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United States Department of the Interior
OFFICE OF SURFACE MINING
Reclamation and Enforcement
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OFFICE OF THE REGIONAL DIRECTOR

Mr. Ron Daniels
 Coordinator of Mined Land Development
 Utah Department of Natural Resources
 Division of Oil, Gas and Mining
 1588 West North Temple
 Salt Lake City, Utah 84116

14 MAR 1980

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DIVISION OF
 OIL, GAS & MINING

Dear Ron:

I have read your letter of February 5, 1980 regarding Swisher Coal Company's Gordon Creek No. 2 Mine, and I appreciate your efforts. It is especially helpful to receive your assistance in identifying deficiencies. Two of your stipulations, addressing soils and vegetation, and the lack of stipulations for backfilling and grading merit additional discussion. Looking also at Mike Thompson's report, I note that some confusion may exist regarding our requirement that the operator "commit to obtaining topsoil or substitute growing medium." Apparently the confusion relates to whether on-site or off-site materials are involved. This is to be determined by the analysis required pursuant to 30 CFR 211.40(b)(8)(30 CFR 717.20). Our request does not dictate borrowing of topsoil. I am also interested in the proposal that soils be tested for five years apparently before identifying a suitable topsoil substitute. The tests are fine, but adequate topsoil must be identified now, and changes based on the tests may be considered later.

Another stipulation, that of revegetation seeding, is also of concern. I appreciate your staff's efforts to identify portions of the Act and regulations that identify the intended requirements. Section 516(b)(10) of the Act requires that "other surface impacts not specified in the subsection, including ...roads ...and other areas upon which are sited structures, facilities, or other property or materials ...resulting from or incident to such activities, operate in accordance with the standards established under section 515 of this title...." This is then reflected in 30 CFR 717.20. While a temporary vegetation system could be established to stabilize areas that are scheduled to be redisturbed, an approvable permanent seed mix must also be identified. Introduced species may be justified when demonstrated to meet the postmining land use requirements.

Another concern is with the lack of a backfilling and grading plan. The plan submitted is inadequate. It shows simple rounding of a limited area. This does not comply with 30 CFR 211.40(b)(3), (30 CFR 717.14) since the proposed grading is not to the extent deemed feasible by OSM.

Sincerely,

DONALD A. CRANE