

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

June 2, 2006

TO: Internal File

THRU: Peter H. Hess, Environmental Scientist/Engineering-Inspector, Team Lead
Wayne Hedberg, Permit Supervisor

FROM: Steve Fluke, Environmental Scientist/Reclamation Hydrogeologist

RE: Pines Tract Temporary 2006 Stock Watering Plan, Canyon Fuel Company, LLC,
SUFCO Mine, C/041/002, Task ID #2547

SUMMARY:

This Technical Memo addresses the hydrologic aspects of the temporary plan submitted by Canyon Fuel Company, LLC, to replace water for stockwatering within the Pines Tract. The plan was in response to a finding of material damage and a request by the Division for a temporary mitigation plan in a letter sent to Canyon Fuel Company dated May 22, 2006. The finding of material damage was for damage to Spring Pines 105 (North Water Spring) causing a diminution of water due to longwall mining of the SUFCO Mine's 5L panel.

The stockwatering plan appears to be an adequate temporary mitigation measure for the material damage sustained within the Pines Tract. The plan should be approved under the following conditions prior to proceeding with the work: 1) a road use agreement with the Manti-La Sal Forest Service be obtained; 2) proof of the right to use water from the North Fork of Quitcupah Creek as the source for water replacement; and 3) the Forest Service agrees with the water replacement plan.

TECHNICAL MEMO

TECHNICAL ANALYSIS:

OPERATION PLAN

RELOCATION OR USE OF PUBLIC ROADS

Regulatory Reference: 30 CFR 784.18; R645-301-521, -301-526.

Analysis:

The plan calls for the access to existing and the placement of new cattle troughs on Forest Roads 007, 028, 058, and 044 and on unimproved non-service four-wheel tracks that branch off Forest Road 028. No improvements to the roads will be made. SUFCO must have road use agreements from the Forest Service for all roads to be used for the project prior to commencing activities.

Findings:

The plan meets the R645 Rules for Use of Public Roads under the condition that a road use agreement is obtained from the Forest Service prior to commencing activities.

HYDROLOGIC INFORMATION

Regulatory Reference: 30 CFR Sec. 773.17, 774.13, 784.14, 784.16, 784.29, 817.41, 817.42, 817.43, 817.45, 817.49, 817.56, 817.57; R645-300-140, -300-141, -300-142, -300-143, -300-144, -300-145, -300-146, -300-147, -300-147, -300-148, -301-512, -301-514, -301-521, -301-531, -301-532, -301-533, -301-536, -301-542, -301-720, -301-731, -301-732, -301-733, -301-742, -301-743, -301-750, -301-761, -301-764.

Analysis:

General

SUFCO's plan calls for the trucking of water from the North Fork of Quitchupah Creek to six troughs placed throughout the Pines Tract and allotment area. Daily water volumes will range between 12,000 and 21,600 gallons based on the minimum and maximum amount of water that has historically flowed from the North Water Spring and the Joe's Mill Pond Spring. The plan presents their baseline data and Emery County Conservancy District data that supports these

volumes. The Division agrees that this volume of water is adequate as a temporary replacement of lost stock water. However, the Manti-La Sal Forest Service must also agree with plan.

The plan also demonstrates the maximum pump capacity of 7,344 gallons/day for the North Water Spring pump.

Water Rights

The plan does not indicate that Canyon Fuel Company has a right to use of water from the North Fork of Quitchupah Creek for stock watering purposes. Prior to obtaining water from the creek, Canyon Fuel Company must demonstrate this right.

Findings:

The plan meets the R645 Rules for Hydrologic Information under the conditions that; the Forest Service agrees with the water replacement plan, and a demonstration of the right of use of water from the North Fork of Quitchupah Creek can be made prior to commencement of the work.

RECOMMENDATIONS:

The plan should be approved following the conditions outlined in this memo.