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STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

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January 14, 1986

Mr. Frank Holt  
State Conservationist  
U. S. Soil Conservation Service  
P.O. Box 11350  
Salt Lake City, Utah

Dear Mr. Holt:

Re: Request for Comment on Soil Reconstruction for the Emery Deep Mine, ACT/015/015, Folder No. 3, Emery County, Utah

I request your assistance in reviewing the soil reconstruction comments submitted by Consolidation Coal Company for prime farmlands within the Emery Deep Mine's permit area to ensure they comply to U.S. Soil Conservation Service standards.

Regulation UMC 785.17(c), Prime Farmlands, of Utah's Coal Mining and Reclamation Act, Title 40-10, Utah Code Annotated 1953, requires review and comment by the U. S. Soil Conservation Service for soil reconstruction methods employed by coal mining operations on prime farmlands before a permit can be approved by the Division of Oil, Gas and Mining and the Office of Surface Mining. Currently the mine plan for the Emery Deep mine has been conditionally approved. A special condition denies Consolidation Coal Company from mining under prime farm land areas designated on plate 8-3 of the Emery Deep mine plan application until the soil reconstruction methods are reviewed by the Secretary of Agriculture, through the Utah State Conservationist of the U.S. Soil Conservation Service, in accordance with Regulation UMC 785.17(c).

Prime farmlands have been delineated on the permit area of the Emery Deep mine site. Subsidence has taken place on some prime farmlands and will most likely continue in other areas. Most of the prime farmland is considered exempt from reconstruction standards since the mine was operating under an authorized permit prior to August 8, 1977 (regulation UMC 785.17(a)). However, the applicant will be required to reconstruct prime farmlands in these areas to meet post mining land use, in accordance with UMC 823, and any designated prime farmlands outside the grandfathered area that may be disrupted.

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The applicant has proposed measures that will be taken to reconstruct areas (enclosed) that may be affected by subsidence, and in fact, has done so at two sites where farmland was subsided due to mining activity.

Basically, the operator's proposals for reconstruction of prime farmlands are:

1. Remove and stockpile topsoil of affected area, regrade to suitable topography to restore natural drainage, respread topsoil and revegetate area (Final Technical Analysis Response, May 18, 1984).

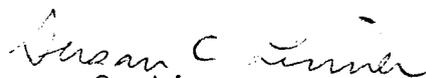
2. The operator will mitigate any damages caused by subsidence as agreed upon by the applicant, the regulatory authority (DOGM) and/or the land owner. The operator would either rehabilitate each materially damaged structure to the extent technologically and economically feasible, purchase the damaged feature for its pre-subsidence market value or compensate the owner for any material damage (Part 12.4.3.2, Subsidence Mitigation Plan, Emery Deep Mine Plan).

3. The operator will establish a list of items for consideration to arrive at a timetable which maximizes a successful mitigation plan and offers maximum benefits and minimum inconvenience to the landowner (Response to Stipulations, May 31, 1984).

Would you please examine the enclosed correspondence submitted by the applicant and make any comments you think necessary.

Thank you for your time. If you need any more information or assistance please contact Dave Darby or myself anytime.

Sincerely,

  
Susan C. Linner  
Reclamation Biologist/  
Permit Supervisor

DWD:jvb  
Enclosure