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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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DATE: June 17, 1994

15/07

TO: Attendees
Files

FROM: Wm. J. Malencik, Reclamation Specialist *WJM*

RE: Hidden Valley Briefing Meeting & Management Conclusions

Date of Meeting: June 13, 1994

Place of Meeting: DOGM office, SLC, Utah

Who Attended: DOGM: Jim Carter, Lowell Braxton, Pam Grubaugh-Littig, Joe Helfrich, Daron Haddock, Scott Milovich, and Bill Malencik

AG: Bill Richards

Why Meeting Held:

- (1) To answer single question "business as usual or consider new initiatives?"
- (2) To discuss current issues and potential issues including issues on Phase II bond release and classifying them as:
 - (a) to consensus or non-consensus issues;
 - (b) to whether or not corrective action is necessary.
- (3) To discuss where consensus is wanting and agree on a process in order to bring about consensus or whatever may follow.
 - (a) internal meeting - DOGM, AG (6/13/94)
 - (b) external meeting - DOGM Management, Permittee Management

What Issues Were Discussed: (June 13)

I. Backfilling and Grading

- (1) Highwalls, A & B Seams
- (2) Approximate Original Contour, Cutslope Road
- (3) Reclaimed Road Bed

II. Roads/Wells

- (4) Roads to Seven Wells/Wells
- (5) Public Vehicle Encroachment on Reclaimed Road

III. Signs and Markers

- (6) All Disturbed Areas Not Properly Marked, Maps Do Not Properly Depict Disturbed Areas
- (7) Buffer Zone Areas Not Properly Marked

IV. Vegetation

- (8) All Disturbed Areas Not Seeded and Mulched
- (9) Seeded Areas Show Poor Vegetal Establishment
- (10) Division Provide Policy to Permittee in Writing Prior to Joint Meeting on How Vegetation Parameters Will Be Measured and Quantified as Related to Phase II Bond Release and Compliance
- (11) Poisonous Plant Establishment on Reclaimed Site
- (12) With Xerophytic Environment, Et Al, Will Vegetation Provide Adequate Erosion Control/Sediment Control, Phase II Bond Release Parameters? If Not, Then What?

V. Runoff Control

- (13) Undisturbed Runoff Interfacing With Disturbed Runoff
- (14) Water Bars

VI. Erosion and Sediment Control

- (15) Road Outslope
- (16) A & B Seam
- (17) Borrow/Staging Area

VII. Bond Clock

- (18) Further Reclamation Work That Will Start Bond Clock.

CONCLUSIONS:

1. New initiatives are necessary on most issues. Permittee developed an action plan by focusing on Phase II Bond Release requirements and then on the ground compliance on consensus issues.
2. Establish a process with the permittee on issues where consensus is wanting in order to validate right from wrong. Follow up solution if necessary, will involve technical inputs from both sides and played back against the rules/standards ie., Phase II Bond Release & Compliance. Then incorporated into an action plan by the permittee.

3. Issues. Eighteen issues are to be discussed with the permittee. Some requiring action and others no action at this time.

Issues (1), (2), & (3): Discuss with permittee these are Phase I issues. Phase I Bond Release has been approved. The need to maintain good records of past findings and decisions in event such issues arise in Phase II Bond Release cannot be over emphasized. Take no action at this time.

(4) Roads to seven wells, permittee update MRP as to road ownership. Three wells have been sealed and four are pending, proof of use extension granted by State Engineer. Maintain good records on sealed wells.

(5) Continue to monitor vehicle encroachment on reclaimed road. Recent barriers may correct problem. No further action at this time.

(6) Update map to properly reflect all disturbed areas. Install disturbed markers at the interface of the disturbed/undisturbed areas.

(7) Properly mark stream buffer zone approved encroachment area.

(8) Seed and mulch all disturbed areas, road outslope and buffer zone areas or obtain approval for other alternatives that square with the Utah Coal Rules.

(9) Reseed all previously seeded areas where vegetation will not meet Phase II Bond Release Standards and Compliance Standards.

(10) Division and Permittee technical personnel re-evaluate past findings with permittee and Division management on vegetation measurements and quantifications, as a prerequisite to Phase II Bond Release and compliance. If difficulties are uncovered ground truth right from wrong.

(11) How poisonous plants (Halogeton) will be addressed as related to Phase II Bond Release.

(12) If vegetation will not control erosion/sedimentation on the road outslope and the A & B seams, what additional water control practices should be implemented? Consideration by Permittees technical staff for his input into the action plan as needed.

(13) The matter of undisturbed runoff interfacing with disturbed may be a key to successful Phase II Bond Release. Additional technical inputs are needed for management consideration. Current work on seven gullies and succeeding evaluation of this project may assist in finding an acceptable solution.

(14) Water bars and problems associated therewith can be incorporated into issue (13) above.

(15) Runoff and erosion control needs to be refocused in terms of Phase II Bond Release. While maintenance/diversion construction may solve compliance problems what is that outlook as related to Phase II bond Release?

(16) A & B seam erosion/sedimentation control can be addressed with issue (15).

(17) The borrow/staging area has been seeded. The area does not have inclusive sediment control. JBR on behalf of the permittee is installing a silt fence and updating records.

(18) Bond Clock. When the solutions, as necessary, to items 4 - 17 are concluded this will provide a platform to look at the bond clock issue. Furthermore, the current rules on husbandry practices will also set the standards for such deliberations. The key is the current status of (1) erosion/sedimentation and runoff control and, (2) vegetation - species, composition, density, and productivity.

Follow up:

While follow up items were briefly discussed, no assignments were made, and I took the liberty to do so:

- (1) Schedule meeting with Lee Edmonson (Malencik).
- (2) Obtain more information on vegetation as a function Phase II, Phase III, or both* (White)
- (3) After meeting with permittee, prepare a record covering follow up: (Malencik/Edmonson)
 - (a) Consensus issues
 - (b) Non-consensus issues
 - (c) Process to achieve agreement on non-consensus issues

*Draft OSM guidelines provide vegetation as part of Phase II Bond Release, however, a separate statement infers some vegetation issues could be carried over to Phase III Bond Release if not satisfied in Phase II. The statement itself leaves some unanswered question. Phase II guidelines cover sedimentation yields/erosion and vegetation.

It would appear vegetation requirements should be met in Phase II for obvious reasons unless there are compelling reasons for delays on small areas. The key question is whether Phase II approval can be made under such circumstances with some vegetation items carried over to Phase III.

- (4) Developing criteria when vegetation failure (a) becomes a compliance matter or (b) becomes a bond release matter or (c) both.^b (Carter)
- (5) Exchange in writing a listing of issues with the permittee as a pre-requisite for the DOGM Mgt/Permittee meeting. (Malencik)
- (6) Prepare corrective action plan. (Permittee)
- (7) Review and concur in the action plan. (Division)
- (8) Please review and if you do not concur with the above please write your suggested version on each concerned item and send it to me. (Attendees)

^bHave ball park Division position before meeting with Edmonson.