



0039

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dr. G. A. (Jim) Shirazi, Division Director

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

February 22, 1984

Mr. Allen D. Klein, Administrator
Western Technical Center
Office of Surface Mining
Brooks Towers
1020 Fifteenth Street
Denver, Colorado 80202

ATTENTION: Ms. Shirley Lindsay

RE: Draft Technical Analysis
Utah Power & Light Company
Wilberg Mine
ACT/015/018, Folder No. 2
Emery County, Utah

Dear Mr. Klein:

Enclosed please find a copy of the draft Technical Analysis (TA) for the Wilberg Mine, prepared by the Office of Surface Mining's (OSM) Contractor and sent to the Division for review earlier this month. Most comments have been made directly on the copy for expediency of turn-around. However, the Division has formulated several additional comments for your consideration, as outlined below.

1. Organization and Format

The Division suggests that the overall format of the TA be changed to more clearly address each performance standard separately and consecutively as in the following example:

UMC 817.100 Contemporaneous Reclamation
Existing Environment and Applicant's Proposal
Compliance
Stipulations or Conditions

As currently written, the document addresses major groupings such as VIII. BACKFILLING AND GRADING and one must "weed through" the section to find particular performance standards. In addition, each condition or stipulation should be numbered according to performance standard and consecutive number, for example, UMC 817.100-1, 2, 3, etc.

Mr. Allen D. Klein, Administrator
ACT/015/018
February 22, 1984
Page 2

2. Stipulation/Condition Deadlines

Submittal or compliance deadlines (dates) for any stipulations or conditions which are to remain as part of the Final TA should be discussed with the Division prior to finalizing the TA. These will be the Division's responsibility for tracking and it is advisable that our staff, both technical and enforcement, be made aware of these deadlines as early as possible in order that they be properly handled.

3. Regulation Interpretation

The Contractor's interpretation of Utah's regulations appears to be incorrect in several respects, i.e., Contractor's understanding of exactly what particular regulations/performance standards require is in error. UMC 817.99 Slides and Other Damage does not require that the applicant supply a "schedule" for reporting potentially hazardous slides to the Regulatory Authority (RA), but requires that the applicant commit to notifying the RA of such by the fastest available means and to comply with required remedial measures at that time. UMC 817.115 Revegetation: Grazing has been remanded and is not applicable at this time, yet the Contractor is requiring the applicant to address this performance standard. In addition (as regards Revegetation), the Contractor is requiring the applicant to replace a particular species (Amelanchier alnifolia) during reclamation as well as to replace trees. Though the Division feels it appropriate to make recommendations concerning species selected for use in revegetation, the Utah regulations do not require a particular species to be established, above and beyond the requirements of UMC 817.111(a) regarding diverse, effective and permanent vegetation cover. With reference to the Contractor's requirement of tree replacement in pinyon-juniper habitat, the Division refers to the April 5, 1982 Division of Wildlife Resources (DWR) comments on the MRP which state: ". . . Performance standards of UMC 817.97 demand that the revegetated area be returned as it was or make it better if practical. The DWR feels that pinyon pine can be left out of the vegetation plan and the amount of shrubs in the plan increased in planting density to compensate for the pines. The area would be more beneficial to foraging big game ungulates if the pines were omitted." This DWR recommendation was discussed with Utah Power & Light Company's representative (Mr. Joe Jarvis) and the Company is now apparently proposing to adopt it, i.e., eliminate reestablishment of pinyon pine and increase shrub stocking to meet woody plant density requirements. The DOGM and DWR concur with this proposal unless there is a particular mandate from the land management agency of which the Division is not aware.

These are but a few examples of apparent misunderstanding of Utah's regulatory requirements. There may be more in other sections of the TA as well. It is highly advisable that the TA be carefully scrutinized by the OSM and Contractor in conjunction with Chapter I of Utah's coal regulations to insure that regulatory requirements are adhered to.

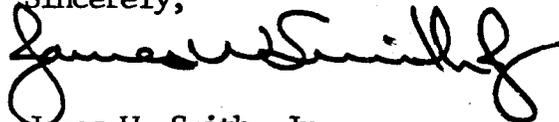
Mr. Allen D. Klein, Administrator
ACT/015/018
February 22, 1984
Page 3

4. Document Length

In general, the TA is quite long and, in some cases, redundant. The Division is of the understanding that it is the purpose of this document to summarize the existing environment and applicant's proposal regarding specific performance standards. In many areas, the TA goes into great detail concerning the applicant's proposal (e.g., cut and fill discussion under VIII BACKFILLING AND GRADING) where it may be more expedient to reference sections of the MRP wherein this information can be found. The discussion of the applicant's proposal regarding Subsidence Control is also quite lengthy; however, a detailed discussion may be warranted in this case in light of the controversial nature of this operation's potential subsidence effects on surface water sources.

Thank you for the opportunity to comment on this document. Should you or your staff have any questions regarding the Division's comments or should you require further input from the Division, please contact me or Mary Boucek of my staff at your earliest convenience.

Sincerely,



James W. Smith, Jr.
Coordinator of Mined
Land Development

JWS/MMB:btb

Enclosure

cc: M. Boucek, DOGM
T. Munson, DOGM