

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

January 21, 2010

TO: Internal File

THRU: April Abate, Lead *CAC 1-27-10*

FROM: Joe Helfrich, Biology *Joh*

RE: Midterm Review, Hiawatha Mining Company, Hiawatha Mine, C\007\0011 Task ID # 3459

SUMMARY:

On July 21, 2009 the Division notified Elliot Finley, resident agent for Hiawatha Mining Company, of the agency's commencement of the midterm review. The review included the following items:

1. A review of the mine plan to ensure that the requirements of all permit conditions, division orders, notice of violation abatement plans, and permittee initiated plan changes are appropriately incorporated into the mine plan document.
2. A review to ensure that the mine plan has been updated to reflect changes in the Utah Coal Regulatory Program that have occurred subsequent to permit approval (example: compliance with U.S. Fish and Wildlife Department - Colorado River Endangered Fish Recovery Program).
3. A review of the applicable portions of the permit to ensure that the mine plan contains commitments for application of the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside of the permit area.
4. An AVS check to insure that Ownership and Control information is current and correct, verify compliance status of unabated enforcement actions, determine status of any outstanding finalized penalties, and verify that there are no demonstrated patterns of violation.

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5. A review of the bond to ensure that it is in order and that the cost estimate is accurate and is escalated to the appropriate current-year dollars.
6. A review of the mining and reclamation plan for compliance with operator commitments related to variances or special permit conditions (including but not limited to subsidence control/monitoring plans and reporting requirements, variances to AOC, experimental practices, electronic database water monitoring reporting, raptor surveys, revegetation test plots, etc.).

On December 14, 2009 the Division received a response to the Midterm deficiencies noted in correspondence to Elliot Finley on October 21, 2009. This memo will include a review of the permittee's response to the relevant portions of item # 6.

- #6 Chapter 3, Paragraph 1 of the interim reclamation plan on page 3-23 of the MRP states that "An effort is made to consolidate all disturbed area operations at protected locations and to reclaim and revegetate those areas no longer needed for present operations" The permittee has provided the Division with an update of the current status of present and *future* operations. However the MRP only includes present operations. If the permittee has plans for future mining activities in areas that are presently not being used to facilitate the current mining operations, which is presumably the case according to Mr. Reynolds, the MRP should be revised accordingly.

The Division received the 2008 annual report on December 24, 2009. The report needs to include the annual raptor survey.

RECOMMENDATIONS:

Item 6 of the Midterm review is not recommended for approval at this time.