



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

May 23, 1983

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dr. G. A. (Jim) Shirazi, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

Mr. Trevor Whiteside
Valley Camp of Utah, Inc.
Scofield Route
Helper, Utah 84526

RE: Determination of Completeness
for the Belina Complex
ACT/007/001
Folder No. 2
Carbon County, Utah

Dear Mr. Whiteside:

In conjunction with OSM the Division has completed a preliminary determination of completeness assessment for the Belina Complex operation. The plan will be determined complete upon receipt of information satisfying the following two areas:

1. UMC 783.13 - Reclamation Plan

A statement of intent to notify the BLM (MMS) prior to abandonment of portals or operations should be included as a direct commitment by the operator in order to clearly address this section and complete the plan.

2. 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 subsequent responses, it is not 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).

At the time of receipt of an adequate response to these items a final determination of completeness will be made. This will enable publication of said fact to be made in the newspaper. In addition, to enable more efficient utilization of time and to perhaps avoid unnecessary reviewing delays resulting in potential suspension of the interim mining permit the following areas are listed which reveal technical deficiencies. A rapid and satisfactory response to these areas will also expedite the completion of the Mining and Reclamation Plan review. Because the TEA will commence within a short time it is hoped that these concerns will be items of high priority in your schedule.

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 783.22 - 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

The 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 784.15 - 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 MPP.

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 784.20 - 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 Vaughn 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 of federal threatened, endangered or sensitive (TES) species (see Appendix I and revised page 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. Regrading, 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.

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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 817.97 - 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 1, 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 valuated in the TA.

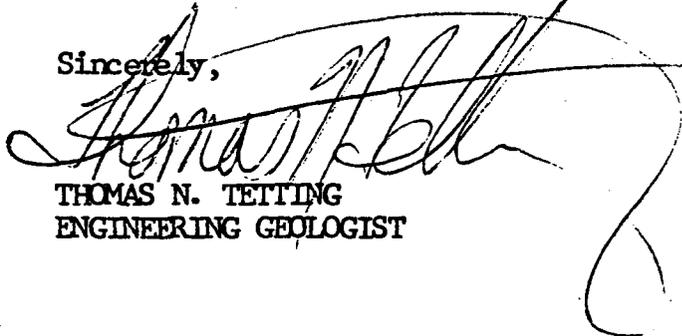
As stated in the attached April 8, 1983 letter, the FWS has substantial comments on the applicant's method of snow removal of the haul road. The

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applicant's recently proposed modification to pave haul roads should address this problem. This issue will be further assessed for compliance in the TA.

If any questions arise regarding this correspondence please contact me at your earliest convenience.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Thomas N. Tetting', is written over the typed name and title. The signature is fluid and cursive, with a long, sweeping tail that loops back towards the right side of the page.

THOMAS N. TETTING
ENGINEERING GEOLOGIST

TNT/lm

cc: Jim Smith, DOGM
Shannon Storrud, DOGM
Ev Hooper, DOGM
Sarah Branson, OSM, Denver

Enclosures