

0031

Outgoing

C0070005

3356

Q

From: April Abate
To: Gregg Galecki
CC: OGMCOAL@utah.gov
Date: 8/27/2009 8:59 AM
Subject: RE: Skyline Water Sample Reduction Amendment Task #3356
Place: OGMCOAL@utah.gov
Attachments: April Abate.vcf

Hi Greg,

Thanks for the email. I spoke with Jim Smith and we both agreed that the best way to go about satisfying this would be to send notification via email, followed up with a letter to the USFS District Supervisor indicating the affected water rights, what sampling points are to be eliminated, and emphasizing that stream monitoring is still taking place just in fewer locations, in case they have a concern with that. I'm fine with the language you suggested regarding approving the action by default within three weeks if no response is received.

I realize that following through on this does appear to be somewhat of an informality and a bit redundant since it happens to be the USFS - an agency very tied into our permitting actions. The intent of this reg is to protect water rights stakeholders and keep them informed of mining activities whether it be the Forest Service or John Q. Cattle Rancher. One of the most common complaints that we get at these water user meetings from the stakeholders is feeling like they are out of the loop.

Thanks Greg, I will be here today if you want to call and discuss further. I was also disappointed that I couldn't make the trip to Skyline as well. I have only been to the offices (for an informal conference, my 2nd day on the job...lol) and I have been wanting to see the surface facilities. Hopefully I'll get there sooner, rather than later.

Regards,
April

April A. Abate
Environmental Scientist II
 Division of Oil, Gas and Mining
 1594 W. North Temple, Suite 1210
 Salt Lake City, Utah 84114-5801
 T: 801.538.5214
 F: 801.359.3940
 M: 801.232.1339

>>> "Galecki, Gregg" <GGalecki@archcoal.com> 8/26/2009 1:02 PM >>>

April,

Thanks for your time and willingness for an open discussion on the deficiencies identified below and ensuing email outlining the basis of the deficiency. Below is my summary of some of the topics we discussed and additional thoughts.

Concerning providing water right stakeholders notification of the reduction in Water Monitoring:

- All the stream flow sites are listed as USFS water rights, however I don't believe the USFS was ever notified of the monitoring sites in the first place other than when the monitoring stations were discussed, developed, and approved by DOGM. I believe DOGM does not normally seek USFS 'concurrence' on normal permitting actions - the stream flow monitoring is a condition of the SMCRA permit not a condition on the Skyline USFS permit, and your determination indicates there are no associated impacts. In addition, they will be notified of the change when they receive / review the amendment information sent to them for their M&RP. Also remember that the monitoring of the stream is still taking place, only that the spacing between sample sites has been increased. Other items that are also problematic with me writing a letter seeking a response include: 1) who to send the letter to since the Water Right holder address is in the Ogden Utah office; and 2) it is awkward for me to write a letter soliciting a response that needs to go to DOGM. All that being said, I can write a letter to the USFS District Ranger indicating the action will be approved within three (3) weeks if DOGM does not receive a response. I'll wait for your response.

- Concerning Abandonment of Well 99-28-1, there is no associated Water Right for the well because it is a monitoring well, not pumping or production well. However, the well is licensed with the State and I have both notified discussed the abandonment procedure. They will be forwarding me the abandonment log form that will need to be filled out by the licensed driller conducting the work.

I have received the returned water monitoring amendment. I'll call you to discuss a few items after you have a chance to read the information listed above. I was disappointed you were not able to attend the inspection yesterday - we could have discussed some of this face-to-face.

Talk to soon,

Gregg

From: April Abate [mailto:aprilabate@utah.gov]
Sent: Wednesday, August 19, 2009 1:22 PM
To: Galecki, Gregg
Cc: OGMCOAL@utah.gov
Subject: Skyline Water Sample Reduction Amendment Task #3356

Hello Greg,

We are finalizing that water monitoring reduction memo that you and I have been discussing. Overall, I do agree with the reasoning behind eliminating the sampling points and am fine with removing the sampling locations requested. However, there is additional information that I am asking for, such as providing notice to the Division that all water right stakeholders on the affected sampling locations will be provided notice that they are being eliminated and also a notice on the intent for the well to be eliminated (i.e. do you intend to plug or transfer it?). Because of this, Jim decided to send it out as a deficiency letter. I know that I indicated on the phone that this was a conditional approval, but I wanted to let you know of this change before the letter went out and you were surprised. Another change was the maps. I asked if you could leave the eliminated sample points on the maps and just note that they are inactive, rather than eliminating them from the map all together. That way, we can still locate them on the maps, if we need to look at historical data.

Thanks Greg, I hope this all makes sense to you but if not, feel free to call me with questions. We should have that letter out to you in the next few days.

Sincerely,

April

April A. Abate

Environmental Scientist II

Division of Oil, Gas and Mining

1594 W. North Temple, Suite 1210

Salt Lake City, Utah 84114-5801

T: 801.538.5214

F: 801.359.3940

M: 801.232.1339

***** Email Disclaimer ***** The information contained in this e-mail, and in any accompanying documents, may constitute confidential and/or legally privileged information. The information is intended only for use by the designated recipient. If you are not the intended recipient (or responsible for delivery of the message to the intended recipient), you are hereby notified that any dissemination, distribution, copying, or other use of, or taking of any action in reliance on this e-mail is strictly prohibited. If you have received this e-mail communication in error, please notify the sender immediately and delete the message from your system.