

June 30, 1987

TO: John Whitehead, Permit Supervisor

FROM: Kathryn M. Mutz, Reclamation Biologist *K*

RE: UP&L Mid-term Review Response, 5/13/87, Wilberg/Cottonwood Mine, ACT/015/019, Folder #2, Emery County.

Mine Sequence

Mine sequence maps submitted indicate that planned longwall mining will undermine the Miller Canyon cliffs, including Golden eagle nests, in 1988. This mining has been a controversial issue for many months. This sequence should not be approved until all interested agencies have met to discuss the issue. A site visit and discussion is planned for July 9, 1987. Mining that will cause escarpments to fail is specifically disapproved in the UP&L - Forest Service Lease Agreement.

Raptor Monitoring Plan

UP&L submitted a final version of their and subsidence monitoring plan for Newberry Canyon in late May, 1986. The plan was accepted by DOGM and all interested agencies. A copy of this plan should be incorporated into the MRP at an appropriate location.

Vegetation Monitoring

1. A Forest Service Mid-term Review comment indicates that one condition of the lease agreement is that: "The lessee or operator is required to conduct a monitoring program to locate, measure and quantify the progressive and final effects of underground mining activities on topography, hydrology and vegetation." They indicate that vegetation monitoring information has never been provided and suggest that color infrared photographs of the mine plan area provided at 2 - 5 year intervals may be the most cost effective technique of meeting this lease stipulation.

UP&L indicates that they "...have legally resisted the restrictions..." and "...Until this matter is resolved we will pursue legal relief and ask the Division to clarify its position." (enclosure to 5/13/87 letter). Apparently UP&L objects that the requirement is part of the lease agreement, that the Forest Service "...saw fit not to include their list of environmental concerns within the permit application and the review process...", yet they look to enforcement of this monitoring requirement through the mid-term review process.

The following should be considered in providing UP&L with clarification of DOGM's position:

- a. Section 2 of the permit document authorizes the permittee "to conduct mining operations subject to the conditions of the leases..." It appears, therefore, that the operator is not in compliance with their permit to mine unless they are in compliance with their lease agreements.

- b. The MRP states that "should significant subsidence impacts occur, the applicant will restore ... those surface lands that were reduced in reasonably foreseeable use as a result of such subsidence..." (p. 4-48). In order to fulfill this commitment, the operator must be able to evaluate (after some form of monitoring) the impact of subsidence on the land surface.
 - c. UMC 817.97 requires that the operator "...minimize disturbance and adverse impacts of activities on fish, wildlife, and related environmental values..." Without a monitoring program, the operator cannot know what adverse impacts are occurring and whether or not the operation is in compliance.
2. A related monitoring problem involves UP&L's current commitments for revegetation monitoring and reporting of results. The following is a synopsis of UP&L's vegetation monitoring commitments:
- a. Interim vegetation of fill slopes (p. 4-16):
 - a site visit each spring for 3 consecutive years to check progress
 - a site visit in August to record plant growth
 - 3 photo stations
 - counting of planted shrubs
 - permanent 100' line intercept transect or quadrat transect on each slope for species composition and ground cover
 - annual report that summarizes the year's work
 - b. Final revegetation (p. 4-20):
 - a site visit each spring to check on fitness of the sites and check progress of the plant growth
 - annual monitoring will include inspection for rills and gullies which will be filled and replanted as required
 - bond release sampling in year 9 and 10 of the responsibility period
 - c. Reclamation time schedule (following page 4-31)
 - indicates plant monitoring-disease & pest control in years 2, 3, 4, 5, 6, 9 and 10

The scheduling of final reclamation monitoring described in the MRP text (b) does not correspond to the monitoring schedule indicated in the reclamation schedule (c). In addition, it is not clear what information on revegetation will be reported, nor when it will be reported.

To Correct Vegetation Problems: (1) UP&L should clarify the MRP text to match the schedule and at least commit to doing quantitative sampling of final reclamation areas in years 2 ^{and} 3 or 5, to determine if replanting is needed. Quantitative sampling for years 9 and 10 is already planned for bond release. Qualitative evaluation of reclamation should continue in other years.

(2) UP&L should clearly commit to providing the data/observations from revegetation construction, revegetation maintenance and both qualitative and quantitative sampling in an annual report to be submitted along with their annual hydrology and subsidence reports.

(3) To satisfy the Forest Service requirement, this annual vegetation report should include an evaluation of the impacts of mining on vegetation of the permit area. The Forest Service has suggested infrared photography as a means of making this evaluation. UP&L should either commit to using photography and provide a schedule for its use or propose another method of providing the necessary data. A reasonable plan might include a combination of qualitative and quantitative observations concentrated in surface facilities areas and areas impacted by subsidence.

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SALT LAKE CITY, UTAH

Reply to: 2820

Date: March 10, 1987

Richard M. Holbrook
Office of Surface Mining
Reclamation and Enforcement
Brooks Towers
1020 - 15th Street
Denver, Colorado 80202

Dear Richard:

We have reviewed UP&L's Mine and Reclamation Plan for the Wilberg Mine Mid-Term Review and have identified the following concerns:

1. Sensitive plant Hedysarum occidentale var. canone has been identified by the Forest Service within the permit area at two different locations. The first location is on the slope north of the parking area in Grimes Wash. The second is in Miller Canyon approximately 1/4 mile east of the Cottonwood Canyon Road along the creek. Since this is a protected species it must be located, mapped and discussed in the vegetation report.

2. The lessee or operator is required to conduct a monitoring program to locate, measure and quantify the progressive and final effects of underground mining activities on topography, hydrology and vegetation. The Forest has routinely received the annual subsidence and hydrologic reports from UP&L. The last records received were the annual reports for 1984. We have not received the 1985 and 1986 reports. In addition, we have not received any indication that UP&L has conducted any vegetation monitoring in the subsided areas other than the baseline vegetative mapping and monitoring of the reference areas. UP&L must monitor the effects of mining on the affected areas as they are progressively mined. The most cost effective method of monitoring vegetation and studying the inter-relationships with topography, geology, hydrology due to mining and subsidence would be by conducting color infrared photography at 2 - 5 year intervals. The vegetative monitoring information must be incorporated into the mine plan and/or submitted as additional material in the annual reports.

We have also reviewed UP&L's response to the mid-term review letter 01/05/87 UT DOGM Transmittal of Revisions for mining and Reclamation Plan in Response to Mid-Term Review Letter of 11/03/86. We have the following comments:

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1. Page 3-26

We are concerned that the gabion structures to be constructed in the road template along the inside ditch of the Cottonwood Canyon Road could cause a potential safety problem. If a vehicle should slide off the road into the ditch, the gabions would be a rigid barrier. In addition, maintenance of the gabions and sediment clean-out may require obstruction of traffic.

2. Page 3-35

Provisions have been made for an additional emergency ground storage beside the silo of 5,000 ton capacity. We object to permanent open coal storage.

3. Map 2-13 (Revised 12/19/86)

This map shows a mine water discharge point in Miller Canyon. This was added to the revised map and there is no discussion of this discharge location in the text. A NPDES permit must be obtained and the discharge approved through the permitting process.

The surface water monitoring stations in Cottonwood Canyon, above and below the disturbed area, have been eliminated. Considering the Miller Canyon Mine discharge and the disturbed area and sediment ponds, justification for eliminating the monitoring stations is needed.

If you have any questions, please contact us.

W. H. Boley

for
REED C. CHRISTENSEN
Forest Supervisor

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(d) The cost of any required salvage of such fossils shall be borne by the United States.

(e) These conditions apply to all such fossils of significant scientific interest discovered within the lease area whether discovered in the overburden, interburden, or coal seam or seams. Fossils of significant scientific interest do not include those fossils commonly encountered during underground mining operations such as ferns and dinosaur tracks. Skeletal remains shall be considered significant.

7. If the Authorized Officer, Surface Management Agency, believes that threatened and endangered plant and/or animal species, bald or golden eagles or migratory species of high Federal interest occur in the area, the Lessee may be required, prior to entry upon the lease, to conduct an intensive field inventory of the areas to be disturbed and/or impacted, including the access routes to the lease area. The inventory shall be conducted by a qualified specialist(s) approved by the Authorized Officer, Surface Management Agency, and a report of the inventory and recommendation for the protection of these species submitted to and approved by the Authorized Officer, Surface Management Agency, and Regional Director or District Mining Supervisor, as appropriate. An acceptable report of any findings shall include the specific location, distribution, and habitat requirements of the species. The Lessee shall protect these species within the lease area from any activities associated with operations conducted under the terms of the lease and shall undertake such protective measures as may be required by the Authorized Officer, Surface Management Agency, and Regional Director or District Mining Supervisor, as appropriate.
8. Powerlines used in conjunction with the mining of coal from this lease shall be constructed so as to conform with the publication Suggested Practices for Raptor Protection on Powerlines (Edison Electric Institute, 1975). When feasible, powerlines will be located at least 100 yards from public roads.
9. The Lessee shall provide for the suppression and control of fugitive dust on all haul roads, and at coal handling, transportation, and storage facilities in accordance with the regulatory requirements as contained in 30 CFR 817.95 (or 30 CFR 816.95, as applicable), dated December 31, 1979. The migration of road surfacing and subsurface materials into streams and water courses shall be prevented.
10. In order to avoid surface disturbance on steep canyon slopes and the need for surface access, all surface breakouts for ventilation tunnels shall be constructed from inside the mine, except at specific locations approved by the Regional Director with the concurrence of the Authorized Officer, Surface Management Agency, and the District Mining Supervisor.
11. Prior to mining, the Lessee shall perform a study to secure adequate baseline data to quantify the existing surface resources on and adjacent to the lease area. The study will be established in consultation with and approved by the Authorized Officer, Surface Management Agency, the Regional Director, and the District Mining Supervisor and shall be adequate to locate, quantify, and demonstrate the inter-relationship of the geology, topography, all surface hydrology, vegetation, and wildlife. Baseline data will be established so that future programs of observation can be incorporated at regular intervals for comparison.
12. The Lessee shall establish a monitoring system to locate, measure, and quantify the progressive and final effects of underground mining activities on the topographic surface, underground and surface hydrology, and vegetation. The monitoring system shall utilize techniques which will provide a continuing record of change over time and an analytical method for location and measurement of a sufficient number of points over the lease area. The monitoring shall be an extension of the baseline data and shall be conducted by a method approved by the Regional Director in consultation with and concurrence by the Authorized Officer, Surface Management Agency, and District Mining Supervisor.