



United States Department of the Interior
 OFFICE OF SURFACE MINING
 Reclamation and Enforcement
 BROOKS TOWERS
 1020 15TH STREET
 DENVER, COLORADO 80202

MAY 1 1 1983

File
 ACT/007/001
 Folder No. 2
 Copy to Tami,
 Lynn, Shannon
 Ev, Wayne,
 Tom M.

JIM

MAY 16 1983

Mr. James Smith
 Coordinator, Mined Land Development
 Division of Oil, Gas and Mining
 4241 State Office Building
 Salt Lake City, Utah 84114

Dear Jim:

As you know, this office has taken action to discontinue Envirosphere's involvement in the review of the Valley Camp's Belina Mine plan. In order to maintain the schedule established in our December 22, 1982 letter, OSM staff has completed the review of Valley Camp's March 10, 1983 submittal.

The results of our review are attached. In keeping with your desired format, the February 7, 1983, Apparent Completeness Review deficiency items are listed, e.g. "783.14 Geology Description" followed by the "Determination of Completeness". Most sections reviewed were deemed to be apparently complete; however, there are several areas which will require further information to make a final Completeness Determination (see UMC 784.13). Additional discussion and information will be required from the applicant during the development of the Technical Analysis. As explained in the attached document, our concern reflects the comments submitted by the U.S. Fish and Wildlife Service and Forest Service regarding the completeness of sections 783.22, 784.13, 784.15, 784.21 and 817.97.

I suggest that the DOGM staff contact the USFWS and USFS to discuss the points they have raised and develop mutually satisfactory solutions to the problems which can be conveyed to the company for development and incorporation into the permit application. Should this approach not be feasible, I will have my staff meet with both Federal agencies.

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DIVISION OF
 OIL, GAS & MINING

I hope that the attached materials will assist the Division in making the final Determination of Completeness. Our intent is to proceed with getting another consultant to begin work on the Technical Analysis by May 23, 1983.

If you have any questions, please feel free to contact Sarah Bransom or Walter Swain at (303) 837-5421.

Sincerely,

A handwritten signature in black ink that reads "Allen D. Klein". The signature is written in a cursive style with a large initial "A" and a distinct "D" before the last name.

Allen D. Klein
Administrator
Western Technical Center

VALLEY CAMP OF UTAH, INC.
Belina Complex
ACT/007/001, Carbon County, Utah

UMC 783.14 - Geology Description

The applicant has completed this section with the submittal of the Gates Geology and Coal Reserve Report.

DETERMINATION OF COMPLETENESS

While the basic requirements of completeness have been met with the submittal of the Gates Report referenced above, a determination of Technical Adequacy will require additional information. Specifically, the applicant must supply the drill logs and geophysical logs used for cross section construction (except for wells 75-30-3 and 76-7-1, which have been submitted) referenced in the Gates Report and the logs of observation holes indicated in the Vaughn Hansen Report (Plate 6).

UMC 783.19 - Vegetation Information

The applicant's response to UMC 783.19 is not entirely complete. Page 15A, paragraph 1, does not provide actual acreages of vegetation communities; and page 15, paragraph 8 and Map G, do not delineate specific vegetation types that will actually be disturbed. The applicant does state that disturbance to vegetation communities will not exceed 0.5 acres (revised page 15A).

The information provided in the report by Endangered Plant Studies, Inc., (page 15B-M) includes analyses of vegetation types in the affected area and reference areas, descriptions of sampling methodologies and adequacy, and clarification of minor discrepancies; thereby completing the information requested of the applicant regarding these topics.

DETERMINATION OF COMPLETENESS

A revised vegetation map has been provided in Volume V, Map G. This map was constructed in response to a conference between DOGM, OSM, and the applicant on February 2, 1983, and provides adequate information to now call this section complete.

UMC 783.22 - Land-Use Information

The applicant's response to UMC 783.22 is considered to be complete. The applicant plans to return disturbed areas to pre-Law land-use; with the Belina portal upgraded to recreational use, or to the landowners' desire as a cattle holding facility. These uses are expected to preclude wildlife use.

DETERMINATION OF COMPLETENESS

This section is determined to be complete; however, in their April 8, 1983 letter to OSM, the U.S. Fish and Wildlife Service (FWS) has expressed concern regarding the applicant's proposed wildlife protection plan and post-mining land use. The crux of the agency's concern is that the applicant's reclamation proposal to construct "recreation sites" rather than reclaim to

the original habitat types and the proposal to not reclaim the mine haul road will result in a permanent loss of usable big game habitat. Further discussions and clarification of this issue will be required for the Technical Analysis and Environmental Assessment.

UMC 784.13 - Reclamation Plan: General Requirements

The response to UMC 784.13(a)(2) does not completely address the questions brought forth by the DOGM. The applicant does not adequately address the request for additional information and recalculations of the data in Appendix A (see pages 21-21A). The applicant should provide the maps of the portal and loadout areas which he states would be prepared as soon as snow cover melts. Calculations of yardages and acreages involved should be provided, as well as delineating the areas on the maps. This information is required to judge the apparent completeness in regard to UMC 784.13. Assumptions that are included in the calculations and sources of unit costs should be specifically stated. As requested on page 21, paragraph 3 and pursuant to the requirements of 30 CFR, part 211 and UMC 784.13(b)(6), a narrative must be provided detailing the specifics of recovery and conservation of the resource. The applicant refers to Section 783.14 in answer to questions in DOGM's paragraph 3 regarding conservation of the coal resource. This information should be provided either in the forthcoming Gates Engineering report or as a separate response. The present information is inadequate.

There is no statement of intent to notify the BLM (formerly MMS) prior to abandonment of operations or portals.

The applicant has provided estimations of removal costs (page 21A) as requested on page 21, paragraph 2.

The MRP cannot be considered complete until all information requested in UMC 784.13 has been adequately addressed.

DETERMINATION OF COMPLETENESS

The applicant has provided a recalculation of detailed cost estimates for the reclamation plan in Appendix A, Volume III and on revised pages 22 and 23. Revised and new reclamation and vegetation maps of the portal and loadout areas are provided in Volume IV. Calculations of yardages and acreages are adequate and those areas that have been re-seeded and areas to be re-seeded are delineated on maps in Appendix K, Volume V.

The applicant has provided a complete narrative detailing the specifics of recovery and conservation of the resource in Volume V, pages 21A-21B; however, the applicant has not provided a statement of intent to notify the BLM (formerly MMS) prior to abandonment of operations or portals.

This section is now complete with the exception listed above. This statement of notification must be provided by the applicant in order to obtain BLM (formerly MMS) concurrence with ours of the mine plan.

UMC 784.13 - Soils (Reclamation Plan: General Requirements)

The applicant had been previously requested to respond to the following:

"The applicant has discussed the areas that have had soil removed and stockpiled, but presents two sets of conflicting data. In the original mine plan, the applicant indicated that soil had been removed and stockpiled. In the resubmission, the applicant states no topsoil has been saved. The applicant must clarify the discrepancy and if topsoil has been stockpiled, give the volume of topsoil available for reclamation."

"The applicant has not addressed the issue of topsoil protection. The response will be dependent on whether the applicant has stockpiled soil or not."

"The applicant needs to provide the source of available topsoil and the depth of topsoil to be applied upon final reclamation . . ."

"If no topsoil is available and an alternative source is proposed, then the applicant must submit all information required under UMC 817.22(e), Topsoil Substitute and Supplements."

DETERMINATION OF COMPLETENESS

From the subsequent responses, it is not at all clear what quantity and quality of soil resources the applicant has salvaged, and what soil resources remain to be salvaged. In order to make a determination of completeness, the applicant must clearly address these questions, and identify the source, quantity and quality of topsoil substitutes or supplements required under UMC 817.22(e)

UMC 784.13 - Backfilling and Grading

The applicant has supplied the Golder Report (Appendix A) and a postmining contour map for the Belina area (Appendix F). A postmining contour map for the Utah #2 loadout site is being constructed as indicated in the comments on page 24. Section 784.13 (Backfilling and Grading) cannot be considered complete until the Utah #2 map is submitted and reviewed.

DETERMINATION OF COMPLETENESS

The revised postmining contour map for the Utah #2 loadout site has been reviewed and is judged to be adequate. Responses to 784.13 (Backfilling and Grading) are now complete.

UMC 784.15 - Reclamation Plan: Postmining Land-Uses

On page 26A, in combination with pages 16A-F and 17, the applicant provides explanations for the questions regarding UMC 784.15 on page 26, paragraphs 1, 2 and 4. These paragraphs concern wildlife postmining land-use, reclamation plans and portal land-use changes, respectively.

Revised pages 48-51A adequately respond to page 26, paragraph 3, supplying reasoning and support for land-use changes. The applicant has also provided responses regarding drainage systems. This information provides apparent completeness of this section of the MRP.

DETERMINATION OF COMPLETENESS

This section is judged to be complete, however, the FWS has several concerns regarding the applicant's proposed plans for postmining land-uses and protection and enhancement of wildlife resources (please see 783.22). Further discussion and clarification may be required of the applicant during the Technical and Environmental Analysis stage.

UMC 784.19 - Underground Development Wastes

UMC 784.19 is generally complete, subject to the approval of the applicant's soil sample proposal by the DOGM. The engineering drawings provided in the Golder Associates report (Appendix A) are accompanied by a letter of certification by a professional engineer (revised page 28A) as requested by DOGM. The remainder of the Golder Report adequately addresses the comments in paragraph 1.

The applicant has provided a brief discussion on the potential toxicity of fill material on page 28, paragraphs 2 and 3. However, no substantiation for these comments is provided. This must be provided before this section can be judged complete. Revised page 28 proposes to substantiate the lack of toxicity of these materials by obtaining soil samples from the borrow pit areas, rather than from fill in place, upon approval from the DOGM.

DETERMINATION OF COMPLETENESS

The applicant has provided the results of soil samples taken from the "borrow pit area" to determine potential toxicity (Volume V, pages 28A-28T). This section is now complete.

UMC 784.20 - Subsidence Control Plan

The applicant's responses to comments in UMC 784.20 are apparently complete. The applicant has now provided a letter from the U.S. Forest Service (USFS) regarding surface disturbance resulting from subsidence on forest land, a renewable resource (revised pages 29A-29D). Revised pages 29A-29D verify that subsidence would not cause material damage or diminution of value or reasonably foreseeable use of lands, and provide a description of the measures to be taken to mitigate or minimize such damage or diminution of value if it should occur.

Page 29A indicates the applicant's plan for the angle-of-draw (35 degrees) and intent to modify those plans when necessary; Appendix C, Maps E1-0005 and E2-0006 indicate the applicant's mining plan consideration of subsidence

protection for surface structures; and the basis for the self-sealing characteristics may be found on page 7 of the Baughn Hansen Report. These responses are judged to be complete.

The applicant has provided a monitoring plan agreement with the USFS in Appendix H, indicating the applicant's program for determining the extent of subsidence and its effect upon mine design (page 29A). This satisfies the request made in paragraph 7.

DETERMINATION OF COMPLETENESS

This section is now apparently complete, however, the USFS has two outstanding concerns regarding Appendix H, Volume V: 1) the location of the existing and proposed subsidence monuments identified on Figure 2 does not correspond to the target locations on the ground; and, 2) the Cooperative Agreement (pages 6-8) has been replaced by a Collection Agreement approved by Valley Camp and the Forest Service in August, 1981. In order to determine Technical Adequacy, the applicant will have to provide this information.

UMC 784.21 - Fish and Wildlife Plan

The applicant's plan is apparently complete in response to the questions regarding UMC 784.21 (page 30) or UMC 817.97 (page 16), as the applicant has provided (revised page 88A) a definitive statement of commitment to a wildlife protection plan and a plan of appropriate mitigation measures.

Revised pages 16-16B provide a reference to support the statement on page 87 regarding goshawks and Cooper's hawks, as requested on page 30, paragraph 2.

The applicant also provides a complete response to page 30, paragraph 3, regarding riparian habitat protection (see UMC 817.97, page 16A).

Pursuant to UMC 784.21(b)(1), the applicant addresses the potential existence within the mine plan area of any state or federal threatened, endangered or sensitive (TES) species (see Appendix I and revised pages 16-16G), along with descriptions of critical habitats, monitoring and management techniques, and impact control measures.

DETERMINATION OF COMPLETENESS

All components of 784.21 have been addressed however, the FWS has substantial comments on the applicant's proposed Wildlife Protection Plan (see attached letters). The existing plan will have to be substantially revised in order to meet the objections raised by the USFWS. Both the USFWS and the USFS have identified unacceptable impacts to streams and riparian habitats. The applicant's proposal will be assessed for technical adequacy and compliance with all applicable requirements during the Technical Analysis stage.

UMC 784.22 - Diversions

No postmining removal or maintenance of the 42 inch culvert presently in place has been proposed by the applicant. An alternate channel is proposed to convey flow over the pad (Revision #2, Map D-1). The channel will be meandering and rip rapped, but the applicant has not provided full design details.

DETERMINATION OF COMPLETENESS

For the purposes of completeness determination, this section is complete. However, should the Division consider the proposal to establish a channel over the pad in lieu of removal of the culvert, the following would be required for a determination of Technical Adequacy:

1. Written, notarized acceptance of the final plan by the landowner establishing specific postmining land-use.
2. Designs for permanently closing the culvert, e.g., cementation.
3. Regarding, i.e., volumetric backfill calculations, designs for burying the culvert and raising the level of the current channel to the point where it would join the pad.
4. Establish the classification of the stream channel, i.e., intermittent or ephemeral.
5. Rip-rap sizing designs for the channel base and discharge areas.
6. Potential velocity calculations.
7. Plans for establishment of the riparian habitat.
8. Freeboard design on the swales.
9. Establish both the sinuosity of the channel and the longitudinal profile.
10. Revision of drawing D4-0044 (D-1 Map).

UMC 817.48 - Hydrologic Balance: Acid-Forming and Toxic-Forming Materials

The applicant has not provided the information necessary to adequately respond to DOGM comments on UMC 817.48. On page 12, the applicant has provided the location of the landfill, and states the lease agreement with the property owners provides for this use and that specific consent is not required. Since the lease (page 21, Volume I) does not specifically include this use, the applicant should provide a written statement from the landowner approving such use.

DETERMINATION OF COMPLETENESS

The applicant has provided the details of the lease terms, Volume V, page 12, which provides for the exclusive use of the property. This section is now complete.

UMC 817.97 - Protection of Fish, Wildlife and Related Environmental Values

The response to UMC 817.97 is not entirely complete. The applicant has not provided a map delineating key wildlife areas as requested by the DOGM, page 16, paragraph 1. Otherwise, the applicant's response to comments in this section is apparently complete.

Appendix I and revised pages 16-16G respond to comments on passerine surveys and references to support the statement on page 86 regarding eagles, and the request for support for the statement regarding goshawks' and Cooper's hawks' ability to withstand considerable human impact (page 87, Volume III).

The remaining information requested of the applicant, regarding riparian habitat disturbance and autumn raptor surveys, is provided on pages 16A and 16D-E. Page 16A explains that the riparian habitat involves too small an area to clearly define on a vegetation map; also, the applicant claims ". . . the mining activities . . . do not disturb the riparian habitats and . . . addresses a program to avoid such disturbance . . ." Pages 16D-E provide the applicant's raptor survey plans and schedules.

DETERMINATION OF COMPLETENESS

The applicant has provided a descriptive assessment of key wildlife areas in response to 817.97 and has adequately determined that a map is not appropriate for the size of the areas involved.

The USFS has documented their concern that riparian areas along the smaller drainages and adjacent to springs or seeps could be affected by subsidence and should be identified in the hydrologic-subsidence monitoring program and plan (see attached letter). The technical adequacy of the applicant's existing plan will be evaluated in the TA.

As stated in the attached April 8, 1983 letter, the FWS has substantial comments on the applicant's method of snow removal of the haul road. The applicant's recently proposed modification to pave haul roads should address this problem. This issue will be further assessed for compliance in the TA.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
AREA OFFICE COLORADO-UTAH
1311 FEDERAL BUILDING
125 SOUTH STATE STREET
SALT LAKE CITY, UTAH 84138

April 8, 1983

IN REPLY REFER TO:

MEMORANDUM

TO: Acting Deputy Administrator
Office of Surface Mining
Denver, Colorado

Attention: Don Henne

FROM: Field Supervisor, Ecological Services
U.S. Fish and Wildlife Service
Salt Lake City, Utah

SUBJECT: Valley Camp Mine Plan Revision Review

The Belina Mine Complex Plan has not been appreciably changed to receive U.S. Fish and Wildlife Service (FWS) support for approval. The plan does not have a viable, specific mitigation plan and it still contains statements concerning raptors that are unacceptable to the FWS.

Response to Comments:

817.95, page 16A, para. 1, 2, and 3.

1. Riparian habitat in Eccles Creek and Whiskey Creek are not too small to map (use a larger scale map).
2. The intermittent stream and riparian habitat along Whiskey Creek and Eccles Creek have already been disturbed. Coal spillage, earth dozing and snow removal techniques have already been documented.

The mine haul road is narrow and without a borrow pit to prevent contamination from reaching the stream. Little or no attempt has been made to stabilize the steep bank from the road to prevent excessive runoff or erosion problems. Furthermore, snow removal on the road and mine site area could be a problem, as stated in our September 13, 1982 memorandum. Contaminated snow bladed over the edge of the road into Whiskey Creek should not be allowed. We still believe the snow should be removed from the road and mine area, stored above the sediment ponds and contaminants allowed to settle before discharging the water into the Whiskey Creek drainage.

784.15

Moose winter range and summer range for deer, elk and moose will be eliminated during the life of the project. The reclamation proposal to construct "recreation sites" rather than reclaim to the original habitat types and the proposal to not reclaim the mine haul road will result in a permanent loss of usable big game habitat. No mitigation for the losses has been proposed.

PP. 88A, Wildlife Protection Plan

From the non-specific, weak commitments in the protection plan (e.g. (6) "Disturbance to big game... will be kept to a minimum," (9) "Adequate precaution taken to keep coal from being inadvertently deposited along or within streams," (10) "mine personnel...will be informed of the values of wildlife"), side stepping the reclamation problems (no plans to reclaim the road, broadcasting grass seed at portal and building sites and calling them "recreation areas" instead of planting shrubs that were originally present.), and the lack of a specific and operable wildlife mitigation or enhancement plan, it is evident that Valley Camp Coal Company's response to the review is nothing more than rhetoric. It is also clear that the company intends to meet only the absolute minimum requirements, as far as wildlife is concerned, to obtain mine plan approval.

In our May 19, 1980 predesign consultation letter to the Division of Oil, Gas and Mining and our September 13, 1982 memorandum to your office (copies enclosed), we made several specific recommendations directed to Valley Camp Coal Company that would mitigate existing problems and enhance wildlife habitat in the future. None of these proposals have been addressed by Valley Camp's response. Furthermore, the company has not agreed to delete the statement concerning goshawks and Cooper's hawks ability to withstand human impacts.

The Hennessy Report (who, by the way, died before the research was completed) cited in the text is a reference to goshawk and Cooper's hawk nesting success near hiking trails and campgrounds. It in no way attempts to evaluate the impacts of coal trucks, bulldozers, or conveyor systems on hawk nesting success. The statements made by Dr. White represent Valley Coal Company, therefore, the company is responsible for the statements.

The FWS believes that when a private company is given the opportunity (through the permit and leasing system) to use and develop, for profit, natural resources belonging to the public, enhancement of other public resources (e.g. wildlife habitat) should be required. This is especially true when the development of one resource leads to the detriment of another.

This concludes the FWS comments on Valley Camp Coal Company's response. If you have any further questions regarding our comments, please feel free to contact the Energy Operations staff in Salt Lake City. Thank you for the opportunity to comment.

A handwritten signature in black ink, appearing to read "John M. Johnson".

Enclosure

cc: DWR, SLC, UT
DWR, Price, UT
RO/HR, Denver, CO
DOGM, SLC, UT

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

Manti-LaSal National Forest
599 West Price River Drive
Price, Utah 84501

2820

April 20, 1983

Sarah Branson
Office of Surface Mining (USDI)
Reclamation and Enforcement
Brooks Towers - 1020 15th St.
Denver, Colorado 80202



Dear Ms. Branson:

After reviewing the Geology and Coal Reserves Study, October 1982, for the Valley Camp of Utah, Inc., Belina Mines, the Forest Service has no concerns regarding the "completeness" or technical adequacy of the report.

After reviewing the Apparent Completeness Review submittal (03/10/83) for the Belina Mines, the Forest Service has concern about the completeness of section UMC 817.97. The Division of Oil, Gas and Mining has specified that riparian areas should be identified and that Valley Camp's response deals with the disturbed riparian areas in Whiskey and Eccles Canyons and states, in part, that other riparian areas will not be disturbed. It is possible that riparian areas along the smaller drainages and adjacent to springs or seeps could be affected by subsidence. This possibility should be identified and those areas should be included in the hydrologic-subsidence monitoring program and plan.

The Forest Service has sent a letter to your office, November 5, 1982, which responds to the Apparent Completeness Review comments, UMC 784.20. No update concerning this letter has been incorporated in the Apparent Completeness Review submittal of 3/10/83. In another letter to your office, August 20, 1982, the Forest Service has expressed concerns about Appendix H of the Apparent Completeness Review. The appropriate changes have not been incorporated in the Apparent Completeness Review submittal of 3/10/83.

All stipulations on Federal Coal Leases U-020305, U-017354, U-049076, and U-067498 must be included in the mine operating plan. The appropriate stipulations are enclosed.

If you have any questions concerning these comments, please contact the Supervisor's Office, Manti-LaSal National Forest, 599 West Price River Drive, Price, Utah 84501.

Sincerely,



for
REED C. CHRISTENSEN
Forest Supervisor

Enclosures

: