cc: RW Daniels UR
MM Boucek
JW Smith

0044

HILLYARD, LOW & ANDERSON
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
175 EAST FIRST NORTH
LOGAN, UTAH 84321

LYLE W. HILLYARD
GORDON J. LOW
GARY N. ANDERSON
HERM OLSEN
LARRY E. JONES

TELEPHONE | 752-2610
AREA 801

May 8, 1984

RECEIVED
MAY 9 1984
DIVISION OF OIL
GAS & MINING

Mr. Allen D. Klein
U.S. Department of Interior
Office of Surface Mining
Denver, CO 80202

Re: Onsite Hearing

Dear Mr. Klein:

You are aware that a request for an informal conference was made pursuant to UMC 786.14. This request was filed on or about April 13, 1984 with the Division of Oil, Gas & Mining. Said request was followed with notice on April 27, 1984, that pursuant to UMC 786.14(a)(2), we require the informal conference to be conducted in the locality of the proposed mining operation.

Because of the damage which has already begun to occur to the springs and perennial stream that exist on Mr. Crawford's property, we feel it is imperative that the Division and the OSM personnel actually see the impact that the mining has had and will continue to have. While we are anxious to have the informal conference as soon as reasonably possible, we also recognize that the informal conference is substantially less meaningful without the onsite inspection provided for in § 786 of the Mining Regulations. Consequently, we request that the informal conference be held only after an onsite inspection occurs. We anticipate this may not be before July 1, 1984, depending upon the rapidity of snow melt in this high alpine area.

Inasmuch as the hearing on the Deer Creek Mine cannot be held prior to the submission of the data on the Wilberg Mine to the secretary by the 18th of May, such a delay does not seem to be critical.

HILLYARD, LOW & ANDERSON
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

Please provide us with a hearing date within the parameters mentioned as soon as possible.

Sincerely,

HILLYARD, LOW & ANDERSON

Herm Olsen
Attorney at Law

HO/rb
cc: Ralph Jerman
Diane Nielsen
Robert H. Hagen

file in mine files

Dianne

HILLYARD, LOW & ANDERSON
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175 EAST FIRST NORTH
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LYLE W. HILLYARD
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AREA 801

April 27, 1984

RECEIVED
APR 30 1
DIVISION OF OIL
GAS & MINING

Mr. Allen D. Klein
Office of Surface Mining
1020 15th Street
Denver, CO 80202

Re: Informal Conference for Deer Creek Mine

Dear Mr. Klein:

Because of the petition previously filed by Mr. Ted Crawford to have the area of East Mountain declared unsuitable for the surface effects of underground coal mining, we feel it is imperative that the people at OSM responsible for the determination visit the site to confirm its unique geologic, hydrologic and aesthetic qualities before making a decision. In addition, we feel that an actual on-site visit to the mine and the property jeopardized by the existence of the mine is necessary for the Division of Oil, Gas and Mining, OSM and the general public to perceive the cumulative impacts of mining being conducted in the area.

As a result thereof, we formally request an "on-site" informal conference to be conducted as soon as the conditions in the area permit. In reading the regulations, I note that the informal conference must be held within a reasonable time after request. Since reasonable time is not defined, I assume it means the first reasonable time that a hearing can be held on-site if such is requested. We are anxious to have this matter processed expeditiously, but feel that it would seriously jeopardize our interests to have a hearing at any point other than the actual location of the property involved.

Please contact me at your earliest convenience so that an appropriate schedule and location might be resolved for the conference.

Sincerely,

HILLYARD, LOW & ANDERSON

Herm Olsen
Attorney at Law

HO/rb
cc: Ted Crawford
Ralph L. Jerman
Vince Lamarra
Diane Nielsen
Glenn F. Tiedt

LAW OFFICE
GIAUQUE & WILLIAMS
A PROFESSIONAL CORPORATION
500 KEARNS BUILDING
136 SOUTH MAIN
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ROGER D. SANDACK
COLIN P. KING
RICHARD W. CASEY
STEPHEN T. HARD
CHRISTOPHER M. MISLOW
SCOTT A. CALL
WENDY A. FABER
EDWARD B. HAVAS
SCOTT M. LILJA

RECEIVED
FEB 06 19[illegible]
DIVISION OF OIL
GAS & MINING

February 4, 1985

Board of Oil, Gas and Mining

Re: Emergency Order Des-Be-Dove Mine
Docket No. 85-010
Cause No. ACT/015/017

Dear Board Member:

You will recall that at the last Briefing Session we discussed an emergency order which allowed Utah Power & Light Company to utilize the Des-Be-Dove-Wilburg Junction road for access to and hauling coal from the Des-Be-Dove Mine to the Hunter Power Plant. The order allowed the use of this road even though the permitting process is not completed, rather than routing the traffic through Orangeville. The emergency results from UP&L's need to replace the Wilburg mine as a source of coal.

The emergency order was for 15 days and will be renewed for an additional 15 days. A formal hearing will be required to grant relief beyond that period.

I am enclosing a copy of a letter dated January 30, 1985, from Utah Power & Light requesting an extension of the emergency order, after hearing, for a period of "several months." We have scheduled a hearing for Thursday, February 14, at 10:00 a.m. at the Division offices. There are two ways we can proceed. The first is to have the matter heard by the Board if we have a quorum. The second is for me to appoint one of the Board members to serve as a hearing examiner whose findings can be reported to the Board members by telephone so the Board can enter an appropriate order.

Please let me have your thoughts as soon as possible.

Very truly yours,

Gregory P. Williams

GPW/sbp

Enc. A/S

cc: Dianne Nielson
Marjie Larson

(1258T)

LEGAL OFFICES
SIDNEY G. LAUCOM
EXECUTIVE VICE PRESIDENT
AND
GENERAL COUNSEL
ROBERT GORDON
VICE PRESIDENT
535-4258
THOMAS W. FORSGREN
535-4261
SAM F. CHAMBERLAIN
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RALPH L. JERMAN
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UTAH POWER & LIGHT COMPANY

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THOMAS V. RASMUSSEN
535-2873

January 30, 1985

RECEIVED
JAN 30 1985
DIV. OIL, GAS, MINING

Gregory P. Williams, Chairman
Board of Oil, Gas & Mining
Department of Natural Resources
Triad Center
Salt Lake City, Utah 84114

Re: Emergency Order Des-Be-Dove Mine
Docket No. 85-010
Cause No. ACT/015/017

Dear Mr. Williams:

On January 17, 1985, the Board of Oil, Gas & Mining issued an emergency order pursuant to Section 40-8-6(c) Utah Code Annotated, 1953, (as amended). The emergency order allowed Utah Power to utilize the Des-Be-Dove-Wilburg Junction Road for access to and hauling coal from the Des-Be-Dove Mine to the Hunter Power Plant.

Under the terms of said section the emergency order can only remain in effect for 15 days. It can however be extended for an additional 15 days and beyond that following a hearing.

It is anticipated that the emergency described in the application will continue for a period of several months. Accordingly, it is hereby requested that the emergency order be renewed pursuant to said Section 40-8-6(c) for an additional 15 days and that during that time a hearing be held at which applicant can submit evidence for the purpose of extending the emergency order until such time as the permit is issued or the emergency no longer exists.

Very truly yours,

Ralph L. Jerman

RLJ/jj

RECEIVED
JAN 19 1984
DIVISION OF
OIL, GAS & MINING

DETERMINATION OF ADEQUACY

DES-BEE-DOVE MINE

UMC 783.22 Land Use Information

UP&L states on page 2-146 that no information on prior mining is available; however, on page 3-1, the applicant presents information on past mining activity. This information must be at least referenced in the Land Use Section as well as UP&L Company's post-mining (including maps of worked out areas. Also, if information such as seams mined or tonnages removed are available, this information must be included in the application.

The benches and slopes of the southern and eastern portions of East Mountain are described on page 2-147 as "high priority" mule deer winter range (UDWR). However, Map 2-18 (Mule Deer Habitat) shows most of this area as "critical"mule deer winter range with "high priority" range present in the northeast and southwest portions of the winter range. Clarify these discrepancies and provide a brief explanation of UDWR criteria for designating these winter range classifications.

UMC 784.12 Operation Plan: Existing Structures

The applicant has not provided additional information requested under this section in the DOA pertaining.to Fill 1, the tipple and loadout structure. Instead, the applicant has requested a variance to the regulatory requirement pertaining to slope stability under UMC 700.11 (7)(e)(i) on page 3.54 of the December 2, 1983 mine plan submittal. The applicant must provide certification from a Professional Engineer (PE) stating that the fill is stable and does not pose a threat of slope failure (UMC 817.101(b). The PE must also address the public health and safety issue if the slope fails. If certification can not be obtained due to unstable conditions, the applicant must comply with the 1.5 design standard and specify in the application the proposed methods to be used to achieve a 1.5 standard.

UMC 784.13 Reclamation Plan: General Requirements

(a) Mixing mulch with the topsoil is not recognized as a proven or standard reclamation practice of anchoring mulch (UMC 786.19b). Therefore the applicant must revise the final revegetation plan to include anchoring mulch by conventional methods and incorporating seed and fertilizer into the soil prior to mulch application. Mixing mulch with topsoil material can be used in interim reclamation. The success of interim reclamation methods, as proven in the field, can then be used as a basis for future revisions of the final reclamation plan. The bonding section must be revised to reflect all changes in the reclamation plan (UMC 786.19(k))

(b) (1) The applicant must provide a schedule showing in specific years of reclamation for the various components of the mine will be accomplished, in addition to the revegetation schedule included in the application.

(b)(2) The applicant has not addressed reclamation of the breakout in Section 14. If this breakout will be reclaimed from within the mine (as was proposed for the Wilberg Mine breakouts), the applicant should provide a statement on specifically how the breakout will be reclaimed.

.(b)(3) The applicant musts commit in the grading plan to removing and burying road base gravel material, surface coal waste material, furnace slag, and all other contaminated or waste material (See UMC 783.13 (b)(5)(iv) and 817.21-25).

(b)(5)(i) According to the applicant's revised schedule, mulching will occur prior to seeding. This does not correspond with the reclamation plan. The schedule must be revised to confirm mulching being conducted after seeding, as stated in the reclamation plan.

(b)(5)(ii) The reference site shrub and tree density totals given with the seed mixture do not correspond with totals in the vegetation report. Clarify and revise the appropriate sections of the application.

The seeding rate (in terms of grasses) for the Desert Shrub community is unacceptable. The grass seeding rates must be increased to broadcasting levels.

(b)(5)(iii) Clarify whether basins will be formed for each individual seedling or one basin for the entire planting clump in the final reclamation plan.

(b)(5)(iv) The applicant stated that furnace slag would have no affect on plant growth if mixed with better spoil materials. No evidence was given as to the suitability of the slag and spoil material for a topsoil substitute as required by UMC 817.22(e). The applicant must either delete the use of furnace slag as a topsoil substitute from the application or provide documentation as to the suitability of this material pursuant to UMC 817.22(e). If the furnace slag is not used as a topsoil substitute, a commitment as to the disposal must be addressed (See UMC 783.13 (b)(3)).

(b)(5)(vii) The applicant must develop and submit a topsoil substitute sampling plan to assure the return of viable seedbed materials to the graded surface. This plan must include sampling distribution, depth of sampling, number of samples, sampling methodology, and a laboratory analysis to be conducted on all graded materials for determining potential toxins and fertilizer rates. The sampling scheme on pages 4-16 could be expanded to provide this information.

UMC. 784.14 Reclamation Plan: Protection of the Hydrologic Balance

Unit graphs for hydrograph calculations show all zero flows (Appendix XII). It appears from the outflow hydrographs that reasonable unit graph values were used. Provide an explanation for the zero flow unit graphs given or correct the computer output.

The applicant proposes to route the major drainage channel along the access road on the east side of fill structure #1, then down a cascading rock fan at the south end at of structure #1. The general concepts included in this plan are not questioned. However, a problem with the cascading rock fan needs to be addressed. The slope of the proposed fan is 65 percent, which is close to the angle of repose of the riprap. This slope should be reduced to approximately 50%, considering the magnitude of the design discharges. This could be accomplished by increasing the thickness of riprap at the base of the slope.

UMC 784.20 Subsidence Control Plan

The applicant must provide specific information on the design of the barrier pillars to be left to protect the fill slopes in the portal area.

UMC 817.21-25 Topsoil

The applicant has mentioned the use of road base gravel and furnace slag as a topsoil substitutes. Documentation as to the suitability of these materials must be submitted as required by 817.22(e) for approval of topsoil substitutes (See UMC 783.13(b)(3) and (b)(5)(iv) respectively).

As requested in the DOA letter dated October 26, 1983, the following deficiencies must be addressed:

1. The applicant must provide soil testing data for the topsoil stockpiled from the sedimentation pond constructed in 1979.

2. Provide a discussion addressing the requirements of these sections with regard to topsoil salvaged in from the sediment-pond. Methodologies, equipment to be used, and timing must be detailed in terms of topsoil redistribution. In addition, techniques for stock pile stabilization must be included.

3. Also, representative soil laboratory analysis, both chemical and physical, are required for the stockpiled topsoil material and must be submitted.

UMC 817.46 Hydrologic Balance: Sedimentation Ponds

Page 3-40 states that the 19.4 acre foot pond was sized to accommodate a 10-year, 24-hour storm event from not only the disturbed mine area but also the head of hollow drainage above the mine site. Runoff calculations given in Appendix VII do not include the 137 acre hollow drainage above the mine site. As this area presently drains to the pond it must be included in the runoff volume calculations. Inclusion of this area would increase the calculated runoff volume from 17.7 acre feet to 29.1 acre feet. This makes the 19.4 acre feet of storage of the design pond inadequate for storing the 10-year, 24-hour storm event. The applicant must provide evidence that the existing pond has adequate storage for a theoretical 24-hour detention-time, or a shorter time if it is proven that effluent limitations will be met. The calculations must include information on the existing pond, including cross sections, storage curves, stage-discharge curves, and other information required for routing the design storm flows through the structure. Calculations for determining the complete inflow design hydrograph to the pond must be provided. If the storage at the existing pond is inadequate for meeting effluent requirements, plans must be provided for the construction of additional storage capacity.

As requested in the DOA letter dated October 26, 1983, the following deficiencies must be addresssed:

1. Sediment pond storage calculations on Sheet 2 of Appendix VII are based on a disturbed area of 12.1 acres, whereas the main body of the permit application indicates that the disturbed mine area is approximately 20 acres. Clarify this difference. The calculations on Sheet No. 3 are not sufficiently documented to enable an understanding of the rationale applied by the applicant to compute sediment pond volume.

2. Sheet No. 4 of Appendix VII, pertaining to spillway capacity, uses the Rational equation with a C equal to 0.3. What was the basis for selection of this value? Additionally, it is indicated that spillway capacity was designed based on the 25-year, 6-hour storm producing 1.7 inches of rainfall. UMC 817.46(i) requires that the combination of principal and emergency spillways have the capacity to safely discharge runoff from a 25-year, 24-hour storm event or larger event as specified by the Division. Furnish documentation verifying that this requirement is met by the sediment pond design. The calculations should be consistent in methodology with those for the 10-year,24-hour storm event.

3. Are the calculation sheets in Appendix VII indicating spillway dimensions and capacity correct? The sediment pond spillway is indicated to consist of a trapezoidal channel with a 6-foot bottom width and 2:1 sideslopes. Sediment pond drawing no. 01-52-1-015 in Appendix VIII indicates that the spillway has an 8-foot bottom width and 1.5:1 sideslopes. Clarify this discrepency. The applicant should also furnish a stage-discharge relationship to illustrate spillway performance characteristics.

4. Any revisions to the waste rock disposal area plans by the applicant for the Wilberg Mine should be included in this application.

UMC 817.116 Revegetation: Standards for Success

As requested in the DOA letter dated October 26, 1983, the following deficiencies must be addresssed:

1. No management plan or commitment insuring proper management of approved reference areas could be found in the applicant's permit application. This must be provided. A brief statement or plan should suffice.

2. Detailed testing procedures identifying acceptable revegetation efforts and thereby the triggering of final bond release are not found in the permit application. The use of an appropriate statistical test (e.g., students "t" test of the sample means, "F" test of the sample variances, etc.) must be fully outlined in this section of the application. A "t" or "F" test of sample parameters is not the only option open to the applicant (i.e., an approved mathematical procedure is possible); however, the applicant's existing information predisposes a statistical test. Without an approved procedure, the feasibility of reclamation and application acceptability cannot be determined persuant to UMC 786.19 (b), (k), and (n).

3. Productivity sampling as identified with point No. 5 (page 4-22 revised 11/21/83) with a "double sampling procedure" is acceptable with the following conditions (which must appear in the application):

a. The procedure will be considered valid only if the coefficient of determination (r^2) is greater than or equal to 0.8 ($r^2 > \text{or} = 0.8$).

b. Clipped plots are the independent variables whereas estimated plots are the dependent variables

UMC 817.97 Protection of Fish, Wildlife, and Related Environmental Values

The applicant lists one inactive golden eagle nest site that occurs near the mine site but does not give a specific location for the nest. Please provide a map showing the location of the nest in relation to the mine.

UMC 815.11 Determination of Bond Amount

(a) (1) The applicant has supplied summary costing tables and supporting calculations; however, inconsistencies and errors exist with items 7, 8, 9, 10, 11, and 12. The applicant must review the bonding section to correct these and all other similar problems (UMC 786.19(k)). All final and summary bonding costs must be consistent with any corrections made in the supporting calculations and tables. The following comments must be addressed and any portion of the application that relates to these comments must also be revised as applicable (pursuant to 771.23):

1. Total costs listed on summary table for Items 7-C, 8-A, 8-B, 9-A, 9-B, and 12-A appear to be incorrect based on the labor and equipment rates provided by the applicant.

2. Materials, such as "Vexar" tubes and fertilizer tablets for seedling planting, are mentioned in the revegetation plan but are not listed on the cost tables. Also the revegetation plan states that no seedbed preparation will be necessary for steep slopes, yet hand tilling for steep slopes is costed in the bonding tables and supporting calculations.

3. The total cost figure given on the "Revegetation Per Acre" table does not match the total cost obtained for Items 7, 8, and 9 from the "Reclamation Costs" summary table. Also, the "Revegetation Per Acre"table is inconsistent with the revegetation plan. Costs per acre must be calculated by acreage for each vegetation type and slope condition since pounds of live seed and number of seedlings varies for each vegetation type and use of netting and tillage varies with slope. Soils testing and topsoil redistribution costs also need to be incorporated topsoil redistribution cost also need to be incorporated into the "Revegetation Per Acre" table.

4. Acreage total (20) given for Item 8-A, 8-B, and 9-A on the "Reclamation Costs" summary table does not agree with the total (21) given for the supporting calculations (Items 7, 8, 9, and 13) and the "Revegetation Per Acre" table. A total of 21.5 acres is indicated on the supporting calculation for Item 9. This is the only total that agrees with the Vegetation Information Section.

5. Labor hours given for Items 8-A, 8-B, 9-A, and 9-B on the "Reclamation Costs" summary table does not agree with hours provided for the supporting calculations.

6. The total given for Item 9-C on the "Reclamation Costs" table cannot be derived from information given on the "Revegetation Per Acre" table or on the supporting calculations for Item 9.

7. No operator is costed for the tractor tillage in Item 7-D on the "Reclamation Costs" summary table.

8. Labor work force for Item 7-D on "Reclamation Costs" table differs from that given on the "Revegetation Per Acre" table.

9. The production rate for transplanting seedlings given on the "Revegetation Per Acre" table is based on a rate of 400 seedlings per acre. This is inconsistent with the revegetation plan which calls for 450 and 900 per acre for the pinyon-juniper, and desert shrub vegetation types, respectively. Production rates in some cases are overly optimistic. For example, the production rate of one hour per acre for 400 seedlings translates into a rate of one seedling every thirty-six seconds. One seedling every thirty-six seconds seems unrealistic, given site conditions, planting methods, and labor efficiency. Planting rate for seedlings should include labor required to set up spacing between and within clump plantings.

10. Labor hours given for Items 10-A and 10-B on the "Reclamation Costs"table differ from those provided with the supporting calculation for Item 10.

11. For Items 10-A and 10-B, the schedules given on the "Reclamation Costs" summary table does not match the schedules discussed in the reclamation plan (first three years or as required for pest control and annually for monitoring). Does the labor estimate given for Item 10-A include hand cultivation for the first two years to control weeds?

12. For Item 12-A on the "Reclamation Costs" summary table, no materials, such as seedlings, are listed or costs. Seeds and seedlings are listed on the 12-A supporting calculation, but no costs are provided.

cc → R Daniels
orig → me

United States Department of the Interior

OFFICE OF SURFACE MINING
Reclamation and Enforcement
BROOKS TOWERS
1020 15TH STREET
DENVER, COLORADO 80202

JAN 1 7 1984

RECEIVED
JAN 19 1984
DIVISION OF
OIL, GAS & MINING

Mr. C. E. Shingleton, Director
Permitting, Compliance and Services
Mining and Exploration
Utah Power & Light Company
1407 West North Temple
Salt Lake City, Utah 84110

Dear Mr. Shingleton:

Enclosed are the results of the second Determination of Adequacy (DOA) review for Utah Power & Light Company's Des-Bee-Dove mine. The December 2, 1983 revised permit application was reviewed and the following areas remain deficient:

1. UMC 784.12 Operation Plan: Existing Structures
2. UMC 784.13 Reclamation Plan: General Requirements
3. UMC 784.20 Subsidence Control Plan
4. UMC 800.11 Bonding
5. UMC 817.21-.25 Topsoil
6. UMC 817.97 Protection of Fish And Wildlife Values
7. UMC 817.116 Revegetation : Standards For Success

Several other sections have questions and concerns which require clarification. Many of the deficiencies contained in this DOA were also identified in the October 26, 1983 DOA. Also, similar deficiencies were identified in the Wilberg and Deer Creek DOA's. U.P.& L.'s level of effort in the Wilberg application process has been appreciated. However, the effort put into the Des-Bee-Dove does not appear to be at the same level as in Wilberg.

In order to maintain our overall review schedule for all the U. P. & L. mines, OSM must have submittals on Deer Creek and Des-Bee-Dove comparable in quality to the Wilberg application. Time spent by this office and O.S.M.'s contractor reviewing and itemizing deficiencies have not been efficiently used by U. P. & L. to remedy deficiencies in the subsequent submittals of the Deer Creek and Des-Bee-Dove applications. This may result in serious schedule conflicts, if the pattern continues.

A Determination of Completeness cannot be made at this time due to the number and severity of the remaining deficiencies. These deficiencies need to be resolved no later than January 27, 1984. Receipt of U. P. & L's response by this date will facilitate the completion of the review process, and a Determination of Completeness.

If you have any questions, I encourage you to contact Mark Humphrey (Project Leader) or Steve Manger at (303) 837-3806.

Sincerely,

Allen D. Klein
Administrator
Western Technical Center

Enclosure

cc: Dianne Nielson, U.D.O.G.M.
James Smith, U.D.O.G.M.
Bob Hagen, OSM

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

FEB 21 1984

Mr. C. E. Shingleton
Director of Permitting
Utah Power & Light Company
1407 West North Temple Street
P.O. Box 899
Salt Lake City, Utah 84110

Dear Mr. Shingleton:

The Office of Surface Mining has determined that the Deer Creek mine permit application is complete. Accordingly, you are requested to place a notice in a local newspaper once a week for four consecutive weeks [in accordance with UMC 786.11(a)], stating that you have filed a complete application with the Office of Surface Mining and the Division of Oil, Gas & Mining. This notice should include all the information required under UMC 786.11(a), and should direct public comments to me at the Office of Surface Mining, 1020 15th St., Denver, Colorado.

Please provide copies of all four newspaper notices to this office and to the Division. Note also the requirement for filing a copy for public review under UMC 786.11(d).

If you have any questions, please contact Shirley Lindsay or Walter Swain at (303) 837-3806.

Sincerely,

Allen D. Klein
Administrator
Western Technical Center

cc: Dianne Nielson, DOGM
James Smith, DOGM

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

December 13, 1983

Mr. C. E. Shingleton
Director of Permitting, Compliance and Services
Mining and Exploration
Utah Power & Light Company
1407 West North Temple
Salt Lake City, Utah 84110

Dear Mr. Shingleton:

I am enclosing with this letter a list of the remaining deficiencies in Utah Power & Light Company's responses to our recent completeness letter on the Deer Creek mine permit application.

Because of the severe scheduling constraints, you will have nine days (from receipt of this letter) to respond. Your response should be in the form of numbered replacement pages/maps or numbered additional pages/maps, with any necessary additional instructions as to where they are to be inserted. Please send your complete response, via overnight mail, in six copies to the Office of Surface Mining. The seventh copy should be sent via overnight mail directly to the attention of George Cotton, Simons Li & Associates, Inc., 3555 Stanford Road, Fort Collins, Colorado, 80522. If you have any questions, we will be glad to schedule an early meeting with you here at the OSM offices.

As requested in our December 5, 1983 letter concerning the Wilberg mine, please also submit an index which indicates where in the revised application specific responses to the deficiencies can be found. The very short time remaining requires that review of your responses be facilitated to the greatest extent possible.

If you have any questions, please call Shirley Lindsay or Walter Swain at 303-837-3806.

Sincerely,

Russell A. Price

for Allen D. Klein
Administrator
Western Technical Center

RECEIVED
DEC 16 1983
DIVISION OF
OIL, GAS & MINING

cc: Jim Smith, UDOGM
Dianne Nielson, UDOGM

DETERMINATION OF ADEQUACY

DEER CREEK MINE
FINAL COMMENTS

UMC 783.19: Vegetation Information

The mixed-conifer reference area indicated on the mine plan area vegetation map (2-15) exhibits a discrepancy with regard to the reference area data presented. The photographic background of maps 2-15 and 2-17 indicates that more than 50% of the reference area is devoid of trees. However, the area's data show 40 trees per acre which appears correct. Please clarify this apparent inconsistency. Adequate and representative reference areas are necessary prior to permit approved pursuant to UMC 786.19 (b,k,and n).

UMC 783.22 Land Use Information

Productivity estimates are given for the pinyon-juniper and mixed conifer vegetation types, but are not provided for the riparian type. This information must be provided since this vegetation type has also been disturbed by mining.

On page 2-153 the benches and slopes of the southern and eastern portions of East Mountain are described as "high priority" mule deer winter range (UDWR). Map 2-19 (Mule Deer Habitat) shows most of this area as "critical" mule deer winter range with "high priority" range present in the northeast and southwest portions of the winter range. Please clarify these discrepancies and provide a brief explanation of UDWR criteria for designating these winter range classifications.

UMC 784.13 Reclamation Plan: General Requirements

(a) Is the road from the main gate of the mine to the county road owned by UP&L? If so the applicant must include a reclamation plan including revegetation and bonding.

Since the method of mixing mulch with soil has not been recognized as a standard method of reclamation, the applicant must document its feasibility during interim revegetation. Its success can then be used as a basis for future revisions of the final revegetation plan. For the present, however, the applicant must revise the final revegetation plan to include mulch anchoring by conventional methods and also state the method of incorporating seed and fertilizer into the soil prior to mulch anchoring.

(b.1) Provide a schedule showing the reclamation of the components of the mine on a year-by-year basis in addition to the revegetation schedule included in the application.

(b.2) Throughout the bonding estimate, the applicant refers to several cross-sections. The only cross-sections which can be found relevant to this analysis are the disturbed area cross-sections and the dam configuration. The applicant should specifically identify the cross-sections used in this analysis, or if they were inadvertently left out of the new submittal, they should be supplied.

(b.3) Page 4-1 references a cross-section which shows the burial of the asphalt in the portal area. This cross-section can not be found in the new submittal.

The applicant must also commit to removing and disposing of gravel base materials from roads and structure sites and eliminate the use of gravel as a sole seedbed material.

On page 4-7 the applicant states that backfill material will be compacted in 18 inch lifts and that no material larger than three feet in diameter will be placed in the backfill. It would seem that if material of this size was placed in the backfill that it would not be possible to compact in 18 inch lifts. The applicant should provide clarification of this statement.

The applicant should identify the method used in the stability analyses provided.

(b.5iii) Are catch basins, described for shrub plantings, to be installed around each plant individually or will one basin be used around the clump as a whole? If the latter, how will the 4' x 4' basin be protected from erosion, particularly on steep slopes.

Total numbers of trees and shrubs to be planted as listed in the seed mixture/planting rate tables do not match with totals listed for clump plantings. These numbers should be checked and revised as appropriate.

(b.5viii) The applicant has provided a soil testing plan for interim seedbed material handling operations. This plan must be extended to cover all materials to be used on the permit area as seedbed materials. The purpose will be to assess the suitability of the regraded surface as plant growth medium. The plan must include sampling distribution, number of samples, sampling methodology, and laboratory analysis to be conducted.

UMC 784.14 Reclamation Plan: Protection of the Hydrologic Balance

The hydraulic lengths used in hydrograph calculations for watershed subareas VIIA and VIIB do not agree with area delineations on the Deer Creek Coal Mine Area Drainage Map. The hydraulic length given in Table A1 for subarea VIIA is not the same as that given in the hydrograph tabulation (computer printout) for the same area. These inconsistencies must be corrected and proper lengths used in the calculations.

Unit graphs for several hydrograph calculations show all zero flows. It appears from the outflow hydrographs that reasonable unit graph values were

used. Provide an explanation for the zero flow unit graphs given or correct the computer output.

The applicant proposes to route the Deer Creek drainage channel along the north side of the waste rock fill, then over a sandstone outcrop near the Elk Canyon drainage confluence. The merits of the design are not questioned, however, the applicant should provide some additional information in plans so that the technical merits of the design can be fully comprehended by all reviewers. The plans should indicate that the channel is excavated into competent rock once it leaves the Deer Creek embankment. The plans should also show the spillway section of the channel in more detail such that an adequate transition is made to ensure that water will plunge down the face to the desired location. The rock face should be cleared of any obstructions between the spillway and plunge pool. The applicant should provide the necessary cross sections and design drawings to address these concerns. Also, a geologic description of the rock face supporting the channel and under the spillway should be given.

The applicant refers to an energy dissipator at the confluence of Deer Creek and Elk Creek and an energy dissipating splash basin north of the road. The Final Reclamation drawing shows only one energy dissipator. The design drawings for the single energy dissipator indicate that it serves the function of both dissipators mentioned in the text; please clarify. Although the applicant references Design of Small Dams (U.S. Department of the Interior, 1977) for design of the energy dissipators, no calculations are given. Provide calculations showing the stability of the energy dissipators under design flows.

The applicant shows a mean riprap size up to 3.0 feet in several locations. Riprap of this diameter is difficult to place and still provide an adequate channel cross section. It is recognized that these large diameters are required because of the large design flows and steep channel gradients. Please indicate a gradation for the 3.0-foot riprap size that will prohibit riprap sizes larger than the thickness of the riprap layer.

UMC 805.11 Determination of Bond Amount

(a.1) The applicant has supplied supporting calculations; however, inconsistencies and errors exist with items 7, 8, 9, 10 and 12. The applicant must review the bonding section to correct these and all other similar problems.

- Total costs listed on summary table for Items 7-D, 8-A, 8-B, 9-A, 9-B and 12-A appear to be incorrect based on the labor and equipment rates provided by the applicant.

- Materials, such as "Vexar" tubes and fertilizer tablets for seedling planting, are mentioned in the revegetation plan but are not listed on the cost tables.

- The total cost figure given on the "Revegetation Per Acre" table does not match the total cost obtained for Items 7, 8 and 9 from the "Reclamation costs" summary table. Also, the "Revegetation Per Acre" table is incon-

sistent with the revegetation plan. Costs per acre must be calculated by acreage for each vegetation type and slope condition since pure live seed and number of seedlings varies for each vegetation type, and use of netting and tillage methods (hand versus tractor) varies with slope. Soils testing and topsoil redistribution costs also need to be incorporated in the "Revegetation Per Acre" table.

- Supporting calculations do not agree with hourly production numbers given in the "Reclamation Costs" summary table or the "Revegetation Per Acre" table. For example, Item 9-A supporting calculations indicate that four hours per acre are required for broadcast seeding, while the "Revegetation Per Acre" table shows two hours required. The total given for Item 9-C on the "Reclamation Costs" table cannot be derived from information given on the "Revegetation Per Acre" table or on the supporting calculations for Item 9.

- Production rates in some cases are overly optimistic. For example, the production rate of four hours per acre for 2,000 seedlings translates into a rate of one seedling every twenty-nine seconds. One seedling every twenty-nine seconds seems unrealistic, given site conditions, planting methods, and labor efficiency.

- For Item 10-B, the schedule for application given on the "Reclamation Costs" summary table (at 2, 5, 7 and 10 years) does not match the schedule discussed in the reclamation plan (first three years or as required).

- For Item 12-A on the "Reclamation Costs" summary table, no materials, such as seedlings, are listed or costed. Seeds and seedlings are listed on the 12-A supporting calculation, but no costs are provided.

UMC 817.22-817.25 Topsoil

With regard to the original question posed concerning slag, the applicant has stated that there will be no effect on plants if the slag is mixed with other materials. Either evidence, as originally requested, must be presented to support this view or a commitment given to burying the slag under 4 feet of non-toxic fill.

UMC 817.97 Protection of Fish, Wildlife, and Related Environmental Values

The applicant provides the results of the 1981 USFWS raptor survey, but does not give specific locations for the observations. Please provide a map showing the locations of these observations in relation to the mine.

UMC 817.112 Revegetation: Use of Introduced Species

A showing must be submitted by the applicant, with regard to the requirements of this section, to prove the desirability of using intermediate wheatgrass instead of native grass species or, propose an alternate native species.

UMC 817.116 Revegetation: Standards for Success

- No management plan or commitment insuring proper management of approved reference areas could be found in the applicant's permit application. This must be provided. A brief statement or plan should suffice.

- Detailed testing procedures identifying acceptable revegetation efforts and thereby the triggering of final bond release are not found in the permit application. The use of an appropriate statistical test (e.g., students t test of the sample means, F test of the sample variances, etc.) must be fully outlined in this section of the application. A t or F test of sample parameters is not the only option open to the applicant (i.e., an approved mathematical procedure is possible); however, the applicant's existing information predisposes a statistical trest. Without an approved procedure, the feasibility of reclamation cannot be determined pursuant to UMC 786.19 (b).

Dianne

MEMORANDUM

May 29,1984

TO: Dianne R. Nielson, Division Director

FROM: Mark Wight, Legal Aide to the Board

RE: Legal Adequacy Review of the C.V. Spur Permit Application Package

FINDINGS The findings follow section 786.19(a) and look basically very good.

UMC 817.11 What about buffer zone markers (e)?

UMC 817.13-.15 The third sentence states that the wells will be cased and sealed with cement. It is not very clear if this is part of the removal plan and is therefore tied to the removal plan time schedule. It is important to pin the applicant to a time schedule.

UMC 817.43 Sections (c)-(g) are not specifically mentioned here. Probably they do not apply. However; it would be better to mention in a negative statement that they do not. If they have been considered, a short statement to that effect should be included as well.

UMC 817.47 The first sentence states that the TR-20 computer model has been used to analyze the effectiveness of sediment pond outlet structures. This is probably standard engineering practice. It would make this section stronger to state that this is standard engineering practice. This would show that the applicant complies with the regulation.

There is some ambiguity as to what the cite at the end of the second sentence is meant to represent.

UMC 817.48 This section indicates that if the inspections disclose potential hazards, the regulatory authorty will be notified immediately. Is it possible to include a plan for this contingency now?

UMC 817.50 This assertion needs a cite to the PAP.

UMC 817.55 This needs a cite as well.

UMC 817.56 I think the cite here should be section 3.5.3.1.

UMC 817.57 This needs a cite.

UMC 817.81-.85 The second sentence provides that coal processing waste will be hauled to the designated disposal site. We need documentation to show which site this is and that it has been designated as such by the Division.

The fifth paragraph states that if a potential hazard is disclosed then emergency procedures will be implemented. This would be much stronger if these emergency procedures could be outlined or referenced here.

There is no specific reference to paragraph (d). Compliance may be implied or assumed. We need mention here of compliance or noncompliance or a reference to any previous discussion.

UMC 817.89 According to the last sentence of paragraph (a), storage areas are to be so designated as to prevent leachate and surface runoff from degrading surface and ground water, prevent fires, and ensure that the area remains stable and suitable for reclamation. It doesn't appear that these criteria have been considered. Again this may be assumed or implied. However; we need a statement to that effect.

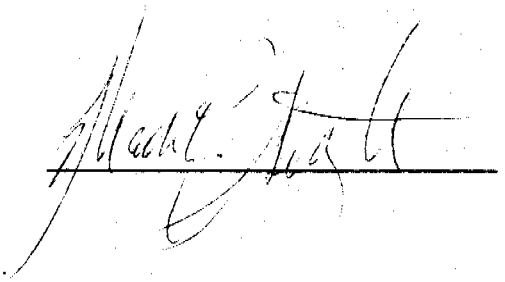
The second paragraph appears to be citing section 3.2.3.2. How do we know that the manner specified is an "approved manner"?

UMC 817.97 The section looks very good. There is one question however. Subparagraphs (1)-(4) under paragraph (d) are not mentioned. We need to know that they have been considered if they have been. If they do not apply, a simple statement to that effect would be sufficient.

UMC 817.101 This section could use a reference to a time schedule.

UMC 817.111-.117 Just a note that section 817.116 dealing with methods of measuring success of revegetation has been suspended. I don't know what impact this will have on the applicant's proposal.

UMC 817.181 Here the applicant proposes to use and maintain all of the support facilities in a manner to prevent damage to wildlife and related environmental values etc.. This is very ambiguous. Perhaps this is the only way it can be written. However; it would be extremely helpful to enforcement if some of this could be nailed down. As it stands, there is basically nothing here to enforce.



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

DEC 1 1983

DEC 5 1983

DIVISION OF
OIL, GAS & MINING

Mr. James Smith
Utah Division of Oil, Gas and Mining
4241 State Office Building
Salt Lake City, Utah 84114

Dear Mr. Smith:

As Susan Linner and Louis Hamm discussed during the November 21, 1983 meeting on the Convulsion Canyon draft TA, our air quality expert has proposed a revision regarding the applicant's compliance with the air quality requirements of UMC 817.95.

I have enclosed the draft analysis of UMC 817.95 as proposed by the Task Force air quality specialist, Dave Maxwell, for your review and inclusion in the final TA for the Convulsion Canyon mine.

If you have any questions, please call Louis Hamm or Walter Swain at (303) 837-3806.

Sincerely,

Stephen F. Manger
Task Force Leader

cc: Susan Linner, UDOGM
Dianne Nielsen, UDOGM

DRAFT

UMC 817.95 Air Resources Protection

Applicant's Proposal

The following control practices are employed by the applicant to limit air pollution which may result from the operation: paving the haulage road; busing employees (reducing vehicular traffic); applying water to the loadout area; covered conveyor belts, lifts and drop points, protecting drop points from the prevailing wind direction; limiting the loading of temporarily stored material by front-end loader; using scrubbers on diesel equipment; watering and dusting within the mine (to limit that dust which is exhausted into the atmosphere); oiling stoker coal; and, cleaning the haulage road.

The air monitoring program was conducted by Radian Corporation from September 1, 1980 to August 31, 1981 in order to gather representative samples of total suspended particulates and meteorological data.

Compliance

The control practices proposed at the mine to supress dust are adequate. However, the results of the Radian Corporation ambient air quality monitoring program for particulates from September 1, 1980 through August 31, 1981 indicate that particulates can be more effectively controlled at the surface facility and along the roadway. The effectiveness of the particulate control program will be determined through on-site inspections.

Stipulations

None

RECEIVED

JUL 12 1984

DIVISION OF OIL
GAS & MINING

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

JUL 10 1984

Mr. Walter Wright
Valley Camp of Utah, Inc.
Scofield Route
Helper, Utah 84526

Dear Mr. Wright:

This letter and the enclosed revised permit are in response to the June 26, 1984, meeting held at the Office of Surface Mining (OSM) Western Technical Center with representatives of Valley Camp of Utah, Inc. and OSM. At that meeting, Mr. Trevor Whiteside requested clarification of various dates referenced in the Belina Mines Complex Decision Document. The terminology is defined as follows:

a. Appeal date: the public notice was published on June 13, 1984; therefore, under UMC 787.11 Administrative Review, any action to appeal the permit must be taken on or before July 13, 1984. Upon receipt of this letter and revised permit, Valley Camp has 30 days to sign the permit and post the required performance bond. The signing of the permit in no way jeopardizes or affects your right of appeal.

b. Effective date of permit: that date on which the permit is signed by the applicant. The "time clock" for the permit conditions and permit term begins from this date.

c. Date of permit issuance: the permit becomes valid on the day that OSM receives the signed permit and performance bond from the applicant.

d. Date of original notification: that date by which the public notice was published pursuant to 40 CFR Sections 1501.4(c) and 1506.6.

Mr. Whiteside also requested clarification on what action the Utah Division of Oil, Gas, and Mining (DOGM) would take on this permit. Upon receipt of the signed permit by OSM, a copy will be forwarded to DOGM. The Division is forwarding a letter to Valley Camp clarifying that administrative delay for non-Federal lands is not jeopardized by the initial Federal decision.

Mr. Whiteside also requested documentation regarding the reclassification of streams within the permit area as intermittent. Three pieces of correspondence are enclosed providing the basis for this decision.

The enclosed revised permit (UT-0013) provides clarification on conditions that were discussed at the June 26, 1984, meeting. Specifically, Condition 1 has been eliminated because it is duplicative of Section 13 requirements as stated in the permit. Condition 3 has been clarified to allow for full development of Federal leases U-017354 and U-044076 upon receipt and approval of additional

geohydrologic data by the regulatory authority. Further discussion between the OSM and DOGM hydrologists regarding surface and groundwater monitoring has resulted in the revision of Conditions 2 and 4.

The permit has been provided in duplicate, so you can retain one copy with original signatures and return one copy with original signatures to us as an expressed acknowledgement that you have read and understood it.

If you have any questions, please call Sarah Bransom or Steve Manger at (303) 844-3806.

Sincerely,

Richard E. Dawes

for Allen D. Klein
Administrator
Western Technical Center

Enclosure

cc: Dr. Dianne Nielson, DOGM
Susan Linner

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING

This permit, UT-0013 which incorporates Utah Permit ACT/007/001, is issued for United States of America by the Office of Surface Mining (OSM) to

Valley Camp of Utah, Inc.
Scofield Route
Helper, Utah 84526

for the Belina Mines Complex. Valley Camp of Utah, Inc. is the lessee of Federal Coal Lease U-044076, U-017354 and U-020305. The permit is not valid until a performance bond is filed with the OSM in the amount of $1,521,000.00, payable to the United States of America and the State of Utah, and the OSM has received a copy of this permit signed and dated by the permittee.

Sec. 1 STATUTES AND REGULATIONS - This permit is issued pursuant to the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 et seq., hereafter referred to as SMCRA; the Federal coal leases issued pursuant to the Mineral Leasing Act of February 15, 1920, as amended, 30 U.S.C. 181 et seq.; the Federal Coal Leasing Amendments Act of 1976, as amended 30 U.S.C. 201 et seq.; and in the case of acquired lands, the Mineral Leasing Act for Acquired Lands of September 7, 1947, as amended, 30 U.S.C. 351 et seq. This permit is also subject to all regulations of the Secretary of the Interior including, but not limited to, 30 CFR Chapter VII and 43 CFR 3400, and to all regulations of the Secretary of Energy promulgated pursuant to Section 302 of the Department of Energy Organization Act of 1977, 42 U.S.C. 7152, which are now in force or, except as expressly limited herein, hereafter in force; and all such regulations are made a part hereof.

Sec. 2 The permittee is authorized to conduct surface coal mining and reclamation operations on the following described Federal lands (as shown on Figures 2 and 3 in Map section) within the permit area at the Belina Mines Complex situated in the State of Utah, Carbon and Emery Counties, and located:

(Please note, the attached legal description of the SMCRA permit and the mining plan area were derived from PAP Map A-1, Land Map Coal Ownership dated December 16, 1980)

SMCRA Permit Area:

T. 13 S., R. 6 E., portions of sec. 24, portions of sec. 25, portions of sec. 35, and portions of sec. 36;

SMCRA Permit Area:

T. 13 S., R. 6 E., portions of sec. 24, portions of sec. 25, portions of sec. 35, and portions of sec. 36;

T. 13 S., R. 7 E., portions of sec. 8, portions of sec. 9, portions of sec 16, portions of sec. 17, portions of sec. 18, portions of sec. 19, portions of sec. 20, portions of sec. 21, portions of sec. 30 and portions of sec. 31;

Mining Plan Approval Area:

T. 13 S., R. 6 E., portions of sec. 24, portions of sec. 25, portions of sec. 35 and portions of sec. 36;

and to conduct surface and reclamation operations connected with mining on the foregoing described property subject to the conditions of the lease(s), the approved mining plan; the complete permit application unless otherwise modified in accordance with UMC 788; and Utah State permit ACT/007/001, issued concurrently with OSM, including all conditions, and all other applicable conditions, laws and regulations.

Sec. 3 This permit is issued for a term of five (5) years effective on the date the signed permit is received by the regulatory authority, except that this permit will terminate if the permittee has not begun the surface coal mining and reclamation operations covered herein within three (3) years of the effective date.

Sec. 4 The permit rights may not be transferred, assigned, or sold without the approval of the Director, OSM. Request for transfer, assignment, or sale of permit rights must be done in accordance with UMC 788.18

Sec. 5 The permittee shall allow the authorized representatives of the Secretary, including, but not limited to, inspectors, fee compliance officers, and the Utah Division of Oil, Gas and Mining without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:

a. Have the rights of entry provided for in UMC 840.12 and 842.13; and

b. Be accompanied by private persons for the purpose of conducting an inspection in accordance with UMC 842.12, when the inspection is in response to an alleged violation reported by the private person.

Sec. 6 The permittee shall conduct surface coal mining and reclamation operations only on those lands specifically designated as within the permit area on the maps submitted in the mining plan and permit application and approved for the term of the permit and which are subject to the performance bond.

Sec. 7 The permittee shall minimize any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of this permit, including, but not limited to:

a. Accelerated monitoring to determine the nature and extent of noncompliance and the results of the noncompliance;

b. Immediate implementation of measures necessary to comply; and

c. Warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

Sec. 8 The permittee shall dispose of solids, sludge, filter backwash, or pollutants removed in the course of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program and the Federal Lands Program which prevents violation of any applicable State or Federal law.

Sec. 9 The lessee shall conduct its operations:

a. In accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and

b. Utilizing methods specified as conditions of the permit by Utah Division of Oil, Gas and Mining and OSM in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program, and the Federal lands Program.

Sec. 10 The permittee shall provide the names, addresses, and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.

Sec. 11 The permittee shall comply with the provisions of the Water Pollution Control Act (33 U.S.C. 1151 et seq.) and the Clean Air Act (42 U.S.C. 7401 et seq.).

Sec. 12 Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act, the approved Utah State Program and the Federal lands Program.

Sec. 13 If during the course of mining operations previously unidentified cultural resources are discovered, the applicant shall ensure that the site(s) is not disturbed and shall notify OSM. The operator shall ensure that the resource(s) is properly evaluated in terms of National Register Eligibility Criteria (36 CFR 60.6). Should a resource be found eligible for listing in consultation with the OSM, the land managing agency (if the site is located on Federal lands), and the State Historic Preservation Officer (SHPO), the operator shall confer with and obtain the approval of these agencies concerning the development and implementation of mitigation measures.

Sec. 14 APPEALS-The lessee shall have the right to appeal: (a) under 30 CFR 775 from actions or decisions of any official of OSM; (b) under 43 CFR 3000.4 from an action or decision of any official of the Bureau of Land Management; (c) under 30 CFR 290 from an action, order, or decision of any official of the Minerals Management Service; or (d) under applicable regulations from any action or decision of any other official of the Department of the Interior arising in connection with this permit.

Sec. 15 SPECIAL CONDITIONS-In addition to the general obligations and conditions of performance set out in the leases, Utah State permit ACT/007/001 and this permit, the permittee shall comply with the special conditions of Utah State permit ACT/007/001 and the conditions appended hereto as Attachment A.

These conditions are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease. The permittee shall require his agents, contractors, and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of the grantor and the permittee at any time to adjust to changed conditions or to correct an oversight. The grantor may amend these conditions at any time without the consent of the permittee in order to make them consistent with any new Federal or State statutes and any new regulations.

THE UNITED STATES OF AMERICA

By: Richard E. Dawes

Date: 9 July 1984

I certify that I have read and understand the requirements of this permit and any special conditions attached.

Authorized Representative of
the Permittee

Date

ATTACHMENT "A"
BELINA MINE COMPLEX

Conditions

Condition No. 1

Surface Water Monitoring: Valley Camp must revise and submit to the regulatory authority for approval its surface water monitoring schedule within sixty (60) days of the effective date of this permit. Surface water monitoring shall be performed at stations VC-1, VC-2, VC-4, VC-5, VC-10, VC-11, and VC-12. Streams will be monitored monthly during the period from April through July and late September or early October . The monthly monitoring of streams shall include measurements of stream flow and water quality parameters according to the abbreviated water quality parameter list (i.e. sodium, calcium, magnesium, potassium, sulfate, bicarbonate, carbonate, chloride, total dissolved solids, total suspended solids, pH, field-specific electrical conductance, and field temperature.) Measurements of turbidity may be substituted for the measurement of total suspended solids following the development of an adequate site-specific relationship between the two parameters. Twice a year, the full suite of water quality parameters (according to the UDOGM guidelines) will be analyzed. The samples can correspond to one of the monthly high flows (May or June) and the low flow (September or October). A corresponding flow measurement will be taken at the same time that any water quality samples are collected.

Ground Water (Springs): Each spring that is included in the monitoring network will be monitored during the same period as surface water. These springs are S24-12, S25-13, S36-17, S36-23, S36-19, S31-13, and S7-11. During the monthly monitoring period, measurements of flow, pH, specific electrical conductance (EC), and temperature shall be made. Also a water sample shall be analyzed according to the abbreviated schedule mentioned previously, excluding total suspended solids. Twice a year (spring and fall) a flow measurement shall be made and a water quality sample taken. The sample shall be analyzed according to the complete suite of parameters listed in the UDOGM guidelines. Data shall be submitted quarterly to UDOGM and an annual analysis and summary of the data shall be provided. Spring depletion curves shall be developed for each monitoring point to establish baseline conditions. This may require determining the flow rate more frequently during the first year (possibly weekly).

Data Reports

The data collected shall be sent to UDOGM on a quarterly basis and shall include data collected from this permit condition and Condition No. 3. The annual report shall contain a summary of the quarterly data and analytical interpretations. The first annual report shall contain the baseline conditions and the spring depletion curves. Recommendations for changes in the monitoring plan shall be presented for approval by UDOGM. These changes must be supported by data analysis and sound hydrologic reasoning.

Condition No. 2

Valley Camp shall restrict mining in Section 36; S1/2, Federal lease U-017354 and Section 35; E1/2 SE1/4, SE1/4 NE1/4, Federal lease U-044076, to the development of the South Main Entries only. The applicant shall submit to the regulatory authority all information confirming the pressence and nature of the geologic structures (faults, dikes, fractures, channel sandstones, etc.) and ground water encountered in this section of the mine as a result of development of the South Main Entries. In addition, the applicant shall establish an in-mine groundwater monitoring program for this area as required by condition number 3. The applicant may proceed to fully develop Section 36; S1/2, Federal lease U-017354 and Section 35; E1/2SE1/2, SE1/4NE1/4, Federal lease U-044076, upon review and approval of the applicant's underground observation data by the regulatory authority.

Condition 3

Within sixty (60) days of the effective date of this permit, Valley Camp of Utah, Inc. shall develop an in-mine ground water monitoring program. This monitoring program shall be submitted for approval by the regulatory authority.

The results of the monitoring program (data analysis) shall be reported on an annual basis and shall include a map of all points and/or areas of defined measurable flow [greater than one (1) gpm] as well as an indication of the geologic source of the flow (channel sandstone, fault, fracture, lineament system, etc.). The map shall also show the location of in-mine sumps used to collect water as well as updated information on the geologic structures (faults, dikes, fractures, channel sandstones, etc.) encountered in the mine as a result of extended mining into Federal lease U-017354 and U-044076. The report shall also contain a discussion of the quantity, quality, and source of the water encountered. When new points or areas of measurable flow are first encountered, flow data and field water quality parameters shall be measured monthly until the inflow stablizes. After stabilization, sampling shall be conducted on a quarterly basis. Field water quality parameters shall, at a minimum, consist of: pH, temperature, and electrical conductance. A relationship shall be developed between electrical conductance and total dissolved solids from the quarterly monitoring.

Quarterly, sampling for the abbreviated water quality parameters list shall be completed. The abbreviated water quality analytical schedule shall, at a minimum, consist of the laboratory measurements for: sodium, potassium, calcium, magnesium, iron (total), chloride, bicarbonate, sulfate, carbonate, pH, and TDS as well as the field parameters. A cation/anion balance shall be calculated on sufficient quarterly samples (approximately 10%) to assure accuracy of the laboratory data.

Semi-annually, and at the approximate same time each year, (corresponding to two of the quarterly samples) a comprehensive water quality analytical schedule for the samples shall be completed. The full suite of parameters to be analyzed shall include those recommended in the UDOGM guidelines for establishment of a surface and ground water monitoring program. If the number of measuring points becomes excessive, the applicant may request a modification of the number of sampling sites from the regulatory authority.

In addition to the in-mine monitoring of ground water flow, the applicant must account for all groundwater consumption (evaporation and other losses) and transfers of water in and out of the mine.

Condition No. 4

Within sixty (60) days of the effective date of this permit, Valley Camp of Utah, Inc., shall revise and submit to the regulatory authority for approval the subsidence monitoring program to include the intermittent streams in the permit area. The applicant shall commit to restore the original stream channels of intermittent streams within the permit area that may de disturbed by underground coal mining activities, including surface subsidence effects.

Condition No. 5

Within sixty (60) days of the effective date of this permit, Valley Camp of Utah, Inc. shall provide to the regulatory authority for approval a plan to redistribute substitute topsoil material at a uniform thickness over all disturbed areas to be reclaimed, taking into consideration the total volumes of substitute topsoil materials available at all substitute topsoil material sources.

Condition No. 6

Within sixty (60) days of the effective date of this permit, Valley Camp of Utah, Inc. shall provide a sound design to the regulatory authority for approval for either field site trials or a revised greenhouse study. The permittee shall also provide a commitment to conduct either of these tests and to submit results of test selected to the regulatory authority to demonstrate the feasibiity of using the proposed topsoil substitute material pursuant to UMC 817.22 (e).

If Valley Camp of Utah, Inc. elects to conduct field site trials, the design of the trials must include, at a minimum, the following: test sites at both the Belina portal area and the Utah No. 2 loadout area; the test of types and rates of soil amendments; a test for optimum topsoil depth; tests for each proposed seed mixture by appropriate aspect; and establish control plots for each test.

If Valley Camp of Utah, Inc. elects to conduct greenhouse studies, the existing design proposed in the permit application must be revised to include at a minimum, tests for soil samples from both Belina portal area and Utah No. 2 loadout area, tests for types and rates of soil amendments, tests for optimum topsoil depth, tests for each proposed seed mixtures by appropriate aspect; and establish control plots for each study. The design of the greenhouse study shall simulate environmental conditions in the greenhouse (such as growing season, air temperature, soil temperature, soil moisture, precipitation, light, available rooting depth, and aspect) to those at the mine site.

The design of either the field site trials or the greenhouse study must provide a monitoring schedule, identify methods for monitoring, analysis of seedling establishment and plant mortality, and standards for determining success of each test.

The applicant must provide types and rates of application for amendments to be added to the respread substitute topsoil based on the laboratory data from either the greenhouse study or field site trials.

Condition No. 7

Within 180 days of the effective date of this permit, Valley Camp of Utah, Inc. shall submit to the regulatory authority for approval an implementation plan for monitoring wetland and riparian areas in the entire subsidence area. The plan shall include: (1) a map locating all wetland and riparian areas; (2) a description of the size and plant characteristics of each wetland; (3) the source of water supporting each wetland; (4) details and commitment to replace affected sources; and (5) a monitoring schedule.

Condition No. 8

Within thirty (30) days of the effective date of this permit, the permittee shall implement the mitigation measures identified in the USFWS letter dated April 19, 1984, and submit proof of such compliance to the regulatory authority.

Condition No. 9

Within 180 days of the effective date of this permit, Valley Camp of Utah, Inc. shall submit to the regulatory authority, for review and approval, a detailed reclamation plan to restore the Belina haulroad in accordance with UMC 817.156. This plan must address, at a minimum, removal and disposal from fill slopes vegetative cover that would interfere with backfilling and grading operations, slope stability, backfilling and grading, topsoil handling, disposal of concrete and asphalt, removal of culverts and reestablishment of natural drainages, sediment-control measures, and revegetation of the road surfaces and adjacent slopes.

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

DEC 20 1983

RECEIVED
DEC 28 1983
DIVISION OF
OIL, GAS & MINING

Mr. Trevor Whiteside
Chief Engineer
Valley Camp of Utah, Inc.
Helper, Utah 84526

Dear Mr. Whiteside:

Enclosed is a compilation of remaining deficiencies identified during our Determination of Adequacy (DOA) of the Belina Mines Complex permit application package. The DOA includes: 1) a review of your November 18, 1983 submittal; 2) the identification of deficiencies based on the Office of Surface Mining's (OSM) technical analysis of the permit application (identified by an asterisk); and, 3) revisions to the November 29, 1983 draft deficiency document based upon our meeting with you on December 1, 1983.

The final permit decision document is scheduled to be completed on January 31, 1984. Therefore, your response to the remainder of the identified deficiencies must be received by OSM no later than January 6, 1984. The responses should be submitted as they are produced, and be in the form of numbered and dated replacement pages or maps. If you cannot respond to a particular section within this timeframe, OSM should be contacted immediately.

If you have any questions, please contact Sarah Bransom or Walter Swain at (303) 837-3806.

Sincerely,

Allen D. Klein
Administrator
Western Technical Center

Enclosure

cc: Dianne Nielson, UDOGM
Jim Smith, UDOGM

FINAL DETERMINATION OF ADEQUACY (DOA)

VALLEY CAMP

BELINA MINES COMPLEX

UMC 783.19 Vegetation

The applicant's response is deficient; the applicant still has not provided the requested data that demonstrates that sample adequacy has been achieved or that the maximum number of required samples has been taken. Consequently, the applicant has not shown that the baseline vegetation data is equivalent to actual field conditions and cannot contend that the data are representative of vegetative conditions in the mine permit area. The data provided as page 783.19-3 dated 16 November 1983 by the applicant demonstrates that more sample plots are required. The applicant has not combined the results of the reference and validation areas for 3 out of 4 locations.

Therefore, the applicant must respond to the following inadequacy originally identified in the DOA dated October 14, 1983 from OSM to Valley Camp. The inadequacy is repeated in its entirety:

> The applicant's September 16, 1983 response to this section addressed the August 9, 1983 draft version of the Determination of Adequacy (DOA) letter and not the August 24, 1983 final version that was transmitted to the applicant on August 26, 1983. The August 24, 1983 DOA includes the following clarifications to the earlier draft:
>
> 1. Provide a statistical summary of the reference area and validation area combined data (i.e., means, standard deviation, and sample size) for cover, production, and woody plant density for each vegetation type.
>
> 2. Provide sample adequacy tests for each vegetation type using the combined reference area and validation area data for cover, production and woody plant density.

Note: The applicant should understand that the combined reference area and validation area data are generated by adding means and sample sizes of the same vegetation type and calculating new standard deviations. The applicant must not add the standard deviations to calculate the average standard deviation.

UMC 761.11(a)(3), 783.12 (b) and 784.17 Cultural and Historic Resources

The operator has committed in the November 16, 1983 submittal to conduct a 100 percent pedestrian inventory of the areas that have been selected by OSM and indicated to the applicant on ACR Map D5-0063 in OSM's 14 October 1983 Determination of Adequacy.

An acceptable cultural resources inventory report shall be submitted to the Division of Oil, Gas, and Mining, the Utah SHPO, the BLM, Manti-LaSal National Forest and OSM prior to 31 December 1984. The report shall contain a fully justified recommendation of each resource's eligibility or ineligibility for nomination to the NRHP.

If sites which may be sensitive to the adverse effects of subsidence, e.g., historic and prehistoric structures and/or structural remains, rock shelters, rock art sites, etc., are located, additional survey may be required.

If sites which may be sensitive to subsidence are located, the operator must commit to consult with the regulatory authority to determine whether mitigation measures or subsidence monitoring are necessary to either avoid adverse impacts or determine whether the sites will be impacted by subsidence.

UMC 784.13(b)(3) Reclamation Plan: General Requirements

Because terrace slopes adjacent to the Belina portals exceed the allowable 2H:1v and the slopes surrounding the portals have existing stability problems, it is necessary that the applicant perform the slope corrections to bring these structures into compliance with this section. The applicant must commit to perform the recommendations presented in Appendix L of the PAP or other appropriate means to correct the slopes.

* The applicant must commit to provide a plan that brings the terrace slopes adjacent to the Belina portals into compliance with this section. A schedule to correct these slopes must also be provided.

UMC 784.13(b)(4) Topsoil

The applicant has identified a potential source of substitute topsoil material in both the Belina mines area and the Utah No. 2 loadout and yard area. Drawings A5-0075 and A5-0076 in Appendix P of Volume VI presents the location of the substitute topsoil material on a topographic base (scale 1 in. = 100 ft.). To aid in the evaluation of its proposed source of substitute topsoil in terms of suitability in compliance with UMC 817.22(e), the applicant must provide the following information:

Drawings

1. Drawing A5-0075 lacks the locations of the three sampling sites within the substitute topsoil storage area. These sample locations must be provided on Map A5-0075 with a symbol/notation that corresponds with the tables of laboratory results found in Appendix P.

2. Drawing A5-0076 lacks cross sections for the topographic features comprising the topsoil substitute resource. The applicant must provide three cross sections of the substitute material. These cross sections should be perpendicular to the slope and located at each of the three sample sites.

3. Drawing A5-0076 shows the locations of three sample sites at the Utah No. 2 facilities. However, the applicant has failed to correlate the sample location with the laboratory results. The applicant must identify sample sites by different symbols/notations to facilitate the correlation of laboratory results with the three sampling site locations.

Laboratory Results

4. Laboratory results, as noted above in numbers 1 and 4, must clearly correspond to a specific sampling sites on drawings A5-0075 and A5-0076.

5. The applicant must clarify the reason for conducting one set of analyses for samples collected at the Belina mines (Appendix P) and a second set of analyses for samples collected at the Utah No. 2 loadout and yard area. For example, the samples for the Belina mine area were analyzed for total concentration, whereas the materials at the Utah No. 2 loadout area were analyzed using DTPA extractable methods.

6. The applicant must describe the process by which each sample was evaluated for suitability including evaluations of results for each test conducted to characterize the sample. Suitablity criteria including references must be provided for review. The applicant must further clarify the determination of suitability as affected by the use of two distinct sets of analyses used to determine the quality of the two potential sources of substitute topsoil material.

7. The applicant has stated on page 784.13(b)(4)-2 (16 November 1983) that "Boron, selenium, and molybdenum are not present at critical levels." However, the laboratory results have not shown these elements as part of the analysis for the Belina portal area and selenium was not in the Utah No. 2 analysis. The applicant must provide supportive documentation for their conclusion made on page 784.13(b)(4)-2.

8. The applicant must identify the criteria used to assess the status of plant nutrients as being present at moderate levels and also describe the application methods and rates for any proposed soil amendments (i.e., N, P, K, Organic Matter) the applicant will add to the substitute topsoil material to enhance the feasiblilty of revegetation.

9. The applicant must provide specific field trial designs identifying the purpose, scope, methodologies and schedule to conduct monitoring, field-site trials (revegetation plot studies testing the response of plants to the substitute topsoil materials) to document the suitability of the substitute topsoil material for use as reclamation topsoil.

10. After the review of results of analyses and trials, the applicant will provide a volumetric estimation (cubic feet) of suitable substitute topsoil materials. Quantity as expressed in weight does not provide the spacial description of volume which is necessary to assess the amount of material available to be spread over the disturbed area at the approved thickness.

UMC 784.14 Reclamation Plan: Protection of the Hydrologic Balance

Valley Camp proposed a change in their surface water monitoring program in the "Hydrologic Inventory and Baseline Study of the Valley Camp Lease Area, Carbon and Emery Counties, Utah" (Vaughn Hansen Associates, January 1980). However, neither DOGM or OSM has acted on the proposed change. The discussion below summarizes the review of the proposed surface water monitoring program.

Valley Camp proposes to replace VC-7 and VC-8 (Boardinghouse Canyon and Mud Creek above Boardinghouse Canyon) with stations VC-11, VC-12, and VC-13 (Long Canyon, Finn Canyon, and Boardinghouse Canyon, respectively). Valley Camp also proposed to delete stations VC-6, VC-7, UPL-3, UPL-10, VC-9, and CS-1. Valley Camp argues (page 49) that these stations monitor the effects of mining activities by Coastal States Energy Company's Skyline Mines (immediately west of the Belina Mines) and not those of Valley Camp. With the exception of VC-6 (Eccles Canyon above South Fork) and VC-9 (Eccles Canyon near Mud Creek), this request is acceptable. Station VC-6 is needed to determine the impact of the haulroad on Eccles Creek, and station VC-9 is needed to monitor the mouth of Eccles Creek. Therefore, Valley Camp's request to abandon stations VC-6 and VC-9 will be denied. The Regulatory Authority will reconsider Valley Camp's request to abandon station VC-9 if the company demonstrates that an already existing station is an acceptable alternative.

Valley Camp proposes to monitor stations VC-1, VC-2, VC-4, VC-5, and VC-10 on a comprehensive schedule (table 4) during the month of August each year and to monitor these stations on an abbreviated schedule (table 9) each spring and fall. Analysis of the data shows that August is the appropriate time for the comprehensive schedule and that one annual comprehensive schedule is sufficient. Valley Camp's request for monitoring stations VC-1, VC-2, VC-4, VC-5, and VC-10 on a comprehensive schedule during the month of August will be approved.

Analysis of the data also showed that additional monitoring only during the fall and spring is insufficient and show seasonal variation for total suspended solids (TSS). TSS is directly related to flow rates. The analysis in OSM's Cumulative Hydrologic Impact Assessment shows that TSS is increased due to mining activities. Therefore, Valley Camp's request for a reduced monitoring frequency will be denied. The company must modify their surface water monitoring program so that monitoring is conducted monthly for the months of March, April, May, and June, and bi-monthly for the other months. Monitoring may be by the abbreviated schedule (Table 9).

Valley Camp further proposes to suspend the monitoring on stations VC-11, VC-12, VC-13 until one year prior to any potential underground impact. Valley Camp's request to suspend monitoring on stations VC-11 (Long Canyon) and VC-12 (Finn Canyon) will be approved. The drainages above these two stations are outside of the five-year permit area. However, station VC-13 (Boardinghouse Canyon) has contributing area in the five-year permit area, and monitoring should continue at this station. When monitoring is restarted on stations VC-11 and VC-12 Valley Camp should follow the same schedule and frequency as the other surface water monitoring stations.

In summary, Valley Camp's request to abandon stations CS-1, VC-7, UPL-3, and UPL-10 will be approved. Valley Camp's request to abandon stations VC-6 and VC-9 will be denied. Stations VC-7 and VC-8 should be replaced by stations VC-11, VC-12, and VC-13. Monitoring at stations VC-11 and VC-12 can be suspended for mining within the proposed five-year permit area.

Frequency of monitoring should be monthly for the months of March, April, May, and June and bi-monthly for all other times. The abbreviated schedule for water quality parameters will be approved for use except in the month of August when the comprehensive schedule will be used.

* The applicant must commit to correct the surface water monitoring plan to incorporate the changes described above. If these changes are not incorporated into the PAP, the approved monitoring program will be a condition of the permit.

UMC 784.14 Reclamation Plan: Protection of the Hydrologic Balance (Ground Water)

Under standard operating procedures, ground water intercepted in the Belina Mines will be pumped from the mines and will be discharged from sediment ponds to Eccles Creek via Whiskey Canyon. This intercepted ground water is also the recharge to the local ground water system. More specifically, ground water flow via the O'Connor Fault (i.e., 200 gallons per minute) to Eccles Creek provides the principle baseflow to Eccles Creek. The Belina Mines will intercept almost all of the recharge to the O'Connor Fault zone and therefore, will cause declines in the discharge of ground water to Eccles Creek along the declines in the discharge of ground water to Eccles Creek along the O'Connor Fault. During mining, the stream flow of Eccles Creek would be augmented by discharges of mine waters from sedimentation ponds. However, the normally constant discharge of 200 gallons per minute from the O'Connor Fault would be replaced by erratic discharges of water from the sedimentation ponds. This change in flow regime may affect aquatic organisms in Eccles Creek and may cause irregular flows for downstream irrigators in Pleasant Valley. The effect of ground water interception in the Belina Mines will be most pronounced with respect to Eccles Creek after mining ceases and the dewatered strata resaturate prior to the reestablishment of ground water discharge from the fault zone. During this time (i.e., for an undetermined period following mining cessation) OSM's technical analyses has determined that ground water flow from the fault zone to Eccles Creek may be diminished by a maximum of 200 gallons per minute. This amount of baseflow loss constitutes approximately 33 to 44 percent of the low flow in Eccles Creek at the mouth during August through February. Because of the wildlife concerns regarding the decrease in lowflow in Eccles Creek and concern for irrigation water rights downstream the following information must be provided by the applicant for the PAP to be in compliance with UMC 784.14.

* The applicant must evaluate alternatives and present a plan to the RA to maintain baseflow to Eccles Creek during and after mining. Valley Camp must include in their evaluation the potential to maintain ground water flows along the O'Connor Fault zone to Eccles Creek by collecting ground water in the mines along the O'Connor Fault zone.

UMC784.15 Post Mining Land Use

OSM is currently consulting with the landowners in accordance with UMC 817.133(c) and will independently assess the long-term stability of the haulroad and its compatibility with the proposed post-mining land use.

UMC 784.20 Subsidence Control Plan

The applicant has adequately responded to the request for a detailed subsidence monitoring plan by committing to an annual survey of subsidence by a registered land surveyor. However, the applicant did not acknowledge the concern with regard to subsidence control and the erosional stability of streams. Valley Camp's response to this concern was, "In the narrow canyons with steep side slopes where barrier pillars will be left along perennial streams there is no likelihood that subsidence will create a pedestal effect causing serious instability in the streams. The barrier pillars are being left to eliminate differential settlement along and adjacent to the stream."

The response provided above does not adequately address the original concern expressed in the 14 October 1983 letter. The remaining concern expressed in the 14 October 1983 letter is:

> The erosional stability of unconsolicated valley fills along perennial streams may be seriously altered because the streams may actually be higher than adjacent subsided areas (i.e., as on a pedestal). Valley Camp committed (December 1, 1983, meeting in Denver) to provide a narrative and graph of overburden depth versus width of pillars to be left under perennial streams that would demonstrate that unconsolidated valley fills along perennial streams were being protected from subsidence.

UMC 784.21 Fish and Wildlife Plan

The applicant has not provided the requested data for the inadequacies numbered 1, 2, and 3 in the 14 October 1983 DOA. Item No. 1 requested the specific species composition of trees and shrubs that would be used in revegetating the riparian habitat. The information was not provided. Item No. 2 requested the proposed planting density of each species of tree and shrub proposed for planting the riparian zone. A density figure was provided but not by species. Item No. 3 requested the proposed tree and shrub planting density for the future wildlife habitat plots. The information was not provided.

Therefore the applicant must respond to the following inadequacies originally identified in the October 14, 1983 DOA:
The applicant does not provide some key information on the revegetation/restoration of riparian habitat. The applicant commits to developing riparian habitat in accordance with details provided in Appendix B, Vol. III (see statement: Response to UMC 784.15 dated September 13, 1983, p. 4). However, this information does not address specific plant composition of trees/shrubs or the proposed planting density of trees/shrubs that will actually be used in the revegetation efforts. A wide variety of options are possible. Based on the technical analysis, it appears that the applicant has proposed to develop riparian habitat along the same areas of Whiskey Gulch which are also proposed to receive stone riprap to stabilize the post-mining stream channel. Stone riprap will preclude the successful establishment of the riparian zone. The applicant must provide the following.

1. The specific percent composition by species of trees and/or shrubs that will be used in developing the riparian habitat. Such information was provided for revegetating north and south-facing slopes (Appendix M, p.5, dated September 14, 1983). Equivalent information for the riparian habitat must be included.

2. The proposed density of tree and shrub plantings by species that will be used in riparian areas. Density should be expressed in units that represent a typical planting site (i.e., number of trees per 100 ft^2).

3. The tree and shrub density of a typical wildlife habitat planting site for both north-facing and south-facing slopes.

* 4. A description with accompanying drawings of how riparian habitat will be established along Whiskey Gulch. The description and drawings must explain the relationships between the riparian zone and the stone riprap sufficiently to demonstrate that the successful establishment of the riparian zone is feasible.

* 5. On a map of the mine permit area, locate the proposed riparian zone reference area and describe the dimensions of the reference area (i.e., length, width, and distance from the stream bank).

UMC 817.46 Hydrologic Balance: Sedimentation Ponds

* Valley Camp proposes to rebuild Pond No. 3. The plans for the new pond show a designed side slope of 1.8h:1v which is steeper than allowed for in UMC 817.46(n). Valley Camp must commit to submitting plans prior to construction that show side slopes of 2h:1v or less or demonstrate that the embankments will be stable when the pond is full of water.

* With the recent addition of the truck loadout scales, Pond No. 2 is too small to provide proper containment and/or detention time as demonstrated by "Office of Surface Mining Reclamation and Enforcement Compliance Survey in Clear Creek, Utah Area" (Vaugh Hansen Associates, October 1978). Valley Camp must demonstrate that the current design is adequate or submit plans for review that bring the pond into compliance with this section. The plan may include measures to enlarge Pond No. 2 to either totally contain the runoff resulting from the 10-year, 24-hour precipitation event or to have a minimum of 24-hour detention time. Design plans for the pond must provide hydrologic calculations. Cross-section(s), riprap sizing (for inlet, outlet, and embankment protection), and all other information necessary to show compliance with UMC 817.46. The design must take into account increasing the size of the disturbed area with construction of the truck loadout scales.

UMC 817.52 Ground Water Monitoring

Ground water inflow information is considered important to document mining impacts on ground water resources. More importantly, monitoring of ground water inflow to the Belina Mines would also document if a significant water bearing zone had been encounted that may require some mitigating measure. Therefore, in order for the PAP to be in compliance with UMC 817.52 the following commitment is necessary.

* The applicant must develop and implement an in-mine ground-water monitoring program. This monitoring program will be submitted for approval by the regulatory agency. The in-mine ground water monitoring plan must include a map of all ground water seepage points in the mine. Monthly measurements (weather permitting) of flow and field quality (i.e., specific conductance, temperature, and pH) must be taken of all seepage into the mine that occurs at flow rates greater than 1 gallon per minute. If the number of leakers flowing greater than 1 gpm becomes excessive, negotiations with the regulatory authority may allow Valley Camp of Utah, Inc. to limit the number of monitoring points. For seepage zones with flows less than 1 gallon per minute, monthly measurements of field water quality parameters are sufficient. Quarterly, water quality samples must be taken from areas with inflow rates greater than 1 gallon per minute and analyzed for the complete suite of parameters listed in the UDOGM guidelines for establishment of surface and ground water monitoring programs. Valley Camp of Utah, Inc. shall notify the regulatory agency as soon as possible upon encountering a source of ground water inflow greater than 50 gallons per minute. This flow and quality monitoring data should be submitted to the regulatory agency on a quarterly basis. In addition, Valley Camp must account for all ground water consumption in the mine (i.e., used in mining or consumed by evaporation) and all ground water pumped out of the mine. The map locating all ground water seepage points should also locate all sumps used to collect ground water in the mine.

UMC 817.53 and 817.54 Water Rights and Replacement

The applicant has identified and evaluated the probable impact of mining operations on existing ground water and surface water rights. The applicant must provide a commitment that any interference with existing water rights will be compensated. They must also describe, in detail, how this will be accomplished. A specific plan to provide replacement water for those springs that the applicant predicts will be affected by future subsidence must also be provided (see Volume VI, pages 24 to 30 and Plate 4 of the permit application). These springs include 91-1643 and 91-3499. Therefore, the following commitments and information must be provided.

* The applicant has verbally committed (December 1, 1983, meeting in Denver) to using their available water rights to replace water sources potentially affected by the Belina Mines Complex. In addition, the applicant must present a plan to replace water for springs 91-1643, 91-3499, and 91-3500. Both of these commitments should be submitted in writing and incorporated into the PAP.

UMC 817.97 Protection of Fish, Wildlife.....Values

Except for one item, the applicant has satisfied the previously inadequacies identified during the DOA process. Item No. 2 requested the supporting assumptions and calculations used by the applicant to determine that approximately 15,000 ft^2 of riparian habitat will be produced as a consequence of wildlife mitigation activities. The data were requested because the quantities provided in Volume VI, Appendix M, Attachment 1, do not support the estimated increase of 15,000 ft^2 of riparian habitat. The applicant has not provided the supporting calculations or assumptions, nor have the apparent errors in Attachment 1 been addressed.

Therefore, the applicant must respond to the inadequacy originally identified in the 14 October 1983 DOA.
The following inadequacy is repeated in its entirety:

1. Item Nos. 4 and 5 of the final DOA letter have not been addressed in a manner facilitating analysis. The rationale, assumptions, and basis for concluding that a net gain of about 15,000 ft^2 of riparian habitat will be produced is not clear. The narrative description (Appendix M, Attachment 1) implies a continuous belt of riparian habitat development, while Reclamation Map D-1 implies small islands of riparian habitat. The applicant must provide the calculations and assumptions that clearly show in a logical progression how the specified net gain in riparian habitat acreage was determined.

During the Technical Analysis of the PAP, a new issue became apparent that required information which was not provided in the PAP. The new issue involved the potential secondary adverse effects of reductions of spring and seepage flows on the wildlife and wetland resources associated with the springs and seeps. This issue had not been previously identified as a potential problem because the original PAP materials indicated no potential effects of mine-related subsidence on spring and seepage flows. Subsequent hydrological information provided by the applicant contradicted the original information, thereby necessitating additional wildlife and wetland data requests to evaluate the potential impacts. Therefore, the applicant must incorporate the following commitment in the PAP:

2. The applicant must develop and submit for approval to the RA a plan to monitor those springs and seeps identified on Plate 1, Volume VI, "Identified Seeps and Springs," which occur within the area of potential subsidence as identified on Plate 4, Volume VI, "Potential Subsidence Areas within the Valley Camp Lease Area." The monitoring plan must include: a) seasonal flow data, and b) documentation of wildlife utilization of free water and vegetation. The applicant must provide a mitigation plan that compensates for loss of perennial springs found to be important to wildlife as confirmed by the applicant's monitoring plan.

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dianne R. Nielson, Ph.D., Division Director

June 5, 1984

TO: Dianne R. Nielson, Director

FROM: Ronald W. Daniels, Associate Director of Mining

RE: Co-Op Mining Company Violations at Bear Canyon

At our May 31, 1984 meeting on the Division's petition to revoke or suspend the permit of Co-Op, you asked for a synopsis of violations at the Co-Op Bear Canyon Mine.

The synopsis for the period of July 30, 1981 through April 31, 1984 is as follows:

Total	NOV's/CO's issued	34
	NOV's/CO's under appeal	3
	NOV's/CO's vacated	5
	NOV's/CO's settled	3
	Net number of NOV's/CO's which stand as valid and unappealed	23

Please let me know if you have any questions.

RWD/jb
91490

OFFICE OF GOVERNOR MATHESON

ROUTING SLIP

TO: Diane Nielson/DOGM
FROM: Juline

5/21/84

For your information and file

For your comments and return

Please return, with information on which we may base a reply.

Reply directly to origin.
Return original and copy of reply to this office.

For necessary action

Prepare response for governors signature

Comments:

RECEIVED

MAY 22 1984

DIVISION OF OIL
GAS & MINING

MEMORANDUM

TO: Governor

FROM: Juline

DATE: May 11, 1984

RE: Co-op Mine

The Divison of Oil Gas & Mining is preparing a petition to the Board of OGM requesting that the Co-op Mine permit for operation be revoked. The mine, located in Huntington Canyon, is operated by the Kingston family.

It is currently going through the re-permitting process as required by OSM, and has failed to provde the state with sufficient data to proceed with that process. Co-op was given an extention for the purpose of getting data to the state, which has now been submitted and is grossly inadequate. Apparently, Co-op simply does not want to invest the money necessary to obtain additional information.

The next administrative step is a petition to the board requesting them to revoke Co-op's permit for failure to provide sufficient data for the repremitting process. This will allow Co-op approximately 2 months to gather the required information. If they don't, the board will be forced to support DOGM.

Co-op apparently has a long history of non-compliance with state and federal requirements, much of which they had been allowed to get away with. Diane feels that they have been given every possible chance to comply with the law and are unwilling to do so. In order to comply with her responsibilities in administering the reclamation program, it will be necessary for her to take some enforcement action. She feels that a petition to the board, with subsequent board action will result in a broader base of support for DOGM's decision.

5/14/84

Kent

Jim + Juline

OK

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

September 13, 1985

TO: Dianne R. Nielson, Director

THRU: Ken May, Associate Director, Mining

THRU: Lowell P. Braxton, Administrator, Mineral Resource Development and Reclamation Program

FROM: Pamela Grubaugh-Littig, Reclamation Engineer

RE: Mining Outside the Permit Boundary, Co-Op Mining Company, Bear Canyon Mine, ACT/015/025, #2, Emery County, Utah

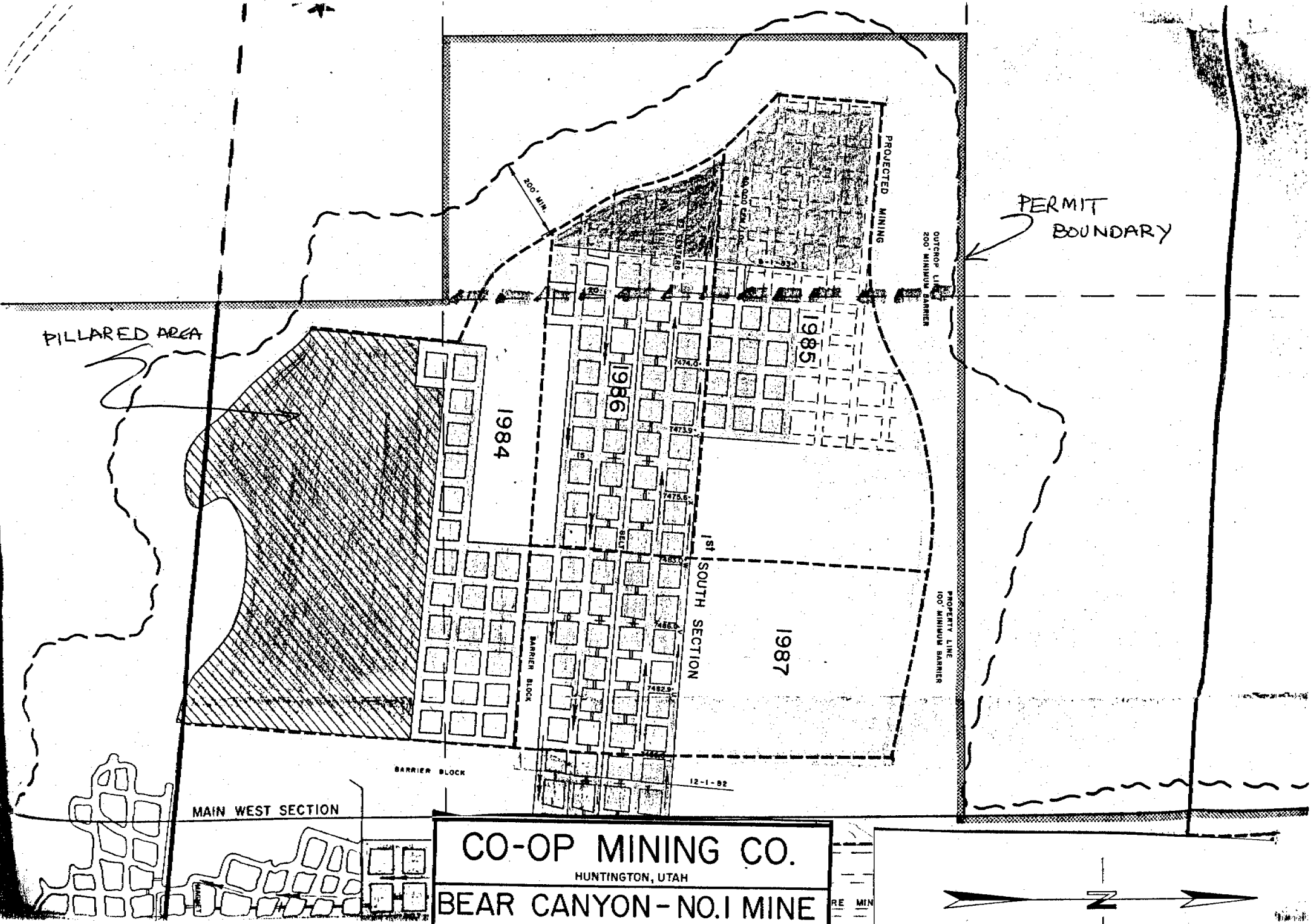
Upon review of Plate 3-4 in the Bear Canyon Mining and Reclamation Plan (prepared by Dan Guy September 1, 1985 and received at the Division September 9, 1985), there are clear indications that Co-Op has mined outside of the permit boundary in two areas about 6.6 acres in extent.

Co-Op has pulled pillars in an area of about 6.3 acres in the E1/2 NW1/4 of Section 26, Township 16 South, Range 7 East. On September 12, 1985, I called Mr. Allen Vance, Bureau of Land Management, Price, and verified that Coal Lease U-024318 located in the E1/2 NW1/4 of Section 26, Township 16 South, Range 7 East (see the plat attached) is a federal coal lease.

In addition, Co-Op has mined ouside of the permit boundary in the SE1/4 NE1/4 of Section 26, Township 16 South, Range 7 East (about 1/3 of an acre). This location is on an area of unleased federal coal (per conversation with Allen Vance September 13, 1985). This is a trespass situation.

Mr. Vance stated that the management of Co-Op had told him that there would be no mining in the federal lease (U-024318) until the Bear Canyon Mining and Reclamation Plan had been approved by the Division.

btb
cc: John Whitehead
9075R-19



CO-OP MINING CO.

HUNTINGTON, UTAH

BEAR CANYON - NO.1 MINE

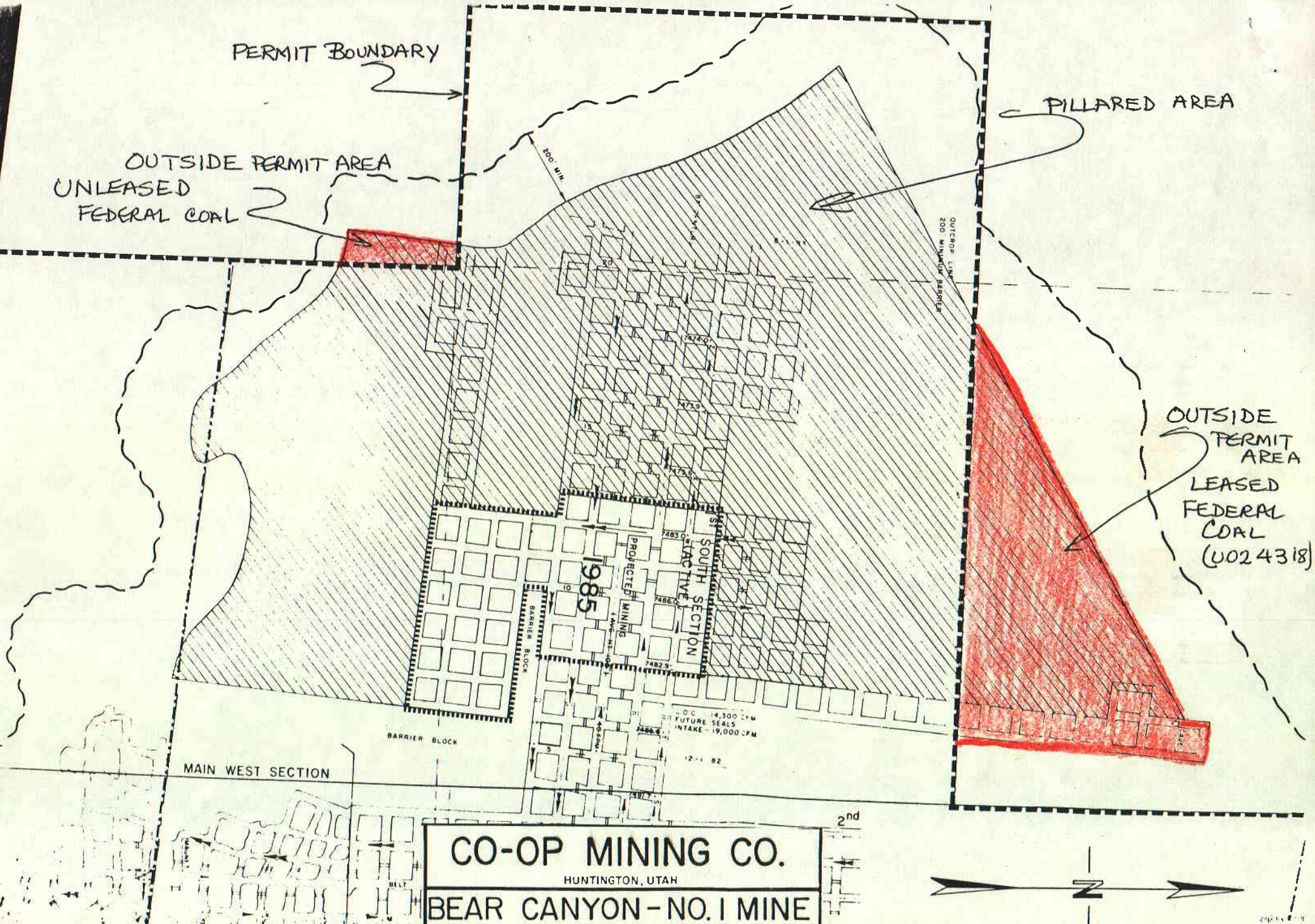
M.S.H.A. I.D. NO. 42-01697

SCALE:	DRAWN BY:	DATE:
1" = 200'	D. GUY	4/27/84

BEAR CANYON | PLATE 3-4

N

T.16 S., R.7 E., S.L.B.M.



CO-OP MINING CO.

HUNTINGTON, UTAH

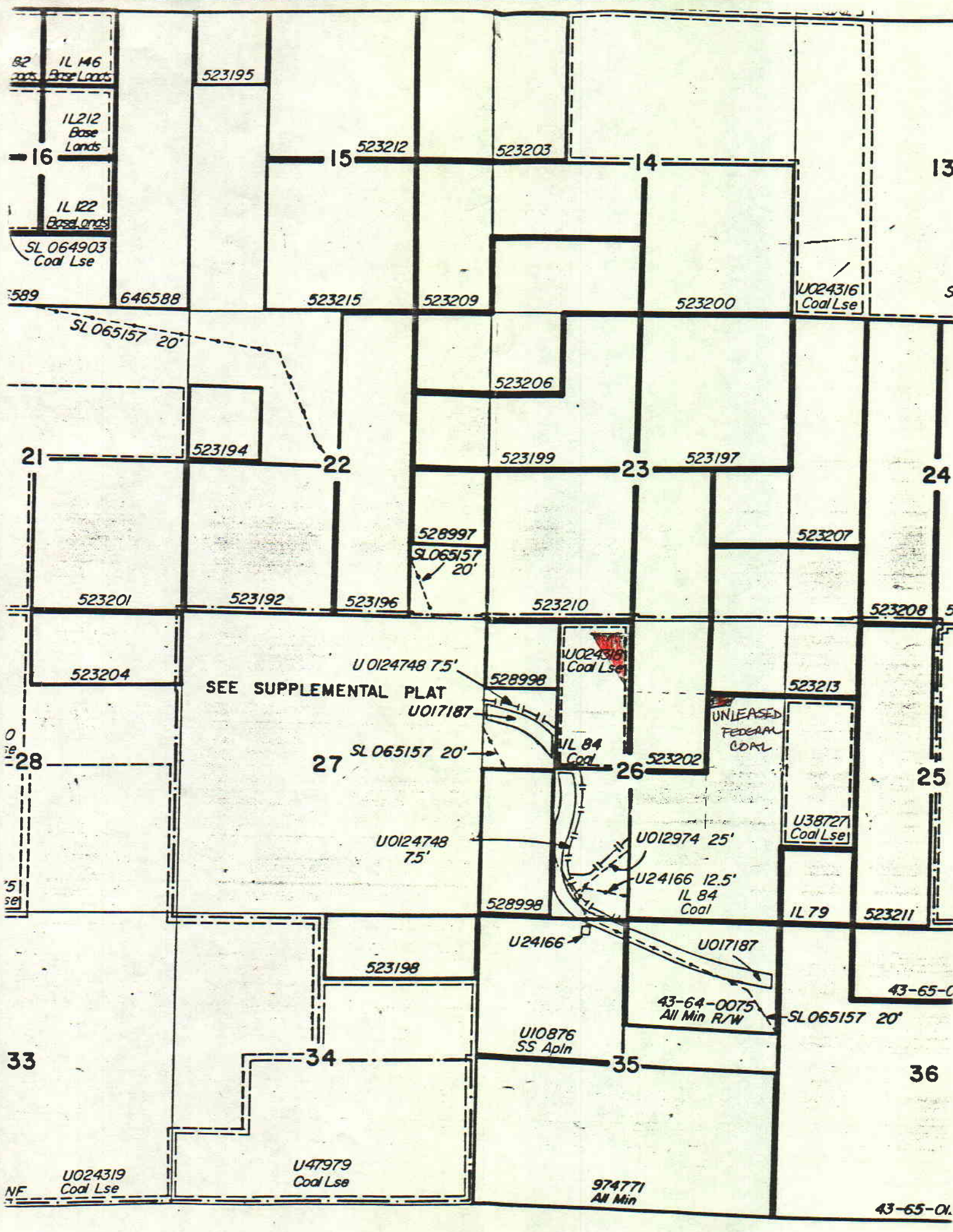
BEAR CANYON - NO. 1 MINE

M.S.H.A. I.D. NO. 42-01697

SCALE:	DRAWN BY:	DATE:
1" = 200'	D. GUY	9/1/85

BEAR CANYON | PLATE 3-4

T.16 S., R.7E., S.L.B.M.


IL 146 Base Lands
IL212 Base Lands
IL 122 Base Lands
SL 064903 Coal Lse
523195
523212
523203
16
15
14
646588
523215
523209
523200
U024316 Coal Lse
SL 065157 20'
523206
523194
21
22
523199
23
523197
24
528997
SL065157 20'
523207
523201
523192
523196
523210
523208
523204
U0124748 7.5'
SEE SUPPLEMENTAL PLAT
528998
U024318 Coal Lse
523213
U017187
UNLEASED FEDERAL COAL
IL 84 Coal
SL 065157 20'
27
26
523202
25
28
U38727 Coal Lse
U0124748 75'
U012974 25'
U24166 12.5'
IL 84 Coal
528998
IL 79
523211
U24166
U017187
523198
43-64-0075 All Min R/W
SL065157 20'
U10876 SS Apln
33
34
35
36
U024319 Coal Lse
U47979 Coal Lse
974771 All Min

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dianne R. Nielson, Ph.D., Division Director

July 5, 1984

TO: Dianne R. Nielson, Director

FROM: James W. Smith, Jr., Administrator, Mineral Resource Development and Reclamation Program

RE: Docket No. 84-040/Cause No. ACT/015/025 - Division of Oil, Gas and Mining, Petitioner, vs. Co-op Mining Company, Respondent

I would like to express my, as well as the technical staff's, extreme disappointment and continued frustration regarding handling of the above referenced June 28 Board agenda item. Continuing this matter for another month and requiring the staff to interrupt scheduled reviews to evaluate Co-op's "last-minute" submittal has had an adverse impact on both morale and job satisfaction. There is a growing belief that the Division is not sincere in carrying out its statutory obligations and, therefore, the technical staff's credibility as professionals is being lessened, making it difficult for them to perform their duties in the desired manner.

After considering this matter for the past week, I realize that perhaps continuation was the preferred option given the lack of adequate preparation by the Division's legal counsel. However, I believe that the staff was confident and well prepared to defend its position relative to Co-op's incompleteness of their permit application. Continuing the matter to review the additional material submitted by Co-op will likely weaken our case somewhat depending upon the information contained in the submittal. There is also a substantial fear that the Division will go through the same drawn out gyrations during the technical adequacy phase of the review if and when we are able to make a completeness determination.

If we can view this unfortunate situation in a positive light, it has demonstrated the definite need for early and total preparation prior to presentation to the Board. I believe the staff's suggestion to have at least a weekly meeting with the Division's counsel and management to outline and discuss specific issues, objectives, policies, direction, regulations and legal ramifications in preparation of its case should be initiated immediately. Better advance preparation by both the staff and

counsel will help to solidify the Division's position before the Board, not only for this issue but for all future matters. It will also bolster needed staff confidence and trust in management and greatly increase work satisfaction and morale, as well as improve the Division's image.

I realize that the timing of this memorandum may be somewhat delayed, but nevertheless, I wished to express my concerns.

If you would like to discuss this matter further, please let me know. Thank you.

JWS/btb
cc: Ron Daniels
Mary Boucek
88120-8 & 9

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dianne R. Nielson, Ph.D., Division Director

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July 2, 1984

TO: Dianne R. Nielson, Director

FROM: Mary M. Boucek, Permit Supervisor/Reclamation Biologist Mary

RE: Status of the Division's Petition Before the Board, Co-op Mining Company, Mining and Reclamation Plan, ACT/015/025

I must express, for my sake as well as for the staff under my supervision, frustration and dissatisfaction with the Division's action before the Board June 28, 1984 with regards to the petition referenced above. The continuation of this case to the July 26 Board Hearing and mandated review of the June 25 submittal by Co-op Mining Company has deeply and adversely affected the morale and degree of job satisfaction for myself and my staff. The technical staff was well prepared to confront the issues on June 28 and feels that the interests of the Division in executing its responsibilities have been weakened by continuing the case. I realize that you, as Division Director, did not have a true choice in the matter, based upon advice from the Assistant Attorney General, Barbara Roberts.

Nevertheless, I do have some suggestions to make if the Division is serious about pursuing this matter. Of utmost importance, the Division, in concert with the Attorney General's (AG's) office, must prepare its case well, far in advance of the next Board Hearing. Rick Smith has made an excellent suggestion to accomplish this goal, that being that commencing the week of July 2, the technical staff meet on a minimum weekly basis with the AG's office to discuss the specific issues and to outline a precise scenario for presentation of our case. Your attendance at these meetings would also be very helpful. Preliminary review of the material submitted by Co-op June 25 indicates that the plan remains incomplete in major areas. Though Co-op will argue that these incompletnesses are actually technical inadequacies, the technical staff remains confident in our position and would like the opportunity to present the Division's case before the Board. It is imperative that this confidence be shared by the AG's office as well and minimum weekly meetings with the latter should serve to nourish this confidence.

Please advise me as soon as you can. Thank you.

MMB/btb
cc: Ron Daniels, DOGM
Jim Smith, DOGM
88340-16

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dianne R. Nielson, Ph.D., Division Director

July 17, 1984

TO: Dianne R. Nielson, Director

FROM: Mary M. Boucek, Permit Supervisor/Reclamation Biologist MMB

RE: Incomplete Response, Co-op Mining Company, Bear Canyon Mine, ACT/015/025, #2, Emery County, Utah

The July 13, 1984 memo, M. Boucek to D. Nielson, inadvertently left out one item of incompleteness according to the Division's most recent review of Co-op's submittals, as follows:

UMC 783.25 Cross-Sections, Maps and Plans

Although the applicant has provided a strike and dip symbol on Plate 6-A, the symbol is located outside the proposed mine plan area and apparently in a stratigraphic unit beneath the coal. In addition, the strike and dip appear to be reversed.

The applicant has not provided the strike and dip of the coal to be mined within the proposed mine plan area as required by UMC 783.25(d). Therefore, UMC 783.25(d) is determined to be incomplete.

MMB/btb
cc: Wendell Owen, Co-op Mining Company
Carl Kingston, Co-op Mining Company
Barbara Roberts, Attorney General's Office
Ron Daniels, DOGM
Jim Smith, DOGM
Steve Cox, DOGM
Pam Grubaugh-Littig, DOGM
Ev Hooper, DOGM
Tom Munson, DOGM
Rick Smith, DOGM
John Whitehead, DOGM
88340-23

MEMORANDUM

June 10, 1985

TO: Dianne Nielson, Director, Division of Oil, Gas, and Mining

FROM: Mark Wight, Legal Assistant to the Division

RE: Legal Adequacy Review of the Co-op Mining Company's Bear Canyon Mine

INTRODUCTION

This technical analysis (TA) is basically very good. It is outstanding considering the Mine Plan (MRP) the staff had to work with. The stipulations are strong and demonstrate that the staff is aware of exactly what is needed to meet the requirements of the Utah Coal Mining and Reclamation Program (UMC). Overall, the stipulations attain the needed specificity for the legal adequacy review. My only suggestions will be to cites that I could not find in my copy of the MRP. I do not need to see the cited passages. However, if I have not been able to find them, someone should check them for me. The requirement here is to insure that the cites are as accurate as possible.

I have examined all the sections of the TA. However, I will

only mention the sections for which I have suggestions. All others are adequate as they now stand. One general suggestion is that page numbers as well as section numbers of the MRP be given whenever possible.

UMC 805.11 I could not find the estimated bond amount on page 3-111 as cited.

It is advisable to remember that the applicant's estimate is only one of the considerations in fixing the bond amount. UMC 805.11(a)(1). The Division has great latitude in fixing the bond amount.

UMC 817.11 This section of the TA states that the applicant will be using surface blasting at this mine. Based on the sections of the mine plan cited in the TA: pages 3-30 and 3-25, this statement is inaccurate. The inaccuracy is not crucial since the applicant proceeds to commit to an adequate plan in the case that blasting becomes necessary. The inaccuracy should be cleared up, however.

UMC 817.41 Chapter 7 of the Mine Plan that I am using appears to be outdated somewhat. All the cites in this section of the TA should be rechecked. The stipulations here are very good. The specificity is adequate to signal to the applicant what is needed for the final TA.

UMC 817.43 In the paragraph under Compliance it states "The structures associated with the surface water drainage plan will be monitored monthly by the Division Inspection and Enforcement Staff. Should problems become evident, Co-op will be required to replace or modify existing structures." There is no cite to the TA where the applicant has committed to this. If the applicant has not committed to this, there should be a stipulation here calling for such a commitment.

UMC 817.61-.68 I cannot find the language cited which states that the applicant will use surface blasting. It is possible that my copy of the MRP is outdated. Whatever the case, this cite should be carefully checked. Otherwise, the TA adequately addresses the requirements of the UMC.

UMC 817.95 The MRP, updated as of 5/17/85 changes the amount of anticipated annual production. This section of the TA should checked against the 5/17/85 addition to the MRP. That does not mean that the stipulation necessarily changes, however.

UMC 817.97 I could not find the language referred to at Section 10.4.2 as cited in the third paragraph of this section of the TA.

The discussion of wildlife impacts in the TA is very good.

UMC 817.101 There seems to be some clarification of the MRP with the 5/17/85 updates, pages 3-91D and 3-91I. Check these against

the last two paragraphs of the Existing Environment Section. Evidently the 5/17/85 update also addresses the concern of sentence number 4 of the Compliance section.

Stipulation 817.101-1. requires that the MRP commit to 90% compaction of the embankments. I am not sure where this requirement is coming from in the UMC.

UMC 817.103 I could not find language cited to in the second paragraph, supposedly at page 3-2.

UMC 817.106 The first cite: page 4-14, should probably be page 4-19.

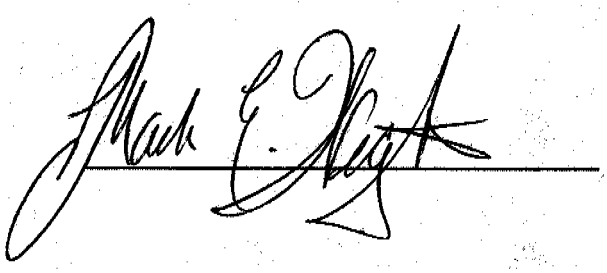
UMC 817.111-.117 An updated page (as of 5/17/85) evidently eliminates the suggestion of 4000 plants/ha. as referenced to page 3-104, found in the third paragraph of TA section 817.117. The MRP needs to be reconsidered now.

What precisely is expected of the applicant in Stipulation 817.111-.117-1.? With this particular applicant it would be advisable to spell out in greater detail what you want in this section. That is, the applicant should address why these species have been selected as temporary, quick, and stabilizing cover etc., rather than other species. It appears that to get the desired specificity from the applicant, the stipulations and suggestions from the staff will need to be painfully specific in

turn.

UMC 817.180 The MRP now (as of 5/17/85) addresses the concern of the compliance section and Stipulation 817.180-(1)-PGL, that being the commitment to restore to prevent damage to fish, wildlife and related environmental values.

UMC 817.181 It would be best to identify in the stipulation which support facilities the applicant has yet to include in the MRP.



RECEIVED
AUG 8 1985
DIV. OIL, GAS, MINING

CARL E. KINGSTON (1826)
Attorney for Petitioner
53 West Angelo Avenue
P.O. Box 15809
Salt Lake City, Utah 84115
Phone: (801) 486-1458

BEFORE THE BOARD OF OIL, GAS AND MINING

DEPARTMENT OF NATURAL RESOURCES

IN AND FOR THE STATE OF UTAH

CO-OP MINING COMPANY,	*	
Petitioner,	*	PETITION
vs.	*	Docket No.
DIVISION OF OIL, GAS AND MINING,	*	Cause No.
Respondent.	*	

Comes now the Petitioner, Co-op Mining Company, and petitions the Board of Oil, Gas and Mining to review its Order dated July 31, 1984 and to make such further Order as may be necessary and appropriate, either extending petitioners interim permit or ordering the Division to issue petitioner its permanent permit. As grounds for such petition, petitioner alleges as follows:

1. Petitioner, Co-op Mining Company (Co-op), is a general partnership existing under the laws of the State of Utah.

2. Respondent, Division of Oil, Gas and Mining (Division) is an agency of the State of Utah, created and existing pursuant to the authority granted in Section 40-6-1 et seq., Utah Code Annotated (1953, as amended).

3. Jurisdiction over this matter is conferred upon the Board of Oil, Gas and Mining (Board) pursuant to the provisions of Sections 40-8-6 and 40-6-10, Utah Code Annotated (1953, as amended).

4. On July 31, 1984 the Board of Oil, Gas and Mining (the Board) ordered that Co-op would be allowed to continue operations under its interim mining permit for a period of one year from the date the Division determined that Co-op's application for a permanent permit was complete, subject to extension for good cause.

5. The Division determined Co-op's application to be complete on or about October 4, 1984.

6. The Board further ordered the Division to review all submittals of petitioner diligently and in a reasonable time and retained continuing jurisdiction over this cause.

7. The petitioner has diligently and expeditiously responded to each request of the Division to supply information and data relative to petitioner's application for a permit and petitioner reasonably believes that all requirements for obtaining a permit have been met or will be met before October 4, 1985.

8. Because of delays by the Division in reviewing Co-op's

submissions and in responding to Petitioner and for other reasons either unknown to Petitioner or beyond Petitioner's control, at the date of this petition, the Division has not issued Petitioner a permit and may not do so before the October 4, 1985 deadline.

9. A cessation of mining operations for even a few days would cause petitioner irrepairable loss and damage and harm.

WHEREFORE Petitioner prays as follow:

1. For an Order requiring the Division to issue Co-op a permanent program permit on or before October 4, 1985, or in the alternative.

2. That the Board review the status of Co-op's application for a permit, determine if there are deficiencies or not, and if there are, list the same and issue an Order extending Co-op's right to continue operations for a reasonable length of time under its interim permit, to allow Co-op to meet such deficiencies and requiring the Division to issue the permanent permit immediately upon such deficiencies being met.

3. For such other and further relief as to the Board seems just.

Dated this____day of August, 1985.

_____
Carl E. Kingston
Attorney for Petitioner

CERTIFICATE

I hereby certify that I mailed a copy of the foregoing Petition to Barbara W. Roberts, Assistant Attorney General, Attorney for Respondent,

124 State Capitol, Salt Lake City, Utah 84114 and to Division of Oil, Gas and Mining, 355 West North Temple, 3 Triad Center, Suite 350, Salt Lake City, Utah 84180-1203, postage prepaid, this 7th day of August, 1985.

Carl E. Kingston

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dianne R. Nielson, Ph.D., Division Director

M E M O R A N D U M

May 11, 1984

TO: Dianne R. Nielson, Director

FROM: James W. Smith, Jr., Administrator, Mineral Resource Development and Reclamation Program

SUBJECT: Alton Surface Mine Tentative Review Schedule

After discussions with Mary Boucek, we have established a tentative review schedule for the Alton Surface Mine Permit Application Package (PAP).

Initial Completeness Review (ICR)	August 3, 1984
Applicant's Response to ICR*	July 5, 1985
Review of Applicant's Response	August 2, 1985
Determination of Completeness (DOC)	September 6, 1985
Technical Analysis (TA)	October 18, 1985
Applicant's Response to TA	November 29, 1985
Draft Final TA and Decision Document	January 24, 1986
Final TA and Decision Document	March 7, 1986
Approval and Permit Issuance	May 1, 1986

*Deficiencies identified thus far indicate additional baseline information (i.e., biological) is needed which can only be obtained on a seasonal basis, hence the long time frame.

JWS/btb
88120-1

cc: Jim Smith
Ron Daniels

STATE OF UTAH

SCOTT M. MATHESON
GOVERNOR

OFFICE OF THE GOVERNOR
SALT LAKE CITY
84114

MEMORANDUM

TO: Temp Reynolds, Director, Department of Natural Resources
Diane Nielson, Director, Division of Oil Gas & Mining

FROM: Juline Christofferson

DATE: November 29, 1983

RE: New Mine Permits.

As you are aware, Utah International has a new mine permit application filed with the Division of Oil Gas and Mining. OSM recently informed them that their permit review would be initiated immediately, and then retracted the statement. Utah International has asked to discuss the status of their permit review process with the Governor.

While Utah International did not respond affirmatively to the offer to allow them to pay the cost of an outside consultant review, they may be interested now that OSM has authorized the process for WESTAPPA.

Attached is a copy of the Utah International letter. Jim has scheduled a meeting with Utah International representatives, Roger Nelson and Jim Atkins, in his office, Dec. 12, at 11:00 to discuss a possible resolution to their problem. If either of you have a problem with this time, please let me know and we will reschedule.

RECEIVED
DEC 1 1983
DIVISION OF
OIL, GAS & MINING

Monday 1946 10:30 -
Sen ~~Cotton~~ Butler office