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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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May 21, 1998

Mark W. Scanlon, Sr. Geologist
Canyon Fuel Company, LLC
P.O. Box 1029
Wellington, Utah 84542

Re: Notice of Intent to Conduct Minor Coal Exploration, Canyon Fuel Company, LLC, Dugout Canyon Mine, ACT/007/039-98A, File #2, Carbon County, Utah

Dear Mr. Scanlon:

The referenced exploration application has been reviewed by senior reclamation specialists Priscilla Burton (Soils), Jim Smith (Geology), and Steve Demczak (Engineering). Their technical analyses are provided for your review and response. There are several deficiencies noted in the Soils and Engineering sections. Your response by June 2, 1998 is appreciated. I would encourage you to contact the staff directly regarding specific questions and request your written response be sent to my attention.

TECHNICAL ANALYSIS

NOTICES OF INTENTION TO CONDUCT MINOR COAL EXPLORATION

Regulatory Reference: R645-201-200.

The address and telephone number of Canyon Fuel Company's designated representatives, Mark W. Scanlon, Senior Geologist, and Dave Spillman, Manager of Technical Services, are in Section R645-201-222. They will be present at and responsible for conducting the exploration operations. If a contractor is hired to serve as the applicant's representative, UDOGM and other agencies will be provided the necessary information.

The narrative in Section R645-201-223, including Table 1, and Map 1 describe the exploration area and indicate where exploration will occur. Separate sections discuss topography, geology, soils, surface water resources, ground-water resources, vegetation, wildlife, threatened and endangered species, land use, and cultural resources. It is not anticipated that any significant aquifers will be encountered, nor that the exploration holes will be developed and maintained as water monitoring wells.

The exploration period will be from May to September, with the majority of work expected to be from June to August. This does not include reclamation, which may extend beyond October 1. Work will be scheduled to minimize conflicts with hunting seasons.

Coal exploration methods are described in Section R645-301-225. These include pre-drilling

activities such as on-site inspections of drill sites and access routes. Access routes are described in detail and are shown on Map 1. Road construction and maintenance, drill site construction, methods and equipment for drilling, size and depth of the holes, amount of coal to be removed, proposed drill hole plugging methods, the reclamation plan, and the estimated timing for drilling related activities are described.

PERFORMANCE STANDARDS

Regulatory Reference: R645-202-200.

No diversions of overland flows and ephemeral, perennial, or intermittent streams are mentioned, and after reviewing the exploration plan none are anticipated.

Coal exploration will be conducted in a manner which minimizes disturbance of the prevailing hydrologic balance. Erosion control structures and sediment control devices will be used to prevent runoff erosion and control sediment loss (Section R645-201-225). No sedimentation ponds are planned.

Mud pits will be the only impoundments, and their design has been certified by a licensed professional engineer. They do not meet the criteria to be considered MSHA impoundments and will not exist long enough to be subject to quarterly or annual inspections. The impoundments will be too small to pose a hazard to the public. The mud pits will have no effect on the hydrologic balance or water rights. Discharge from the mud pits is not anticipated due to their planned use, ephemeral nature, and small size.

Any acid- or toxic-forming materials will be in the mud pits and will be buried during site reclamation. UDOGM does not anticipate any such materials from the borings.

RECLAMATION STANDARDS

Regulatory Reference: R645-202-240.

Exploration boreholes created during exploration will be sealed with the method described in CFR 43 II 3483.1(a).

No facilities and equipment will be left on the sites.

PUBLIC AVAILABILITY OF INFORMATION

Regulatory Reference: R645-203.

The exploration application and subsequent supporting information will be made available for public inspection and copying at the Division.

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CONFIDENTIALITY

Regulatory Reference: R645-203.200.

CANYON FUEL COMPANY understands that upon written request to UDOGM, information related to coal exploration activities will be kept and not disclosed or made available to the for public inspection.

RECOMMENDATION

The propose exploration plan should be approved.

TECHNICAL ANALYSIS:

OPERATION PLAN

OPERATIONAL STANDARDS

Regulatory Reference: R645-202-231 and R645-200-230

Analysis:

Operational Standards

The permittee has plans to conduct Cultural Resource surveys, Threatened and Endangered Species surveys and Raptor surveys (pages 5 and 6 of the submittal). These surveys have not yet been completed.

Findings:

The responsibility of the Division is to coordinate reviews with other government agencies. The submittal does not have the necessary information required for consideration by other government agencies. Prior to approval, the permittee must provide the following in accordance with:

R645-202-231, a cultural resource survey, raptor survey and threatened and endangered species survey must be provided for government agency review.

TOPSOIL

Regulatory Reference: R645-202-233

Analysis:

Topsoil

Soils range from shallow to deep according to location and slope. The proposal indicates that the deepest soils will be found on the mesa tops at drill sites E and F. In contradiction with the proposal, the SCS soils map indicates that soils in the locations of the drill holes A, B, C and D may be in soils #21 or Croyden loam. The soils in the location of drill holes E and F on the mesa tops may fall in the Midfork family-Commodore complex. Croyden family soils are approximately 16 inches deep in the topsoil layer. Midfork family - Commodore complex soils are considerably shallower.

Findings:

Information provided in the proposal is considered too general to meet the requirements of this section. Prior to approval, the permittee must provide the following in accordance with:

R645-202-233, a more detailed report of the drill site slopes and soil conditions is necessary to ensure that adequate topsoil is salvaged and replaced.

ACID OR TOXIC FORMING MATERIALS

Regulatory Reference: R645-202-236

Analysis:

Acid or toxic forming materials

As described on page 10 of the proposal, mud pits will be dug at each site to contain drill cuttings and fluids. Pits will be at least four feet deep. To ensure adequate burial of potentially acid/toxic materials the pits should be deeper than four feet so that placement of the waste is below four feet.

Findings:

Information provided in the proposed amendment is not considered adequate to meet the requirements of this section. Prior to approval, in accordance with:

R645-202-236, the proposal must allow for burial of potentially acid/toxic material below four feet of cover.

RECLAMATION PLAN

Reclamation Standards

Regulatory Reference: R645-202-242

Analysis:

Revegetation

Soil redistribution will be conducted after drilling at each site. However, seeding may be delayed until fall (page 14). Straw may be utilized at a rate of 2000 lbs/acre (page 13). The seed mix (page 13) includes a non-native legume (Melilotis officinale, yellow sweet clover). The seed mix may not reflect the native vegetation for each site as described in the SCS soil survey description of Croyden loam and Midfork family-Commodore complex soils.

Findings:

Information provided in the proposal is not considered adequate to meet the requirements of this section. Prior to approval, in accordance with:

R645-202-242. the proposal must state that seeding and mulching will immediately follow the subsoil and topsoil redistribution at all disturbed sites.

R645-202-242.100, the seeding mix included in the proposal should not include Melilotus officinale.

TECHNICAL ANALYSIS:

ENGINEERING

Regulatory Reference: R645-202.232,235,236

Analysis:

The permittee needs to address the current conditions of the pre-existing roads to the drill sites and identify any roads abandoned from pre-existing exploration drill sites.

The permittee needs to define minimized road upgrade by road.

Section R645-202-232, dealing with roads, has not been addressed.

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Findings:

The information provided in the exploration permit is not considered adequate to meet the requirements of this section. Prior to approval, the permittee must provide the following :

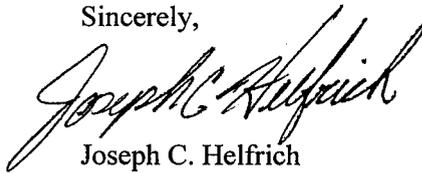
The Permittee must provide written consent from all landowners for the proposed exploration activities.

The permittee needs to define the current conditions of roads being used and identify roads that were abandoned from pre-existing exploration.

The permittee needs to address the regulatory requirements of section-R645-202-232 listed under the performance Standards section for coal exploration .

If you have any questions, please call.

Sincerely,



Joseph C. Helfrich
Permit Supervisor

tat
cc: Ranvir Singh, OSM
Richard Manus, BLM
Mark Page, Water Rights, w/o
Dave Ariotti, DEQ, w/o
Bill Bates, DWR, w/o
David T. Terry, SITLA, w/o
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