

#3504  
R

# TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

---

April 6, 2010

TO: Internal File

THRU: Daron Haddock, Lead *DH*

FROM: Angela Nance, Business Analyst/Bond Coordinator *AN/MS*

RE: Winter Quarters Ventilation Facility, Canyon Fuel Company, LLC, Skyline Mine, C/007/0005, Task ID #3504

**SUMMARY:**

Canyon Fuel Company, LLC submitted an application requesting approval to construct a ventilation facility in the Winter Quarters Canyon in October 2009. The application was withdrawn and returned to the Permittee in November 2009. The Permittee resubmitted the application on January 11, 2010. The application was returned deficient/denied on February 24, 2010.

On March 23, 2010 the Division received a complete re-submittal of the Winter Quarters Ventilation Facility with the recommended modifications identified. The Winter Quarters Canyon Facility proposes to add approximately 8 acres to the permit area. The Winter Quarters Ventilation Facility is on private land and has been conveyed to Ark Land Company from the Allred Family Trust by way of a deed. Ark Land Company will conduct an inter-company perpetual and exclusive lease with Canyon Fuel Company, LLC – Skyline Mine. Canyon Fuel Company plans to construct the facility in Summer 2010.

---

TECHNICAL MEMO

---

**TECHNICAL ANALYSIS:**

**GENERAL CONTENTS**

**IDENTIFICATION OF INTERESTS**

Regulatory Reference: 30 CFR 773.22; 30 CFR 778.13; R645-301-112

**Analysis:**

A list of the names and addresses of the owners of record of all property contiguous to any part of the proposed permit area can be found on page 1-20 in Volume 1 of the MRP. Skyline Mine submitted a revised Drawing 1.6-2 to illustrate the owners of property adjacent to the permit area.

**Findings:**

Drawing 1.6-2 shows that the property owned by George E. and Helene Liodakis & Liodakis Ranch, LLC is adjacent to the permit area with the construction of the Winter Quarters Ventilation Facility; however, their name and address does not appear on the list of owners on page 1-20.

**R645-112.600**, please update page 1-20 to include all property owners that are contiguous to any part of the proposed permit area.

**RIGHT OF ENTRY**

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

**Analysis:**

A description of the documents upon which the Permittee bases their legal right to enter and begin coal mining and reclamation operations can be found on page 1-34. A deed from the Allred Family Trust to Ark Land Company conveys about 12.7 acres of surface land to Ark Land Company. The parcel is located in the Winter Quarters Canyon in the N1/2 of Section 1, T. 13S., R. 6E., SLB&M.

The previous technical review (Task ID #3463) identified a deficiency on page 1-34. The Permittee was asked to provide a date of execution of the deed, as well as the specific legal description of the parcel to which the document pertains. Canyon Fuel Company is currently

negotiating an arrangement with the respective landowner and is committed to providing this information.

**Findings:**

Prior to final approval, please provide the date of execution of the deed from the Allred Family Trust to Ark Land Company. (R645-301-114.100).

**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:**

During the previous task it was noted that the road leading up to Winter Quarters is a public road for approximately one mile, after which it becomes a private road, as noted on the carbon county website: <http://ims.carbon.utah.gov/zoning/mainpage.asp>, accessed January 27, 2010. Also, Priscilla Burton visited with the Carbon County Planning and Zoning office on February 16, 2010 and was informed that the county claims the road up winter quarters as a public road for ¼ mile into Section 6. This is probably one mile from the mine site. Also, while determining suitability, it was discovered that the area is zoned Watershed.

Skyline Mine submitted a Conditional Use Permit application with Carbon County on March 16, 2010. A copy of the application was provided. The Carbon County Planning Commission will review the information and Skyline Mine anticipates an approval recommendation in late April 2010. Skyline Mine commits to providing this information to the Division.

**Findings:**

Prior to final approval, please submit a copy of the approval recommendation from the Carbon County Planning Commission granting a Conditional Use Permit to construct and operate a ventilation facility in Winter Quarter's Canyon (R645-301-115.100).

**RECOMMENDATIONS:**

Before final approval, the Division must receive an updated page 1-20, a copy of the approved Conditional Use Permit from the Carbon County Planning Commission, and a dated deed from the Allred Family Trust.