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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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THROUGH: Daron Haddock, Permit Supervisor

FROM: Paul Baker, Reclamation Biologist *PAB*

DATE: January 4, 1994

RE: Response to April 26, 1993, Review of Chapter 4, U. S. Fuel Co., Hiawatha Mines, Folder #2, ACT/007/011, Carbon County, Utah

SUMMARY

On June 9, 1993, U. S. Fuel responded to May 11, 1993, correspondence from the Division requiring further justification for retention of the permitted roads in the canyons west of Hiawatha. The current submittal includes a request for a variance from approximate original contour and justifications for leaving the roads.

ANALYSIS

R645-301-412

Land Use Reclamation Plan

Deficiency:

Retention of the roads in South, Middle, and North Forks needs to be justified. For the Division to approve road retention, the roads need to be shown to be an integral part of the approved postmining land use or a higher and better use. The plan must also address protection of wildlife and wildlife habitat.

Response and Analysis:

The plan proposes that the roads would be reclaimed to an unimproved condition by removing the pavement and ripping and seeding them. The plan gives justification based on the wildlife, grazing, and recreation postmining land uses and also discusses the requirements of R645-302-270 for a variance from approximate original contour (AOC) requirements.

As discussed in the April 26, 1993, memorandum, the primary concern of Wildlife Resources (DWR) for wildlife habitat is the degree of accessibility and use of the roads during crucial periods, particularly the winter. Reclaiming the roads to an unimproved condition will provide limited additional forage compared to the present condition but will restrict access during



crucial periods.

The plan states that the canyon roads are an asset to modern ranching operations and contribute to the value of the land for that purpose. Roads provide access for cattle being trucked to and from lowland winter ranges. They also provide access to gates and fences that must be maintained and allow easier inspection of the location and condition of livestock.

The areas around Hiawatha are scenic and diverse and important to many visitors from local, state, county, and out-of-state areas. Access to historic and scenic areas provide recreation to these people.

The plan contains a request for a variance from AOC requirements in Appendix IV-7. This request states that consultation has been performed with appropriate governmental agencies. The intended use is not impractical or unreasonable and does not pose any actual or probable hazard to public health or safety or threat of water diminution or pollution. Watersheds will be improved compared to reclaiming to AOC because of the terrace effect that the roads would have compared to the steep slope which would be created if AOC was restored.

The justifications now contained in the plan appear to be adequate to satisfy the requirements of the regulations for retention of the roads in an unimproved condition.

The previous memorandum dealing with the roads stated that retention needed to be justified by the requirements of R645-302-270 for a variance from approximate original contour. Further examination of the regulations shows that road cut and fill slopes do not necessarily constitute a variance from approximate original contour. R645-301-553.400 and 420 state that cut-and-fill terraces may be allowed by the Division where specialized grading, foundation conditions, or roads are required for the approved postmining land use, in which case the final grading may include a terrace of adequate width to ensure the safety, stability, and erosion control necessary to implement the postmining land-use plan. Therefore, contrary to the April 26, 1993, memorandum, a variance may not be needed if U. S. Fuel can demonstrate that approximate original contour is being achieved while leaving the roads. If U. S. Fuel can make this demonstration, Appendix IV-7 that discuss a variance from approximate original contour should be eliminated. However, some of the discussion in this appendix that mentions the advantages of leaving the road cuts for sediment control and stability should probably be included elsewhere in the plan. If there is no variance from approximate original contour, some other changes to the plan would need to be made. Page 68 of Chapter V says under 553.400 that no cut and fill terraces are proposed. This would need to be changed to either reference Chapter II pages 81-82 or to mention that cut and fill terraces are to be left as part of road retention.

Although R645-301-553.400 allows retention of road cut and fill slopes, it also states that the terrace for the road may be of adequate width to ensure the safety, stability, and erosion

control necessary to implement the postmining land use. The existing roads are two lane paved haul roads, but the reclamation plan states that they will be unimproved roads. To achieve the postmining land use, the cut and fill terraces do not need to be as wide as they currently are. U. S. Fuel needs to commit to reclaim the roads to the width needed for the postmining land use.

The current plan is to rip then seed the road surfaces. This could lead to rill and gully formation. Runoff control is discussed in a memorandum from Steve Johnson.

Deficiencies:

1. U. S. Fuel should attempt to demonstrate that the roads are being restored to approximate original contour on the basis of R645-301-553.400. If this demonstration can be made, Appendix IV-7, which requests a variance from approximate original contour and gives justification for it, should be removed. Some of the text of this appendix should probably be included elsewhere in the plan, however. The statements in Chapter II that reference the request for a variance from approximate original contour would need to be eliminated. If a demonstration of achieving approximate original contour cannot be made, the Division would need to determine that granting a variance from approximate original contour for steep slope mining areas is possible.
2. If U. S. Fuel can demonstrate that the road areas are being returned to approximate original contour, the statement on page 68 of Chapter V that no terraces are proposed should be changed to reference Chapter II or to mention that cut and fill terraces will be left as part of road retention.
3. U. S. Fuel needs to commit to reclaim the roads to the width needed for the postmining land use.

RECOMMENDATIONS

It is recommended that retention of the roads be approved if U. S. Fuel, 1) Demonstrates that approximate original contour is being achieved, 2) Satisfies the concerns with potential rill and gully formation, and 3) Commits to reduce the road widths to those necessary for the postmining land uses. If U. S. Fuel cannot demonstrate that approximate original contour is being achieved, the Division would need to determine whether or not a variance from approximate original contour for steep slope mining areas is possible for the roads and would need to evaluate the information submitted for the variance. The roads have been shown to be an integral part of the postmining land uses, and the proposal to return them to an unimproved condition should result in protection of wildlife during crucial periods.