



GARY R. HERBERT
Governor

SPENCER J. COX
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

February 4, 2020

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

Subject: Removal of NOG Shaft from Permit, Canyon Fuel Company, LLC, Skyline Mine, C/007/0005, Task #6054

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 by no later than March 5, 2020.

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

Sincerely,

Steve Christensen
Coal Program Manager

SKC/sqs
O:\007005.SKY\WG6054 NOG SHAFT\Deficiencies.doc



GARY R. HERBERT
Governor

SPENCER J. COX
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

Technical Analysis and Findings

Utah Coal Regulatory Program

PID: C0070005
TaskID: 6054
Mine Name: SKYLINE MINE
Title: REMOVAL OF NOG SHAFT FROM PERMIT

Summary

This amendment removes three (3) acres from the total bonded area, which was allocated to the North of Graben shaft. (The North of Graben shaft was approved in October 2015, Task 4883, but was never constructed.) A table of "Permit Areas to be Reclaimed" is found in Chapter 1, on page 1-37. Upon approval of this amendment, the table will list a total permit area of 136.45 acres.

Removal of the North of Graben shaft and facilities will reduce the bond.

pburton

General Contents

Right of Entry

Analysis:

The application does not meet the State of Utah R645 requirements for Right of Entry.

Township 12 South, Range 6 East Section 34 has been removed from the legal description of the permit area on page 1-38. T12 S, R6 E, Section 26 should also be removed from the legal description of the permit area, since the North of Graben shaft extended into this section.

Deficiencies Details:

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

R645-301-114.100, Section 26 should be removed from the legal description of the permit area (p. 1-38), since the North of Graben shaft disturbed area also extended into this section.

pburton

Permit Application Format and Contents

Analysis:

The application does not meet the State of Utah requirements for Permit Application Format and Contents: Clear and Concise.

At the top of page 1-37, the first paragraph refers to 139.81 disturbed acres, which does not agree with the total of 136.45 disturbed acres listed in the Table of Permit Areas to Be Reclaimed on page 1-37.

The North of Graben shaft was meant to be removed from the Grazing Table 2.12.2-1 on page 2-128, but the excel red line strike-out version did not get re-produced in the .pdf version of the document (personal communication with G. Galecki 1/29/2020).

The North of Graben was not removed from the Dwg 1.6-3 Permit Area Table.

The Table of Contents lists the North of Graben shaft hydrology report on p. 25 of Appendix 5 Volume 3. Should this report remain?

Deficiencies Details:

The application does not meet the State of Utah R645 requirements for Clear and Concise. The following deficiencies must be addressed prior to final approval:

R645-301-121.200, (1) Please correct the acreage figure in the first paragraph on p. 1-37 which refers to 139.81 disturbed acres. It does not agree with the total of 136.45 disturbed acres listed in the table below on page 1-37. (2) Please ensure that the .pdf version of the Grazing Table 2.12.2-1 on page 2-128 does not include the North of Graben Shaft. (3) Remove the North of Graben from the Dwg 1.6-3 Permit Area Table and revise the total permit acreage in the table. (4) The Table of Contents lists the North of Graben shaft hydrology report on p. 25 of Appendix 5 Volume 3. Should this report remain?

pburton

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.

The amendment proposes to remove the NOG bleeder shaft from the approved MRP because it was never built. References to the NOG shaft are made throughout the MRP and the current amendment is apparently seeking to remove those references. Many of the references have been removed in the amendment, but there are some that remain. While it is possible that some information contained in these sections may warrant being left in the MRP, the Division questions whether some sections were intentionally left in, or were merely overlooked in the removal process. One such instance is in Ch. 2, Section 2.1, p. 2-4c2 which addresses cultural resource issues for the NOG bleeder shaft. This section is not found in redline strike-out 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: The Permittee must remove, or provide justification for leaving in, the NOG portion of Section 2.1 of Chapter 2 (p. 2-4c2) of the MRP.

tmiller

Fish and Wildlife Resource Information

Analysis:

The amendment does not meet the State of Utah R645-301-322 requirements for Fish and Wildlife Resource Information.

The amendment proposes to remove the NOG bleeder shaft from the approved MRP because it was never built.

References to the NOG shaft are made throughout the MRP and the current amendment is apparently seeking to remove those references. Many of the references have been removed in the amendment, but there are some that remain. While it is possible that some information contained in these sections may warrant being left in the MRP, the Division questions whether some sections were intentionally left in, or were merely overlooked in the removal process. One such instance is in Ch. 2, Section 2.1.2, p. 2-4e which addresses threatened and endangered plant and wildlife issues for the NOG bleeder shaft. This section is not found in redline strike-out in the amendment.

Deficiencies Details:

The amendment does not meet the State of Utah R645-301-322 requirements for Fish and Wildlife Resource Information. The following deficiency must be addressed prior to final approval:

R645-301-322: The Permittee must remove, or provide justification for leaving in, the NOG portion of Section 2.1.2 of Chapter 2 (p. 2-4e) of the MRP.

tmiller

Soils Resource Information

Analysis:

The application meets the requirements of the State of Utah R645 Rules for Environmental Resources.

North of Graben Shaft soils environmental information has been removed from the mining and reclamation plan page 2-120.

pburton

Land Use Resource Information

Analysis:

The amendment does not meet the State of Utah R645-301-411 requirements for Land Use Resource Information.

The amendment proposes to remove the NOG bleeder shaft from the approved MRP because it was never built. References to the NOG shaft are made throughout the MRP and the current amendment is apparently seeking to remove those references. Many of the references have been removed in the amendment, but there are some that remain. While it is possible that some information contained in these sections may warrant being left in the MRP, the Division questions whether some sections were intentionally left in, or were merely overlooked in the removal process. Two such instances are in Ch. 2, p. 2-131 and Ch. 4, Section 4.12.8, p. 4-81 which address land use issues for the NOG bleeder shaft. These sections are not found in redline strike-out in the amendment.

Deficiencies Details:

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

R645-301-411: The Permittee must remove, or provide justification for leaving in, the NOG portions of Ch. 2, p. 2-131 as well as Section 4.12.8 of Chapter 4 (p. 4-81) of the MRP.

tmiller

Maps Permit Area Boundary

Analysis:

The amendment does not meet the State of Utah R645 requirements for Permit Area Boundary Maps.

The attached Drawing 1.6-3 illustrates permit area boundaries and disturbed area boundaries for all areas within the permit. In addition to the topographical contours and boundary lines, lease acreages and a table giving an accounting of permit area acreages have been included in the notes at the bottom of the drawing. The table of permit area acreages needs to be revised to remove the 3.0 acres for the NOG Bleeder Shaft, and the total permit area adjusted accordingly.

Deficiencies Details:

The amendment does not meet the State of Utah R645 requirements for Permit Area Boundary Maps. The following deficiency must be addressed prior to final approval:

R645-301-521.141, -521.162: The Permittee must remove the 3.0 acres for the NOG Bleeder Shaft within the Permit Area table in Drawing 1.6-3, and adjust the total permit area accordingly.

jeatchel

Operation Plan

Topsoil and Subsoil

Analysis:

The application meets the State of Utah R645 requirements for Soils: Operation Plan.

The North of Graben Shaft has been removed from the soil salvage and handling plan on page 4-34(b).

pburton

Hydrologic Exemptions

Analysis:

The amendment meets the State of Utah Requirements for Hydrologic Exemptions.

The amendment proposes to remove the North of Graben (NOG) Bleeder Shaft from the MRP as it was approved, but never built, and is no longer needed. The shaft was fairly minimal disturbance and was going to be covered as an ASCA as described in Chapter 3 of the MRP. This description has been removed along with maps detailing its design.

adaniels

Reclamation Plan

Topsoil and Subsoil

Analysis:

The application does not meet the State of Utah R645 requirements for Soils: Topsoil Redistribution.

The NOG Bleeder shaft was removed from soils Table 4.6-4 Topsoil Redistribution (p. 4-34 (d)), however the table's sub-total of Private and USFS soil volume should sum to 134,275 cubic yards. The table arrives at a sum of 134,245 cubic yards. Please check this total for accuracy.

Description of the North of Graben reclamation was removed from the reclamation plan on page 4-41e.

Deficiencies Details:

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

R645-301-242.100, Table 4.6-4 Topsoil Redistribution (p. 4-34 (d)) requires editing as follows: (1) After removal of the NOG Bleeder shaft soils from Table 4.6-4 the sub-total volume of Private and USFS soil should sum to 134,275 cy, The table arrives at a sum of 134,245 cubic yards. Please check this total for accuracy.

pburton

Revegetation General Requirements

Analysis:

The amendment does not meet the State of Utah R645-301-353 requirements for Revegetation General Requirements.

The amendment proposes to remove the NOG bleeder shaft from the approved MRP because it was never built. References to the NOG shaft are made throughout the MRP and the current amendment is apparently seeking to

remove those references. Many of the references have been removed in the amendment, but there are some that remain. While it is possible that some information contained in these sections may warrant being left in the MRP, the Division questions whether some sections were intentionally left in, or were merely overlooked in the removal process. One such instance is in Ch. 4, Section 4.1.3, p. 4-3(a) which addresses multiple topics, revegetation of the NOG bleeder shaft being one of them. This section is not found in redline strike-out in the amendment.

Deficiencies Details:

The amendment does not meet the State of Utah R645-301-353 requirements for Revegetation General Requirements. The following deficiency must be addressed prior to final approval:

R645-301-353: The Permittee must remove, or provide justification for leaving in, the NOG portion of Section 4.1.3 of Chapter 4 (p. 4-3(a)) of the MRP.

tmiller

Bonding Determination of Amount

Analysis:

The amendment satisfies the R645 requirements for Determination of Bonding Amount.

The amendment addresses the intention of the Permittee to remove a proposed ventilation shaft within a section of the permit where mining has been completed, and there are no intentions to return in the future. The narrative within several sections of the permit has been changed to omit the construction and operation of the proposed shaft. The cost to fully reclaim the shaft is approximately \$127,000 according to the calculations contained within the most current reclamation bond. A midterm amendment submitted parallel to this one (Task# 6055) addresses the complete removal of the North of Graben Shaft from the reclamation bond.

jeatchel