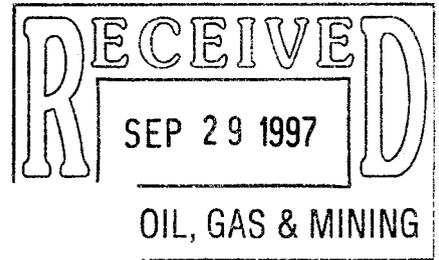


ACT/015/019

0008



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING



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September 26, 1997

To: File

Thru: Joe Helfrich, Permit Supervisor, Compliance *JH*

From: Wm. J. Malencik, Reclamation Specialist *WJM*
Jess Kelley, Reclamation Specialist *JK*

RE: Channel Canyon Portals Reclamation, PacifiCorp, Cottonwood Mine, ACT/015/019-97G, Folder #2, Emery County, Utah

Summary

The referenced amendment was received in the Price Field Office on September 15, 1997, six copies submitted to Salt Lake Office together with a memorandum on September 16, 1997. Mr. Helfrich made a determination that Jess Kelley and Bill Malencik would represent the Division on this matter. A field investigation was conducted on September 23, 1997. Mike Kaminski represented BLM, the land management agency. We asked Mr. Kaminski to have an appropriate BLM official send a letter of recommendation to you. Should you not receive such a letter please contact him.

The permittee, in his transmittal letter of September 10, 1997, has made the following request and supported by data in the amendment together with certain administrative processing conclusions:

- (1) "Phase I and Phase II (bond release) is not applicable in the case of Channel Canyon breakouts since the affected area occurs on a solid sandstone escarpment."
- (2) "Phase III (bond release) of the reclamation was completed as described above for final reclamation," and
- (3) "In addition to this amendment, an application for reclamation release of the affected portal area will be filed with the Division."



The inspector's summary follows:

- I. Because of the topography, the portals being located on a steep rock escarpment, the final seals constructed next to the escarpment, in addition to other reasons, the area in question cannot be backfilled and topsoiled.
- II. For the reasons cited in I above, seeding of the area disturbed by the portal breakouts is unwarranted.
- III. Our soils and biology evaluation and findings are that the permittee's conclusions are valid. Further, it is not warranted to topsoil or seed the areas associated with the breakouts and sealing of the portals. Therefore, Phase I and Phase II requirements on soils and biology have been met.

Further, since the area is not backfilled and topsoiled, the disturbed solid rock escarpment area is not subject to erosion. Therefore, no erosion maintenance required.

- IV. A phone conversation with Mr. Semborski clarified PacifiCorp's intentions. He advised me they are seeking Phase I, II, and III bond release, but not a reduction of their reclamation surety bond. This then provides clarifications of quotes (1), (2), and (3) from the permittee's transmittal letter.
- V. As related to Phase III, since the area is presumed to receive under 25 inches of precipitation a year, the liability period is 10 years¹. However, the permittee's position appears to be that the 10-year period relates solely to an evaluation period on the effectiveness of the Phase I and Phase II work and maintenance associated therewith. Further, since maintenance is not an issue, the Phase III bond release time frame should be waived.

Approved Reclamation Plan.

The soils and revegetation reclamation for final revegetation of all lands disturbed by coal mining and reclamation operations is included in the approved MRP and does not require traditional reclamation on the portal areas in question. (See permittee's amendment application pages 3.6, 3.7, 4.1 and 4.1.1.)

¹ R645-301-357.220. "In areas of more than 26.0 inches average annual precipitation, the period of responsibility will continue for a period of not less than five full years."

Soils, R645-301-200.

Analysis. Associated with the portal breakouts:

- (1) The two breakouts are each 20 feet wide and 8 feet high. The rock ledge, void of topsoil, is about 45 feet long and with width averages of 4 feet.
- (2) No soils were available, harvested, or stockpiled. The breakout took place on a steep solid rock escarpment.
- (3) The topography is such that topsoil, even if readily available, could not be placed or held on such a steep and solid rock escarpment.

Findings. Support the permittee's conclusion that topsoil placement is unwarranted on this reclamation project.

Biology, R645-301-300.

Analysis. Since soil cannot be placed and held on the escarpment and whereas the escarpment consists of bare rock, seeding is not warranted.

Findings. Support the permittee's conclusion that the area need not be seeded.

Protection of Fish and Wildlife and Related Environmental Values

Analysis. The reclamation and portal sealing will not have any significant impact on wildlife and environmental values. Bats may have utilized the unsealed portal; however, bat populations are only speculative because of the general area being void of surface water.

Findings. The project will not have any significant impact on fish, wildlife, and related values. The operator has tarred the front of the seals to better blend with the natural exposed coal seam.

Safety

Analysis. The portals lie on an inaccessible escarpment at the base of a rock strewn canyon, accessible by foot near the Trail Canyon Mine, adjacent to and about one mile east of Emery County Road 506.

Findings. Since the access ladder has been removed, the sealed portals are difficult to access; therefore, pose no human safety hazard.

Land Use, R645-301-400.

Analysis. The post-mining land use is wildlife.

Findings. The post-mining land use is wildlife. Elk droppings were observed. The general area appears to be a winter habitat area for deer and elk. It also provides habitat for birds and small mammals.

Engineering, R645-301-500.

Non-coal Waste

Analysis. No non-coal waste was observed on the solid rock ledge adjacent to the sealed portals, nor on the natural outslope below the portals.

Findings. The permittee has met this requirement.

Coal Waste

Analysis. An insignificant amount of coal fines were observed on the rock ledge adjacent to the portal; however, no lump coal or development waste was observed. The natural outslope below the portal was devoid of coal fines, lump coal, or development waste.

Findings. The permittee has met this requirement.

Portal Seals

Analysis. Double seals have been installed by the permittee. MSHA has approved the portal seals (see letter provided in the application). We observed the outside seal and it was constructed as required. Backfilling material even if imported would not be held in place.

Findings. The permittee has met these requirements.

Geology/Subsidence, R645-301-600.

Analysis. Only entry mining development has taken place in the Channel Canyon breakout area.

Findings. No subsidence expected in the Channel Canyon breakout area. This is based on Annual Subsidence Surveys (reviewed 1996 report).

Hydrology, R645-301-700.

Analysis. The Hiawatha seam, in which the Channel Canyon breakouts are located, dips away from the breakouts at approximately 3°. Thus, drains have not been installed in the breakout seals. Therefore, no expected buildup of underground water contiguous to the sealed partials will take place.

The area when operation^{W6} did not require sediment control.

Findings. Drains are unnecessary in the Channel Canyon breakout seals because underground will flow downgrade for the portal seals.
Rem

The reclaimed area does not require sediment control since no signs of surface runoff was observed and the area has an excellent stand of native vegetation. *WRC*

Responding to the following questions will perhaps provide a framework under the Utah Coal Rules to fully address this amendment and the anomalies it presents:

- (1) Is the ten year period footnoted herein a mandatory requirement or can exceptions, when justified, be granted on such De minimis cases?
- (2) Is the bond release process, BLM and Division, such that phase III bond release is a pre-requisite to lease relinquishment?