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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

December 24, 1985

CERTIFIED RETURN RECEIPT REQUESTED
(P402 457 271)

Mr. C. E. Shingleton, Director
Permitting, Compliance & Services
Utah Power & Light Company
P. O. Box 899
Salt Lake City, Utah 84110

Dear Mr. Shingleton:

RE: MRP Amendment to Include a Surface Storage Water Tank for
Fire Protection, Deer Creek Mine, ACT/015/018, #3, Emery
County, Utah

The application and plan for a Mining and Reclamation Plan (MRP) permit amendment submitted by Utah Power & Light Company (UP&L) on November 8, 1985 has been reviewed by the Division.

The plan is deficient and UP&L must address the following concerns before the review can continue.

UMC 783.15 Ground Water Information - DH

Although the company indicates in the plan that "minor" quantities of water are expected to be encountered in the various formations, UP&L must document (to the extent possible) all ground water flows greater than 20 gpm and the formation and depth where such flows were encountered. Geophysical and lithologic logs of the boreholes drilled as part of this program will facilitate the Division's review of this regulation.

UMC 783.19 Vegetation Information - KM

The amendment indicates a sagebrush, forb and grass vegetation. The reference in the MRP indicates a sagebrush community. The applicant should provide a more detailed description of the community. Since this vegetation type has not to date been disturbed in the permit area, no reference or community description has been provided.

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UMC 784.15 Reclamation Plan: Postmining Land Use - KM

The applicant proposes wildlife and grazing as the postmining land use but should describe and justify reclamation planned to achieve that land use, i.e., maintaining or removing the water tank.

The description must be accompanied by comments/approval of the landowner.

UMC 800.11(b) Requirements to File a Bond - DWH

The application fails to describe how the proposed area of additional disturbance will be bonded by the operator. A summary of the reclamation cost calculations and any necessary bond revision must be addressed by the operator.

UMC 817.22 Topsoil Removal - EH

The applicant must provide the depth of topsoil and subsoil which will be removed and replaced. The soil survey quoted in the MRP does not describe the soils which will be disturbed at the proposed site.

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

UMC 817.116 Revegetation Standards for Success - KM

If the water tank is to be left as a postmining wildlife and livestock water source, the applicant must address modification of the tank to provide safe access to animals.

A success standard must be established for revegetating the tank area and road. Because of the small size of the disturbance, the applicant may wish to propose a seed mix which will enhance the wildlife/range habitat by adding landscape diversity, i.e., a herbaceous island in the sagebrush community. The applicant should propose and justify a success standard if use of a reference area or predisturbance sampling is not intended.

UMC 817.133 Postmining Land Use - KM

Specific plans must be submitted to show feasibility of water tank use by livestock and wildlife without posing a public health or safety problem.

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Maintenance of the water tank after bond release should be discussed.

Enclosed please find a copy of technical comments received from the Office of Surface Mining regarding this proposal. Please address any additional concerns not identified above in your next response.

If possible, please address the above deficiencies by January 17, 1986. Thank you for your cooperation in this matter. Should you have any questions or concerns, please feel free to call me or Kathy Mutz of the Division technical staff.

Sincerely,

L.P. Braxton for

D. Wayne Hedberg
Permit Supervisor/
Reclamation Hydrologist

UW/btb
cc: Rick Holbrook
Reed Christensen
Larry Dalton
Lowell Braxton
Dave Hooper
Ev Hooper
Bart Kale
Kathy Mutz
John Whitehead
0505R-11-13



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

orig mine file
cc K-Mary
W. H. H. H.
W. H. H. H.

RECEIVED

DEC 16 1985

DEC 13 1985

DIVISION OF OIL
GAS & MINING

Dr. Dianne Nielson, Director
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Dear Dr. Nielson:

The Western Technical Center of the Office of Surface Mining Reclamation and Enforcement (OSMRE) has reviewed Utah Power and Light Company's (UP&L) proposal to install a water storage tank at their Deer Creek mine. We have found this proposal to be deficient in several respects. Any permanent structure/impoundment must be specifically approved and be consistent with the approved postmining land use. UP&L should consult with the landowner regarding the proposed alternative to leave the storage tank after mining to determine that the proposal will be acceptable. UP&L must make a single proposal, with an alternative if necessary, and support it, rather than present a list of alternatives.

The proposal should identify the water source that will be used to fill this tank and any changes in average annual depletion of flow to the Upper Colorado River Basin that will result from construction of the proposed water storage facilities. Any increase in average annual depletion of flow in the Upper Colorado River Basin must be evaluated with respect to the U. S. Fish and Wildlife Service's (USFWS) Windy Gap policy. If implementing this proposal would result in an increase of average annual depletion, OSMRE must consult with USFWS and an additional assessment for the Upper Colorado River Basin Endangered Fishes Fund will be necessary.

The reclamation plan for this proposal must be reviewed and the bonding amount adjusted to accommodate the most costly reclamation alternative. The adjustment in the bond must be made before any disturbance can take place.

If you have any questions, please contact Stephen Parsons or Richard Holbrook at (303) 844-2451.

Sincerely,


Allen D. Klein
Administrator
Western Technical Center

cc: Robert Hagen, Albuquerque Field Office
Forest Supervisor, Manti-La Salle National Forest