

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

December 30, 2008

TO: Internal File

THRU: April Abate, Lead *Qaa 1-7-09*

FROM: Joe Helfrich, Biology *[Signature]*

RE: Willow Creek Midterm, Plateau Miming Corporation, Willow Creek Mine, Permit # C/007/0038, Task ID #3044

SUMMARY:

On October 23, 2008 the Division initiated the Midterm Review for the Willow Creek Mine. The following items were chosen for review:

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

TECHNICAL MEMO

5. A review of the bond to ensure that it is in order and that the cost estimate is accurate and is escalated to the appropriate current-year dollars.
6. A review of the mining and reclamation plan for compliance with operator commitments related to variances or special permit conditions (including but not limited to subsidence control/monitoring plans and reporting requirements, variances to AOC, experimental practices, electronic database water monitoring reporting, raptor surveys, revegetation test plots, etc.).

This memo will include an analysis and findings of item # 2.

TECHNICAL ANALYSIS:

OPERATION PLAN

FISH AND WILDLIFE INFORMATION

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

Analysis:

Endangered and Threatened Species

Active mining entities are required by the U. S. Fish and Wildlife Services Colorado Fish Recovery Program to provide calculations for the consumption of water that would be contributed to the Upper Colorado River Basin. This basin provides the habitat for four endangered fish species, the Colorado Pike Minnow, Bony tail Chub, Humpback Chub and Razor back Sucker. Mine water consumption in excess of 100 acre feet per year requires a one time payment of approximately 15.00/acre foot.

Since the mine has been reclaimed there is no consumption of water that would otherwise be provided to the Upper Colorado River Basin. Therefore no additional information regarding the consumption of mine water in acre feet per year is required at this time.

Findings:

The information in the current MRP is adequate to meet the requirements off this item in the Midterm review.

RECOMMENDATIONS:

This portion of the midterm review is recommended for approval.

O:\007038.WILA\FINAL\WG3044\jch3044.doc