

*orig mine file
C. S. Whitehead*

United States Department of the Interior
 OFFICE OF SURFACE MINING
 Reclamation and Enforcement
 BROOKS TOWERS
 1020 15TH STREET
 DENVER, COLORADO 80202
 MAR 19 1985

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MAR 22 1985

DIVISION OF OIL
GAS & MINING

Mr. Reed C. Christensen, Forest Supervisor
 Manti-La Sal National Forest
 599 West Price River Drive
 Price, Utah 84501

*AC 1015/1004
#2*

Dear Mr. Christensen:

The Office of Surface Mining (OSM), Western Technical Center, has received your concurrence comments regarding the Huntington Canyon No. 4 Mine dated February 22, 1985. We have noted your comments and made the appropriate changes.

The following discussion provides specific responses to your comments:

1. "The temporary seed mix, as proposed by Beaver Creek Coal Company, is found in Table 3-1.

"The Forest Service recommends the following seed mix..."

Beaver Creek Coal Company is engaged in final reclamation of the Huntington Canyon No. 4 Mine; therefore, the issue of the temporary seed mix is moot.

2. "In general, the benches are not as wide in comparison to the highwall as shown in Figure 3-6. The benches should be obliterated as much as is physically possible by expanding areas 1 and 2."

Beaver Creek Coal Company has committed on pages 3-61 and 3-62 to reduce the highwall heights along the pad and road using downslope material to backfill. Totally backfilling the road and pad to the original contour will not be feasible due to the steepness of the slopes in these areas. Instead, the applicant will achieve geomorphic and geotechnical stability at a reduced slope.

3. "Until the reclaimed channel as shown on Plate 3-9 has been stabilized, water in the channel should be diverted into the lower sediment ponds."

Plate 3-9 indicates that the entire length of the reclaimed channel will be lined with rip-rap, the size based upon a 100-year, 24-hour storm event. The rip-rap is sufficient to stabilize the reclaimed channel. There would be significantly more environmental damage from constructing new diversions to the lower sediment ponds.

species diversity. Smooth brome is an allelopathogen. The grasses in the seed mix have been reduced to 12 pounds/acre PLS and the shrub mix includes Oregon grape, raspberry, and Woods rose. The company also includes willow cuttings and seedlings of other woody plants. OSM and the Division of Oil, Gas and Mining agree that the proposed revegetation plan is acceptable.

14. "If such a subsidence report as mentioned above has been completed, the Forest Service will need two copies. The subsidence and hydrologic monitoring program, as agreed to by Beaver Creek Coal Company and the Forest Service, is still in effect.

"The decision of determining the time when the subsidence program is no longer a necessary requirement rests with the Forest Service. This program is part of the Special Stipulations required by the Forest Service, and is found in the lease agreement. This stipulation cannot be waived or modified by any Federal or State agency without written approval of the Forest Service."

Stipulations or conditions developed under SMCRA are not designed to waive or modify stipulations in the BLM coal leasing program. The SMCRA permit specifically states in Sections 1 and 2 that the permittee is required to comply with the Federal Coal Leasing Act and conditions of the leases. Stipulations or conditions for SMCRA permits and coal leases are independent of each other. The stipulation in the draft technical analysis (TA) was designed to provide the regulatory authority with specific information not covered under the stipulation in the lease. Therefore, the termination of the monitoring information required under the lease will be determined by the BLM and the Forest Service, and termination of SMCRA stipulations or conditions will be determined by the SMCRA regulatory authority.

15. "The powerline mentioned above (in the draft TA) is owned by Utah Power & Light Company. A Special Use Permit was issued by the Forest Service May 3, 1976,"

The portion of powerlines from the substation onto the permit area will be removed as proposed by Beaver Creek Coal Company in the permit application and as required under UMC 817.181.

10. "Hedysarium occidentale var. canone is present in Huntington Canyon (Emery County). This species is a candidate for listing as threatened, and should be discussed in the text."

Hedysarium occidentale var. canone is addressed in the state's technical analysis and OSM's environmental assessment and biological assessment. The Endangered Species Office (FWS) has concurred with OSM's biological assessment.

11. "The 54 pounds of seed per acre is too much. We recommend 12-15 pounds per acre. A cover crop is not recommended with the use of hydro-mulch."

As of January 14, 1985, Appendix 8 was changed to reflect lower seed mix rates (approximately 12-15 pounds per acre). A cover crop was proposed only when the spring seeding season was missed and the company had to wait for fall seeding season. The company has not indicated an intent to use both a cover crop and hydro-mulch.

12. "We recommend that they (tree seedlings) be containerized stock."

OSM has no technical or regulatory basis to require the company to implement your recommendation to use containerized rather than bare root stock. It is up to the company to assure that revegetation success of the reclaimed area meets the standards under UMC 817.97 and 817.111-.117.

13. "This section indicates seed mixtures proposed for the riparian areas. The Forest Service recommends the following seed mixtures..."

"Salix exigua exigua and Populus angustifolia should be planted using bare root stock. This is in addition to the seed mixtures already proposed."

As of January 14, 1985, Appendix 8 was changed to include a seed mix identical to that recommended by your office, with the exception of Bromus inermis (smooth brome). We recommend to all coal companies that smooth brome not be use when the objective of reclamation includes

4. "The two plates and two figures do not show that the natural drainage channel will be reestablished and rip-rapped. The drawings need to include more detail to indicate that the natural channel has been reestablished and rip-rapped, or delete the references for the two plates and figures."

Although the two plates and figures may not specifically illustrate the reestablishment and rip-rap as discussed in the text, the commitment in the text is sufficient to satisfy SMCRA.

5. "We recommend that prior to smoothing and recontouring that will make the area compatible with postmining land uses, coal dust and other mine wastes be disposed of properly."

Beaver Creek Coal Company has addressed the disposal of coal and non-coal waste throughout section 3.3 of the permit application. If Beaver Creek Coal Company fails to properly dispose of their waste materials, it will become an enforcement issue.

6. "The Forest Service is working with Beaver Creek Coal Company and some private landowners on obtaining two right-of-ways. The establishment of the right-of-ways ..."

Since there is no documentation that the landowners want the road or will accept responsibility for maintenance of the road at the time of this permit application, OSM must require Beaver Creek Coal Company (BCCC) to reclaim the road as proposed in the permit application. BCCC may propose a revision to the reclamation plan for the road following approval of the permit.

7. "We recommend that the fence posts be spaced 12 feet apart with two stays between each post, so the fence will have a better chance of standing at the end of the winter season."

The fence is part of the reclamation plan. As such, it is the permittee's responsibility to properly design and maintain it to serve the intended purpose. Should the fence fail, it becomes an enforcement issue.

8. "A gate is located in the SE1/4SW1/4SE1/4 of Section 17, T16S, R7E, S.L.M. of Utah. We recommend that this gate be left in place until the reclamation above it is completed."

OSM concurs with USFS's recommendation to leave the gate in place until reclamation is completed and vegetation is permanently established. A condition to the permit will be developed to assure that the gate is retained to protect the reclaimed area.

9. "There are currently five species of plants listed by the U.S.D.I. as threatened or endangered in Utah."

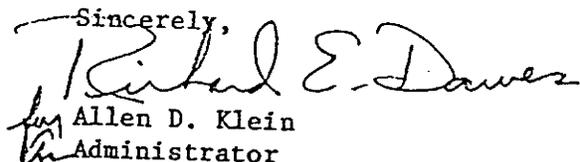
OSM has been in communication with the Endangered Species Office (U. S. Fish and Wildlife Service) and received clearance for Huntington Canyon No. 4 minesite.

16. "Delete Special and insert Road" on page 43.

We have made the appropriate changes in the current technical analysis to distinguish between the Road Use Permit and the Special Use Permits as requested.

If you have any questions contact either Mark Humphrey or Walter Swain at (303) 844-3806.

Sincerely,


Allen D. Klein
Administrator
Western Technical Center

cc: Robert Hagen, OSM-AFO
Dr. Dianne Nielson, DOGM
Ed Browning, USFS