

December 6, 1983

Memo to Coal File:

RE: AVF Determination  
Emery Deep Mine  
ACT/015/015, Folder No. 2  
Emery County, Utah

On December 6, 1983, Lou Hamm of OSM called summarize their (OSM) meeting with Consol with regards to the Emery Deep Mine.

OSM has made a positive AVF determination for Quichupah Creek and Christiansen Wash which includes ca. 2/3 of Consol's proposed permit area. Consol agrees with the determination for Quichupah Creek but not for Christiansen Wash, based on the fact that the perenial flow is maintained due to agriculture returns via a canal system from Muddy Creek. However, because the water diversion is a regional agriculture related practice, by definition it makes it an AVF. Consol is considering court action on this matter. OSM told Consol AVF areas included in the 1976 permit would be grandfathered.

On AVF areas that are to be grandfathered, Consol may mine under these areas, but if they disrupt the AVF or agriculture, they must mitigate the impacts immediately.

  
LYNN KUNZLER  
RECLAMATION BIOLOGIST

LK/jvb

cc: Dave Darby, DOGM  
Dave Lof, DOGM