

FAX TRANSMITTAL

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Dept./Agency: UT/DOGM	Phone #
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NSN 7540-01 317 7368 5099-101 GENERAL SERVICES ADMINISTRATION	

MEMORANDUM

TO: Henry Austin
Inspector

FROM: Robert Postle
Ecologist

SUBJECT: Phase II Bond Release at the Castle Gate Mine

Robert Postle

*Incoming
6/007/004*

*Judy Susa,
Jerrinn,
Pissilla*

As requested I have reviewed the Utah Division of Oil, Gas and Mining's (DOGM) Technical Analyses of the Castle Gates Mine's (CGM) application for Phase II bond release for 18.2 acres in Sowbelly Canyon and 37.1 acres in Hardscrabble Canyon. The CGM bond release application was not available review.

The requirements for Phase II bond release are located at R645-301-880.320 (30 CFR 800.40(c)(2)). This rule requires, in part, that [a]t the completion of Phase II, after revegetation has been established on the regraded mined lands in accordance with the approved reclamation plan, an additional amount of bond [may be released]. When determining the amount of bond to be released after successful revegetation has been established, the Division will retain that amount of bond for the revegetated area which would be sufficient to cover the cost of reestablishing revegetation if completed by a third party and for the period specified for operator responsibility in UCA 40-10-17(t) of the Act for reestablishing revegetation. No part of the bond or deposit will be released under this paragraph so long as the lands to which the release would be applicable are contributing suspended solids to streamflow or runoff outside the permit area in excess of the requirements set by UCA 40-10-17(j) of the Act and by R645-301-751.

While the bond release application was not available for review the DOGM technical analyses indicate that vegetation is established. Specifically, the Sowbelly area had 47.33% cover, which was equal to or greater than the cover of both the grass-sage reference area (38.9%) and the mixed brush reference area (47.7%). The Motyka similarity index indicates that the similarity of life forms between the revegetated area and reference areas was 89.73%, which exceeds the success standard of 70% similarity. During the bond release inspection no rills, gullies or other signs of accelerated erosion were identified. No noxious weeds were found.

The Hardscrabble Canyon area had 44.82% cover, which was greater than the cover of the grass-sage reference area (38.9%) and greater than 90% of the mixed brush reference area cover (47.7%). The Motyka similarity index indicates that the similarity of life forms between the revegetated area and reference areas was 70.21%, which exceeds the success standard of 70% similarity. During the bond release inspection two small rills were found, but no gullies or other signs of accelerated erosion were identified. Only one noxious weed plant, a musk thistle was found and eliminated.

This information clearly demonstrates that vegetation is established. Based on this information DOGM's decision to approve the revegetation portion Phase II bond release application is appropriate and OSM should concur with the State's decision.

However, I would recommend that we discuss a statement that DOGM has included in their technical analyses that may not be correct. In both technical analysis DOGM states that "[s]ome of the revegetation success standards that would normally be applied, such as production, woody plant density, and cover, are not included as success standards because the site was previously disturbed." The State rules at R645-356.250 require that "[f]or areas previously disturbed by mining that were not reclaimed to the requirements of R645-200 through R645-203 and R645-301 through R645-302 and that are remined or otherwise redisturbed by coal mining and reclamation operations, at a minimum, the vegetative ground cover will be not less than the ground cover existing before redisturbance and will be adequate to control erosion. I believe that this area is considered a previously disturbed are and would therefore be subject to the requirements of this rule at Phase III bond release. I do not see this rule as an impediment bond release at either site because, as discussed above, both the revegetated areas have cover greater than or equal to 90% of the reference areas.

If you have any questions please feel free to contact me.