

JUL 28 1987



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
SUITE 310

0001.

625 SILVER AVENUE, S.W.
ALBUQUERQUE, NEW MEXICO 87102

JUL 27 1987

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DIVISION OF OIL
GAS & MINING

-In Reply
Refer To:
4480
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Memorandum

TO: Peter A. Rutledge, Chief
Division of Federal Programs

FROM: Robert H. Hagan, Director
Albuquerque Field Office

SUBJECT: Maintenance/Reclamation Plan for Horse Canyon
UT 0020

The Albuquerque Field Office (AFO) has completed review of selected sections of the proposed permit relative to inspection and enforcement activity. These comments are in response to the transmittal dated July 8, 1987, to AFO requesting an analysis of the application.

Concerning Chapter II, Maintenance Plan, in volume 1:
2.5 Revegetating

If the Division of Oil, Gas and Mining (DOGM) wishes for berms and ponds to be revegetated during the maintenance period, the required portions of these structures to be done should be specified; i.e., inslopes, top, outslopes, etc.

Item 3 on page II-8 will only cause confusion or conflict between the operator and inspector. The open-ended statement would be better deleted, or DOGM should require other specific areas of concern to be identified.

On page II-10, in the last paragraph, the "as necessary," prevents enforcement of the whole paragraph. Either the fertilizing, seeding, and mulching is required or it isn't. The wording should be revised to delete "as necessary."

2.7 Environmental Monitoring and Maintenance

For the water quality monitoring, the pond sampling frequency may vary, dependent on the dewatering, but the reporting frequency should not vary. This should be clarified. Plus, the DOGM guideline in Appendix VI-6 does not specify a reporting schedule at all. If DOGM wishes to require water monitoring, a reporting schedule should be included in the description. Also, a sentence should be added addressing how ground-water monitoring is to be done if such is the case.

NA For revegetation success, the determination should include quantitative as well as qualitative observations and, Kaiser does not have sole privilege to make this evaluation. The whole last sentence limits the enforcement potential for requiring adequate revegetation.

Concerning Chapter III, Reclamation Plan, in volume 1:

3.4 Areas to be Reclaimed

If Kaiser is responsible for reclaiming the disturbed area, leaving a .8 acre portal area is unacceptable. The portal's remoteness is irrelevant to the operator's legal obligation.

3.7 Backfilling and Grading

NA The application states that slopes will be generally reclaimed to 2h:lv. This is not enforceable. If DOGM wishes to control the slope steepness, then a maximum grade should be specified that will meet slope stability requirements.

Kaiser claims there is no access to the Lila Canyon portals. If that is the case, how were the fans removed and portal seals installed?

NA For roads, the second paragraph's requirements for reclaimed versus permanent roads is extremely unclear. The paragraph should be simplified to address clearly which roads are temporary versus which roads are to remain after bond release.

3.8 Drainage Control

NA DOGM regulations do not allow early pond removal. Ponds are to be removed after revegetation is established. Such approval would create a "failure to pass" violation.

3.11 Monitoring and Maintenance

Again, a reporting schedule must be included.