

January 15, 2003

TO: Internal File

FROM: Wayne Western, Team Lead

RE: Final Bond Release for Sweet's Pond, Mountain Coal Company LLC, Gordon Creek 2,7 & 8 Mine C/007/016, BR02B

SUMMARY:

On October 23, 2002, the Division received the final bond release application for Sweet's Pond. The Sweet's Pond is located in the mouth of Sweet's Canyon in Gordon Creek and is approximately 0.73 acres in size. The area is on private land and the landowner has requested that the pond be left for the post mining land use. The Sweet's Pond was used to obtain water for use at the Gordon Creek mines as early as 1969. No other mining activities occurred at the site.

Both the Division and the Permittee want to have final bond release at the site granted because the area is isolated from the main mine site and will not be reclaimed. Instead of reclaiming the pond the land owner has requested that the pond remain as part of the post mining land use.

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TECHNICAL ANALYSIS:

RECLAMATION PLAN

POSTMINING LAND USES

Regulatory Reference: 30 CFR Sec. 784.15, 784.200, 785.16, 817.133; R645-301-412, -301-413, -301-414, -302-270, -302-271, -302-272, -302-273, -302-274, -302-275.

Analysis:

The Sweet's Canyon Pond area is an isolated area of the Gordon Creek No. 2/7/8 mine. The area consists of a small pond located on 0.73 acres. The pond will be used as a fishpond, wildlife area and as a water source. The Division has approved that use.

The landowner, Agnes K. Peirce, requested that the pond be left in place as part of the postmining land use. See letter dated September 28, 1994 in the bond release package for landowner's request.

Findings:

The information provided in the bond release application meets the minimum requirements for the postmining land use section of the regulations.

APPROXIMATE ORIGINAL CONTOUR RESTORATION

Regulatory Reference: 30 CFR Sec. 784.15, 785.16, 817.102, 817.107, 817.133; R645-301-234, -301-412, -301-413, -301-512, -301-531, -301-533, -301-553, -301-536, -301-542, -301-731, -301-732, -301-733, -301-764.

Analysis:

The general requirements for achievement of approximate original contour are couched in the backfilling and grading regulations. To clarify the issue the Division developed Technical Directive 002. That directive will be used and referenced for the AOC discussion.

The Permittee is required to achieve AOC with a few exception one of which is the approval of an alternative postmining land use. The Division could proceed in either direction since the site meets both criteria. The Division will address the AOC issue on the basis that the Permittee has achieved AOC.

The term AOC does not mean that the reclaimed area has been restored to the original contours. Rather AOC means that the site blends into the surrounding area and complement the natural drainages.

The pond is similar in size and shape to other ponds found in the area. The length and grade of the slopes in the area is similar to those of the surrounding area. The Division uses those factors to determine if the area blends into the surroundings.

The main concerns with slope length and grade are will vegetation be able to be established and will erosion be controlled. Since the Permittee has achieved the vegetation and erosion requirement, the slope appears to blend into the surrounding area.

The Division is also concerned that the area blends into the natural drainages. Most of the area is a pond that is designed to handle inflow and outflow. The pond has been functioning for many years. Therefore, the area appears to complement the natural drainages.

Other factors that are used involve spoil piles and highwalls. Neither of those two exists on the site.

Based on the information the Division finds that the area meets the general requirements for achieving AOC.

Findings:

The information in the bond release package meets the minimum requirements for the AOC section of the regulations.

BACKFILLING AND GRADING

Regulatory Reference: 30 CFR Sec. 785.15, 817.102, 817.107; R645-301-234, -301-537, -301-552, -301-553, -302-230, -302-231, -302-232, -302-233.

Analysis:

General

The general requirements for backfilling and grading are listed in R645-301-553. Before bond release can be granted, the Permittee must demonstrate that the backfilling and grading requirements have been met or that there is an approved alternative postmining land use. The Division can deal with the backfilling and grading requirements in one of two ways. The first is to make a finding about whether or not the site has been properly backfilled and graded the second is to exempt the site because it will be used for an alternative postmining land use. The

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Division will address the backfilling and grading requirements on the basis that the site meet the backfilling and grading requirements.

The Sweet's Canyon Pond area consist of 0.78 acres most of which is occupied by the pond. The area was permitted by the Division and has met the performance standards.

The general backfilling and grading requirements are as follows:

- The site achieves AOC. This issue was discussed in the AOC section of this memo and the Division found that the site does meet those requirements.
- Eliminate all highwalls, spoil piles, and depression except those provided for in R645-301-552.100. No highwalls, spoil piles exist on site. R645-301-553.100 deals mostly with small depressions created for the retention of moisture of vegetation. However, R645-301-552.200 deals with permanent impoundments that have been approved for the postmining land use. Sweet's Canyon Pond is a permanent impoundment that has been approved for a postmining land use.
- Achieve a postmining slope that does not exceed either the angle of repose and achieve a safety factor of 1.3 or greater. The above water slopes have an angle of 26 degrees, which is approximately a 2H: 1V slope. The Division considers slopes with angle of 2H: 1H or less to achieve a safety factor of 1.3 or greater and be gentler than the angle of repose. The below water slopes have steeper angles but the pond was designed and approved by the Division. A requirement for the pond is that the slopes have a safety factor of 1.3. Therefore, the area has met the minimum safety factor requirements.
- The site meets the vegetation and erosion requirements. Therefore, the erosion and water pollution requirements have been achieved.
- The area does support the postmining land use.
- No spoil or waste materials are on site, so those regulations are not relevant.
- No refuse piles are on site, so those regulations are not relevant.
- No coal processing waste is on site so those regulations are not relevant.
- No exposed coal seams or acid- and toxic-forming materials, or combustible materials are on site, so those regulations are not relevant.
- No cut-and-fill terraces are on site, so those regulations are not relevant.
- No highwalls are on site, so those regulations are not relevant.

The Permittee has met the minimum requirements for backfilling and grading.

Findings:

The information provided in the bond release package meets the minimum requirements of the regulations.

MINE ENINGS

Regulatory Reference: 30 CFR Sec. 817.13, 817.14, 817.15; R645-301-513, -301-529, -301-551, -301-631, -301-748, -301-765, -301-748.

Analysis:

No mine openings are located in or near the Sweet's Canyon Pond.

Findings:

The information in the bond release application meets the minimum requirements of the regulations.

ROAD SYSTEMS AND OTHER TRANSPORTATION FACILITIES

Regulatory Reference: 30 CFR Sec. 701.5, 784.24, 817.150, 817.151; R645-100-200, -301-513, -301-521, -301-527, -301-534, -301-537, -301-732.

Analysis:

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There are no roads in the Sweet's Pond Canyon Area. There are areas where vehicle travel. This is similar to areas within a mine pad where vehicles can travel but the area has not been designed as a road.

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The areas where vehicle traffic could occur have been left on site. Those areas include access routes to the pump house and a rock-covered area that could be used to access the pond. The Division does not consider those areas roads because they were not engineered. Rather those access areas are similar to jeep trails. However, those access areas do meet the general requirements for roads because:

- The areas are located on stable surfaces so no foreseeable damage to public or private property could occur.
- The areas do not have acid or toxic forming materials.
- As stated in the backfilling and grading section, the slopes are stable.
- The vehicle traffic will occur in the area as part of the postmining land use.
- Erosion and air pollution will be minimized. The site has achieved the required vegetation cover.

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- The surfaces are on stable ground.
- No culverts will be left on site.

Findings:

The information in the bond release application meets the minimum requirements of the regulations.

MAPS, PLANS, AND CROSS SECTIONS OF RECLAMATION OPERATIONS



Regulatory Reference: 30 CFR Sec. 784.23; R645-301-323, -301-512, -301-521, -301-542, -301-632, -301-731.

Analysis:

Affected Area Boundary ps

The affected area is the area where mining and reclamation activities are scheduled to take place over the life of the mine. The affected area can include areas where mining is anticipated and additional permits will be sought.

The Gordon Creek 2/7/8 complex is in reclamation. The Permittee is in the process of applying for Phase I bond release on all of the permit area with the exception of the Sweet's Canyon Pond area.

At the Sweet's Canyon Pond area, the permit area is the same as the disturbed area boundaries, which is the same as the affected area. The disturbed area is show on Plate 3-1A.

Bonded Area p

The bonded area is usually the area where surface disturbance has occurred. In the Sweet's Canyon Pond area the permit area and disturbed area boundaries are the same. The bonded area consists of the entire disturbed area. That area is shown on Plate 3-1A.

Reclamation Backfilling And Grading ps

The Sweet's Canyon Pond area was not reclaimed by backfilling and grading. The area will be left intact as an alternative postmining land use. The configuration of the existing site is shown on Plate 3-1A sheet 1 and 2. Those maps were used in the analysis of the backfilling and grading requirements and in the AOC requirements.

Reclamation Facilities ps

The Sweet's Canyon Pond and the associated structures are shown on Plate 3-1A sheet 1. The structures that will be left include a pump house as well as the pond, the inlet pipe and discharge structure.

Final Surface Configuration ps

The final surface configuration is shown on Plate 3-1A sheet 1 and the cross-sections are shown on Plate 3-1A sheet 2.

Reclamation Surface And Subsurface Manmade Features ps

The man made surface and subsurface features are shown on Plate 3-1A. The man made features include the pond and associated structure.

Certification requirements.

Dan Guy, who is a registered professional engineer, certified map 3-1A sheet 1 and 2. The maps meet the minimum certification requirements of the Division.

Findings:

The information in the bond release application meets the minimum requirements of the regulations.

BONDING AND INSURANCE REQUIREMENTS

Regulatory Reference: 30 CFR Sec. 800; R645-301-800, et seq.

Analysis:

Determination of Bond ount

The Permittee is not seeking any bond reduction in association with Phase III bond release at the Sweet's Canyon Pond. Therefore, no bond calculations will be done in connection with the Sweet's Canyon Pond Phase III bond release.

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Findings:

The information in the bond release package meets the minimum requirements of the regulations.

RECOMMENDATIONS:

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