



United States Department of the Interior

OFFICE OF SURFACE MINING
Reclamation and Enforcement
Western Region Office
1999 Broadway, Suite 3320
Denver, CO 80202-3050



June 6, 2016

RECEIVED
JUN 09 2016
DIV. OF OIL, GAS & MINING
DENVER

Daron Haddock
Coal Program Manager
Utah Division of Oil Gas and Mining
P.O. Box 145801
Salt Lake City, UT 84114-5801

Dear Mr. Haddock:

I have enclosed a copy of OSMRE's Ten Day Notice (TDN) issued to the Utah Division of Oil, Gas and Mining on June 6, 2016. TDN X16-140-562-001 was issued as a result of an independent partial inspection and oversight topic-specific evaluation conducted by this office, in conjunction with DOGM, at the Skyline Mine on May 17, 2016.

If you have any questions regarding the TDN, please contact Tom Medlin, Environmental Protection Specialist, Denver Field Branch, at 303/293-5083 or tmedlin@osmre.gov.

Sincerely,

Alan Bochms, Manager
Denver Field Branch

Attachment: Skyline Mine TDN



U.S. DEPT. OF THE INTERIOR OFFICE OF SURFACE MINING

Mine Site Evaluation State Program



1. Permittee/Person CANYON FUEL COMPANY, LLC		9. Permit Number C007005	10. Permit Type PP
2. Address 6100 DUTCHMAN'S LANE, 9TH FLOOR		11. Field Visit Date 5/17/2016	12. Purpose OPI
3. City LOUISVILLE		13. SRA Present Y	
4. State KY		14. Permit Status A	15. Site Status AP
5. Zip Code 40205	6. Phone Number (502) 584-6022	16. Facility Type B	
7. Operator Name, if Different than Permittee		17. OSM Office # 140	18. CCID #
8. Mine Name SKYLINE MINE		19. Land Code SF	
		20. M.S.H.A. ID #	21. State Abbrev. UT
		22. County/Burrough CARBON	
		23. AVS Permittee Entity ID Number	24. State Office

25. Hours

10.0	a. Permit Review
6.0	b. Site Visit Time
8.0	c. Travel Time
6.0	d. Report Writing

26. Signature Block

Thomas Medlin
Signature

Thomas Medlin, ID#562
Printed Name

Date: **6/3/2016**

27. Reviewing Official:

Alan Pedern...
Signature

Review Date: **6/6/2016**
min - dl - yyyy

Is Supplemental MSE Page Used Y/N **Y**

Permit Type - Item 10 IP = Interim Program PP = Permanent Program NP = No Permit

Purpose Type Codes - Item 12

Oxx...Oversight
Assistance
RFx...Reclamation Fees
Federal Actions
CCR...Citizen Complaint Referral (non site visit)
CC...Citizen Complaint (initial site visit)
CCF...Assistance

Joint Inspection - Item 13 A joint inspection is when a state inspector accompanies an OSM inspector at any time during the review of the mine site

Permit Status - Item 14

A Active: Coal mining activities occurring or permitted but not yet disturbed
IN Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations (Interim Program Permit): Coal mining completed and reclamation activities initiated
DR Bond Release: Reclamation completed and State Regulatory Authority (RA) has released all of the bond (Phase III Release)

AB Abandoned: All surface and underground coal mining activities have ceased and operator has left the site without completing reclamation as defined in 30 CFR 810.11(g).
AB1 Bond Forfeiture: Bond forfeiture officially in process or completed and reclamation in progress or not yet commenced
AB2 Partially Reclaimed Forfeiture: Forfeited site where all bonds have been used to reclaim site, but site not reclaimed to Program standards
AB3 Reclaimed Forfeiture: Forfeited site that has been reclaimed to Program standards.
NA Not Applicable: When site is unpermitted.

Site Status - Item 15

ND No Disturbance: No coal mining and reclamation operations have been started
EX Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun
AP Active Coal Producing: Coal surface mining activities are occurring
AN Active Non-Producing: Active non producing facility such as tipple or preparation plant.
NM No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.

MC Mining Complete: No mining activity on site, site regraded and awaiting bond release
TC Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 810.817-13(b).
P1 Phase I Release: At least Phase I bond release granted for entire permitted area. For Interim permits, partial bond release.
P2 Phase II Release: At least Phase II bond release for the entire permitted area
P3 Phase III Release: Reclamation completed and the RA has released all bond.

NS Non-Site Visit: Status of site not determined
FP Forfeiture Pending: The RA is pursuing actions to revoke the permit, collect the performance bond(s) and/or reclamation of forfeited site is in progress
FR Forfeited and Reclaimed: Forfeiture reclamation completed
FO Abandoned Site: Abandoned site that is permitted but there is no bond
WC Widcat: Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA.

Facility Type Codes - Item 16

A...Surface
B...Underground
C...Preparation Plant
D...Ancillary (Haulroad, Conveyor, and/or Rails)
E...Refuse and/or Impoundment
F...Loading Facility and/or Tipple
G...Stockpiles
H...Exploration Permits
I...Notice of Intent to Explore
J...Exempt 16 and 2/3
K...Government Financed Construction Exemption
L...Renewing site permitted under 30 CFR 705.25

Small Business Regulatory Enforcement Fairness Act (SBREFA) Your Comments are Important

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 500 or fewer employees including those of affiliates) and wish to comment on the enforcement or compliance activities of OSM call 1-888-REG-FAIR (1-888-734-3247).

**U.S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING
Mine Site Evaluation**

Permittee/ Person CANYON FUEL COMPANY, LLC	Permit Number C007005	Field Visit Date 5/17/2016
		State Program Continuation Page

28. Performance Standard Categories

Codes:1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere, 6=Previously Cited, 7=Permit Defect

<p>A. Administrative</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Mining within Valid Permit 2. <input type="checkbox"/> Mining within Bonded Area 3. <input checked="" type="checkbox"/> Terms & Conditions of Permit 4. <input type="checkbox"/> Liability Insurance 5. <input type="checkbox"/> Ownership and Control 6. <input type="checkbox"/> Temporary Cessation 7. <input type="checkbox"/> AML Rec. Fees - Non-Respondent 8. <input type="checkbox"/> AML Rec. Fees - Failure to Pay <p>B. Hydrologic Balance</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Drainage Control 2. <input type="checkbox"/> Inspections & Certifications 3. <input type="checkbox"/> Siltation Structures 4. <input type="checkbox"/> Discharge Structures 5. <input type="checkbox"/> Diversions 6. <input type="checkbox"/> Effluent Limits 7. <input type="checkbox"/> Ground Water Monitoring 8. <input type="checkbox"/> Surface Water Monitoring 9. <input type="checkbox"/> Drainage - Acid-Toxic Materials 10. <input type="checkbox"/> Impoundments 11. <input type="checkbox"/> Stream Buffer Zones <p>C. Topsoil & Subsoil</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Removal 2. <input type="checkbox"/> Substitute Materials 3. <input type="checkbox"/> Storage and Protection 4. <input type="checkbox"/> Redistribution 	<p>D. Backfilling & Grading</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Exposed Openings 2. <input type="checkbox"/> Contemporaneous Reclamation 3. <input type="checkbox"/> Approximate Original Contour 4. <input type="checkbox"/> Highwall Elimination 5. <input type="checkbox"/> Steep Slopes (includes downslope) 6. <input type="checkbox"/> Handling of Acid and Toxic Materials 7. <input type="checkbox"/> Stabilization (rills and gullies) <p>E. Excess Spoil Disposal</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Placement 2. <input type="checkbox"/> Drainage Control 3. <input type="checkbox"/> Surface Stabilization 4. <input type="checkbox"/> Inspections & Certifications <p>F. Coal Mine Waste (Refuse Piles/Impoundments)</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Drainage Control 2. <input type="checkbox"/> Surface Stabilization 3. <input type="checkbox"/> Placement 4. <input type="checkbox"/> Inspections & Certifications 5. <input type="checkbox"/> Impounding Structures <p>G. Use of Explosives</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Blaster Certification 2. <input type="checkbox"/> Distance Prohibitions 3. <input type="checkbox"/> Blast Survey/Schedule 4. <input type="checkbox"/> Warnings & Records 5. <input type="checkbox"/> Control of Adverse Effects 	<p>H. <input type="checkbox"/> Subsidence Control Plan</p> <p>I. Roads</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Road Construction 2. <input type="checkbox"/> Certification 3. <input type="checkbox"/> Drainage 4. <input type="checkbox"/> Surfacing and Maintenance 5. <input type="checkbox"/> Reclamation <p>J. Signs & Markers</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Signs 2. <input type="checkbox"/> Markers <p>K. <input type="checkbox"/> Distance Prohibitions</p> <p>L. Revegetation</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Vegetative Cover 2. <input type="checkbox"/> Timing <p>M. <input type="checkbox"/> Postmining Land Use</p> <p>N. Other</p> <p>General Performance Category</p> <p>_____</p> <p>_____</p> <p>_____</p>
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Performance Standard Categories 30 CFR Counterparts

<p>A. Administrative</p> <ol style="list-style-type: none"> 1. Valid Permit 773.11 2. Mining within Bonded Area 773.11 3. Terms & Conditions of Permit 773.17 4. Liability Insurance 800.60 5. Ownership and Control 778.13 6. Temporary Cessation §42.11(e) & §16/§17.131 7. AML Rec. Fees - Non-Respondent 870.15(b) 8. AML Rec. Fees - Failure to Pay 870.15(a) <p>B. Hydrologic Balance (816/§17.41-57)</p> <ol style="list-style-type: none"> 1. Drainage Control 45 2. Inspections & Certifications 49(a)(10) 3. Siltation Structures 46 4. Discharge Structures 47 5. Diversions 43 6. Effluent Limits 42 7. Ground Water Monitoring 41(c) 8. Surface Water Monitoring 41(e) 9. Drainage - Acid - Toxic Materials 41(f) 10. Impoundments 49 11. Stream Buffer Zones 57 <p>C. Topsoil & Subsoil (816/§17.22)</p> <ol style="list-style-type: none"> 1. Removal 22(a) 2. Substitute Materials 22(c) 3. Storage and Protection 22(c) 4. Redistribution 22(d) <p>D. Backfilling & Grading 816/§17.95-107)</p> <ol style="list-style-type: none"> 1. Exposed Openings §16/§17.13, 14, 15, & §23.11 & 21 2. Contemporaneous Reclamation 100 3. Approximate Original Contour 102(a)(1) 4. Highwall Elimination 102(a)(2) 5. Steep Slopes (includes downslope) 107 6. Handling of Acid & Toxic Materials 102(c) 7. Stabilization (rills and gullies) 95(b) 	<p>E. Excess Spoil Disposal (816/§17.71-74)</p> <ol style="list-style-type: none"> 1. Placement 71(e) 2. Drainage Control 71(f) 3. Surface Stabilization 71(g) 4. Inspections & Certifications 71(h) <p>F. Coal Mine Waste (Refuse Piles/Impoundments) 816/§17.81-84)</p> <ol style="list-style-type: none"> 1. Drainage Control 83(a) 2. Surface Stabilization 83(b) 3. Placement 83(c) 4. Inspections and Certifications 83(d) 5. Impounding Structures 84 <p>G. Use of Explosives (816/§17.61-68)</p> <ol style="list-style-type: none"> 1. Blaster Certification 61(c) 2. Distance Prohibitions 61(d) 3. Blast Survey/Schedule 62-64 4. Warnings & Records 66 & 68 5. Control of Adverse Effects 67 <p>H. Subsidence Control Plan (817.121-122)</p> <p>I. Roads (816/§17.150-151)</p> <ol style="list-style-type: none"> 1. Road Construction 150(c) 2. Certification 151(a) 3. Drainage 150(b)-151(d) 4. Surfacing and Maintenance 150(e)-151(d) 5. Reclamation 150(f) <p>J. Signs & Markers 816/§17.111)</p> <ol style="list-style-type: none"> 1. Signs 11(a),(b), & (c) 2. Markers 11(a),(b),(d),(e), & (f) <p>K. Distance Prohibitions (761.11)</p> <p>L. Revegetation (816/§17.111-116)</p> <ol style="list-style-type: none"> 1. Vegetative Cover 111 & 116 2. Timing 113 <p>M. Postmining Land Use (816/§17.133)</p>
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**U.S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING
Mine Site Evaluation**

Permittee/ Person <input type="text" value="CANYON FUEL COMPANY, LLC"/>	Permit Number <input type="text" value="C007005"/>	Field Visit Date <input type="text" value="5/17/2016"/>	State Program Continuation Page
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A. Specific State Law/Regulations Violated:

B. Description:

C. Performance Standard: D. Abated (Y/N):

E. OSM Action: F. OSM Action Number: Viol#:

G. Optional: H. Any Off-Site Impacts (Y/N):

I. Latitude: J. Longitude: K. Elevation:

L. Off-Site Impacts

	People	Land	Water	Structures
Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A. Specific State Law/Regulations Violated:

B. Description:

C. Performance Standard: D. Abated (Y/N):

E. OSM Action: F. OSM Action Number: Viol#:

G. Optional: H. Any Off-Site Impacts (Y/N):

I. Latitude: J. Longitude: K. Elevation:

L. Off-Site Impacts

	People	Land	Water	Structures
Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A. Specific State Law/Regulations Violated:

B. Description:

C. Performance Standard: D. Abated (Y/N):

E. OSM Action: F. OSM Action Number: Viol#:

G. Optional: H. Any Off-Site Impacts (Y/N):

I. Latitude: J. Longitude: K. Elevation:

L. Off-Site Impacts

	People	Land	Water	Structures
Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A. Specific State Law/Regulations Violated:

B. Description:

C. Performance Standard: D. Abated (Y/N):

E. OSM Action: F. OSM Action Number: Viol#:

G. Optional: H. Any Off-Site Impacts (Y/N):

I. Latitude: J. Longitude: K. Elevation:

L. Off-Site Impacts

	People	Land	Water	Structures
Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

UNITED STATES DEPARTMENT OF THE INTERIOR
Office of Surface Mining
Reclamation and Enforcement

TEN-DAY NOTICE

Number X16-140-562-001 TV 1

Originating Office: Denver Regional Office
US DOI, Office of Surface Mining
1999 Broadway, Suite 3320
Denver, CO 80202

Telephone Number: (303) 293-5000

Ten-Day Notice to the State of **Utah**

You are notified that, as a result of Federal Inspection (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: CANYON FUEL COMPANY, LLC
(Or Operator if No Permit)

County: CARBON

Surface

Mailing Address: 6100 DUTCHMAN'S LANE, 9TH FLOOR, , LOUISVILLE, KY 40205

Underground

Permit Number: C007005 Mine Name: SKYLINE MINE

Other

01 NATURE OF VIOLATION AND LOCATION:

The permittee will conduct all coal mining and reclamation operations only as described in the approved application, except to the extent that the Division otherwise directs in the permit.

Section of State Law, Regulation or Permit R645-300-142
Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION:

Section of State Law, Regulation or Permit
Condition believed to have been violated:

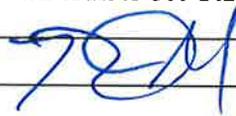
NATURE OF VIOLATION AND LOCATION:

Section of State Law, Regulation or Permit
Condition believed to have been violated:

Remarks or Recommendations:

Rule R645-300-142 states "The permittee will conduct all coal mining and reclamation operations only as described in the approved application, except to the extent that the Division otherwise directs in the permit." The Skyline Mine's approved permit states at chapter 4, page 47 "The reference areas will be surveyed by the S.C.S. at five year intervals to determine their condition class." As a result of a federal inspection and vegetation reference area oversight topic-specific evaluation conducted May 17, 2016, it is evident the Skyline Mine has not been surveying its vegetation reference areas for condition class at five year intervals as required by its approved permit. Therefore, the mine is in violation of R645-300-142.

Date of Notice: 06/06/2016

Signature of Authorized Rep.: 

Print Name and ID: Thomas Medlin ID# 562

Skyline Mine Partial Oversight Inspection Report

Utah Division of Oil, Gas and Mining (DOGGM) Permit ID # C/007/005

Date

Tuesday, May 17, 2016

Participants

Jeremiah Armstrong, Operator Representative

Priscilla Burton, DOGM Inspector

Gregg Galecki, Operator Representative

Joe Helfrich, DOGM Inspector

Tom Medlin, Office of Surface Mining Reclamation and Enforcement (#0562)

Lisa Reinhart, DOGM Inspector

Spencer Shumate, Office of Surface Mining Reclamation and Enforcement (#0545)

Conditions

Overcast and cool with occasional rain showers. Damp ground with scattered snow cover.

Background

The Skyline Mine is an active underground coal mine located in Carbon County, Utah. The mine is operated on a leasehold interest owned by Canyon Fuel Company, LLC. With the exception of one small tract in Carbon County, mining activities take place within the Manti-La Sal National Forest four miles southwest of Scofield, Utah in Eccles Canyon. The area permitted for underground coal mining and reclamation activities is 10,733.38 acres; the surface area approved for disturbance is 125.31 acres. Postmining land uses include wildlife habitat and livestock grazing.

This was an OSMRE independent partial inspection of the Skyline Mine, as well as an oversight topic-specific evaluation of the mine's vegetation reference areas. More in-depth findings regarding the vegetation reference area topic-specific evaluation will appear in a separate report. Administrative review of pertinent records was conducted prior to and following this field inspection. The DOGM Price Field Office inspector assigned to this mine did not accompany the Team on this evaluation, nor did the DOGM inspectors in attendance consider this to be a regular State inspection.

The Team convened at the Scofield Snack & Pack at approximately 9:15 am to review the maps, permit stipulations, rules, guidelines, and work plan objectives pertinent to this evaluation. Though the permitted disturbance area includes four distinct vegetative communities, (sagebrush/grass, riparian, conifer-timber, and aspen) the Team agreed to focus on the two which were accessible and should comport with existing reclamation work: sagebrush/grass / Waste Rock Site (WRS) contemporaneous reclamation and aspen / South Fork Breakout Portal Area 2001 reclamation. During this meeting, the Team emphasized the importance of proactive reference area management. That is, keeping a "finger on the pulse" of vegetation reference areas throughout the life of the mine. This enables the permittee to identify areas where the ecological site conditions may have departed from the desired or anticipated range conditions (in the case of Skyline, those that support wildlife habitat and livestock grazing post mine land uses) that were

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inventoried prior to Division approval, thus avoiding the pitfalls of the “neglect and scramble” approach prior to reclamation and applying for bond release. No objections were noted.

Findings

Revegetation

The Team’s first stop was at the contemporaneously reclaimed WRS (Figure 1). The Team hiked past the WRS to the apparent sagebrush/grass reference area which was selected by consultant Dr. Patrick Collins of Mt. Nebo Scientific and approved by DOGM. Approximate grade of the southwest facing slope was measured at 33%. The permitted disturbance boundary was marked with T-posts and barbed wire, but the reference area itself was indistinguishable, lacking any corner markers or fencing. Size of the reference area was therefore impossible to ground-truth. The reference area was located outside of the permitted disturbance area but within the underground workings “shadow area.” Livestock grazing was evident. In addition to sagebrush, hounds tongue, thistle, dandelion, broom snakeweed, serviceberry, and snowberry were observed (Figure 2).

The Team’s second stop was at the apparent aspen reference area, further upslope from the sagebrush/grass reference area (Figure 3). Approximate grade of the southwest facing slope was measured at 23%. Mature aspen were present, with an understory of grasses and shrubs. Additional vegetation present included Douglas fir, yarrow, geranium, and columbine. Evidence of livestock grazing was also noted. This reference area was likewise situated outside of the permitted disturbance area but within the underground workings “shadow area.” No corner markers or fencing were present. DOGM’s Vegetation Information Guidelines state at page 5, paragraph f “Mark off the proposed reference areas in the field with permanent, readily visible markers (i.e. [sic] t-posts) so that they can be easily located.” Due to the absence of field markers, the Team was unable to verify with any accuracy or confidence actual boundaries or size of the reference area.

The Team then proceeded to the reclaimed South Fork Breakout Portal Area (Figure 4). Approximate grade was measured at 56%. The disturbed area perimeter was marked with blue painted T-posts. Vegetation present was sufficient to control erosion. However, musk thistle was abundant here; the operator representatives mentioned mechanically treating for this noxious weed in the summer months. Overall, woody species density was poor.

The inspection concluded with a closeout discussion at the Skyline Mine administration building where we were joined by Environmental Manager Craig Brown. During this meeting, concerns were raised regarding the apparent lack of vegetation reference area management, monitoring, and marking. One DOGM inspector reiterated the need to keep a “finger on the pulse” of vegetation reference areas, as agreed to by all that morning and stipulated in Skyline’s approved Mining and Reclamation Permit (MRP) at chapter 4, page 47 “The reference areas will be surveyed by the S.C.S [Soil Conservation Service, now Natural Resources Conservation Service (NRCS)] at five year intervals to determine their condition class.” At this point, however, the operator representatives (and one DOGM inspector) responded that a proposed permit amendment (DOGM Task IDs 5178 and 5186) submitted by Skyline in the week prior to this inspection, eliminating the five year monitoring commitment, effectively renders this provision null.

OSMRE disagrees.

OSMRE's oversight inspections and topic-specific evaluations are designed to provide a snapshot in time of an operator's on-the-ground compliance with their approved permit's stipulations and the regulatory authority's administration and enforcement of its approved program. There is no guarantee DOGM will approve Skyline's proposed amendment which, it should be noted, conflicts with the Division's own Vegetation Information Guidelines (Revised February, 1992 and approved by OSMRE at 57 FR 41693) which state at page 4, METHODS:, 1. Reference Areas: "...range condition should be re-assessed every 5 years, during the field season prior to permit renewal." Even if the amendment is approved, the fact remains that on-the-ground conditions as witnessed by the Team on May 17, 2016 were not in accordance with Skyline's approved MRP. That the State has not enforced in their entirety the conditions set forth in Skyline's approved MRP does not absolve Canyon Fuel Company from these responsibilities.

Conclusions

OSMRE concludes the Skyline Mine is in violation of the commitments within its approved MRP and therefore rule R645-300-142 which states "The permittee will conduct all coal mining and reclamation operations only as described in the approved application, except to the extent that the Division otherwise directs in the permit."

Moreover, OSMRE has determined that DOGM is not properly enforcing the terms of the Skyline Mine permit as they relate to vegetation reference area management.

Enforcement Actions

Following the inspection closeout meeting, OSMRE and the DOGM inspectors in attendance discussed the apparent violation of the mine's approved MRP as it relates to vegetation reference area range condition assessment. The DOGM inspectors indicated they were unwilling to issue a Notice of Violation based on this fact. As a result, the Office of Surface Mining Reclamation and Enforcement, Denver Field Division issued Ten Day Notice X16-140-562-001 to the Utah Division of Oil, Gas and Mining on June 6, 2016.

Photographs



Figure 1. Waste Rock Site.



Figure 2. Vegetation at sagebrush/grass reference area.



Figure 3. Aspen reference area.



Figure 4. Reclaimed South Fork Breakout Portal Area.

of statistical analyses showing similarity between disturbance areas and reference areas.

The Permittee has inspected all seeded areas at the end of each growing season to determine the success of the seeding program for a period of at least five years (reclamation years 1-5).

Any area not achieving 90 percent original cover in the first five years are investigated to determine the possible failure cause(s) so steps can be taken to establish the desired permanent vegetation.

The Permittee has monitored the vegetative reference area to determine if the reference areas have been subjected to heavy animal use or have been significantly altered by subsidence or other man-induced degradation. If the reference areas are subsided or subject to subsidence the Permittee will quantitatively monitor the reference areas. If damage is such that the reference area is no longer viable, an additional reference area proposal will be submitted to the regulatory authority for approval. The reference areas will be surveyed by the S.C.S. at five year intervals to determine their condition class.

The Permittee understands that the extended period of liability is ten years, unless site-specific data can be submitted which justifies a five-year period, beginning after the last period of augmented seeding, fertilizing or other mechanical practice, and that the revegetated areas will be monitored the last years of liability and comparisons made with reference areas. On-site climatological data will be evaluated at the beginning of final reclamation to determine the liability period. The length of the liability period will be established based on the conditions outlined in R614-301-820.310.