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February 27, 2002

A PROFESSIONAL CORPORATION

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DIVISION OF
OIL, GAS AND MINING

Hand Delivered

Lowell Braxton, Director
Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
P. O. Box 145801
Salt Lake City, Utah 84114-5801

**Re: Hiawatha Coal Company
Renewal of Coal Mine and Reclamation Permit
Permit No. C/007/011**

Dear Mr. Braxton:

Pursuant to public notice inviting written comments, objections or requests for informal conferences, Huntington-Cleveland submits the following objections, written comments, and request for an informal conference for the above-referenced Permit Renewal.

In reviewing the hydrologic and geologic information on file as part of the Permit, it is apparent that most of the geologic and hydrologic data has not been updated for a number of years. For example, surface and groundwater monitoring was last reported in 1992, approximately at the time of the renewal of the Permit ten years ago. Apparently, no new monitoring information was submitted when the Permit was last renewed five years ago or in support of the current renewal.

A number of events demonstrate the need for updated hydrologic data and analysis and conclusions based on the updated data. For example, in recent years a number of springs in the Gentry Mountain area have stopped flowing. As no measurements of springs in the Permit area since 1992 are included, there is no way to determine whether anecdotal observations are valid or if dewatering of the Hiawatha Mine complex has any relationship to the springs.

Similarly, during recent years, discharge from the Mohrland Portal has been noticeably widely varied in quantity. The reasons for this fluctuation of flow are unknown and cannot, without monitoring information, be analyzed or understood.

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"The objectives of R645-303 are to:

...

121. Ensure that all permits are regularly reviewed to determine that coal mining and reclamation operations under these permits are conducted in compliance with the state program;"

It is impossible to determine whether or not coal mining and reclamation activities at the Hiawatha Mine Complex are being conducted in compliance with the state program without updated data and analysis based on updated data.

The Division, under R645-303-232-250, may require "additional, revised, or updated information." Any renewal of this Permit should be deferred until the hydrologic and geologic data is updated and an analysis submitted on the new information.

If the Division determines not to require updated hydrological data before moving forward on Permit renewal, we will look forward to our opportunity to discuss our concerns and objections further at the informal conference.

Yours truly,

NIELSEN & SENIOR



J. Craig Smith

cc: Board of Directors,
Huntington-Cleveland Irrigation Company
cc: Duane Kay Jensen, President
cc: Dennis Ward, Vice President
cc: O. Eugene Johansen, Emery Water Conservancy District