

September 17, 2003

Dan Meadors, General Manager
Canyon Fuel Company, LLC.
HC 35 Box 380
Helper, Utah 84526

Re: South Fork Portal Reclamation, Canyon Fuel Company, LLC., Skyline Mine,
C/007/0005, Task ID #1663, Outgoing File

Dear Mr. Meadors:

The above-referenced amendment has been reviewed. There are deficiencies that must be adequately addressed prior to approval. A copy of our Technical Analysis is enclosed for your information. In order for us to continue to process your application, please respond to these deficiencies by December 11, 2003.

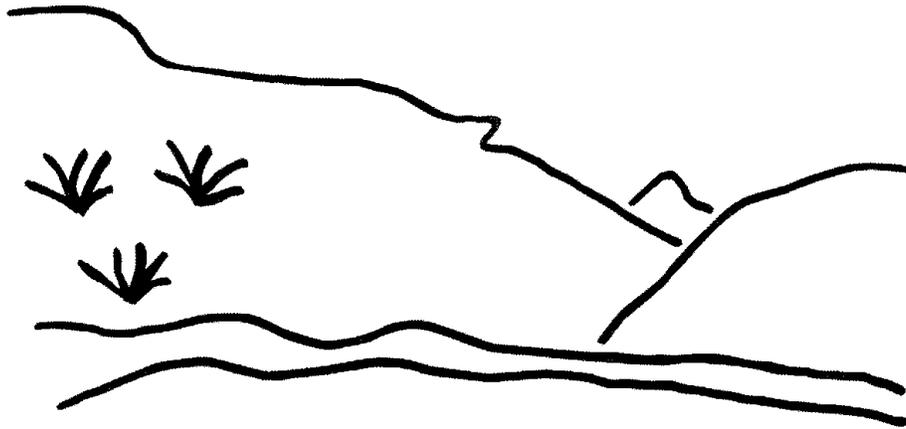
If you have any questions, please call me at (801) 538-5268 or Stephen J. Demczak at (435) 613-5242.

Sincerely,

Pamela Grubaugh-Littig
Permit Supervisor

SJD/sd
Enclosure
cc: Price Field Office
O:\007005.SKY\FINAL\DEF1663.DOC

State of Utah



Utah Oil Gas and Mining

Coal Regulatory Program

Skyline Mine
South Fork Portals Reclamation
C/007/005
Task ID #1663
Technical Analysis
September 17, 2003

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TECHNICAL ANALYSIS

TECHNICAL ANALYSIS

The Division regulates the Surface Mining Control and Reclamation Act of 1977 (SMCRA). When mines submit a Permit Application Package or an amendment to their Mining and Reclamation Plan, the Division reviews the proposal for conformance to the R645-Coal Mining Rules. This Technical Analysis is such a review. Regardless of these analyses, the permittee must comply with the minimum regulatory requirements as established by SMCRA.

Readers of this document must be aware that the regulatory requirements are included by reference. A complete and current copy of these regulations and a copy of the Technical Analysis and Findings Review Guide can be found at <http://ogm.utah.gov/coal>

This Technical Analysis (TA) is written as part of the permit review process. It documents the Findings that the Division has made to date regarding the application for a permit and is the basis for permitting decisions with regard to the application. The TA is broken down into logical section headings which comprise the necessary components of an application. Each section is analyzed and specific findings are then provided which indicate whether or not the application is in compliance with the requirements.

Often the first technical review of an application finds that the application contains some deficiencies. The deficiencies are discussed in the body of the TA and are identified by a regulatory reference which describes the minimum requirements. In this Technical Analysis we have summarized the deficiencies at the beginning of the document to aid in responding to them. Once all of the deficiencies have been adequately addressed, the TA will be considered final for the permitting action.

It may be that not every topic or regulatory requirement is discussed in this version of the TA. Generally only those sections are analyzed that pertain to a particular permitting action. TA's may have been completed previously and the revised information has not altered the original findings. Those sections that are not discussed in this document are generally considered to be in compliance.

INTRODUCTION

INTRODUCTION

The amendment to reclaim the South Fork Portals for Mine #1 was received August 29, 2003 (Friday). The information indicates that 1,300 Tons of gob is proposed for reclamation of the portal. This will take the place of coal; which was mined from this area. The coal waste will be covered by five feet of soil. The application modifies pages 4-39a through 4-41 of the MRP and adds page 4-41a. The proposal is currently considered deficient and items outlined below need to be adequately addressed to meet the minimum requirements of the State Regulations.

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INTRODUCTION

SUMMARY OF DEFICIENCIES

SUMMARY OF DEFICIENCIES

The Technical analysis of the proposed permit changes cannot be completed at this time. Additional information is requested of the permittee to address deficiencies in the proposal. A summary of deficiencies is provided below. Additional comments and concerns may also be found within the analysis and findings made in this Draft Technical Analysis. Upon finalization of this review, any deficiencies will be evaluated for compliance with the regulatory requirements. Such deficiencies may be conditioned to the requirements of the permit issued by the division, result in denial of the proposed permit changes, or may result in other executive or enforcement action and deemed necessary by the Division at that time to achieve compliance with the Utah Coal Regulatory Program.

Accordingly, the permittee must address those deficiencies as found within this Draft Technical Analysis and provide the following, prior to approval, in accordance with the requirements of:

Regulations

R645-301-121.100, R645-301-511.100, Please provide the Division with a copy of Plate 3.2.11-1 Mine #1 Portal Breakout Map showing the disturbed area and a reclamation treatment map showing areas of ripping and/or gouging, other sediment control, topsoil placement depths, seeding treatments, and area of transplanting 27

R645-301-231.100, (1) The application must include a description of topsoil salvage from the Dry Fork flat area. (2) Soil handling between the knob and the portals should be addressed in the narrative. 13

R645-301-244, Please provide a description of the rate of application of straw mulch and the extent of gouging versus ripping at the site and any other deviation from the approved planting methods described in Section 4.7, Table 4.7-4, Table 4.7-5 and Table 4.7-6. 24

R645-301-244, The plan must indicate that topsoil stored at the mouth of the small canyon will all be used in reclamation of the disturbed area..... 14

R645-301-542.200, The permittee must submit a plan for compaction of material used for reclaiming the highwall..... 27

R645-301-542.600, The road will be reclaimed immediately after it is no longer needed for mining and reclamation operations..... 23

SUMMARY OF DEFICIENCIES

R645-301-542.710, The application needs to indicate that there will be 450 cu yds of Electric Lake sediments that will be hauled to the site for backfill inside the portals. 15

R645-301-542-300, R645-301-512, Contour maps and cross-section must be certified by a P.E. 27

R645-301-731.311, The results of the chemical analysis of the waste used as fill must be provided with the application..... 15

R645-301-742.120, The application must include a commitment to armor or construct the restored stream banks with material of increased durability as a form of sediment control. ... 19

R645-301-742.120, The application must include a commitment to deep-gouge any reclaimed roads to eliminate any concentrated runoff from those areas until vegetation is established, or commit to maintain adequate sediment control structures within the permit area. 19

R645-301-742.124, The application must include a commitment to control sediment runoff from the existing access road with the use of silt fences and/or straw bales prior to entering the creek during active reclamation activities..... 18

R645-301-742.211, The application must include a commitment to when the culvert is removed, the existing streambed sediments will be roughened (using existing materials) to match natural roughness existing upstream and downstream of the disturbance. 18

GENERAL CONTENTS

GENERAL CONTENTS

RIGHT OF ENTRY

Regulatory Reference: 30 CFR 778.15; R645-301-114

Analysis:

The road accessing the South Fork Portals is within the permit area of Skyline Mine. The permittee will not need to get a special use road permit from the US Forest Service.

Findings:

The permittee has met the minimum requirements of this section of the R645 Coal Rules.

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GENERAL CONTENTS

ENVIRONMENTAL RESOURCE INFORMATION

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

GEOLOGIC RESOURCE INFORMATION

Regulatory Reference: 30 CFR 784.22; R645-301-623, -301-724.

Analysis:

Map 2.2.1-1 adequately illustrates that the portals are located within the Blackhawk Formation and the dip is to the west indicating that any infiltration of the mine waste will be towards the portals and not toward the creek.

Findings

The information provided adequately addresses the minimum requirements of the Environmental Resource Information – Geologic Resource Information section of the regulations.

MAPS, PLANS, AND CROSS SECTIONS OF RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.24, 783.25; R645-301-323, -301-411, -301-521, -301-622, -301-722, -301-731.

Analysis:

Existing Surface Configuration Maps

Map 3.2.11-1 - Mine #1 Portal Breakout Area adequately identifies the area to be reclaimed on a reasonable topographic scale. Map 4.6.5-1 has also been included in the submittal to adequately illustrate the current surface surrounding the portal area and identify cross sections of the proposed backfill. No additional maps area required at this time.

Findings:

The information provided adequately addresses the minimum requirements of the Environmental Resource Information – Maps, Plans, and Cross Sections of Resource Information section of the regulations.

OPERATION PLAN

OPERATION PLAN

TOPSOIL AND SUBSOIL

Regulatory Reference: 30 CFR Sec. 817.22; R645-301-230.

Analysis:

Topsoil Removal and Storage

It is estimated that there will be 150 round trip truck trips up the canyon to transport the sediment from Electric Lake to be used in portal closure; two trips to transport blocks; and 100 trips to transport waste rock for fill (personal communication with Chris Hansen September 10, 2003).

Topsoil will be removed from the Dry Fork flat area that will be used as a passing area for transport trucks. The depth of salvage and placement of topsoil for storage is yet to be determined. Soil handling on the roadway between the portals and the knob should be addressed. I.E., some of the subsoil is stored along the roadway just downstream from the land bridge.

The plan seems to indicate that the “knob” of topsoil may not be utilized in reclamation of this project. Regulation R645-301-242 requires that the salvaged and stockpiled soils be redistributed within the permit area.

Findings:

The information provided is not adequate for the requirements of the regulations. Prior to approval, the Permittee must provide the following in accordance with:

R645-301-231.100, (1) The application must include a description of topsoil salvage from the Dry Fork flat area. (2) Soil handling between the knob and the portals should be addressed in the narrative.

R645-301-244, The plan must indicate that topsoil stored at the mouth of the small canyon will all be used in reclamation of the disturbed area.

SPOIL AND WASTE MATERIALS

Regulatory Reference: 30 CFR Sec. 701.5, 784.19, 784.25, 817.71, 817.72, 817.73, 817.74, 817.81, 817.83, 817.84, 817.87, 817.89; R645-100-200, -301-210, -301-211, -301-212, -301-412, -301-512, -301-513, -301-514, -301-521, -301-526, -301-528, -301-535, -301-536, -301-542, -301-553, -301-745, -301-746, -301-747.

Analysis:

Refuse Piles

Section 4.16 of the MRP describes placement of underground development waste either in the mined out workings or at the Scofield Waste Rock site. Refuse that is transported to the Waste Rock site will be tested as outlined in Section 4.4.5 of the MRP. One sample will be taken for every 2,000 Tons hauled.

The application indicates that the waste to be used as backfill in the #1 Mines was sampled, but no results are available. During a site visit on September 9, 2003, Mr. Doug Johnson indicated that waste to be used as fill was mined in 1994 and stored underground until now.

The application should also indicate that there will be 450 cu yds of Electric Lake sediments that will be hauled to the site for backfill inside the portals. The application should account for the number of truck trips over the ancillary road.

The 1998 Annual Report contains a number of waste analyses and a topsoil analysis for comparison. The amount of waste transported to the Scofield Waste Rock site is not indicated in the Annual Report (nor are there any refuse pile certifications for the entire year). A review of the analyses indicates the following properties of the gob: sand classification with bulk density between 1.3 g/cc – 2.4 g/cc, SAR values 2.0 or less, and Electrical Conductivity values between 1.0 and 2.0 mmhos/cm. Soluble boron values are below 1 mg/kg. Selenium is between the limits of detection and 0.1 mg/kg (AB_DTPA method). As a whole, the waste has a neutral pH but little carbonate content (neutralization capacity); six samples collected in July and August 1998 were acid forming based on the total sulfur percent. When only pyritic sulfur was evaluated, however, the acid/base accounting returned to positive values.

Twelve samples taken of waste disposed at the Scofield Waste Rock site in 2002 reflect different characteristics. These samples represented 8,448 tons of waste transported in December of 2002. Overall, the material was characterized as a sandy loam and had ten times greater neutralization capacity than the 1998 samples. There were no elevated values of boron or selenium. Electrical conductivity values ranged from 1.82 to 6.44 mmhos/cm and SAR values were between 1.0 and 2.0.

OPERATION PLAN

If the waste brought to the South Fork Mine #1 breakout portals for fill is similar to that previously sampled, it will not pose a toxicity threat. The characteristics of the waste are as yet unknown, but the Permittee has committed to providing the Division with the analyses when they become available and covering the waste with five feet of substitute topsoil and topsoil.

Findings:

The information provided is not adequate for the requirements of the regulations. Prior to approval, the Permittee must provide the following in accordance with:

R645-301-731.311, The results of the chemical analysis of the waste used as fill must be provided with the application.

R645-301-542.710, The application needs to indicate that there will be 450 cu yds of Electric Lake sediments that will be hauled to the site for backfill inside the portals.

HYDROLOGIC INFORMATION

Regulatory Reference: 30 CFR Sec. 773.17, 774.13, 784.14, 784.16, 784.29, 817.41, 817.42, 817.43, 817.45, 817.49, 817.56, 817.57; R645-300-140, -300-141, -300-142, -300-143, -300-144, -300-145, -300-146, -300-147, -300-147, -300-148, -301-512, -301-514, -301-521, -301-531, -301-532, -301-533, -301-536, -301-542, -301-720, -301-731, -301-732, -301-733, -301-742, -301-743, -301-750, -301-761, -301-764.

Analysis:

Groundwater Monitoring

No springs or wells exist in the vicinity of the South Fork Portals that would be affected by the current activity. Although waste rock has been included in the fill, it has tested negative for acidic and toxic properties. The dip of the geology is into the mine so any infiltration of the waste rock will flow into the mine.

Surface Water Monitoring

Stream monitoring site CS-15 is located approximately 600-feet downstream of the South Fork Portal area and encompasses the majority of the proposed disturbance. Two stream monitoring sites exist on the South Fork of Eccles Creek (CS-15 and VC-10, respectively). Based on flow records since 1990, CS-15 accounts for approximately 10-12 percent of the flow in the South Fork of Eccles Creek. The middle branch of South Fork of Eccles Creek (where the portals are located) is an ephemeral channel. Flow records since 1990 indicate flows range from 0 to 138 gpm, with an average recorded value of approximately 45 gpm. Skyline's sampling frequency is typically June-August-October and flow has only been observed in June indicating flow is typically in response to snowmelt and individual storm events. Should any localized adverse conditions arise at the reclamation site, CS-15 should adequately document any changes.

Acid- and Toxic-Forming Materials and Underground Development Waste

Acid and toxic-forming materials generation to the point that it causes environmental harm is unlikely. The waste has been tested and will continue to be tested prior to placement as backfill. The portals are located approximately 25-feet vertically and 70-feet horizontally from the middle branch of the South Fork of Eccles Creek that is an ephemeral drainage (in that stretch) indicating communication between the two is unlikely. The portals are located on a well-vegetated slope with no drainages leading through the portal site, indicating sheet flow of water will be minimal through the site. The waste rock will also be covered by a minimum of 4-feet of topsoil and subsoil, highly reducing the infiltration of water through the waste rock.

Sediment Control Measures

The following drainage control measures need to be adequately addressed prior to approval of the proposed amendment. According to the Operator, the currently established road accessing the South Portal area needs improvements prior to construction enabling adequate vehicle access. These improvements include leveling of existing berm, widening of the road in narrow locations, and grading of the road inward (away from the creek). These improvements will increase the potential for concentration of runoff from the road. The Operator needs to make a text commitment to control sediment runoff from the road with the use of silt fences and/or straw bales prior to entering the creek.

OPERATION PLAN

During the reclamation of the stream bed currently beneath the culvert/land bridge accessing the South Portals (approximately 80-foot section), the Operator needs to make the following text commitments: 1) when the culvert is removed, the existing stream bed sediments will be roughened (using existing materials) to match natural roughness existing upstream and downstream of the disturbance; and 2) the deep-gouge roughening of the slopes immediately adjacent to the reclaimed stream channel will need to be armored by increasing the composition of straw, rock, and/or high-clay soil in the bank material to make the stream banks more durable while vegetation is being established.

At completion of the closure of the South Portal area, the Operator needs a text commitment to deep-gouge any reclaimed roads to eliminate any concentrated runoff from those areas until vegetation is re-established, or commit to maintain adequate sediment control structures within the permitted area.

Findings:

The information provided does not adequately address the minimum requirements of the Operation Plan – Hydrologic Information section of the regulations. Prior to approval, the following information must be provided in accordance with:

R645-301-742.124, The application must include a commitment to control sediment runoff from the existing access road with the use of silt fences and/or straw bales prior to entering the creek during active reclamation activities.

R645-301-742.211, The application must include a commitment to when the culvert is removed, the existing streambed sediments will be roughened (using existing materials) to match natural roughness existing upstream and downstream of the disturbance.

R645-301-742.120, The application must include a commitment to armor or construct the restored stream banks with material of increased durability as a form of sediment control.

R645-301-742.120, The application must include a commitment to deep-gouge any reclaimed roads to eliminate any concentrated runoff from those areas until vegetation is established, or commit to maintain adequate sediment control structures within the permit area.

RECLAMATION PLAN

RECLAMATION PLAN

APPROXIMATE ORIGINAL CONTOUR RESTORATION

Regulatory Reference: 30 CFR Sec. 784.15, 785.16, 817.102, 817.107, 817.133; R645-301-234, -301-412, -301-413, -301-512, -301-531, -301-533, -301-553, -301-536, -301-542, -301-731, -301-732, -301-733, -301-764.

Analysis:

The permittee has submitted cross-sections and existing contours of the South Fork Portals. The permittee has indicated that the highwalls will be eliminated. This will meet the requirements of approximate original contours.

Findings:

The permittee has met the requirements of this section.

BACKFILLING AND GRADING

Regulatory Reference: 30 CFR Sec. 785.15, 817.102, 817.107; R645-301-234, -301-537, -301-552, -301-553, -302-230, -302-231, -302-232, -302-233.

Analysis:

Backfilling and Grading On Steep Slopes

The backfilling and grading of the highwall slopes will not exceed 2:1. The permittee will use a track hoe and dozer to backfill the South Fork Portals. However, the Mining and Reclamation Plan in Volume 3, Backfilling and Grading Section 4.4, does not address the compaction intervals of the material. It is recommended that the material used to reclaim the highwall should be compacted at maximum of two-foot intervals.

Findings:

The permittee has not met the minimum requirements of this section. Prior to approval, the permittee must meet the following R645 Coal Rule.

MINE OPENINGS

Regulatory Reference: 30 CFR Sec. 817.13, 817.14, 817.15; R645-301-513, -301-529, -301-551, -301-631, -301-748, -301-765, -301-748.

Analysis:

The sealing and backfilling of the portals has been approved in the Mining and Reclamation Permit and is not addressed in this amendment. The permittee must follow the approved plan as it pertains to sealing and backfilling the portals. If there is a change to the approved plan, the permittee must seek Division and MSHA approval.

Findings:

The permittee has met the requirements of this section.

ROAD SYSTEMS AND OTHER TRANSPORTATION FACILITIES

Regulatory Reference: 30 CFR Sec. 701.5, 784.24, 817.150, 817.151; R645-100-200, -301-513, -301-521, -301-527, -301-534, -301-537, -301-732.

Analysis:

Reclamation

This is a pre-law road. The topsoil and some of the subsoil have been removed. No topsoil has been saved from this area. The permittee used this road to haul coal and to construct the South Fork Portals. The inspection of this area indicates that plants have started to encroach on to the road. The permittee now plans to use this road to transport material for sealing the portals and refuses materials for backfilling the highwall. Since this road is not a primary road; the road will need to be reclaimed. The permittee will need to rip and seed the road from the pump house to the South Fork Portals. If the permittee wishes to keep the road for a postmining land use, it must be a primary road (See R645-301-527.120 and R645-301-527.123).

The road can be reclaimed after the portals have been reclaimed.

RECLAMATION PLAN

Findings:

The permittee has not addressed the requirements of this section. Prior to approval, the permittee must rip and seed the road. The permittee must comply with the following R645 Coal Rule.

R645-301-542.600, The road will be reclaimed immediately after it is no longer needed for mining and reclamation operations.

HYDROLOGIC INFORMATION

Regulatory Reference: 30 CFR Sec. 784.14, 784.29, 817.41, 817.42, 817.43, 817.45, 817.49, 817.56, 817.57; R645-301-512, -301-513, -301-514, -301-515, -301-532, -301-533, -301-542, -301-723, -301-724, -301-725, -301-726, -301-728, -301-729, -301-731, -301-733, -301-742, -301-743, -301-750, -301-751, -301-760, -301-761.

Analysis:

Hydrologic Reclamation Plan

In Section 2.4.4 of the MRP the Applicant commits to continuing sampling ‘throughout the post-mining period until the reclamation effort is determined successful by the regulatory authority’. This adequately covers the Hydrologic Reclamation Plan.

Findings:

The information provided adequately addresses the minimum requirements of the Reclamation Plan – Hydrologic Information section of the regulations.

STABILIZATION OF SURFACE AREAS

Regulatory Reference: 30 CFR Sec. 817.95; R645-301-244.

Analysis:

The application indicates that the surface of the Mine #1 portal area will be gouged to a depth of one foot (page 4-41). The application indicates that the site will be gouged or raked (page 4-41a). The application does not indicate what areas will be raked as opposed to gouged. I.E., will the ancillary road from the knoll to the portals be gouged? Will the road/trail from the portals upstream be gouged?

The MRP in Section 4.7.8 (page 4-50) describes reseeding and mulching at the South Fork Breakout, except that current plans are to apply straw mulch rather than hydro mulch and broadcast instead of hydro seed (personal communication with Chris Hansen on September 10, 2003). Table 4.7-4 and Table 4.7-5 for Aspen (portals) and spruce and fir (roadway) seed mixes will be used on the site. Table 4.7-6 describes supplemental shrub planting for riparian zones to be used in addition to the south and north slope mixtures.

Gravel may be applied to roadways to a depth of three inches in select locations to minimize the offsite sediment transport (personal communication with Chris Hansen on September 10, 2003).

Findings:

The information provided is not adequate for the requirements of the regulations. Prior to approval, the Permittee must provide the following in accordance with:

R645-301-244, Please provide a description of the rate of application of straw mulch and the extent of gouging versus ripping at the site and any other deviation from the approved planting methods described in Section 4.7, Table 4.7-4, Table 4.7-5 and Table 4.7-6.

CESSATION OF OPERATIONS

Regulatory Reference: 30 CFR Sec. 817.131, 817.132; R645-301-515, -301-541.

Analysis:

The application indicates that the mine will become idle early in 2004. Reclamation of the Mine #1 portals will secure these openings as required by R645-301-515.310.

Findings:

The reclamation work will secure the portal openings during temporary cessation.

MAPS, PLANS, AND CROSS SECTIONS OF RECLAMATION OPERATIONS

Regulatory Reference: 30 CFR Sec. 784.23; R645-301-323, -301-512, -301-521, -301-542, -301-632, -301-731.

RECLAMATION PLAN

Analysis:

Affected Area Boundary Maps

The permittee has an approved affected area boundary map (See Plate 3.2.11-1).

Reclamation Backfilling And Grading Maps

The permittee has submitted cross-sections of final reclamations and existing surface configurations. However, the Mining and Reclamation Plan in Volume 3, Backfilling and Grading 4.4, does not address the compaction intervals of the material. It is recommended that the material used to reclaim the highwall should be compacted at maximum of one-foot intervals. This is the requirement used for the Skyline waste rock site.

Final Surface Configuration Maps

Reclamation Cross Sections South Fork Portals Dwg 4.6.5-1 was submitted with this application. The map shows the placement of waste against the three portals of the #1 Mine. Map 2.2.7.7 shows the Mine #1 breakout portals in the South Fork of Eccles Creek. The Mine #1 Portal Breakout, map 3.2.11-1 shows the 0.96 acre disturbed area of the South Fork break out portals, unfortunately this map has been lost from the Division's copy of the MRP.

The reclaimed slope will be a 2h:1v.

The permittee has submitted operation contours and final cross-sections. This can be seen on Map 4.6.5-1. The cross-section showed that the permittee would reclaim the South Fork portal highwalls. The coal rules give the permittee a choice to either submit cross-sections or final contours (See R645-301-542.200).

Reclamation Treatments Maps

None provided. A reclamation treatment map is recommended since the project management will be contracted out.

Certification Requirements.

The permittee did not certify map 4.6.5-1 that was submitted to the Price Field Office. The map at the Salt Lake Office was P.E. certified. The permittee should have all maps certified to meet the R645 requirements.

Findings:

The information provided does not meet the requirements of the Regulations. Prior to approval, the Permittee must provide the following in accordance with:

R645-301-121.100, R645-301-511.100, Please provide the Division with a copy of Plate 3.2.11-1 Mine #1 Portal Breakout Map showing the disturbed area and a reclamation treatment map showing areas of ripping and/or gouging, other sediment control, topsoil placement depths, seeding treatments, and area of transplanting.

R645-301-542-300, R645-301-512, Contour maps and cross-section must be certified by a P.E.

R645-301-542.200, The permittee must submit a plan for compaction of material used for reclaiming the highwall.