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**From:** James Owen  
**To:** OGMCOAL  
**Date:** 9/5/2012 5:03 PM  
**Subject:** Fwd: RE: Star Point Channel Repair

>>> James Owen 9/5/2012 3:35 PM >>>  
FYI

>>> Dana Dean <[danadean@utah.gov](mailto:danadean@utah.gov)> 9/5/2012 1:39 PM >>>  
Fyi

----- Forwarded message -----  
From: "Belka, Christine" <[cbelka@osmre.gov](mailto:cbelka@osmre.gov)>  
Date: Sep 5, 2012 1:09 PM  
Subject: RE: Star Point Channel Repair  
To: "Dana Dean" <[danadean@utah.gov](mailto:danadean@utah.gov)>

Hi Dana, \*\*\*\*

\*\* \*\*

Yes, that accurately reflects our conversation. My reasoning was based on the fact that the original surface water control plan was not deficient - effects of the wildfire changed the hydrologic conditions such that the design event was exceeded. Under R645-301-357.364, rill and gully repair resulting from a \*deficient\* surface water control plan will be considered an augmentative process that would restart the responsibility period. Also, this is a rip-rapped channel so vegetation responsibility periods are not directly applicable. However, redesigning and constructing a larger diversion could be construed as a "coal mining and reclamation operation" and would likely cause additional disturbance that would require revegetation efforts. \*\*\*\*

\*\* \*\*

Thank you, \*\*\*\*

\*\* \*\*

Christine Belka \*\*\*\*

Environmental Protection Specialist \*\*\*\*

Office of Surface Mining \*\*\*\*

Reclamation & Enforcement \*\*\*\*

Denver Field Division \*\*\*\*

1999 Broadway, Suite 3320 \*\*\*\*

Denver, CO 80202 \*\*\*\*

(303) 293-5020 \*\*\*\*

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\*From:\* Dana Dean [mailto:[danadean@utah.gov](mailto:danadean@utah.gov)]  
\*Sent:\* Wednesday, September 05, 2012 11:59 AM  
\*To:\* Belka, Christine  
\*Subject:\* Fwd: Star Point Channel Repair\*\*\*\*

\*\* \*\*

Christine,\*\*\*\*

\*\* \*\*

Does this accurately reflect our conversation?\*\*\*\*

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Thanks,\*\*\*\*

Dana\*\*\*\*

\*\* \*\*

Dana Dean, P.E.\*\*\*\*

Associate Director - Mining\*\*\*\*

Utah Division of Oil, Gas and Mining\*\*\*\*

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[ogm.utah.gov](http://ogm.utah.gov)\*\*\*\*

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----- Forwarded message -----

From: \*James Owen\* <[jamesowen@utah.gov](mailto:jamesowen@utah.gov)>

Date: Tue, Sep 4, 2012 at 4:53 PM

Subject: Star Point Channel Repair

To: Dennis Ware <[dware@alphanr.com](mailto:dware@alphanr.com)>

Cc: [rbwhite@earthfax.com](mailto:rbwhite@earthfax.com), [danadean@g.utah.gov](mailto:danadean@g.utah.gov), Amanda Daniels <

[AMANDADANIELS@utah.gov](mailto:AMANDADANIELS@utah.gov)>, Daron Haddock <[DARONHADDOCK@utah.gov](mailto:DARONHADDOCK@utah.gov)>, Steve

Christensen <[STEVECHRISTENSEN@utah.gov](mailto:STEVECHRISTENSEN@utah.gov)>, Steve Demczak <

[STEVEDEMCAZAK@utah.gov](mailto:STEVEDEMCAZAK@utah.gov)>

Dennis,

Based on discussions between Dana Dean and Christine Belka from OSM, I

believe that finding a solution to the channel repair problem at Star Point has been simplified.

According to Dana, Christine explained that OSM would require that the stream channel be replaced according to its initial design specifications. Installing a larger channel or modifying the channel design would constitute "new" mining-related operations that would include additional disturbance and would require the extended responsibility to re-start. OSM wants the channel put back the way it was and they will allow the reclamation clock to continue.

To address the issue of the changes in variables created by the wildfire, Christine recommended that you (the operator) work with the landowner of the burned slopes above your permit area that are effecting your channel's flow. Hopefully, the landowner will allow you to assist in re-planting and re-establishing vegetation in those burned areas. OSM would consider this as a way of allowing the original channel design to be adequate. So rather than designing for new specifications, OSM would prefer that you work to restore the area back to the condition it was in before the natural disaster while your finish your liability period. With the original channel back in place, you would qualify for Phase III bond release as per your current timetable and your liability will end as scheduled.

If you have any questions on the details, feel free to contact Dana or myself.

Regards,

James C. Owen  
Reclamation Engineer  
Division of Oil, Gas and Mining  
1594 W. North Temple, Suite 1210  
Salt Lake City, Utah 84114-5801  
801.538.5306

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