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State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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August 15, 2002

*OK*  
Certified letters  
sent 8/15/02.  
to water conservancy  
and surface  
owner.  
JGD by ar

TO: Internal Files  
FROM: Stephen J. Demczak, Sr. Reclamation Specialist/Engineering, Team Lead  
RE: 84-Acre Permit Modification, Canyon Fuel Company, LLC., Skyline Mine,  
C/007/005-02G

**SUMMARY:**

The permittee is requesting a minor permit modification to increase the mine's existing permit area by approximately 84 acres. This is to gain underground access to the North Lease (Winter Quarters Lease). The permittee will develop main entries through this area. No second mining will occur in the 84 acres.

The present underground mining area (Flat Canyon) has been experiencing ground water problems for the past several months. The Flat Canyon area would need to be dewatered before coal can be economically mined. Skyline has determined by mining the North Lease the mine will be viable for the next several years.

The permittee has started to develop main entries towards the permit modification area. It is projected that the continuous miner section will reach the permit modification area underground by September 1, 2002.

The permit modification area is located under private property and contains fee coal. Skyline has acquired the right to mine the fee coal but has not reached an agreement with the surface owner. Subsidence will not take place in the 84 acres permit modification.

No surface structures, sells, utilities, or permanent roads are located within 2,500 feet of the permit area.

TECHNICAL MEMO

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**TECHNICAL ANALYSIS:**

**GENERAL CONTENTS**

**RIGHT OF ENTRY**

Regulatory Reference: 30 CFR 778.15; R645-301-114

**Analysis:**

The 84-acre permit modification is located in Section 12 of Township 13 South, Range 6 East. There are two mineral owners within the 84-acre permit modification. These are C&B Energy and Carbon County. The permittee has coal lease agreements from Carbon County and C&B Energy to mine the 84 acres.

The surface owner for the 84-acre permit modification is Koula Marakis Trust. The permittee has not received permission to mine underground from the surface landowner. It is the opinion of the reviewer that the permittee and the landowner could not reach a mutual agreement for a right-of-way.

Canyon Fuel Company, LLC-Skyline Mine has submitted information to be able to mine the 84 acres by complying with R645-301-114.200. Utah Coal Rule R645-301-114.200 relating to the general contents of a coal permit application provides that where the private mineral estate to be mined has been severed from the private surface estate, an applicant will submit one of the following: (1) a copy of the written consent of the surface owner, or (2) a copy of the conveyance that expressly grants or reserves the right to extract coal by certain coal mining and reclamation operations, or (3) documentation that the applicant has the legal authority under Utah law to extract the coal by the proposed operations. Skyline Mine feels the information presented will comply with statement (3) or R645-301-114.230. Skyline Mine has provided case law in the application for their justification of right-of-entry. The reviewer will refer to management to make a finding if Skyline Mine has the necessary documentation and the right-of-way to mine the 84 acres under the surface property of Koula Marakis Trust lands.

**Findings:**

The permittee has met the minimum requires as it is related to the right-of entry underground by obtaining coal lease agreements.

The Division's management has concluded that the permittee has met the minimum requirements to mine under the surface landowners property (Koula Marakis Trust land) by complying with R645-301-114.200.

## LEGAL DESCRIPTION AND STATUS OF UNSUITABILITY CLAIMS

Regulatory Reference: 30 CFR 778.16; 30 CFR 779.12(a); 30 CFR 779.24(a)(b)(c); R645-300-121.120; R645-301-112.800; R645-300-141; R645-301-115.

### Analysis:

A legal description of the incidental boundary change has been updated to the permit area description in the MRP. This is on page numbers 1-35 and 1-37 of this amendment. Land ownership, mineral ownership, and permit area maps have been updated to reflect the 84-acre permit modification.

### Findings:

The information provided has met the minimum requirements of this section.

## ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

## PERMIT AREA

Regulatory Requirements: 30 CFR 783.12; R645-301-521.

### Analysis:

The Permittee proposed to add 84 acres to the permit area for the Skyline mine. The additional acres are in Township 13 South, Range 6 East SLB&M, Section 12: SW1/4SW1/4, and NW1/4SW1/4.

This change is also shown on the following revised maps:

DWG. No: 1.6-3  
DWG. No: 3.1.8-2  
DWG. No: 3.1.6-1

### Findings:

The information provided has met the minimum requirements of this section.

TECHNICAL MEMO

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## VEGETATION RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.19; R645-301-320.

### Analysis:

This information has not changed. There will be no impact to vegetation due to first mining only. No subsidence will occur in the IBC area.

### Findings:

The information provided has met the minimum requirements of this section.

## FISH AND WILDLIFE RESOURCE INFORMATION

Regulatory Reference: 30 CFR 784.21; R645-301-322.

### Analysis:

This information has not changed. There will be no impact to fish and wildlife due to first mining only. No subsidence will occur in the IBC area.

### Findings:

The information provided has met the minimum requirements of this section.

## GEOLOGIC RESOURCE INFORMATION

Regulatory Reference: 30 CFR 784.22; R645-301-623, -301-724.

### Analysis:

The 84-acre IBC is adjacent to the current Skyline Mine permit area. Geologic information for the IBC is provided in the approved Skyline Mine MRP. The geologic formation for the IBC and the adjacent lands mined by Skyline are the same.

### Findings:

The information provided has met the minimum requirements of this section.

## **HYDROLOGIC RESOURCE INFORMATION**

Regulatory Reference: 30 CFR Sec. 701.5, 784.14; R645-100-200, -301-724.

### **Analysis:**

#### **Baseline Information**

There is no baseline information. All hydrologic information has been present in the Skyline Mine MRP.

#### **Ground-water Information**

The ground water encountered in the Skyline mine adjacent to the IBC was determined to be old water. This water is greater than 50 years old. Ground water was not a significant problem while mining Mine 3 in this area. A sand stone channel will be mined through as the mains are developed. This will be same channel encountered in Mine #3. It produced roof drippers with minimal flows that stopped flowing shortly after mining proceeded past the channel. It is anticipated that similar ground water conditions will exist when this channel is encountered during development of the mains.

#### **Surface Water Information**

Monitoring spring S12-1 is located in the SW1/4 Section 12 T13S R6 E within the IBC area that will include the new mains. Spring S13-7 is located just south of the IBC area in Section 13. No impacts are anticipated to these springs since no subsidence will occur in the IBC. These springs will continue to be monitored as part of the Mining and Reclamation Plan.

The drainage to be undermined in the IBC area in Section 12 T13S R6E is ephemeral and contains flows only during spring runoff or as the result of summer thunderstorm precipitation. No impacts to this drainage are anticipated since no subsidence related to mining activities will occur in the area.

#### **Baseline Cumulative Impact area Information**

The IBC lies within the Cumulative Impact Area of the Skyline Mine. This was confirmed in CIA boundary drawing in the Cumulative Impact document.

#### **Probable Hydrologic Consequences Determination**

The permittee has updated the PHC to include the 84-acre permit modification. These additions are on Page 2-51 of this permitting action.

**TECHNICAL MEMO**

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**Findings:**

The information provided has met the minimum requirements of this section.

**MAPS, PLANS, AND CROSS SECTIONS OF RESOURCE INFORMATION**

Regulatory Reference: 30 CFR 783.24, 783.25; R645-301-323, -301-411, -301-521, -301-622, -301-722, -301-731.

**Analysis:**

**Affected Area Boundary Maps**

The affected area is the same as the permit area. This is shown on Drawing 1.6-3 of this amendment.

**Existing Structures and Facilities Maps**

There is no existing structure in the IBC.

**Existing Surface Configuration Maps**

The existing surface configuration is on Drawing 1.6-3.

**Mine Workings Maps**

The mine workings for the IBC is shown on Drawing 3.1.8-2. The permittee will develop five entries through the IBC.

**Permit Area Boundary Maps**

The permittee has updated the permit area map to include the IBC. This update is on Drawing 1.6-3.

**Surface and Subsurface Ownership Maps**

The ownership and control information is updated on Drawing 1.6-1 and 1.6-2.

**Surface and subsurface manmade features maps**

The IBC has no surface and subsurface manmade features.

### **Contour Maps**

Contour for the IBC can be seen on Drawings 1.6-1, 1.6-2, 1.6-3, and 3.1.8-2.

### **Findings:**

The information provided has met the minimum requirements of this section.

## **OPERATION PLAN**

### **MINING OPERATIONS AND FACILITIES**

Regulatory Reference: 30 CFR 784.2, 784.11; R645-301-231, -301-526, -301-528.

### **Analysis:**

#### **General**

The permittee will use the IBC to excess the North Lease (Winter Quarters) with five main entries. Continuous miner will develop these entries. The development entries will go through the IBC. This should take two or three months depending on ground conditions. Skyline Mine #3 will access the IBC underground by using continuous miners.

#### **Type and Method of Mining Operations**

Continuous miner will be used to mine the IBC. No second mining will occur in the IBC.

#### **Facilities and Structures**

No facilities or structure will be constructed in the IBC.

### **Findings:**

The information provided has met the minimum requirements of this section.

### **EXISTING STRUCTURES:**

Regulatory Reference: 30 CFR 784.12; R645-301-526.

TECHNICAL MEMO

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**Analysis:**

No existing structures are located in the IBC.

**Findings:**

The information provided has met the minimum requirements of this section.

**SUBSIDENCE CONTROL PLAN**

Regulatory Reference: 30 CFR 784.20, 817.121, 817.122; R645-301-521, -301-525, -301-724.

**Analysis:**

**Subsidence control Plan**

There should be no subsidence in the IBC. No second mining will occur in the IBC. However, the permittee must notify, in writing (certified letter), the water conservancy district, and all owners of surface property that mining will take place. **Permittee must follow the requirements of R645-301-525.700.**

*see cover.*

**Findings:**

The information provided has met the minimum requirements of this section.

**ROAD SYSTEMS AND OTHER TRANSPORTATION FACILITIES**

Regulatory Reference: 30 CFR Sec. 784.24, 817.150, 817.151; R645-301-521, -301-527, -301-534, -301-732.

**Analysis:**

**Road classification system**

No roads will be used or constructed in the IBC. Only underground mining will take place in the IBC.

**Findings:**

The information provided has met the minimum requirements of this section.

**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, -300-148, -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:**

**Acid and toxic-forming materials**

It is anticipated that acid and toxic materials will be no different than what was in Mine #3 adjacent to the IBC. There is no geologic difference between Mine #3 and the IBC.

**Findings:**

The information provided has met the minimum requirements of this section.

## RECLAMATION PLAN

### GENERAL REQUIREMENTS

Regulatory Reference: PL 95-87 Sec. 515 and 516; 30 CFR Sec. 784.13, 784.14, 784.15, 784.16, 784.17, 784.18, 784.19, 784.20, 784.21, 784.22, 784.23, 784.24, 784.25, 784.26; R645-301-231, -301-233, -301-322, -301-323, -301-331, -301-333, -301-341, -301-342, -301-411, -301-412, -301-422, -301-512, -301-513, -301-521, -301-522, -301-525, -301-526, -301-527, -301-528, -301-529, -301-531, -301-533, -301-534, -301-536, -301-537, -301-542, -301-623, -301-624, -301-625, -301-626, -301-631, -301-632, -301-731, -301-723, -301-724, -301-725, -301-726, -301-728, -301-729, -301-731, -301-732, -301-733, -301-746, -301-764, -301-830.

**Analysis:**

There will be no reclamation of the IBC area. All activity will be underground.

**Findings:**

The information provided has met the minimum requirements of this section.

### BONDING AND INSURANCE REQUIREMENTS

Regulatory Reference: 30 CFR Sec. 800; R645-301-800, et seq.

TECHNICAL MEMO

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**Analysis:**

**General**

There will be no surface disturbance from buildings or structures. The Division has determined that no additional bonding amount will be required. All mining activities will occur underground.

**Findings:**

The information provided has met the minimum requirements of this section.

## **CUMULATIVE HYDROLOGIC IMPACT ASSESSMENT**

Regulatory Reference: 30 CFR Sec. 784.14; R645-301-730.

**Analysis:**

The IBC lies within the existing cumulative hydrologic impact area. This document will not need to be changed.

**Findings:**

The information provided has met the minimum requirements of this section.

**RECOMMENDATIONS:**

The permittee has met the minimum requirements. This amendment is recommended for approval.