reclamation	0		0
Sites being reclaimed by surety/other party that were re-permitted during the current Evaluation Year	0		0
Sites with reclamation completed by surety/other party during the current Evaluation Year <sup>3</sup>	0		0
Sites being reclaimed by surety/other party at the end of the current Evaluation Year <sup>2</sup>	0		0
<sup>1</sup> Includes data only for those forfeiture sites not fully reclaimed. <sup>2</sup> Includes all sites where surety or other party has agreed to complete reclamation and the site is not fully reclaimed. <sup>3</sup> These sites are also reported in Table 6, Surface Coal Mining and Reclamation Activity, because Phase III bond release would be granted on these sites.			

TABLE 8

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

TABLE 9

<b>FUNDS GRANTED TO STATE OR TRIBE BY OSM</b>			
<b>(Actual Dollars Rounded to the Nearest Dollar)</b>			
<b>Type of Funding</b>	<b>Federal Funds Awarded</b>	<b>Total Program Cost</b>	<b>Federal Funds Awarded as a Percentage of Total Program Costs</b>
<b>Regulatory Funding</b>			
Administration and Enforcement Grant	2,544,453		
Other Regulatory Funding, if applicable	0		
<b>Subtotal (Regulatory Funding)</b>	2,544,453	2,707,881	94
<b>Small Operator Assistance Program Grant Funding</b>	0	0	
<b>Abandoned Mine Land Reclamation Funding</b>	1,362,163	1,362,163	100
<b>Watershed Cooperative Agreement Program</b>	0	0	
<b>TOTAL</b>	3,906,616		

**TABLE 10**

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

Inspectable Units (IUs)	Total number of inspectable units <sup>2</sup>	Number of inspections required annually		Number of inspections conducted		IUs Met Complete Inspection Frequency Requirement		IUs Met Partial Inspection Frequency Requirement		IUs Met Complete and Partial Inspection Frequency Requirements		
		Complete inspections	Partial inspections	Complete inspections	Partial inspections	Number	Percent	Number	Percent	Total number of IUs	# that met inspection frequency	Percent
Type												
Active	16	64	128	64	118	15	94	6	38	16	6	38
Inactive	8	32	0	32	20	8	100	8	100	8	8	100
Abandoned	4	4	0	5	1	4	100	4	100	4	4	100
<b>TOTALS <sup>3</sup></b>	28	100	128	101	139	27	96	18	64	28	18	64



<b>Coal Exploration Activities <sup>4</sup></b>	<b>Complete Inspections</b>	<b>Partial Inspections</b>
Exploration sites with permits	0	0
Exploration sites with notices	0	0

<sup>1</sup> Calculated on a site-specific basis.  
<sup>2</sup> Total number includes both permanent program permits and initial program sites.  
<sup>3</sup> OSM is assuming that all states have gone through the process described in 30 CFR 840.11(h) and 842.11(f) to reduce inspection frequency on abandoned/forfeited sites  
<sup>4</sup> Includes all valid notices and permits. No inspection frequency data are provided since SMCRA does not establish a minimum numerical inspection frequency for coal exploration activities.  
<sup>5</sup> NA - Not Available

**TABLE 11**

<b>STATE OR TRIBAL ENFORCEMENT ACTIVITY</b>		
<b>Type of Enforcement Action</b>	<b>Number of Actions <sup>1</sup></b>	<b>Number of Violations <sup>1</sup></b>
Notice of Violation	5	5
Failure-to-Abate Cessation Order	0	0
Imminent Harm Cessation Order	0	0
<sup>1</sup> Does not include actions and violations that were vacated.		

**TABLE 12**

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

**TABLE 13**

<b>OSM OVERSIGHT ACTIVITY</b>					
<b>Oversight Inspections and Site Visits</b>					
	<b>Complete</b>		<b>Partial</b>		
	Joint	Non-Joint	Joint	Non-Joint	Total
Oversight Inspections	2	0	2	0	4
	Technical Assistance		Other		Total
Site Visits	0		0		0
<b>Violations Observed by OSM and Citizen Requests for Inspection<sup>1</sup></b>					
<b>Type of Action</b>					<b>Total number of each action</b>
How many violations were observed by OSM on oversight inspections?					0
Of the violations observed, how many did OSM defer to State action during inspections?					0
Of the violations observed, how many did OSM refer to the State through Ten-Day Notices? <sup>2</sup>					0
How many Ten-Day Notices did OSM Issue for observed violations? <sup>3</sup>					0
How many Ten-Day Notices did OSM issue to refer citizen requests for inspection?					0
How many Notices of Violation did OSM issue?					0
How many Failure-to-Abate Cessation Orders did OSM issue?					0
How many Imminent Harm Cessation Orders did OSM issue?					0
<b>OSM Action for Delinquent Reporting or Non-Payment of Federal AML Reclamation Fees</b>					
How many Ten-Day Notices for delinquent reporting or non-payment of Federal AML reclamation fees did OSM issue?					0
How many Notices of Violation for delinquent reporting or non-payment of Federal AML reclamation fees did OSM issue?					0
How many Federal Failure-to-Abate Cessation Orders for delinquent reporting or non-payment of Federal AML reclamation fees did OSM issue?					0
<sup>1</sup> This section does not include actions for delinquent reporting or non-payment of Federal AML fees that are reported in the last section of the table. <sup>2</sup> Number of violations contained in Ten-Day Notices not including those issued to refer citizen requests for inspection. <sup>3</sup> Number of Ten-Day Notices issued not including those to refer citizen requests for inspection.					

**TABLE 14**

<b>STATUS OF ACTION PLANS</b>						
<b>Action Plan ID</b>	<b>Problem Type<sup>1</sup></b>	<b>Problem Title</b>	<b>Problem Description</b>	<b>Date Action Plan Initiated</b>	<b>Scheduled Completion Date</b>	<b>Actual Completion Date</b>
None						
<sup>1</sup> 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)**

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

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APPENDIX 1

EY 2020 Utah Reclamation Status Table

Utah Reclamation Status Table for EY-2020 (Mine by Mine)																		
RECLAMATION STATUS OF ALL AREAS DISTURBED UNDER THE PERMANENT REGULATORY PROGRAM																		
Acres Disturbed As of EY-2020																		
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	137	137	0	0	0	0	0	0	0	0	0	0	0	0	
Hiawatha Mine		X	0	290	192	0	0	98	0	98	0	93	0	93	0	93	0	
Wellington Preparation Plant	Prep Plant		0	392	392	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	
Soldier Canyon Mine		X	0	24	24	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	
Savage Coal Terminal	Loadout		0	133	133	0	0	0	0	0	0	0	0	0	0	0	0	
Wildcat Loadout	Loadout		0	112	112	0	0	0	0	0	0	0	0	0	0	0	0	
Banning Siding Loadout	Loadout		0	22	22	0	0	0	0	0	0	0	0	0	0	0	0	
Sunnyside Refuse & Slurry	Reprocessing		0	202	197	0	0	5	0	5	0	5	0	5	0	5	0	
Dugout Canyon Mine		X	0	109	72	0	0	37	0	37	0	19	0	19	0	2	0	
West Ridge Mine		X	0	31	31	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	
Wellington Dry-Coal Facility	Reprocessing		0	30	30	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	0	0	0	0	0	0	
Fossil Rock Mine		X	0	28	28	0	0	0	0	0	0	0	0	0	0	0	0	
Emery Deep Mine		X	0	86	86	0	0	0	0	0	0	0	0	0	0	0	0	
Deer Creek Mine		X	0	60	57	0	0	3	0	3	0	3	0	3	0	3	0	
Cottonwood/Wilberg Mine		X	0	50	0	0	0	50	0	50	4	25	4	25	4	25	4	
Bear Canyon Mine		X	0	41	35	0	0	6	0	6	0	6	0	6	0	6	0	
Crandall Canyon		X	0	34	22	0	0	12	0	12	0	0	0	0	0	0	0	
Castle Valley Waste Rock Site	X		0	49	49	0	0	0	0	0	0	0	0	0	0	0	0	
Coal Hollow Mine	X		111	554	136	160	0	258	0	219	0	77	0	77	0	0	0	
Sufco Mine		X	0	96	96	0	0	0	0	0	0	0	0	0	0	0	0	
Plateau-Willow Creek Mine		X	0	188	0	0	0	188	0	188	0	188	0	188	0	188	0	
Castle Gate Mine		X	0	63	0	0	0	63	0	63	0	63	0	63	0	63	0	
Des-Bee-Dove Mine		X	0	137	0	0	0	137	0	137	0	137	0	137	0	137	0	
Star Point Mine		X	0	101	0	0	0	101	0	101	0	101	0	101	0	101	0	
Gordon Creek #2 #7 and #8		X	0	35	0	0	0	35	0	35	0	35	0	35	34	35	34	
Trail Canyon Mine		X	0	10	0	0	0	10	0	10	0	10	0	10	0	10	0	
Gordon Creek #3 and #6		X	0	17	0	0	0	17	0	17	0	17	0	17	0	17	0	
Blackhawk-Willow Creek Mine		X	0	4	0	0	0	4	0	4	0	4	0	4	0	4	0	
Huntington #4 Mine		X	0	13	0	0	0	13	0	13	0	13	0	13	0	13	0	
J.B. King Mine		X	0	28	0	0	0	28	0	28	0	28	0	28	0	28	0	
Knight Mine		X	0	40	0	0	0	40	0	40	0	40	0	40	0	40	0	
Sunnyside Coal Company		X	0	287	0	0	0	287	0	0	0	287	0	0	0	287	0	
New Tech Black Jack #1 Mine		X	0	3	0	0	0	3	0	0	0	3	0	0	0	3	0	
Horizon		X	0	10	10	0	0	0	0	0	0	0	0	0	0	0	0	
White Oak #1 & #2 Mines and Loadout	X		0	151	0	0	0	151	0	0	0	151	0	0	0	151	0	
Blazon #1 Mine		X	0	7	0	0	0	7	0	0	0	7	0	0	0	7	0	
Summit #1 Mine		X	0	14	0	0	0	14	0	0	0	14	0	0	0	14	0	
Boyer Mine		X	0	7	0	0	0	7	0	0	0	7	0	0	0	7	0	
<b>TOTAL</b>	<b>10</b>	<b>32</b>	<b>111</b>	<b>3919</b>	<b>2104</b>	<b>160</b>	<b>0</b>	<b>1655</b>	<b>0</b>	<b>1147</b>	<b>4</b>	<b>1414</b>	<b>4</b>	<b>938</b>	<b>38</b>	<b>1313</b>	<b>38</b>	

Legend	
	Final Bond Release Sites
	Bond Forfeiture Sites
	Bond Forfeiture Sites where TOJ occurred

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**APPENDIX 2**

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

Utah had no comments on the Annual Evaluation Report.