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cc: DRW/PGL/DH, files on Mine file ACT/007/016

United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
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TAKE PRIDE IN AMERICA

In Reply Refer To:

October 2, 1991

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DIVISION OF
OIL GAS & MINING

Mr. Lowell P. Braxton
Associate Director, Mining
Division of Oil, Gas and Mining
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, UT 84180-1203

Dear Mr. Braxton:

A meeting of the Office of Surface Mining's (OSM) Albuquerque Field Office (AFO), Western Support Center (WSC), and Solicitors office was held on September 26, 1991, to review highwall reclamation issues in Utah. Following is a summary of OSM's plans for follow-up actions at specific mines.

Blazon Mine

OSM will provide technical assistance to the State in its preparation of a reclamation plan for this site. AFO recognizes that implementation of the plan will depend on the availability of funds for reclamation. As previously discussed, AFO believes that priority for use of forfeited bond monies should be placed on elimination of the portal highwall and stabilization of the backfill in the area of the portal cut and fill.

A site visit to the Blazon Mine involving AFO and WSC personnel is tentatively scheduled for October 9, 1991.

Gordon Creek Mine

Technical assistance will involve a review of the permittee's plans to achieve compliance with State program requirements for highwall reclamation. Because OSM has ordered a revision of the State program it is considered premature to review any plans that may have been submitted to demonstrate compliance with the current program. This review should be deferred until the program is amended and new plans submitted, if necessary. This approach is considered necessary because OSM's Deputy Director, Hord Tipton's January 9, 1991, letter advised the Division of Oil, Gas and Mining (DOGM) that "Once the amendment is adopted, timely appropriate action needs to be taken to ensure the reclamation of any highwalls approved for retention under the current rule."

Hidden Valley Mine

There are two actions pending at the Hidden Valley Mine. The first is the reinspection ordered by Mr. Tipton in his informal review decision on Ten Day Letter (TDL) 91-02-370-002, TV 1. As instructed by Mr. Tipton, AFO Mr.

will "evaluate whether the backfilling and grading and extent of remaining highwall can qualify under the exemption provided by Utah rule 553.650." Your participation has been requested in an inspection scheduled for October 8, 1991.

The second action is your request for technical assistance in evaluating the present configuration of the site that DOGM considers to be a sound engineering/reclamation practice to assure continued stability of the site. DOGM's position that retention of the highwall and fill for erosion control and stability is the same reason that was set forth in the State's request for informal review of the TDL. Nevertheless, Mr. Tipton found that the highwall must be completely eliminated unless retention is authorized under the exemption allowed in the State program.

Mr. Tipton's finding is considered final agency disposition of DOGM's arguments that the highwall should remain in place for reasons associated with controlling erosion and protecting the stability of the site. Further review by OSM, including an on-site technical evaluation, will be directed towards assisting DOGM in the review of new plans that the permittee may submit to demonstrate compliance with backfilling and grading requirements for highwall reclamation, unless the existing situation is determined to be eligible under the ordered State program revision for exemption from highwall reclamation requirements.

Trail Canyon Mine

The issue raised through earlier correspondence and discussions following an OSM oversight inspection has focused on whether all reasonably available spoil material has been used for backfilling highwalls and on DOGM's position that certain structures must be left in place to protect the stability of the site. AFO requested technical assistance from WSC to evaluate the availability of backfill material. This review is presently underway. Since this issue was raised, Mr. Tipton, in his July 18, 1991, letter informed DOGM that the State program would have to be amended in order that reclamation of highwalls created prior to SMCRA be limited to the extent possible using all reasonably available spoil for an underground mine that continued to operate after SMCRA. OSM's analysis of available spoil material will continue because this information will be helpful after the program is amended. However, absent such an amendment, complete reclamation will be necessary, unless the highwall otherwise qualifies for exemption.

Sincerely,

Robert H. Hagen, Director
Albuquerque Field Office