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Outgoing  
C0410002  
#4150  
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GARY R. HERBERT  
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Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

August 13, 2012

Ken May, General Manager  
Canyon Fuel Company  
597 South SR24  
Salina, UT 84654

Subject: Northwater Mitigation Plan, Canyon Fuel Company, SUFCO, Permit C/041/0002, Task ID #4150

Dear Mr. May:

The Division has reviewed your application for the latest proposal on mitigation measures in the Northwater spring area. The Division has identified deficiencies that must be addressed before final approval can be granted. The deficiencies are listed as an attachment to this letter.

The initials of the deficiencies authors are provided so that your staff can communicate directly with that individual should questions arise. The plans as submitted are denied. Please resubmit the entire application.

Due to the increased activity and water redistribution project, once approval of the plan is granted, the Division recommends that CFC monitor raptors in the area around all associated springs, and install pumps and water lines outside of the normal raptor breeding and nesting season (January through August).

If you have any questions, please call me at (801) 538-5325.

Sincerely,

Daron Haddock  
Coal Program Manager

DRH/AAA/ss  
cc: Price Field Office  
Tom Lloyd  
Marc Stilson  
O:\041002.SUF\WG4150\4150Deficiencies.docm



## **Deficiency List**

**Task No. 4150**

**Amendment**

Members of the review team with outstanding deficiencies:

**April Abate (AA)**  
**Ingrid Campbell (IC)**  
**Daron Haddock (DH)**  
**James Owen (JO)**

**[R645-301.320]:** CFC chose not to respond to this deficiency previously. The Division will not approve the application until it has been responded to. Please revise the appendix 7-25 and remove statements regarding impacts to vegetation. Currently, there is no quantitative data to support the claim that the riparian vegetation has not been impacted. Qualitative data, such as photos, is not adequate to conclude that riparian vegetation has not been impacted. The area could be becoming dominated by non-riparian vegetation which would not be discernible from photos. **(IC)**

**[R645-301.742.312.4 and -301.750]:** The Division considers the routing of water from the spring a diversion of flow from an undisturbed area. Therefore, under this rule the Permittee is required to comply with all local, state and Federal laws and regulations including the requirement to obtain a water right for the water being put to use for beneficial use. Currently there is no specific water right on spring M-SP80. However, a change application would be required to add this spring as a point of diversion. The USFS currently holds the water rights associated with the drainage that M-SP89 reports to and would be responsible for the filing of this new point of diversion. Until a change application is filed on this spring as a point of diversion, the Division cannot approve the plan. **(DH & AA)**

**[R645-301.764-765 & -301.800]:** Reclamation costs for the piezometers were not itemized in the bonding cost calculations spreadsheets included in Appendix 5-9. The company will need to provide the Division with an updated bond calculation spreadsheet including the costs of reclamation for the piezometers. **(AA & JO)**

## **Suzanne Steab - Sufco, Northwater Mitigation Plan, Task ID #4150**

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**From:** Suzanne Steab  
**To:** PFOCoal; Stilson, Marc; Thomas W -FS Lloyd  
**Date:** 8/14/2012 12:49 PM  
**Subject:** Sufco, Northwater Mitigation Plan, Task ID #4150  
**Attachments:** 20120814134346.pdf

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Please see attached.

Thanks

Suzanne Steab, Engineering Tech  
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Salt Lake City, Utah 84114-5801  
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*Starting Tuesday, September 6, 2011, our agency hours will be 8am - 5pm, Monday - Friday.*

**Subject:** Sufco, Northwater Mitigation Plan, Task ID #4150  
**Created By:** SUZANNESTEAB@utah.gov  
**Scheduled Date:**  
**Creation Date:** 8/14/2012 12:49 PM  
**From:** Suzanne Steab

Recipient	Action	Date & Time	Comment
To: Karl Houskeeper (KARLHOUSKEEPER@utah.gov)	Delivered	8/14/2012 12:49 PM	
To: Marc Stilson (MARCSTILSON@utah.gov)	Third-Party Downloaded	8/14/2012 12:49 PM	
To: Pete Hess (petehess@utah.gov)	Delivered	8/14/2012 12:49 PM	
To: Priscilla Burton (PRISCILLABURTON@utah.gov)	Delivered	8/14/2012 12:49 PM	
To: Steve Demczak (STEVEDEMCZAK@utah.gov)	Delivered	8/14/2012 12:49 PM	
To: Thomas W -FS Lloyd (twlloyd@fs.fed.us)	Pending		