



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

UT0016

0028

SEP 14 1984

Reed C. Christensen, Forest Supervisor  
Manti-La Sal National Forest  
599 West Price River Drive  
Price, Utah 84501

Dear Mr. Christensen:

The Office of Surface Mining (OSM), Western Technical Center, has received your concurrence comments regarding the Deer Creek mine dated August 22, 1984 (Forest Service reply 2820). Many of the comments noted in your letter concern issues which OSM has previously raised in a deficiency letter to the applicant dated August 17, 1984 (copy enclosed).

Following is OSM's response to each of the issues identified in your letter:

1. Several deficiencies have been noted on Map 2-18 which specifies various land uses. The map needs to be updated to include livestock grazing, raptor nests, raptor nesting habitat, deer and elk summer/winter ranges, and commercial timber.

Map 2-18 currently includes all of the land use items specified by the Forest Service with the exception of individual raptor nests. The applicant will be advised to include raptor nests to comply with the Migratory Bird Treaty Act of 1918, as required by the U.S. Fish and Wildlife Service, or provide proof of compliance with U.S. Fish and Wildlife Service mandates regarding raptor nests.

2. Burying any waste, toxic or natural, is prohibited on National Forest System lands.

There is no indication in the permit application package that the applicant intends to bury waste on National Forest System Lands. This comment appears to be a reminder to the applicant for future reference.

3. Section XVII in the appendices deals with structures that could be affected by subsidence. The following items need to be included: fences, roads, stockponds, and associated earth dams and water troughs.

Apparently the Forest Service comment is referring to Section XI in the appendices. The applicant will be advised to include the listed items.

4. A map is needed which shows the ground location of the permanent monuments used in the 1980 aerial survey. Along with this, we need a copy of the 1980 baseline and each succeeding year photography; and the horizontal vertical control of the monuments used in the baseline aerial survey.

Please see OSM deficiency comment number 10 in enclosed letter.

5. This plan only addresses the impacts associated with development of the Deer Creek Mine. The Wilberg and Deer Creek Mines are superimposed and the cumulative effects of subsidence need to be discussed.

Mining of overlapping coal seams is clearly indicated in several sections of the permit application package and discussed on page 3-4 of the text. The issue will also be evaluated and addressed thoroughly in OSM's technical analysis (TA).

6. It is implied that the Forest Service is using photogrammetric methods for subsidence monitoring. The Forest Service has not flown this permit area as Utah Power and Light elected to conduct their own aerial photography program.

Photogrammetric data results, which are included in the subsidence reports submitted annually to the regulatory authority, list Intermountain Aerial Surveys as the photogrammetric consultant contracted by the applicant.

7. Utah Power and Light will have to monitor seeps and springs at least through the life-of-mine.

Please see OSM deficiency comment number 5 in enclosed letter.

8. There is no commitment by Utah Power and Light to protect or replace surface water lost as a result of mining related activities. This commitment by Utah Power and Light is needed.

Please see OSM deficiency comment number 4 in enclosed letter.

9. There is no commitment by Utah Power and Light to protect the escarpment. The lessee in his mining plan shall provide specific measures for the protection of the escarpment. OSM, in consultation with and concurrence of the Bureau of Land Management and the Forest Service, shall approve such measures.

This issue was addressed in the Wilberg Mine decision document as part of a discussion of Forest Service concurrence letter issues on the fourth page of the memorandum to the Director of OSM. To paraphrase from that discussion, it is OSM's position that because of (uncontrollable) natural processes, escarpment failures may occur at any time due to causes which may or may not be related to mining. The opinion of both OSM and the BLM (verbal communication with Boyd McKean, Branch of Mining Law and Solid Minerals) is that the applicant has taken all reasonable steps to ensure that escarpments are protected from the effects of mining. Considerable mining has already taken place in the vicinity of the escarpments at the Deer Creek Mine.

10. Two special-use permits issued to Utah Power and Light need to be included: the 345KV line up Meetinghouse Canyon, and the warehouse-storage yard on SL-064607.

This comment will be forwarded to the applicant as a deficiency in the application.

11. Utah Power and Light has not shown there is material available to adequately topsoil during reclamation. Topsoil needs to be spread over the disturbed areas. Utah Power and Light will be held responsible until reclamation is adequate.

Please see OSM deficiency comment numbers 11 and 12 in enclosed letter.

12. There is no specific mention in the Mining and Reclamation Plan that support facility structures, equipment, and similar developments will be removed from the lease area within two (2) years after the final termination of use of such facilities.

This issue has been sufficiently addressed on page 4-1 of the permit application package as required by UMC 784.12, UMC 817.100, UMC 817.132, and UMC 817.181. It is not clear to OSM which regulation the Forest Service is referring to which sets a time limit of 2 years. Is this an additional requirement that the Forest Service intends to impose?

13. Land outside the lease areas but under the jurisdiction of the Forest Service needs to be excluded from the permit area.

The only land to which this comment applies are the Forest Service special use permit areas. Since activities within the special use permit areas are integral to underground coal mining activities as defined in UMC 700.5, these activities fall under the requirements of the Surface Mining and Reclamation Act of 1977, and must be considered part of the permit area.

14. The Forest Service will need to prepare environmental assessments for surface disturbing activities such as the proposed breakout in Meetinghouse Canyon.

This issue is standard procedure for development of breakouts, and one which the applicant is aware of. There is no requirement that plans for these environmental assessments be mentioned in the permit application package. Therefore, this comment appears to be only a reminder to the applicant regarding Forest Service requirements.

15. The high pH furnace slag like that used in the parking lot should be experimentally tested under similar reclamation conditions prior to reclamation. Its feasibility has not been determined at this time.

Please see OSM deficiency comment number 12 in enclosed letter.

16. The final reclamation proposes collecting Deer Creek in a constructed channel with a capacity for the 100 year recurrence interval flow. This constructed channel traverses a hillside before the water is dumped back into the natural channel. Portions of the plan have two phases. The first phase incorporates a temporary interval flood. The second phase is to be delayed until a portion of the disturbed area is rehabilitated.

The location of the final channel should follow the topographic low, which is the natural channel. Any other design will eventually fail and the stream will then follow and likely create a new topographic low. The design should deal with the problems associated with this low location.

Please see OSM deficiency comment number 2 in enclosed letter.

I hope that these responses together with the anticipated responses from the applicant, and the forthcoming TA satisfactorily address the Forest Service comments itemized in your letter. If you have any further comments or questions, please call either Louis Hamm or Water Swain at (303) 844-3806.

Sincerely,

Allen D. Klein  
Administrator  
Western Technical Center

Enclosure

cc: Robert Hagen, OSM - Albuquerque  
Dianne Nielson, DOGM  
Mary Boucek, DOGM  
Ed Browning, USFS - Ogden

Hamm/eg/9-13-84

*Ad 12/84*  
*AM 9/13/84*  
*Hamm/Manger/shilling/Dames/K. Gilling*