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State of Utah
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DIVISION OF OIL, GAS AND MINING

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December 28, 1995

Brad Bourquin, P. E.
Horizon Coal Company
1131 South Dover Street
Lakewood, Colorado 80232

Re: Technical Review and Analysis, Horizon Coal Company, Horizon Mine,
PRO/007/020, Folder #3, Carbon County, Utah

Dear Mr. Bourquin:

The Division has completed a technical review of the Horizon Mine Application. Enclosed is the Analysis which documents the findings that the Division has made as of this date. You will note that we have identified deficiencies in your application and therefore it is not considered technically complete at this time. While most of the deficiencies have previously been conveyed to you informally, this letter is your formal notification of our findings. In order for us to further process your application you must adequately address the deficiencies identified in the analysis (summarized on pages 1 through 10). Please provide a response by no later than February 28, 1996.

If you have any questions, please call me.

Sincerely,

A handwritten signature in cursive script that reads "Daron R. Haddock".

Daron R. Haddock
Permit Supervisor

Enclosure

cc: Vickie Bailey (Earthfax)
Oliver Gushee (Pruitt, Gushee & Bachtell)
P. Grubaugh-Littig
S. Falvey (w/o enc.)
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D. Darby (w/o enc.)

TACOVER.HOR



State of Utah
Division of Oil, Gas and Mining
Utah Coal Regulatory Program



Draft Technical Analysis

Horizon Coal Company

Horizon Mine

PRO/007/020

December 28, 1995

INTRODUCTION

This Draft Technical Analysis (TA) is written as part of the permit review process. It documents the Findings that the Division has made to date regarding the application for a permit and is the basis for permitting decisions with regard to the application. The TA is broken down into logical section headings which comprise the necessary components of an application. Each section is analyzed and specific findings are then provided which indicate whether or not the application is in compliance with the requirements.

Often the first technical review of an application finds that the application contains some deficiencies. The deficiencies are discussed in the body of the TA and are identified by a regulatory reference which describes the minimum requirements. In this Draft Technical Analysis we have summarized the deficiencies at the beginning of the document to aid you in responding to them. Once all of the deficiencies have been adequately addressed, the TA will be made final.

TAINTRO.HOR

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HORIZON MINE
PRO/007/020

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DRAFT TECHNICAL ANALYSIS

(Started October 17, 1995)

HORIZON COAL COMPANY HORIZON MINE PRO/007/020

SUMMARY OF OUTSTANDING DEFICIENCIES

R645-301-121.200

In order to make the plan clear and concise, the applicant must update the text with the information from the 1995 historical report found in Appendix 5-1 and remove the information from the 1980 report.

R645-301-321.100

The applicant must revise the plan to delineate the designated wetland and describe any planned measures for preventing or mitigating damage to it.

R645-301-322.100

The fish and wildlife resource information must be updated to reflect current conditions within the area. Price office, DWR, has wildlife classification maps and other requisite information needed to update this section.

The applicant must conduct and/or fund aquatic studies in Gordon Creek in cooperation with DWR.

Prior to removal of vegetation for surface facilities the applicant must commit to conduct a survey of all bird nests found in trees on and adjacent to removal activities.

R645-301-130

The technical analysis must include the names of all persons who collected and analyzed the data. The determination of no findings for threatened and endangered species must be documented as to how the finding was made.

R645-301-411.110

The permit must contain a description of the land use at the time of application.

R645-302-321.200

The applicant must include in the plan a map showing the locations of unconsolidated stream-laid deposits and delineating agricultural and undeveloped range lands, as required by R645-302-321.200.

R645-301-114.100

The applicant must include in the plan a copy of the document which gives the right to the proposed water use related to mining activities.

R645-301-624.100, R645-301-624.230

Under Section 6.5.7 and in Table 6-5, the plan presents an analysis of the overburden of the Hiawatha seam which indicates a high pyritic sulfur content. If this level is correct, then the applicant should identify the potential extent of the high concentration of pyritic sulfur and describe the potential influence the concentration will have on water resources that are expected to be contacted in the mine during operations and after closure of the mine.

R645-301-723

The applicant must include in the plan a commitment to perform all water monitoring and analysis in accordance with the requirements of R645-301-723.

R645-301-724

The applicant must collect current baseline data according to the new Division guidelines, which went into effect in April of 1995. The applicant must also include in the plan a summary which gives the starting and termination dates of all actions taken pursuant to each guideline. This summary must include, for each guideline, a separate analysis of the baseline parameters which are determined in accordance with that guideline.

R645-301-724.100

The applicant must revise the plan to eliminate the ambiguities in the locations of groundwater spring monitoring points. For instance, the plan does not clearly distinguish the spring monitoring locations from the locations of unmonitored springs. The plan is also unclear as to which monitoring points are for Jewkes Spring and which are for Gunnison Homestead Spring. These springs appear to be confused with surface water monitoring points.

R645-301-724.200

The applicant must revise the plan to: 1) describe the seasonal surface water quantity and quality parameters for each of the monitored surface water stations; 2) clarify the description and location of Gordon Creek and the North Fork of Gordon Creek, the locations of which appear to differ between the USGS 7.5-minute Jump Creek Quadrangle topographic map and the site description found on page 7-20 of the plan; 3) provide complete information on the Beaver Creek USGS gauging station (09312700) monitored through 1989; 4) clarify which stations are referred to on page 7-21 where it is indicated that flows at the lower station are slightly larger than those at the upper station; 5) clarify whether the intermittent flow at Sampling Point 3 re-emerges as perennial flow downstream (A potential reason for the diminished flows in this area may be due to recharge of subsurface soils in the wetland/riparian area surrounding the site); and 6) provide for the installation of an additional baseline surface water station with a continuous recording flume on Gordon Creek above and below the Starpoint Formation, which could potentially see decreased flows due to mining relative to the Hiawatha Seam.

R645-301-731.200

The applicant must revise the plan to describe how wells LMC-3 and LMC-4 will be used to determine impacts of the operations on the hydrologic balance. Where a drill hole is to be recompleted as a well, the plan must discuss how the well will be properly installed for use in conjunction with water monitoring. The plan must also discuss how groundwater monitoring will be conducted to determine the potential impacts of the mining operation upon it.

R645-301-731.220

The applicant must: 1) provide an operational surface water monitoring parameter list; 2) clarify what monitoring is proposed for those sites which conflict in Sections 7.2.2.2 and 7.2.2.3; 3) clarify proposed flow monitoring frequency specific to each monitoring site; 4) provide the location of the NPDES pond discharge monitoring point on the monitoring map (Location 3 is not at the outlet and would be mixed with undisturbed water); 5) correct page 7-23 to reflect the requirements identified under R645-301-731.241 and -731.224 as they apply to reclamation monitoring; 6) commit to monitor for turbidity of the water upstream and downstream of the site during the construction phases (Criteria for class 3C allows a turbidity increase of 15 NTU); 7) discuss how the surface water monitoring will be conducted to determine the potential impacts; and 8) include a description indicating how water monitoring of Beaver Creek will be used to determine whether a marked decrease in flow occurred due to subsidence.

R645-301-731.300 and-730

Describe how drainage from acid- and toxic-forming materials and underground development waste into surface and groundwater will be avoided. Prior to disposal of acid- or toxic-forming materials underground, approval of the detailed plan or location (commitment found on page 3-11) for underground disposal of development waste must be granted by the Division and MSHA.

R645-301-728

The applicant must: 1) provide a finding on whether acid- and toxic-forming materials are present that could result in the contamination of surface or groundwater, and whether adverse impacts may occur to the hydrologic balance; 2) provide an assessment and quantification of the expected mine water use; 3) provide the Spill Prevention, Control and Countermeasure Plan for incorporation into the PAP; 4) provide the information obtained which leads the applicant to believe that Beaver Creek is associated with the Fish Creek Fault; 5) provide a water monitoring plan which accounts for the potential impact to Beaver Creek as it relates to the fault believed to be in communication with Beaver Creek; and 6) based on this potential, provide a commitment for horizontal drilling in advance of the mining to minimize potential impact.

R645-301-358.510

All powerlines within the permit area are to be designed and constructed to minimize electrocution hazards to raptors.

R645-301-358.400

The operator will avoid disturbances to wetlands and riparian vegetation. Avoidance measures must be investigated and discussed in relation to the wetland.

R645-301-333.300

The plan must contain a detailed discussion of the protective measures for fish and wildlife that will be used during the active mining phase of operation. These protective measures or the lack thereof have been discussed in the Operation Plan, Fish and Wildlife Information in the Draft Technical Analysis.

R645-301-333

The plan must describe protective measures used to prevent contamination of downstream fisheries when using cement to grout rip-rap.

R645-301-231.100

The permit must describe the methods for removing topsoil and subsoil where concrete foundations, burnt coal, etc. are encountered during topsoil and subsoil removal. The disposal location of these items must be stated.

R645-300-521, R645-301-521.141

The applicant must revise the plan, both text and maps, to 1) completely and accurately delineate the boundaries of the proposed permit area, 2) completely and accurately delineate the boundaries of those subareas for which it is anticipated that additional permits for mining will be sought, and 3) eliminate the many inconsistencies regarding the permit area.

R645-301-521.131

The applicant must revise Plate 4-1--Property and Land Use Map, or Table 4-1A-- Land and Mineral Ownership (Appendix 4-1), or both, to correctly and consistently show the boundaries of all lands and the names of the present owners of record of those lands, both surface and subsurface, included in or contiguous to the permit area. As discussed under the heading **Surface and Subsurface Ownership Maps**, this applies specifically to the parcels of state land which are shown on Plate 4-1 but absent from Table 4-1A.

R645-301-120

The applicant must provide adequate labels for drainages that may be referenced, altered or changed during mining and reclamation operations. The names of important perennial and intermittent drainages, where available, must be included for surface waters in the permit and adjacent area for all appropriate maps.

R645-301-622

The maps in this section need to be revised to show the current proposed permit area. All of the maps include the federal leases within the permit area. Plates 3-4 and 3-5 as well as Table 4-1A should be modified to reflect the deletion of the federal leases from the permit area. The five-year mine plan should also be modified to reflect the timing of mine sequence over the next

five year term.

R645-301-422

The applicant must revise the plan to include a description of the air quality compliance efforts which have been undertaken with the Utah Department of Environmental Quality.

R645-301-521.165, R645-301-528.300

The applicant must revise the plan to adequately describe the temporary surface storage of underground development waste prior to its permanent disposal underground. The surface facilities map must show the site of the underground development waste storage pile and the plan must specify its operation and design parameters (approximate maximum dimensions, maintenance plan, and drainage control).

R645-301-740

The applicant must correctly identify the extent of the disturbed area as shown on Plate 3-7A for cross sections C-C' and F-F' and adjust drainage designs or maps to meet the requirements of R645-301-740, as appropriate. These cross sections indicate that the disturbed area extends between the north fan portal road and that the road is at a higher elevation than shown on Plate 3-1.

R645-301-742.322

Provide a demonstration that the design capacities for the perennial and intermittent streams are at least equal to the capacity of the unmodified stream channel above and below the site.

R645-301-742.311

Include in the plan designs for the proposed topsoil pile berm used to direct drainage from the topsoil pile to the sedimentation pond.

R645-301-742

Commit to construct the sedimentation pond as soon as possible following construction of the downstream culvert sections. Provide sedimentation control measures for the north fan portal in undisturbed drainage area UD3.

R645-742.312.3

Include in the plan provision for erosion control matting, seeding and vegetative control, or other erosion control methods for the extensive road cut draining to undisturbed drainage ditch UD-2.

R645-301-742.400

Include in the plan discussion of and designs for road drainage.

R645-301-730

In order to meet all applicable Federal and state laws, the applicant must verify that he has obtained a stream alteration permit.

R645-301-521.170, R645-301-527, R645-301-534

The applicant must revise the plan to accurately and completely describe the permitted roads. The road description found in the list of surface facilities on page 3-2 must be made to correctly describe and classify the Main Access Road, the Upper Portal Access Road, and the Hiawatha Fan Access Road. And the maps and road designs must include design details for the Hiawatha Fan Access Road and the truck turnaround portion of the Main Access Road.

R645-301-525.140, R645-301-632.100

The plan states that each subsidence monitoring station will be monitored until 1 year after mining has ceased within 500 feet of that station. This is not adequate for determining the commencement, completion, or final degree of subsidence. Therefore, the applicant must revise the plan to provide that monitoring of the entire subsidence monument network--not just of each individual monument--will continue for a period of 2 years following the final cessation of mining operations.

R645-301-525.300

The applicant must revise the plan to include 1) a commitment to mail a notification to all owners of surface property above the underground workings at least 6 months prior to mining, and 2) the specifics of that notification. This notification must include, at a minimum, identification of specific areas in which mining will take place, dates that specific areas will be undermined, and the location or locations where the operator's subsidence control plan may be examined.

R645-301-412.200

The postmining land use description must be accompanied by a copy of the comments concerning the proposed use by the legal surface owner(s) of the reclaimed area.

R645-301-342.100

The permit must provide detailed plans for wildlife enhancement measures that will be used in reclamation. Greater detail concerning the rock piles and intended inhabitants is needed to determine design requirements.

R645-301-553, R645-301-542.800

The applicant must revise the earthwork volume estimates, as well as all related sections of the plan, to eliminate their many inconsistencies. The substitute topsoil volumes in Chapter 8, the cut and fill volumes in Table 3-1A of Chapter 3, and the 5,000 yd³ of underground development waste to be used in backfilling and grading must be reconciled with the planned postmining topography as shown by the contours of Plates 3-7 and 3-8 and the cross sections of Plates 3-7A and 3-7B. The reclamation cost estimate must also be revised to take into account the 17,553 yd³ of stockpiled substitute topsoil material referred to in Chapter 8.

R645-301-529

The applicant must include in the plan a description of the procedure for the reclamation and abandonment of the drill holes and monitoring wells. This procedure must specify that all holes be filled from bottom to collar with concrete, in accordance with the USGS guidelines for abandonment of drill holes, which the Division follows.

R645-301-761, R645-301-553.140

In order to prevent erosion and avoid unnecessary leaching of waste material, the applicant must locate the reclaimed central drainage channel away from the toes of steep slopes and must either locate that channel away from the old coal spoil slope or provide an inside meander.

R645-301-121.200

Those parts of the plan which deal with final revegetation must be made clear and concise and the methodologies described therein must be consistent throughout the text.

R645-301-341-100

The plan must contain a detailed schedule and timetable for the completion of each major step in the revegetation plan.

R645-301-353.120

The revegetation species seed mixture must contain only species which are native to the area and approved by the Division. Either the changes described below in the section entitled **REVEGETATION** under **RECLAMATION PLAN** must be made to the seed mixture or else a detailed justification for the inclusion of yellow sweetclover and rabbitbrush must be provided.

R645-301-341.220

The handling of topsoil material during final revegetation and reclamation must not reduce the surface roughness. The plan must describe the means for achieving this roughness, as discussed in the section entitled **REVEGETATION** under **RECLAMATION PLAN** below.

R645-301-353.300

The plan must include a contingency plan for implementing some type of interim erosion control, such as seeding with an annual grain, mulching or netting, until the seeding window has opened.

R645-301-353.210

The plan must describe how it will be demonstrated that the postmining land use has been achieved. The establishment of a shrub standard is one demonstration which could be made.

R645-301-356.110, R645-301-356.250

The baseline vegetation success standard study must be repeated prior to permit approval.

R645-301-244

The applicant must include in the plan a commitment to protect and stabilize all reclaimed surface areas and effectively control erosion in those areas. Rills and gullies which form, regardless of depth or size, which disrupt either the approved postmining land use or the reestablishment of vegetative cover, or which cause or contribute to a violation of water quality

standards for receiving streams, shall be filled, regraded, or otherwise stabilized; topsoil shall be replaced; and the areas shall be reseeded or replanted.

R645-301-542.800

The applicant must make the following 4 revisions in the total reclamation cost estimate:

- 1) The total anticipated maximum volume of stockpiled coal, including both the main 2000-ton stockpile and any additional stockpiled coal, must be estimated and the reclamation cost estimate must be revised to include the cost of removing it from the site.
- 2) The estimated cost for seeding and mulching of \$3,660.99 from page 3-63 has not been used in the reclamation cost summary found on page 3-60. The reclamation cost summary must be revised to correct this small error.
- 3) The total reclamation cost estimate, which is in 1992 dollars, must be escalated through the year 2000 to cover the 5-year permit term which will begin when the permit is issued. This must be done using current escalation factors, which are as follows:

| <u>Year</u> | <u>Escalation Factor</u> |
|-------------|--------------------------|
| 1992 | 2.21% (actual) |
| 1993 | 2.61% (actual) |
| 1994 | 3.21% (actual) |
| 1995 | 2.68% (predicted) |
| 1996 | 2.68% (predicted) |
| 1997 | 2.68% (predicted) |
| 1998 | 2.68% (predicted) |
| 1999 | 2.68% (predicted) |
| 2000 | 2.68% (predicted) |

- 4) The reclamation cost estimate must be revised so that it is consistent with the backfilling and grading plan and accurately accounts for all earthwork costs. This is discussed more fully, both in the section entitled **BACKFILLING AND GRADING** under **RECLAMATION PLAN** below, and in the deficiency set forth under **R645-301-553, R645-301-542.800** in this section above.

ENVIRONMENTAL RESOURCE INFORMATION

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

GENERAL

Regulatory Reference: 30 CFR Sec. 783.12; R645-301-411, -301-521, -301-721.

PERMIT AREA

Regulatory Reference: 30 CFR Sec. 783.12; R645-301-521.

Analysis:

Descriptions of the permit area are found on page 2-6 and in the newspaper advertisement in Appendix 2-2. In addition, the permit area is shown graphically in Attachment II of Appendix 2-3, Plate 3-3--Mine Plan of Horizon No. 1 Mine, Plate 3-4--Mine Plan of Horizon No. 2 Mine, Plate 3-5--Subsidence Monitoring Plan, Plate 4-1--Property and Land Use Map, Plate 4-2--Permit Area, Plate 6-1--Geologic/Structure Map, Plate 6-4--Hiawatha Seam Isopach Map, Plate 6-5--Castlegate A Zone Lower Split Isopach Map, Plate 6-6--Overburden Isopach Hiawatha Seam, and Plate 6-7--Overburden Isopach Castlegate A Seam.

The permit area is not adequately delineated anywhere in the plan. The permit boundaries are shown differently on the different plates and none of the permit plots shown on the plates corresponds to the descriptions found on page 2-6 and in Appendix 2-2; these descriptions do not even agree with each other. Neither the descriptions nor the plates include the proposed BLM right-of-way found in Appendix 2-3. The plan does not clearly indicate whether or not the permit area is to include expired Federal Lease SL 063011, the contiguous areas in Section 20, and the noncontiguous areas in Sections 16 and 21, all of which are included in the lease document found in Appendix 2-1. And to further complicate matters, page 2-6 says that the permit area contains 400 acres while page 3-28 says that it contains 680 acres.

Findings:

The plan does not fulfill the requirements of this section. The applicant must provide the following, prior to approval, in accordance with the requirements of:

R645-300-521, R645-301-521.141

The applicant must revise the plan (both text and maps) to 1) completely and accurately delineate the boundaries of the proposed permit area, 2) completely and accurately delineate the boundaries of those subareas for which it is anticipated that additional permits for mining will be sought, and 3) eliminate the many inconsistencies regarding the permit area.

HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION

Regulatory Reference: 30 CFR Sec. 783.12; R645-301-411.

Analysis:

Chapter 5 of the plan presents two archaeological reports, one done in 1980 and the other in 1995, and states that both reports pertain to the permit area. It is clear that the 1995 report applies to the permit area. The 1980 report, on the other hand, refers to sites, the section numbers of which place them outside the permit area and areas of future expansion. Nevertheless, the 1995 report is adequate to meet the regulatory requirements.

The proposed Horizon mine site is the former site of the Consumers or Blue Blaze Mine. The Consumers Mine was developed in the 1920s. The community of Consumers had a four-story apartment house, a store service station and a post office. The Consumers Mine closed in 1938 and was again opened at a later date. By 1952, all of the Gordon Creek mines had shut down. Numerous features still remain from the old mine as described in Appendix 5-1, pages 27 to 34. Most of these features will be removed during the construction of the Horizon Mine.

In 1985, Desert West Research designated the Consumers site 42Cb517 and listed it as a potential nominee to the National Historic Register. Since that time significant impacts have occurred to the site. The applicant's consultant, Baseline Data, Inc., concludes in its report (Appendix 5-1, page 37) that Title IV activities at the site have adversely impacted or removed major site features and have thus changed that determination of eligibility for nomination to the National Historic Register. Since other records such as maps, photos, and agency records provide information on the site, no mitigation should be required. In an October 24, 1995 letter to the Division and in a December 5, 1995 telephone conversation with Division representatives, State Historic Preservation Officer James Dykmann concurs with this determination that the proposed work will have no impact on historic properties.

Findings:

Information provided in Chapter 5 of the plan does not meet the requirements of this section. The applicant must provide the following, prior to approval, in accordance with the requirements of:

R645-301-121.200

In order to make the plan clear and concise, the applicant must update the text with the information from the 1995 historical report found in Appendix 5-1 and remove the information from the 1980 report.

CLIMATOLOGICAL RESOURCE INFORMATION

Regulatory Reference: 30 CFR Sec. 783.18; R645-301-724.

Analysis:

Climate is discussed in Chapter 11, in the soils section, in the biology section, and in the Cultural and Paleontological Resources Study Addendum.

The climate information in the plan was gathered at 3 monitoring sites: the nearby Skyline Mine, the nearby town of Price, Utah, and the nearby town of Hiawatha. Elevation and aspect are the major determining factors of climate at these sites. The Skyline Mine lies in a high mountain canyon at an elevation of 8710 feet, while the town of Price lies in a river valley at an elevation of 5700 feet. The proposed mine site is in a canyon at an elevation of approximately 7600 feet. Each of the monitoring sites thus lies in a climate zone which is slightly different from that of the proposed mine site.

Chapter 11 of the plan puts the respective average annual temperatures for 1993, at the Skyline Mine and at Price, at 37.7°F and 62.1°F. Chapter 11 puts the respective cumulative annual precipitation amounts for these same locations at 27.37 inches and 10.94 inches. At the Skyline Mine, the coldest month of 1993 was January, with an average temperature of -9°F, while the warmest month was August, with an average temperature of 80°F.

The soils section states that the average annual temperature at the proposed mine site ranges from 36°F to 45°F and that the cumulative annual precipitation ranges from 12 inches to 30 inches. The biology section puts the range of cumulative annual precipitation at 16 inches to 20 inches.

Appendix 5-1, Cultural and Paleontological Resources Study Addendum, describes the prevailing climate using data from records compiled at the nearby town of Hiawatha, Utah. Hiawatha was used because its location on the east edge of the Wasatch Plateau is similar to that of the proposed mine site. Hiawatha is at an elevation of 7200 feet and has a mean annual temperature of 45.5°F and a mean annual precipitation of 14.5 inches for the period of record reported by the U.S. Department of Commerce in 1973. The area receives its highest precipitation in August, with an average precipitation for that month of 2 inches for the period of record.

Findings:

The plan contains no site-specific climatological data, but an approximate range of data can be determined from the information scattered throughout the plan. The Division finds that this information meets the minimum regulatory requirements. The Division recommends, however, that the applicant set up a weather station at the site so that precipitation events can be correlated with other monitoring data.

VEGETATION RESOURCE INFORMATION

Regulatory Reference: 30 CFR Sec. 783.19; R645-301-320.

Analysis:

The Horizon permit area covers eight vegetative communities (page 9-2). The Oakbrush and Salina Wildrye communities combined make up over half the total acreage of the eight communities (Plate 9-1). The proposed new disturbance will be on areas that have been previously impacted by coal mining activities. Various degrees of mining-related impacts have occurred on the vegetation within the proposed disturbance. Therefore, the communities have been designated and mapped as: 1) slightly disturbed (altered) drainage bottoms, 2) moderately disturbed areas, and 3) severely disturbed areas (pages 9-12 through 9-14). Prior to disturbance, the drainages were probably dominated by sagebrush/grass/rabbitbrush communities with aspen, oakbrush and fir in the deeper and more protected drainages. The slopes surrounding the drainages and valleys are now dominated by oakbrush and Salina wildrye communities (page 9-12). The Soil Conservation Service estimates that premining forage production rates were 950 lbs per acre for the sagebrush/grass/rabbitbrush communities and 900 lbs per acre for the oakbrush/salina wildrye communities (page 9-9 of Appendix 9-1).

In the course of a wetlands determination site visit in August 1995, Rick Smith of the Engineering Planning Group determined that a wetland exists at the proposed site of the sediment

pond. Further study and delineation will be done as part of an application for approval to alter the wetland which will be made to the U.S. Army Corps of Engineers (page 9-2).

Findings:

Information provided in the plan does not meet the requirements of this section.

The applicant must provide the following, prior to approval, in accordance with the requirements of:

R645-301-321.100

The applicant must revise the text and maps of the plan to delineate the designated wetland and describe any planned measures for preventing or mitigating damage thereto.

FISH AND WILDLIFE RESOURCE INFORMATION

Regulatory Reference: 30 CFR Sec. 784.21; R645-301-322.

Analysis:

Two major aquatic habitats occur within the Horizon Mine permit area (page 10-7), Gordon Creek and Beaver Creek. The permit states that Gordon Creek is of limited value as a fishery. This statement reflects the dated nature of the material used to prepare the fish and wildlife resource section in the permit. The Division of Wildlife Resources (DWR) states in a letter dated October 31, 1995 that Gordon Creek supports a population of Cutthroat trout and they plan to create a sport fishery. Beaver Creek is ranked by DWR as being of substantial value as a salmonid fishery. The greatest value of both Gordon Creek and Beaver Creek aquatic habitats is the water, cover, food and breeding sites they provide to a variety of terrestrial vertebrates (pages 10-8 and 10-15).

Aquatic surveys were conducted in 1980 and 1981 (page 10-4, pages 10-20 thru 10-24, and Appendix 10-2) in Beaver Creek and Gordon Creek. These surveys are of limited value as baseline data without supporting raw data and site location maps. The text references Appendix 10-2 on page 10-21 referring to 20 taxa of macroinvertebrates found at Site NFG-1. However Appendix 10-2 consists of one table which summarizes macroinvertebrate composition for the entire length of Beaver Creek. Appendix 10-2 does not appear to fit with the discussion and perhaps should be removed. DWR has recommended that the applicant fund a baseline data survey of Gordon Creek since this resource has significantly improved since the 1980 study.

Portions of the permit area are classified as critical elk summer range and critical or high priority elk winter range (Appendix 10-1). The area is also high priority deer summer range for deer Herd No. 32 (Plate 10-1C). This information along with the maps in Appendix 10-1 are dated, the current designation is critical winter range for elk on the ridge tops, high value winter range for elk and deer on the south facing slopes, and high value summer range for deer and elk on north facing slopes within the permit area. The Deer herd unit number is now Unit 30. The permit area is located just northwest of the DWR Gordon Creek Wildlife Management Area (WMA) which is approximately 22,000 acres and managed for big game winter range, no information on the WMA is provided in the permit. The applicant must update the information in the permit with current information reflecting current conditions.

In June 1989, DWR conducted a raptor inventory of the permit area. One active Golden Eagle nest with two young and three inactive Golden Eagle nests were found (page 10-14, Appendix 10-1). The information contained within this section must be updated with more recent survey information. A 1995 study was conducted in the area and must be referenced in the text. A commitment must be made to survey the trees for nests before removal for surface facilities. The DWR states in a letter dated October 31, 1995 that no bald eagle nests have been found in the area but courtship activity has been observed at the winter roost on the Gordon Creek Wildlife Management Area. The letter continues to include that Bald eagles are likely to use the permit area (page 10-34). Golden eagles and red-tail hawks are found and Sharpshinned hawks and goshawks may use the area.

No threatened or endangered species were found on or near the permit area (page 9-10). Table 9-6 list Federally listed plant species. The statement of no findings does not list the professional who made that determination or how and when that determination was made.

In 1981, the U.S. Fish and Wildlife Services (USFWS) inspected the site. The biologist concluded that although power lines were considered unsafe, hazard was slight due to positioning.

A letter to DWR from Mr. Skaggs, dated April 30, 1992 (Appendix 7), states that no bats had been observed inhabiting the old mine workings. This observation should be updated with recent investigations.

Findings:

The plan does not fulfill the requirements of this section.

The applicant must provide the following, prior to approval, in accordance with the requirements of:

R645-301-322.100

The fish and wildlife resource information must be updated to reflect current conditions within the area. Price office, DWR, has wildlife classification maps and other requisite information needed to update this section.

The applicant must conduct and/or fund aquatic studies in Gordon Creek in cooperation with DWR.

Prior to removal of vegetation for surface facilities, the applicant must commit to conduct a survey of all trees on and adjacent to the proposed disturbed area for bird nests.

R645-301-130

The determination of no findings for threatened and endangered species must be documented as to how the finding was made and who made it.

SOILS RESOURCE INFORMATION

Regulatory Reference: 30 CFR Sec. 783.21, 817.200(c); R645-301-411, -301-233.

Analysis:

The soils within the proposed disturbance (page 8-2 through 8-9, Plate 8-1, Appendix 8-1) are primarily colluvium, alluvium, and residuum derived from sandstone and shale. The soils tend to be silty clay loam to loam within the Shupert-Winetti Complex and gravelly loam to loam within the Brycan, Rabbitex, Senchert and Curecanti Series.

The soil capability classification ranges from III-e3 irrigated to VII-e nonirrigated. Under native vegetation, the water erosion hazard associated with these soils is slight to moderate. The erosion hazard for disturbed soils is primarily moderate. The soils are generally deep, well drained and moderately permeable. The pH of the surface horizon ranges from 7.2 to 8.0. The electrical conductivity ranges from 0.4 to 1.2 mmhos/cm at 25°C. The depths of reported A horizon range from 0 to 43 inches. The majority of the disturbed area is within the Brycan Series (A horizon = 34 to 43 inches) and the Shupert-Winetti Complex (A horizon = 0 to 10 inches).

The Horizon Mine soil resource was surveyed at the Order II scale (Henry Sauer, personal communication with Leland Sasser USDA/SCS, 1991). Correlation of site map units with

currently recognized soil series or complexes are as follows:

- 1) Brycan Loam - fine - loamy, mixed Cumulic Haploborolls
- 2) Curecanti Family - loamy - skeletal, mixed Typic Argiborolis
- 3) Rabbitex Site Loam 15 to 50 percent slope - fine - loamy, mixed Typic Calciborolls
- 4) Senchert Loam - fine - loamy, mixed Argic Pachic Cryoborolls
- 5) Shupert-Winetti Complex - loamy - skeletal, mixed (calcareous), frigid Typic Ustifluent.

Soil profile depths generally range from 60 to 70 inches.

The major limiting factors for the soils within the planned disturbance are high clay content (>40% clay) and high percent coarse rock fragments (>35% coarse rock fragments). Hence, large boulders will be removed, prior to placement in stockpiles, employing standard earth moving equipment and/or a commercial rock picker (page 8-20). The soil within isopach #1 (Plate 8-2) will not be salvaged for stockpiling.

Findings:

Information presented in the plan meets the minimum requirements of this section.

LAND-USE RESOURCE INFORMATION

Regulatory Reference: 30 CFR Sec. 783.22; R645-301-411.

Analysis:

The canyon in which the Horizon Mine is proposed to be built has been used for coal mining since the early 1900's and apparently abandoned in 1953. The new proposed operations will disturb approximately 10.3 acres of which only about 0.3 acres have never been previously disturbed. Other than coal mining, the area has been used for wildlife habitat, limited sheep grazing and recreation (page 4-7). Carbon County has zoned the proposed Horizon Mine site area as M & G 1 (page 4-7 and Plate 4-1). M & G 1 is a mining and grazing zone.

The permit area has been extensively mined previously (Plates 4-1 and page 4-7). Room and pillar methods of mining were commonly used in both the Hiawatha seam and the Castlegate 'A' seam. Prior to coal mining (late 1800's), the area was used primarily for ranching with limited timber operations.

No public park or cemetery is located within or adjacent to the permit area. No public roads occur within the permit area (page 4-7). The permit fails to acknowledge the road that runs through the proposed sediment pond, over Beaver Creek and to the Scofield area as public access. This road is currently (1995) being used extensively by logging trucks with county maintenance.

Findings:

Information regarding land use classification does not meet the minimum regulatory requirements of this section.

R645-301-411.110

The permit must contain a description of the use of the land existing at the time of application.

ALLUVIAL VALLEY FLOORS

Regulatory Reference: 30 CFR Sec. 785.19; R645-302-320.

Analysis:

The Applicant provides a discussion on alluvial valley floors in the permit area in section 7.4. Locations of unconsolidated streamlaid deposits were determined by aerial photo analysis, which indicates that two alluvial deposits exist along Beaver Creek and that additional deposits exist along the mouth of Bryner canyon and continue downstream along Gordon Creek. These areas were water-logged at the time of the site visit.

The applicant indicates that the site, with adequate drainage, would be restricted to grasses and pasture because of its high elevation and short growing season. Bryner canyon alluvial valley was stated to be below the coal outcrop and would not be directly impacted by mine subsidence. The question of impact, however, is not related to subsidence alone. The applicant states that agricultural developments are not found along Gordon Creek or Beaver Creek in the vicinity of the mine and states that agricultural potential is limited because of the narrow valleys, which make the development of meadow or pasture impractical.

The Division concludes that there is an alluvial valley floor (AVF), as defined by R645-302.321.310, in the area of the proposed mine site. However, this does not prevent the applicant from mining in this area. Prior to the Division making a finding according to R645-302-321.310, the applicant must include in the plan a map showing the locations of

unconsolidated stream-laid deposits and delineating agricultural and undeveloped range lands, as required by R645-302-321.200.

Based on the information presented in the plan, the Division makes the following findings, in accordance with R645-302-321.310:

- 1) Unconsolidated stream-laid deposits holding stream channels are found in the area of the proposed mine site.
- 2) There is sufficient water to support agricultural activities, as evidenced by subirrigation of the lands in question.

Findings:

The plan does not fulfill the requirements of this section. The applicant must provide the following information prior to the Division's making a finding under R645-302-323:

R645-302-321.200

The applicant must include in the plan a map showing the locations of unconsolidated stream-laid deposits and delineating agricultural and undeveloped range lands, as required by R645-302-321.200.

PRIME FARMLAND

Regulatory Reference: 30 CFR Sec. 785.16, 823; R645-301-221, -302-270.

Analysis:

The results of the Prime Farmland determination conducted by the U.S.D.A./Soil Conservation Service (SCS) are located in Chapter 8, page 8-14. The determination encompassed the permit area, including future expansion areas. The area surveyed by the SCS is as follows: parts of Section 7, 8, 17, 18, and 20 of Township 13 South, Range 8 East, Salt Lake Base and Meridian.

The conclusion of the Prime Farmland determination states that the soils in the area do not meet the criteria of Important Farmlands. The factors that eliminate these soils from the prime farmland determination are steep slopes, stoney or bouldry surfaces and soil disturbance from previous construction work.

Findings:

The plan adequately addresses the minimum regulatory requirements of this section. Since the Prime Farmland Determination indicates that soils in the area do not fulfill the criteria for either Prime or Important Farmlands, no additional information, as required by R645-302-220, is necessary.

GEOLOGIC RESOURCE INFORMATION

Regulatory Reference: 30 CFR Sec. 784.22; R645-301-623, -301-724.

Analysis:

Descriptions of geology within and adjacent to the permit area, as well as the proposed operations are contained within Chapter 6 and Appendix 6-1 of the PAP.

Plates 6-1 through 6-7 are used along with the information contained in Appendix 3A to address the requirements given under 645-301-622. All plates bear the stamp of Joe E. Shoemaker (State of Utah, Registered Land Surveyor #4267) for the initial preparation. Subsequent revisions to plates 6-1, 6-6 and 6-7 are certified by Richard H. White (State of Utah, Registered Professional Engineer #7102). The information contained within Appendix 3A is also certified by Mr. White.

Pages 6-1 through 6-7 discuss the geology of the permit and adjacent area that may be affected by the proposed operation. Specifically, this begins with a regional geologic framework in terms of tectonics and depositional environments. A discussion focuses on the permit and adjacent areas with emphasis on stratigraphy and local structures (i.e., faults and folds).

The PAP addresses the requirements for 645-301-622 by utilizing the following:

- Figure 6-2 Regional Geologic Map of the Horizon No. 1 and No. 2 Mine Permit Area, the map illustrates the regional geologic stratigraphy and fault systems.
- Figure 6-3 Regional Structural Contour Map. Identifies regional and local structure contour of the top of Spring Canyon Member of the Starpoint Sandstone and fault systems.
- Table 6-1 Centralized Stratigraphic Section Northern Wasatch Plateau.
- Table 6-2 Drill Hole Evaluation.

- Table 6-3 Cross Section Boring Locations: North-South Cross Section.
- Table 6-4 Cross Section Boring/Measured Section Locations: East-West Cross Section.
- Plate 3-3 Hiawatha Seam Mine Plan. Illustrates five year mining sequence and mined out areas of the Horizon #2 Mine and the National Mine.
- Plate 3-4 Castlegate A Seam Mine Plan. Illustrates five year mining sequence and mined out areas of the Horizon #3 Mine and part of the Swisher #2 Mine.
- Plate 3-5 Subsidence Monitoring Plan. Identifies subsidence monitoring sites in canyon bottoms.
- Plate 4-1 Property of Proposed Horizon #1 and #2 Mines. Shows land ownership, land use, coal seam outcrops, local faults, structure contours and detailed mine workings of the Sweet Mine, Swisher #1, #2 and #3 mains, Horizon Mine and Beaver Creek #2 Mine.
- Plate 6-1 Proposed No. 1 and No. 2 Mine Geologic/Structure Map. Shows the faults and projected faults on and adjacent to the minesite, drillhole locations, and depth of coal seams relative to mean sea level.
- Plate 6-2 North-South Geologic Cross Sections showing thickness of coal, beds and formations in the vicinity of the proposed mine area. Shows the faults and projected faults on and adjacent to the minesite, drillhole locations, and depth of coal seams relative to mean sea level.
- Plate 6-3 East-West Geologic Cross Sections showing thickness of coal, beds and formations in the vicinity of the proposed mine area. Shows the faults and projected faults on and adjacent to the minesite, drillhole locations, and depth of coal seams relative to mean sea level.
- Plate 6-4 Hiawatha Seam coal thickness map.
- Plate 6-5 Castlegate "A" Seam coal thickness map.
- Plate 6-6 Hiawatha Seam overburden isopach map in relationship to previous and proposed mine areas.
- Plate 6-7 Castlegate "A" Seam overburden isopach map in relationship to previous and

proposed mine areas.

Plate 7-1 Hydrology Map. Identifies the locations of springs, seeps and streams on and adjacent to the mine plan area.

Appendix 3-A Drill Hole Logs

It should be noted that there are no oil and gas wells within the proposed permit area.

Potential acid- or toxic-forming strata and the ability to reclaim required by R645-301 and R645-302 is addressed under section 6.4.6, 6.4.7, and 6.6 of the PAP. Text and data presented here are also supported by the lab sheets in Appendix 3-B. Additional discussions in relation to acid- or toxic-forming materials and reclamation potential can be found in the soils section of the PAP (Section 8).

Subsidence control information is contained under section 6.5.4 of the PAP. An in-depth discussion of the subsidence control plan can be found in section 3.5.8 of the PAP.

Information required under 645-301-621 through 645-301-623, and noted above, has been used in part to satisfy the provisions of 645-301-624. The occurrence of ground water is noted in stratigraphic discussions as well as cross sections, maps and plans. Detailed analyses of the ground-water resource can be found in section 7 of the PAP in the PHC. The thickness and engineering properties of shales and sandstones occurring in the area are quantified in Section 6.4.7.2 and Table 6-6 of the PAP.

Overburden, thickness and lithology are described in the text of section 6 of the PAP. This description is aided by table 6-1, Plate 6-6 and Plate 6-7.

Commitments for casing and sealing of exploration holes and bore holes can be found in section 6.4.1.1 of the PAP. Additional commitments for water monitoring wells can be found in the hydrology section of the PAP.

Subsidence, and the monitoring thereof, are described in detail in the operation and reclamation plan (section 3) of the PAP, specifically pages 3-41 through 3-45. Figure 3-7 and Plate 3-5 are also used to support the discussion.

Findings:

The plan does not fulfill the requirements of this section. The applicant must provide the following, prior to approval, in accordance with the requirements of:

R-645-301-624.100, R645-301-624.230

Under Section 6.5.7 and Table 6-5, the plan presents an analysis of the overburden of the Hiawatha seam which indicates a high pyritic sulfur content. If this level is correct, then the applicant should identify the potential extent of the high concentration of pyritic sulfur and describe the potential influence the concentration will have on water resources that are expected to be contacted in the mine during operations and after closure of the mine.

HYDROLOGIC RESOURCE INFORMATION

Regulatory Reference: 30 CFR Sec. 701.5, 784.14; R645-100-200, -301-720.

Analysis:

Sampling and Analysis.

A commitment to sample surface and ground water according to R645-301-723 was not found. The applicant must indicate that all sampling and analysis be performed to meet the requirements of R645-301-723.

Baseline Information.

Water Rights and Points of Diversion

The applicant has provided information on water rights included in Appendix 3-3. The locations are included as a plot by section as presented by the Utah Division of Water Rights. Some of the water rights show no associated designated use. A map of these locations relative to the mine operations would provide a clearer document for locating water users that might experience mining related impacts. The application discusses a pump station located on the North Fork Gordon Creek, Plate 3-1. Other points of diversion were not presented on the mining maps. Currently, the applicant has not received approval for the water right for this diversion.

General Baseline Water Quality

Baseline information has been collected according to the 1986 Division guidelines. The applicant proposes to collect data according to the 1986 guideline until the operational period commences. The Division has a new guideline effective in April 1995. The major difference between the data collected to date and the data required by the new

guidelines is the acquisition of certain dissolved parameters, total alkalinity, and phosphates as orthophosphates. Although older data acquisition will provide useful information, new data should be collected according to the new guidelines. The baseline data analysis for the parameters obtained according to each guideline would be discussed separately where appropriate. The baseline information should be developed to be comparable with operational monitoring parameters in accordance with the new guidelines. A proposed operational surface water monitoring list must be presented.

On page 7-56, the Applicant refers to Appendix 7-3 stating the data suggest naturally occurring seasonal variations occur with some water quality criteria. The applicant has not summarized the local site specific variations in quality and quantity of surface water. The applicant has included discussions of monitoring data being collected by Beaver Creek Coal Company but has not summarized or included the data in discussions.

Groundwater Information.

Section 6.4.1 discusses the stratigraphy of the site and provides information relative to groundwater in relation to the mine operations. Section 7.1.2 discusses the groundwater resources.

The Gordon Creek area is considered a regional recharge area to groundwater. The regional aquifers are the Emery and Ferron Sandstone of the Mancos shale, which probably do not extend to Gordon Creek area, and the Star Point Sandstone and Blackhawk formations. The Blackhawk aquifers are generally laterally discontinuous perched aquifers and fluvial channel sandstones. Members potentially containing aquifers below the coal seams to be mined include the Aberdeen Sandstone in the Blackhawk, and the Blackhawk-Star Point aquifer. Both the Blackhawk and Star Point Formations serve as sources of spring and seep flows.

The Castle Gate "A" coal seam overlies the Aberdeen Sandstone. Drill logs indicate this sandstone member thins near the mine and is discontinuous over the permit area pinching out on the east west stratigraphic section between LMC-4 and the Arco section. The sandstone is interbedded with siltstones and shales. The applicant indicates this sandstone is not anticipated to be a significant aquifer because of the thin and inter bedded lithology.

The applicant states that the floor of the Castle Gate A" seam is carbonaceous silty shale to fine grained fluvial sandstone. Water production was not observed from the floor in previously mined areas. The roof consists of carbonaceous silty shales over 80 % of the

permit area and the remaining roof consists of fluvial channel sandstones that initially produce water then tend to dry up. The general channel trend is NE-SW and the channels tend to increase in frequency to the West. If these channels connect with the Gordon Creek Fault, water may be diverted to the mine workings and toward the Fish Creek Graben Zone. The rate of this would be dependent on the transmissivity of the formation. Whether or not this connection exists is unknown.

The Hiawatha Coal Seam of the Blackhawk Formation directly overlies the Star Point Sandstone. The Star Point Sandstone consists of the Panther, Storrs and Spring Canyon Sandstone members from the stratigraphically lowest to highest member respectively. The Spring Canyon Member is composed of fluvial shales siltstone and channel sandstones(Section 6.5.2.1). The Star Point is approximately 900 feet thick in the Gordon Creek area. The recharge to the Star Point occurs primarily from vertical movement thorough the Blackhawk. The Applicant suggest that due to the low vertical permeability the magnitude of the recharge is limited. However, the vertical permeability from fractures in the area appears to be relatively significant.

The area is heavily faulted by major fault zones. The North Gordon and Fish Creek fault zones trend North and South, and North 60 degrees West , respectively. The faulting appears to have influenced the development of Gordon Creek and the locations of springs and seeps in the permit area. Faulting and fracturing provide conduits for surface water to enter the groundwater and allows movement between aquifers.

The Spring Canyon Member within the permit area generally dips to the northeast. Thus, most of the water migration through this member from the northeast side of Gordon Creek would be toward the Fish Creek Fault. Existing ground water information for this member is being collected, but is not currently presented in the permit.

Members containing aquifers above the coal to be mined include the Castle Gate Sandstone, the Price River Formation and unconsolidated alluvial sediment deposits. The Castle Gate Sandstone is exposed in the central and northeastern section of the lease block and is approximately 300 feet thick in the Gordon Creek area. The Price River formation overlies the Castlegate and occurs in the North Eastern portion of the permit area. Additionally, unconsolidated deposits occur along valley floors and at the base of steep slopes. Some of these deposits are recharged from the Blackhawk and Star Point aquifers. The thickest alluvial deposits in the permit area occur along Beaver Creek.

The information regarding baseline ground-water and surface-water data collection is discussed in Chapter 7, Section 7.1.2.2. Four drill holes within the permit area are discussed. Drill logs of Holes LMC 1, 2, 3, and LMC 4 are found in Appendix 3 A. The

following table was generated to demonstrate the depth to coal seams and the measured depths of each of these holes for determining ground-water occurrence .

Table 1
 Drill Hole Evaluation
 (obtained from Table 6-2 of Plan)

| HOLE ID | DATE DRILLED | DEPTH DRILLED | DEPTH OF PLUG | MEASURED DEPTH | CASTLEGATE DEPTH* | HIAWATHA DEPTH* |
|---------|--------------|---------------|---------------|----------------|-------------------|-----------------|
| LMC-1 | Sept. 1976 | 900 ft. | 600 ft. | 599 ft. | 793 ft. | Unknown* |
| LMC-2 | Oct. 1976 | 568 ft. | 50 ft. | None | 518 ft. | Unknown* |
| LMC-3 | Nov. 1976 | 836 ft. | 665 ft. | 664 ft. | 630 ft. | 791 ft. |
| LMC-4 | Jan. 1980 | 430 ft. | 220 ft. | 217 ft. | 105.2 ft. | 215.3 ft. |

* Drilling completed before reaching the Hiawatha seam.

The data presented indicate that groundwater was not intercepted from zones above, within, and immediately below the Castlegate 'A' seam. Thus, no water quality data was collected. All LMC holes drilled to their completed depths were documented in a notarized letter from Mr. Joseph A. Harvey . As stated in his letter, all these holes were drilled with air rotary, monitored for water occurrence, and found to be dry.

Table 6-2 references original drill holes information and recent inspection of those drill holes in February 1992 . These drill holes indicate the stratigraphic members above, within, and below the Castlegate 'A' are probably dry. LMC 1 was originally drilled through the Castle Gate "A" to 92.5 feet below the seam, The 1992 measured depth currently indicates stratigraphic members are dry to 200 feet above the Castlegate 'A' seam. LMC 2 originally drilled through the Castle Gate "A" currently provides no data. LMC 3 was originally drilled through the Castlegate 'A' seam, then through the Hiawatha seam and 32.8 feet into the Upper Spring Canyon Sandstone.

LMC-3 is located north east of old workings developed from the Blue Blaze No.3, Castlegate "A" Seam. Currently LMC3 provides information thorough a portion of the Castle Gate "A" seam.

Drill hole LMC-4 extended through the Castlegate 'A' seam and through the Hiawatha Seam, ending 213 feet into the Storrs Sandstone. Currently this well provides information to the top of the Hiawatha Seam. Additionally, LMC-4 penetrates old workings in the Hiawatha and is located in an area that is probably hydrologically

disconnected from the majority of the area to be mined due to the surrounding faults (see Figure 6-2). Therefore, LMC-4 does not provide information on groundwater occurrences for the unmined portions of the lease out side of the surrounding faults.

The applicant indicates in Section 6.5.1.1 that Drill holes LMC1 and LMC2 will be plugged and abandoned and new holes will be drilled adjacent to the current LMC3 and 4. These wells will be completed as monitoring wells within the uppermost saturated zone beneath the Hiawatha seam. These wells must be drilled through the water bearing formation and completed in the confining member below the aquifer to provide useful information. These drill holes were never completed as wells and apparently have collapsed. It seems as though well LMC-4 would provide information only for the mined out area should it flood during mining. It appears to provide little useful information on aquifers in the proposed mining area. If used, wells LMC-3, and LMC-2 should be completely redrilled and completed by a certified water well driller according to state regulations.

The applicant has recently drilled additional wells associated with the exploration permit and the Hiawatha Seam but, this information was not presented.

Previous Mining History

According to the applicant the Gordon Creek #2 mine operated by BCCC in the Castlegate A seam received sporadic occurrences of groundwater inflow which dried in a short time period. The Gordon Creek #3 mine operated by BCCC in the Hiawatha seam received approximately 400 gpm inflow when a 12 foot graben was encountered in the northeast portion. Water was produced from the floor. When retreat mined later the area was dry.

The applicant has concluded that both the Castlegate A and Hiawatha coal seams, as well as the immediate underlying and overlying strata are dry and are not seasonally saturated. The occurrence of groundwater during mining will depend primarily on whether a faulted zone is encountered that contains groundwater in storage or a overlying perched aquifer is intercepted which is hydraulically connected with a fault zone. The applicant suggests the probability of a sustained inflow to the mine is considered minimal. Although the possibility of a significant sustained inflow occurring is probably low as stated, the actual potential impact from intercepting a fracture reservoir, depleting it, diverting the flow and a resulting loss of head could disrupt stream and spring flows and possibly recharge the fracture zone down dip to the north east. As a result water quantity and water quality changes could occur for water that is associated with the faults.

Springs

Table 2
 Baseline Spring Sampling
 (Summary of information from Plate 7-1, Figure 7-3 and Sections 7.1.3, 7.1.5 and 7.2.6)

| Sampling Point | Location | Formation | Water Quality | Water Quantity | Comments |
|-------------------------------|---|---|----------------------|---|---|
| #1 1989 through 1993 | Channel in North Fork of Gordon Creek./Marakis spring | Blackhawk Sandstone unit above coal seams | Calcium Carbonate | Late Spring 8-16 gpm High flow on 5/89 was 45 gpm Late Summer/Fall 5 to 6 gpm | Spring sampling should be done at source when at base flow. Location relative to numerous springs in area is not identifiable on map. |
| #2 1989 through 1993 | Right Middle Fork North Fork Gordon Creek Hillside out of Creek Bottom | Blackhawk | Calcium Carbonate | Flow in Late Spring 1-2.5 gpm Flow in Late Summer/Fall 1 to 1.5 gpm Dry 7/1991, 8/1991, through 12/1992 | Spring flows through alluvium below the point of origin. |
| #4 1989 through 1993 | North Fork Gordon Creek Drainage bottom | Not presented | Calcium Carbonate | Flow in Late Spring 1-2.25 gpm Flow in Late Summer/Fall <1 gpm | Location not clearly mapped |
| not found | Gunnison Homestead Spring/Tributary to Beaver Creek near confluence of spring discharge channel and Beaver Creek | Blackhawk not discussed found on Plate 7-2 | not discussed | 3-136 gpm the 136 gpm included June runoff. | Location mapped on Figure 7-3 |
| not found | Jewkes Spring near Beaver Creek Channel, north west corner of permit area | Blackhawk not discussed found on Plate 7-2 | not discussed | 1.10 to 38 gpm | Location mapped on Figure 7-3 |

Surface-Water information.

The Horizon mine lies within the headwater streams tributary to the Price River. Major drainages within the permit and adjacent area are Beaver Creek to the north the North Fork of Gordon Creek and Gordon Creek to the south of the property. Some confusion exists between the apparent location of the North Fork of Gordon Creek identified by the Applicant and that which is labeled on the USGS Jump Creek Quadrangle. Clarification is necessary. Plate 7-4 and other Hydrologic maps used as surface water reference should show the designation of these major drainages.

Gordon Creek is classified by the State Division of Water Quality as a Class 3C and Class 4 waters. These classifications are designated as; non-game and aquatic life, and agricultural uses. Beaver Creek is classified as 1 C and 3 A, are designated domestic and agricultural uses, respectively.

Beaver Creek is a perennial stream with baseflow maintained by seeps and springs. Contributing springs include the Gunnison Homestead Spring, one mile west of the permit area and the Jewkes Springs near the north west corner of the permit area. Discharges from these springs vary between 3 to 136 gpm and 1.1 to 38 gpm respectively. The applicant states that these springs have ceased flow during drought periods. Beaver ponds are common in Beaver Creek and also play a part in providing perennial flows. The USGS maintains a gauging station (09312700) near the mouth of Beaver Creek several miles north of the permit area. The Applicant has included the period of record from 1960 to 1975 for this station the minimum annual discharge of 338 acre feet occurred in 1961 and the maximum annual discharge of 1610 occurred in 1973. Data for the actual period of record for this station exist through 1989 and should be included. Appendix 7-2 is incorrectly referenced for station information (page 7-21). Additionally, page 7-21 indicated that flows at the lower station are slightly larger than the upper station. It is not clear what stations are being referred to.

The North Fork of Gordon Creek Drains a basin with an area slightly greater than 1 square mile. The Applicant has referred to this stream as intermittent. The flow data submitted indicate that normally the creek flows all year at Sampling Point 5, but becomes intermittent at Sampling Point 3. A potential reason for the diminished flows in this area may be due to recharge of subsurface soils in the wetland/riparian area near this monitoring site. A determination whether this stream re-emerges as constant flow downstream is necessary.

Some discussion as to proposed monthly flow monitoring are presented while other sections suggest flows are monitored quarterly. Clarification specific to each site is

necessary. Proposed monitoring sites identified in Section 7.2.2.2 and in Section 7.2.2.3 conflict. Some of this information conflicts because they are proposed as part of the Hiawatha Seam but, this is not clearly reflected. Annual collection of Postmining water quality parameters is not acceptable (page 7-23). The Applicant must commit to collecting water monitoring data according to an approved operational plan until it is demonstrated the monitoring is no longer necessary as identified under R645-301-731.241 and R645-301-731.224.

The applicant has provided a commitment to monitor the sediment pond according to the requirements of UPDES Permit UT-0023761 until bond release or until the revegetation is adequate to permit removal of the sediment pond. However, the Permit has not been approved.

Table 3
 Surface Water
 (summary of Plate 7-1 and Section 7.1.5)

| Sampling Point | Location | Flow | Water Quality | Water Quantity | Comments |
|----------------------------------|---|--------------|---------------|----------------|---|
| #3 1993 through 1995 | Channel in North Fork of Gordon Creek/below disturbed area .upstream of the intersection with Gordon Creek and below the bypass culvert | Intermittent | | Quarterly | |
| #5 1993 through 1995 | Middle Fork North Fork Gordon Creek Upstream of disturbed area | Perennial | | Monthly | |
| #6 1991 through present | Right Fork North Fork Gordon Creek In the east Drainage above proposed portals and disturbed area | Ephemeral | Quarterly | During run-off | This should be monitored on the same day as sites 3 and 7 when sampling during a precipitation event or snowmelt period |
| #7 1991 through present | Beaver Creek above pond upstream of the permit area outside of potential subsidence zone. | Perennial | Quarterly | Monthly | |

| Sampling Point | Location | Flow | Water Quality | Water Quantity | Comments |
|----------------------------------|--|-----------|---------------|-----------------|--|
| #8 1991 through present | Beaver Creek downstream north east of permit area. Out of potential subsidence zone. | Perennial | Quarterly | Monthly | Bear Creek is dry below surface water monitoring point 8 as shown in Appendix 7-5 "Historic Mine Development" map 8. This section of the stream is affected by the Fish Creek Fault and Graben. |
| 2-2-W | Gordon Creek above confluence of North Fork Gordon Creek below the Hiawatha | Perennial | Quarterly | Monthly | Impact more likely to be below confluence because of fracture system. |
| 2-3-W | Beaver Creek | Perennial | Quarterly | Monthly | Currently monitored by Beaver Creek Coal to be monitored by Horizon when dropped. Not found on any map |
| 2-4-W 1982- | Beaver Creek 1 -1/2 mile west of permit area | Perennial | Quarterly | Flume installed | Currently monitored by Beaver Creek Coal to be monitored following their completion. |

Baseline Cumulative Impact Area Information.

An assessment of cumulative impacts is being conducted by the Division. The assessment should determine if impacts have or could occur from the surrounding mining operations.

Modeling.

No specific modeling was presented.

Alternative Water Source Information.

In Section 7.1.6 the Applicant states "In the unlikely event water quantity and/or quality is reduced, Horizon coal company will replace any water that is impacted by

mining operations. The replacement water will come from: 1) Horizon's water rights (in the process of being obtained); or 2) will be obtained by purchasing additional water from other sources."

Probable Hydrologic Consequences Determination.

Acid- and Toxic-Forming Material

Underground development waste will be disposed of in gob areas underground. This material will be tested, prior to disposal for acid- or toxic-forming potential. It will be tested at a rate of one sample for every 5000 yd³ of material (pages 3-11 and 3-52).

Since the mining operation will be intersecting old workings, underground conditions cannot be accurately predicted at this time. Consequently, no detailed plan or location for underground disposal of development waste is provided by the applicant. However, the applicant commits to provide such a plan, for Division and MSHA approval, as soon as underground conditions are known (page 3-11).

During initial mine development and perhaps at other times, gob areas may not be adequate to store all of the underground development waste generated by the operation. In these cases, the waste material will be temporarily stored on the surface, adjacent to the No. 1 Mine Portal, for a maximum of 90 days. The material will be tested for acid- and/or toxic-forming potential at a rate of one sample for every 5000 yd³ of material. After completion of the tests, and as soon as gob areas become available, the material will be stowed and compacted underground (pages 3-11, 3-20). All exposed coal outcrops and toxic- and acid-forming material will be covered with at least four feet of suitable substitute soil material (page 3-52). Table 6-5 provides analysis of overburden and underburden adjacent to the coal seam.

For acid and toxic materials placed as gob in the mine area, or temporarily placed on the surface, the Applicant must describe how placement will be conducted to minimize impacts to water quality. The applicant must include a discussion of Potential Acid and Toxic forming constituents in the PHC.

Potential Groundwater Impacts

The Applicant states "It is not anticipated that large quantities of ground water will be encountered throughout the duration of mining". The potential for the applicant to intercept water associated with the Castlegate "A" seam appears to be low based on the presented drill hole information. The Division believes the potential increases, if water is

intercepted by mining through a paleochannels associated with fractures, or water that is intercepted by mining up to a water bearing fracture. The potential appears to be highest for fracture associated flows in the Hiawatha Seam based on the previous mining history of water interception.

The Applicant indicates the discharge of water from the mine will not be necessary. Based on the information presented by the Applicant the potential for discharge of water from the mine is expected to be low from the Castle Gate "A" seam and the Hiawatha seam. Because the coal seams dip away from the portal entrance, flow is likely to be sumped underground and would be directed toward the fault systems to the north west.

The Applicant suggests the probability of a sustained inflow is considered minimal. See the discussion under **Groundwater Information** above. Although the possibility of a significant sustained inflow occurring is probably low as stated, the actual potential impact from intercepting a fracture reservoir, depleting it, diverting the flow and a resulting loss of head could disrupt stream and spring flows and possibly recharge the fracture zone down dip to the north east. Changes in quantity and quality could occur as a result for spring and surface water discharges associated with the faults.

The applicant indicates interbasin transfer out of the Price River Drainage can not occur in this region. However, inter basin transfer between Gordon Creek and Bear Creek could occur.

Impacts to Regional Aquifer System

The applicant refers to data from LMC 3 and LMC 4 to support the determination that impacts from mining below the Hiawatha seam are not expected. See the discussions in **Ground-water Information** in the subsection entitled **HYDROLOGIC RESOURCE INFORMATION** under **ENVIRONMENTAL RESOURCE INFORMATION** above. These wells currently are lacking adequate information to make this determination. This determination should be based on additional information gathered with the exploration wells.

Potential Surface Water Impacts

On page 7-22 the Applicant states that proposed mining operations will occur north of Gordon Creek and should not effect the quantity or quality of water in this drainage. However it was noted that water was produced from the floor when mining the Hiawatha seam at approximately 400 gpm inflow. This indicates there may be a potential

to intercept groundwater flow from below the Hiawatha Seam which could impact base flow to Gordon Creek. If this occurred the control point would likely be at the elevation related to the dip. With a dip of 5.3% to the north west a outcrop elevation of approximately 7600 and a maximum linear distance down dip of 5,000 feet the zone of influence most likely to be impacted below the Hiawatha seam would be from approximately 7600 ft to 7335 ft. A continuous recording flume should be added to Gordon Creek above and below this section for baseline information on the Hiawatha seam.

The Applicant indicates the water associated with the Beaver Creek Coal Company No. 3 Mine is believed to be in communication with Beaver Creek and will be avoided when mining the proposed Horizon No. 1 Mine. Avoidance will occur by closely monitoring the activities in the fault area. The applicant has not demonstrated why they believe the communication with Beaver exists and has not provided a monitoring plan which addresses this potential impact.

Subsidence Control and Renewable Resource Protection

The plan indicates that second mining will not occur beneath the stream channels as shown on Plates 3-3 and 3-4. Those areas shown to be protected by this map include the headwaters and stream under the Left Fork North Fork of Gordon Creek in sections 7 and 18. The mapped zone is approximately 280 feet at the narrowest section to approximately 438 feet at the widest point. And portions of Beaver Creek in Sections 7 and 8 of Township 8 East Range 13 South.

The commitment contained on page 3-38 states "If any measurable subsidence effects are detected on the stations along Beaver Creek above the panel to be mined first, complete pillaring will not be performed under the remaining unmined area beneath Beaver Creek for a distance of 250 feet on each side of the stream.

According to the applicants subsidence plan measurable subsidence affect would include a marked decrease in flow of 30%. In order to determine whether a marked decrease in flow occurred frequent monitoring would be required. The applicant should describe how the monitoring plan monitors for this potential impact.

Water Use

"Water will be pumped from the North Fork of Gordon Creek into the mine for use in dust abatement". No assessment or quantification of the expected mine water use is presented.

Sediment Yield

The potential for increased suspended solids and sediment loading to Gordon Creek is highest during the construction phase of operation and reclamation. The applicant should commit to monitor for turbidity of the water upstream and downstream of the site during the construction phases. A criteria for class 3C allows a turbidity increase of 15 (NTU). Increases in sediment during the operational period will be minimized through the use of a sedimentation pond and drainage controls.

Surface Water Quality

The road to the mine is maintained as a gravel road therefore the use of road salting is not likely to affect water quality. Based on other mining operations the potential for increased TDS is likely in the permit area. The Applicant sites downstream increases in TDS when flowing over Mancos as a factor in considering impact as minimal.

Hydrocarbons

Horizon Coal indicates Diesel fuel, oils, greases and hydrocarbon products will be stored above-ground and may be spilled in the mine and on the surface during mining operations. The Applicant indicates spills will be handled in accordance with the Spill Prevention and Contamination Control (SPCC) Plan. This plan has not been incorporated into the permit. With out an assessment of the SPCC plan the Division can not make a determination that operations are conducted to minimize hydrologic impacts.

Flooding or Streamflow Alteration.

The applicant discusses the potential for flooding as being diminished due to the sedimentation pond reducing peak flows. Other potentials for streamflow alteration are discussed under surface and ground water quantity.

Findings:

The plan does not fulfill the requirements of this section.

The applicant must provide the following, prior to approval, in accordance with the requirements of:

R645-301-114.100

The applicant must include in the plan a copy of the document which gives the right to the proposed water use related to mining activities.

R645-301-723

The applicant must include in the plan a commitment to perform all water monitoring and analysis in accordance with the requirements of R645-301-723.

R645-301-724

The applicant must collect current baseline data according to the new Division guidelines, which went into effect in April of 1995. The applicant must also include in the plan a summary which gives the starting and termination dates of all actions taken pursuant to each guideline. This summary must include, for each guideline, a separate analysis of the baseline parameters which are determined in accordance with that guideline.

R645-301-724.100

The applicant must revise the plan to eliminate the the ambiguities in the locations of groundwater spring monitoring points. For instance, the monitoring locations for springs cannot be distinguished from other springs in the area. The plan is also unclear as to which monitoring points are for Jewkes Spring and which are for Gunnison Homestead Spring and appears to have confused these springs with surface water monitoring points.

R645-301-724.200

The applicant must revise the plan to: 1) describe the seasonal surface water quantity and quality parameters for each of the monitored surface water stations; 2) clarify the description and location of Gordon Creek and the North Fork of Gordon Creek, the locations of which appear to differ between the USGS 7.5-minute Jump Creek Quadrangle topographic map and the site description found on page 7-20 of the plan; 3) provide complete information on the Beaver Creek USGS gauging station (09312700) monitored through 1989; 4) clarify which stations are referred to on page 7-21 where it is indicated that flows at the lower station are slightly larger than those at the upper station; 5) clarify whether the intermittent flow at sampling point 3 re-emerges as perennial flow downstream (A potential reason for the diminished flows in this area may due to recharge of subsurface soils in the wetland/riparian area surrounding the site); and 6) provide for the installation of an additional baseline surface water station with a continuous recording flume on Gordon Creek above and below the Starpoint Formation, which could potentially see

decreased flows due to mining relative to the Hiawatha Seam.

R645-301-731.200

The applicant must revise the plan to describe how wells LMC-3 and LMC-4 will be used to determine impacts of the operations on the hydrologic balance. Where a drill hole is to be recompleted as a well, the plan must discuss how the well will be properly installed for use in conjunction with water monitoring. The plan must also discuss how groundwater monitoring will be conducted to determine the potential impacts of the mining operation upon it.

R645-301-731.220

The applicant must: 1) provide an operational surface water monitoring parameter list; 2) clarify the purpose of proposed monitoring sites identified in Sections 7.2.2.2 and 7.2.2.3 which conflict; 3) clarify proposed flow monitoring frequency specific to each monitoring site; 4) provide the location of the NPDES pond discharge monitoring point on the monitoring map (Location 3 is not at the outlet and would be mixed with undisturbed water); 5) correct page 7-23 to reflect the requirements identified under R645-301-731.241 and-731.224 as they apply to reclamation monitoring; 6) commit to monitor for turbidity of the water upstream and downstream of the site during the construction phases (Criteria for class 3C allows a turbidity increase of 15 NTU); 7) discuss how the surface water monitoring will be conducted to determine the potential impacts; and 8) include a description indicating how water monitoring of Beaver Creek will be used to determine whether a marked decrease in flow occurred due to subsidence.

R645-301-731.300 and-730

Describe how drainage from acid- and toxic-forming materials and underground development waste into surface and groundwater will be avoided. Prior to disposal of acid- or toxic-forming materials underground, approval of the detailed plan or location (commitment found on page 3-11) for underground disposal of development waste must be granted by the Division and MSHA.

R645-301-728

The applicant must 1) provide a finding on whether acid- and toxic-forming materials are present that could result in the contamination of surface or groundwater, and whether adverse impacts may occur to the hydrologic balance; 2) provide an assessment and quantification of the expected mine water use; 3) provide the Spill Prevention, Control and Countermeasure Plan for incorporation into the PAP; 4) provide the information obtained which leads the applicant to believe that Beaver Creek is associated with the fault; 5) provide a monitoring plan which

accounts for the potential impact to Beaver Creek as it relates to the fault believed to be in communication with Beaver Creek; and 6) based on this potential, provide for horizontal drilling in advance of the mining to minimize potential impact.

MAPS, PLANS, AND CROSS SECTIONS OF RESOURCE INFORMATION

Regulatory Reference: 30 CFR Sec. 783.24, 783.25; R645-301-323, -301-411, -301-521, -301-622, -301-722, -301-731.

Analysis:

All of the plates in the plan, including the resource information maps listed in this section, consist of, or are based on, old Swisher Coal Company maps. The plates were created originally as part of the mine plan for the proposed Horizon operation. They were last revised in 1990 to include the proposed permit and disturbed area boundaries, the proposed surface facilities, additional geologic information, and other information relevant to that operation. All were certified in 1990, after their latest revision, by Joe E. Shoemaker, a land surveyor registered in the state of Utah. Horizon Coal incorporated the plates into the present mine plan without change in 1995.

Affected Area Boundary Maps

The affected area, as defined by R645-100-200, includes both the area of actual surface disturbance and the area above the underground mine workings, which might be affected by subsidence resulting from the underground mining operation.

The boundary of the disturbed area of the Horizon Coal operation, which includes proposed as well as previous disturbance, is shown on Plate 3-1--Surface Facilities Map. The boundaries of all areas which are to be newly disturbed by this operation are also shown on Plate 3-6--Premining Topography and Plate 3-8--Reclamation Map.

The boundary of the permit area, including the disturbed area, is shown in Attachment II of Appendix 2-3, Plate 3-3--Mine Plan of Horizon No. 1 Mine, Plate 3-4--Mine Plan of Horizon No. 2 Mine, Plate 3-5--Subsidence Monitoring Plan, Plate 4-1--Property and Land Use Map, Plate 4-2--Permit Area, Plate 6-1--Geologic/Structure Map, Plate 6-4--Hiawatha Seam Isopach Map, Plate 6-5--Castlegate A Zone Lower Split Isopach Map, Plate 6-6--Overburden Isopach Hiawatha Seam, and Plate 6-7--Overburden Isopach Castlegate A Seam.

The boundaries of the disturbed area, as well as those of its component areas of previous and proposed disturbance, are shown adequately on Plates 3-1, 3-6, and 3-8. As far as the Division can determine, however, none of the plates shows the permit area boundary correctly. Each of the several plates shows the permit boundary differently and none of the permit plots on any of the plates corresponds to the descriptions found in the text of the plan. These problems have been discussed and a finding of deficiency made and listed in the section entitled **PERMIT AREA** above.

Archeological Site Maps

No known archeological sites are located within or immediately adjacent to the permit area.

Coal Resource and Geologic Information Maps

The nature, depth, and thickness of 1) the Hiawatha (lower) Seam and the Castlegate A (upper) Seam, which are the seams to be mined, 2) the coal and rider seams above these seams, 3) each stratum of the overburden, and 4) the stratum immediately below the Hiawatha Seam, as determined from borings at individual sites designated LMC-1, LMC-2, LMC-3, and LMC-4, are shown in the form of stratigraphic columns on Plate 6-1--Proposed No. 1 & 2 Mine Geologic/Structure Map. These same data are shown in geologic cross sections on Plate 6-2--Geologic Cross Section N-S and Plate 6-3--Geologic Cross Section E-W.

The respective thicknesses and attitudes (strike and dip) of the Hiawatha and Castlegate A Seams over the entire permit area are shown by isopach on Plate 6-4--Proposed No. 1 Mine Hiawatha Seam-Isopach Map and Plate 6-5--Proposed No. 2 Mine Castlegate "A" Zone Lower Split-Isopach Map. The thickness of the overburden above the Hiawatha and Castlegate A Seams over the entire permit area is shown by isopach on Plate 6-6--Overburden Isopach Hiawatha Seam and Plate 6-7--Overburden Isopach Castlegate "A" Seam.

The maps in this section need to be revised to show the current proposed permit area. All of the maps include the federal leases within the permit area. Plates 3-4 and 3-5 as well as Table 4-1A should be modified to reflect the deletion of the federal leases from the permit area. The five-year mine plan should also be modified to reflect the timing of mine sequence over the next five year term.

Cultural Resource Maps

No public parks, and no cultural or historical places or cemeteries which might be listed or eligible for listing in the National Register of Historic Places, are found within the permit area. This finding was made by State Historical Preservation Officer Jim Dykman in an October 24, 1995 letter to the Division.

Existing Structures and Facilities Maps

The locations and dimensions of all existing structures and previously disturbed areas within and adjacent to the permit area, including buildings, dams, embankments, and areas wherein spoil, waste, coal development waste, and noncoal waste have been disposed of, are shown on Plate 3-1--Surface Facilities Map and Plate 3-6--Premining Topography. The boundaries of all areas which are to be newly disturbed by this operation are also shown on Plate 3-6--Premining Topography and Plate 3-8--Reclamation Map. These maps show that most of the permit area has not been disturbed, but that all of the proposed 10.3-acre disturbed area and much of the land contiguous to and surrounding it have been disturbed repeatedly in the past by other mining operations, by camping and offroad vehicles, and by livestock-related activities. Consequently, the entire area is sparsely vegetated, is covered with coal waste, debris, and trash, and contains old concrete building ruins, old highwall remnants, and abandoned portals and portal faceups.

Representatives of the Division visited this site several times in 1991 and 1992, in connection with the Division's review of the original Blue Blaze proposal, in order to observe the site and check the accuracy and completeness of the maps, which are identical to the maps found in the present plan. The Division found that the existing structures and facilities maps--Plate 3-1--Surface Facilities Map, Plate 3-6--Premining Topography, and Plate 3-8--Reclamation Map--accurately show all existing structures, facilities, and previously disturbed areas within the permit area, as defined in this section, and thus fulfill the requirements of this section.

Existing Surface Configuration Maps

The topography of the proposed disturbed area is shown by contours on Plate 3-6--Premining Topography and by profiles on Plates 3-2A and 3-2B--Premining Slope/Design Profiles. Plate 3-6 also shows the extent and nature of existing disturbance and all existing manmade structures.

Representatives of the Division visited this site several times in 1991 and 1992, in connection with the Division's review of the original Blue Blaze proposal, in order to

observe the site and check the accuracy and completeness of the maps, which are identical to the maps found in the present plan. The Division found that the maps cited in this section--Plate 3-6--Premining Topography and Plates 3-2A and 3-2B--Premining Slope/Design Profiles--accurately show the existing surface configuration of the proposed disturbed area, as defined in this section, and thus fulfill the requirements of this section.

Mine Workings Maps

The location and extent of all known abandoned underground mine workings, including mine openings to the surface within the proposed permit and adjacent areas, are shown on Plate 3-3--Mine Plan of Horizon No. 1 Mine Hiawatha Seam and Plate 3-4--Mine Plan of Horizon No. 2 Mine Castlegate "A" Seam. There are no inactive underground mines and there has been no surface mining within the permit and adjacent areas.

Monitoring Sampling Location Maps

Both geologic and groundwater information were obtained from test borings done at sites designated LMC-1, LMC-2, LMC-3, and LMC-4. The elevations and locations of these sites are shown on Plate 6-1--Proposed No. 1 & 2 Mine Geologic/Structure Map, Plate 7-1--Hydrology Map, and Plate 7-2--Drill Hole Data of the Horizon Mine Area.

Information on water quality and quantity was obtained from monitoring stations designated 1, 2, 3, 4, 5, 6, and 7. The elevations and locations of these sites are shown on Plate 7-1--Hydrology Map.

See also **R645-301-724.100**, under **HYDROLOGIC RESOURCE INFORMATION**.

Permit Area Boundary Maps

The permit area is shown on Plate 3-3--Mine Plan of Horizon No. 1 Mine, Plate 3-4--Mine Plan of Horizon No. 2 Mine, Plate 3-5--Subsidence Monitoring Plan, Plate 4-1--Property and Land Use Map, Plate 4-2--Permit Area, Plate 6-1--Geologic/Structure Map, Plate 6-4--Hiawatha Seam Isopach Map, Plate 6-5--Castlegate A Zone Lower Split Isopach Map, Plate 6-6--Overburden Isopach Hiawatha Seam, and Plate 6-7--Overburden Isopach Castlegate A Seam.

As far as the Division can determine, none of the plates shows the permit area boundary correctly. Each of the several plates shows the permit boundary differently and none of the permit plots on any of the plates corresponds to the descriptions found in the

text of the plan. These problems have been discussed and a finding of deficiency made and listed in the section entitled **PERMIT AREA** above.

Subsurface Water Resource Maps

The aquifers associated with the Caslte Gate "A" seam were determined to be discontinuous over the area to be mined and therefore have not been mapped. Information for the Hiawatha seam is presently being gathered.

Surface and Subsurface Manmade Features Maps

All surface and subsurface manmade features within and adjacent to the permit area are shown on Plate 3-1--Surface Facilities Map and Plate 4-2--Permit Area. These include the concrete ruins of several abandoned buildings, a substation, a short segment of powerline which feeds the substation and continues to the west, a short, gravel surfaced segment of Utah State Highway 139, and an unimproved dirt road which starts at the state highway, crosses the southwest corner of the permit area, and continues to the northwest. There are no major electric transmission lines, pipelines, agricultural drainage tile fields, or occupied buildings in or within 1,000 feet of the permit area.

Surface and Subsurface Ownership Maps

All boundaries of lands and names of present owners of record of those lands, both surface and subsurface, included in or contiguous to the permit area, are shown on Plate 4-1--Property and Land Use Map.

The surface and subsurface ownership map--Plate 4-1--is deficient. As mentioned in the section entitled **PERMIT AREA** above, the Division is unable to determine whether or not the permit area boundary is shown correctly on this map. In addition, the surface ownership information shown on the map does not agree with the corresponding information in Table 4-1A--Land and Mineral Ownership (Appendix 4-1). In particular, Plate 4-1 shows several parcels of state land within the permit area, while Table 4-1A does not list any state lands. Hence, the land ownership information found in one place or the other--on Plate 4-1 or in Table 4-1A--is either incorrect or incomplete.

Surface Water Resource Maps

While surface water drainages can be found on surface maps names or designated labels are not presented. In order to have a clear understanding of the surface hydrology discussions and designs the Applicant must provide adequate labels for drainages that may

be referenced altered or changed during mining and reclamation operations. The names of important perennial and intermittent drainages where available must be included for surface waters in the permit and adjacent area.

Vegetation Reference Area Maps

No vegetation reference areas are proposed for the vegetation success standard.

Well Maps

There are no gas or oil wells within, and no water wells within or adjacent to, the proposed permit area, as shown by Plate 3-1--Surface Facilities Map and Plate 4-2--Permit Area. These maps, as stated above, show all surface and subsurface manmade features within and adjacent to the permit area.

Findings:

The plan does not fulfill the requirements of this section. The applicant must provide the following, prior to approval, in accordance with the requirements of:

R645-301-521.131

The applicant must revise Plate 4-1--Property and Land Use Map, or Table 4-1A--Land and Mineral Ownership (Appendix 4-1), or both, to correctly and consistently show the boundaries of all lands and the names of the present owners of record of those lands, both surface and subsurface, included in or contiguous to the permit area. As discussed under the heading Surface and Subsurface Ownership Maps above, this applies specifically to the parcels of state land which are shown on Plate 4-1 but absent from Table 4-1A.

R645-301-120

The applicant must provide adequate labels for drainages that may be referenced, altered or changed during mining and reclamation operations. The names of important perennial and intermittent drainages, where available, must be included for surface waters in the permit and adjacent area for all appropriate maps.

R645-301-622

The maps in this section need to be revised to show the current proposed permit area. All of the maps include the federal leases within the permit area. Plates 3-4 and 3-5 as well as Table

4-1A should be modified to reflect the deletion of the federal leases from the permit area. The five-year mine plan should also be modified to reflect the timing of mine sequence over the next five year term.

OPERATION PLAN

MINING OPERATIONS AND FACILITIES

Regulatory Reference: 30 CFR Sec. 784.2, 784.11; R645-301-231, -301-526, -301-528.

Analysis:

General

The Horizon Coal operation will be located in Gordon Creek Canyon, approximately 14 miles northwest of Price, Utah. All coal and surface land in the permit area is privately owned, with the exception of Federal Lease SL 063011. The operation will consist of two mines: the Horizon No. 1 Mine and the Horizon No. 2 Mine. The respective mine portals will be located near each other in the same canyon and both mines will share the same surface facilities.

Type and Method of Mining Operations

The No. 1 Mine will operate in the Hiawatha Seam, while the No. 2 Mine will operate in the Castlegate A Seam, approximately 150 feet above the Hiawatha. The No. 2 Mine will be opened and developed first and is expected to produce 220,000 to 360,000 tons per year. The No. 1 Mine will be opened and developed last and is expected to have the same production rate as the No. 2 Mine.

The Hiawatha Seam lies on top of the Starpoint Sandstone and is estimated to contain 4.85 million recoverable tons of coal. The Castlegate A Seam lies 150 feet above the Hiawatha and is estimated to contain another 1.8 million recoverable tons. Of these total tonnages, 3,578,000 tons are considered minable in the Hiawatha Seam and 761,000 tons are considered minable in the Castlegate A Seam. Since the anticipated recovery rate is 60%, the applicant expects to mine approximately 2,147,000 tons from the No. 1 Mine and 457,000 tons from the No. 2 Mine, or a total of 2,604,000 tons from the combined Horizon operation. This will make for a total operational mine life of 6-10 years, depending on production rates and market conditions.

Coal will be mined by continuous mining machinery, loaded into shuttle cars, and hauled to a feeder breaker. The feeder breaker will reduce the coal to a top size of 8 inches. The coal will then be placed on a rope-hung conveyor which will carry it to the surface. It will then be transferred to a fixed, covered conveyor which will carry it to a crusher, which will further reduce its size. From the crusher, the coal will be carried, again by covered, fixed conveyor, to the coal storage pile. From the coal storage pile, it will be loaded into trucks by belt or front-end loader and hauled to its final destination.

There will be 3 entries in the No. 1 Mine: one air intake, one beltway, and one air return. The No. 2 Mine will have 4 entries: 2 air intakes, one beltway, and one return air.

The actual mining operation will proceed as follows: Five main entries will be driven, on 80-foot centers, to within 80-100 feet of the property boundaries. Three-entry sub-main entries will be driven from the main entries and standard room-and-pillar panels will be developed from the sub-main entries on 80- to 100-foot centers. Pillars will then be split into 20- x 60-foot fenders which will be removed in successive cuts by the continuous mining machinery. Timbers will be used to support the roof and provide breaker control on caving roof.

150- to 300-foot barrier pillars will be left between main entries and extracted on final retreat. 80- to 100-foot barrier pillars will be left at all property boundaries, as required by Utah law. 100-foot barrier pillars will be left at all coal outcrops.

Facilities and Structures

All surface facilities are shown on Plate 3-1--Surface Facilities Map. There are at this site no existing structures, as defined in this section. All surface facilities will be removed during final reclamation. Following is a list and description of all surface facilities (see pages 3-2 through 3-9):

- a) Portals - There will be three portals in the Hiawatha (lower) seam: one air intake, one air return, and one conveyor (or haulage). There will be four portals in the Castlegate 'A' (upper) seam: two air intake, one return air, and one conveyor.

The No. 2 Mine will be accessed by way of its own separate mine bench, the elevation of which will be higher than that of the main mine yard.

The portal faceups and mine bench cuts and the outcrops of the mine bench were analyzed for stability. These analyses are found in Appendix 3-1--Static Safety Factor Calculations. The portal faceups and the mine bench cuts will have a maximum slope of

approximately 72° (0.3h:1v), while the outcrops of the mine bench will have a maximum slope of approximately 34° (1.5h:1v). The portal faceups and mine bench cuts and the mine bench outcrops will have respective minimum static stability safety factors (under saturated conditions) of 2.6 and 1.4, both of which are greater than the minimum of 1.3 required by R645-301-534.130.

- b) Fans - An exhaust fan will provide ventilation for each seam. The Hiawatha fan will be located just above the main pad and will be accessed by a 600-foot primary road. The Castlegate fan will be located adjacent to and on the same pad as the other three Castlegate portals.
- c) Mine Building - This 20-foot X 40-foot trailer will serve as mine office, lamphouse, and temporary bathhouse. A 14-foot X 60-foot permanent bathhouse will be constructed later, after approval by the Division and the Utah Department of Health. The mine building will be located on the main pad, adjacent to the Hiawatha intake portal.
- d) Conveyors - Coal will be brought from both seams by covered, 42-inch conveyors. The conveyor from the Castlegate 'A' seam will go to a crusher on the main pad and thence to the 2,000-ton coal stockpile. The conveyor from the Hiawatha seam will transfer its coal to the Castlegate 'A' conveyor at a point on the main pad approximately 150 feet up canyon from the crusher.
- e) Supply Trailers - These trailers will be located on the main pad next to the conveyor. They will serve as onsite warehouses for maintenance parts and equipment.
- f) Substation - The substation will be located on the main pad adjacent to the Hiawatha intake portal.
- g) Diversions - One undisturbed diversion will be placed on the east edge of the main pad. It will take undisturbed drainage from the canyons above the site and route it into the main undisturbed culvert, which bypasses the sediment pond and empties into the main drainage approximately 600 feet from the mouth of the main canyon.
- h) Roads - There will be 3 permitted roads within the permit area: the Main Access Road, the Upper Portal Access Road, and the Hiawatha Fan Access Road.

The Main Access Road will be a primary road. It will be approximately 1200 feet long and will go from Carbon County Road 290 (formerly Utah State Highway 139) at the mouth of the canyon, to the coal stockpile area.

The Main Access Road will be of incised construction except at the one point where it will cross the culvert which will divert flow from the North Fork of Gordon Creek. The road will be 20 feet wide and will be surfaced with gravel. Its surface will slope away from the crest at approximately 3% and its grade will not exceed 6%. A plan view of this road is shown on Plate 3-1, cross sections are shown on Plates 3-2A and 3-2B, and a detailed design is shown on Plate 3-2.

The embankment designs for the Main Access Road were analyzed for stability and this analysis is found in Appendix 3-1. Using the Hock method with a standard rotational stability model, the applicant has calculated a dry factor of safety for the road embankments of 1.9 and a factor of safety for saturated conditions of 1.4. These figures compare favorably with the minimum factor of safety of 1.3 required by R645-301-534.130.

The Upper Portal Access Road will also be a primary road and will simply be an extension of the Main Access Road. It will be approximately 600 feet long and will go from the main pad near the Hiawatha portals to the Castlegate portals.

The Upper Portal Access Road will be of cut-and-fill construction. It will be 20 feet wide and will be surfaced with gravel. Its surface will slope away from its crest at approximately 3% and its grade will not exceed 6%. A plan view of this road is shown on Plate 3-1, cross sections are shown on Plates 3-2A and 3-2B, and a detailed design is shown on Plate 3-2.

The embankment designs for the Upper Portal Access Road were analyzed for stability and this analysis is found in Appendix 3-1--Static Safety Factor Calculations. Using the Hock method with a standard rotational stability model, the applicant has calculated a dry factor of safety for the road embankments of 1.9 and a factor of safety for saturated conditions of 1.4. These figures compare favorably with the minimum factor of safety of 1.3 required by R645-301-534.130.

The plan contains no information regarding the Hiawatha Fan Access Road.

The treatment of the roads in the plan is entirely incorrect and inadequate. A complete analysis of the roads and a finding of deficiency for those parts of the plan which deal therewith is found in the subsection entitled **Road Systems under ROAD SYSTEMS AND OTHER TRANSPORTATION FACILITIES** below.

- i) Water Supply System - This will consist of a 12,000-gallon storage tank and pipe system. It will be located on the main pad adjacent to the mine office trailer.

j) Bathhouses - There will be two bathhouses, one for men and one for women. They will be trailer units and will be located on the main pad adjacent to the mine office trailer.

k) Sediment Pond (see pages 7-42 and 7-44, Plate 7-6) - Runoff from the entire Horizon site will go to a single sediment pond. This pond will be located just east of the Main Access Road about 800 feet from the mouth of the canyon.

The sediment pond will be of combined incised/embankment construction, with approximately 2h:1v side inslopes, and is designed to completely contain the runoff from a 10-year, 24-hour storm. Its total design capacity is 2.38 acre-feet, which consists of a minimum runoff capacity of 1.03 acre-feet and a maximum sediment capacity of 1.25 acre-feet. The 60% sediment cleanout volume of the pond, the level of which will be marked on a post placed permanently in the pond, is 0.75 acre-feet (60% of the 1.25-acre-foot maximum sediment capacity).

The pond inlets and the emergency spillway will be nonerodible open channels lined with grouted riprap. The riprap in the pond inlets will be underlain by a layer of geotextile filter fabric as well. The emergency spillway will be 1.3 feet deep and 10 feet wide, with 2h:1v side slopes, and is designed to pass the peak flow from a 25-year, 6-hour storm with 1 foot of freeboard, measured at its inlet, between the top of the sediment pond and the top of that peak flow.

The pond decant line will consist of 2-inch pipe with a lockable inlet valve. The inlet valve will be located at a point 2 feet above the level of the 60% sediment cleanout volume and 3.4 feet below the elevation of the emergency spillway. The inlet valve will be opened to decant the pond 24 hours after a storm and will remain locked at all other times.

The applicant has analyzed the pond embankment designs for stability, and this analysis is found in Appendix 3-3--Static Safety Factor Calculations. Using a standard, circular failure model and the Hoek Circular Failure Charts, the applicant has found that the pond embankments, which will have a maximum slope of 2h:1v, will have a static safety factor of 4.81 for dry conditions and 4.44 for saturated conditions. These figures are almost three times the minimum of 1.3 required by R645-301-533.100.

The sediment pond will be inspected at the end of construction and yearly thereafter by a professional engineer. The professional engineer will promptly, after each inspection, provide to the Division a certified report indicating that the sediment pond has been constructed and maintained as designed and in accordance with the approved plan

and the R645 Rules, as required by R645-301-514.310. The annual pond inspection report will be submitted to the Division with the full Annual Report.

In addition to the certified inspections, the pond will also be inspected quarterly by a qualified individual designated by the applicant. A copy of the report on these quarterly inspections will be compiled, recognizing any appearance of structural instability or other hazardous condition, as required by R645-301-514.330.

- l) Sewage System - This will initially consist of chemical toilets, the sewage from which will be taken from the site by a private contractor. Eventually, this system will be replaced by a permanent system after approval by the Division and the Utah Department of Health.
- m) Fuel Tank - This 5000-gallon diesel fuel tank will be located above ground at the south edge of the main pad.
- n) Shop - The maintenance shop will be located on the main pad between the mine office and the substation.
- o) Temporary Coal Mine Waste Stockpile - This pile will contain underground development waste and coal refuse from site cleanup for a maximum of 90 days until it can be disposed of underground. It will be surrounded by a berm and will be located adjacent to the coal stockpile (pages 3-10, 3-18). A full analysis of the temporary surface storage of coal mine waste and a finding of deficiency for the plans thereof is found in the subsection entitled **Coal Mine Waste** under **SPOIL AND WASTE MATERIALS** below.

Findings:

The plan fulfills the requirements of this section.

EXISTING STRUCTURES

Regulatory Reference: 30 CFR Sec. 784.12; R645-301-526.

Analysis:

No existing structures, as defined in this section, will be used in connection with or to facilitate the proposed coal mining and reclamation operation at this site.

Findings:

The plan fulfills the requirements of this section.

PROTECTION OF PUBLIC PARKS AND HISTORIC PLACES

Regulatory Reference: 30 CFR Sec. 784.17; R645-301-411.

Analysis:

No public parks, and no cultural or historical places or cemeteries which might be listed or eligible for listing in the National Register of Historic Places, are found within the permit area. This finding was made by State Historical Preservation Officer Jim Dykman in an October 24, 1995 letter to the Division.

Findings:

The information provided meets the regulatory requirements of this section.

RELOCATION OR USE OF PUBLIC ROADS

Regulatory Reference: 30 CFR Sec. 784.18; R645-301-521, -301-526.

Analysis:

No public road will be relocated by this operation. However, the operation will extend to within 100 feet of the right-of-way line of Carbon County Road 290 (formerly Utah State Highway 139).

Page 3-2 of the plan adequately describes the measures used by the applicant to insure that the interests of the public and landowners will be protected from coal mining and reclamation operations which will be conducted within 100 feet of Carbon County Road 290 (formerly Utah State Highway 139). The former applicant, Blue Blaze Coal Company, provided an opportunity for a public hearing by publishing for four (4) consecutive weeks in the Sun Advocate, a weekly newspaper of general circulation, beginning on April 25, 1991, a notice of intention to commence underground mining operations (Appendix 2-2). An identical notice was also published in April and May of 1991 in the Salt Lake Tribune and the Deseret News (Appendix 2-2), which are daily newspapers of general circulation. No public comment was received and no public hearing

requested as a result of the publication of this notice. Consequently, in a May 5, 1992 letter, Emma R. Kuykendall, Commissioner of Carbon County, which has jurisdiction over Carbon County Road 290, stated her finding that the interests of the public and affected landowners will be protected under R645-301-234.400 and granted the former applicant permission to use the road for coal haulage (page 3-5). Since the Horizon operation will be identical to that planned by the former applicant, the Division is satisfied that the requirements of this section have been fulfilled.

Findings:

The plan fulfills the requirements of this section.

AIR POLLUTION CONTROL PLAN

Regulatory Reference: 30 CFR Sec. 784.26, 817.95; R645-301-244.

Analysis:

The only air pollutant from this site will be fugitive dust from coal handling and from the use of improved haul roads. However, the effect on air quality of fugitive dust is expected to be small because of the rapid fallout of particles with distance from the source and the high moisture content of the loaded out coal (pages 3-33, 11-1).

Topsoil stockpiles will be seeded with a temporary seed mix to help protect the topsoil material from erosion by wind and precipitation. Once the temporary vegetation is established, dust from the stockpiles will be minimal (page 11-1).

The in situ moisture content of the coal is approximately 4.4%. In addition, water is added to the coal for dust suppression both at the continuous miner face and at the point where coal is loaded onto the mine conveyor. The high moisture content of the coal will thus serve to minimize air pollution from coal dust (pages 3-33, 11-1).

Road dust is the greatest potential source of air pollution from fugitive dust. The applicant commits to watering the haul road and pad areas as necessary. In addition, the applicant commits to using a chemical dust suppressant (magnesium chloride) and perhaps road surface stabilizers if dust levels exceed standards established by the Utah Division of Air Quality (page 3-33).

The Utah Department of Environmental Quality requires that all operators obtain an Air Quality permit. The application for this permit must 1) specify the air quality parameters which

the applicant will seek to control, and 2) discuss the methods by which he will monitor and control them.

Findings:

The plan does not fulfill the requirements of this section. The applicant must provide the following, prior to approval, in accordance with the requirements of:

R645-301-422

The applicant must revise the plan to include a description of the air quality compliance efforts which have been undertaken with the Utah Department of Environmental Quality.

COAL RECOVERY

Regulatory Reference: 30 CFR Sec. 817.59; R645-301-522.

Analysis:

The No. 1 Mine will operate in the Hiawatha Seam, while the No. 2 Mine will operate in the Castlegate A Seam, approximately 150 feet above the Hiawatha. The No. 2 Mine will be opened and developed first and is expected to produce 220,000 to 360,000 tons per year. The No. 1 Mine will be opened and developed last and is expected to have the same production rate as the No. 1 Mine.

Room-and-pillar mining methods with continuous mining machinery will be employed in this operation. By extracting the highest ratio of coal safely extractable, the applicant expects to achieve a coal recovery rate of approximately 60%, which is the average recovery rate for room-and-pillar operations in the United States. The applicant commits to extract the maximum coal possible while working with the U.S. Bureau of Land Management on any changes in the resource recovery plan.

The Hiawatha Seam is estimated to contain 4.85 million recoverable tons of coal. The Castlegate A Seam is estimated to contain another 1.8 million recoverable tons. Of these total tonnages, 3,578,000 tons are considered minable in the Hiawatha Seam and 761,000 tons are considered minable in the Castlegate A Seam. Since the anticipated recovery rate is 60%, the applicant expects to mine approximately 2,147,000 tons from the No. 1 Mine and 457,000 tons from the No. 2 Mine, or a total of 2,604,000 tons from the combined Horizon operation. This will make for a total operational mine life of 6-10 years, depending on production rates and market

conditions (pages 3-18 and 3-19).

Findings:

The plan fulfills the requirements of this section.

SUBSIDENCE CONTROL PLAN

Regulatory Reference: 30 CFR Sec. 784.20, 817.121, 817.122; R645-301-521, -301-525, -301-724.

Analysis:

Renewable Resources Survey.

There are no manmade structures above the permit area. The only renewable resources in the area are rangeland, two springs, and one perennial stream (Beaver Creek). There will be a minimum of more than 800 feet of cover below Beaver Creek.

Based on the past experience of other operations in this area, no significant subsidence effects are expected. Swisher Coal Company mined beneath Beaver Creek in 1978 and removed pillars. No subsidence occurred due to this operation. In addition, mining operations were carried out more than 30 years ago in the Gordon Creek No. 2 Mine and in the Consumers No. 3 Mine. To date, there has been no observable subsidence from these operations.

No damage of consequence is likely to occur to the vegetative resources in the area. In the event of subsidence, vegetation will not be damaged but will merely be displaced along with the ground surface (see pages 3-34 through 3-36).

Subsidence Control Plan.

Mining in the Horizon operation will be by room-and-pillar methods with pillar extraction. Barrier pillars will be left at seam outcrops and permit area boundaries. Development will proceed simultaneously in the main entries of both seams. Development will then proceed from south to north in the Castlegate 'A' seam and from north to south in the Hiawatha seam (years two through five). Development will be followed by pillar extraction, which is expected to last through year 5 in the Castlegate 'A' seam and through year 10 in the Hiawatha seam. Since the separation between seams consists of 160 feet to 200 feet of consolidated sandstone and shale, cuminizing of the

workings will not be necessary.

A network of subsidence monitoring stations will be established, subsidence data from which will be submitted to the Division with each Annual Report. Monuments will be steel rebar with aluminum caps. There will be a total of 41 stations: five base stations, 15 stations above the Hiawatha seam (two of which will be above Beaver Creek) and 21 stations above the Castlegate 'A' seam. Monuments will be set mostly in surface drainages, where overburden is shallowest and where subsidence is likely to be greatest.

Subsidence will be monitored by the periodic redetermination of the northing, easting, and elevation coordinates of all monuments. This will be done with a one-second theodolite and a six-mile electronic distance measurement (EDM) device. After the initial coordinates of a station have been established, monitoring of that station will begin when mining approaches within 500 horizontal feet of that station and will continue to be done at nominal 6-month intervals as long as mining is occurring within 500 feet of that station (pages 3-37 and 3-38, Plate 3-5).

Page 3-38 states that each station will be monitored until one year after mining has ceased within 500 feet of that station. According to the nomogram which constitutes Figure 33 of the *Subsidence Engineers' Handbook*, given the depth of cover, the face advance rate, and the limit angle (assumed to be the same as that at nearby sites) at this site, all subsidence should have occurred within one year after mining has ceased in any given area (see *Subsidence Engineers' Handbook*, Second Edition, National Coal Board, London, 1975; page 43). However, the data in the *Subsidence Engineers' Handbook* were gathered mostly from mines in Great Britain and South Africa, which operate under very different geological and stratigraphic conditions. And this site is located in an area, the anomalous geology of which makes it impossible to accurately predict the duration, timing, and magnitude of subsidence. Therefore, monitoring of the entire subsidence monument network must continue, not until 1 year after mining has occurred within 500 feet of any given monument, as proposed in the present plan, but for a period of 2 years following the final cessation of mining operations. This extended monitoring period for all monuments will both allow for the development of a broader and more comprehensive picture of subsidence at this site and also give the applicant the empirical data necessary to determine when subsidence is complete and verify that for the Division and other regulatory agencies.

If any measurable subsidence effect is detected along the Beaver Creek drainage, complete pillar extraction will not be done in the remaining unmined area beneath Beaver Creek for a distance of 250 feet on either side of the stream. Such measurable subsidence effects will include 1) an elevation change greater than 0.25 feet in any one monitoring

period, 2) the development of tension cracks wider than 0.25 feet in the pillared area, or 3) a decrease in the flow of Beaver Creek in any period which is greater than 30% of the baseline flow for comparable periods (page 3-38).

Data compiled by the National Coal Board of Great Britain indicate that with geometric parameters such as those which are found at this site, subsidence could reach a maximum of about 10 feet if both seams are mined (see *Subsidence Engineers' Handbook*, Second Edition, National Coal Board, London, 1975; pages 9-10). Using data from room-and-pillar mines in the Western United States, however, the applicant estimates the maximum possible subsidence to be between 6 and 7 feet (see Figure 3-5, page 3-36). However, given the past experience of other operators in this area, and given the presence of massive, well-consolidated sandstone beds above and between the coal seams, there is every reason to believe that subsidence will never be this great (page 3-37, Plates 6-4, 6-5, 6-6, and 6-7).

Performance Standards for Subsidence Control.

As a necessary part of the operation, a map of the underground workings will be kept current from the time that underground development begins. An updated copy of this map will be submitted to the Division with each Annual Report or whenever the Division requests (page 3-38).

In the event that subsidence causes a diminution of flow in Beaver Creek, the applicant proposes to stem the loss by either grouting the affected area or lining the streambed of Beaver Creek with impermeable clay material, or both. Such a diminution of flow, however, is very unlikely for two reasons. First, Beaver Creek Coal Company mined beneath Beaver Creek for a number of years with no effect on the creek's flow. Second, subsidence cracks are very unlikely to reach Beaver Creek because there are approximately 800 feet of massive, well-consolidated sandstone cover above the workings in this area. If cracks reached the channel of Beaver Creek and inflow occurred, the interbeds of swelling shale in the area would tend to "heal" the cracks and quickly bolt the inflow (page 3-34).

R645-301-525.300 requires that, at least 6 months prior to mining, the operator notify all owners of surface property located above the underground workings. The plan, however, contains no commitment to notify surface owners prior to mining.

Findings:

The plan does not fulfill the requirements of this section. The applicant must provide the

following, prior to approval, in accordance with the requirements of:

R645-301-525.140, R645-301-632.100

The plan states that each subsidence monitoring station will be monitored until 1 year after mining has ceased within 500 feet of that station. This is not adequate for determining the commencement, completion, or final degree of subsidence. Therefore, the applicant must revise the plan to provide that monitoring of the entire subsidence monument network--not just of each individual monument-- will continue for a period of 2 years following the final cessation of mining operations.

R645-301-525.300

The applicant must revise the plan to include 1) a commitment to mail a notification to all owners of surface property above the underground workings at least 6 months prior to mining, and 2) the specifics of that notification. This notification must include, at a minimum, identification of specific areas in which mining will take place, dates that specific areas will be undermined, and the location or locations where the operator's subsidence control plan may be examined.

SLIDES AND OTHER DAMAGE

Regulatory Reference: 30 CFR Sec. 817.99; R645-301-515.

Analysis:

At any time a slide occurs which may have a potential adverse effect on public health, property or safety, or on the environment, the applicant will notify the Division as quickly as possible. The applicant also commits to comply with any remedial measures required by the Division (page 3-18).

If any examination or inspection discloses that a potential impoundment hazard exists, the applicant will promptly inform the Division of the finding and of the emergency procedures formulated for public protection and remedial action (page 3-20).

Findings:

The plan fulfills the requirements of this section.

FISH AND WILDLIFE INFORMATION

Regulatory Reference: 30 CFR Sec. 784.21, 817.97; R645-301-322, -301-333, -301-342, -301-358.

Analysis:

Protection and Enhancement Plan.

The applicant identifies potential impact to fish and wildlife from the mining operation on page 3-32. The first impact is loss of habitat and since the area was previously disturbed, no additional loss is expected. This statement is not correct. The previously disturbed area has mostly revegetated and provides food, shelter and cover to resident wildlife. The DWR estimates that 327 acres of critical deer winter range will be lost due to increased traffic along the haul route. The applicant must change the statement of no additional loss and discuss the impacts of disturbance. DWR has suggested mitigation replacement work for this loss.

The applicant states that to minimize adverse impacts to the fish and wildlife of the area firstly by initiating an employee awareness program to reduce wildlife harassment and road kills. The applicant recognizes the potential for big game kill through the Wildlife Management Area (page 10-35) and has committed to controlled speed limits. The DWR recommends that the applicant also commit to reporting deer and elk kills along the haul road weekly.

A wildlife monitoring program is to be conducted throughout the operation life of the mine by an environmental specialist (page 3-33). The permit should provide more detail as to the aspects of this program such as where the sediment monitoring points will be located and methods of compiling weekly road kill reports for DWR.

The applicant has committed to culvert the North Fork of Gordon Creek as it runs through the operations area (Plate 7-5). The permit states that the culvert should significantly reduce the likelihood of water or airborne contaminants reaching Gordon Creek. Figure 7-8 shows that the culvert inlet will be grouted. Cement is never to be used in waters that support fisheries. The permit fails to describe those practices used to avoid cement from contaminating the fisheries in Gordon Creek. The runoff and sediment-control plan is detailed in Chapter 7. The permit application does not address an emergency spill control plan or fugitive coal dust control.

Endangered and Threatened Species.

Fish and wildlife species which are listed endangered, threatened and of special interest are listed on pages 10-25 thru 10-33. The permit states that only the American Peregrine Falcon and the Bald Eagle would likely be present in the area (page 10-24) but not within the permit area. The DWR states that bald eagles are likely to use the permit area. They also state that while no bald eagle nest have been found in the Gordon Creek area courtship activity has been observed at the winter roost. The federal list of species should be updated to show the Bald Eagle as threatened and the loggerhead shrike and willow flycatcher should be added to the list of sensitive species on page 10-24.

Bald and Golden Eagles.

Bald and golden eagles are likely to use the permit area. Golden eagle nests are shown on a map in Appendix 10-1. The map does not clearly show where the nest occur. The permit must provide for a half mile buffer zone around nests, not a half kilometer buffer zone. The golden eagle nests identified in Appendix 10-1 will be protected from subsidence by not removing the barrier pillars as identified on Plates 3-3 and 3-4. Clearer maps as requested in the resource information section will help locate this and other nest areas.

A raptor hazard survey was conducted in the area which document hazardous power lines (page 10-34). The permit concludes that potential electrocutions are slight because of nonuse. This statement must be changed and the permit must commit to have raptor safe lines not only on page 10-34 but throughout the text.

When the Gordon Creek Mines were in operation eagles feeding on road killed big game were struck by trucks and killed. The DWR has requested that the mine commit to remove all road killed deer and elk from the haul road route to minimize the likelihood of this impact. No deer kills have been observed on the Gordon Creek road since the Gordon Creek Mines have closed in 1991 (DWR letter, dated October 31, 1995).

Wetlands and Habitats of Unusually High Value for Fish and Wildlife.

The permit fails to address the designated wetland and wetlands importance and high value for fish and wildlife. The permit must discuss avoidance of this wetland and other placement of the sediment pond. Mitigation, replacement and restoration will not be discussed in this Draft Technical Analysis by the Division until avoidance and other alternatives have first been explored by the applicant.

Findings:

Information regarding this section was found not to meet all of the minimum regulatory requirements.

The applicant must provide the following prior to approval, in accordance with the requirements of:

R645-301-358.510

The applicant must include in the plan a commitment to design and construct or modify all powerlines within the permit area to eliminate electrocution hazards to raptors.

R645-301-358.400

The applicant will avoid disturbances to wetlands and riparian vegetation. Avoidance measures must be investigated and discussed in relation to the designated wetland.

R645-301-333.300

The plan must contain a detailed discussion of the protective measures that will be used during the active mining phase of operation. These protective measures or lack of have been discussed in the Operation Plan, Fish and Wildlife Information in the Draft Technical Analysis.

R645-301-333

The plan must describe protective measures used to prevent contamination of down stream fisheries when using cement to grout rip-rap.

TOPSOIL AND SUBSOIL

Regulatory Reference: 30 CFR Sec. 817.22; R645-301-232, -301-233, -301-234, -301-242, -301-243.

Analysis:

Topsoil and subsoil will be separately removed and stockpiled from approximately 3.0 acres (plate 8-2). The remaining 7.3 acres will not have topsoil removed because of the poor soil rating and/or contamination present from previous mining activities.

Two soils within the disturbance did not have site specific soil profile descriptions. These soils (Curecanti Family and Senchert Series) must have the A or E horizon removed prior to disturbance. Depth of topsoil (A or E horizon) will be considered that described for the particular soil series as found on pages 110 and 129 of the USDA/SCS Soil Survey of Carbon Area, Utah (page 8-11).

Approximately 17,553 cubic yards of topsoil and subsoil will be salvaged (page 8-9). Estimates of salvageable soil quantities (volume) may vary because of the amount and type of coarse rock fragments and the highly variable ranges allowed within soil taxonomic classifications. As a means of insuring proper excavation and separation of adequate quantities of topsoil (A or E horizon) and subsoil (B and/or C horizon) the applicant has committed to having a professional soil scientist on site during topsoil and subsoil removal operations (page 8-18). Topsoil (A or E horizons) and subsoil (B and/or C horizons) excavation will be exacted by employing the "islands" method (page 8-18) of removal.

Prior to topsoil removal, vegetation which would interfere with topsoil removal will be removed prior to excavation (page 8-10). The applicant fails to describe where concrete foundations, burnt coal, etc. encountered during topsoil and subsoil removal will be placed.

Coal waste that exist at the site as a result of past mining will be segregated during construction and temporarily stockpiled. The waste will then be blended with coal and shipped from the site (page 8-11).

Three separate subsoil and topsoil stockpiles will be created and surveyed to verify the amount of topsoil and subsoil salvaged (page 8-12). In the event that stored soil volume is insufficient for final reclamation, soil will be imported from outside the permit area (page 8-11).

Topsoil and subsoil stockpiles will not exceed a height of eight feet. Side slopes will not exceed 2h:1v. The stockpiles will be protected from wind and water erosion through construction of a containment berm around the stockpiles, the construction of contour furrows on the surface, the prompt establishment of a vegetative cover, and the application of straw mulch at a rate of two tons/acre. The stockpile area will be fenced to prevent livestock from entering the area.

Prior to seeding, the stockpiled soil will be sampled and analyzed for fertilizer and amendment requirements. Fertilizers and amendments will be applied in accordance with the soil laboratory results (page 8-18).

Findings:

Information regarding this section was found not to meet all of the minimum regulatory

requirements. The applicant must provide the following prior to approval, in accordance with the requirements of:

R645-301-231.100

The permit must describe the methods for removing topsoil and subsoil where concrete foundations, burnt coal, etc. are encountered during topsoil and subsoil removal. The disposal location of these items must be stated.

VEGETATION

Regulatory Reference: R645-301-330, -301-331, -301-332.

Analysis:

The applicant has committed to interim revegetation of areas disturbed to develop the mine but not used for the mining operation (page 3-42). On these sites, a temporary seed mixture will be used for interim stabilization (page 3-49). The seed mixture of mostly grasses was designed primarily for quick establishment. Based on experience in the area and the potential of yellow sweet clover to persist in the environment, the Division recommends that the interim seed mixture substitute alfalfa or Northern Sweetvetch for the yellow sweetclover.

Findings:

Information found in the plan was found to meet the minimum requirements of this section. However, the suggestion has been made to substitute alfalfa or Northern Sweetvetch for the yellow sweetclover in the interim seed mixture.

ROAD SYSTEMS AND OTHER TRANSPORTATION FACILITIES

Regulatory Reference: 30 CFR Sec. 784.24, 817.150, 817.151; R645-301-521, -301-527, -301-534, -301-732.

Analysis:

Road Systems

There will be two primary roads and one ancillary road. The Main Access Road and the Upper Portal Access Road will be primary roads and the Hiawatha Fan Access Road will be an

ancillary road.

A plan view of the Main Access Road is shown on Plate 3-1, cross sections are shown on Plates 3-2A and 3-2B, and detailed designs are shown on Plate 3-2. This road will be approximately 1200 feet long and will go from Carbon County Road 290 (formerly Utah State Highway 139), at the mouth of the canyon, to the coal stockpile area. It will be 20 feet wide and its grade will not exceed 6%. It will be of incised construction except at the one point where it will cross the culvert which will divert flow from the North Fork of Gordon Creek. Its surface will be gravel and will slope away from the crest at approximately 3% (pages 3-2, 3-9, Plates 3-1, 3-2, 3-2A and 3-2B).

A plan view of the Upper Portal Access Road is shown on Plate 3-1, cross sections are shown on Plates 3-2A and 3-2B, and detailed designs are shown on Plate 3-2. This road will be approximately 600 feet long and will go from the main pad to the Castlegate portals. The road will be of cut-and-fill construction and will be surfaced with gravel. It will be 20 feet wide, its surface will slope away from the crest at approximately 3%, and its grade will not exceed 6% (page 3-2, Plates 3-1, 3-2, 3-2A and 3-2B).

The plan fails to include plans for the Hiawatha Fan Access Road.

The embankment designs of the Main Access Road and the Upper Portal Access Road were analyzed for stability. Using the Hoek method with a standard rotational stability model, the applicant has calculated a dry factor of safety for the road embankments of 1.9 and a factor of safety under saturated conditions of 1.4. These figures compare favorably with the minimum factor of safety of 1.3 required by 645-301-534.130 (Appendix 3-1).

The treatment of the roads in the plan is entirely incorrect and inadequate. For instance, the road description found in the list of surface facilities on page 3-2 describes Carbon County Road 290 as a permitted primary haul road, which it is not, and does not discuss the Main Access Road, the Upper Portal Access Road, or the Hiawatha Fan Access Road at all. And furthermore, the various maps and road designs, particularly Plate 3-2, fail to include design details for either the Hiawatha Fan Access Road or the truck turnaround portion of the Main Access Road.

Other Transportation Facilities

Coal will be brought from both seams by covered, 42-inch conveyors. The conveyor from the Castlegate 'A' seam will go to a crusher on the main pad and thence to the 2000-ton coal stockpile. The conveyor from the Hiawatha seam will transfer its coal to the Castlegate 'A' conveyor at a point on the main pad approximately 150 feet up canyon from the crusher (pages 3-7 through 3-9, Plate 3-1).

Findings:

The plan does not fulfill the requirements of this section. The applicant must provide the following, prior to approval, in accordance with the requirements of:

R645-301-521.170, R645-301-527, R645-301-534

The applicant must revise the plan to accurately and completely describe the permitted roads. The road description found in the list of surface facilities on page 3-2 must be made to correctly describe and classify the Main Access Road, the Upper Portal Access Road, and the Hiawatha Fan Access Road. And the maps and road designs must include design details for the Hiawatha Fan Access Road and the truck turnaround portion of the Main Access Road.

SPOIL AND WASTE MATERIALS

Regulatory Reference: 30 CFR Sec. 701.5, 784.19, 784.25, 817.71, 817.72, 817.73, 817.74, 817.81, 817.83, 817.84, 817.87, 817.89; R645-100-200, -301-210, -301-211, -301-212, -301-412, -301-512, -301-513, -301-514, -301-521, -301-526, -301-528, -301-535, -301-536, -301-542, -301-553, -301-745, -301-746, -301-747.

Analysis:

Disposal of Noncoal Waste.

Noncoal mine waste--trash--will be temporarily stored in a metal dumpster within a fenced area on the site. The dumpster will be unloaded as necessary by a local contractor and the trash material hauled to the Carbon County Landfill. Additional dumpsters will be provided if necessary (pages 3-10, 3-11).

Coal Mine Waste.

By definition, coal mine waste includes both underground development waste and coal processing waste. Since no coal processing waste will be generated by this operation, only underground development waste will need to be handled.

Underground development waste will be disposed of permanently in gob areas which consist of entries and cross cuts no longer needed for operation of the mine. Since the mining operation will be intersecting old workings, underground conditions cannot be accurately predicted at this time. Consequently, no detailed plan or location for underground disposal of development waste is provided by the applicant. However, the

applicant commits to provide such a plan, for Division and MSHA approval, as soon as underground conditions are known. The Division and MSHA will be notified and plans for such disposal will be submitted for approval at least 30 days prior to the anticipated use of these areas (page 3-10).

During initial mine development and perhaps at other times, gob areas may not be adequate to store all of the underground development waste generated by the operation. In that event, the waste material will be temporarily stored on the surface, adjacent to the No. 1 Mine portal, for a maximum of 90 days. The maximum volume of this temporary storage pile will be 5,000 yd³ (pages 3-45, 3-56). The material will be tested for acid- and/or toxic-forming potential at a rate of one sample for every 5000 yd³ of material. After completion of the tests, and as soon as gob areas become available, the material will be stowed and compacted underground (pages 3-10, 3-18).

The plan does not adequately describe the temporary surface storage of underground development waste prior to its permanent disposal underground. The plan says only that a maximum of 5,000 yd³ of waste material will be stored in a pile adjacent to the coal stockpile (pages 3-45, 3-56). But the site of the storage pile is not shown on any of the maps and the plan says nothing of its operation and design parameters (approximate maximum volume, maintenance, and drainage control). There is, in fact, not even enough space adjacent to the coal stockpile for a stockpile of this volume.

Refuse Piles.

There will be no permanent refuse piles at this site.

Impounding Structures.

There will be no impounding structures built of coal mine waste at this site.

Burning and Burned Waste Utilization.

Coal mine waste fires will be extinguished only by mine personnel, all of whom will be trained in fire fighting techniques. Fire fighting will employ, in succession, first water, then fire extinguishers, then rock dust, then foam, and lastly the sealing off of the section in which a fire is located (pages 3-20, 3-27).

Return of Coal Processing Waste to Abandoned Underground Workings.

No coal processing waste will be generated or handled at this site.

Excess Spoil.

Sediment pond waste is, by definition, excess spoil and will be the only excess spoil handled at this operation. After cleaning of the sediment pond, the sediment pond waste will be removed immediately from the site by blending with the outgoing coal. Though not the usual practice, this procedure is fairly common and is acceptable for the disposal of sediment pond waste (page 7-47).

There is at test pit #8 (see Plate 8-1) an embankment containing approximately 9718 yd³ of material from earlier mining operations which is high in coal content. During initial site construction, this material will be stored adjacent to the coal stockpile and will, like sediment pond waste, be disposed of by blending with outgoing coal (pages 3-18, 8-11).

Findings:

The plan does not fulfill the requirements of this section. The applicant must provide the following, prior to approval, in accordance with the requirements of:

R645-301-521.165, R645-301-528.300

The applicant must revise the plan to adequately describe the temporary surface storage of underground development waste prior to its permanent disposal underground. The surface facilities map must show the site of the underground development waste storage pile and the plan must specify its operation and design parameters (approximate dimensions, maintenance plan, drainage control).

HYDROLOGIC INFORMATION

Regulatory Reference: 30 CFR Sec. 773.17, 774.13, 784.14, 784.16, 784.29, 817.41, 817.42, 817.43, 817.45, 817.49, 817.56, 817.57; R645-300-140, -300-141, -300-142, -300-143, -300-144, -300-145, -300-146, -300-147, -300-147, -300-148, -301-512, -301-514, -301-521, -301-531, -301-532, -301-533, -301-536, -301-542, -301-720, -301-731, -301-732, -301-733, -301-742, -301-743, -301-750, -301-761, -301-764.

Analysis:

The soils tend to be silty clay loam to loam within the Shupert-Winetti Complex and gravelly loam to loam within the Brycan, Rabbitex, Senchert and Curecanti Series.

Using the SCS information the use of hydrologic groups B and C (undisturbed soils) are considered adequate. In cases where the soil phases were in group B or C the Applicant used group B.

The Applicant used a CN of 89 for the undisturbed areas. This number is adequate at this time. However, should the applicant propose additional buildings, road surfacing or pad surfacing the design CN would require re-analysis. The applicant used a CN of 70 for the additional areas draining to the pond considered "undisturbed" by the applicant. Some of these areas are disturbed from previous mining operations.

Groundwater Monitoring.

Table 4
 Operational Spring Water Sampling

| Sampling Point | Location | Formation | Monitored Frequency | Water Parameters | Comments |
|-------------------------------|--|---|---------------------|----------------------------------|---|
| #1 | Channel in North Fork of Gordon Creek/Marakis spring | Blackhawk sandstone unit above coal seams | Quarterly | Flow/ Parameters Table 7-1 | Spring sampling should be done at source when at base flow. Location relative to numerous springs in area is not identifiable on map. |
| #2 1989 through 1993 | Right Middle Fork North Fork Gordon Creek Hillside out of Creek Bottom | Blackhawk | Quarterly | Flow/ Parameters Table 7-1 | Spring flows through alluvium below the point of origin. |
| #4 1989 through 1993 | North Fork Gordon Creek Drainage bottom | Not presented | Quarterly | | Location not clearly |

Table 5
 Operational Groundwater Sampling

| Sampling Point | Location | Frequency | Water Quality | Water Quantity | Comments |
|---|--|----------------------------|--|---|--|
| Sustained in mine flows as close to point of issuance as possible | where exceeding 1 gpm for at least 30 days | Quarterly while accessible | yes Table 7-1 | yes Table 7-1 | 2 year review period |
| Discharged mine water | If necessary treated in pond. Currently not expected and not a permitted activity. Will need permit approval if it occurs. | Quarterly | | | Should be conducted in accordance with UPDES permit according to emergency discharge clause. |
| Well LMC3/renamed HMW-1 and LMC4/renamed HMW-2 | Completed into the Star Point Sandstone | Quarterly while accessible | none proposed | water level correlated to depth from ground surface | |
| In mine well HMW-3 1.5 to 2 yr. after access to Castlegate "A" | Completed into the Star Point Sandstone 30 ft See Plate 3-4 | Not presented | Baseline-2 years according to Table 7-2. Page 7-19 says one year of baseline? Operational according to Table 7-1 | water level | The positioning and depth of this well is not conducive to PHC determinations. and triangulation |

Approvals and permits to drill wells will be received from the Division of Water rights and appropriate Government agencies.

The applicant committed to submit quarterly and annual reports. However, the annual report is indicated to be re-submittal of the results received during the year. These reports should be in the format required by the Division a memo regarding annual report submittals is forwarded to the operators under R645-301-742.420. The applicant is required to meet the applicable requirements. The Applicant includes a commitment to notify the Division if data indicate non compliance with permit conditions.

Surface-Water Monitoring.

The applicant discusses the inspection of specific stations along Gordon Creek to monitor sediment load in section 3.4.6.3. Specifics of this monitoring were not included or referenced. Proposed operational Surface Water monitoring is summarized in the following table.

Table 6
 Operational Surface Water Monitoring

| Sampling Point | Location | Flow | Water Quality | Water Quantity | Comments |
|----------------|---|----------------------|---------------|--|---|
| #3 | Channel in North Fork of Gordon Creek/below disturbed area .upstream of the intersection with Gordon Creek and below the bypass culvert | Intermittent | Quarterly | Quarterly | |
| #5 | Middle Fork North Fork Gordon Creek Upstream of disturbed area | Perennial | Quarterly | Monthly | |
| #6 | Right Fork North Fork Gordon Creek In the east Drainage above proposed portals and disturbed area | Ephemeral | | During run-off | This should be monitored on the same day as sites 3 and 7 when sampling during a precipitation event or snowmelt period |
| #7 | Beaver Creek above pond upstream of the permit area outside of potential subsidence zone. | Perennial Monthly | | Late Spring gpm Late Summer/Fall gpm | |
| #8 | Beaver Creek downstream north east of permit area. Out of potential subsidence zone. | Perennial Monthly | | | Bear Creek is dry below surface water monitoring point 8 as shown in Appendix 7-5 "Historic Mine Development" map 8. This section of the stream is affected by the Fish Creek Fault and Graben. |

| Sampling Point | Location | Flow | Water Quality | Water Quantity | Comments |
|----------------|---|-------------------|---------------|-----------------|--|
| #3 | Channel in North Fork of Gordon Creek/below disturbed area .upstream of the intersection with Gordon Creek and below the bypass culvert | Intermittent | Quarterly | Quarterly | |
| 2-2-W | Gordon Creek above confluence of North Fork Gordon Creek below the Hiawatha | Perennial Monthly | | | Impact more likely to be below confluence because of fracture system. |
| 2-3-W | Beaver Creek | Perennial Monthly | | | Currently monitored by Beaver Creek Coal to be monitored by Horizon when dropped. Not found on any map |
| 2-4-W | Beaver Creek 1 -1/2 mile west of permit area | Perennial Monthly | | Flume installed | Currently monitored by Beaver Creek Coal to be monitored following their completion. |

Acid and Toxic-Forming Materials.

See Discussion under PHC

Transfer of Wells.

No transfer of wells are requested or approved at this time.

Discharges into an Underground Mine.

The applicant has not addressed this regulation. No discharges into an underground mine are approved.

Gravity Discharges.

The dip of the coal is away from the portal faceups. Therefore no gravity discharges are expected.

Water Quality Standards and Effluent Limitations.

Discussions of water quality standards are presented in Section 7.2.2.2, Tables 7-3, and 7-4.

Diversions.

Undisturbed diversions are described in the following table. All undisturbed and disturbed diversions are designed to carry the flow from a 10-year, 6-hour event. Culverts UC-4 and UC-5 receive drainage coming from the North Fork of North Fork Gordon Creek an intermittent stream. The Applicant provided culvert sizes that may carry greater flows than the designed flow for the 10-year, 6-hour event. However, the applicant has not provided a demonstration that the design capacity is at least equal to the unmodified stream channel above and below the site for the channel.

Table 7
 Undisturbed Drainage Diversions

| Diversion | Ditch (D) or Culvert © | Diameter (culvert) | Function |
|-----------|---------------------------|-----------------------|---|
| UC-1 | C | 18" | Collects flow from UD-4 and UD-5 and routes it into UC-3. |
| UC-2 | C | 18" | Collects flow from UD-3 and routes it into UC-3. |
| UC-3 | C | 18" | Collects flow from UC-1 and UC-2 and routes it into UC-5. |
| UC-4 | C | 24" | Collects flow from UD-2 and from Left Fork North Fork and routes it into UC-5. |
| UC-5 | C | 24" | Collects all undisturbed flow from UC-3 and UC-4, bypasses sediment pond, and discharges it into main drainage. |
| UC-6 | C | 42" | Carries flow of main drainage (all undisturbed flow) beneath haul road and into Gordon Creek drainage. |
| UD-1 | D | — | Collects runoff from area above topsoil stockpile and routes it into road ditch of Carbon County Road 290. |
| UD-2 | D | — | Collects runoff from above facilities pad and routes it into UC-4. |
| UD-3 | D | — | Collects runoff from area above north side of Right Fork North Fork and routes it into UC-2. |
| UD-4 | D | — | Collects runoff from area above No. 2 Mine portals and routes it into UC-1. |

| Diversion | Ditch (D) or Culvert © | Diameter (culvert) | Function |
|-----------|---------------------------|-----------------------|---|
| UD-5 | D | -- | Collects flow from Right Fork North Fork and routes it into UC-1. |

Disturbed diversions are designed to handle the 10-year, 6-hour event and are described in Table 7. The applicant has incorrectly identified the extent of the disturbed area as shown on Plate 3-2-A for cross sections C, E, and F. These cross sections show the disturbed area extending between the north fan portal road and the pad in areas shown as undisturbed on Plate 3-1. The maps or drainage designs need to be adjusted as appropriate.

The proposed topsoil pile uses a berm to direct the drainage off the pile to the sedimentation pond. This berm needs minimum design dimensions to show it can handle the flow. No drainage designs specific to road drainage could be located.

Table 8
Disturbed Drainage Diversions

| Diversion | Ditch (D) or Culvert © | Diameter (culvert) | Function |
|-----------|---------------------------|-----------------------|--|
| D-1 | D | -- | Collects runoff from entire No. 1 and No. 2 Mine areas and routes it into the sediment pond. |
| DC-1 | C | 12" | Collects runoff from area below the facilities pad and routes it beneath the haul road and into the sediment pond. |
| DC-2 | C | 12" | Collects runoff from the topsoil stockpile area and routes it beneath the haul road and into the sediment pond. |

There will be only one sediment pond. The sediment pond will be a non-MSHA structure. The sediment pond will be inspected during and after construction by a qualified, registered, professional engineer. The pond will be inspected after each storm and cleaned as necessary. Its embankments will be vegetated, to control erosion, with a temporary seed mix as described in Section 3.5.5.2 (pages 7-48 to 7-54).

The applicant has analyzed the pond embankment designs for stability. Using a standard, circular failure model and the Hoek Circular Failure Charts, the applicant has found that the pond embankments have a static safety factor of 4.81 for dry conditions and 4.44 for saturated conditions. These figures are almost three times the minimum of 1.3 required by 645-301-533.100 (Appendix 3).

Stream Buffer Zones.

The applicant must demonstrate that all requirements of 742.300 have been met prior to approval and findings of this section. See R645-301-742.322.

Sediment Control Measures.

The Applicant proposes to begin site construction prior to installation of the sediment pond. During this period alternative sediment control measures are proposed to be used. Straw bales and silt fences are proposed to be placed in the stream channels of North Fork and Right Fork to capture sediment. Berms Straw bale dikes and Silt fences will be located between stream channels and areas being disturbed. The applicant has committed to cleaning these structures once construction is completed using backhoes and shovels.

The culvert is proposed to be installed from the lower end of the pad in an upstream direction. Horizon has committed to limit construction to periods when the stream is not flowing to the extent possible. Stream flow will be bypassed around construction activities using a diversion dike and flexible culvert. The Applicant should commit to construct the sedimentation pond as soon as possible following construction of the downstream culvert sections and must obtain a stream alteration permit prior to approval.

The proposed measures are acceptable practices. The ability of these proposed measures to control sediment can only be judged in the field by inspection and technical staff and will be determined adequate based on the ability to meet the performance standards and requirements of 745.111.

Ditch UD-2 receives extensive drainage from cut slopes as shown in Plate 3-7A, cross sections E, F, and G. These slopes are steep and can be significant sources of sediment. The applicant must provide erosion control matting seeding and vegetative control or other erosion control methods for this extensive road cut draining to the undisturbed drainage.

The Applicant must provide designs for the sediment control measures for the proposed north return air fan.

Siltation Structures.

Sediment ponds and all other treatment facilities are defined as siltation structures,

and the only siltation structure at this site will be the sediment pond. For a discussion of the sediment pond, see **Sedimentation ponds** below.

Sedimentation Ponds.

The Applicant proposes to divert a total of 25.96 acres to the sedimentation pond of which 10.3 acres are disturbed and 15.66 are undisturbed. The sediment pond will be mostly incised except the downstream face, which will be an earthen embankment. The pond has been designed to contain the runoff from a 10-year, 24-hour storm calculated as 1.03 acre-feet.

The Applicant has assumed sediment production of 0.05 acre feet/ acre from the disturbed area with no contributions from the undisturbed area. The Applicant did not describe how these values were determined. However, the final design allowed 1.25 acre-feet, which is closer to 0.1 acre foot/acre per year sediment production for disturbed areas and is considered a conservative estimate. At this rate, the sediment pond may require annual or biannual clean out. This is considered adequate to meet the regulatory requirements.

The total capacity of the pond below its emergency spillway will be 2.38 acre-feet. The sediment will be cleaned out of the pond at 60% of the total sediment volume, or 0.75 acre-feet. The cleanout volume will be marked by a calibrated pole. One pole is generally not adequate to determine sediment capacity because the sediment tends to be deposited in deltaic form at the inlets. The applicant will be expected to maintain the capacity required for runoff volume.

The pond will also have a 2" decant pipe with a locking valve. Twenty-four hours after a storm, the pond is to be drained by opening the valve on the two inch decant line in the pond. This valve is to remain locked at all times except when decanting storm runoff. The inlet of the decant line is to be located at an elevation of 7575.3 feet, which is 24 inches above the 60% cleanout level and 3.4 feet below the elevation of the spillway.

Should the quantity of water encountered in mining exceed the amount required by the underground operations the Applicant proposes the water be treated by the sediment pond in order to meet effluent standards. This action may be used as an emergency measure but is not an approved design. The use of the pond for this purpose would need to be approved prior to handling any runoff which might exceed the design requirements.

The sediment pond's spillway is designed to pass the peak flow of the 25-year, 6-hour precipitation event. Calculations for the spillway assume the pond is full to the

elevation of the spillway prior to the onset of the event. With a depth of 1.3 feet, a width of 10 feet and side slopes of 2h:1v, the spillway will have 1 foot of freeboard between the top of the pond embankment and the maximum flow elevation. The Applicant designed a non-erodible, open channel emergency spillway for which the outlet will have a grouted riprap with a D50 of 6 inches.

Pond designs, maps and calculations have been prepared under the direction and certification of Richard H. White (State of Utah, Registered Professional Engineer #7102). The information and calculations contained in Appendix 6E are also certified by Mr. White.

Other Treatment Facilities.

No other treatment facilities area proposed at this time.

Exemptions for Siltation Structures.

No exemptions for siltation structures were requested or are granted at this time.

Discharge Structures.

The Sedimentation pond discharge structure is discussed under Siltation Structures.

Impoundments.

The only impoundment proposed by the applicant is a Sedimentation Pond. The pond is discussed under Siltation Structures.

Casing and Sealing of Wells.

The final casing and sealing of wells is discussed in more detail in the section entitled **MINE OPENINGS** under **RECLAMATION PLAN** below.

Findings:

The plan does not fulfill the requirements of this section.

The applicant must provide the following, prior to approval, in accordance with the requirements of:

R645-301-740

The applicant must correctly identify the extent of the disturbed area as shown on Plate 3-7A for cross sections C-C' and F-F' and adjust drainage designs or maps to meet the requirements of R645-301-740, as appropriate. These cross sections indicate that the disturbed area extends between the north fan portal road and that the road is at a higher elevation than shown on Plate 3-1.

R645-301-742.322

Provide a demonstration that the design capacity for the intermittent stream is at least equal to the unmodified stream channel above and below the site

R645-301-742.311

Provide designs for the proposed topsoil pile berm used to direct the drainage from the pile to the sedimentation pond.

R645-301-742

Commit to construct the sedimentation pond as soon as possible following construction of the downstream culvert sections. Provide sedimentation control measures for the north fan portal in undisturbed drainage area UD3.

R645-742.312.3

Provide erosion control matting seeding and vegetative control or other erosion control methods for the extensive road cut draining to undisturbed drainage ditch UD-2.

R645-301-742.400

Provide a discussion on information specific to road drainage designs.

R645-301-730

To meet all applicable federal and state laws the applicant must obtain a stream alteration permit.

SUPPORT FACILITIES AND UTILITY INSTALLATIONS

Regulatory Reference: 30 CFR Sec. 784.30, 817.180, 817.181; R645-301-526.

Analysis:

There are no major electric transmission lines, pipelines, agricultural drainage tile fields, or occupied buildings within or adjacent to the permit area.

The only utility installation within the permit area and connected with this operation is the substation. As shown on Plate 3-1, the substation will be located on the main pad adjacent to the Hiawatha intake portal. It will receive power from a large main substation which lies just outside the disturbed area at the mouth of the canyon and step the power down for distribution to the mines and surface facilities. It will be built and maintained in accordance with MSHA regulations (pages 3-2, 3-8).

Findings:

The plan fulfills the requirements of this section.

SIGNS AND MARKERS

Regulatory Reference: 30 CFR Sec. 817.11; R645-301-521.

Analysis:

All signs and markers will be of a standard, easily readable design. All will be made of treated wood or steel and will be mounted on steel or wooden posts (page 3-21).

Signs will include the mine and permit identification sign, perimeter markers, buffer zone markers, topsoil markers, and snow storage area markers. Typical signs are shown on pages 3-22 through 3-26. The mine and permit identification sign will show the mine name, the name, address, and business telephone number of the applicant, the MSHA ID number, and the permit number.

Findings:

The plan fulfills the requirements of this section.

USE OF EXPLOSIVES

Regulatory Reference: 30 CFR Sec. 817.61, 817.62, 817.64, 817.66, 817.67, 817.68; R645-301-524.

Analysis:

The plan states that no surface blasting will be done at this site, and thus does not include a blasting plan (page 3-21).

Findings:

The plan fulfills the requirements of this section.

MAPS, PLANS, AND CROSS SECTIONS OF MINING OPERATIONS

Regulatory Reference: 30 CFR Sec. 784.23; R645-301-512, -301-521, -301-542, -301-632, -301-731, -302-323.

Analysis:

All of the plates in the plan, including the operational maps listed in this section, consist of, or are based on, old Swisher Coal Company maps. The plates were created originally as part of the mine plan for the proposed Horizon operation. They were last revised in 1990 to include the proposed permit and disturbed area boundaries, the proposed surface facilities, additional geologic information, and other information relevant to that operation. All were certified in 1990, after their latest revision, by Joe E. Shoemaker, a land surveyor registered in the state of Utah. Horizon Coal incorporated the plates into the present mine plan without change in 1995.

Affected Area Maps

The affected area, as defined by R645-100-200, includes both the area of actual surface disturbance and the area above the underground mine workings, which might be affected by subsidence resulting from the underground mining operation.

The affected area maps do not fulfill the requirements of this section. These maps are discussed and a finding of deficiency made in the subsection entitled **PERMIT AREA** under **ENVIRONMENTAL RESOURCE INFORMATION** above.

Mining Facilities Maps

The locations and approximate dimensions of all mine facilities are shown on Plate 3-1--Surface Facilities Map. Included on this map are all buildings, portals, fans and earthen structures (pads, cuts and embankments), both of the large main drainage bypass culverts, the mine supply substation adjacent to the No. 1 Mine portals, the large main substation at the mouth of the canyon, the Main Access Road, the Upper Portal Access Road, the conveyors from both mines, the coal storage and loading facilities, the topsoil storage area and the sediment pond. This plate was certified in 1990, after its latest revision, by Joe E. Shoemaker, a land surveyor registered in the state of Utah.

Design details of the sediment pond are shown on Plate 7-6--Sedimentation Pond Detail Map. This plate was prepared and certified in 1992 by Richard B. White, a professional engineer registered in the state of Utah.

Design details of the Main Access Road and the Upper Portal Access Road are shown on Plate 3-2--Access & Haulage Road Design. Cross sections of these two roads are shown on Plates 3-2A and 3-2B, both of which are entitled Premining Slope/Design Profiles. These plates were prepared and certified in 1981 by Sidney W. Smith, a professional engineer registered in the state of Utah, and recertified in 1992 by Joe E. Shoemaker, a land surveyor registered in the state of Utah.

None of the maps and plans contains information regarding the Hiawatha Fan Access Road. A full treatment of the roads and a finding of deficiency for the plans thereof is found in the subsection entitled **Road Systems** under **ROAD SYSTEMS AND OTHER TRANSPORTATION FACILITIES** above.

The anticipated operational surface configuration is shown by contours on Plate 3-1--Surface Facilities. The premining surface configuration and the operational surface configuration are shown in cross section and as they relate the one to the other on Plates 3-2A and 3-2B, both of which bear the title Premining Slope/Design Profiles. These plates were certified in 1990, after their latest revision, by Joe E. Shoemaker, a land surveyor registered in the state of Utah.

Mine Workings Maps

There are no inactive underground mines and there has been no surface mining within the permit and adjacent areas.

The location and extent of all known abandoned underground mine workings,

including mine openings to the surface within the proposed permit and adjacent areas, are shown on Plate 3-3--Mine Plan of Horizon No. 1 Mine Hiawatha Seam and Plate 3-4--Mine Plan of Horizon No. 2 Mine Castlegate "A" Seam. These plates were certified in 1990, after their latest revision, by Joe E. Shoemaker, a land surveyor registered in the state of Utah.

Monitoring and Sample Location Maps

Both geologic and groundwater information were obtained from test borings done at sites designated LMC-1, LMC-2, LMC-3, and LMC-4. The elevations and locations of these sites are shown on Plate 6-1--Proposed No. 1 & 2 Mine Geologic/Structure Map, Plate 7-1--Hydrology Map, and Plate 7-2--Drill Hole Data of the Horizon Mine Area. These plates were certified in 1990, after their latest revision, by Joe E. Shoemaker, a land surveyor registered in the state of Utah.

Information on water quality and quantity was obtained from monitoring stations designated 1, 2, 3, 4, 5, 6, and 7. The elevations and locations of these sites are shown on Plate 7-1--Hydrology Map. This plate was certified in 1990, after its latest revision, by Joe E. Shoemaker, a land surveyor registered in the state of Utah.

Findings:

The plan fulfills the requirements of this section.

RECLAMATION PLAN

GENERAL REQUIREMENTS

Regulatory Reference: PL 95-87 Sec. 515 and 516; 30 CFR Sec. 784.13, 784.14, 784.15, 784.16, 784.17, 784.18, 784.19, 784.20, 784.21, 784.22, 784.23, 784.24, 784.25, 784.26; R645-301-231, -301-233, -301-322, -301-323, -301-331, -301-333, -301-341, -301-342, -301-411, -301-412, -301-422, -301-512, -301-513, -301-521, -301-522, -301-525, -301-526, -301-527, -301-528, -301-529, -301-531, -301-533, -301-534, -301-536, -301-537, -301-542, -301-623, -301-624, -301-625, -301-626, -301-631, -301-632, -301-731, -301-723, -301-724, -301-725, -301-726, -301-728, -301-729, -301-731, -301-732, -301-733, -301-746, -301-764, -301-830.

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 land will be used as previously indicated, which was primarily for wildlife with limited grazing. Wildlife will be the primary post mining land use within the disturbed area while grazing is limited to the higher elevations within the permit area (page 4-8). The seed mixture is designed for wildlife food value and the planting should provide for wildlife cover. To demonstrate that the site has met the postmining land use at the time of bond release standards should be set to measure success. A suggestion has been made for a shrub standard described in the revegetation section.

The area of proposed disturbance has been previously mined and disturbed to degrees varying from slight to severe. Areas of slight disturbance have soils which have been somewhat impacted but have remained in place and support vegetation. These soils will be salvaged for use in areas which had been severely disturbed and support none to only weedy plant growth. Thus, the area should be able to support the intended postmining land use.

No land owner or surface manager comments could be found in the permit application.

Findings:

Information regarding the requirements of this section are not considered to be complete at this time. Additional information must be provided by the applicant in order for the Division to review and approve all the requirement of this section.

The applicant must provide the following, prior to approval, in accordance with the requirements of:

R645-301-412.200

The postmining land use description must be accompanied by a copy of the comments concerning the proposed use by the legal owner of the surface of the reclaimed area.

PROTECTION OF FISH, WILDLIFE, AND RELATED ENVIRONMENTAL VALUES

Regulatory Reference: 30 CFR Sec. 817.97; R645-301-333, -301-342, -301-358.

Analysis:

Wildlife habitat is the primary postmining land use with limited livestock grazing in the reclaimed disturbed area. Wildlife enhancement measures during reclamation include using a seed mixture which contains a diverse mixture of grass, forbs, and shrubs which are known to be palatable to wildlife. Also, container stock (page 3-58) will be planted to provide cover for the wildlife. Rock piles will be created (page 3-53) for wildlife habitat enhancement. The permit fails to discuss the intended users and users habitat requirements for these rock piles. Approximately 1000 Salix cuttings (page 3-53) will be planted along the riparian areas after reclamation to stabilize the drainage and start restoration of the riparian habitat.

This review has not detailed the lack of information concerning the restoration of the wetland because avoidance of the wetland has not been discussed in the permit. Therefore, at this point in the review the assumption is made that the sediment pond will be relocated and the wetland will remain.

Findings:

Information regarding the requirements of this section are not considered to be complete at this time. Additional information must be provided by the applicant in order for the Division to review and approve all the requirement of this section.

The applicant must provide the following prior to approval, in accordance with the requirements of:

R645-301-342.100

The permit must provide detailed plans for wildlife enhancement measures that will be used in reclamation. Greater detail concerning the rock piles and intended inhabitants is needed to determine design requirements.

APPROXIMATE ORIGINAL CONTOUR RESTORATION

Regulatory Reference: 30 CFR Sec. 784.15, 785.16, 817.102, 817.107, 817.133; R645-301-234, -301-270, -301-271, -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:

All previously disturbed areas within and adjacent to the permit area, including waste embankments and other areas wherein coal mine waste and trash have been disposed of, are shown on Plate 3-1--Surface Facilities Map and Plate 3-6--Premining Topography. The boundaries of all areas which are to be newly disturbed by this operation are also shown on Plate 3-6--Premining Topography and Plate 3-8--Reclamation Map. These maps show that all of the proposed 10.3-acre disturbed area and much of the land contiguous to and surrounding it have been disturbed repeatedly in the past by other mining operations, by camping and offroad vehicles, and by livestock-related activities. Consequently, some of the area is sparsely vegetated, is covered with coal waste, debris, and trash, and contains old concrete building ruins, old highwall remnants, and abandoned portals and portal faceups.

This site was originally disturbed by previous mining operations between 1928 and the 1950s. No effort was made in these operations to salvage or store topsoil or substitute topsoil material or to document the premining surface configuration. The restoration of the site to the original, pre-1928 surface configuration is thus not possible. However, the applicant will restore the site to a final surface configuration which not only approximates the existing surface configuration and lends itself to the postmining land use of wildlife habitat and limited grazing, but which constitutes a great improvement over the present surface configuration as well (page 3-42).

As mentioned above, during initial site construction, much of the debris and trash which now covers the site will be removed and hauled away to a local landfill. The coal mine waste and coal material which are now found in various places on the site, including the waste embankment at Test Pit No. 8 (see Plate 3-1), will be gathered and stored adjacent to the coal stockpile, to eventually be disposed of by blending with the outgoing coal (pages 3-18, 8-11).

During final reclamation, all exposed coal outcrops, and all toxic- and acid-forming material, of which the site already contains a fairly large volume, will be covered with at least four feet of suitable substitute soil material (page 3-45). Also during final reclamation, all highwalls, both those created for and those redisturbed by this operation, as well as all road and pad cuts, will be completely backfilled and eliminated (page 3-45).

The final surface configuration is shown by contours on Plate 3-7--Postmining Topography Map and Plate 3-8--Reclamation Map. The final surface configuration is also shown by cross sections, as it relates to the premining and operational surface configurations, on Plates 3-7A and 3-7B, both of which are entitled Postmining Topographic Profiles. These maps demonstrate that the planned final surface configuration will be close to the existing surface configuration, as required by this section, but will be greatly improved in that all new and existing highwalls, portal structures, earthen structures (pads and embankments), cuts, and fills will be eliminated.

Findings:

The plan fulfills the requirements of this section.

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:

Since this site was originally disturbed between 1928 and 1950 and topsoil was not saved and segregated, the applicant will only be able to restore the area to an approximate original contour which is close to the present surface configuration and compatible with the postmining land use of wildlife habitat and limited grazing. In general, backfilling and grading will be carried out as follows (page 3-42):

- a) After sealing of the portals and removal of all structures, a backhoe (Cat 235 or larger) will be brought to the upper portal terrace.
- b) The backhoe will reach down over the fill bank, retrieve as much material as possible, and place that material on the terrace.
- c) A dozer (Cat D-7 or larger) will work with the backhoe, taking the retrieved material and compacting it from the cut bank or highwall outward.
- d) The main mine yard will be recontoured, by backhoe and dozer, to drain to the center. A drainage channel will be established to convey runoff through the reclaimed area.

- e) The procedure previously outlined in a) through d) will continue down the haul road with the backhoe and dozer operating in conjunction to reclaim the area to the permit boundary.
- f) After completion of backfilling and grading, the surface will be scarified to prevent slippage of topsoil and promote plant root penetration.
- g) A front-end loader will load topsoil into haul trucks at the topsoil stockpile. The trucks will deliver the topsoil to where the dozer and backhoe are working. The dozer will evenly distribute the topsoil to a depth of one foot over the entire regraded area.
- h) Following redistribution of topsoil, the area will be reseeded, fertilized, and mulched.

All exposed coal outcrops and toxic- and acid-forming material will be covered with at least four feet of suitable substitute soil material (page 3-45).

All highwalls will be completely reclaimed. The fill material placed against the highwalls will be compacted by repeated passes of machinery in order to stabilize the fills. All material used in backfilling will be placed on the contour to minimize erosion and instability. Repair of erosion damage will be performed by hand as necessary (pages 3-45, 3-53).

There will be no surface disposal of coal mine waste and no surface refuse piles. Such materials will be disposed of underground, as described in the section entitled **SPOIL AND WASTE MATERIALS** under **OPERATION PLAN** above. All available spoil will be used in backfilling and grading.

The applicant has analyzed the postmining slope designs using a standard rotational failure model and the Hoek Circular Failure Charts. Using the soil parameters that prevail at the site, the applicant has found that a fill of slope 1.5h:lv has a static safety factor of 1.92 for dry conditions and 1.37 for saturated conditions. These figures compare favorably with the minimum figure of 1.3 required by 645-301-553.130. Since most reclaimed slopes will be less steep than the 1.5h:lv slopes of the Hoek analysis, the stability safety factor will be even higher than those calculated in the analysis (Appendix 3-1).

A mass balance table for the reclamation earthwork is included as Table 3-1A on page 3-44 of the plan. This table shows the final reclamation cut and fill volumes to be reasonably balanced--32,286 yd³ of cut and 30,464 yd³ of fill. The cut and fill volumes calculated in this table are derived from the areas of the cross sections shown on Plates 3-7A and 3-7B, the

locations of which are shown on Plate 3-1--Surface Facilities Map and Plate 3-6--Premining Topography. The operational and premining configurations of the cross sections on Plates 3-7A and 3-7B were taken, respectively, from Plates 3-1 and 3-6, while the final configurations of those same cross sections were taken from Plate 3-7.

There is a great deal of ambiguity in the plan regarding earthwork volumes. As mentioned in the preceding paragraph, Table 3-1A shows 32,286 yd³ of material to be available for backfilling. But page 8-9 says that an additional 17,553 yd³ of stockpiled substitute topsoil material will also be used. And page 3-45 says that 5,000 yd³ of underground development waste will remain on the surface, to be blended, according to page 3-56, into the planned reclamation fills. The net result of all this is that there will be a surplus, including spoil, substitute topsoil material and underground development waste, of about 24,375 yd³. Needless to say, this is a gargantuan surplus. None of it has been incorporated into the volume calculations of Table 3-1A and it cannot, therefore, simply be blended into the reclamation fills already planned without changing them beyond recognition. And the soil placement cost calculation found on page 3-56, while it does include the 5,000 yd³ of underground development waste, does not include the 17,553 yd³ of stockpiled substitute topsoil material.

Findings:

The plan does not fulfill the requirements of this section. The applicant must provide the following, prior to approval, in accordance with the requirements of:

R645-301-553, R645-301-542.800

The earthwork volume estimates, as well as all related sections of the plan, must be revised to eliminate their many inconsistencies. The substitute topsoil volumes in Chapter 8, the cut and fill volumes in Table 3-1A of Chapter 3, and the 5,000 yd³ of underground development waste to be used in backfilling and grading must be reconciled with the planned postmining topography as shown by the contours of Plates 3-7 and 3-8 and the cross sections of Plates 3-7A and 3-7B. The reclamation cost estimate must also be revised to take into account the 17,553 yd³ of stockpiled substitute topsoil material referred to in Chapter 8.

MINE OPENINGS

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:

Portal locations, of which there will be seven (3 in the No. 1 Mine and 4 in the No. 2 Mine), are shown on Plate 3-1--Surface Facilities Map.

In the event that operations are to temporarily cease for 30 days or more, the applicant will submit to the Division a notice of intention to cease or abandon the operation. Each portal that has further projected usefulness will be protected by barricades, fenced, and posted with signs to prevent access by unauthorized persons or wildlife. These closure devices will, from time to time, be inspected and maintained by the applicant (pages 3-1, 3-12).

The permanent sealing of all portals will constitute the first phase of final reclamation. Portals will first be sealed with a double block seal placed 20 to 50 feet from the entrance. A drain will be placed in the block seal of the lowest portal of each seam to prevent the accumulation of hydrostatic pressure behind the seal. The portal structures will then be removed and the exposed coal seams covered. The remaining openings will then be completely backfilled from the block seal to the ground surface (pages 3-39 through 3-41).

Drill holes LMC-1 and LMC-2 will be plugged and abandoned and new holes will be drilled adjacent to them. Drill holes LMC-3 and LMC-4 will be improved at the surface and an additional hole will be drilled in the Castlegate A Seam from within the No. 2 Mine. These 5 holes will then be used as monitoring wells.

When these 5 holes are no longer required for monitoring, and unless they are approved for title transfer as water wells, they will be sealed and abandoned. The plan states only that the holes will be reclaimed as required by the Division, but gives no further details. In accordance with USGS guidelines for the abandonment of drill holes, the Division requires that, prior to being abandoned, all wells and exploratory drill holes be completely filled from bottom to collar with concrete. This procedure prevents access to drill holes by humans, livestock and wildlife, and also prevents the contamination of groundwater by either the infiltration of surface water or by the migration of groundwater from one stratum to another or from old mine workings to pristine aquifers (page 6-10).

Findings:

The plan does not fulfill the requirements of this section. The applicant must provide the following, prior to approval, in accordance with the requirements of:

R645-301-529

The applicant must include in the plan a description of the procedure for the reclamation and abandonment of the drill holes and monitoring wells. This procedure must specify that all holes be filled from bottom to collar with concrete, in accordance with the USGS guidelines for abandonment of drill holes, which the Division follows.

TOPSOIL AND SUBSOIL

Regulatory Reference: 30 CFR Sec. 817.22; R645-301-232, -301-233, -301-234, -301-242, -301-243.

Analysis:

Subsequent to backfilling and grading of spoil material and prior to topsoil placement, the spoil will be scarified to a depth of no less than six inches (pages 8-18 and 3-47). The topsoil redistribution depth will be a minimum of 12 inches (page 8-11). Wooden stakes will be marked and placed throughout the site to insure proper depth of topsoil redistribution (page 8-18). Topsoil will be placed along the contour (page 3-45). The soil will then be harrowed to break up the cloddy surface and scarified to a depth of 18 inches (page 8-18). This will decrease the potential for a failure surface and facilitate root penetration by breaking up the soil/spoil interface. The graded soil surface will be roughened by pitting and gouging to maximize surface roughness (page 8-18). Discontinuous contour furrows will be constructed on nonerosive grade slopes steeper than 6% and will not be more than 15 feet apart.

Fertilizer type and rate will be determined from soil analysis (page 8-20). Twenty samples per acre will be collected from the top 12 inches. Samples will be composited and thoroughly mixed. Five subsamples will be collected from the composite and analyzed in accordance with the Division Guidelines for the Management of Topsoil and Overburden.

Silt fences will be placed at the bottom of the fill slopes and along the top bank of the reclamation channels to control possible erosion from the newly graded seeded areas (page 3-45).

Findings:

The information provided meets the regulatory requirements of this section.

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:

All roads--the Main Access Road, the Upper Portal Access Road, and the Hiawatha Fan Access Road-- will be completely backfilled and eliminated and their culverts removed during final reclamation, as shown on Plates 3-7, 3-7A and 3-7B. Only that portion of the Main Access Road which now crosses the lower portion of the disturbed area and which provides access to Beaver Creek from Carbon County Road 290 (formerly Utah State Highway 139) will be retained. This road will follow its present route and will be restored to approximately its present condition and configuration.

Findings:

The plan fulfills the requirements of this section.

HYDROLOGIC INFORMATION

Regulatory Reference: 30 CFR Sec. 784.14, 784.29, 817.41, 817.42, 817.43, 817.45, 817.49, 817.56, 817.57; R645-301-512, -301-513, -301-514, -301-515, -301-532, -301-533, -301-542, -301-723, -301-724, -301-725, -301-726, -301-728, -301-729, -301-731, -301-733, -301-742, -301-743, -301-750, -301-751, -301-760, -301-761.

Analysis:

Ground-Water Monitoring

See information under this same heading in the subsection entitled **HYDROLOGIC INFORMATION** under **OPERATION PLAN** above.

Surface-Water Monitoring

See information under this same heading in the subsection entitled **HYDROLOGIC INFORMATION** under **OPERATION PLAN** above.

Acid- and Toxic-Forming Materials

See information under this same heading in the subsection entitled **HYDROLOGIC INFORMATION** under **OPERATION PLAN** above.

Transfer of Wells.

No request for a transfer of water wells are presented.

Discharges into an Underground Mine.

No discharges into an underground mine are applied for or granted

Gravity Discharges.

The applicant has proposed that a drain be included in the stopping for portal closure. This site may have gravity discharge and should be monitored following closure through bond release.

Water Quality Standards and Effluent Limitations

See information under this same heading in the subsection entitled **HYDROLOGIC INFORMATION** under **OPERATION PLAN** above.

Diversions.

The Applicant has proposed a drainage plan which reduces the existing refuse embankment currently retaining the drainage from the East Fork of the North Fork Gardon Creek. The Applicant should provide more centrally-located channel section. In many areas the channel is located against the toe of steepened and backfilled slopes and an outside meander is placed against the slope near cross section C. The channel should be moved away from the old coal spoil slope (or provide inside meander) to avoid any unnecessary leaching or erosion of that pile. The applicant has not demonstrated that the design capacity will be at least equal to the design capacity of the unmodified stream channel up stream and down stream of the Diversion.

The channel design follows practices which have been accepted in the past based on a design flow regulated by the rules. However, the rules also say the flood plain and channel bank must adequately pass the design flow. The channel in the lower reaches should be designed to reflect the function and characteristics of a stream type which

would occur naturally through this section. An increased meander would reduce the channel slope and allow the bottom width of the channel to be more narrowly designed without increasing velocity. Such a design would also provide a stream system with characteristics similar to those which might be found in a wetland area, would be similar to the existing stream configuration, and would better support the proposed postmining land use.

Stream Buffer Zones.

The Applicant will need to obtain a stream alteration permit at the time of reclamation and will need to assure the stream buffer zones are adequately marked during the channel construction.

Sediment Control Measures.

The Applicant has proposed the pond be removed during the mines reclamation phase. The Applicant stated the location of the pond and the re-establishment of the channel makes it impractical to retain the pond through the reclamation period. The Applicant states "If feasible, efforts will be made to minimize reclamation activities during periods of wet weather. During short periods when reclamation construction activities will be suspended, the construction site will be left in a condition which would minimize the impact on the hydrologic system if a rainfall event were to occur." Sediment control measures during this period include the following:

- 1) Construction of the reclaimed stream channels and grading to commence at the upstream end of each channel/canyon working downstream. The Applicant also committed to retain the s the sediment pond in place as long as possible.
- 2) Alternative methods employed prior to removal of the sedimentation pond include:

Silt fences that will be placed parallel to the contours with ends turned up perpendicular to the slope. Approximate locations on Plate 3. Installed according to Figure 7-9. As each reach of reclaimed channel is reconstructed, the channel will be lined with silt fence or straw bale dikes. Silt fences or strawbale dikes will be used in road ditches immediately downstream of the road ditches.

Mechanical treatment of slopes with a grade of less than 10 percent will be completed by ripping the soil 18 inches deep with shanks placed at 7-foot intervals to achieve parallel slots 4 to 10 inches wide. These areas will be mulched. Slopes greater than 10 percent will have erosion control matting installed. Although this proposal is

acceptable, it conflicts with Chapter 3. Where an area is to be mulched a tackifier or crimping should be provided. The applicant should commit to install erosion control matting according to the manufacturer's directions.

3) Strawbale dams will be placed in the stream channels of the North Fork and Right Fork drainages to capture sediment which reaches the channels. These will be cleaned out and removed when reclamation is completed.

4) A Sediment Control Monitoring and Maintenance Plan and corrective action measures are outlined on page 7-51.1.

Estimated erosion production for the proposed methods are compared with erosion production expected from an established vegetative cover of 50 percent and were determined by the applicant to be adequate. This vegetation standard is based on data which is not current. Should this data be considered inappropriate this section would need to be reevaluated.

Siltation Structures.

No sedimentation ponds, discharge structures, impoundments or other treatment facilities are proposed or approved for retention as a postmining land use.

Sedimentation Ponds.

The sedimentation pond will be removed during Phase II of final reclamation and replaced with alternative sediment control measures.

Other Treatment Facilities.

No treatment facilities, other than the sediment pond, will be constructed at this site.

Exemptions for Siltation Structures.

No areas exempt from BTCA as alternate sediment control measures are proposed or granted for the applicable portions of the reclamation plan.

Discharge Structures.

The sedimentation pond and its associated discharge structure will be removed

during reclamation.

Impoundments.

The only impoundment proposed at this site is the sedimentation pond, the reclamation of which is discussed under **Sedimentation ponds** above.

Casing and Sealing of Wells.

The final casing and sealing of wells is discussed in more detail under **MINE OPENINGS** above.

Findings:

The plan does not fulfill the requirements of this section.

The applicant must provide the following, prior to approval, in accordance with the requirements of:

R645-301-761, R645-301-553.140

Provide the following for the reclaimed drainage channels: a central channel location which is not against the toe of steep slopes, placement away from the old coal spoil slope (or provide inside meander) to avoid any unnecessary leaching or erosion of that pile. Demonstrate that intermittent and perennial channels will carry the capacity of the upstream and downstream channel sections.

CONTEMPORANEOUS RECLAMATION

Regulatory Reference: 30 CFR Sec. 785.18, 817.100; R645-301-352, -301-553, -302-280, -302-281, -302-282, -302-283, -302-284.

Analysis:

The applicant commits to contemporaneous reclamation when disturbed areas are no longer needed they will be backfilled, graded, retopsoiled, and revegetated (page 3-38). Because the site is so small all available space will be used and no reclamation will occur until the mine closes and final reclamation activities occur.

Findings:

The applicant is in compliance with this section.

REVEGETATION

Regulatory Reference: 30 CFR Sec. 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:

General Requirements.

A reclamation schedule has been illustrated in Figure 3-9. The schedule fails to detail each major step in the revegetation plan as required in R645-301-341.100. The schedule should illustrate seed, plant and other material ordering with adequate lead times for procurement as well as any anticipated husbandry practices used in revegetation.

All seeds to be planted on site will comply with all state and federal seed laws (page 3-47).

The seed mixture to be used for permanent seeding is designated on page 3-50 and 51. The seed mixture is comprised of species native to the area. Yellow Sweetclover is the only introduced species in the seed mixture. Other plantings in the Gordon Creek area with Yellow Sweetclover have shown this legume to persist for many years not acting as a nurse crop or initial soil conditioner as designed. Therefore, Yellow Sweetclover must be deleted from the seed mixture. Rubber Rabbitbrush is also proposed for the final seed mixture. The Division's experience is that Rabbitbrush will naturally invade the site, additional seed source may act to reduce shrub diversity on site. Therefore, Rubber Rabbitbrush must be deleted from the seed mixture and replaced with Wyoming big sagebrush at the same seeding rate. The permit should indicate that the Gordon Creek variety of Wyoming big sagebrush is preferred if available.

The seed will be drill seeded on all flat or moderate slopes (page 3-48). Steeper slopes will be hand broadcast and then raked to ensure proper seed to soil contact.

A commitment must be made in the plan to leave the site in a roughened state. This roughened state has proven to be very important to the success of the reclamation project. Contour furrowing referred to on page 8-18 should be deleted. The deep

ripping(page 7-50) and roughening is sufficient without the contour furrowing. The Division has found that drill seeding will actually reduce the desired amount of surface roughness and probably the applicant should commit to broadcast seeding the entire disturbance. The commitment is made that the last pass on any surface by equipment will be made on the contour. The plan contains conflicting information on final surface preparation.

Timing.

The plan commits to a fall planting (page 3-48). This is the normally accepted time of year to be seeding in the region. The plan does not provide for a contingency if seeding is not completed by November 30. A contingency plan should include some type of interim erosion control such as seeding with an annual grain, mulching or netting until the seeding window has opened.

Mulching and Other Soil Stabilizing Practices.

Two thousand pounds per acre straw mulch will be applied over the seeded areas and then crimped to anchor the straw (page 3-48). The Division's experience in the area is that straw contains a high amount of grain seed. This annual grain can out compete with the seeded species for water, especially in dry years. Therefore, the best technique for success has been to place 2 tons per acre alfalfa on the soil surface and incorporate this while the surface is being roughened and then broadcast seed. Crimping, while effective on flat areas will reduce surface roughness to an undesirable condition. All slopes 2.5h:1v or steeper will have erosion control matting installed. The matting will provide the additional protection needed on these steeper slopes. The reclamation plan is not consistent throughout the various section. Page 7-50 makes the commitment to placing erosion control matting on all slopes greater than 10 percent. The reclaimed areas will be closely monitored to determine if and when maintenance is necessary.

The plan must describe a contingency for stabilizing areas which are not seeded within the seeding window as described in R645-301-354. The plan may include annual grain seeding, mulching, netting or other methods of control.

Standards for Success.

Vegetation transect areas were chosen which simulated the previously disturbed areas in their natural undisturbed condition and were sampled in 1991 (page 9-10). This is contradictory to what is stated in the study. Also, the applicant states (page 9-10) the shrub and tree requirement of R645-301-356.232 will be met, yet no tree and shrub data

have been collected or standard proposed. The requirements for a previously mined area do not require a shrub standard. However, the site does have to achieve the postmining land use prior to bond release. Committing to establishing a certain number of shrubs for wildlife use would be a method of demonstrating that the postmining land use has been met at the time of bond release.

The first vegetation study in Appendix 9-1, Soil Survey and Interpretations Vegetation Survey for C & W Coal Producers, May 19, 1980 is nonmeaningful information. The small map of sampled areas is unledgeable. Without knowledge of where the information comes from the study is without value and should be removed from the text unless clarified to provide meaningful information.

The second vegetation study (Appendix 9-1, page 9.13) is titled Vegetation Sampling on the Horizon Mine Site: 1991. This study presents data from vegetation transects sampled within the proposed disturbed area and are designated on Plate 9-2. This study provides baseline data and methodology for bond release standards and other required inventories.

As previously stated, almost the entire operational area has been previously disturbed by mining and not reclaimed to the requirements of the Utah Coal Mining rules. Therefore, the revegetation success standard for bond release is that the vegetative ground cover will be not less than the ground cover existing before redisturbance and adequate to control erosion. The applicant measured ground cover in July 1991 on the proposed operational area and the raw data is presented after page 9.24. Total vegetative cover was 54 percent.

The 1991 study must be repeated prior to permit approval for several reasons. The Division's Vegetation Information Guidelines state that baseline data must be taken in years of normal precipitation. Based on the water monitoring data the North Fork of Gordon Creek was dry in 1990, 1991 and 1992, one could assume that 1991 was a very dry year. This site has also had five more years to mature and change in species composition and this should be documented. The wetland area was not recognized as a high value area in the previous studies and this area should be separated and studied as a distinct area. A commitment must be made to use the exact sampling methodology as the baseline studies.

The period of intended responsibility will be ten years. Vegetation will be quantitatively measured in years 2, 3, 5, 9, and 10 following revegetation (page 9-10).

This is a previously-mined site and although some areas are considered severely

disturbed, the applicant has committed to clean and remove the old spoil material from the site. Some areas were less severely impacted and the topsoil has remained in place with minimal surface disturbance. Adequate topsoil will be salvaged from these areas to use on the more severely impacted areas. The proposed mine site is located in a canyon bottom at approximately 7600 feet elevation with average annual precipitation between 16 and 20 inches. All of these factors, along with the revegetation efforts, should allow the applicant to meet and exceed the performance standards.

Findings:

Information found in the plan does not meet the minimum regulatory requirements of this section. Additional information must be provided by the applicant in order for the Division to approve the revegetation requirement of this section.

The applicant must provide the following prior to approval, in accordance with the requirements of:

R645-301-121.200

Those parts of the plan which deal with final revegetation must be made clear and concise and the methodologies described therein must be consistent throughout the text.

R645-301-341-100

The plan must contain a detailed schedule and timetable for the completion of each major step in the revegetation plan.

R645-301-353.120

The revegetation species seed mixture must contain only species which are native to the area and approved by the Division. Either the changes described above must be made to the seed mixture or else a detailed justification for the inclusion of yellow sweetclover and rabbitbrush must be provided.

R645-301-341.220

The handling of topsoil material during final revegetation and reclamation must not reduce the surface roughness. The plan must describe the means for achieving this roughness, as discussed above.

R645-301-353.300

The plan must include a contingency plan for implementing some type of interim erosion control, such as seeding with an annual grain, mulching or netting, until the seeding window has opened.

R645-301-353.210

The plan must describe how it will be demonstrated that the postmining land use has been met. The establishment of a shrub standard is one demonstration which could be made.

R645-301-356.110, R645-301-356.250

The baseline vegetation success standard study must be repeated prior to permit approval.

STABILIZATION OF SURFACE AREAS

Regulatory Reference: 30 CFR Sec. 817.95; R645-301-244.

Analysis:

All final grading and placement of topsoil will be done along the contour to minimize erosion and instability. The applicant has committed to fill, regrade, seed and otherwise stabilize any rills or gullies which develop that are greater than nine inches deep (page 3-45 and 3-53).

Findings:

The information provided does not meet the regulatory requirements of this section. The applicant must provide the following, prior to approval, in accordance with the requirements of:

R645-301-244

The applicant must include in the plan a commitment to protect and stabilize all reclaimed surface areas and effectively control erosion in those areas. Rills and gullies which form, regardless of depth or size, which disrupt either the approved postmining land use or the reestablishment of vegetative cover, or which cause or contribute to a violation of water quality standards for receiving streams, shall be filled, regraded, or otherwise stabilized; topsoil shall be replaced; and the areas shall be reseeded or replanted.

CESSATION OF OPERATIONS

Regulatory Reference: 30 CFR Sec. 817.131, 817.132; R645-301-515, -301-541.

Analysis:

As soon as it is known that operations are to temporarily cease for 30 days or more, the applicant will submit to the Division a notice of intention to cease or abandon the operation. In accordance with 645-301-529.210, each mine entry that has further projected usefulness will be protected by barricades, fenced, and posted with signs to prevent access by unauthorized persons and wildlife. These closure devices will, from time to time, be inspected and maintained by the applicant (page 3-28).

Findings:

The plan fulfills the requirements of this section.

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:

All of the plates in the plan, including the reclamation maps listed in this section, consist of, or are based on, old Swisher Coal Company maps. The plates were created originally as part of the mine plan for the proposed Horizon operation. They were last revised in 1990 to include the proposed permit and disturbed area boundaries, the proposed surface facilities, additional geologic information, the final surface configuration, and other information relevant to that operation. All were certified in 1990, after their latest revision, by Joe E. Shoemaker, a land surveyor registered in the state of Utah. Horizon Coal incorporated the plates into the present mine plan without change in 1995.

Affected Area Boundary Maps

The affected area, as defined by R645-100-200, includes both the area of actual surface disturbance and the area above the underground mine workings, which might be affected by subsidence resulting from the underground mining operation.

The affected area maps do not fulfill the requirements of this section. These maps

are discussed and a finding of deficiency made in the subsection entitled **PERMIT AREA** under **ENVIRONMENTAL RESOURCE INFORMATION** above.

Bonded Area Map

The total bonded area at this site comprises 10.3 acres (page 3-9). Plate 3-1--Surface Facilities Map shows the boundary of the bonded area in relation to the operational facilities, and Plate 3-8--Reclamation Map shows the boundary of the bonded area in relation to the reclamation plan and the postmining surface configuration. These maps were certified in 1990, after their latest revision, by Joe E. Shoemaker, a land surveyor registered in the state of Utah.

Reclamation Backfilling and Grading Maps

The final surface configuration is shown by contours on Plate 3-7--Postmining Topography Map and Plate 3-8--Reclamation Map. The final surface configuration is also shown by cross sections, as it relates to the premining and operational surface configurations, on Plates 3-7A and 3-7B, both of which are entitled Postmining Topographic Profiles. These maps were certified in 1990, after their latest revision, by Joe E. Shoemaker, a land surveyor registered in the state of Utah.

Reclamation Facilities Maps

All surface facilities and structures will be removed during final reclamation. The only permanent features will be the restored drainage channels and that portion of the Main Access Road which now crosses the lower end of the disturbed area (page 3-39). These features are shown in plan view on Plate 3-7--Postmining Topography Map and Plate 3-8--Reclamation Map, and in cross section on Plates 3-7A and 3-7B, both of which are entitled Postmining Topographic Profiles.

The sediment pond will be retained until all backfilling and grading are completed, at which time it too will be backfilled and eliminated. Erosion control during the remaining period of final reclamation will be provided by erosion control matting, by silt fences placed along the restored drainage channels, and eventually, of course, by the reestablished vegetation (pages 3-42, 3-45).

Final Surface Configuration Maps

The final surface configuration is shown by contours on Plate 3-7--Postmining Topography Map and Plate 3-8--Reclamation Map. The final surface configuration is also

shown by cross sections, as it relates to the premining and operational surface configurations, on Plates 3-7A and 3-7B, both of which are entitled Postmining Topographic Profiles. These maps were certified in 1990, after their latest revision, by Joe E. Shoemaker, a land surveyor registered in the state of Utah.

Reclamation Monitoring and Sampling Location Maps

Both geologic and groundwater information were obtained from test borings done at sites designated LMC-1, LMC-2, LMC-3, and LMC-4. The elevations and locations of these sites are shown on Plate 6-1--Proposed No. 1 & 2 Mine Geologic/Structure Map, Plate 7-1--Hydrology Map, and Plate 7-2--Drill Hole Data of the Horizon Mine Area. These plates were certified in 1990, after their latest revision, by Joe E. Shoemaker, a land surveyor registered in the state of Utah.

Information on water quality and quantity was obtained, and will continue to be obtained through final reclamation, from monitoring stations designated 1, 2, 3, 4, 5, 6, and 7. The elevations and locations of these sites are shown on Plate 7-1--Hydrology Map. This plate was certified in 1990, after its latest revision, by Joe E. Shoemaker, a land surveyor registered in the state of Utah.

Vegetation information was obtained, and will continue to be obtained through final reclamation, from transects done at locations designated A through E. These locations are shown on Plate 9-2--Vegetation Map No. 2. This plate was certified in 1990, after its latest revision, by Joe E. Shoemaker, a land surveyor registered in the state of Utah.

A network of subsidence monitoring stations will be established. There will be a total of 41 stations: five base stations, 15 stations above the Hiawatha seam (two of which will be above Beaver Creek) and 21 stations above the Castlegate 'A' seam. The locations of all subsidence monitoring stations are shown on Plate 3-5--Subsidence Monitoring Plan. Subsidence will be monitored until one year after mining has ceased (pages 3-37, 3-38). Plate 3-5 was certified in 1990, after its latest revision, by Joe E. Shoemaker, a land surveyor registered in the state of Utah.

Reclamation Surface and Subsurface Manmade Features Maps

All surface and subsurface manmade features within and adjacent to the permit area are shown on Plate 3-1--Surface Facilities Map and Plate 4-2--Permit Area. There are no major electric transmission lines, pipelines, agricultural drainage tile fields, or occupied buildings in or within 1,000 feet of the permit area.

All manmade surface features associated with mining and reclamation operations will be removed during final reclamation. The only permanent manmade features will be the restored drainage channels and that portion of the Main Access Road which now crosses the lower end of the disturbed area (page 3-39). These features are shown in plan view on Plate 3-7--Postmining Topography Map and Plate 3-8--Reclamation Map, and in cross section on Plates 3-7A and 3-7B, both of which are entitled Postmining Topographic Profiles. These plates were certified in 1990, after their latest revision, by Joe E. Shoemaker, a land surveyor registered in the state of Utah.

Reclamation Treatments Maps

The general features of the reclamation plan, as they relate to the actual mining operation, are shown on Plate 3-8--Reclamation Map. This map includes the disturbed area and all operational surface features and facilities, as well as reclamation information such as the locations of cuts and fills, the locations of reestablished drainage channels, and the location of the retained portion of the Main Access Road.

Plate 8-2--Topsoil Isopach and Handling Map shows the locations of test pits from which topsoil information was obtained, the areas from which topsoil will be collected, the depths to which topsoil will be collected, the areas where topsoil will be stored, and those areas which will receive topsoil and be revegetated during final reclamation. This plate was prepared in 1980 under the direction of Richard B. White, a professional engineer registered in the state of Utah, revised and recertified in May of 1992 by the same Richard B. White, and recertified in June of 1992 by Joe E. Shoemaker, a land surveyor registered in the state of Utah.

Findings:

The plan fulfills the requirements of this section.

BONDING AND INSURANCE REQUIREMENTS

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

Analysis:

Form of Bond. (Reclamation Agreement)

In accordance with R645-301-830, after this permit application has been approved,

but before the permit is issued, the applicant will file a surety bond with the Division. The surety bond will be made payable to the Division and the amount thereof will be determined by the Division using, as a basis, the reclamation cost estimate provided in the plan (page 2-5).

Determination of Bond Amount.

The reclamation costs were estimated using the earthwork volume estimates derived from the cross sections found on Plates 3-2A, 3-2B, 3-7A and 3-7B (page 3-44), the machinery, labor, demolition and earthwork information from *Means Site Work Cost Data*, 11th Annual Edition, 1992, and the equipment and labor costs from the *Rental Rate Blue Book for Construction Equipment*, Volume 1, April 1991. The process by which the cost estimates were made is as follows.

- 1) The equipment and personnel needed for each step were determined. These determinations are found on pages 3-54 through 3-57 of the plan. They were made using the activity scenarios in *Means Site Work Cost Data*, 11th Annual Edition, 1992, which specify equipment and labor requirements for various activities such as demolition, grading, loading and hauling.
- 2) The time required for each step was estimated. These estimates are also found on pages 3-54 through 3-57 of the plan. They were also made using the activity scenarios in *Means Site Work Cost Data*, 11th Annual Edition, 1992, together with the dimensions of the surface facilities and the earthwork volume estimates found on page 3-44 of the plan. The activity scenarios include expected productivities in units of area per unit of time, in the case of activities such as demolition or ripping or seeding and mulching, and in units of volume per unit of time, in the case of activities such as earthwork or loading and hauling.
- 3) The estimated cost for each step was calculated. These cost estimates are found on pages 3-60 through 3-64 of the plan. They were made using the time estimates made in step 2) above, together with the equipment and personnel costs per unit of time found in the *Rental Rate Blue Book for Construction Equipment*, Volume 1, April 1991, which have been included on pages 3-58 and 3-59 of the plan.

The cost estimates for the various steps of the reclamation plan were totaled. A flat mobilization cost was then added, along with a 10% contingency and a 5.5% agency inspection and supervision sum. The resulting total, which is in 1992 dollars, was then escalated at an annual rate of 2.5% for 5 years, which is the length of a permit term, to obtain a total reclamation cost estimate of \$259,000, in 1997 dollars. All of these

calculations and adjustments are summarized on page 3-60 of the plan.

The 10% contingency represents the standard contingency rate used by the Division. The 5.5% agency inspection and supervision sum was determined from Graph 3, page 19 of the *OSM Handbook for Calculation of Reclamation Bond Amounts*, 1987. The 2.5% escalation rate was the predicted Means© escalation factor for the Salt Lake City area for the years after 1992. The Division relies upon the Means© escalation factor in its reclamation bond amount determinations. Means determines and publishes this escalation factor for a given year at the end of that year. The average of the escalation factors for that year and the 2 years preceding it then becomes the predicted escalation factor for future years.

The time estimates for the various steps in the reclamation plan were summarized and compiled to create a detailed timetable for final reclamation. This timetable is found on page 3-55 of the plan. The total time estimate for final reclamation, increased by 10% to take account of unexpected delays, is 108 days, or approximately 22 weeks. The actual time required will probably be less, however, since several of the reclamation steps will be carried out concurrently (pages 3-53 through 3-57).

There are 4 deficiencies in the reclamation cost estimate which will have to be corrected before the Division can approve the plan.

First, the cost of removing the main 2000-ton coal stockpile and any other stockpiled coal from the site has not been included in the reclamation cost estimate. The plan puts forth the possibility that, in the event that the main stockpile area is filled to capacity, coal will be stored temporarily in other locations within the disturbed area. The volume of this additional coal must be estimated and the reclamation cost estimate must be revised to include the cost of removing it, as well as the main 2000-ton stockpile, from the site.

Second, the estimated cost for seeding and mulching of \$3,660.99 from page 3-63 has not been used in the reclamation cost summary found on page 3-60. The plan must be revised to correct this small error.

Third, the reclamation cost summary on page 3-60 was last revised in 1992 and is now outdated. The total reclamation cost estimate, which is in 1992 dollars, must be escalated through the year 2000 to cover the 5-year permit term which will begin in 1996 if a permit is issued for this operation in that year. This must be done using current escalation factors, which are as follows:

| <u>Year</u> | <u>Escalation Factor</u> |
|-------------|--------------------------|
| 1992 | 2.21% (actual) |
| 1993 | 2.61% (actual) |
| 1994 | 3.21% (actual) |
| 1995 | 2.68% (predicted) |
| 1996 | 2.68% (predicted) |
| 1997 | 2.68% (predicted) |
| 1998 | 2.68% (predicted) |
| 1999 | 2.68% (predicted) |
| 2000 | 2.68% (predicted) |

Fourth, the earthwork volume estimates, upon which the backfilling cost estimate on page 3-56 is based, are fraught with inconsistencies and must be corrected. And this, of course, requires that the reclamation cost estimate be revised so that it is consistent with the backfilling and grading plan and accurately accounts for all earthwork costs. This is discussed more fully under **BACKFILLING AND GRADING** above.

Terms and Conditions for Liability Insurance.

In accordance with R645-301-890, after this permit application has been approved, but before the permit is issued, the applicant will obtain the required liability insurance and submit the required documentation thereof to the Division (page 2-5).

Findings:

The plan does not fulfill the requirements of this section. The applicant must provide the following, prior to approval, in accordance with the requirements of:

R645-301-542.800

The following 4 revisions must be made in the total reclamation cost estimate:

1) The total anticipated maximum volume of stockpiled coal, including both the main 2000-ton stockpile and any additional stockpiled coal, must be estimated and the reclamation cost estimate must be revised to include the cost of removing it from the site.

2) The estimated cost for seeding and mulching of \$3,660.99 from page 3-63 has not been used in the reclamation cost summary found on page 3-60. The reclamation cost summary must be revised to correct this small error.

3) The total reclamation cost estimate, which is in 1992 dollars, must be escalated through the year 2000 to cover the 5-year permit term which will begin when the permit is issued. This must be done using current escalation factors, which are as follows:

| <u>Year</u> | <u>Escalation Factor</u> |
|-------------|--------------------------|
| 1992 | 2.21% (actual) |
| 1993 | 2.61% (actual) |
| 1994 | 3.21% (actual) |
| 1995 | 2.68% (predicted) |
| 1996 | 2.68% (predicted) |
| 1997 | 2.68% (predicted) |
| 1998 | 2.68% (predicted) |
| 1999 | 2.68% (predicted) |
| 2000 | 2.68% (predicted) |

4) The reclamation cost estimate must be revised so that it is consistent with the backfilling and grading plan and accurately accounts for all earthwork costs. This is discussed more fully under **BACKFILLING AND GRADING** above.