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TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

October 7, 2010

TO: Internal File

THRU: Jim Smith, Permit Supervisor *De 27 Oct 2010*

FROM: Priscilla Burton, CPSSc, Environmental Scientist III

RE: North Graben Incidental Boundary Change, Canyon Fuel Company, Skyline Mine, C/007/0005, Task ID #3615

SUMMARY:

The longwall panels will be rotated to run east-west to maximize recovery and necessitating an Incidental Boundary Change (IBC). The application was received on September 16, 2010. The IBC adds 320 acres of fee coal north of the Winter Quarters Canyon Graben. Right of Entry to the coal has not yet been acquired. No additional surface disturbance is associated with this IBC, but the legal description has been perfected (pp. 1-37 to 1-39a, Plates 1.6-1 and 1.6-3).

The application is not recommended for approval until ROE is obtained.

TECHNICAL ANALYSIS:

GENERAL CONTENTS

RIGHT OF ENTRY

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

Analysis:

The IBC adds 320 acres of fee coal north of the Winter Quarters Canyon Graben. Page 1-32 describes the legal description of the added fee coal as T. 13 S., R. 6 E., Sec 36, N1/2SW1/4, S1/2NW1/4. Right of Entry to the coal has not yet been acquired.

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Findings

Information provided does not meet the requirements for right of entry. Prior to approval, please provide the following in accordance with:

R645-301-114.100, The application must include a description of the right of entry documents by type and date of execution, specific lands to which the document applies and explain legal rights claimed by the Applicant.

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:

No additional surface disturbance is associated with this IBC, but the legal description of the underground lease and surface disturbance areas has been perfected (p. 1-37 through 1-39a and Plates 1.6-1 and 1.6-3).

Findings:

The available information meets the requirements of the Regulations.

PERMIT TERM

Regulatory References: 30 CFR 778.17; R645-301-116.

Analysis:

This amendment does not change the permit renewal dates.

Findings:

The information available meets the requirements of the Regulations.

PUBLIC NOTICE AND COMMENT

Regulatory References: 30 CFR 778.21; 30 CFR 773.13; R645-300-120; R645-301-117.200.

Analysis:

This IBC requires is not considered a significant revision and therefore, no public notice is required.

Findings:

The information presented meets the requirements of the Regulations.

RECOMMENDATIONS:

The application is not recommended for approval until ROE is obtained.