



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangarter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

April 4, 1990

TO: Daron Haddock, Permit Supervisor
FROM: Lynn Kunzler, Senior Reclamation Biologist *lyk*
RE: Technical Analysis, Blackhawk Coal Company, Willow Creek Mine,
ACT/007/002, Folder #2, Carbon County, Utah

Summary:

A technical analysis review has been completed for the referenced project. TA comments are listed in the analysis section of this memo. The application may be permitted with the enclosed stipulations.

Analysis:

UMC 817.97 Protection of Fish, Wildlife, and Related Environmental Values - 1k

Existing Environment and Applicant's Proposal

The Willow Creek area is located along U.S. Highway 191, near the junction with Price Canyon. The area provides potential habitat for 200 species of wildlife, including 7 fish species, 6 amphibian species, 17 reptile species, 152 bird species and 79 mammal species. The disturbed area has been classified by the Utah Division of Wildlife Resources (UDWR) as critical elk winter range and high priority deer winter range. Wildlife information and plans may be found in Sections 3-14, 5.8 and Exhibit 16 of the MRP.

The operator's proposal is to reclaim the area to wildlife habitat (with the exception of ca. 4 acres that will be used by a local contractor to store reclamation equipment and supplies (see UMC 817.133))(Exhibit 1, Vol. 3). Blackhawk has worked closely with personnel from the UDWR to assure the reclamation plan will not adversely impact wildlife and the seed mixes for revegetation will benefit wildlife (Section 3.5, MRP).

Compliance

Approximately 4 acres of high priority elk and deer winter habitat will be lost due to the alternative postmining land use of a storage yard. However, most of the site will be reclaimed to wildlife habitat (see AMR agreement) which will improve the overall quantity of forage currently available for wildlife. Blackhawk has seeded areas not needed for the alternative postmining land use, and has provided some improvement of Willow Creek in the way of bank stabilization and fish ladders. Blackhawk has agreed to limit access through active use areas to lessen human impact on wildlife. The use of the site for storage should not disturb the resident wildlife.

No barriers to wildlife migration will remain and Blackhawk will report to the Utah State Division of Wildlife Resources regarding the any observations of high interest wildlife activity.

This proposal meets the requirements of UMC 817.97.

Stipulations

None.

UMC 817.111-.117 Revegetation Plan - 1k

Existing Environment and Applicant's Proposal

The MRP contains vegetation information and analysis in Section 5.4 (Vol. 1) and Exhibit 13 (vol. 3). Data was collected using acceptable methodology to describe the premine vegetation. A discussion of all methodology and personnel involved is included.

The disturbed area vegetation prior to mining was probably a sage-grass community. A reference area was established for this type just up-stream from the disturbed area along Willow Creek. % ground cover, woody plant density and productivity for the reference area was reported as 40% cover, 17,782 Stems/hectare and productivity between 850 to 900 pounds per acre. No threatened or endangered species were found in the permit area. The disturbed area has not been used for several years and has considerable volunteer vegetation established (personal observations made at the site in 1989).

Compliance

UMC 817.111 General Requirements

Due to an alternative postmining land use and agreements made between the Division's Administration and Abandoned Mine Reclamation Program (exhibits 1, 9 and 10), no revegetation is planned for the permit area that will remain under the responsibility of Blackhawk and these regulations. However, general revegetation plans have been provided for the area involved with the alternative postmining land use should the land use not be implemented in a timely manner. While the general revegetation plans lack detail in several areas, it is anticipated that they will not be used due to the land use change. Therefore, due to the administrative variance granted in association with the AMR agreement and the proposed postmining land use, Blackhawk is in compliance with UMC 817.111.

UMC 817.112 Use of Introduced Species

The seed mix (Table 3-2) contains several introduced species. These seed mixes were developed in consultation with the Utah Division of Wildlife Resources to provide improved forage values for wildlife. There are no restricted plants or noxious weeds in the seed plan. Blackhawk's proposal will comply with UMC 817.112

UMC 817.113 Timing

No seeding is planned for the revised permit area. Seeding of areas along Willow Creek and disturbed areas above the permit area were seeded in the fall of 1989, which is the preferred time for seeding in this area. Should the alternative land use not be implemented in a timely manner or not continue through the liability period (causing the Division to order total reclamation of the site), Blackhawk will need to revise the time schedule for reclamation. However, due to the administrative variance granted in association with the AMR agreement and the proposed postmining land use, Blackhawk is in compliance with UMC 817.113.

UMC 817.114 Mulching and Other Soil Stabilizing Practices

Most of the site is covered with a fairly dense volunteer vegetation cover and none of the area will be seeded pursuant to the proposed alternative postmining land use. While MRP contains general revegetation plans, there is not sufficient detail for the mulching portion. Should the alternative land use not be implemented in a timely manner or not continue through the liability period (causing the Division to order total reclamation of the site), Blackhawk will need to revise the mulching plan for reclamation. However, due to the administrative variance granted in association with the AMR agreement and the proposed postmining land use, Blackhawk is in compliance with UMC 817.114.

UMC 817.116-.117 Standards for Success

Section 2.5 of the MRP requests that the Division release all bond (and implied liability) immediately after approval of the MRP since the Proposed alternative postmining land use does not require any revegetation. However, the Utah Attorney General's Office has rendered an opinion (Memo from Barbara Roberts dated November 7, 1989) that states regardless of the land use, the appropriate 5 or 10 year liability period is required. Since the permit area receives less than 26 inches of precipitation annually, a 10 year liability period will apply. This needs to be identified in the MRP.

Pursuant to the alternative postmining land use, the standard for revegetation success is that the ground cover of living plants shall not be less than that required to control erosion. This needs to be identified in the MRP.

A vegetation reference area was established that could be used for success standards should the alternative land use not be implemented in a timely manner or not continue through the liability period (causing the Division to order total reclamation of the site). However, sampling methods and parameters (including statistical confidence levels) have not been identified in the general reclamation plan and would need to be provided should revegetation be required in the future.

Considering the administrative variance granted in association with the AMR agreement and the proposed postmining land use, Once stipulation UMC 817.111-.117 - (1) - 1k is satisfied, Blackhawk will be in compliance with UMC 817.116-.117.

Stipulations

Stipulation UMC 817.111-.117 - (1) - 1k:

Within 30 days of permit approval, Blackhawk will revise appropriate sections of the MRP to correctly identify the permit term, the 10-year liability period, and the applicable success standard.

Stipulation UMC 817.111-.117 - (2) - 1k:

Within 30 days of permit approval, Blackhawk will provide a commitment to revise the general revegetation plan in a timely manner should the alternative postmining land use not be implemented in a timely manner or not continue through the liability period, or other reasons for which the Division may require additional revegetation at the site.

UMC 817.133 Postmining Land Use - 1k

Existing Environment and Applicant's Proposal

Land use information and plans have been included in Sections 1.1 and 2.4, Chapter 4, and Exhibit 9 of the MRP. Premining use of the site was identified as wildlife and grazing. Carbon County has zoned the area as MG-1.

The original permit area has been revised to reflect agreements made between the Division's Administration and Abandoned Mine Reclamation Program. Areas removed from the permit area pursuant to these agreements will be reclaimed to wildlife habitat. Blackhawk has proposed an alternative postmining land use for the remaining disturbed area. This use will be the storage of reclamation equipment and supplies of a local reclamation contractor.

Compliance

Many places throughout the MRP refers to an proposed postmining land use of industrial and have referenced the need of the substation for companies that no longer exist in the area.

Industrial use is not permitted under the MG-1 zoning. -However, Blackhawk has provided documentation from Carbon County that concludes the proposed use of the site as a storage area is within acceptable uses of the MG-1 zoning. Therefore, the 'industrial' references in the MRP will need to be changed to 'storage area' or 'storage facilities' and eliminate statements that conflict with the site conditions. Use of the site for storage will preclude any additional revegetation work.

Blackhawk has provided documentation for use of the site (lease agreements with a local reclamation contractor). This documentation is sufficient to approve the use, however, the documentation does not provide long term use for the entire liability period (current 5 year lease) and does contain clauses which would terminate the lease within a very short period. Stipulation UMC 817-113 - (1) - 1k will provide the Division with the assurance that the alternative use will be longterm.

Agreements with the Division's Administration and Abandoned Mine Reclamation Program have allowed Blackhawk (the surface owner) to request the alternative land use.

By complying with stipulations UMC 817.133 - (1) - 1k, UMC 817.133 - (2) - 1k and UMC 817.133 - (3) - 1k, Blackhawk will be in compliance with UMC 817.133.

Stipulations

Stipulation UMC 817.133 - (1) - 1k:

Within 30 days of permit approval, Blackhawk will revise the land use section of the MRP to include a commitment to notify the Division of any amendments, renewals, or cancellation of the lease(s) upon which the alternative land use based prior to the effective date of any such amendment, renewal or cancellation.

Stipulation UMC 817.133 - (2) - 1k:

Within 30 days of permit approval, Blackhawk will revise the land use section of the MRP to include a commitment that should Blackhawk fail to implement the alternative postmining land use within 2 years (as per UMC 817.116(b)(3)(ii)), or that the alternative land use does not continue through the 10-year liability period, Blackhawk will reclaim all disturbed areas to the premining use of wildlife habitat and grazing.

Stipulation UMC 817.133 - (3) - 1k:

Within 30 days of permit approval, Blackhawk will revise all land use references within the MRP to correctly identify the alternative postmining land use of storage facilities and eliminate references to the site as industrial.

Recommendations:

The permit application may be approved with Stipulations UMC 817.111-.117 - (1) - 1k, UMC 817.111-.117 - (2) - 1k, UMC 817.133 - (1) - 1k, UMC 817.133 - (2) - 1k and UMC 817.133 - (3) - 1k.

cc: B Team
BT3333/1-6