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FAX TRANSMISSION

Time: 9:50 AM/PM

Date: May 23, 1995

To: R. H. Malencik

Company: B.O.G.H.

From: Karla Knoop

JBR Environmental Consultants, Inc.  
FAX # 801-942-1852

Total number of pages (including cover page): 7

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Special Instructions or Comments:

FYI - see attached

Contrary to statements in the original reclamation plan, there is a small area of disturbed ground that has not been seeded, fertilized and mulched. While most of the disturbed ground was revegetated using such techniques as stated in the original plan, not all of those techniques were applied at the road fill slopes and the pad out slopes near Ivie Creek. Revegetation in those areas will be accomplished by other means. These slopes are, in general, at an angle-of-repose grade. They include extensive areas of boulder cover, on which the standard revegetation techniques are difficult to carry out and are inherently ineffective. Even where adequate growth medium is available, access results in material sluffing and runoff concentration because of the steep, long slopes.

Seed was apparently applied to the road fill slopes during original reclamation in 1986. No concerted reseeded was done on the slopes during subsequent site revegetation efforts in 1987 and 1989, but some seed may have been spread either purposely or inadvertently on isolated areas of the road fill slopes. Site observations show that some vegetation currently occurs in appropriate niches on the slopes. An evaluation of the necessity and/or applicability of reseeded the road fill slopes and the pad out slopes at this time has been made. Such an action does not appear warranted, as discussed below

First, portions of the slopes do not have adequate growth medium or water retention to produce vegetation. Any seeding efforts could only be applied in certain areas where material size and texture were adequate. If applied seed was to have any chance at survival, given the site's climate and growth medium characteristics, it could not simply be applied to the surface of the slopes. It would have to be mechanically turned in. The angle-of-repose slopes are impossible to access without causing sluffing, and covering the seed uniformly to an appropriate depth would also be impossible. Experience suggests that seed survival is difficult under the most ideal conditions at Hidden Valley, and would be extremely unlikely under conditions present at the out slopes. Further, these slopes are essentially stable due to the presence of rock and the formation of soil crusts. Vegetation is slowly becoming established where site conditions allow. Redisturbance of these areas - either by simply accessing them, or by mechanically disturbing the soil crusts - will likely result in destabilization, increased erosion, and loss of the existing vegetation, without any real possibility of increased vegetation due to reseeded. There is a much higher likelihood of degrading the slopes by reseeded efforts than there is of vegetation being established through such efforts.

Therefore, Hidden Valley Coal Company plans to achieve revegetation on the road fill slopes and the pad out slopes by allowing natural regeneration to continue. It is recognized that, while it may not be possible to achieve the reference area objective on the slopes as isolated parcels, the reclaimed area as a whole must achieve the cover requirements before the bond could be released.



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

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April 12, 1995

Lee Edmonson  
Properties Division  
CalMat Company  
1801 East University Drive  
Phoenix, Arizona 85034

Re: Inadequate Amendment, Hidden Valley Coal Company, Hidden Valley Mine,  
ACT/015/007, Folder #3, Emery County, Utah

Dear Mr. Edmonson:

The Division has completed a review of the materials submitted on February 27, 1995 which were intended to amend the Hidden Valley Reclamation Plan. At this time your plans are still considered inadequate and the amendment cannot be approved. The Division's analysis of the amendment is enclosed for your review and to aid you in correcting the inadequacies. Please review it carefully paying particular attention to the requirement section. You must address the requirements by no later than May 15, 1995.

If you have any questions, please call me or Susan White at 801-538-5340.

Sincerely,

A handwritten signature in black ink that reads "Daron R. Haddock".

Daron R. Haddock  
Permit Supervisor

enclosure

cc: K. Knoop (JBR)  
S. White  
B. Malencik  
P. Grubaugh-Litrig

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# TECHNICAL ANALYSIS REVISED PLAN AMENDMENT

HIDDEN VALLEY COAL COMPANY  
ACT/015/007-94A  
April 12, 1995

## RECLAMATION PLAN

### TOPSOIL AND SUBSOIL

Regulatory Reference: R645-301-232, -301-234, -301-242, -301-243

#### Analysis:

The proposed amendment (page 56-B) states that "portions of the slopes do not have adequate growth medium or water retention to produce vegetation". No plans for amending, locating or importing adequate growth medium is discussed in the amendment. Regulations R645-301-232.720 and R645-301-233.100 outline the requirements of using substitute material in order to fulfill the revegetation requirements of R645-301-356, when no available material can be located on site.

#### Finding:

The permittee must provide the following, prior to approval, in accordance with the requirements of:

R645-301-232.200, the amendment must demonstrate how an adequate growth medium will be obtained on the road fill slopes and pad outsoles in order to achieve the revegetation standards of R645-301-356.

### REVEGETATION

Regulatory Reference: R645-301-244, -301-353, -301-354, -301-355, -301-356

#### *Revegetation: Timing.*

#### Analysis:

The permittee states in the amendment that "seed was apparently applied to the road fill slopes during original reclamation in 1986". Testimony given by Frank Jensen (an employee of JBR Environmental Consultants, Inc.) under oath and whom was present at the time of reclamation, is contrary to this statement. This statement must be verified or otherwise removed from the amendment.

The pad outsoles near Ivie Creek and the road fill slopes were not seeded. The amendment states that the revegetation method used on the road fill slopes and the pad

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outslopes is natural regeneration. No site specific data is presented to verify that natural regeneration is a viable revegetation method for this mine site. The outslopes and fill slopes have been in the current condition for at least nine years. If regeneration is occurring at a reasonable rate for bond release then the data should be provided to the Division in support of this method.

**Finding:**

The permittee must provide the following, prior to approval in accordance with the requirements of:

**R645-301-354**, all disturbed areas must be planted during the first normal period for favorable planting conditions. The amendment must discuss when the road fill slopes and the pad outslopes will be seeded. An alternative may be to provide statistical data which will verify that the natural regeneration method of revegetation will achieve the success standard of R645-301-356. The statement that the road fill slopes were seed must be deleted.

*Revegetation: Mulching and other soil stabilizing practices.*

**Analysis:**

The amendment states that "redisturbance of these areas - either by simply accessing them, or by mechanically disturbing the soil crusts - will likely result in destabilization, increased erosion, and loss of the existing vegetation". No discussion is provided as to how the permittee will stabilize the slopes after seeding.

**Finding:**

The permittee must provide the following, prior to approval, in accordance with the requirements of:

**R645-301-355**, the amendment must address how a suitable mulch and other soil stabilizing practices will be used on all areas that have been regraded.

*Revegetation: Standards for success.*

**Analysis:**

The amendment states that natural regeneration will be used to revegetate, however the success standard for the road fill slopes and the pad outslopes near Ivie Creek may not be met. The permit describes the reference area (page 60) as steep rocky slopes. This

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reference site appears to favorably compare to the outslopes of the road and pad. No site specific site data is presented in the amendment that would indicate otherwise.

R645-301-353 only exempts the surface areas of roads and water areas from the establishment of a vegetative cover that is in accordance with the approved permit. Therefore, no exemption may be approved and the permittee must delete the reference to not meeting the vegetation standard.

**Finding:**

The permittee must provide the following, prior to approval, in accordance with the requirements of:

**R645-301-356**, success of the revegetation must be compared to the approved success standard, a variance to this performance standard is not allowed. Therefore, the reference to not meeting the standard must be deleted from the amendment.

**REQUIREMENT**

The permittee must address those deficiencies as found within this Technical Analysis and provide the following, prior to approval, in accordance with the requirements of:

**R645-301-232.200**, the amendment must demonstrate how an adequate growth medium will be obtained on the road fill slopes and pad outslopes in order to achieve the revegetation standards of R645-301-356.

**R645-301-354**, all disturbed areas must be planted during the first normal period for favorable planting conditions. The amendment must discuss when the road fill slopes and the pad outslopes will be seeded. An alternative may be to provide statistical data which will verify that the natural regeneration method of revegetation will achieve the success standard of R645-301-356. The statement that the road fill slopes were seeded must be deleted.

**R645-301-355**, the amendment must address how a suitable mulch and other soil stabilizing practices will be used on all areas that have been regraded.

**R645-301-356**, success of the revegetation must be compared to the approved success standard, a variance to this performance standard is not allowed. Therefore, the reference to not meeting the standard must be deleted.

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May 5, 1995

Lee Edmonson  
Properties Division  
CalMat Company  
~~1801 East University Drive~~  
Phoenix, Arizona 85034

Re: Extension of Time to Respond to Plan Inadequacies, Hidden Valley Coal Company,  
Hidden Valley Mine, ACT/015/007, Folder #3, Emery County, Utah

Dear Mr. Edmonson:

I have been made aware that certain issues outlined in our April 12, 1995 correspondence may warrant further discussion prior to your addressing them. In order to allow that discussion to occur, I have been authorized to grant an additional 30 days time to respond to the notice of inadequate amendment, i.e. June 14, 1995.

We look forward to working with you on resolving these issues. Please contact us in order to set up the needed discussions.

Sincerely,

A handwritten signature in black ink that reads "Daron R. Haddock".

Daron R. Haddock  
Permit Supervisor

cc: K. Knoop (JBR)  
S. White  
B. Malencik  
P. Grubaugh-Littig

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