

Glen A. Zumwalt
Vice President and
General Manager



Utah Fuel Company

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Subsidiary of
Coastal States
Energy Company

October 15, 1987

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DIVISION OF OIL
GAS & MINING

Lowell P. Braxton
Reclamation Land Administrator
Division of Oil, Gas & Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah

FILE COPY

Dear Mr. Braxton:

During the past couple of years there have been numerous discussions between mine personnel and people from the Division and OSM personnel concerning the undisturbed drainage ditches here at the Skyline Mine portal and Railroad Loadout areas.

Since the inception of the Skyline Mines we have experienced several years of higher than normal precipitation, including some high intensity rainfall from thunderstorms. Numerous observations have during this time been made by mine personnel and Division personnel for water flowing in these ditches and they have not seen any perceptible flow. The ditches contain small sized litter such as twigs, conifer needles, leaves, and pieces of grass stems. This material is distributed in an undisturbed fashion along the bottom of the ditches, providing good evidence that very little if any water actually flows in these undisturbed drainage ditches.

During a recent visit to our minesite by Division and OSM personnel, we had a discussion with Mr. Joe Funk of OSM concerning these undisturbed drainage ditches. Mr. Funk indicated we (Utah Fuel Company) would be better off not constructing or maintaining these undisturbed drainage ditches. He further stated that they are not required by law, but are obviously in our plan, and would expect them to be maintained as designed. On two occasions during the past seven years we have experienced soil slumps as a result of these ditches. We feel that any maintenance on these ditches will remove the well established existing vegetation and greatly increase the likelihood of increased soil movement and additional slumps.

In reviewing the regulation we find that UMC 817.43 states, "Overland flow, including flow through litter, and shallow ground water flow from undisturbed areas, and flow in ephemereal streams may be diverted away from disturbed areas...., if required or approved by the Division as necessary...." In the new proposed UMC 742.311 it states, "With the approval of the Division, any flow from undisturbed areas or reclaimed areas, ... may be diverted from disturbed areas...." CFR 30-816.43

DOGM Letter
October 15, 1987
Page two

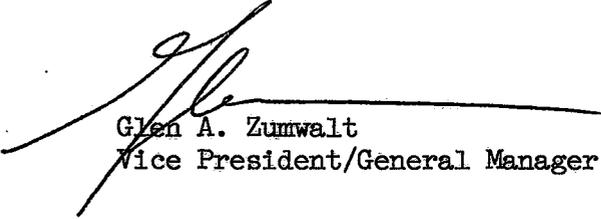
and 817.43 are the same as the proposed UMC 742.311 code except where the CFR used "shall," the Division used "will."

As we read these regulations it is apparent to us that undisturbed drainage ditches "may be put in if approved by the Division, or "if required by the Division."

Everyone who has looked at our undisturbed drainage ditches agrees that they are not conveying undisturbed drainage water and should not be maintained for that purpose. We are, therefore, requesting that these ditches at the Skyline Minesite be dropped and removed from our Mining and Reclamation Plan. When the requirement for these ditches is removed from our M&RP, the only reclamation efforts that we plan are to do spot seeding over a few areas that are not currently covered with adequate well established vegetation.

If you need additional information please let me know.

Sincerely,



Glen A. Zumwalt
Vice President/General Manager

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