

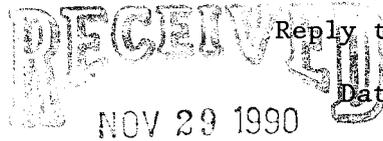
Mine bib
 Lim G. C. LHA

United States
 Department of
 Agriculture

Forest
 Service

Manti-LaSal
 National Forest

599 West Price River Dr.
 Price, Utah 84501



Reply to: 2820

Date: November 27, 1990

Lowell Braxton
 State of Utah Natural Resources
 Division of Oil, Gas and Mining
 355 West North Temple
 3 Triad Center, Suite 350
 Salt Lake City, Utah 84180-1203

DIVISION OF
 OIL, GAS & MINING

RE: Five-Year Renewal, Utah Power and Light Company, Des-Bee-Dove Mine,
 ACT/015/017, Folder #2, Emery County, Utah

Dear Lowell:

We have reviewed Utah Power and Light Company's updated materials and responses to our August 14, 1990, comments. The following issues still need to be resolved:

1. Toxic or Acid-Forming Materials

On page 4-65, the operator revised the MRP to adequately address this concern by stating that toxic or acid-forming materials would be disposed of at an approved disposal facility. On pages 4-76 and 4-88, it is stated that toxic and acid-forming materials will be buried. This statement can be interpreted to mean that they will be buried potentially on National Forest System lands. Revision of pages 4-76 and 4-88 is needed to provide consistency.

2. Mitigation of Subsidence Damage Effects

The operator has addressed our comments, but additional clarification is needed as follows:

The operator states on pages 4-151 and 4-152 that material damages to surface resources will be repaired to the extent technologically and economically feasible. The Forest Service has not consented to mining beneath perennial streams or to allowing mining which could induce escarpment failures. Lease stipulations prohibit such activities unless specifically proposed and approved by the responsible regulatory agencies. Escarpment failures should be specifically

discussed. If the mine plan has been designed to prevent escarpment failures, as required by lease stipulations, this should be specifically stated in this section. If mining which could cause escarpment failures is proposed, this must be specifically addressed so an evaluation can be conducted.

On page 4-152, the operator commits to replacement of water identified for protection in accordance with a plan to be approved by the Division. This discussion adequately addresses our concern, however, a correction is needed on page 4-157 for consistency. It is stated on this page that water replacement, if needed, would be accomplished by construction of guzzlers. Guzzlers may be sufficient in some cases, but as stated on page 4-152 the method of replacement is subject to approval of the Division in consultation of the surface management agency.

3. Raptor Nests Mitigation Plan

The operator responded to our concern for protection of golden eagle nests by deleting the discussion on possible impacts to nest site number 56. The MRP shows that golden eagle nests are present in the permit area. Since golden eagles are a protected species, the operator must determine if impacts could occur. If the determination shows that there is potential for impacts, adequate measures must be taken to prevent them as approved by the responsible agencies. If the determination is that impacts will not occur, documentation is needed to substantiate this determination.

4. Cottonwood/Wilberg/Des-Bee-Dove Haul Road

The reclamation plan does not provide for asphalt removal and reclamation of the mine access road from the tippie yard south to the Manti-La Sal National Forest boundary. The mine access road which presently exists on National Forest System lands has been authorized by a Forest Service special-use permit. The operator states that this road will be left after reclamation to allow access to the private land. Emery County claims the Danish Bench Road to its junction with the Des-Bee-Dove Haul Road (junction road) and have indicated that they do not intend to obtain a right-of-way to extend it into the National Forest. The operator must commit to one of the two following scenarios in regard to the road when the mine is reclaimed:

- a. The road should be reclaimed leaving only a livestock trail to provide for livestock trailing to the top of East Mountain. The Forest Service determined that the only need for access for management of National Forest System lands is for livestock trailing.

- b. The road can be left to a standard needed to provide access to UP&L Company's private lands. Under this scenario, UP&L Co. would be required to renew their Forest Service special-use authorization and commit to maintenance of the road needed to provide for private land access, public safety, and resource protection. Under the permit, they would be required to submit a plan for reclamation of the road when it is no longer needed. In addition, a bond would be required to ensure maintenance and reclamation.

5. Reclamation Seed Mixes

As stated in our August 14, 1990 letter, we feel that the seed mixes need some revisions, however, our concerns have generally been addressed because the MRP states that revisions will be made based on monitoring of the test plots. Our remaining concern is that the final reclamation seed mix contains several plant species which are not included in the test plot seed mix shown on page 4-90.

The above issues need to be resolved before the 5-year renewal can be approved. Please keep us informed as to the review status.

Sincerely,



for
GEORGE A. MORRIS
Forest Supervisor