File

0010

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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July 15, 1987

Ms. Jean Semborski
U.S. Fuel Company
Hiawatha, Utah 84527

Dear Ms. Semborski

RE: Response to Permit Conditions, U.S. Fuel Company, Hiawatha Complex, ACT/007/011, Folder #2, Carbon Co. Utah

The Division has completed its review of materials submitted on April 13, May 4, May 11, May 14, and May 27, 1987 in response to permit condition #'s 1 thru 19 (review memos attached). The Division has concluded that condition #'s 2, 3, 4, 6, 7, 8, 9, 11, 15, 16 and 17 have been adequately addressed. The following is needed before the Division can sign off on Condition #'s 1, 5, 10, 12, 13, 14, 18 and 19:

Condition #1

The Division concurs with your request to revise the wording of this condition for clarification. The revised condition reads:

> Prior to the initiation of any ground disturbance activities in a previously undisturbed area, the permittee shall contact the Division concerning the need for cultural resources inventory of the impact area. If an inventory is required, the operator shall ensure that all cultural resources are properly evaluated in terms of National Register of Historic Places eligibility criteria. Where a significant site will be affected by mining, the permittee will consult with OSMRE, Utah DOGM, and the SHPO to develop and implement appropriate impact mitigation measures according to a mutually agreed upon schedule.

U.S. Fuel must provide a commitment to DOGM to follow this revised condition by August 14, 1987.

Condition #5

U.S. Fuel must provide the Division a composite map showing the five year mine sequence, the locations of springs above and adjacent to the five year mine plan area, the depth of overburden, geologic structures associated with the five year mine plan, and areas of expected subsidence in association with the five year mine plan by August 14, 1987.

Condition #10

U.S. Fuel must provide the Division with cover data for reference area MCR2, and cover and productivity data for reference area PJR5 by September 18, 1987. Reference area SBR12 is not similar to its corresponding affected area. Therefore, the Division will evaluate the appropriateness of this reference area this summer. If it is found to be unacceptable, a more representative reference area will need to be established within a timeframe mutually agreeable to U.S. Fuel and the Division.

Condition #12 and Condition #18

U.S. Fuel must provide the Division a commitment to follow these conditions by August 14, 1987.

Condition #13

U.S. Fuel must provide the Division a commitment to follow the November 11, 1985 Reclamation Fee Installment Agreement between U.S. Fuel Co. and OSMRE by August 14, 1987.

Condition #14

The applicant is required to provide mitigation measures for all surface lands where the post mining land use is affected by subsidence that is not grandfathered under SMCRA. Please provide a commitment for mitigation by August 14, 1987.

Condition #19

By changing the term "second seam mining" to "secondary mining", your May 27, 1987 response will be adequate. This is necessary to avoid potential confusion that second seam mining as intended in the original condition refers to secondary mining and not the mining of another coal seam. Please provide a revised response by August 14, 1987.

The Division appreciates the cooperation with the technical staff which you have demonstrated during the resolution of your permit conditions. As always, should you have questions or need further clarification, please don't hesitate to call.

Sincerely,

Susan C. Linner

Susan C. Linner
Reclamation Biologist/
Permit Supervisor

Enclosures
cc: L. Kunzler
H. Shepard
R. Hagen
P. Rutledge
1255R-3

July 14, 1987

TO: File

FROM: Lynn Kunzler, Reclamation Biologist

RE: Review of Permit Condition #'s 1, 10, 11, 12, 13 & 18, U.S. Fuel Company, Hiawatha Complex, ACT/007/011, Folder #2, Carbon Co., Utah

U.S. Fuel Co.'s response of April 13, 1987 to the above referenced permit conditions has been reviewed. Comments specific to each condition are listed below.

Condition #1:

This condition is revised to read:

> Prior to the initiation of any ground disturbance activities in a previously undisturbed area, the permittee shall contact the Division concerning the need for cultural resources inventory of the impact area. If an inventory is required, the operator shall ensure that all cultural resources are properly evaluated in terms of National Register of Historic Places eligibility criteria. Where a significant site will be affected by mining, the permittee will consult with OSMRE, Utah DOGM, and the SHPO to develop and implement appropriate impact mitigation measures according to a mutually agreed upon schedule.

U.S. Fuel must provide DOGM a commitment to follow this revised condition.

Condition #10:

After reviewing the vegetation report (dated July 12, 1983), it was determined the following deficiencies still exist:

1. Cover data for reference area MCR2,
2. Cover and productivity data for reference area PJR5,
3. Reference area SBR12 is not similar to the corresponding affected area (similarity index = 56%, cover only 2/3 of affected area cover). The Division will evaluate the appropriateness of this reference area this summer. U.S. Fuel may be required to establish a more representative reference area pending the results of the evaluation.

Condition #11:
This condition has been adequately addressed.

Condition #12:
U.S. Fuel must provide DOGM a commitment to follow this condition.

Condition #13:
U.S. Fuel must provide DOGM a commitment to follow the November 11, 1985 Reclamation Fee Installment Agreement between U.S. Fuel Co. and OSMRE.

Condition #18:
U.S. Fuel must provide DOGM a commitment to follow this condition.

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