

File ACT/007/006
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United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Moab District
Price River Resource Area
P. O. Drawer AB
Price, Utah 84501

IN REPLY REFER TO
2890
U-47965
(U-066)

Sally & Lea
for finalization

AUG 26 1981

August 21, 1981

Mr. Jim Smith, Jr.
Utah Department of Natural Resource
Division of Oil, Gas and Mining
1588 West North Temple
Salt Lake City, Utah 84116

Dear Mr. Smith:

As you are aware, Plateau Mining Company has submitted a right-of-way application (U-47965) to locate a portion of a coal waste disposal pile on public land. An environmental assessment was completed for the project that addressed several potential problems with the plans as submitted (see attached correspondence). We have been working with the company to resolve these problems and feel that they have addressed them sufficiently enough to grant them a land use authorization for the project. We still have concerns about the stability and reclamation potential of this site. However, successful reclamation, restoration and abatement should be insured through provisions of the bonding requirements.

Enclosed is a list of terms and conditions which we plan to attach to Plateau's right-of-way grant. We would appreciate any comments you might have in regard to these conditions.

We would also request that you enter these stipulations as conditions to Plateau's Mining and Reclamation Plan. This would enable your inspectors to assist in the compliance of these off-lease facilities.

If you have any questions, please contact Mark Mackiewicz of my staff.

Sincerely yours,

Leon E. Berggren
Area Manager

- Enclosures (2)
- 1-Appendix A, Terms and Conditions
- 2-Correspondence in regard to case

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AUG 24 1981

DIVISION OF
OIL, GAS & MINING

APPENDIX A

Terms and Conditions

1. The holder shall comply with applicable regulations in 43 CFR Group 2800.
2. The holder shall observe valid rights existing on the date of this grant.
3. This right-of-way may be renewed. If renewed, the right-of-way will be subject to regulations existing at the time of renewal and such other terms and conditions deemed necessary to protect the public interest. The right-of-way grant will be reviewed at the end of the 20th year.
4. The holder shall comply with applicable Federal and State laws and regulations issued thereunder, existing or hereafter enacted or promulgated, affecting in any manner construction, operation, maintenance or termination of facilities located on the right-of-way to include all applicable regulations in 30 CFR Chapter VII and regulations developed to implement the Coal Mining Reclamation Act of 1978 (U.C.A. 40-10-1 et. seq.) Chapter I Parts U.M.C. 700-845.
5. With regard to location, construction and maintenance of the right-of-way, (1) The holder shall ensure full compliance with the terms and conditions of this grant by its agents, employees and contractors (including subcontractors of any tier) and the employees of each of them; (2) Unless clearly inapplicable, the requirements and prohibitions imposed upon the holder by these terms and conditions are also imposed upon the holder's agents, employees, contractors, and subcontractors, and the employees of each of them; (3) Failure or refusal of the holder's agents, employees, contractors, subcontractors or their employees to comply with these terms and conditions shall be deemed to be the failure or refusal of the holder; (4) The holder shall require its agents, contractors and subcontractors to include these terms and conditions in all contracts and subcontracts which are entered into by any of them, together with a provision that the other contracting party, together with its agents, employees, contractors, subcontractors and the employees of each of them shall likewise be bound to comply with these terms and conditions.
6. The holder shall comply with the applicable Federal and State laws and regulations concerning the use of pesticides (i.e., insecticides, herbicides, fungicides, rodenticides and other similar substances) in all activities/operations under this grant. The holder shall obtain from the Authorized Officer approval of a written plan prior to the use of such substances. The plan must provide the type and quantity of material to be used; the pest, insect, fungus, etc., to be controlled; the method of application; the location for storage and disposal of containers; and other information that the Authorized Officer may require. The plan should be submitted no later than December 1 or any calendar year that covers the proposed activities for the next fiscal year (i.e., December 1, 1979 deadline for a fiscal year 1981 action). Emergency use of pesticides

may occur. The use of substances on or near the right-of-way shall be in accordance with the approved plan. A pesticide shall not be used if the Secretary of the Interior has prohibited its use. A pesticide shall be only in accordance with its registered uses and within other limitations if the Secretary has imposed limitation. Pesticides shall not be permanently stored on public lands authorized for use under this permit.

7. The holder agrees not to exclude any person from participating in employment of procurement activity connected with this grant on the grounds of race, creed, color, national origin or sex, and to ensure against such exclusions, the holder further agrees to develop and submit to the proper reviewing official specific goals and time tables with respect to minority and female participation in employment and procurement activity connected with this grant. The holder will take affirmative action to utilize business enterprises owned and controlled by minorities or women in its procurement practices connected with this grant. Affirmative action will be taken by the holder to assure all minorities or women applicants full consideration of all employment opportunities connected with this grant. The holder also agrees to post in conspicuous places on its premises which are available to contractors, subcontractors, employees and other interested individuals, notices which set forth equal opportunity terms; and to notify interested individuals, such as bidders, contractors, purchasers and labor unions or representatives of workers with whom it has collective bargaining agreements, of the holder's equal opportunity obligations.

8. There is hereby reserved to the Secretary of the Interior, or his lawful delegate, the right to grant additional rights-of-way or permits for compatible uses on, over, under or adjacent to the land involved in this grant.

9. The holder acknowledges and agrees that the grant of this right-of-way is subject to the express condition that the exercise thereof will not interfere with the management, administration or disposal by the United States of the lands affected thereby, or the full and safe utilization thereof by the United States, for necessary operations incident to such management, administration or disposal. The holder agrees and consents to the occupancy and use by the United States, its grantees, permittees or lessees of any part of the right-of-way not actually occupied or required by the project for purposes which are not in conflict with holder's use of the right-of-way.

10. If the Authorized Officer determines that an immediate temporary suspension of activities within the right-of-way for violation of the terms and conditions of the right-of-way authorization is necessary to protect public health or safety, or the environment, he/she may give an immediate temporary suspension order. This order may be orally or in writing at the site of the activity to the holder, contractor, subcontractor or to any representative, agent, employee or contractor of the holder, and the suspended activity shall cease at that time. As soon as practical, the Authorized Officer shall confirm an oral order by a written notice to the holder addressed to the holder or the holder's designated agent.

11. The holder shall maintain the site in a neat and orderly appearance at all times. Trash and debris shall not be allowed to accumulate. The Authorized Officer shall prescribe any measure deemed necessary to maintain the site in a neat and orderly appearance.

12. During construction the holder shall regulate public access and vehicular traffic as required to facilitate construction operations and to protect the public, wildlife and livestock from hazards associated with the project. For this purpose, the holder shall provide warnings, flagmen, barricades and other safety measures as required by the Authorized Officer.

13. The holder shall be responsible for dust suppression where required by the Authorized Officer. The Authorized Officer shall determine what method of dust suppression to be employed and may require chemical, water or a combination of treatments.

14. The holder shall test the coal waste material at least once a year for five (5) years to determine if the material contains any toxic elements that could cause plant growth problems or is lacking in any essential growth element. After this period, the Authorized Officer shall make the determination whether or not testing shall continue and at what intervals. Testing shall be conducted by a certified laboratory.

The following laboratory tests shall be submitted: available (N), potassium (K), phosphorous (P); trace elements present including copper chlorine, cobalt, molybdenum, zinc, iron, manganese and boron; heavy metals present including nickel and cadmium. Other tests to be submitted are the sodium absorption ratio (SAR), exchangeable sodium percentage (ESP), potential hydrogen (pH) and electrical conductivity (ECe).

15. All disturbed areas shall be seeded or planted to achieve a permanent vegetative cover. The seeding/plant mixture will be developed by the holder and authorized BLM official in conjunction with recommendation made by the Utah Division of Oil, Gas and Mining. The mixture will be developed after vegetative test plots have been evaluated. Seeding and planting shall take place from mid October through November unless supplemental irrigation is used. The holder shall apply a suitable mulch on all disturbed areas to control erosion and to promote germination of seeds and growth of plants. Mulch shall be mechanically or chemically anchored to the soil surface. If straw or hay is used as mulch, the rate of application shall be at least 1.5 tons per acre.

16. The holder shall fence the waste disposal site with a four-strand barbed wire fence that conforms to BLM fence specifications. If it is determined that the site poses a hazard to wildlife, a fence capable of excluding wildlife may be required.

17. The holder shall notify the BLM Area Manager fourteen (14) days in advance of his intent to commence any field operations associated with this right-of-way grant.

18. When all development and rehabilitation have been completed, a joint compliance check of the right-of-way shall be made by the holder and the Authorized Officer to determine compliance with the terms and conditions of this grant. The holder shall perform at his own expense any required modifications or reclamation work needed to comply with the terms of the grant.

I certify that I am an Authorized Officer for Plateau Mining Incorporated and that I have reviewed and accept the terms and conditions of Right-of-Way Grant U-47965.

Signature

Title

Date

Moab District
Price River Resource Area
P. O. Drawer AB
Price, Utah 84501

April 7, 1981

Mr. Steve Rigby
Chief Engineer
Plateau Mining Company
P. O. Box PMC
Price, Utah 84501

Dear Mr. Rigby:

We have reviewed your mining and reclamation plan dealing with the proposed coal processing waste pile. Several questions were raised about the proposal which must be resolved before we can issue a right-of-way.

The proposal calls for slopes of 1.75H:1V or flatter for the waste piles with a static safety factor of 1.50 or greater. This corresponds to a slope equivalent of 57 percent. When soil is placed on slopes having this steep of gradient, the potential for slope failure is extremely high. Methods are available such as terracing to break the length of run, thus reducing chances for slope failure; however, your plan does not address them.

Preliminary soils data indicate that between 2 and 10 inches of topsoil is available in the proposal area. Plans call for removing this material, storing it and redistributing it when reclamation begins. Regulations found in 30 CFR 817.85 require a minimum of 4 feet of the best available nontoxic noncombustible material be placed on the waste pile, unless a variance is given.

If a variance is given it must be proven that the waste material is conducive to plant growth. Further studies must be completed to determine the physical and chemical nature of this material.

Tests to determine the available nitrogen (N), potassium (K), phosphorous (P) and trace elements including iron, manganese, zinc, copper, chlorine, cobalt, molybdenum and boron should be made. Other tests that should be made are tests to determine the sodium absorption ratio (SAR) exchangeable sodium percentage (ESP) and the electrical conductivity (ECe).

Before we can approve your right-of-way we must be reasonably assured that the site can be reclaimed. The proposal as submitted does not give us this assurance.

Please submit the test results for the waste material (chemical and physical), and any other backup data that would support your analysis as to the slope stability.

These are only recommendations. The Utah Division of Oil, Gas and Mining and Office of Surface Mining have been given the authority to approve mining and reclamation plans. However, before a project takes place on public land our concurrence must be given.

If you have any questions, please feel free to call.

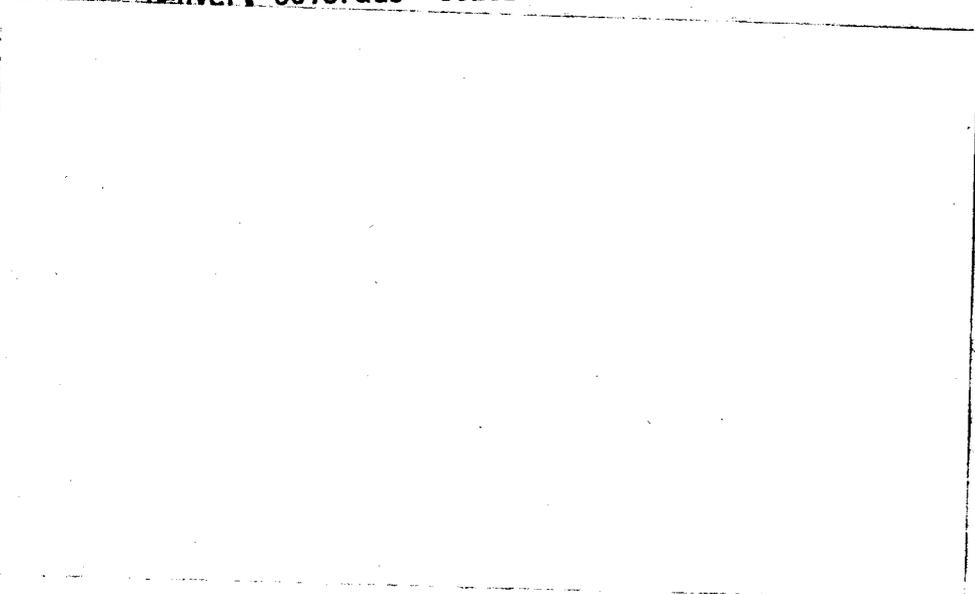
Sincerely yours,

/s/ Leon E. Berggren

Leon E. Berggren
Area Manager

cc:
Utah Division of Oil, Gas and Mining
1588 West North Temple
Salt Lake City, Utah 84116

Office of Surface Mining
Reclamation and Enforcement
Brooks Towers
1020 15th Street
Denver, Colorado 80202



Moab District
Price River Resource Area
P. O. Drawer AB
Price, Utah 84501

March 6, 1981

Mr. Ben Grimes
Plateau Mining Company
P. O. Box PMC
Price, Utah 84501

Dear Mr. Grimes:

We have reviewed the proposal prepared by Native Plants Incorporated to conduct greenhouse experiments for the coal refuse material. The proposal as submitted is lacking in several critical elements and is inadequate.

Native Plants does not propose doing any laboratory analysis to determine the chemical and physical characteristics of the refuse and topsoil. This is a prerequisite before beginning any greenhouse study.

If the refuse or topsoil has toxic characteristics or is severely lacking in an essential growth element your tests will indicate it thus saving much time and effort in growth studies. Also if tests indicate an essential element is lacking, a split-plot study can be designed to determine the necessary nutrient needs.

The following laboratory test should be conducted prior to any greenhouse studies: Available nitrogen (N), potassium (K), phosphorus (P), trace elements present including copper, chlorine, cobalt, molybdenum, zinc, iron, manganese, and boron, heavy metals present including nickel and cadmium. Other tests should be made to determine the sodium absorption ratio (SAR), exchangeable sodium percentage (ESP), potential hydrogen (pH), and electrical conductivity (ECe).

Tests also need to be conducted to determine the physical characteristics of this material including particle size distribution and structure. Tests should be expanded to determine if a mixture of refuse and topsoil could produce an acceptable growth medium.

Greenhouse studies are minimal indicators of plant growth because they fail to duplicate field conditions. If possible climate chambers should be used to try and simulate the natural environment.

The species that have been selected for the studies are generally not present in the refuse area. Atriplex canescens and Artemisia nova rarely are found growing in the same habitat type. Before tests are initiated, a list of species that will be used to revegetate the site should be made and utilized. We would be willing to work with native plants in coming up with an acceptable species list.

If you have any questions regarding our comments about the proposal please feel free to contact Mark Mackiewicz of my staff.

Sincerely yours,

/s/ Leon E. Berggren

Leon E. Berggren
Area Manager