



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

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September 26, 1994

Mr. Lee Edmonson, Properties Division  
Cal Mat Company  
1801 University Drive  
Phoenix, Arizona 85034

Re: Field Meeting, Cal Mat Company, Hidden Valley Coal Company, Hidden Valley Mine, ACT/015/007, Folder #2, Emery County, Utah

Dear Mr. Edmonson:

This letter has reference to our field meeting of August 31, 1994 held at the Hidden Valley Mine.

The morning meeting was a technical meeting with Susan White and Joe Jarvis reviewing and observing the reference area to determine if the area should be changed, expanded, or remain. Also preliminarily discussed some of the other vegetation issues. The conclusions reached are as follows:

- Four or five different areas were looked at to be used as linear transect reference areas. Approval of areas will only be considered after data collection and analysis and range condition classification.
- Augmentation of existing vegetation through gouging and seeding of site collected seed was discussed.

The goal of the afternoon meeting included: (1) observing the reclaimed Hidden Valley Mine and key environmental control measures; (2) progress report by you and your consultant, and; (3) discussion of pending compliance actions. I appreciate the opportunity to get reacquainted with your reclaimed site. Also, was encouraged by your and JBR efforts since our meeting of July 21, 1994.

Compliance issues are still a high concern. Compliance issues identified as Item 4 in my letter of July 29, 1994 are as follows:

"Item 4 - Compliance issues that need attention."

- (a) update map, include silt fence that provides sediment control on the borrow area.

- (b) update map on buffer zone and disturbed area including reclaimed road outslope.
- (c) relocate disturbed markers and buffer zone signs.
- (d) final design on seven diversions, five of which were issues associated with a federal TDN.
- (e) incorporate items a, b, and d into amendments to the Hidden Valley Mining and Reclamation Plan.

The updates on compliance issues are as follows:

- Item 4-a: You have complied and provided the required map.
- Item 4-b: You have not complied with my directives (letter of July 29, 1994).
- Item 4-c: You have not complied with my directives (letter of July 29, 1994).
- Item 4-d: We have reconsidered our position in light of the recent submissions and discussions; more specifically, what was required by TDN #X94-020-190-001 TV1. The erosion control measures appear to have performed very well as evidenced by runoff from recent rain storms. Please update your August 15, 1994, reclamation plan amendment to more closely tie with the aforementioned TDN relating to erosion rather than other alternatives as previously discussed. Please submit your update amendment on item 4-d by September 30, 1994.
- Item 4-e:
  - a) You are in compliance and amended map has been submitted.
  - b) You have not complied with my directives (letter of July 29, 1994).
  - d) You are in compliance, please provide by September 30, 1994 as mentioned above an updated plan in lieu of your August 15, 1994 submission.

On Item 4, (b), (c), and (e) b, if I understand your position, you were of the opinion that the matter of perimeter markers (disturbed markers) and buffer zone signs (markers) was linked to vegetation. Further, that the perimeter marker and buffer zone sign compliance matter should be held in abeyance until vegetation issues are resolved on the road outslope and on the Ivie Creek encroachment approved area.

Mr. Malencik stated the matter of signs and markers issues are stand alone issues, as covered in the Utah Coal Rules and are not discretionary. He provided you a copy of the regulations at our field meeting. Under the circumstances, he stated that the August inspection was completed before the deadline date and proposed compliance as a result was not under taken in August. However, he stated he would have no recourse but to cite the violation on buffer zone and perimeter markers in his September inspection. I agreed to obtain a legal opinion on this matter as related to the possible linkage to vegetation as you view it. As soon as I receive such an opinion, I will promptly notify you of my final decision. I will secure such an opinion before the September inspection.

Wanted to let you know the staff member that I have assigned the lead role on the seven issue categories (Refer to Attachment I, my letter of July 29, 1994).

- Issue I: Division will not take any action on these three matters at this time in light of documented conclusions that are contained in the official record.
- Issue II: Bill Malencik
- Issue III: Bill Malencik
- Issue IV: Susan White
- Issue V & VI: Tom Munson
- Issue VII: Lowell Braxton

Please advise me should the contents of this letter not cover the highlights of our August 31 meeting.

Very truly yours,



James W. Carter  
Director

WJM:sd/mbm  
cc: Ed Settle, Consolidated Coal Company