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From: Steve Christensen
To: Mark Reynolds
Date: 9/28/2006 10:13:10 AM
Subject: Bear Canyon 09/26/06 Meeting Follow Up

Mark,

I just wanted to send a follow up to our recent meeting at the Price Field Office.

In terms of water replacement language, it's my understanding that we will go back to a written commitment to "promptly replace any state-appropriated water supply that is contaminated, diminished or interrupted by underground coal mining and reclamation activities" as provided in R645-301-731.530, and in addition that you would also provide the same written commitment to replace impacted water resources at the sites we identified with the HCIC members (i.e. springs SBC-16A, SBC-16B, Wild Horse Ridge spring: T16S R8E Sect 13 SE 1/4 SE 1/4 and Bear Canyon Spring: T16S R7E Sect 12 NE 1/4 SW 1/4). It's also my understanding that Dale Harber of the USDA Forest Service will provide you with a list of the resources that the Forest Service has identified as "protected waters". These water resources would need to be listed along with the aforementioned sites for water replacement/mitigation. As we discussed in the meeting, the more detail the better in terms of potential mitigation measures that could be implemented in the case of a water resource being impacted.

I also wanted to ask you if you'd given any thought to providing a written description of the process to be followed in the event that a water replacement issue arises. I mention this in light of our meetings with the HCIC board members. It was mentioned several times that they wanted not only a mitigation plan in place, but a process plan as well. In light of C.O.P.'s and HCIC's legal battle history, it would be prudent to provide a thorough description of a process to be implemented in the event that a water replacement issue arises.

I also wanted to follow up on the proposed monitoring plan changes that we discussed during yesterday's meeting. Just as in the water replacement sections, the sites that were identified with the HCIC members will need to be added to your proposed monitoring plan. At this point, we'll have to wait and see what protected waters the Forest Service identifies, but in all likelihood these water resources would need to be monitored as well.

As far as monitoring the Left and Right Fork of Fish Creek, I jotted down the following notes:

Left Fork of Fish Creek Monitoring points include FC-4, SBC-20, the side-drainage/source canyon, SBC-18 and FC-1.

Right Fork of Fish Creek Monitoring points include FC-5 (Mud Springs), FC-3, SCC-2, a sampling point where the flow re-emerges on the surface before the Mohrland/Forest Service property line and FC-2. It's my understanding that FC-3 will be established at the confluence of the three drainages identified during our recent site visit.

In terms of the monitoring schedule to assess any potential impacts to these drainages from mining activity, it's my understanding that quarterly monitoring will begin immediately, that weekly monitoring will be performed one month prior to the panel reaching the drainages, continued weekly monitoring while being undermined, continued weekly monitoring a month after the panel has passed under the drainages and then continuing on a monthly basis for 6 months before reverting back to quarterly monitoring. I hope I got that right. In addition, a commitment should be provided to supply the Division with reports (via e-mail) documenting your monitoring of the Left and Right Forks of Fish Creek during your weekly sampling schedule (i.e. the month prior, during mining, month after etc..).

In terms of water quality data versus field parameters, water quality data may not be necessary at all of the aforementioned sites, but your next application should provide for the acquisition of water quality data

on a representative number of sites in the proposed lease expansion.

I hope this helps. This e-mail got a tad longer than I'd initially intended, but then again, this can get a bit complicated. Please don't hesitate to call me if you have questions regarding this e-mail or if you have any other concerns as we continue down the path towards your permit approval.

Take care Mark. I hope your foot's back to normal.

Steve

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