

0018

2006 Interagency
ok

From: Mary Ann Wright
To: Kathryn O'Toole
Date: 6/15/2006 4:43:32 PM
Subject: RE: Submission of comments on proposed changes to REG-8 Tables

Attached are Utah's comments. Thanks for your patience in our getting these to you!

>>> "Kathryn S. O'Toole" <kotoole@osmre.gov> 6/14/2006 6:49 AM >>>
Tomorrow would be great! Thanks. Kathryn

-----Original Message-----

From: Mary Ann Wright [<mailto:maryannwright@utah.gov>]
Sent: Wednesday, June 14, 2006 8:46 AM
To: Kathryn S. O'Toole
Subject: RE: Submission of comments on proposed changes to REG-8 Tables

Thanks for letting me know. I am headed back to SLC today. I will try my best for tomorrow.

>>> "Kathryn S. O'Toole" <kotoole@osmre.gov> 06/14/06 5:46 AM >>>
Thanks much. Just as an FYI, I will be passing my work along for the next step in the process on Monday, June 19. Kathryn

-----Original Message-----

From: Mary Ann Wright [<mailto:maryannwright@utah.gov>]
Sent: Tuesday, June 13, 2006 7:34 PM
To: Kathryn S. O'Toole
Subject: Re: Submission of comments on proposed changes to REG-8 Tables

You have not missed them. I have them in scribbles but have not had a chance to type them up and send. Will do asap.

>>> "Kathryn S. O'Toole" <kotoole@osmre.gov> 06/13/06 2:11 PM >>>
Mary Ann - I work in OSM's Program Support Directorate in Washington and have been doing some preliminary work this week with the comments OSM has received on proposed changes to the Tables and Table instructions in Directive REG-8, Oversight of State Regulatory Programs. I understood from Jim Fulton that you were very interested in commenting on the changes proposed. However, there did not seem to be anything from the State of Utah in what was sent or forwarded by OSM field offices to the OSM Directives Coordinator here in Headquarters.

Since our Directives Coordinator is away from the office on business this week, I am doing a little follow-up to make sure we haven't missed anyone who said they intended to provide comments. If Utah has comments, could you send them along to Jim for forwarding to the Directives Coordinator and to me, so that they can be included with the rest. If Utah will not be commenting, Jim can let us know, and we'll continue with our review. Thanks for your time. Kathryn O'Toole

CC: Jfulton@osmre.gov; John Baza; Pam Grubaugh-Littig; Sheila Morrison; Susan White; Vickie Southwick; Wayne Hedberg

June 15, 2006

To: Jim Fulton, DFD, Office of Surface Mining

From: Mary Ann Wright, Associate Director, Mining

Re: Utah's comments on Proposed changes to Reg – 8

Table 1 – Good change.

Table 2 – Changing “average” to “total” is a good change. Utah believes this table should have further changes made to it. Per the instructions on page II- 10, “For underground mines, include only the acreage of actual or proposed surface disturbance.”

The “Permitted acreage” portion of this table (far right column) does not provide for accurate accounting of the work Utah does in permitting its mines. Each year, Utah permits thousands of new acres that are added onto existing permits. (See tables below.) Utah rarely permits new “disturbed” acreage. All of Utah’s underground production comes out of the mountain at a 10-40 acre disturbed area, the mine mouth. Due to this table, it would appear to the report reader that Utah’s coal program is hardly doing anything but ‘treading water’ because the “permitted acreage” hardly changes from year to year. In fact, a great deal of analysis is occurring regarding review of these additional acreages in the way of hydrology, wildlife, T & E species, and the very intense coordination which takes place with the surface managing agency (often the USFS), SHPO, USFWS, BLM, State Water Rights, State Environmental Quality divisions, State Institutional Trust Lands Administration, MSHA, and so on.

Table 3 – As explained in comments for Table 2, this table is also ‘limiting’ in reporting to Congress.

Table 4 – Proposed changes are okay.

Table 5 – Similar to the concerns expressed for Tables 2 & 3, this table is also stunted in its use for telling the story of what is happening at the state regulatory agency. Not all permitted acreage is bonded only disturbed acreage is bonded. Therefore, the protections afforded to lands and water through the coal mine permitting process are totally obscured by the way this table reports data.

Table 6 – This table should not be made mandatory. It will add nothing to the reports to Congress on Utah to make it be so.

Table 7 – Again, the notion of bonds for underground mines applying only to the disturbed acres is a problem. When a mine site bond is forfeited, the state RA will use that bond money according to the rules to ameliorate problems on the entire permit area. Thus, once again, your tables do not make sense for underground mines, do they?

Tables 8-12 - Proposed changes are okay.

Table 13 – We agree, keep this table optional. It does nothing to tell the mining and reclamation story for Utah.

These charts / tables for 2005-2006 illustrate in some very broad terms the changes that are reviewed and approved for Utah Coal mines.

Reclamation Bonding - 2006

- | | |
|------------------------------|----------------|
| ■ Coal Bonds: 28 | <u>2005</u> |
| ■ \$66 Million | (\$75,942,806) |
| ■ Acres disturbed 2,835 = 1% | (3,038) |
| ■ Acres permitted 180,077 | (171,242) |
- Acres reclaimed = 203 in 2005

2005-06 Examples of Major Mine Expansions (MPA= Mine plan Approval that goes to Secretary of Interior)

- Sufco Mine – SITLA Muddy Tract – 2134 Acres (MPA Exempt)
- Skyline Mine North Lease - Full Extraction of 3291 acres - MPA
- Deer Creek - Rilda Extension - MPA
- Bear Canyon – (in progress) to add 7,504 acres - MPA
- Horizon Mine – 886 Acres - MPA
- Centennial – Mathis fee and Summit federal tracts – MPA
- West Ridge SITLA 1638 Acres – MPA exempt
- Horse Canyon Lila extension (in progress) 5500 Acres - MPA

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