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STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

043/001 # 2 *File*
Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

October 5, 1987

CERTIFIED RETURN RECEIPT REQUESTED
P 402 459 450

Mr. Jack Higgins
Summit Minerals, Inc.
221 West 2100 South
Salt Lake City, Utah 84115

Dear Mr. Higgins:

Re: Comments Regarding Response to State Decision Package,
Summit No. 1 Coal Mine, Summit Minerals, Inc.,
ACT/043/001, Summit County, Utah

The Division recognizes the current situation regarding the preliminary injunction on September 10, 1985, by Judge Fredrick of the Third District Court which precludes Summit Minerals, Inc. from excavating, mining, processing and/or selling the sand and gravel resource at the above referenced mine site. It is apparent from the your letter dated August 8, 1987, that the intention of the Summit Minerals, Inc. will be to unconditionally refuse to excavate, recontour and/or regrade the sand and gravel resource under the current restrictions.

The Division's position is that the coal related activities and the reclamation of those areas associated with coal mining are under the authority and the responsibility of the Division of Oil, Gas and Mining. In those areas where sand and gravel operations and/or resources are superimposed, reclamation must be in consideration of and in accordance with the coal mining regulations in affect at the time of the disturbance and with the approved post mining land use.

In light of Summit Minerals' conflict with the preliminary injunction issued in Third District Court, it is recommended by the Division that Summit Minerals, Inc. seek relief from the injunction or establish clarification such that mine reclamation can be effectively achieved at Summit No. 1 Coal Mine. Further discussion in regard to the legal issues involved with this situation should be referred to Barbara Roberts, Attorney General's Office (801) 533-6884. Please feel free to contact her directly in regard to this matter.

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Mr. Jack Higgins

PRO/043/001

October 5, 1987

With regard to the objections to the stipulations presented in the draft copy of the Decision Package sent to you by the Division, July 2, 1987, copies of the technical memos to file by Mr. Rick Summers and Mr. Randy Harden have been included with this letter.

It is apparent that the requirements of the Division and the considerations of Summit Minerals differ to a degree that further discussion of the reclamation objectives for the Summit No. 1 Coal Mine will have to be made. In anticipation of the questions and the further discussion required in this matter, the Division is requesting that Summit Minerals, Inc., contact the Division before October 30, 1987 and establish a mutually agreeable date that we may meet and clarify the deficiencies in the Reclamation Plan. Please contact me or Susan Linner, in order to establish this meeting date.

Thank you for your cooperation in this matter.

Sincerely,

L. P. Braxton

L. P. Braxton
Administrator
Mineral Resource Development
and Reclamation Program

JRH:jvb

Enclosure(s)

cc: B. Roberts

K. May

R. Harden

S. Linner

7000R-8

September 8, 1987

TO: File

FROM: R. Harden, Mine Reclamation Engineer *JRH*

RE: Reply to Response to Stipulations, Dated August 8, 1987,
Summit No. 1 Coal Mine, Reclamation Plan, Folder
2, PRO/043/001, Summit County Utah.

Summary

This memo addresses the applicant's comments or response to stipulations made in the state Decision Package made in a submittal to the Division dated August 8, 1987.

Body

The following comments are made with regard to the applicant's comments on stipulations made in the state Decision Package:

UMC 800. - 2 - JRH

Due to deficiencies in the applicant's reclamation plan, determination of the final bond amount could not be made without making assumptions based on stipulations in the Decision Package. Without detailed engineering design of those deficiencies cited in the stipulations, an estimate of the cost for reclamation cannot be made without some degree of contingency. The estimate made by the Division is in accordance with the general methods used by the Division in determining the cost amount for reclamation.

In order to effectively reduce or eliminate the amount of contingency in the cost estimate the operator must complete the requirements of the stipulations provided in the Decision Package and resubmit bonding calculations based on quantity takeoff and estimation for all of the additional design and reclamation work involved in the reclamation of the site. Upon submittal of such information by the applicant, the Division shall revise and determine the bond amount for reclamation. In the interim, bond amount will be that as specified in the Decision Package in order to account for all possible reclamation work that may have to be accomplished on the site.

The requirements of this stipulation shall be met in order to approve the reclamation permit, or sufficient design and engineering estimates must be made and submitted to the Division prior to permit approval in order to effectively reduce the amount of bond required.

UMC 817.101 - 1 JRH

The Division has only indicated those areas which have been included within the disturbed area as outline by the applicant's Reclaimed Contour Map, 784.23 - 2 and the applicant's mine map showing the extent of the underground workings and coal bed geology, 783.14-4.

In particular, Portal P#2 is located immediately within the alluvial materials which required removal during development of the mine opening. Subsequent highwall development in the alluvial material was a direct result of coal mining operations. Although additional material had been removed by sand and gravel operations, the majority of the development was accomplished during mine development. Those areas in which it is considered by the Division to be solely the result of sand and gravel operations includes the area immediately to the east and behind the shop located on the site and reclamation of this area is not considered the responsibility of the applicant.

The applicant must provide suitable plans for the backfilling and reduction of the highwall in the alluvial material in order to assure long term stability. It has been conceded by the Division that those portions of the highwall which are of solid rock (sandstone) can be left since they are stable and blend in with the surrounding cliff formations throughout the region.

UMC 817.101 - (2) - JRH

Prior site inspection and information gathered at the Division indicate that the activity which caused the disturbance in this area occurred during mining operations. Photographs taken by the Division show that this area was disturbed as a result of mining operations. The applicant must comply with the reclamation of this area in order to comply with the requirements of this stipulation.

UMC 817.101 - (3) - JRH

Since the applicant has not submitted recognition from the landowner for the assumption of any of the facilities as those approved for the post mining land use, all of the facilities associated with mining will have to be reclaimed to the approved post mining landuse of wildlife and grazing

The area in the vicinity of the proposed sediment pond does not show reclamation which conforms to approximate original contour. The slopes and the pad left upon regrading of the sediment pond do not conform to the requirements of this section. The applicant must provide suitable regrading of this area in order to conform with the requirements of approximate original contour and with the post mining land use for that area. It has been indicated by the surface owner that an easement through the location of the sediment pond has been allowed for the ingress and egress of livestock in conjunction with grazing rights for adjacent properties. The applicant shall provide sufficient design, detail and explanation of these uses and the final design for post reclamation land use in order to meet the intended requirements of this stipulation.

UMC 817.101 - (4) - JRH

Pads and the outslopes of pads formed by previous operators have been included in the disturbed area since the existing facilities were incorporated into those facilities to be used for mining operations. Reclamation of those pads and outslopes in a manner which will provide for long term stability and conform to the approximate original contours and the post mining land use for the site. In those areas where the applicant can show that there has been beneficial revegetation and evidence of long term stability, some of the outslopes of the pads may be left where there is no diminution of the post mining land use. An example of this type of area on the site may be the outslope areas which is to on the western side of the side and slopes down into the field to the north of the slopes. By allowing this area to remain, the upper, southern portion of this part of the disturbed area will be allowed to remain at a more gentle slope, suitable for the post mining land use.

In other areas of the site such as the slopes adjacent to Chalk Creek and those slopes above the flood plain area of Chalk Creek, those slopes should be reduced and or rounded in order to become more stable and to blend in with the post mining land use. These slopes should be reduced to a degree which will allow for the access of livestock and wildlife into the floodplain area and to Chalk Creek.

The applicant must provide for the redesign of the above areas in order to conform with the requirements of this stipulation.

jvb
cc: R. Summers
7000R-10



STATE OF UTAH
NATURAL RESOURCES
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Lee
Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

August 31, 1987

TO: File

FROM: Rick P. Summers, Reclamation Hydrologist *ERS*

RE: Reply to Response to Stipulations, Dated August 8, 1987, Summit No. 1 Coal Mine, Reclamation Plan, PRO/043/001, Summit County, Utah.

Summary

The applicant's response to our state Decision Package stipulations (received August 10, 1987) was reviewed for hydrology concerns (UMC 817.42-2 and 817.46-2). The following memo further substantiates the review team's position on these matters.

Body

UMC 817.42-2-RS

The intent of this stipulation was not to reclaim the existing sedimentation pond, rather it was to insure that sedimentation control structures be placed between Chalk Creek and the reclaimed area during the reclamation period. The Division agrees that the existing sediment pond should remain.

UMC 817.46-2-RS

The Division has evaluated the expected sediment yield using USLE and feels our results are justifiable and realistic. Apparently, two discrepancies exist between the applicant's submitted values and the values used in the technical analysis. First, the value used for K appears to be underestimated. The Division used a value of appx. 0.24 based upon the soils analysis report from USU provided in the permit application. Samples nos. 5 thru 8 indicate the soils in the area are predominantly loam with some sandy loam. Referring to Table 5.6 (enclosed) the recommended values range from 0.37 to 0.42. However, Table 5.5 (enclosed) indicates a value of 0.24 for fine sandy loam to sandy loam soils. Considering the local values given by Mr. Tim Watson (see HE-6 of the MRP) for our decision, it was decided to use the lower of the two referenced values (0.25).

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PRO/043/001
August 31, 1987

The second discrepancy apparently lies with the choice of the C factor used. The applicant used a value of 0.004 based upon Table 5.A.4 (enclosed). The Division has determined that this chart is not the best information available for this site. The referenced table is for WOODLAND conditions and a footnote explains that litter cover must be two inches deep for 85 % of the watershed area. Field observations by the DOGM staff indicate these conditions do not exist. The Division feels a more applicable condition is described in Table 5.A.3 (enclosed). This table lists RANGELAND conditions for appreciable brush with 50 percent cover. It is felt this table is more appropriate for conditions in northern Utah. This table lists the value for C as 0.13. The Division used both the submitted values from the MRP and these tables for the determination of a CP factor of 0.01. It is felt that the Division selected values that are representative of the site without being unduly conservative.

It is recommended that the applicant contact myself or Kent Wheeler if questions arise.

It should be noted that the reclamation plan hydrology designs may be required to undergo a revision based upon the extent of reclamation activity in the previously disturbed area characterized by the applicant as sand and gravel operations. Particularly of interest are permanent channel designs for the drainage located to the south and east of the current disturbed area, viability of the sediment pond location if the proposed area is to be reclaimed, and restoration of the Chalk Creek flood plain (i.e. bridge and access road removal).

jvb
cc: Sue Linner
Kent Wheeler

6000R-68

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 221 W 2100 S
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P 402 459 450

Summit Minerals
 Mr. Jack Higgins
 221 W 2100 S
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ACT/043/00

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