GARY R. HERBERT
Governor
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Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
BRIAN C. STEED
Executive Director
Division of Oil, Gas and Mining
JOHN R. BAZA
Division Director

October 24, 2019

Corey Heaps, Mine Manager
Canyon Fuel Company, LLC
HC 35 Box 380
Helper, Utah 84526

Subject: Seismic Station Installation, Canyon Fuel Company, LLC, Skyline Mine, C/007/0005, Task #6000

Dear Mr. Heaps:

The Division has reviewed your application. The Division has identified deficiencies that must be addressed before final approval can be granted. The deficiencies are listed as an attachment to this letter.

The deficiencies authors are identified so that your staff can communicate directly with that individual should questions arise. The plans as submitted are denied. Please resubmit the entire application.

If you have any questions, please call me at (801) 538-5350.

Sincerely,

Steve Christensen
Coal Program Manager

SKC/sqs
cc: Gregg Galecki, CFC
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Technical Analysis and Findings

Utah Coal Regulatory Program

PID: C0070005
TaskID: 6000
Mine Name: SKYLINE MINE
Title: SEISMIC STATION INSTALLATION

General Contents

Permit Application Format and Contents

Analysis:

The application does not meet the State fo Utah R645 requirements for Permit Application Format and Contents.

The pagination appears to be jumbled and out of order in Chapter 8 Bonding and Insurance. The page number for the Table of Contents is 4i but that page number is already used in the section on Land Use and Air Quality. Subsequent page numbers in the Table of Contents claim that the pages in the Bonding section begin with 4 when it appears that they should begin with 8. The very last page in the application bears no page number at all when it appears it should be page 8-1.

Deficiencies Details:

The application does not meet the State fo Utah R645 requirements for Permit Application Format and Contents. The following deficiency must be addressed prior to final approval:

R645-301-121.200: Permittee must fix the pagination errors in Chapter 8.

jeatchel

Environmental Resource Information

Historic and Archeological Resource Information

Analysis:

The amendment does not meet the State of Utah R645-301-411 requirements for Historic and Archeological Resource Information.

No evidence of SHPO clearance for the project was provided in the amendment. It was indicated in the submission that Charmaine Thompson, from the Manti-La Sal National Forest, provided information to the Permittee suggesting the proposed disturbance area was included in a cultural survey performed as part of the Mia Shalom timber sale. Attempts by the Division to contact Ms. Thompson have so far gone unanswered. If this area has indeed already been cleared by MLSNF, then the concurrence letter from SHPO, or other appropriate documentation, must be provided in the amendment.

Deficiencies Details:

The amendment does not meet the State of Utah R645-301-411 requirements for Historic and Archeological Resource Information. The following deficiency must be addressed prior to final approval:

R645-301-411.142: The Permittee must present evidence of clearance by the SHPO for the proposed project.

tmiller

Vegetation Resource Information

Analysis:

The amendment meets the State of Utah R645-301-320 requirements for Vegetation Resource Information.

Plate 2.7.1-1 of the approved MRP indicates the vegetation types for the permit and adjacent areas. The proposed disturbance is included in this map which indicates predominately sagebrush as the vegetative type in the area. The amendment also states that the seismic site is covered primarily in upland grasses with dominant sagebrush in the adjacent areas. The revegetation reclamation plan for the site indicates the topsoil will be raked back into place after which the area will be hand broadcast seeded using the seed mix provided in Table 3-1 of the amendment.

tmiller

Soils Resource Information

Analysis:

The application does not meet the State of Utah R645 requirements for clear and concise, because App. 17, Section 222.300 (p. 2-2) refers to Attachment 2-1 of the submittal, which could not be found.

The application meets the State of Utah R645 requirements for soil survey information, because the soil present at the the seismic site can be inferred from the Swen's Canyon soil survey which was immediately adjacent to the proposed disturbance.

Appendix 17, p. 2-2 refers to Section 2.11 of the MRP for details concerning soil identification. MRP Section 2.11 states that "Nondisturbed areas were surveyed at an Order 3 level." (MRP, Chap 2, p. 2-118 (e-p. 281). For soil description, the application refers to MRP Appendix A2 for the "Order 2 Soil Survey of the Powerline Corridor Swens Pad Ventilation and Excape Shafts Coal Pile Expansion" dated December 4, 2014. Figure 2 of this survey shows the extent of the survey and the location of the soils. The survey is immediately adjacent to, but does not include the location of the Seismic Site F location shown on Figure 1-1 of the application (e-p. 15).

The seismic site location is at an elevation of 8,800 feet on a north facing slope at the confluence of Swens Creek and Huntington Canyon. The site was previously disturbed and is grass covered. The surrounding area includes sagebrush, serviceberry, aspen, Douglas-fir and snowberry. This site is very likely similar to the S1 map unit: Hailman family sandy loam, 5 to 15% slopes , represented by the 14SKY15 soil sample location. The S1 soil is described on page 19 of the soil survey (e-p. 2142) as follows:

"The SI (sagebrush) soil map unit is located on gently to strongly sloping mountain footslopes at the juncture of Upper Huntington and Swens canyons. This map unit is dominated by soils that are deep to sandstone and shale. This map unit consists of 90 percent Hailman family soils. Soil profile 14SKY15 is representative of Hailman family soils in map unit SI. Also included are 10 percent Kamack family soils and other similar soils. Native vegetation is dominated by mountain big sagebrush, grasses, and forbs."

Deficiencies Details:

The application does not meet the R645-301-121.200, clear and concise requirements. The following deficiency must be addressed prior to final approval:

R645-301-121.200, App. 17, Section 222.300 (p. 2-2) refers to Attachment 2-1 of the submittal, which could not be found. Please provide Attachment 2-1 or correct the citation.

pburton

Hydro Baseline Information

Analysis:

The amendment meets the State of Utah R645 requirements for Hydrology: Baseline Information.

The Permittee has submitted an application to install a seismic monitoring station for future use in assessing impacts to the Boulger Reservoir. The monitoring plan itself will be submitted for incorporation into the MRP as a separate amendment. This application is for the installation of a monitoring station near Swens Canyon as shown in Figure 1-1. Baseline environmental resource information for this area is already discussed as part of the existing MRP, specifically Sections 2.3 and 2.4 of the MRP.

adaniels

Probable Hydrologic Consequences Determination

Analysis:

The amendment meets the State of Utah R645 requirements for Probable Hydrologic Consequences Determination.

The Permittee states that no impacts to the hydrologic balance are anticipated do the the limited disturbance and the distance from any water sources. The site is proposing minor disturbances of 0.01 acres for the installation of a pole with a solar panel and an antenna as well as two small vaults for seismic reading equipment.

adaniels

Hydro GroundWater Monitoring Plan

Analysis:

The amendment meets the State of Utah R645 requirements for Hydrology: Ground Water Monitoring Plan.

Due to the minor disturbance and nature of the seismic monitoring station, the water monitoring plan does not need to be modified.

adaniels

Hydro SurfaceWater Monitoring Plan

Analysis:

The amendment meets the State of Utah R645 requirements for Hydrology: Surface Water Monitoring Plan.

Due to the minor disturbance and nature of the seismic monitoring station, the water monitoring plan does not need to be modified.

adaniels

Operation Plan

Fish and Wildlife Endangered and Threatened

Analysis:

The amendment meets the State of Utah R645-301-358 requirements for Fish and Wildlife Endangered and Threatened.

A species list was requested from the U.S. Fish & Wildlife Service's IPaC website on 10/22/2019. This query returned a result of no critical habitat at the location but there are seven threatened or endangered wildlife species with potential to be affected by activity in the project area. These seven species are: the California condor, the Mexican spotted owl, the southwestern willow flycatcher, the bonytail, the Colorado pikeminnow, the humpback chub, and the razorback sucker. Due to the size and scope of the proposed project along with the lack of habitat for these species in the project area, there will be no impact to any threatened or endangered species from the proposal. A technical memorandum from Alpine Ecological is also included in the amendment which cites several wildlife studies done in the area of the past five years and concludes that no special status species have been documented in or around the proposed project area in 2018 or 2019. Furthermore, consultation with biologists from the Manti-La Sal National Forest was conducted on 10/21/2019 and no concerns or issues regarding wildlife were expressed at that time.

tmiller

Topsoil and Subsoil

Analysis:

The application meets the State of Utah R645 requirements for topsoil handling plan, because topsoil is not required to be removed at the site of small structures.

The application states that the disturbed area will be less than 0.01 acres (20 ft x 20 ft) for the purpose of hand digging 2, 2-foot diameter holes to install vaults and 1, 6-in diameter pole to hold the solar panel and a shallow trench to bury a wire from a pole to the equipment (App. 17, p. 2-1 and 2-2) .

pburton

Hydrologic Ground Water Monitoring

Analysis:

The amendment meets the State of Utah R645 requirements for Hydrology: Ground Water Monitoring Plan.

Due to the minor disturbance and nature of the seismic monitoring station, the water monitoring plan does not need to be modified.

adaniels

Hydro Surface Water Monitoring

Analysis:

The amendment meets the State of Utah R645 requirements for Hydrology: Surface Water Monitoring Plan.

Due to the minor disturbance and nature of the seismic monitoring station, the water monitoring plan does not need to be modified.

adaniels

Hydrologic Sediment Control Measures

Analysis:

The amendment meets the State of Utah R645 requirements for Hydrology: Sediment Control Measures.

The Permittee has stated as part of the application to install a seismic monitoring station, that the disturbance will be minimal (0.01 acres) and will consist of two small "vaults" that are 30" in diameter and approximately 24" deep for monitoring equipment which will be wired to a pole with solar panels and a small antenna. The application states that impacts will also be minimized by utilizing hand tools.

adaniels

Reclamation Plan

Backfill and Grading General

Analysis:

The application does not meet the State of Utah R645 requirements for General Backfilling and Grading.

Narrative on pages 5-8 and 5-9 describe a scenario where reclamation will be done by hand, as very little backfilling and grading is necessary. But then in Chapter 8 the narrative states that concrete will be crushed and buried on site, implying the use of heavy equipment. The narrative needs to clarify how much concrete will be used in the construction of the seismic station as this will affect the ability to execute and achieve successful reclamation.

Deficiencies Details:

The application does not meet the State of Utah R645 requirements for General Backfilling and Grading. The following deficiency must be addressed prior to final approval:

R645-301-553.100, R645-301-121.200 - Permittee must clarify how much concrete will be used in the construction of the seismic station as this will affect the ability to execute and achieve successful reclamation.

jeatchel

Topsoil and Subsoil

Analysis:

The application meets the State of Utah R645 requirements for soil redistribution plan. Chapter 3 Section 341 (p. 3-4) describes raking the topsoil back into place and hand broadcasting seed over the disturbance. The seed mix is outlined in Table 3-1 (p. 3-4).

Appendix 17, Chapter 3, Performance Standard Section 352 states that reclamation activities will be performed contemporaneously to the extent possible.

Appendix 17, Chapter 5, p. 5-6 refers to contemporaneously reclaiming area suitable for such reclamation.

pburton

Hydrological Information Reclamation Plan

Analysis:

The amendment meets the State of Utah R645 rules for Hydrologic Information Reclamation Plan.

The Permittee will remove all structures at the monitoring site during reclamation. Due to the nature of the minor disturbance, reclamation will consist of removing equipment, a minor amount of back filling, hand-raking the disturbed area and seeded. Erosion issues are not anticipated with the small size of the disturbance.

adaniels

Stabilization of Surface Areas

Analysis:

The application meets the State of Utah R645 requirements for soil stabilization, because App 17, Chap 7, p. 7-6 states that sediment control during operations will rely on minimizing the disturbance using hand tools.

Appendix 17, Chapter 3, Performance Standard Section 352 states that reclamation activities will be performed contemporaneously to the extent possible. The Division expects the 20ft x 20 ft area (0.01 acres) will be suitable for contemporaneous reclamation.

Appendix 17, Chap.7, p. 7-7 states that at final reclamation, erosion will be minimized by roughening the ground and reseeding.

pburton

Bonding Determination of Amount

Analysis:

The application does not meet the State of Utah R645 requirements for Determination of Bond Amount.

Narrative on pages 5-8 and 8-1 state that reclamation costs should be adequately covered by the current Skyline reclamation bond. However, there is nothing in the current reclamation bond that specifically addresses the reclamation of seismic stations. Page 8-1 states that the Demolition section of the current Skyline Mine Performance Bond will cover the cost of general concrete removal at the proposed seismic station even though previous sections within the application imply there is no concrete to reclaim. The application goes on to state that the Permittee is over-bonded in the amount of $288,000, implying that excess bond may be available to reclaim the seismic stations if needed. However, a recent midterm permit review revealed that there is no bond surplus and that the reclamation bond actually needs to be increased. Permittee must update the reclamation bond to account for the costs of concrete demolition and backfilling for the proposed seismic station.

Deficiencies Details:

The application does not meet the State of Utah R645 requirements for Determination of Bond Amount. The following deficiency must be addressed prior to final approval:

R645-301-830: Permittee must update the reclamation bond to account for the costs of concrete demolition and backfilling for the proposed seismic station.

jeatchel