



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter

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

May 25, 19~~88~~<sup>90</sup>

Mr. J. E. Katlic  
Executive Vice- President  
Blackhawk Coal Company  
P. O. Box 700  
Lancaster, Ohio, 43130

Dear Mr. Katlic:

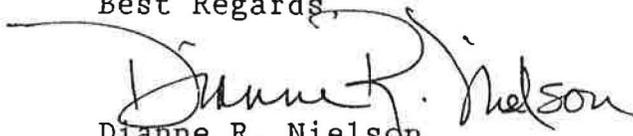
Re: Revised State Permit and Decision Package, Blackhawk Coal Company, Willow Creek Site, ACT/007/002, Folder #3, Carbon County, Utah

Enclosed is a revised permanent program reclamation permit for the Willow Creek Site. Also included is a copy of the State's Decision Document and Technical Analysis for the site.

The permit approval date is the date on the top of the first page of the revised permit, May 25, 1990. The permit will still expire on the original permit expiration date, December 24, 1994. Two copies of the permit are included. Please read the stipulations in Attachment A, then sign both copies and return one to the Division.

Your cooperation during the permitting process is appreciated.

Best Regards,

  
Dianne R. Nielson  
Director

Enclosures  
cc: P. Rutledge, OSM  
R. Hagen, OSM  
B Team  
PFO  
BT226/18

**UTAH DIVISION OF OIL, GAS AND MINING  
STATE DECISION DOCUMENT AND  
TECHNICAL ANALYSIS**

**Blackhawk Coal Company  
Willow Creek Site  
ACT/007/002  
Carbon County, Utah**

**May 25, 1990**

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  - Division of State History, March 29, 1990**
  - Division of Wildlife Resources, April 13, 1990**
  - Office of Surface Mining Reclamation and Enforcement**  
**May 11, 1990**
- \* **Compliance Review for Section 510C**  
**Joe Helfrich, UDOGM 5/25/90**

## **ADMINISTRATIVE OVERVIEW**

**Blackhawk Coal Company  
Willow Creek Site  
ACT/007/002  
Carbon County, Utah**

### BACKGROUND

Blackhawk Coal Company, a subsidiary of the Indiana Michigan Power Company, has submitted an application for the Willow Creek Site. The proposed permit area consists of approximately 4.2 acres of private land, and is located approximately ten (10) miles north of Price Utah and 110 miles southeast of Salt Lake City, Utah just off highway 191. The permit area is in Willow Creek Canyon, a steep and narrow drainage that discharges to the Price River at Castle Gate.

The Willow Creek area has undergone several changes in ownership and responsibility over the past years. The area was part of the mine plan area previously permitted by the Price River Coal Company. Operating responsibility for this property has been transferred to Blackhawk Coal Company. Blackhawk has formally requested that the underground mining permit for this area be discontinued (November 8, 1988). This permit application is for reclamation only of the disturbed area.

Blackhawk executed an agreement with UDOGM's Abandoned Mined Lands Program (AML) dated May 16, 1989, where certain rights for a portion of the Willow Creek site were transferred to UDOGM/AML. As part of the agreement, UDOGM/AML has assumed all responsibility for regulatory compliance on their portion of the site and this area has been excised from the active Blackhawk permit area. The remaining disturbed area for which Blackhawk has responsibility consists of approximately 4.20 acres.

### ANALYSIS

This site was mostly disturbed prior to the Surface Mining Control and Reclamation Act (SMCRA) and the corresponding Utah Act (ACT). It has been used historically as an industrial site since at least the 1920's and most recently has been used for equipment storage. Since the inception of SMCRA, regular monthly inspections have been conducted at the site to insure site compliance with the performance standards of the ACT. Blackhawk intends to keep the area in use as an equipment and supply storage site which will change the previously designated postmining land use from grazing and wildlife habitat.

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Administrative Overview  
Blackhawk Coal Company  
Willow Creek Site  
ACT/007/002

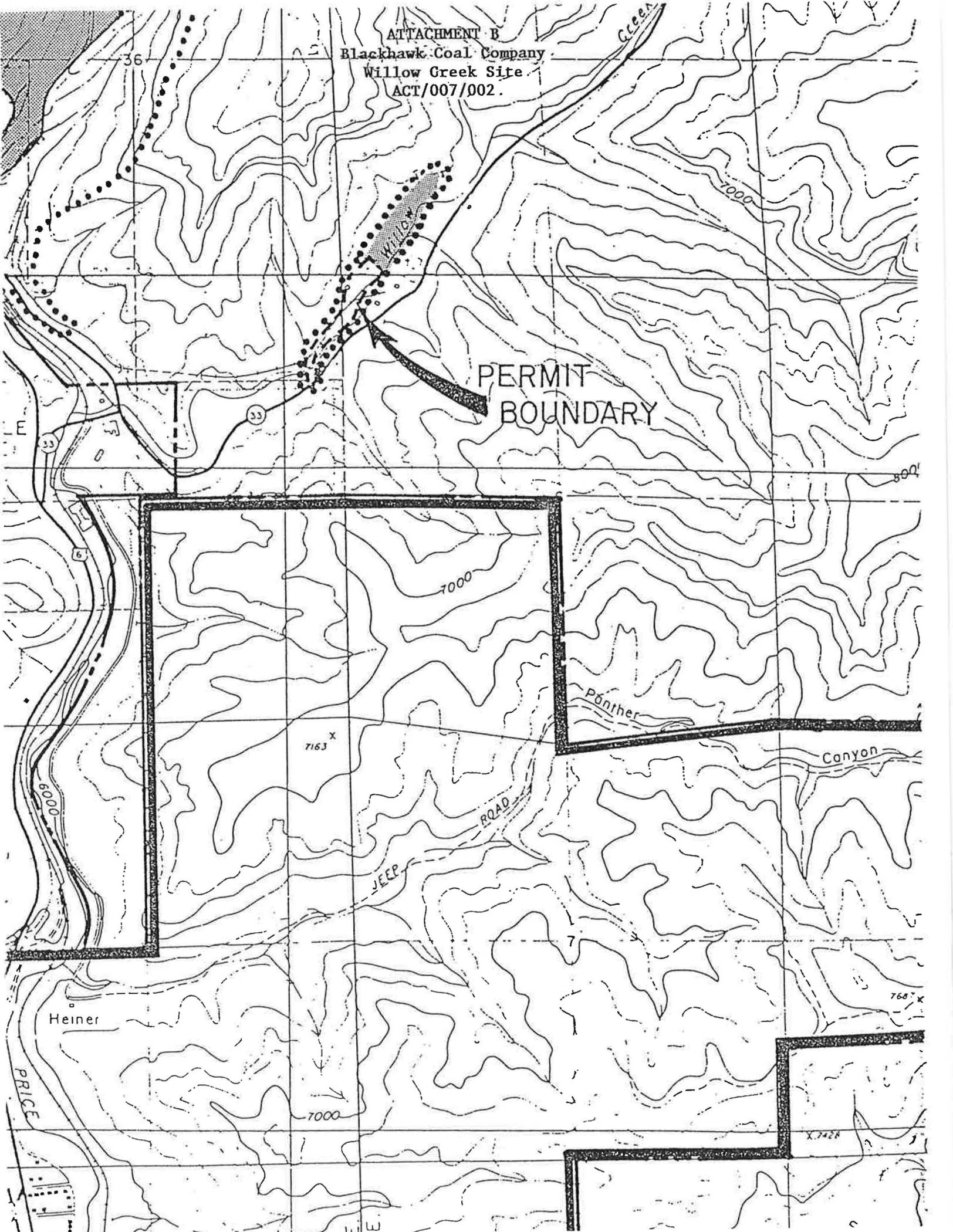
The Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement (OSM) reviewed the proposed Reclamation Plan and voiced 5 concerns. All of these have since been adequately addressed by the operator or have been included in the Divisions Stipulations.

Blackhawk has made provisions in the plan for retention of sediment control structures on the site. The existing sediment ponds are to be reconfigured as sediment traps making them useable for long-term operation at the site. The coally area on the site will be covered to allow for plant reinvasion. Seeding of various areas will also take place.

#### RECOMMENDATION

Blackhawk Coal Company has demonstrated that the Willow Creek site can and will meet the requirements of the ACT and the performance standards. Therefore it is recommended that the Reclamation Plan (RP) for the Willow Creek site be approved with the stipulations delineated in Attachment A to the permit. The initial permit term will be five years.

ATTACHMENT B  
Blackhawk Coal Company  
Willow Creek Site  
ACT/007/002



## PERMITTING CHRONOLOGY

**Blackhawk Coal Company  
Willow Creek Site  
ACT/007/002  
Carbon County, Utah**

- 12/24/84 Willow Creek site is permitted along with the Price River Complex by The Price River Coal Company.
- 5/86 Castle Gate Coal Company acquires the majority of the Price River Complex. Willow Creek is retained by Price River Coal Company.
- 1/24/89 Blackhawk Coal Company makes decision to delete permit areas not associated with the surface disturbance and complete reclamation of the existing surface disturbance.
- 5/16/89 The Division's Abandoned Mine Reclamation Program acquires 9.5 acres of the Willow Creek Site to use as a waste disposal area.
- 9/18/89 Division of Oil, Gas and Mining receives the Final Closure and Reclamation Plan.
- 10/26/89 Notice published in the Price Sun Advocate for the first time, and continues for the following three weeks.
- 12/16/89 Public comment period expires with no comments received.
- 12/19/89 Blackhawk submits additional technical information.
- 1/9/90 Division of Oil, Gas and Mining completes technical Deficiency review.
- 3/15/90 Division receives revised Final Closure and Reclamation Plan.
- 3/22/90 Distribution of the plan to other agencies accomplished. May 25, 1990 set as target date for permit issuance.
- 5/25/90 Decision Document, State Permit with stipulations issued.

NONFEDERAL  
(April 1987)

Permit Number ACT/007/002, May 25, 1990

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
(801) 538-5340

This permit, ACT/007/002, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOGGM) to:

Blackhawk Coal Company  
P. O. Box 700  
Lancaster, Ohio 43130  
(614) 687-1440

for the Willow Creek Site. Blackhawk Coal Company is the lessee of certain fee-owned parcels. A surety bond with a value of \$2,585,609.00 has been filed with DOGM. DOGM must receive a copy of this permit signed and dated by the permittee.

Sec. 1 STATUTES AND REGULATIONS - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act.

Sec. 2 PERMIT AREA - The permittee is authorized to conduct underground coal mining reclamation activities on the following described lands (as shown on the map appended as Attachment B) within the permit area at the Blackhawk Site situated in the state of Utah, Carbon County, and located:

Township 12 South, Range 10 East, SLBM

Section 31: Portions of SW 1/4 SW 1/4

Township 13 South, Range 9 East, SLBM

Section 1: Portions of E 1/2 NE 1/4

Township 13 South, Range 10 East, SLBM

Section 6: Portions of NW 1/4 NW 1/4

This legal description is for the permit area (as shown on Attachment B) of the Blackhawk site. The permittee is authorized to conduct underground coal mining activities connected with reclamation on the foregoing described property subject to the conditions of the leases, and all other applicable conditions, laws and regulations.

- Sec. 3 PERMIT TERM - This permit expires on December 24, 1994.
- Sec. 4 ASSIGNMENT OF PERMIT RIGHTS - The permit rights may not be transferred, assigned or sold without the approval of the Director, DOGM. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13(e) and R614-303.
- Sec. 5 RIGHT OF ENTRY - The permittee shall allow the authorized representative of the DOGM, including but not limited to inspectors, and representatives of the Office of Surface Mining Reclamation and Enforcement, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:
- A. have the rights of entry provided for in 30 CFR 840.12, R614-400-110, 30 CFR 842.13 and R614-400-220; and,
  - B. be accompanied by private persons for the purpose of conducting an inspection in accordance with R614-400-210 and 30 CFR 842, when the inspection is in response to an alleged violation reported by the private person.
- Sec. 6 SCOPE OF OPERATIONS - The permittee shall conduct underground coal mining reclamation activities only on those lands specifically designated as within the permit area on the maps submitted in the permit application and approved for the term of the permit and which are subject to the performance bond.
- Sec. 7 ENVIRONMENTAL IMPACTS - The permittee shall minimize any adverse impact to the environment or public health and safety through but not limited to:
- A. accelerated monitoring to determine the nature and extent of noncompliance and the results of the noncompliance;
  - B. immediate implementation of measures necessary to comply; and
  - C. warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

- Sec. 8 DISPOSAL OF POLLUTANTS - The permittee shall dispose of solids, sludge, filter backwash or pollutants in the course of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program which prevents violation of any applicable state or federal law.
- Sec. 9 CONDUCT OF OPERATIONS - The permittee shall conduct its operations:
- A. in accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and
  - B. utilizing methods specified as conditions of the permit by DOGM in approving alternative methods of compliance with the performance standards of the Act and the approved Utah State Program.
- Sec. 10 AUTHORIZED AGENT - The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.
- Sec. 11 COMPLIANCE WITH OTHER LAWS - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq,) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.
- Sec. 12 PERMIT RENEWAL - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act and the approved Utah State Program.
- Sec. 13 CULTURAL RESOURCES - If during the course of reclamation operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify DOGM. DOGM shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by DOGM within the time frame specified by DOGM.
- Sec. 14 APPEALS - The permittee shall have the right to appeal as provided for under R614-300.

Sec. 15 SPECIAL CONDITIONS - In addition to the general obligations and/or requirements set out in the leases and this permit, the permittee shall comply with the conditions appended hereto as Attachment A.

The above conditions (Secs. 1-15) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the leases. The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of DOGM and the permittee at any time to adjust to changed conditions or to correct an oversight. DOGM may amend these conditions at any time without the consent of the permittee in order to make them consistent with any new federal or state statutes and any new regulations.

THE STATE OF UTAH

By:   
Date: 5/25/90

I certify that I have read and understand the requirements of this permit and any special conditions attached.

\_\_\_\_\_  
Authorized Representative of  
the Permittee

Date: \_\_\_\_\_

Page 5  
NONFEDERAL

APPROVED AS TO FORM:

By: Ralph H Finlayson  
Assistant Attorney General

Date: \_\_\_\_\_

1178R

### MINE PLAN INFORMATION

Mine Name Willow Creek Site State ID: ACT/007/002  
 Operator Blackhawk Coal Co. County Carbon  
 Controlled By American Electric Power Co.  
 Contact Person(s) J. E. Katlic Position Executive VP  
                           Jody Belviso Position Environmental Eng.  
 Telephone: (614) 687-1440

New/Existing Existing Mining Method N/A - Reclamation only

Fed. Lease No.(s) NA

State Lease No. (s) NA

Other Leases (identify) NA

Legal Descriptions Township 12 South, Range 10 East, SLBM, Section 31:  
Portions of SW 1/4 SW 1/4. Township 13 South, Range 9 East, SLBM, Section  
1: Portions of E 1/2 NE 1/4. Township 13 South, Range 10 East, SLBM,  
Section 6: Portions of NW 1/4 NW 1/4.

**Ownership Data:**

Surface Resources (acres)	Existing Permit Area	Proposed Permit Area	Total Life of Mine Area
Federal	_____	_____	_____
State	_____	_____	_____
Private	4.2	_____	4.2
Other	_____	_____	_____
TOTAL	4.2	_____	4.2

**Coal Ownership (Acres)**

Federal	NA	_____	_____
State	_____	_____	_____
Private	_____	_____	_____
Other	_____	_____	_____
TOTAL	_____	_____	_____



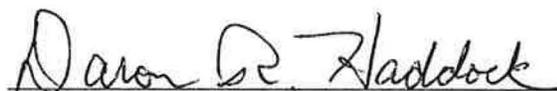
## FINDINGS

**Blackhawk Coal Company  
Willow Creek Site  
ACT/007/002  
Carbon County, Utah**

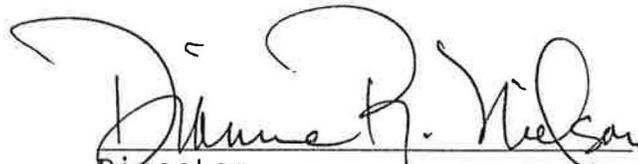
1. The plan and the permit application are accurate and complete and all requirements of the Surface Mining Control and Reclamation Act (the "Act"), and the approved Utah State Program have been compiled with (UMC 786.19{a} /R614-300-133.100).
2. The applicant proposes acceptable practices for the reclamation of disturbed lands (MRP, Chapter 3). The regulatory authority has determined that reclamation, as required by the Act, can be feasibly accomplished under the Mining and Reclamation Plan (MRP) (UMC 786.19 {b} /R614-300-133.710) (see Technical Analysis (TA) Section UMC 817.111-.117).
3. The assessment of the probable cumulative impacts of all anticipated coal mining and reclamation activities in the general area on the hydrologic balance has been made by the regulatory authority. The Mining and Reclamation Plan proposed under the application has been designed to prevent damage to the hydrologic balance in the permit area and in associated off-site areas (UMC 786.19 {c} /R614-300-133.400 and UCA 40-10-11 {2} {c}) (See Cumulative Hydrologic Impact Analysis (CHIA) as provided in the initial PRCC permit).
4. The proposed lands to be included within the permit area are:
  - a. not included within an area designated unsuitable for underground coal mining operations (MRP, Section 2.4
  - b. not within an area under study for designated lands unsuitable for underground coal mining operations;
  - c. not on any lands subject to the prohibitions or limitations of 30 CFR 761.11{a} (national parks, etc.), 761.11{f} (public buildings, etc.) and 761.11 {g} (cemeteries)

- d. within 100 feet of a public road. (UMC 761.11 /R614-300-133.220);
  - e. not within 300 feet of any occupied dwelling (UMC 786.19{d} /R614-300-133.220).
5. The regulatory authority's issuance of a permit is in compliance with the National Historic Preservation Act and implementing regulations (36 CFR 800) (UMC 786.19{e} /R614-300-133.600). (See attached letter from State Historic Preservation Officer (SHPO) dated March 29, 1990).
  6. The applicant has the legal right to enter and complete reclamation activities in the permit area through rights-of way and lease agreements (UMC 786.19{f}).
  7. A 510(c) report has been run on the Applicant Violator System (AVS), which shows that: prior violations of applicable laws and regulations have been corrected; neither Blackhawk Coal Company, or it's parent company are delinquent in payment of fees for the Abandoned Mine Reclamation Fund; and the applicant does not control and has not controlled mining operations with a demonstrated pattern of willful violations of the Act of such nature, duration, and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the provisions of the Act (UMC 786.19 {g}, {h} {i} /R614-300-133.730).
  8. Reclamation operations to be performed under the permit will not be inconsistent with other operations anticipated to be performed in areas adjacent to the proposed permit area. (UMC 786.19{j}).
  9. A detailed analysis of the proposed bond has been made. The bond requirement is \$10,000.00 which is the minimum bond amount allowed. The regulatory authority has made appropriate adjustments to reflect costs which would be incurred by the state, if it was required to contract the final reclamation activities for the mine site. At the present time a surety bond in the amount of \$2,383,609.00 has been filed with DOGM. This bond amount was submitted under the old Price River Permit and is more than adequate to cover the Willow Creek Site. (UMC 786.19{k} /R614-300-134)
  10. No lands designated as prime farmlands or alluvial valley floors occur on the permit area (UMC 786.19{l} /R614-300-133.200) (See MRP section 5.3)

11. The proposed postmining land-use of the permit area has been approved by the regulatory authority (UMC 786.19{m}) (See TA, Section UMC 817.133).
12. The regulatory authority has made all specific approvals required by the Act, the Cooperative Agreement and the Federal Lands Program (UMC 786.19{n}).
13. The proposed operation will not affect the continued existence of any threatened or endangered species or result in the destruction or adverse modification of their critical habitats (UMC 786.19{o} /R614-300-133.500) (See MRP Section 5.4).
14. All procedures for public participation required by the Act, and the approved Utah State Program have been compiled with (UMC 786.11-.15 /R614-300-120).
15. The applicant proposes to leave existing structures in connection with the proposed alternative postmining land use. These structures meet the performance standards of the Act and subchapter K and pose no significant harm to the environment or public health or safety (UMC 786.21 /R614-300-133.720) (See TA section UMC 817.181).

  
Permit Supervisor

  
Associate Director, Mining

  
Director

(Attachment A)

STIPULATIONS

Blackhawk Coal Company  
Willow Creek Site  
ACT/007/002  
Carbon County, Utah

May 25, 1990

Stipulation UMC 800-(1) - JRH

1. Within thirty(30) days from permit approval, the operator shall submit to the Division, a complete copy of the Reclamation Agreement as required by the Division, with bond in the amount of \$10,000.00.

Stipulation UMC 817.111-.117-(1) - LK

1. 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 817.133-(1) - LK

1. 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) - LK:

1. 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) - LK:

1. 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.

## STIPULATIONS (CONTINUED)

### Stipulation UMC 817.24-(1) - (HS)

1. Within 30 days of permit approval, the operator must commit to (for inclusion in the PAP) deep ripping the areas covered by "coally material" prior to topsoil cover material redistribution.

### Stipulation UMC 817.48-(1, 2) - (HS)

1. Prior to the redistribution of topsoil cover material upon "coally material", the operator must conduct adequate analyses (i.e., Division Guidelines for Management of Topsoil and Overburden, Table 6) to determine the acid- and/or toxic-forming potential for the "coally material". If analyses indicate an acid- and/or toxic-forming potential for the material in question, then the operator must adequately dispose of said material.
2. Laboratory analyses of the sediment pond embankment material (topsoil cover material for "coally material") indicates elevated Selenium concentration (>.10 ppm) when compared to the Division Guidelines for Management of Topsoil and Overburden, Table 2. Consequently, the operator must commit to reanalyzing (i.e., hot-water soluble selenium) topsoil cover material upon redistribution. In the event that Selenium concentrations remain elevated, the operator must comply with applicable regulations for the protection of surface and ground water.

## TECHNICAL ANALYSIS

Blackhawk Coal Company  
Willow Creek  
ACT/007/002  
Carbon County, Utah

May 25, 1990

### UMC 771.25 Permit Fees - HS

Each application shall be accompanied by a \$5.00 filing fee.

A Permit filing fee was recieved at the Division office on May 24, 1990.

### UMC 771.27 Verification of Application - HS

Applications for permits shall be verified under oath, by a responsible official of the applicant, that the information contained in the application is true and correct to the best of the official's information and belief.

A notorized verification of application was recieved at the Division office on May 24, 1990

### UMC 800 Bond and Insurance Requirements for Underground Coal Mining and Reclamation Operations - JRH

### Existing Environment and Applicant's Proposal

The operator has provided a cost estimate for reclamation activity for the site. A summary of this information is found on page 1-5 of the Final Closure and Reclamation Plan. Revisions to the permit and disturbed area boundaries as proposed in the plan have reduced the disturbed area to approximately 4.20 acres. Exhibit 8 of the plan presents a cost estimate to accomplish proposed reclamation activities.

The Reclamation Plan Map, Map 2, identifies the mine related disturbances for the Willow Creek site. Reclamation activities are comprised of the following:

1. Remove the lower embankments on Pond 17 and haul the material to the coal area, then regrade the slopes of the pond to 2h:1v.
2. Remove the sediment from pond 17 and haul it to the AML site.
3. Excavate Pond 18 channel and remove enough material from the pond embankment to cover the coal area, then regrade the pond slope to 2h:1v.
4. Grade material on the coal area.
5. Miscellaneous work.

Calculations for the above activities have been estimated by the operator to total a rounded amount of \$2,000.00. Detailed calculations supporting this total amount are also found in Exhibit 8 of the plan.

### Compliance

The operator is considered to be technically in compliance with the requirements of this section.

The extremely small bond amount is due to the proposed post-mining land use of industrial. The site is to be basically left as is for post mining land use. No significant backfilling and grading activities will be accomplished on the site and no topsoil distribution or revegetation work will be accomplished within the revised surface disturbed area.

However, because of minimum requirements under Section UMC 800.14(B), in no case shall the total bond amount initially posted for the entire area under one permit be less than \$10,000.

In accordance with UMC 800.15, the bond amount will be adjusted in conjunction with this repermitting process. Bond release under the requirements of this section will not be subject to the requirements of UMC 800.40 because revisions to the bond amount involve changes to the method of operation for the plan and the reassignment and transfer of other areas to Castle Gate Coal. Since issuance of the permit transfer of portions of the permit to Castle Gate, the operator has maintained the original total bond amount for the Mining and Reclamation Plan which incorporated all of the Price River Coal Company's Mining and Reclamation Permit.

Adjustments to the bond amount will include the removal of those areas which are now under the jurisdiction of Castle Gate Coal Company. Second, the operator has requested that all coal lease areas previously included in the plan be removed from the permit area since no future mining activity is proposed in the Final Closure and Reclamation Plan. Third, approximately half of the site is now under the consignment and the responsibility of the Abandoned Mined Lands Reclamation Program and has been exempted from the rules and requirements of the regulations under Title V and permitted for use as a Title IV waste disposal area (See Exhibit 1). Finally, the operator has proposed an alternate post mining land use of industrial, which significantly reduces the scope and the cost of reclamation activity to be accomplished on the site.

In consideration of the above, and based on the calculations presented in the Final Closure and Reclamation Plan, bond amount for the Willow Creek Site shall be the minimum initial bond amount of \$10,000.00.

Because the existing bond amount is considerably higher than the revised bond amount the operator will not be required to revise the bond amount prior to permit approval. However, due to Division policy, the form and format for the bond will have to be submitted in conjunction with the repermitting process. A copy of the Reclamation Agreement has been included with this technical analysis and the operator will be required to complete the Reclamation Agreement in accordance with the stipulation below.

### Stipulations

#### Stipulation UMC 800-(1) - JRH

Within thirty(30) days from permit approval, the operator shall submit to the Division, a complete copy of the Reclamation Agreement as required by the Division, with bond in the amount of \$10,000.00.

**UMC 817.13 Casing and Sealing of Exposed Underground Openings:  
General Requirements - JRH**

**UMC 817.14 Casing and Sealing of Exposed Underground Openings:  
Temporary - JRH**

**UMC 817.15 Casing and Sealing of Exposed Underground Openings:  
Permanent - JRH**

**Existing Environment and Applicant's Proposal**

Information regarding these sections of the regulations is found on page 3-13 of the Final Closure and Reclamation Plan. The operator indicates that no future mining is planned under the Willow Creek Site, therefore subsidence of the permit area is not an issue. Furthermore, all subsidence is grandfathered since mining took place prior to SMCRA.

**Compliance**

The operator is considered to be in compliance with the requirements of this section. Underground mine development had not occurred in the revised permit area under the previous mining and reclamation plan. The only underground development accomplished within the site consisted of the construction of the portal face-up or highwall which is now considered to be under the jurisdiction of AML (See Exhibit 1).

With no mine portal development existing or within the revised permit area, these sections are considered not to be applicable to the requirements for reclamation of the facilities.

**Stipulations**

None.

**Stipulations**

**Stipulation UMC 817.24-(1) - (HS)**

Within 30 days of permit approval, the operator must commit to (for inclusion in the PAP) deep ripping the areas covered by "coally material" prior to topsoil cover material redistribution.

**UMC 817.46 Hydrologic Balance: Sedimentation Ponds - JRH**

**Existing Environment and Applicant's Proposal**

Information regarding sediment ponds is found in section 3.6 of the Final Closure and Reclamation Plan.

The operator has indicated that there will be no sediment ponds remaining in the reclaimed area. Blackhawk has indicated that the two existing ponds, Ponds 017 and 018, will be converted to sediment traps. These facilities are located on Map 3, drainage and sediment control plan.

Additionally, in conjunction with the reclamation activity, the operator has indicated that the slopes of the ponds will be reduced to 2h:1v to meet the slope requirements of this section.

### Compliance

With respect to part (m) of this section of the regulations, the operator is considered to be in compliance with the requirements of the regulations. Because the ponds are essentially incised, there are no outslopes to the impoundments. Consequently, the criteria that the slopes of the embankment be no greater than 2h:1v apply. Previously, the operator had maintained and monitored these ponds which currently have significantly steeper embankments than as indicated above. However, since the ponds were incised, and appeared to function properly during the operational phase of the permit, no modifications were made to these ponds at that time. The operator has committed to reducing these slopes during the upcoming reclamation phase of the operations.

Although the operator has proposed that both ponds be termed as "sediment traps", pond 018 will actually increase in size from its current configuration. In accordance with the requirements of the regulations under this section and UMC 817.49, pond 018 will remain under the requirements of this section. Pond 017 is proposed to be significantly reduced in size and in consideration of the amount of disturbed area left in conjunction with the industrial post mining land use, is use or classification as a sediment trap. Refer to stipulations by MMD regarding certification of ponds.

### Stipulations

None.

### UMC 817.41 Hydrologic Balance: General Requirements - MMD

#### Existing Environment and Operator's Proposal

Blackhawk Coal Company (Blackhawk) proposes to reclaim the Willow Creek Mine site to a post-mining industrial land use. Sediment control and water quality treatment will be implemented by a system of berms, ditches, culverts, ephemeral channel diversions, and sediment traps as illustrated on Map 3.

Surface water will be monitored per the criteria in section 3.3 to ensure compliance with all applicable water quality standards and limitations. Monitoring stations in Willow Creek above and below the disturbed area, and at the outlet of sediment trap 17 are shown on Map 5.

No underground activities have occurred on the portion of the permit area covered in this analysis.

**UMC 817.42 Hydrologic Balance: Water Quality Standards and Effluent Limitations - MMD**

**Existing Environment and Operator's Proposal**

Disturbed areas above the pad, which were previously classified as disturbed in the original permit, have been determined by the Division administration to be exempt from any regulatory authority. Therefore, this analysis pertains strictly to the disturbed pad area identified as the permit area in Map 5.

All surface runoff from the disturbed area will be conveyed to one of two treatment structures (sediment traps 017 and 018). These structures are to remain permanently on-site as part of the post-mining land use. Sediment trap 018 is oversized for capacity and is sized to provide total containment of the 100 year - 24 hour design storm runoff. Sediment trap 017 is designed to treat runoff from the 10 year 24 hour storm. Discharge from trap 017 will be sampled to ensure compliance with water quality effluent limitations and standards. Both structures are equipped with open channel emergency spillways adequate to convey the 25 year - 24 hour design storm runoff.

**Compliance**

The operator is in compliance with this section.

**Stipulations**

None.

**UMC 817.43 Hydrologic Balance: Diversions and Conveyance of Overland Flow, Shallow Ground Water Flow, and Ephemeral Streams - MMD**

### Existing Environment and Operator's Proposal

The proposed drainage design is outlined on Map 3. Diversion channel specifications are presented in Figure 6 on page 5-20. Division design calculation results are compared to the proposed designs in Table 1 (attached). All undisturbed overland flow drainage will be diverted from the pad by one of four diversions. These diversions have been designed to convey the 100 year - 24 hour storm runoff at non-erosive velocities.

A 36 inch diameter CMP culvert located approximately 200 feet above trap 017 will convey a portion of the runoff from ditch No. 2 across the road, where it will be discharged through a connecting flexible ABS culvert down the road outslope to the stream channel. Figure 1 on page 5-10 demonstrates that the culvert will convey the 100 year - 24 hour runoff with no headwater.

The undisturbed ephemeral drainage from Jap Canyon will be diverted from the pad for approximately 300 feet and discharge into Willow Creek. Details of the diversion channel design are discussed in pages 5-21 to 5-23 of the Reclamation Plan (RP). A cross-sectional channel survey conducted by the Division determined that the existing channel contains adequate capacity to convey the 100 year 24 hour event. The operator was required to conduct a field survey to determine the particle size distribution of channel bed material. This survey determined a mean diameter of 6 inches for the existing natural bed material, as shown on page 5-22 of the RP. Bed material size distribution analysis showed that the natural material is nearly identical to the suggested distribution up to the 6 inch diameter size, as shown in Figure 1 (attached). The existing channel material exceeds the recommended values for diameters larger than 6 inches. Division calculations showed that a riprap  $d_{50}$  of 6 inches is marginally adequate to convey the design storm runoff at non-erosive velocities. Based on this analysis the existing channel was determined to be adequate to safely convey the design storm runoff.

### Compliance

The operator is in compliance with this section.

### Stipulations

None.

WILLOW CREEK DIVERSION SPECIFICATIONS							
Ditch No. 1							
	Design Flow(cfs)	Slope %	Manning' n	Flow Depth(ft)	Velocity (ft/sec)	Freeboard (ft)	
	DOGM	5.7	5.4	0.03	0.7	5.4	0.4
	Blackhawk	4.4	5.4	0.03	0.7	5.1	0.5
Ditch No. 2							
	Design Flow(cfs)	Slope %	Manning' n	Flow Depth(ft)	Velocity (ft/sec)	Freeboard (ft)	
	DOGM	3.3	4.6	0.03	0.1	4.5	0.4
	Blackhawk	2.8	8.8	0.03	0.5	5.5	0.5
Jap Canyon Diversion							
	Design Flow(cfs)	Slope %	Manning' n	Flow Depth(ft)	Velocity (ft/sec)	Freeboard (ft)	
	DOGM	67.0	9.0	0.04	0.7	8.2	>1.0
	Blackhawk	56.7	8.0	0.04	.25-.33	7.8-5.5	0.5

Table 1. Diversion Channel Design Specifications

### JAP CANYON CHANNEL

Bed Material Size Distribution

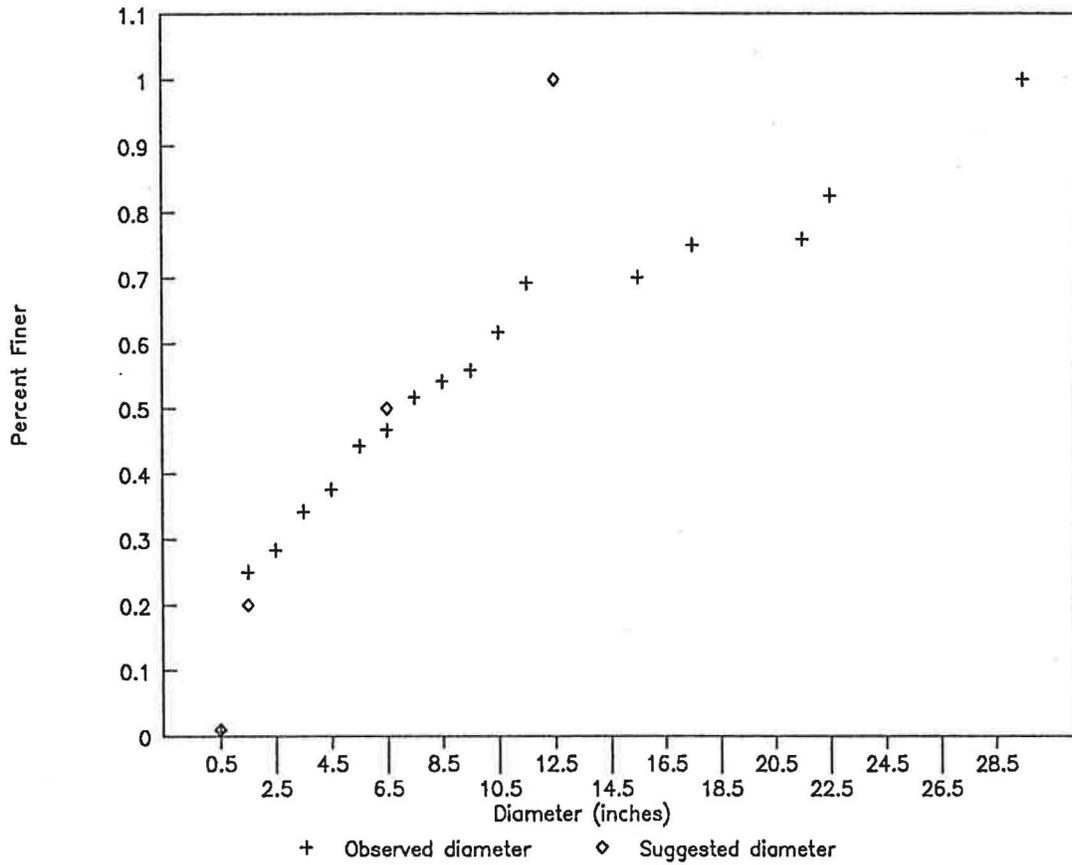


Figure 1. Particle size distribution of Jap Canyon channel bed.

**UMC 817.44 Hydrologic Balance: Stream Channel Diversions - MMD**

**Existing Environment and Operator's Proposal**

There are no perennial or intermittent streams, or ephemeral streams with drainage areas greater than one square mile within the permit area.

**Compliance**

The operator is in compliance with this section.

**Stipulations**

None.

**UMC 817.45 Hydrologic Balance: Sediment Control Measures - MMD**

**Existing Environment and Operator's Proposal**

Sediment control will be implemented within the disturbed pad area to prevent sediment contributions outside the permit area, to meet applicable effluent limitations, and minimize erosion. This is to be accomplished by diverting all undisturbed runoff away from the disturbed area. All runoff from the disturbed area will be diverted into a total containment sedimentation pond (pond 018) or through a sediment trap (trap 017) before leaving the permit area.

**Compliance**

The operator is in compliance with this section.

**Stipulations**

None.

**UMC 817.46 Hydrologic Balance: Sedimentation Ponds - MMD**

**Existing Environment and Operator's Proposal**

Blackhawk proposes to convert Pond 018 to a sediment trap. This structure will actually increase in capacity from the original design. Therefore it will remain classified as a sedimentation pond subject to the requirements of this regulation.

Division calculations have determined that the proposed structure will contain adequate capacity to totally contain the 100 year 24 hour design storm runoff in addition to more than 10 years of sediment volume. This structure is totally incised and is constructed of material having high infiltration rates. The operator has included provisions for an open channel emergency spillway designed to convey the 100 year design event.

### Compliance

The operator is in compliance with this section.

### Stipulations

None.

### UMC 817.47 Hydrologic Balance: Discharge Structures - MMD

#### Stipulations

#### Stipulation UMC 817.48-(1, 2) - (HS)

1. Prior to the redistribution of topsoil cover material upon "coally material", the operator must conduct adequate analyses (i.e., Division Guidelines for Management of Topsoil and Overburden, Table 6) to determine the acid- and/or toxic-forming potential for the "coally material". If analyses indicate an acid- and/or toxic-forming potential for the material in question, then the operator must adequately dispose of said material.
2. Laboratory analyses of the sediment pond embankment material (topsoil cover material for "coally material") indicates elevated Selenium concentration (>.10 ppm) when compared to the Division Guidelines for Management of Topsoil and Overburden, Table 2. Consequently, the operator must commit to reanalyzing (i.e., hot-water soluble selenium) topsoil cover material upon redistribution. In the event that Selenium concentrations remain elevated, the operator must comply with applicable regulations for the protection of surface and ground water.

### UMC 817.49 Hydrologic Balance: Permanent and Temporary Impoundments - MMD

#### Existing Environment and Operator's Proposal

The operator has proposed to reconstruct sediment ponds 017 and 018 and reclassify these structures as sediment traps. However, both of these structures will remain classified as permanent impoundments and must therefore meet the requirements of this regulation.

Figures 2-5 in section five contain plan views and cross sections of trap 017 and pond 018. These drawings are certified by a registered professional engineer (Exhibit 5, page 5-27).

Sediment Pond 017 is proposed to be reconstructed to function as a sediment trap. The total drainage area reporting to this structure is approximately 0.5 acres. Division calculations demonstrate that this structure contains capacity for approximately 5 years of sediment at the bankfull stage (32 cubic yards). The proposed spillway is designed to convey the 100 year storm with one foot of freeboard as a conservative design. The operator proposes to place a rock filter dam one foot high across the spillway crest as an additional sediment control measure.

**Compliance**

The operator is in compliance with this section.

**Stipulations**

None.

**UMC 817.50 Hydrologic Balance: Underground Mine Entry and Access Discharges - MMD**

No underground activities have taken place at the Willow Creek site. There are no entries to underground mine workings.

**Compliance**

The operator is in compliance with this section.

**Stipulations**

None.

**UMC 817.52 Hydrologic Balance: Surface and Groundwater  
Monitoring - MMD**

**Existing Environment and Operator's Proposal**

Page 3-8 discusses the proposed water quality monitoring program, in which samples will be analyzed for constituents enumerated in Table 3-3. Two sample sites are identified on Map 5 above and below the permit area in Willow Creek. Samples are to be collected biannually on June 10 and Sept. 30. Monitoring will continue for the duration of the bond period.

**Compliance**

The operator is in compliance with this section.

**Stipulations**

None.

**UMC 817.53 Hydrologic Balance: Transfer of Wells - MMD**

**Existing Environment and Operator's Proposal**

There are no exploratory or monitoring wells within the Willow Creek permit area.

**Compliance**

The operator is in compliance with this section.

**Stipulations**

None.

**UMC 817.55 Hydrologic Balance: Discharge of Water Into An  
Underground Mine - MMD**

There are no potential discharges to underground mine workings at the Willow Creek site.

**Compliance**

The operator is in compliance with this section.

**Stipulations**

None.

**UMC 817.56 Hydrologic Balance: Postmining Rehabilitation of Sedimentation Ponds, Diversions, Impoundments, and Treatment Facilities - MMD**

Blackhawk has committed to reconstruct sediment ponds 017 and 018 to approved design specifications prior to bond release.

**Compliance**

The operator is in compliance with this section.

**Stipulations**

None.

**UMC 817.57 Hydrologic Balance: Stream Buffer Zones - MMD**

Stream buffer zone signs are presently located along the outslope of the pad above the Willow Creek channel. The operator has committed to implement the sediment control measures necessary to permit disturbance within the proposed buffer zone (page 3-15).

**Compliance**

The operator is in compliance with this section.

**Stipulations**

None.

**UMC 817.59 Coal Recovery - JRH**

**Existing Environment and Applicant's Proposal**

Information regarding the requirements of this section are found starting on page 1-4 of the Final Closure and Reclamation Plan.

Blackhawk has formerly requested that the underground mining permit currently in effect for the Castle Gate portion of the previously approved Mining and Reclamation be discontinued. Further, in a letter dated November 8, 1988, the operator requested that mid-permit term submittal for a mining and reclamation plan be withdrawn, complete the reclamation of existing surface disturbance, and delete permit areas which are not associated with the surface disturbances.

### Compliance

In accordance with the above, Blackhawk Coal has resubmitted for approval by the Division, a Final Closure and Reclamation Plan which excludes all coal lease areas and all mining activity.

Therefore, this section of the regulations is not considered applicable to the Final Closure and Reclamation Plan and the operator is considered to be in compliance with the requirements of this section.

### Stipulations

None.

### UMC 817.61-68 Use of Explosives - JRH

#### Existing Environment and Applicant's Proposal

No blasting or use of explosives is anticipated in the reclamation activities for the Willow Creek Site.

### Compliance

The operator is considered to be in compliance with the requirements of this section. No blasting is planned in the area. In accordance with the regulations, in the event that blasting would be required on the site, the operator would be required to notify the Division.

### Stipulations

None.

### UMC 817.71 Disposal of Excess Spoil and Underground Development Waste: General Requirements - JRH

### UMC 817.72 Disposal of Underground Development Waste and Excess Spoil: Valley Fills - JRH

### UMC 817.73 Disposal of Underground Development Waste and Excess Spoil: Head-of-Hollow Fills - JRH

### UMC 817.74 Disposal of Underground Development Waste and Excess Spoil: Durable Rock Fills - JRH

#### Existing Environment and Applicant's Proposal

No underground waste and excess spoil facilities indicated in the above regulations are proposed within the revised permit area.

### Compliance

The operator is considered to be in compliance with the requirements of these sections of the regulations. These regulations are not considered applicable to the Final Closure and Reclamation Plan.

### Stipulations

None.

UMC 817.81 Coal Processing Waste Banks: General Requirements - JRH

UMC 817.82 Coal Processing Waste Banks: Site Inspection - JRH

UMC 817.83 Coal Processing Waste Banks: Water Control Measures - JRH

UMC 817.85 Coal Processing Waste Banks: Construction Requirements - JRH

UMC 817.86 Coal Processing Waste: Burning - JRH

UMC 817.87 Coal Processing Waste: Burned Waste Utilization - JRH

UMC 817.88 Coal Processing Waste: Return to Underground Workings - JRH

UMC 817.91 Coal Processing Waste: Dams and Embankments: General Requirements - JRH

UMC 817.92 Coal Processing Waste: Dams and Embankments: Site Preparation - JRH

UMC 817.93 Coal Processing Waste: Dams and Embankments: Design and Construction - JRH

### Existing Environment and Applicant's Proposal

The above regulations pertaining to coal processing waste are considered not applicable to the Final Closure and Reclamation Plan.

### Compliance

No coal processing waste facilities exist within the permit area and no facilities are planned. The operator is considered to be in compliance with the requirements of these sections.

### Stipulations

None.

## UMC 817.89 Disposal of Non-Coal Wastes - JRH

### Existing Environment and Applicant's Proposal

Information regarding this section of the regulations is found in section 3.18 of the reclamation plan. The operator has stated that all non-coal wastes listed in UMC 817.89(a), generated during reclamation activities, will be disposed in an approved landfill. Landfill operated in Carbon County will be used.

### Compliance

The operator is considered to be in compliance with the requirements of this section.

### Stipulations

None.

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

### 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 817.99 Slides and Other Damage - JRH

#### Existing Environment and Applicant's Proposal

Information regarding this section of the regulations is found in part 3.13 of the REclamation Plan. The operator has committed to notify the Division by the fastest available means of any slide on the permit area which may have a potential adverse effect on public property, health, safety, or the environment.

### Compliance

The operator is considered to be in compliance with the requirements of this section.

### Stipulations

None.

### UMC 817.101 Backfilling and Grading: General Requirements - JRH

#### Existing Environment and Applicant's Proposal

Information regarding this section of the regulations is found in parts 3.1 and 3.3 of the Final Closure and Reclamation Plan.

The operator has indicated that the only backfilling and grading work to be accomplished on the site is to regrade the slopes on both sediment ponds and to cover the coal area south of sediment pond 018.

Blackhawk will cover this coal area with approximately 6 inches of material obtained from the enlargement of sediment pond 018. Information presented in Table 3-1 indicate that approximately 133 cubic yards of material will be excavated from the sediment pond and spread over the coal area. The location of the coal area is shown on Map 2, Reclamation Plan Map.

Slope stability information and analysis is found as Exhibit 7 in the Final Closure and Reclamation Plan. This stability analysis was made by the operator in study of the outslopes of the pad and road facilities. Results from these analyses indicate a factor of safety of 1.25 based on assumptions presented in the plan. Historically, the road and the pad area was constructed in 1975 and no evidence of rapid erosion at the toe of these slopes.

### Compliance

The operator is considered to be in compliance with the requirements of this section.

However, several assumptions and conditions made prior to submittal and approval of the Final Closure and Reclamation Plan were made in order to determine this section of the regulations complete.

First, the highwall area and the eastern half of the previous disturbed area were incorporated into the AML Agreement as provided in Exhibit 1 of the Final Closure and Reclamation Plan. This agreement between Blackhawk Coal Company and the Division specifically removes this area from Title V jurisdiction for use as a Title IV waste disposal area. This area encompasses approximately 9.5 acres of affected areas in the previously approved plan.

Second, the revised disturbed area excludes highwalls and fill slopes associated with pads and facilities areas remaining within the permit area. These cuts and fills are not proposed to be reclaimed in the Final Closure and Reclamation Plan. The operator had previously met with the Division and had reached agreement that because the highwalls and fills associated with the mine facilities were pre-SMCRA that the revised disturbed area boundary would only encompass the pad and road surface areas. The operator agreed to provide limited "gratuitous reclamation" on these adjacent disturbed areas so long as they were not included in the permit area and not subject to reclamation, revegetation, and bonding liabilities associated with the Final Closure and Reclamation Plan.

Roads, pads, berms and other surface features currently on site, with the exception of the modifications to the sediment ponds, will be left as-is in consideration of the post mining land use. These facilities have remained in approximately the same configuration since 1979 and due to the land use and the natural vegetation, the operator has proposed that no substantial earthwork be accomplished on the site.

Stability analysis performed by the operator in consideration of the existing out slopes of the pads and roads indicate that the embankments are currently stable. Due to the dynamics of Willow Creek, some areas of the embankment may be subject to erosion through stream migration.

Based on cross sections provided by the operator, the fill materials placed above the stream channel's natural embankment are found to be stable. Although thalwigs in the natural stream embankment are in some cases at or near vertical, the toes of these embankments appear not to be rapidly deteriorating. Any potential failure of these embankments would appear to be as a result of high flow conditions in Willow Creek and not as a result of the fill material in the embankments above the natural slopes of the stream channel.

In Exhibit 7, the operator has noted that Blackhawk has leased the site to Environmental Industrial Supply (EIS) and EIS will be using the road on a regular basis. EIS will be in a position to observe and correct any deterioration in the roadway.

In consideration of the above, no remedial action to reduce the out slopes of the pads and road needs to be taken by the operator at this time. However in the event that such deterioration does occur, the operator needs to notify the Division and mitigate any such damage in accordance with UMC 817.99. Refer to that section of this review regarding a commitment to accomplish this.

### Stipulations

None.

### UMC 817.111-.117 Revegetation Plan - LK

### 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. Percent 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 - LK

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. Page 3-2 (May 1990 submittal) indicates that this plan will be revised as necessary for any future revegetation work to meet regulatory requirements. 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 - LK

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 - LK

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 - LK**

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 - LK**

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) - lk is satisfied, Blackhawk will be in compliance with UMC 817.116-.117.

## Stipulations

### Stipulation UMC 817.111-.117-(1) - LK

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.

### UMC 817.133 Postmining Land Use - LK

#### 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) - lk 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) - LK

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) - LK:

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) - LK:

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.

### UMC 817.150-.156 Class I Roads - JRH

See UMC 817.160-166.

## UMC 817.160-.166 Class II Roads - JRH

### Existing Environment and Applicant's Proposal

Information regarding roads is found in section 3.11 of the Final Closure and Reclamation Plan.

Blackhawk intends on leaving the access road to the existing building and facilities as part of the post mining land use.

### Compliance

The operator has proposed leaving the access road to the site as part of the post mining land use. Originally, this road was intended for access to portal facilities on the Willow Creek site and would have been used as a Class I Haul Road. However, since the development of the mining facilities was never realized, the use as a Class I road was never implemented.

In consideration of the above and in conjunction with the post mining land use, the proposal to allow the road to remain is considered reasonable. During review of the site and in conjunction with the permitting process, some concern as to the stability of the road was made by the Division. The operator has accordingly, provided stability information on this area in section 3.12 of the Final Closure and Reclamation Plan. Discussion of the stability analysis is found under UMC 817.101.

In accordance with the requirements for post mining land use, roads left should be designed and maintained to meet the requirements of their intended use. Although some concern is warranted in the road being in close proximity to the stream embankment, Blackhawk has indicated that the site has been leased to Environmental Industrial Supply (EIS), a Price contractor for use as a lay down area and that EIS will be using the road on a regular basis and will be in a position to observe and correct any deterioration of the roadway.

Alternatives to the current road location would increase the disturbed area and would not assure to any great degree, a more stable or suitable condition for the access road.

### Stipulations

None.

**LETTERS OF CONCURRENCE**

**Blackhawk Coal Company  
Willow Creek Site  
ACT/007/002  
Carbon County, Utah**



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WILDLIFE RESOURCES

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DIVISION OF  
OIL, GAS & MINING

April 13, 1990

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Utah Division of Oil, Gas & Mining  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180

Dear Dianne:

The Division has reviewed Blackhawk Mining Company's closure and reclamation plan for the 4.2 acre Willow Creek site. Although the permit area will be utilized as an industrial storage area for postmining land use, intense use by mule deer will continue on the area.

Vegetation map #11 shows the intent to reclaim areas associated with the permit area. Section 1.3 of the reclamation plan provides for covering the "coally" area and allowing natural revegetation. Preferably, all disturbed areas should be reseeded; seed mix #1 or #3 is recommended for use.

It is recognized that not all of the seed will establish itself due to continued use of the area for construction storage. However, any vegetative enhancement that can be accomplished will only serve to benefit wildlife of the area.

Thank you for the opportunity to review and provide comment.

Sincerely,

  
Timothy H. Provan  
Director



Norman H. Bangert  
Governor  
Max J. Evans  
Director

# State of Utah

Division of State History  
(Utah State Historical Society)  
Department of Community and Economic Development  
300 Rio Grande  
Salt Lake City, Utah 84101-1182  
801-533-5755

RECEIVED  
APR 02 1990

DIVISION OF  
OIL, GAS & MINING

March 29, 1990

Daron R. Haddock  
Permit Supervisor  
Division of Oil, Gas and Mining  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, UT 84180-1203

RE: Willow Creek Site Reclamation Plan, Blackhawk Coal Company, INA/007/002,  
Folder #2, Carbon County, Utah

In Reply Please Refer to Case No. 90-0417

Dear Mr. Haddock:

The Utah State Historic Preservation Office received information on the project referenced above on March 26, 1990. We have the following comments concerning this reclamation plan.

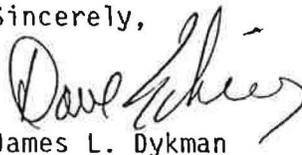
The plan states that several above ground cultural resource surveys have occurred and no significant properties have been located. The plan did not address the actual mine, or any existing structures associated with the mine (historic or current). A high potential for finding cultural resources exists in the project area because of its historic and current use as a mine.

It is your responsibility, as required by the Department of Housing and Urban Development, to determine the need for further actions, such as field surveys or records searches to identify historic properties. If you choose to do this, or if previously unidentified historic properties are encountered during the course of the project, we will be glad to comment on your evaluation of historic properties against the National Register criteria (36 CFR 60.4) should any historic structures or sites be found.

We will also assist in applying the criteria of effect as outlined in 36 CFR 800.5 and 800.9 to those properties found to be eligible for or listed on the National Register.

This information is provided on request to assist the Division of Oil, Gas and Mining, as required by the Department of Housing and Urban Development, in meeting the Section 106 requirements of the National Historic Preservation Act of 1966 or Utah Annotated Code 63-18. If you have questions or need additional assistance, please contact me at (801) 533-7039.

Sincerely,

  
for

James L. Dykman  
Regulation Assistance Coordinator



*Dorien Adduck* — *Big mine file*  
*at BOSTON*

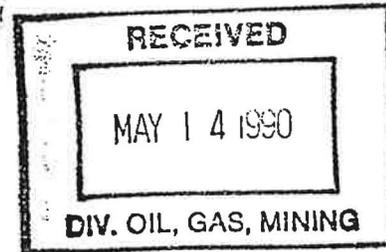
# United States Department of the Interior

OFFICE OF SURFACE MINING  
RECLAMATION AND ENFORCEMENT  
SUITE 310  
625 SILVER AVENUE, S.W.  
ALBUQUERQUE, NEW MEXICO 87102



In Reply Refer To:

May 11, 1990



Dr. Dianne R. Nielson, Director  
Division of Oil, Gas and Mining  
Department of Natural Resources  
3 Triad Center, Suite 350  
355 West North Temple  
Salt Lake City, UT 84180-1203

Re: Blackhawk Coal Company's Willow Creek Reclamation Plan

Dear Dr. Nielson:

The Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement (OSM), has reviewed the proposed Willow Creek Site Reclamation Plan and has the following comments:

Dropping the underground mining: The operator requests that portions of the previous Price River Coal Company (PRCC) underground mining permit contained within the eastern reserves, which are not permitted by Castlegate coal company, be dropped from Blackhawk responsibility. Any area overlying underground workings mined after May 3, 1978, must be included in this or Castlegate's permit. To drop these areas at this time would, in fact, be a bond (liability) release, and DOGM would have to inform the company to follow bond release procedures.

Change in post-mining land use: Utah regulations define industrial post-mining land use as including "long-term storage," yet the lease between Blackhawk and Mr. Coonrod is 5 years, one half of the normal reclamation period for the State. Additionally, the lease contains a clause that allows either party to terminate the lease at any time. This does not indicate the long term commitment that should accompany this type of land use change. Nor does any information contained in the PAP or the lease agreement suffice to ensure that the conditions in R614-301-413.300 will be met.

Treating the "coally" area: The PAP states that the area will be covered with 6 inches of material salvaged on site. The topsoil substitute material was sampled, but the "coally" material was not. The latter material should be sampled, particularly considering the lack of

Dr. Dianne R. Nielson

2

vegetation at the site in areas that are covered with the "coally" material. Additionally, no provision was made to rip or disc the ground prior to soil placement. This needs to be done to allow for an effective rooting depth.

The operator needs to commit to seed this area after soil distribution to meet vegetation requirements of R614-301-356.240 which states ground cover will not be less than needed to control erosion.

Bond amount: Utah regulation R614-301-830.200 states that a bond for a mine must be no less than \$10,000. The operator's proposed \$2,000 should be changed.

Sediment trap design: The PAP does not indicate how the rock dams placed in the excavation of the dam or natural ground will be tied into the surrounding material to eliminate the possibility of piping.

If your staff would like to discuss these comments, they may contact Donna Griffin at (505) 766-1486.

Sincerely,



Robert H. Hagen, Director  
Albuquerque Field Office



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter  
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

May 25, 1990

TO: Daron R. Haddock, Permit Supervisor

FROM: Joseph C. Helfrich, Regulatory Program Coordinator 

RE: Compliance Review for Section 510(c) Finding, Blackhawk Coal Company, Willow Creek Mine, ACT/007/002, Carbon County, Utah

As of the writing of this letter, there are no NOV's or CO's which are not corrected or in the process of being corrected. Any NOV's or CO's that are outstanding are in the process of administrative or judicial review. There are no finalized Civil Penalties which are outstanding and overdue in the name of Blackhawk Coal Company.

Finally, they do not have a demonstrated pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

vb  
MI95/3

DATE: 30 MAY 90

APPLICANT VIOLATOR SYSTEM  
APPLICATION EVALUATION REPORT

TIME: 12:19:28

STATE: UT

APPNO:

PAGE: 1

APPLICANT'S ENTITY ID: 089055

APPLICANT'S NAME : BLACKHAWK COAL CO

THIS RECOMMENDATION WAS PRODUCED ON THE AV2 TEST SUBSYSTEM  
SYSTEM RECOMMENDATION IS BASED ON ENTITY OFT

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\* SYSTEM RECOMMENDATION : ISSUE \* \* \* \* \*

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F2/PROCEED F3/QUIT F4/MAIN F5/SAVE F6/REPORT F9/V.VIOL F10/V.OFT