

0032



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

Permit
Act/015/007

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January 24, 1995

TO: Lowell P. Braxton, Associate Director
FROM: Wm. J. Malencik, Reclamation Specialist *Wm J Malencik*
RE: Hidden Valley Status Report

The purpose of this memo is to provide you a progress report on those issue items where I have been assigned the lead role for the Division. My assignment along with assignments to others was documented in your memo of September 26, 1994 to Mr. Edmonson.

My assignments and status report are as follows:

Issue II--ROADS/WELLS

Item 4 ROADS TO SEVEN WELLS

What roads to seven wells, if any, were constructed by the Hidden Valley Coal Company? Met again with the permittee's representative the week of December 12-16, 1994. Prior to the meeting, discussed items 4 & 5 with Mr. Edmonson. The following are highlights of what has been done and proposed future actions:

- The operator consultant has contacted the state engineer and BLM to review their records concerning roads in the area contiguous to the wells. Have been advised that they are continuing this effort, besides reviewing their internal records.
- Suggested that (1) The BLM range survey photos and vegetation type maps that were used in vegetal surveys may show the Pre-SMCRA roads, and (2) Trappers, livestock permittee, and power company may be able to assist in this matter.
- Ms. Knoop and I plan to make a field trip to all roads leading to the seven wells this spring as soon as weather conditions permit. By that time, it would be advantageous to have information on how such roads evolved. Associated with sealing the three inactive wells, we have observed roads to the three capped wells, but not to the four active wells.

Post-It™ brand fax transmittal memo 7671		1-26-94	
To	Co.	From	# of pages
<i>WJM</i>		<i>BILL</i>	<i>8</i>
Dept.	Phone #	Fax #	

●Three of the wells are capped with no further planned use by the coal permittee. Four of the wells are still active and proof of use has been extended by the State Engineer.

●The longer the delay, the more difficult it will be to determine who constructed what roads. Furthermore, some roads may have not been constructed but evolved through repetitive vehicle use.

Item 5 PUBLIC VEHICLE ENCROACHMENT ON RECLAIMED ROAD

The steel post barriers installed by the permittee are currently effective in controlling vehicle traffic to the reclaimed upper road.

Issue III-SIGNS AND MARKERS

Item 6 DISTURBED AREA MARKERS

Disturbed markers have been properly installed at the interface of the disturbed and undisturbed areas. The areas include road outslope and disturbed area contiguous to Ivie Creek.

The permittee submitted an amendment, including map, depicting the location of the remarked disturbed area.

Item 7 BUFFER ZONE AREAS

Buffer zone area contiguous to Ivie Creek has been remarked in the field. An amendment including map has been submitted to the Division to reflect this matter.

Issue IV VEGETATION (White)

Item 8 ALL DISTURBED AREAS NOT SEEDED AND MULCHED

As related to compliance, the current approved MRP contains a commitment that the operator would seed and mulch the road outslope. This is an outstanding commitment. Further, unless the permittee complies with the commitment or submits an amendment on approvable alternatives, this will evolve into a compliance issue. This was briefly discussed with the permittee; therefore, the permittee should proceed to live up to the commitment or make other proposals/amendments that would have a good chance of reaching the ultimate objective--vegetal and ground cover that would meet the reference area.

In closing, it is important to note the following:

- At the July meeting, a central theme was being proactive. Reaching joint understandings on phase II bond release requirement, including methodology, will be more effective than utilizing compliance as a tool to reach the joint goal of phase II bond release. Solutions to the 18 items are stepping stones to phase II bond release.
- Prior to the July meeting some of the technical staff was concerned that they were being excluded from the July meeting. As a result thereof, they had a meeting with the Director.
- The July meeting's only purpose was to identify jointly issues from a management perspective. Furthermore, the meeting was not structured to discuss technical matters relating to issue identification. The July meeting was conducted as structured.
- After consensus had been reached on the issues, assignments were made to jointly work toward reaching solutions to problems and Phase II Bond Release goals. Such assignments were made to the Division technical staff and others.
- Keeping good record on meetings, progress, and conclusions are a keystone to keeping this project on line. If conflicts arise, additional management direction may be needed. This can not be determined until management receives feedback.
- The Price Field office records do not reflect any meeting results other than those I have ghost written.
- This progress report is intended to provide you feedback on my assignment, what has been accomplished, and some insight to future actions.
- Believe the matter is ripe for a review to see what has been accomplished and set the stage for additional effort in the coming field season.

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L. Braxton
HVCC Status Report
January 24, 1995

●I'm sending a copy of this memo to Mr. Edmonson because he too may want to document accomplishments and discuss with management plans for the coming field season.

sd

Enclosures: Seven Issues/18 Items
 September 26, 1994 Letter to Edmonson

cc: D. Haddock, DOGM
 J. Helfrich, DOGM
 L. Edmonson, HVCC
 K. Knoop, JBR

bc: Ed Settle



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September 26, 1994

Mr. Lec 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.



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- (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.

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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 undertaken 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

Division of Oil, Gas and Mining
Hidden Valley Mine Issues Relating to Compliance and/or Bond Release Matters

- 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**