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

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February 1, 1994

TO: Joe Helfrich

FROM: Susan M. White, Senior Reclamation Biologist SMW

RE: Reclaimed Road, Hidden Valley Coal Company, Hidden Valley Mine, ACT/015/007, Folder #2, Emery County, Utah

SYNOPSIS

A portion of the reclaimed road at the mine site had been driven on by off road vehicle users. The use established a two track road. The permittee was notified that this use was not as stated in the post mining land use. Subsequently, the permittee blocked access to the road and has committed to monitoring and revegetation in the fall if natural invasion has not occurred.

ANALYSIS

My December 2, 1993 inspection of the Hidden Valley Mine reported a two track from the end of the pavement to the first water bar. The permit states (page 24-a) that barriers and roughened condition of the road will prevent vehicle access. Additionally, on page 8 of the permit a statement is made that "the approximately 6.7 acres of disturbed land will be fully reclaimed."

The inspection report from this December 2, 1993 inspection stated that the operator should eliminate access to the two track by erecting some type of barrier. Additional, the area should be ripped and seeded in the fall of 1994 according to the approved permit.

The Division received a letter from the operators representative, JBR, dated January 18, 1994, stating that the two track road entrance had been barricaded with 16 metal fence posts. The letter also states that they will monitor the two track and in September a joint DOGM and JBR inspection be conducted of the site. If recolonization has not sufficiently occurred, base on a joint DOGM - JBR decision then the area will be reseeded.

The operators representative also requested that any needed reseeding be considered as a repair effort and not as a reseeding effort in regards to the bond liability period. The regulations provide no latitude in this regard. R645-301-357 states that the extended responsibility period will begin after the last year of augmented seeding. The Division's response must be that any reseeding will restart the bond clock unless they qualify as an approved husbandry practice (to date no husbandry practices have been approved in the Utah program). The last reseeding effort at the site was in 1989. The repair of rills and gullies at the site has continued to as recently as Fall, 1993 (the repair of rills and gullies was determined not to be a normal husbandry practice unless included in the states approved practices by the District Court in the District of Columbia, 31 ERC 1617 June 8, 1990 in National Wildlife Federation v. Interior Department).

RECOMMENDATION

The two track should continue to be monitored for natural recolonization until this fall when a decision will be made as to ripping and reseeding. The operator must be informed of the regulations concerning initiation of the bond clock. The operator should be notified that the period of extended responsibility began in Fall, 1993.