

0013



BLACKHAWK ENGINEERING, CO.

DAN GUY

Orig. to file
Act/007/016

Copy this note
to ~~Person~~

3/3/95 #2

007/016

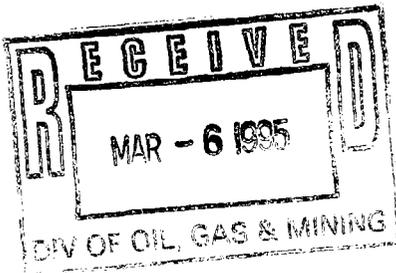
Pam / Parron:

Enclosed are 3 copies each
of the approvals for the
Stream Alteration and County Road
Encroachment for the Gordon
Creek 2/7/8 M.R.P.

Please add them to the
noted Appendices in the plan.

Thank you,

Dan



CARBON COUNTY

1894



1994

February 10, 1995

Dan W. Guy, P.E.
Mountain Coal Company
West Elk Mine
P O Box 591
Somerset, CO 81434

Dear Dan:

Your application letter dated January 31, 1995 to Carbon County Government for a road encroachment approval on the upper portion of the county road in Bryner Canyon was granted by the Commission Board during our public meeting held on February 1, 1995.

All the terms outlined in your above mentioned letter are acceptable to the Commission, including the County option to have the road width restored in the future by your company.

Best of luck in your reclamation endeavors. I enjoyed visiting with you.

Sincerely,

A handwritten signature in cursive script that reads "William D. Krompel".

William D. Krompel
Commission Chairman

WDK/mn

100 YEARS OF COURAGE

MIKE MILOVICH, NEIL BREINHOLT, WILLIAM KROMPEL – COMMISSIONERS
120 EAST MAIN ... PRICE, UTAH ... 84501 ... 801-637-4700



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

February 6, 1995

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

Robert L. Morgan
State Engineer

1636 West North Temple, Suite 220
Salt Lake City, UT 84116-3156
801-538-7240
801-538-7467 (Fax)

Dan W. Guy
Mountain Coal Company
Route 1, Box 146-H5
Helper, UT 84526

RE: Stream Channel Alteration Permit Number 94-91-10SA to restore the channel of Bryner Canyon Stream in Carbon County.
EXPIRATION DATE: February 6, 1996

Gentlemen:

Your application to Alter a Natural Stream Channel Number 94-91-10SA is hereby approved pursuant to the requirements of Section 73-3-29 of the Utah Code Annotated, 1953. This approval also constitutes compliance with Section 404 (e) of the Clean Water Act (33 USC 1344) pursuant to General Permit 040 issued to the State of Utah by the U.S. Army Corps of Engineers on October 15, 1987.

Work performed under this permit is subject to the following conditions:

1. The expiration date of this approved application is February 6, 1996. The expiration date may be extended, at the State Engineer's discretion, by submitting a written request outlining the need for the extension and the reasons for the delay in completing the proposed stream alteration.
2. Within 30 days after the completion of this project, the State Engineer's office must be contacted for a compliance inspection. Failure to provide such notification would invalidate U.S. Army Corps of Engineers General Permit 040, thereby placing the applicant in violation of Section 404 of the Clean Water Act.
3. A copy of this approved permit must be kept on-site at any time the work under this approved permit is in progress.
4. All work should comply with the mine reclamation plan approved by the Division of Oil, Gas, and Mining.
5. Mark Page has indicated that flows only occur intermittently in Bryner Canyon and vegetative stabilization alone may not suffice to control erosion. With this in mind, this office will allow riprap to be used, but will require that the maximum number of planting pockets be located within the riprap at locations with lower erosion potential and adequate groundwater to sustain growth.
6. This office encourages the incorporation of the suggestions made in our letter dated December 7, 1994.

7. Work should be accomplished during a period of low flow. Sediment introduced into stream flows during construction must be controlled to prevent increases in turbidity downstream. This can be accomplished either by diverting flows away from the construction area or by constructing sediment control structures.
8. Riprap must only consist of clean, properly sized, angular rock. Riprap must be keyed deeply into the streambed to prevent undercutting. A filter should be placed behind riprap if necessary (i.e. soils are fine grained, non-cohesive, and erodible). Material such as bricks, concrete, or other demolition debris or refuse will not be allowed.
9. Excavated material and construction debris may not be wasted in any stream channel or placed in flowing waters, this will include material such as grease, oil, joint coating, or any other possible pollutant. Excess materials must be wasted at an upland site well away from any channel. Construction materials, bedding material, excavated material, etc. may not be stockpiled in riparian or channel areas.
10. Disturbed riparian areas should be planted with naturally-occurring vegetation. Planting should be protected from grazing animals by fencing. If beaver or other rodent damage may occur, other methods such as metal collars around trees should be included.

Arrangements for this compliance may be made through either of the contacts listed below:

Jim Wells
Mark Page

Division of Water Rights/Dam Safety
Regional Engineer

This Decision is subject to the provisions of Rule R655-6 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953 as amended, which provide for filing either a Request for Reconsideration with the State Engineer, or an appeal with the appropriate District Court. A Request for Reconsideration is not a prerequisite for a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

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94-91-10SA
February 6, 1995

If you have any questions or need further clarification, please feel free to contact Jim Wells at 538-7374.

Sincerely,



Robert L. Morgan, P.E.
State Engineer

RLM/jw/sh

pc: Brooks Carter - Corps of Engineers
Bob Mairley - EPA
Bob Freeman - U. S. Fish & Wildlife
Jim Dykman - State History
Carolyn Wright - State Planning
Mark Page - Regional Engineer
Bill Bates - Regional Wildlife Habitat Manager
Bill Bradwisch - Aquatic Habitat Coordinator