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Natural Resources Defense Council, Inc.

Public Lands Institute
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Jim Smith
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DIVISION OF
OIL, GAS & MINING

October 20, 1983

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Mr. Allen D. Klein, Administrator
Western Technical Center
Office of Surface Mining
Brooks Towers
1020 Fifteenth Street
Denver, Colorado 80202

Dr. "Jim" Shirazi, Director
Division of Oil, Gas and Mining
4241 State Office Building
Salt Lake City, Utah 84114

JIM
OCT 25 1983

Dear Sirs:

In accordance with UMC 786.12 Opportunity for Submission of Written Comments on Permit Applications, the Public Lands Institute of the Natural Resources Defense Council submits the following comments on the Valley Camp of Utah "Belina Mine Complex" permit application (ACT/007/001, OSM-UT 0013, UT 0049 and UT 0012):

1. We question whether this application is indeed "complete" as required under UMC 786.19(a). The applicant acknowledges several outstanding pieces to the September 16, 1983 submittal (see Item #5). In addition, our review has identified significant issues which require additional information from the applicant. These are identified below.
2. Our primary concern with the permit application centers around the applicant's proposed post-mining land use plans, as provided in Volume VI, September 15, 1983 "Technical Deficiency Review." The applicants proposal to leave, as permanent structures, a diversion in Whiskey Gulch, a sedimentation pond and the haul road (pages 784.15-2 through 8) is questionable in terms of stability, enhancement of wildlife habitat, and protection of surface waters, (that is, Eccles and Whiskey Creek). The long-term stability of the pond is not demonstrated by the applicant, nor has the applicant proposed any meaningful commitment to enhance wildlife and fishery habitat in its Whiskey Gulch "channelization" plans.

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The applicant's proposal to leave the offices and warehouse as "transitional" structures is unacceptable. (784.15-1) The applicant should obtain a letter from the Alpine School District indicating their interest/disinterest in maintaining these structures. If the District shows no interest, Valley Camp must commit to removing these structures and reflect this intent in the bond estimate.

The applicant has not provided a letter from the landowners confirming their acceptance of the post-mining land use plan. In addition, we find no evidence on the permit application that the diversion and pond will be maintained as necessary to prevent premature flooding and siltation of the lower reaches of Whiskey Gulch.

3. There are many references in the permit application to future plans for building a conveyor, mining in Utah No. 2, mining the McKinnon Seam and mining in the southeast corner of the mine plan area. We do not, however, find any designs, details or description of mining sequences (UMC 771.23, 784.11, 784.13) for these proposed developments. The applicant's statement that these plans will not be implemented within the five year permit term is unacceptable. These proposed developments are still included within the "permit" and "mine plan" boundaries (Volume IV, Map A). This implies that the applicant is seeking approval to develop these areas, regardless of the timeframe. This is not in compliance with UMC 784.11(a)(b).

4. Substantial subsidence has been "discovered" by the applicant, as indicated on Plate 3, Volume VI, of the permit application. In light of this, we do not find the Subsidence Control Plan to be in compliance with UMC 784.20. There is no adequate documentation of ground surveys to predict subsidence impacts on streams, the national forest (both renewable resources) and a gas pipeline which is a structure subject to potential material damage. The Monitoring Plan should not be dependent upon the Forest Service's annual flights, which appear to be sporadic (every two to three years) depending on weather conditions.

5. The introduction to Volume VI indicates that additional materials will be submitted "at a later date". We question the applicant's commitment to secure a permit within any meaningful timeframe, given this statement. Under the circumstances surrounding OSM's authorization to allow the applicant to continually mine federal coal in the Lower O'Connor Seam, OSM and the Division should impress upon Valley Camp the significance of completing the permit application as required under UMC 771.23.

Thank you for the opportunity to comment on the subject permit application. If you have any questions regarding these comments, please feel free to contact me.

Sincerely,

Carolyn R. Johnson
Carolyn R. Johnson
Mining Project Director

CRJ:km