

OGMCOAL - Water Issue Sub Committee Meeting: September 14th, 2011

From: Steve Christensen
To: Water Issue Sub Committee
Date: 8/24/2011 3:41 PM
Subject: Water Issue Sub Committee Meeting: September 14th, 2011
CC: OGMCOAL
Attachments: June 1st, 2011.doc; 09_14_11Agenda.doc

Good afternoon,

I've attached the minutes from our last meeting as well as an agenda for our upcoming meeting on September 14th, 2011. I've reserved the large conference room at the Price DNR office. The meeting is scheduled for 10:00 AM.

Additionally, I'm hoping we could have a hydrologist from the BLM and the Forest Service in attendance to discuss baseline data collection issues during the permitting/leasing process.

Regards,
Steve

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INTERAGENCY WATER ISSUES SUBCOMMITTEE MEETING NOTES

Meeting Date: June 1st, 2011

To: Water Issues Sub-Committee

Attendees: **BLM-** Stephen Falk, **DOGM-** April Abate, Steve Christensen, Kevin Lundmark **DWRi-** Marc Stilson **USDA Forest Service-** Tom Lloyd
DWQ- Mike Herkimer

Purpose: Discuss water issues relative to interagency communication and interaction.

MEETING SUMMARY:

Following introductions, minutes from the previous meeting (February 24th, 2011) were reviewed and approved.

Mr. Stilson lead a discussion on continued water right work with the Sufco Mine. Mr. Stilson indicated that he would like detailed maps as to where mining activity is to occur. Ms. Abate from DOGM offered to provide the maps. Additional field work will be performed in conjunction with DWRi, DOGM and the water right holders in potentially affected areas. Mr. Lloyd suggested contacting Jason Kling (District Forest Ranger) in this effort. Mr. Stilson further stated that numerous water rights are located in the Accord Lakes area and that there is much concern as to potential impacts from mining related activity. The time line for mining in the west leases at Sufco was also discussed. Mr. Stilson indicated that further field work would be conducted in June to verify water rights and their sources and that he wanted the company to submit a map showing where faults are located in the region.

In addition to the Sufco west leases, the Greens Hollow tract was also discussed. Baseline data collection was brought up during the discussion. Cowboy Creek and Greens Hollow Creek comprise a large portion of the watershed in this area. Mr. Stilson indicated that baseline data collection should be underway right now. Mr. Lloyd provided updates on the EIS process occurring on Greens Hollow. Mr. Lloyd identified that alternative 1 was no mining. Alternative 2 is mining proposed by the company. Alternative 3 was identified as a plan where areas would be identified where no mining would occur (which included Cowboy Creek). Mr. Lloyd indicated that, in all likelihood, Alternative 3 would be recommended by the EIS. The Forest Service will identify springs and reaches of streams that will be protected. Mr. Lloyd stated that the Forest Service would like to get all of the agencies water rights identified and filed, but that due to budgetary personnel short falls, it was proving difficult. The potential impacts to irrigation companies and the town of Emery from mining in the Greens Hollow area was also discussed. It was the general consensus that the Greens Hollow area would prove much more contentious than the West Lease area. Mr. Lloyd indicated that he anticipated a decision document to be completed by late summer.

The north water spring issue was also discussed. Ms. Abate indicated that Darren Olsen (Forest Service) had conducted meetings with the cattle ranchers and that it appeared that the

most viable option would be to pump water up from a spring to the impact zone. Mr. Lloyd indicated that NEPA would not be required. It was generally agreed that movement on the north water spring issue has been slow. A question was raised as to where the water would be routed (i.e. just to the trough or to the spring location as well in an attempt to re-establish the riparian vegetation). Mr. Lloyd stated that the agreement is not a water replacement plan, but a goodwill gesture.

The Lila Canyon diligence claim process by the BLM was discussed. Mr. Stilson indicated that the BLM had filed a diligence claim. DWRi identified a number of springs that were either in the wrong location or were not identified at all. The company has protested the claims. DWRi's position is that the BLM needs to get water rights on the springs with troughs (i.e. the resources that are being put to beneficial use). The company has four filings for water rights from 1961. A hearing was held a month prior. According to Mr. Stilson, the company filed on water that no longer exists. Mr. Stilson explained that with diligence claims, DWRi's doesn't approve or reject them. A report is prepared and eventually when the water rights are adjudicated, they then become water rights. However, the diligence claims are treated as water rights during the interim (i.e. protected). 1903 is the diligence claim date for surface water and 1935 for ground water.

An update was provided by DOGM on the Crandall Canyon mine-water discharge situation. It was discussed that the onus was on the company to demonstrate that the elevated iron concentrations were a short term concern. Mr. Christensen indicated that negotiating continues as to the cost of the mine-water treatment system currently in place. DOGM contends that the system costs approximately \$320,000/year with the company estimate at approximately \$120,000/year. Mr. Herkimer from DWQ indicated that the company could route the mine-water (with elevated iron) to a higher classification waterway. In order for this to occur, the company would need to demonstrate that by the time the iron-laden water encountered a higher quality water source, the iron met established criteria. Mr. Herkimer indicated that sediment loads would need to be evaluated. If the iron were to build up over time in the receiving channel and then be "flushed" from a rainfall event, the potential for impacts would also need to be evaluated. Mr. Herkimer that simply dredging the ditch could be one solution to avoiding impacts due to increased sediment loads in the drainages.

The next meeting was scheduled for September 14th at 10:00 AM at the Price DNR office.

**INTERAGENCY COAL COORDINATION GROUP
WATER ISSUE SUBCOMMITTEE
September 14th, 2011
10:00 AM**

Mission Statement

The Water Issues Subcommittee was created in 2009 to promote greater communication, coordination and discussion among the Interagency Coal Coordination Group about water issues relative to mining.

1. Welcome
2. Review/Approval of Minutes from June 1st, 2011 Meeting
3. Continuing Wt. Rights Work in Sufco Expansion Areas (DWRi)
 - a. West Leases
 - b. Greens Hollow
4. North Water Springs Update: (USDA Forest Service/DOGM)
5. Crandall Canyon Update (DOGM)
 - a. DWQ- Whole Effluent Toxicity Tests (W.E.T.)
 - b. DOGM- Board Negotiations
6. Baseline Data Collection
 - a. Issues and Potential Remedies
7. Next Meeting: Time / Issues & Assignments