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ACT/015/C A

11/11/81



United States Department of the Interior
OFFICE OF SURFACE MINING
Reclamation and Enforcement
BROOKS TOWERS
1020 15TH STREET
DENVER, COLORADO 80202

copy attached
to appropriate
individuals.

7 OCT 1981

RECEIVED
OCT 13 1981
DIVISION OF
OIL, GAS & MINING

JIM
OCT 14 1981

Mr. James W. Smith, Jr.
Coordinator of Mined Land Development
Division of Oil, Gas, and Mining
1588 West North Temple
Salt Lake City, Utah 84116

Dear Jim:

At your request, my staff has performed an Apparent Completeness Review (ACR) on Utah Power and Light's (UP&L) underground mines in Utah. These mines include the Deseret-Beehive-Little Dove (Des-Bee-Dove) Mine Complex, the Wilberg Mine, and the Deer Creek Mine. Based upon OSM's staff review (See Attachment I, II and III), I find the mining and reclamation plans to be incomplete and technically deficient. Since the three plans used much of the same information, the deficiencies in the three separate plans are similar to each other.

Comment by the Manti LaSal National Forest and the U.S. Geological Survey are attached to the respective apparent completeness reviews.

[REDACTED] Since your Division has final review of the product, I request that you honor this request.

If you have any questions in regard to this review, please contact Shirley Lindsay of my staff.

Sincerely,

Richard H. Schueneman for
Richard Dawes
Acting Deputy Administrator
Western Technical Center

Attachments

cc: Jackson Moffitt (w/attachments)
Reed Christensen (w/attachments)



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Comment by the Manti LaSal National Forest and the U.S. Geological Survey are attached to the respective apparent completeness reviews.

~~Mr. Robert Yuhke of the Environmental Defense Fund has requested a copy of the ACR for the Wilberg Mine when the review is complete.~~ Since your Division has final review of the product, I request that you honor this request.

If you have any questions in regard to this review, please contact Shirley Lindsay of my staff.

Sincerely,

Richard H. Schueneman for
Richard Dawes
Acting Deputy Administrator
Western Technical Center

Attachments :

cc: Jackson Moffitt (w/attachments)
Reed Christensen (w/attachments)

File ACT/05/08-A
Copy to Tom T.

JIM

OCT 14 1981

Deer Creek Mining and Reclamation Plan
Utah Power and Light, Emery County, Utah
Apparent Completeness Review

UMC 782.13 Identification of Interests

Figure 1-1 (Coal Ownership Map) identifies coal lease boundaries as well as the applicant's permit area boundary. Since all mines operated by the applicant (i.e. Wilberg, Deer Creek, and Des-Bee-Dove) are located on one map, it is impossible to locate the permit area for any one mine. The applicant should submit a map that locates the permit area for the Deer Creek Mine.

The applicant should discuss the current status of the exchange of PRLA's in Garfield County.

782.14 Compliance Information

No Comment.

782.15 Right of Entry and Operation Information

The applicant lists (pp. 1-5/10) the federal and private coal leases for operations at the Wilberg Mine and states that the leases have all been subleased or assigned to UP&L. The applicant should provide a description of the documents conveying the right of entry to UP&L.

782.16 Relationship to Areas Designated Unsuitable for Mining

No Comment.

782.17 Permit Term Information

The application contains several tables (Tables 1 through 3, p. 3-6) showing mining through 2014. This information is useful in understanding the total mining and reclamation plan; however, it must be pointed out at this time that unless the applicant specifically requests and justifies a longer permit term, it is assumed that the permit will be for five years.

782.18 Personal Injury and Property Damage Insurance Information

On page 1-30, the applicant describes that the insurance coverage will be maintained in full force and effect during the life of the permit or any renewal thereof. The applicant needs to: 1) include rider that the insurance company will notify OSM and Utah DOGM if substantial changes are made to the policy, 2) confirm that the applicant will keep insurance in effect through completion of reclamation operation, and 3) provide copy of renewal (policy expired 6/1/81).

782.19 Identification of Other Licenses and Permits

No Comment.

782.21 Identification of Location of Public Office for Filing of Application

No Comment.

782.21 Newspaper Advertisement and Proof of Publication

The applicant states (p. 1-19) that proof of publication will be filed within four weeks after the date of publication. Our records do not contain such a submittal.

783.12 General Environmental Resources Information

(See Cultural Resources.)

783.13 Description of Hydrology and Geology: General Requirements

No Comment.

783.14 Geology Description

No Comment.

783.15 Ground Water Information

No Comment.

783.16 Surface Water Information

It is requested that the applicant provide an estimate of sediment yield in order for the regulatory authority to determine postmining impacts. This estimate can be obtained from the sediment volume accumulation in the existing sedimentation pond.

783.17 Alternative Water Supply

The applicant proposes (p. 2-88) to divert water from adjacent springs into areas where other springs may have stopped flowing. The applicant must demonstrate ownership of sufficient water rights to accomplish this diversion.

783.18 Climatological Information

No Comment.

783.19 Vegetation Information

The baseline survey is inadequate and incomplete. The following areas are inadequate: the cover sampling method used (i.e. step-point transect) and the reference area size. The following information must be provided by the applicant: 1) species cover estimates; 2) threatened and endangered plant species survey methods; 3) production sampling procedures to be employed at the time of bond release testing; 4) shrub density methods and/or data; 5) reference area range condition; and 6) baseline information and reference area for the riparian community.

783.22 Land Use Information

The applicant must provide the following information: 1) range condition assessment procedures, 2) the capabilities of the land in the permit area, and 3) productivity of the permit and especially of the affected area.

783.24 Maps: General Requirements

No Comment.

783.25 Cross Sections, Maps, and Plans.

No Comment.

783.27 Prime Farmland Investigation

The regulatory agency agrees that the Deer Creek Mine site does not qualify as prime farmlands.

784.11 Operation Plan: General Requirements

No Comments.

784.12 Operation Plan: Existing Structures

No Comments.

784.13 Reclamation Plan: General Requirements

Bonding Estimate

The applicant calculates the bond using a salvage value for the steel (p. 4-14). No salvage value can be allowed because the regulatory authority may not have first lien on properties. The applicant must recalculate the bond with this correction.

Revegetation

Both the interim and permanent (pp. 2-108 to 2-110) revegetation plans generally lacked sufficient detail to allow assessment of their feasibility and effectiveness. With respect to the interim plan, the following areas appear to be deficient: fertilization (rationale for proposed rates); shrub plantings (basin spacing); irrigation plan (details); revegetation monitoring plan (details); timing of interim plan's initiation; sediment pond seed mix (number of species) and the rationale for not temporarily revegetating the step-cut slopes. The permanent plan does not adequately address the following issues: 1) the availability of alternative soil material and depth of its redistribution; 2) the origin of transplanted material; 3) the rationale for and rate of hydromulching; 4) the triggering event for irrigation and the source, timing, and application rate of any irrigation; 5) the revegetation monitoring plan; 6) the grazing management plan for revegetated areas; 7) the reference area management plan; 8) the pure live seed rates for grasses and forbs; 9) the purpose of steep slope contour ditches; 10) the applicant's definition of "steep slope"; 11) the methods to be used in covering or neutralizing toxic materials; 12) the species diversity standard; 13) the current status of reclamation on the mine site; and 14) the rationale for the proposed fertilization rates; 15) No riparian area restoration plan has been proposed; 16) No details have been provided on the rock-terrace woody (root stock) plantings to be done during the summer of 1981; 17) No details have been provided on the experimental planting practices to be employed during the interim revegetation; and 18) No details have been provided on the woody plants to be placed in drilled and blasted holes in sparse soil/rock outcrop areas. In addition, it is questioned whether the applicant's proposed forb and woody plant planting rate of 1000 stems/acre includes trees; in any event no justification for this planting rate has been provided.

784.14 Reclamation Plan: Protection of the Hydrologic Balance

The applicant presents assumptions and methods (p. 4-2) for determining Deer Creek. The 100-year, 24-hour flood was calculated using the unit hydrograph which does not take into account the hyetograph. The result is higher flows and excessively high velocity. The applicant should recalculate the flow.

784.15 Reclamation Plan: Postming Land Use

No Comment.

784.16 Reclamation Plan: Ponds, Impoundments, Banks, Dams, and Embankments

No Comment.

784.17 Protection of Public Parks and Historic Places

No Comment.

784.18 Relocation or Use of Public Roads

The applicant requests (p. 4-20) an exemption from further public review concerning surface mining operations within 100 feet of a public road. The request is based upon the applicability of 761.11(a)(4)(i). There is no such regulation. Please clarify.

784.19 Underground Development Waste

No Comment.

784.20 Subsidence Control Plan

The applicant has an existing subsidence monitoring including two studies being performed in cooperation with the Bureau of Mines (p. 4-24). It would be helpful in evaluating the impacts of subsidence if the applicant submitted the results of these studies to the regulatory agencies. Adequacy of the plan will be addressed in the technical analysis.

784.22 Stream Channel Diversions

No Comment.

784.23 Operation Plan: Maps and Plans

The applicant should provide a map locating all subsidence monitoring points.

784.24 Transportation Facilities

No evidence has been presented which indicates that the drainage ditches and culverts are adequate to pass the peak flow from the 10-year, 24-hour precipitation event. Design calculations must be provided for these features.

784.25 Return of Coal Processing Waste to Abandoned Underground Workings

The applicant has not proposed to return coal processing wastes underground.

784.26 Air Pollution Control Plan

The applicant should supply quantitative estimates of the emissions (fugitive dust) from each source on the site. From these estimates the applicant should describe adequate control measures to be applied to each source and provide quantitative estimates of their effectiveness (p. 3-40 Air Pollution Control Plan).

The applicant should also include copies of any emissions permits (or their applications) which have been issued by the Utah Department of Health for this mine. Also, the applicant should state whether or not an emissions monitoring program is planned for the site and explain the reasoning behind any decision made to conduct or not to conduct a program.

Cultural Resources

The cultural resources submission is the same for the Des-Bee-Dove, Deer Creek and Wilberg complex of mines, all owned by the Utah Power and Light Company. As such, they were reviewed together as if they were a single submission. The basic document under consideration is entitled "Archaeological Sample Survey and Cultural Resource Evaluations of the East Mountain Locality in Emery County, Utah" prepared by Hauck and Weder, 1980.

Considerations

1. Since the three separate, though adjacent, mines are covered by a single report, a short summary introductory section concerning cultural resources, explaining the relationships of the three mines and what was specifically found in each, should be included in each mine plan. Project boundaries and separation of the various mines should be added to Figures 2 and 6 for clarity. Additionally, the northern areas of the Deer Creek Mine are not shown on Figure 6.
2. How were the various sample sizes and locations chosen? Were the eight earlier 160-acre sample areas considered in the sampling procedure?
3. A number of historic mines (Johnson, Anderson, Huntington) are located near the project boundaries; if they fall within or will be impacted by (directly or indirectly) mining operations, they will need to be recorded and then eligibility for nomination to the National Register of Historic Places determined.
4. Is the definition on pp. 2-38 of the Des-Bee-Dove submission the minimal site definition? If not, what is? How is an isolated find defined?
5. The following site forms are needed for evaluative purposes: 42EM1307, 1308, 1309, 1310, 853, 854, 855. A discussion of survey, recording and collection techniques and methodologies utilized is needed. Brief site descriptions to complement the site forms are needed. Eligibility recommendations are needed for the seven sites. The cultural resource rating system is no longer utilized. Those sites rated 2 and 3 are likely eligible for nomination to the National Register.

The following information is necessary in order for the regulatory authorities to show compliance with the Surface Mining Control and Reclamation Act and the National Environmental Policy Act.

817.22 Soil Resource Information

The applicant needs to identify the column immediately to the right of the texture column for the data results on samples received June 30, 1980.

Page 4-4 of the Reclamation Plan provides a discussion concerning reclaiming the roads, mine areas, and the area of crossing Grimes Wash. Grimes Wash is at the croplines of the coal bed where it is underlaid by sandstone forming a solid ledge. The backfilling will consist of applying 6 inches of suitable plant growth medium. It is suggested that the applicant provide information as to the source of this suitable plant growth medium.

817.97 Protection of Fish, Wildlife, and Related Environmental Values

Does the regulatory authority or the Fish and Wildlife Service concur that transmission line design is "eagle-safe"?

The Division of Wildlife Resources (DWR) mitigation plan is included in the application (pp. 2-115 through 2-125) without comment. Has the applicant incorporated all those elements of the DWR plan that they intend to utilize in the application?

Socioeconomics

Although the mine is an existing operation, the following information would be useful:

1. Number of mining employees (construction, if any, and operation) by year for the life of the mine. Also, average annual salary information would be useful.
2. Any information concerning where existing and/or future employees may reside and their mode of transport to work i.e., carpool, private auto, busing program, etc.
3. Any data the company can provide concerning tax revenues contributed to the local municipalities.

It also would be helpful if the company would provide documentation of any past and/or future contributions or assistance given to communities surrounding the mine (e.g., financial contributions, employee transportation system, housing assistance to employees, etc.).

Note: lifted directly from
Des-Bee-Dove NCR recording
wherever feasible - HP
0

Deer Creek

Wilberg Mining and Reclamation Plan

Utah Power and Light, Emery County, Utah

Apparent Completeness Review

DRAFT
~~Please read~~
Faint

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~~The Coal Ownership Map identifies several federal and private coal leases which are located within the combined permit area but are not addressed in the Right of Entry section (782.15) for any of the mines. These leases are: U-014275, SL-051221, U-06039, U-024317, and Fee coal in T16S, R7E, SW1/4 Sec.21; SW1/4 Sec.22; SW1/4NW1/4 Sec.22; N1/2, NE1/4 Sec.28. The applicant must discuss the status of these leases.~~

The applicant should discuss the current status of the exchange of PRLA's in Garfield County.

~~The applicant refers to the Cottonwood ventilation portal several times (p. 3-39) and 3-56); however, the mining and reclamation plan does not provide information on baseline data, existing structures (784.12) or reclamation (784.13) for this site. The applicant should make the mining and reclamation plan complete by including this information (either by reference or insertion) along with information on the projected uses of the Cottonwood site. The applicant should also address any existing, proposed (Miller Canyon), or projected ventilation portals.~~

782.14 Compliance Information

No Comment.

782.15 Right of Entry and Operation Information

The applicant lists (pp. 1-5/¹⁰) the federal and private coal leases for operations at the ~~Willberg~~ ^{Deer Creek} Mine and states that the leases have all been subleased or assigned to UP&L. The applicant should provide a description of the documents conveying the right of entry to UP&L.

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On page 1-³⁰~~21~~, the applicant describes that the insurance coverage will be maintained in full force and effect during the life of the permit or any

renewal thereof. The applicant needs to: 1) include rider that the insurance company will notify OSM and Utah DOGM if substantial changes are made to the policy, 2) confirm that the applicant will keep insurance in effect through completion of reclamation operation, and 3) provide copy of renewal (policy expired 6/1/81).

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It is requested that the applicant provide an estimate of sediment yield in order for the regulatory authority to determine postmining impacts. This estimate can be obtained from the sediment volume accumulation in the existing sedimentation pond.

~~Discussion of flows associated with Cottonwood Creek does not include or reference raw data. This information is needed to determine seasonal variations.~~

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No Comment.

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The baseline survey is inadequate and incomplete. The following areas are inadequate: the cover sampling method used (i.e. step-point transect) and the reference area size, ~~(UP&L proposes reference area of 0.14 acre. The recommended reference area size is a minimum of two acres)~~. The following information must be provided by the applicant: 1) species cover estimates; 2) threatened and endangered plant species survey methods; 3) production sampling procedures to be employed at the time of bond release testing; 4) shrub density methods and/or data; 5) reference area range condition; and 6) baseline information and reference area for the riparian community.

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