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outgoing
C0150025
task 2526

ok

From: Joe Helfrich
To: Dale Harber; Karl Boyer
Date: 7/10/2006 4:35:37 PM
Subject: Bear Canyon Lease Addition task # 2526

Hi Karl,

Attached is the latest list of deficiencies for the Bear Canyon Lease Addition based on our review of the information we received on May 22, 2006. We will see you at the Price Field Office Tuesday at 9:00 AM.....Joe, cell # 801 971-7685

CC: Wayne Hedberg

July 10, 2006

DRAFT

Charles Reynolds, Resident Agent
Co-Op Mining Company
P.O. Box 1245
Huntington, Utah 84528

Subject: Lease Addition U-46484 and U-61049, Task No. 2526, Co-Op Mining Company, Bear Canyon Mine, C0150025

Dear: Mr. Reynolds

The Division has reviewed your application to increase leases U-46484 and U-61049.

The Division has determined that there are some deficiencies that must be addressed before a determination can be made that the requirements of the R645 Coal Mining Rules have been met, and an approval can be granted. Those deficiencies are listed as an attachment to this letter.

The members of the review team include the following individuals:

Joe Helfrich [JCH]	Jim Smith[JDS]
Steve Christensen [SKC]	Priscilla Burton[PWB]
Pete Hess[PHH]	

Each deficiency identifies its author by that author's initials in parentheses, such that your staff can directly communicate with that individual should any questions arise relative to the preparation of Canyon Fuel Company's response to that particular deficiency.

Please note that there are no deficiencies relative to bond determination or soils.

Please respond to these deficiencies as soon as possible, but by no later than August 10, 2006, such that we may efficiently process your application.

Sincerely,

D. Wayne Hedberg
Permit Supervisor

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Attachment
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Deficiency List

Task No. 2526

Geology

DRAFT

R645-300-133.100, 301-121.200, 522, The Permittee must: • Update the "Total Area" and "TOTAL" tonnages in Table 5-1; • Update the in-place and recoverable coal reserves for "Fee Land" in Table 5-1; and • Add the in-place and recoverable coal reserves for lease U-46484 to Table 5-1. [JDS]

Biology

R645-301-320, Additional information regarding the Bear Canyon Lease Addition includes the redline strike out of paragraph one on page 3-2 05/15/2006 of the submittal received on May 22, 2006. Although plate 3-1 does not include the reference areas a plate with the reference areas should be included in the text and the existing text should remain as part of the MRP. Plate 3-1 was ground truthed with the applicant on June 13, 14 and 27. The following deficiencies were noted: • The scale of the symbols in the legend is too small to identify the vegetative communities outlined on the map. The scale in the legend needs to be accurately correlated with the vegetative communities plotted on plate 3-1. • The lease boundaries for the addition need to be included on plate 3-1. • The riparian communities associated with the springs and areas of flowing water need to be represented on plate 3-1. [JCH]

R645-301-322, The proposed lease area boundaries to be added to the current Bear Canyon permit boundary need to be identified on all plates depicting wildlife habitat. . Plates 3-2 and 3-3 were ground truthed with the applicant on June 13, 14 and 27, 2006. The following deficiencies were noted: • Plates identifying habitat for Mountain Lion, Bobcat and Black Bear should also be included in the application. • The proposed lease area boundaries to be added to the current Bear Canyon permit boundary need to be identified on all plates depicting wildlife habitat. [JCH]

R645-301-323, -301-411, -301-521, -301-622, -301-722, -301-731, The application needs to include Archeological Site maps and Cultural Resource maps for those acreages included in the lease addition. An archeological survey is required for the lease addition acreages. [JCH]

R645-301-322, -301-333, -301-342, -301-358. The application needs to include a protection and enhancement plan that addresses the possible impacts from subsidence to fish and wildlife. Page 3-38 05/15/2006 paragraph one provides for a commitment to reseed areas impacted by subsidence with a native seed mix. This may not be a required mitigation effort in some circumstances such as riparian species that have diminished as a result of flow patterns. The applicant needs to develop a mitigation and monitoring plan. The information in section R645 301.333 does not include a monitoring and mitigation plan for fish and wildlife from impacts due to subsidence. • The application needs to include a discussion about the existence of those threatened and endangered species listed for the

county, (Emery), where the lease additions are located. [Jch] • The application needs to include a current raptor survey for the lease addition areas and a discussion about the potential impacts to these birds from subsidence. • The application needs to include an evaluation of the status of Wetlands and Habitats of high value for Fish and Wildlife for the lease addition areas and a discussion about the potential impacts to from subsidence. [JCH]

R645-301-330, -301-331, -301-332. The application needs to include a discussion about the potential impacts to vegetation from subsidence for the lease addition areas. The applicant needs to develop a monitoring and mitigation plan with DOGM, DWR, and the Forest Service in the event subsidence monitoring denotes impacts to vegetation. [JCH]

Cultural Resources

R645-301-411, The archeological survey needs to be completed for the new lease additions as well. The survey should also include coordination with and evidence of clearances by the SHPO, (State Historic Preservation Office). [JCH]

R645-301-411, The application needs to include Cultural Resource maps for those acreages included in the lease addition or a finding from the Cultural resource inventory that there are no known historic sites of this type within the proposed lease additions. [JCH]

Engineering

R645-301-512.110, Mine workings to the extent known; Plates 5-2A and 5-2C must be certified by a Utah registered professional engineer. [PHH]

R645-301-512.130, all maps depicting final surface configurations or are relative to meeting the requirements for backfilling and grading must be certified by a Utah registered professional engineer. [PHH]

R645-301-512.140, Hydrology as described under R645-301-722, and as appropriate, R645-301-731.700 through R645-301-731.740, the aforementioned plates must be certified by a Utah registered professional engineer prior to the resubmittal. [PHH]

R645-301-512.250, Primary Roads, the Permittee must either submit an “as-built” design for the #4 Mine Tank seam access road and portal pad, or have the project engineer performing the analyses in Attachment B of Appendix 5-K certify the existing report/analyses. The design that is submitted must be certified by a Utah registered professional engineer. [PHH]

R645-301-521.142, The Permittee must update Plate 5-1B to show the current alignment of the permit boundary.[JDS]

R645-301-522, Coal Recovery; 1) a corrected Table 5-1, Coal Reserves-Bear Canyon Mine, which includes the in-situ as well as the recoverable tonnages for Federal lease U-024316 (80 acres of additional reserves), Federal lease U-46484 (1,400 acres of reserves), and the reserves associated with the private ownership fee coal, (2,740 acres of reserves). 2) Confirmation from the USDOJ / BLM / SLO that the resource recovery and protection plan(s) is adequate for each of the Federal coal leases which is being proposed for addition to the Bear Canyon Mine permit area. 3) A copy of the lease agreement between CO-OP Mining Company and the fee coal owner allowing right-of-entry into the 2,740 acres of private mineral ownership for the purpose of conducting coal extraction activities. This lease agreement should include a clause by which the coal owner accepts the recovery factor of 70 percent as indicated on page 5-14 of the Bear Canyon mining and reclamation plan. [PHH]

R645-301-525.110, 525.110, 525.120, 525.130, R645-301-525.200 et al., R645-301-525.300, R645-301-525.400 et al., R645-301-525.500, et al.; The Permittee must address these requirements as they relate to the proposed lease addition. [PHH]

R645-301-525.420, The Permittee needs to reconcile subsidence projections for the Tank Seam on Plates 5-1C and 5-3. [JDS]

R645-301-525.450, 525.452, 525.453, the Permittee must develop a better method to describe how natural surface structures will be protected where they exist in areas where coal burn exists, or show that the natural surface features cannot be protected using accepted geotechnical engineering methods. This would be determined by relating the location of the surface feature with respect to the amount of coal burn in that area. [PHH]

R645-301-525.700, Public Notice of Proposed Mining, the Permittee must provide the Division with a map which correlates the features of Plate 1-1, Permit Area, showing the various lease boundaries, Plate 1-2, Surface Ownership, and Plates 5-1A and 5-1C, Blind Canyon Seam and Tank Seam Mine workings. Although Plates 5-1A and 5-1C depict anticipated mining dates for secondary extraction of pillar panels, there are no anticipated dates shown for development mining. 525.700 requires that surface landowners be notified "at least six months prior to mining", i.e., development mining. Therefore this map is necessary to ensure that the surface landowners are notified in the time frame required. [PHH]

R645-301-525.700, Public Notice of Proposed Mining; the Permittee must submit a mining projection map which shows the anticipated dates for Mine development in the Blind Canyon and Tank seams of the Wild Horse Ridge addition area of the Bear Canyon permit. This map must also show the leases, and the surface lands owners above those leases such that the requirements of R645-301-525.700 can be met. [PHH]

R645-301-526, the Permittee must update Appendix 5-A, such that the photos and descriptions accurately depict all existing structures in service at the Bear Canyon Mines operations including all facilities for the #1, #3, and #4 Mines. All structures relative to the #2 Mine, Tank seam, which have been reclaimed should be designated as **RECLAIMED** if the Permittee desires to retain the photos within Appendix 5-A. [PHH]

DRAFT

R645-301-526, Facilities and Structures, the Permittee must update Appendix 5A, including Table 5A-1, and submit photographs of any constructed facilities in the Wild Horse Ridge addition to make this information in the mining and reclamation plan current. Information relative to structures that have been reclaimed should be removed. [PHH]

Hydrology

R645-301-724.310, 728, The Permittee must provide a PHC determination that addresses all the requirements of R645-301-728 for the entire proposed permit area and adjacent areas, clearly and directly including the fee coal and fee surface on the east side of the proposed permit area. [JDS]

R645-301-724.100 and -724.200: The Permittee needs to insure that all existing water rights for the proposed lease expansion are depicted on Plate 7-12 Water Rights, as well as listed in Table 7-6 Area Water Rights Summary. [SKC]

R645-301-724, -724.100 and -724.200: The Permittee needs to address the collection of baseline data (both surface and groundwater) in terms of the timing of mining activity (i.e. why some areas are not currently slated for monitoring). Much of the submitted baseline information is outdated. A minimum of 3 years of baseline data will be required for areas that are currently not being monitored within the proposed lease expansion area. The Permittee should address their plan for obtaining adequate, representative and current baseline information prior to beginning mining activities in areas not currently being monitored. [SKC]

R645-301-724.310, -728: The Permittee must provide a PHC determination that clearly and directly addresses all the requirements of R645-301-728 for the entire proposed permit area, adjacent areas as well as the private property addition on the east side of the proposed permit area. [SKC]

R645-301-722, -731: The Permittee needs to review Plate 7-4 and insure that the depicted monitoring points have the correct color designation as depicted in the map's legend (ex. all water monitoring wells sites are blue and not some other color). In addition, the Permittee should insure that all points slated for monitoring are not depicted as historically monitored sites or vice versa. • The Permittee should differentiate between the various coal seams depicted on Plate 7-4 and insure that the shapes are accurate. Upon review of the coal seam outlines, it appears that they do not line up correctly and

are difficult to decipher. • The Permittee should remove the water rights symbol in the legend of Plate 7-4, as that information is no longer depicted on that map. • The Division recommends that different symbols be utilized in order to differentiate between sites that are springs, creeks, monitoring wells etc on Plate 7N-2. In addition, upon review of Plate 7N-2, it appears that not all the sites that were sampled in obtaining baseline information are depicted on the map. They should be included on the map. The legend does not explain what the red dots depicted on the map are. • The Division also recommends that Plate 7N-2 be modified so that upon review of the map it's readily apparent which sites were utilized in obtaining baseline information. The current configuration of Plate 7N-2 appears to depict both proposed/current water monitoring locations and locations that were utilized solely for the collection of baseline data. A differentiation should be made between the various sampling points. • The Permittee should clarify on Plate 7N-2 that it was produced by the hydrologic report contained within Appendix 7N. In addition, changing the title of Plate 7N-2 (Water Sampling Locations) might avoid confusion with Plate 7-4 (Water Monitoring). [SKC]

R645-301-724.100, -724.200: The Permittee will need to do a section-by-section review of the water rights in the proposed lease expansion area and insure that all of them are depicted on Plate 7-12. [SKC]

R645-301-731.210, -731.220: Surface and Groundwater Monitoring; The Permittee should provide a detailed explanation as to why certain state appropriated water rights are to be monitored while others are not. • The Permittee should also provide a commitment to begin monitoring all state appropriated water rights a minimum of three years prior to actively mining any area containing a state appropriated water right. • The Permittee needs to commit to the sampling of all state appropriated water rights within the Tank Seam mining area. Plate 7-14 as well as Table 7-14 would need to be updated to reflect this commitment [SKC]

R645-301-731.210 Groundwater Monitoring; he Permittee should amend the language on Page 7M-13 of the MRP to allow for three years of water monitoring on Springs FBC-8, FBC-9, FBC-10 and FBC-11 prior to mining the area. • The Permittee needs to insure that all sites slated for monitoring within the proposed lease expansion area are in Table 7-14 of the MRP and on Plate 7-4 (example springs SCC-4, SCC-6 and SCC-7). • The Permittee should address the current status of MW-116 on page 7-55 of the MRP as it is no longer capable of being monitored. • The Permittee needs to address the status of springs SBC-18 and SBC-12. They are depicted on Plate 7-4 as historically monitored sites, however; they were initially submitted as proposed/active water monitoring sites. It appears that SBC-12 was at one point labeled 16-7-13-1. Spring 16-7-13-1 is depicted in two locations on Plate 7-4. The Permittee should address these discrepancies in the subsequent response. [SKC]

R645-301-731.220 Surface Water Monitoring; The Permittee should establish monitoring points for both the Right and Left Fork of Fish Creek in areas above the projected potential subsidence zones and mine workings. • The Permittee needs to update the list of streams

to be monitored on page 7-57 of the MRP. [SKC]

R645-301-731.50: The submittal does not adequately address the replacement of state appropriated water supply. The Permittee must provide a description of the measures to be taken to replace adversely affected state-appropriated water supplies or to mitigate or remedy any subsidence-related material damage to the land and protected structures. [SKC]

R645-301-731: The Permittee needs to review Plate 7-4 and insure that the depicted monitoring points have the correct color designation as depicted in the map's legend (ex. all water monitoring wells sites are blue and not some other color). Furthermore the Permittee should insure that all points slated for monitoring are not depicted as historically monitored sites or vice versa. • The Permittee should differentiate between the various coal seams depicted on Plate 7-4 and insure that the shapes are accurate. Upon review of the coal seam outlines, it appears that they do not line up correctly and are difficult to decipher. • The Permittee should remove the water rights symbol in the legend of Plate 7-4, as that information is no longer depicted on that map. • The Division recommends that different symbols be utilized in order to differentiate between sites that are springs, creeks, monitoring wells etc on Plate 7N-2. In addition, upon review of Plate 7N-2, it appears that not all the sites that were sampled in obtaining baseline information are depicted on the map. They should be included on the map. The legend does not explain what the red dots depicted on the map are. • The Division also recommends that Plate 7N-2 be modified so that upon review of the map it's readily apparent which sites were utilized in obtaining baseline information. The current configuration of Plate 7N-2 appears to depict both proposed/current water monitoring locations and locations that were utilized solely for the collection of baseline data. A differentiation should be made between the various sampling locations. • The Permittee should clarify on Plate 7N-2 that it was produced by the hydrologic report contained within Appendix 7N. In addition, changing the title of Plate 7N-2 (Water Sampling Locations) might avoid confusion with Plate 7-4 (Water Monitoring). [SKC]

R645-301-729, The Permittee needs to address the hydrologic deficiencies listed in this technical memo (Task ID #2292) before the Division can update the Gentry Mountain Cumulative Hydrologic Impact Area with information regarding the proposed lease additions. [SKC]