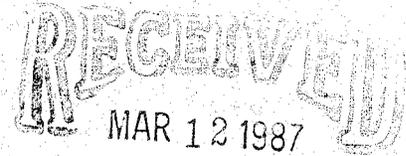




United States Department of the Interior
OFFICE OF SURFACE MINING
Reclamation and Enforcement
BROOKS TOWERS
1020 15TH STREET
DENVER, COLORADO 80202



March 10, 1987



Dr. Dianne Nielson, Director
Utah Division of Oil Gas and Mining
355 West North Temple
3 Traid Center, Suite
Salt Lake City, Utah 84180-1203

DIVISION OF
OIL, GAS & MINING

Dear Dr. Nielson:

The Federal Programs Division (FPD) has completed a mid-term review of the Gordon Creek No. 2 and No. 7 permit UT-010 (State permit ACT/007/016), and the proposed mine No. 8 entry, and administrative record on file at our office. We have notified the Albuquerque Field Office, Bureau of Land Management (BLM), U.S. Fish and Wildlife Service, and the U.S. Forest Service - Manti-LaSal by transmittal memorandum of February 20, 1987 of their opportunity for comment. Comments were requested to be submitted by March 15, 1987. Any comments received from these agencies will be forwarded to your office.

The Federal permit approved on August 27, 1987 has twelve Special Conditions binding upon the Federal permit approval. FPD's midterm review indicates that permit conditions Numbers 1, 2, 6, 8 and 9 have been satisfied. The last paragraph of permit condition Number 8 and the last part of condition Number 5 are ongoing and; therefore, cannot totally be removed from further permitting actions. Other permit conditions that are entirely worded as "ongoing" type conditions are conditions Numbers 3, 4, 7, and 12. The status of each of these conditions are addressed below.

Stipulation No. 3:

It is assumed that there has not been any inflows of "in-mine" water greater than or equal to 1 gpm, as OSMRE has not received any of the required monitoring data. The company is assumed to be in compliance with this condition. The Division of Oil Gas and Mining (DOG M) is asked to inform FPD if DOGM is aware that this is not a factual assumption.

Stipulation No. 4:

The permittee is presently monitoring sampling sites 2-10-W and 2-11-W. DOGM comments of January 29, 1986 and FPD letter of January 28, 1986 address these sampling sites. Monitoring frequency has been revised to

be conducted quarterly at station 2-10-W for flow and quality when pond discharge occurs and monthly at station 2-11-W (upper sediment pond) for all parameters listed in table 7-B of the MRP.

Stipulation No. 7:

There has not been any mass movement of material in the mine permit area to date; therefore, the company has not been required to submit a mitigation plan for such slide areas.

Stipulation No. 12:

DOGM has to date ensured that no less than four feet of non toxic and non acid forming-materials will be used to cover all coal seams. This was exemplified by DOGM's letter of November 13, 1986 approving the abatement of NOV N-85-17-01 and DOGM completeness review comments of January 21, 1986 (page 8). The company is presently in compliance with this aspect of Stipulation No. 12. Additionally, the requirement to cover all highwalls to the maximum extent possible using all spoil material available has also been enforced by DOGM as exemplified in DOGM completeness comments of January 21, 1986 (pages 3 and 7).

OSMRE records do not indicate that Special Federal Conditions Numbers 5, 10, and 11 have been satisfied. The following discussion itemizes the status of these conditions. If DOGM's review indicates that these discussions are in error, please notify FPD so that corrections may be made.

Stipulation No. 5:

DOGM's technical analysis, page 28, states that "to partially mitigate the loss of wildlife habitat caused by construction of the Southwest Lease pad area, the applicant will establish approximately four areas of riparian area at the Gordon Creek #3 mine site in the fall of 1984". FPD could ascertain that only 0.5 acre of riparian habitat was reconstructed by the riparian reclamation project (See Item 3 of Bureau of Land Management (BLM) letter of March 28, 1986). If additional acreage (3.5 acres) remains to be reclaimed, prior to July 1, 1987, the company must identify when and where the habitat reconstruction will occur.

Stipulation No. 10:

FPD is aware of several instances that newly added power poles were required to be installed in accordance with raptor proof designs; however, there has not been any information submitted to indicate that existing power poles were ever modified to meet the requirement of this condition. The company should notify FPD if existing power poles have been modified; otherwise, such raptor proof modifications must be made before July 1, 1987.

Stipulation No. 11:

FPD is not aware of any surveys being conducted at the site for Hedysarum occidentale var. canone (canyon sweet-vetch). It is unclear if such surveys were overlooked by the operator or if they were not needed because site redisturbance has not occurred. This needs to be clarified.

Lastly, in accordance with DOGM midterm review comment UMC 782.15, please have the operator submit a map that clearly identifies the current locations of the permit boundary, leased Federal coal, and unleased Federal coal. The map should identify the appropriate Federal coal lease number for each area. Mine areas #2, #7, and #8 should be identified. If any proposal for expansion of the mine plan area in the near future is to be forthcoming, the proposed area should also be noted on the map.

If you have any questions concerning this mid-term review, please contact Vernon Maldonado or Richard Holbrook at (303) 844-2451.

Sincerely,

Rawie Singh

for

Allen D. Klein
Acting Chief
Federal Programs Division

cc: OSMRE - AFO
Lowell Braxton - DOGM

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