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# TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

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April 19, 2007

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**TO:** Internal File

**THRU:** Pamela Grubaugh-Littig, Permit Supervisor   
~~Steve Fluke, Team Lead~~

**FROM:** Joseph C. Helfrich, Sr. Reclamation Specialist 

**RE:** Midterm Permit Review, Mountain Coal Company LLC, Gordon Creek #2, #7, and #8 Mines, C/007/0016, Task ID #2757

## SUMMARY:

The midterm review for the Gordon Creek #2, #7, and #8 Mines was initiated by way of Division correspondence to Chris Hansen on March 5, 2007. The following items were chosen for review:

- A. A review of the mine plan to ensure that the requirements of all permit conditions, division orders, notice of violation abatement plans, and permittee initiated plan changes are appropriately incorporated into the mine plan document.
- B. A review to ensure that the mine plan has been updated to reflect changes in the Utah Coal Regulatory Program, which have occurred subsequent to permit approval (example: compliance with U.S. Fish and Wildlife Department-Colorado River Endangered Fish Recovery Program).
- C. A review of the applicable portions of the permit to ensure that the mine plan contains commitments for application of the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside of the permit area.
- D. An AVS check to insure that Ownership and Control information is current and correct, verify compliance status of unabated enforcement actions, determine status of any outstanding finalized penalties, and verify that there are no demonstrated patterns of violation.

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E. A review of the bond to ensure that it is in order and that the cost estimate is accurate and is escalated to the appropriate current-year dollars.

F. A review of the mining and reclamation plan for compliance with operator commitments related to variances or special permit conditions (including but not limited to; subsidence control monitoring plans and reporting requirements, variances to AOC, experimental practices, electronic data base water monitoring reporting, raptor surveys, revegetation test plots, etc.).

G. The Division may conduct a technical site visit in conjunction with the assigned compliance inspector to document the status and effectiveness of operational, reclamation, and contemporaneous reclamation practices.

This memo will address Item B. A review to ensure that the mine plan has been updated to reflect changes in the Utah Coal Regulatory Program, which have occurred subsequent to permit approval (example: compliance with U.S. Fish and Wildlife Department-Colorado River Endangered Fish Recovery Program).

## **GENERAL CONTENTS**

### **SPECIAL CONDITIONS OR STIPULATIONS TO THE PERMIT APPROVAL**

Regulatory References: 30 CFR 773.17; R645-300-140; R645-300-145.

#### **Analysis:**

The permit was renewed August 7, 1999 and expires August 7, 2004. There are no special conditions or stipulations attached to the current permit. The permittee-initiated plan changes have been incorporated into the plan document.

#### **Findings:**

Savage Industries Inc. has met the regulatory requirements for item two of the midterm review.

## **ENVIRONMENTAL RESOURCE INFORMATION**

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

## RECLAMATION PLAN

### REVEGETATION

Regulatory Reference: 30 CFR 785.18, 817.111, 817.113, 817.114, 817.116; R645-301-244, -301-353, -301-354, -301-355, -301-356, -302-280, -302-281, -302-282, -302-283, -302-284.

#### Analysis:

##### Standards for Success

As shown on Plates 3-2 and 9-1 and discussed in Sections 3.4.4.2 (page 3-48) and 9.3.2.5, the reference area was set up in 1980 for the shadscale phase of the salt desert community to establish revegetation success standards for the entire mine site. Production of the reference area was estimated at 450-lbs/acre air dry and the site was rated in good condition in September 1983 by Mr. Don Andrew, Range Conservationist with the USDA SCS (MRP, Figure 9-1). The Permittee has made a commitment in Section 9.3.2.5 of the MRP to re-evaluate the condition of the condition of the reference area during the 2002 growing season.

The reference area soils are described as Chipeta silty clay slopes 3-20%. The reference area soils differ from much of the permit area including a small acreage of those to be disturbed in that their elevation places them above the water table and they are not subject to accumulations of salt from ponding water as are the Killpack soils that support the wetland salt grass vegetation.

The Division suspects that upon reclamation, sizeable areas of ponded water will exist at the entire site for the following reasons:

- During recent removal of refuse, the Permittee was obliged to remove equipment from areas along the eastern boundary of the permit due to the elevated water table.
- As noted in the MRP Section 9.5 "eventual soil saturation or inundation of the low western permit area is possible upon final reclamation."
- As noted in the MRP Section 9.2.1, page 9-2, "A sedge meadow was mapped during the original study (June 1980), adjacent to the current western permit boundary. Although no such type was actually mapped within the permit area, a low area does exist within the currently mapped Disturbed, Agricultural area, now drained by a French drain."

These wetlands will not likely meet the criteria for success established for higher ground, i.e. diversity. The Permittee has documented the condition of the wetland vegetation within the proposed disturbed area (Appendix 9-3). Reclamation for wetland areas within the permit can be

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patterned after previously existing wetland descriptions. i.e. the baseline data method described in the Vegetation Information Guidelines.<sup>1</sup> The wetland within the proposed disturbance is one of two last wet areas remaining in the permit area. Savage Industries should develop a wetland mix for lowlands within the disturbed area.

The site will receive the final reclamation seed mix as described in Table 3-2 of the MRP: Crested wheat grass, Thickspike wheatgrass, Indian ricegrass, Fairway crested wheatgrass, Squirreltail grass, Russian wildrye, Globemallow, Sunflower, Palmer penstemon, Yellow sweetclover, Kochia, Winterfat, Shadscale, Matbush, Whitestem rubber rabbitbrush, and Four-wing saltbush. As stated on page 3-58 the final mix may undergo alteration depending upon the success of the interim seed mixture.

Savage Industries has made plans for a wetland mix along the Price River Pipeline (page 3-58). This mix is found in Table 3-3. Reclamation of the pipeline will include willow plantings and streambank wheatgrass.

**Findings:**

The information provided is not adequate to meet the requirements of midterm item eight and this section of the Regulations. Prior to approval of this midterm review the permittee must provide the following information in accordance with,

**R645-301-244, -301-353, -301-354, -301-355, -301-356, -302-280, -302-281, -302-282, -302-283, -302-284.** A seed mix for lowlands within the disturbed area, a re-evaluation of the location and species composition of the current reference area and a revised vegetation map, plate 9-1.

**RECOMMENDATION:**

Prior to approval of the midterm review the permittee must address the requirements of midterm items six and eight.

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<sup>1</sup> Utah Division of Oil, Gas and Mining. February 1992. Vegetation Information Guidelines. p 6.