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United States Department of the Interior

OFFICE OF SURFACE MINING

Reclamation and Enforcement

BROOKS TOWERS

1020 15TH STREET

DENVER, COLORADO 80202

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FILE ACT/007/016, #2

RECEIVED
MAR 14 1984DIVISION OF
OIL, GAS & MINING

Dr. Dianne Nielson, Director
Division of Oil, Gas and Mining
4241 State Office Building
Salt Lake City, Utah 84114

Dear Dr. Nielson:

The OSM Western Technical Center has completed a review of the draft final technical analysis for Beaver Creek Coal Company's Gordon Creek No. 2 mine submitted by the Division on February 8, 1984. Certain problems remain with the final draft which must be resolved to allow Secretarial approval of the permit application.

There are apparently no guidelines concerning the preparation of draft technical analysis and final draft technical analysis documents prepared by the Division. Although conversation with Mary Boucek of the Division indicates that many of the document's comments are directed at obtaining a response from the applicant prior to final preparation of a decision document, OSM review must address the content of these documents at face value, as draft and draft final submittals. Some of the itemized remarks in this document are directed at these application-deficiency type comments which are not appropriate in a complete technical analysis document.

OSM Project Leader Louis Hamm contacted Mary Boucek of your office by telephone on March 1, 1984 and discussed the problems perceived by OSM. A marked-up copy of the draft final technical analysis containing the OSM remarks was sent to Ms. Boucek by overnight courier service to be received on March 2, 1984. Specifically, with regard to the Gordon Creek draft final document, the following suggestions are offered.

1. This draft of a final technical analysis document has been completed without the applicant's response to Bureau of Land Management concerns outlined in letters of August 12, and December 23, 1983. The August 12, 1983 letter has been included by the Division as an attachment to the draft final technical analysis. Two concerns related to the BLM have been outlined in the draft final technical analysis as conditions to achieving compliance with the requirements of UMC 817.59. Secretarial approval of the permit application cannot be achieved without BLM concurrence.
2. Frequently, details from the permit application are included in the technical analysis without referencing where they can be found in the permit application package. References should cite volume and page number as well as table or figure numbers where applicable.

*Walt Swain
Called Lou Hamm 3/4/84 to
check on CHIA status*

*CHIA is not done yet but will
be delivered to OSM today. OSM
will forward copy of the draft to
DOEM for
comment*

3. Findings of compliance with regulations have been made without sufficiently demonstrating that compliance will be achieved. Examples of this occur on pages 18 (UMC 817.57, Hydrologic Balance/Stream Buffer Zones) and 25 (UMC 817.106, Regrading or Stabilizing Rills and Gullies) of the draft final technical analysis.
4. The draft final technical analysis for the Gordon Creek No. 2 mine contains conclusionary statements under some Existing Environment and Applicant's Proposal sections. This occurs specifically on pages 8 and 12 of the document. As stated in the OSM review letters concerning the Convulsion Canyon and Gordon Creek No. 2 draft technical analysis submittals, "conclusionary statements and analyses should be included in the Compliance section rather than Applicant's Proposal".
5. Conditions (stipulations) are loosely worded with respect to requirements. In addition, the wording includes no provisions for regulatory approval of plans or methods required by the condition. Please note the example condition included on page 4 of the December 22, 1983 OSM letter to Dianne Nielson, concerning the draft technical analysis for the Convulsion Canyon mine.

The applicant's responses to stipulations listed in the draft final technical analysis was not received at the OSM Western Technical Center until March 1, 1984. Therefore, OSM staff was not able to review the applicant's responses before finalizing review remarks on the draft final technical analysis. OSM is concerned that the applicant's responses were sufficient to satisfy the remaining stipulations listed in the draft final technical analysis. Many of these stipulations involved baseline data considered prerequisites to certain findings.

The OSM Western Technical Center continues to pursue development of the draft cumulative hydrologic impact analysis (CHIA) through our contractor. The document is scheduled to be received at OSM during the week of March 12, 1984.

Please check the status of the BLM issues cited under UMC 817.59, Coal Recovery, on page 19 of the draft final technical analysis. These issues require the applicant to respond adequately in order to achieve BLM concurrence. Be sure to keep OSM advised of the matter as you evaluate where it stands.

If you have any questions, please call either Louis Hamm or Walter Swain at (303) 857-3806.

Sincerely,



Allen D. Klein
Administrator
Western Technical Center

cc: Bob Hagen, OSM - Albuquerque Field Office
Jim Smith, DOGM
Mary Boucek, DOGM