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Technical Analysis and Findings

Utah Coal Regulatory Program

November 16, 2016

PID: C0410002
TaskID: 5282
Mine Name: SUFCO MINE
Title: ADD MONITORING DATA & REVISE COMMITMENTS

Summary

The Permittee requests the Division approve discontinuance of monitoring of riparian vegetation for the "upper reaches" (sites Q01-Q09) of the South Fork of Quitchupah Creek. The amendment does not include a map or narrative on the location of the upper reaches in relation to 2R2S Block A and 3R2S Block B. The amendment includes a confidential map (Attachment B) that identifies the location of 2R2S Block A and 3R2S Block B however this map does not include the sampling locations (Q1-Q11).

The cover letter states ".... and the plan to discontinue monitoring associated with subsidence in areas along the South Fork of Quitchupah Creek". The Division requests the Permittee more precisely indicate what monitoring is to be discontinued and in what locations. The terms of "upper and lower reaches", "Q1-Q11", "above the road" and 2R2S Block "A" 3R2S Block "B" must be put into relation of each other.

Deficiencies Details:

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Operation Plan

Subsidence Control Plan Renewable Resource

Analysis:

The amendment does not meet the State of Utah R645 requirements for protection of vegetation from mining induced subsidence.

The Permittee has agreed to a monitoring and mitigation plan for undermining the South Fork of Quitchupah 2R2S Block "A" and 3R2S Block "B". This plan is incorporated into the MRP as Appendix 3-14. According to the table on page 5 of Appendix 3-14, the Permittee has committed to monitor riparian vegetation in select locations (Q1-Q11) two times a year. Monitoring is scheduled to be complete in 2018 for 2R2S A and 2019 for 3R2S B and final reports to be submitted in the following years annual report.

Page 1 of Appendix 3-14 states, "The monitoring and mitigation plan will provide sufficient data for stakeholders associated with these resources and lands to make a determination of the degree of impacts. Information and data will be collected before the area is mined, throughout the mining period, and after mining is past. Monitoring and data collection will continue

until the mine, Division and Forest agree that mining impacts, if any, have occurred, have been mitigated, and no further impacts are anticipated." The amendment proposes the riparian studies for years 2013 through 2015 provide justification for discontinuing monitoring. The Division does not agree because evidence of monitoring before, during, and after monitoring is not provided. The studies do show that little to no change has occurred within the existing riparian areas under the study.

The amendment states that sites Q10S and Q11C will continue to be monitored though 2016 (page 3-47). However, this is contrary to the table on page 4 of Appendix 3-14 whereas monitoring will continue through 2019 for 3R2S B. The approved timetable includes monitoring of 2R2S "A" for a period of 5 years, through 2018 and 3R2S "B" for a period of 5 years through 2019. The permittee amends Appendix 3-14 so these studies will be complete in 2016 and 2017.

The amendment includes a new table (Riparian Vegetation Monitoring Table (Addendum)) to Appendix 3-14. However, the new addition is not in red-line format as required. Again, this table changes the "Final report" from years 2019/2020 to 2016/2017. Although the table does provide valuable information in regards to the location of Q1-Q11 in respect to the blocks, the Division will not accept the new dates for final monitoring and reporting without adequate justification.

Deficiencies Details:

The amendment does not meet the State of Utah R64-301-300 requirements for protection of vegetation from mining induced subsidence.

R645-301- 332. For the purposes of UNDERGROUND COAL MINING AND RECLAMATION ACTIVITIES a description of the anticipated impacts of subsidence on renewable resource lands identified in R645-301-320, and how such impact will be mitigated;

R645-301-143. The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.

The permittee has committed to monitor riparian areas Q1-Q9 (Block 2R2S A) and Q10-Q11 (Block 3R2S B), through 2018 and 2019 respectively. If the permittee wishes to discontinue this monitoring three years early, adequate information to demonstrate that monitoring data has been collected before, during, and after mining in the two mining blocks under consideration. Furthermore, that data must conclude that little to no change in the riparian system has occurred as a result of mining.

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