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STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
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October 22, 1984

Mr. Allen D. Klein, Administrator
Western Technical Center
Office of Surface Mining
Brooks Towers
1020 Fifteenth Street
Denver, Colorado 80202

Dear Mr. Klein:

RE: Railroad Impoundment, Opinion on Plateau Mining Company Wildlife Mitigation Commitments and Responsibilities, Unit Train Loadout Facility, Star Point Mines, ACT/007/006, #3 and #6, Carbon County, Utah

On October 11, 1984, the Division received a phone call from Mr. Walt Swain of the OSM informing this office of a problem concerning Plateau Mining Company's (PMC) recently approved Unit Train Loadout Facility. The area of contention concerns a small impoundment which currently exists adjacent to the Utah Railroad rail line. Portions of the approved Unit Train Loadout Facility will be constructed in the immediate vicinity of this impoundment.

Normal surface runoff is detained in a low depressional area adjacent to the Utah Railroad fill grade which effectively creates an impoundment for the drainage. A french drain system intended to bypass this drainage under the railroad fill has become plugged with sediments.

The impounded water is presently intermittent depending on seasonal storm frequency and high evaporation rates. Local wildlife populations utilize the water when it is available.

The Federal Railroad Administration, on a recent inspection of the railway, recognized this impounded drainage as a safety and stability hazard to the rail-line. A citation was issued to the Utah Railroad requiring that the impoundment be drained and the drainage problem rectified promptly.

PMC had committed to monitor the quality of this impoundment through the duration of mining activities associated with the recently permitted Unit Train Loadout Facility. The purpose being to assure that there will be no

mine related impacts to this existing intermittent water resource. The Company did not commit to maintain or supplement this water source in their application.

There will be a sedimentation pond constructed adjacent (up-drainage) to the existing impoundment to treat the disturbed area drainage associated with the Unit Train Loadout Facility.

Mr. Swain stated that a question has been raised by the Bureau of Land Management (BLM) as to whether PMC should be held accountable to supply an alternate wildlife water source should the railroad impoundment be drained.

It is the Division's opinion that PMC's mine related activities are disassociated from this issue and that the responsibility for replacement (if any is legally warranted) should be resolved between the BLM, the Division of Wildlife Resources and the Utah Railroad. If the BLM right-of-way permit issued to PMC has language or conditions that address this specific issue of wildlife mitigation, then the Company may be held accountable for providing an alternative water source. Otherwise, the implication that PMC should be held responsible is inappropriate.

Should questions remain, please contact D. Wayne Hedberg or me directly.

Sincerely,

James W. Smith, Jr.
Administrator
Mineral Resource Development
and Reclamation Program

DWH/btb
cc: Walt Swain
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