



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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Mine file  
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## MEMORANDUM

IN THE MATTER OF NOTICE OF VIOLATION N92-37-1-1

### Fact of Violation

Reclamation of the conveyor bench slopes is addressed in pages 4-35 and 4-36 of the MRP (Exhibit 1). These pages indicate that annual, quantitative vegetation monitoring will occur.

During the inspection of 2/26/92, Mr. Zobel stated that when it became apparent that revegetation standards could not be achieved for bond release, annual quantitative monitoring of the reclamation of the conveyor slopes was stopped. A plan designed by the Soil Conservation Service (SCS) and described in Vol A-2 was incorporated into the Skyline Mining and Reclamation Plan and placed into action (Exhibit 2). The SCS plan was written in 1988 for implementation in 1989 through 1995.

The SCS plan as described in Vol A-2 states, "*the company wants to initiate a long-term program of revegetation, rather than the past one-shot approaches.*" It calls for evaluations of experimental practices, treatments and trials annually, and for the conclusions drawn from these evaluations to be applied to the next year's reclamation efforts.

Annual reports submitted in 1989 and 1990 indicate that no vegetative monitoring was done at the Skyline Mine (Exhibits 3 and 4). During conversation, Mr. Zobel indicated that qualitative evaluations were conducted by both himself and the SCS last year. No field notes were available.

Under questioning, Mr. Zobel indicated that the SCS experimental design was not followed, only one experimental practice was implemented as designed. Others were eliminated or combined into hybrid treatments. The revised methodologies employed have not been submitted to the Division. The Division does not have any reports on the conveyor bench slope reclamation to date.

The Division received Conveyor Revision (Revision 91-1) on 12/10/91. Page 4-36 of this revision states

*The Permittee has developed a special revegetation plan for the conveyor bench slopes that have not been successfully*

*revegetated. This revegetation plan is included in Volume A-2 and is directed at final reclamation.*

No further information is provided.

The methods employed by Utah Fuel on the conveyor slopes, both successful and unsuccessful will have a large bearing upon the reclamation plan for the site. A written record of trials, methodologies, successes and failures was implicit in the design of the contemporaneous revegetation of the conveyor slopes which pose difficult problems for establishment. Failure to report vegetation monitoring (qualitative or quantitative) hinders the Division's evaluation of progress towards the development of a reclamation strategy.

#### Provision of the Act

The Division routinely requests that an annual report be filed in accordance with **UCA 40-10-19(1)**. This report is to include vegetation test plot monitoring data and implementation. The Division's annual request states, "If no quantitative monitoring was required, then at a minimum a qualitative description of the interim of final vegetation" is required. Seeding activity should also be described for the year.

The Division requires these periodic updates to enable a determination of compliance with **UCA 40-10-17(2)(b)** which requires that disturbed land is restored to its original land use and **UCA 40-10-17(2)(d)** which requires that all surface areas are stabilized and protected to control erosion.

R645-301-351 ...Reclamation operations will be carried out according to plans provided under R645-301-330 through R645-301-340.

R645-301-330 ...The operation plan will contain a plan for the protection of vegetation resources

R645-301-331 ...The plan will provide for prompt establishment and maintenance of vegetation for interim stabilization of disturbed areas.

R645-300-143 ...The permittee will comply with the terms and conditions of the permit.