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

Michael O. Leavitt  
Governor  
Kathleen Clarke  
Executive Director  
Lowell P. Braxton  
Division Director

1594 West North Temple, Suite 1210  
PO Box 145801  
Salt Lake City, Utah 84114-5801  
801-538-5340  
801-359-3940 (Fax)  
801-538-7223 (TDD)

April 18, 2002

Johnny Pappas, Sr. Environmental Engineer  
Plateau Mining Corporation  
847 Northwest Highway 191  
Helper, UT 84526

Re: Post Mining Land Use Change, Phillips Petroleum Gas Wells and Utility Corridor,  
Plateau Mining Corporation, Star Point Mine, C/007/006-02C, Outgoing File

Dear Mr. Pappas:

The above-referenced amendment has been reviewed. There are deficiencies that must be adequately addressed prior to approval. A copy of our Technical Analysis is enclosed for your information. In order for us to continue to process your application, please respond to these deficiencies by July 16, 2002, or we will have to deny the application.

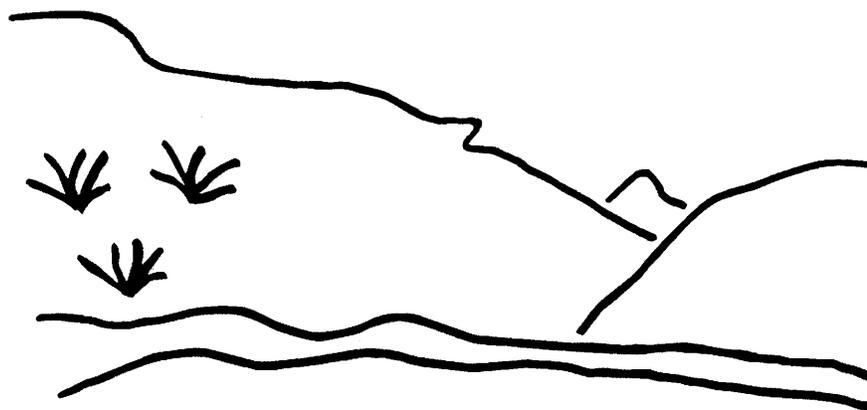
If you have any questions, please call me at (801) 538-5268 or Karl R. Houskeeper at (435) 613-5330.

Sincerely,

Pamela Grubaugh-Littig  
Permit Supervisor

KRH/sd  
Enclosure  
cc: Price Field Office  
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# State of Utah



## Utah Oil Gas and Mining

### Coal Regulatory Program

Star Point Mine  
Post Mining Land Use Change  
C/007/006-02C  
Technical Analysis  
April 15, 2002

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INTRODUCTION

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## TECHNICAL ANALYSIS

### INTRODUCTION

On March 5, 2002 the Division received amendment (02C) submitted by Plateau Mining Corporation (PMC). Amendment (02C) requests a post mining land use change from wildlife and grazing to industrial on approximately 12.0 acres within the Star Point Mine permit area. The portion of the permit area that is affected by this land use change is located in Carbon County, Utah Township 15 South, Range 8 East SLB&M, Section 10: Portions of the S ½ that are North of County Road 290. This land use change has been requested to facilitate the development of oil and gas development within the Drunkards Wash Unit. Cyprus 10-526 and Utah 10-525 are the two gas wells proposed by Phillips Petroleum. These gas wells are located within the area identified for the land use change.

The proposed location of Cyprus 10-526 is currently noted as Post Surface Mining Control & Reclamation Act (Post-SMCRA) disturbance within the permit area. The proposed well site is adjacent to the area previously used as a mine rescue training facility. No earthwork was done in this area and the ground contours remain the same.

The proposed location of Utah 10-525 is currently noted as Pre Surface Mining Control & Reclamation Act (Pre-SMCRA) disturbance within the permit area. The proposed well site is located on the west side of the reclaimed preparation plant. Refuse material located at this site will be removed and/or graded to the post mining land use contours. If refuse material remains in this area, the appropriate cover will be utilized as indicated in the approved MRP.

The area identified in the Land Use change can't be removed from the permit area until all the terms and conditions of the approved MRP are met. Including, but not limited to, removal of structures, re-grading, re-vegetation, as constructed maps of the reclaimed area, bond release, etc.

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**INTRODUCTION**

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SUMMARY OF OUTSTANDING DEFICIENCIES

## SUMMARY OF DEFICIENCIES

*The Technical Analysis of the proposed permit changes cannot be completed at this time. Additional information is requested of the permittee to address deficiencies in the proposal. A summary of deficiencies is provided below. Additional comments and concerns may also be found within the analysis and findings made in this Draft Technical Analysis. Upon finalization of this review, any deficiencies will be evaluated for compliance with the regulatory requirements. Such deficiencies may be conditioned to the requirements of the permit issued by the Division, result in denial of the proposed permit changes, or may result in other executive or enforcement action as deemed necessary by the Division at that time to achieve compliance with the Utah Coal Regulatory Program.*

*Accordingly, the permittee must address those deficiencies as found within this Draft Technical Analysis and provide the following, prior to approval, in accordance with the requirements of:*

### ***Regulations***

- R645-300-120**, Exhibit 117.200a needs to be replaced with a certified Proof of Public Notice document..... 9
- R645-301-111.400**, Page 500-79 is located on the backside of a double-sided page. The final submittal should include Page 500-78 on the front side..... 18
- R645-301-111.400**, Page 500-80 is located on the front side of a double-sided page. The final submittal should include Page 500-81 on the backside. .... 19
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- R645-301-120**, The legal description of the permit area needs to be modified to show the 12.0 acres of land use change and reduction..... 8
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- R645-301-121.300**, Page 100-4 has a pagination error at the bottom of the page. The following text is missing: "The name of the mining operation for which this application is submitted is:" ..... 8
- R645-301-323**, Map 321.100h, Disturbed Area Map, Disturbance Legend is missing symbols in the line type for the Saltbrush Area Seed Type and Mtn. Grassland Seed Type..... 12
- R645-301-356.240**, A plan to revegetate and seed the drill pad out slopes must be provided..... 20

**SUMMARY OF OUTSTANDING DEFICIENCIES**

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- R645-301-412.130**, Exhibit 412.200a, application for County Conditional Use Permit needs to be replaced with the approved County Conditional Use Permit..... 16
  
- R645-301-412.130**, Exhibit 412.200a, draft letters to the Land Owners needs to be replaced with a copy of the actual letters. .... 16
  
- R645-301-412.130**, Exhibit 412.200a, Lease Agreement between Plateau Mining Corp. and Phillips Petroleum is needed to replace the letters of intent that were in the original submittal. .... 16
  
- R645-301-521.122**, Map 112.500a, Surface Ownership Map, Township 14 South, Range 8 East, Portions of Section 31 has a lower case "d" designation. This lower case "d" needs to be changed on the map and in the legend to a lower case alphabet to indicate Merrill & Freda Filmore as the surface owners..... 12
  
- R645-301-521.122**, Map 112.500a, Surface Ownership Map, Township 15 South, Range 8 East, Portions of Section 19, 20, 21, 28, 29 & 30 have a lower case "d". The lower case "d" in the Legend indicates Merrill & Freda Filmore as the surface owners. The map legend for the lower case "d" needs to be revised to show ANR Company Inc. as the surface owner. .... 12
  
- R645-301-880**, Must comply with all the applicable regulations for bond release to reduce the permit area. .... 16

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### IDENTIFICATION OF INTERESTS

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

Minimum Regulatory Reference:

The operator of the coal mine and all owners and controllers of the operation must be identified by name and address. The Division with the Applicant/Violator System must crosscheck the information provided and other sources such as DOGM inspection and enforcement records, State corporation commission or tax records. If the Division identifies any errors in the ownership or control information, the applicant must be contacted to resolve the matter immediately. If the Division discovers that none of the persons identified in the application has had any previous mining experience, the applicant will be contacted to verify this fact.

The Applicant/Violator System will be updated with new information received by the Division.

#### Analysis:

Changes have been submitted to the Mining and Reclamation Plan (MRP) to show an address change for Plateau Mining Corporation (PMC), transfer of property to Sunnyside Cogeneration Associates (SCA) and a reduction in the permit area.

Pages 100-1, 100-2, 100-3, 100-4, exhibit 112.300a, exhibit 112.500a and the Table of Contents, List of Exhibits for section 100 was submitted as part of the amendment.

Table of Contents, List of Exhibits for section 100 was modified to add the reference Exhibit 112.500a, Sunnyside Cogeneration Associates – Property Deed on page 100-3.

Page 100-1 was modified to include: Recent Permit Renewal dates, Transfer of assets to Sunnyside Cogeneration Associates (SCA) and an updated address for Plateau Mining Corp. General Office.

Page 100-2 was modified to update the address for the principle shareholder.

Page 100-3 was modified to update the address for Plateau Mining Corp. under Surface and Coal Ownership. Sunnyside Cogeneration Associates was added as a Surface Owner with information including the date of the transfer of ownership and a reference to exhibit 112.500a.

Page 100-4 was modified to update the address for Plateau Mining Corp under Adjacent Surface and Mineral Ownership. Sunnyside Cogeneration Associates was added to the list of Adjacent Surface and Mineral Ownership.

Exhibit 112.300a, Officer and Director Information was modified and submitted to

replace the current information.

Exhibit 112.500a, Sunnyside Cogeneration Associates – Property Deed was submitted to be added to the approved Mining and Reclamation Plan (MRP).

**Findings:**

The following deficiencies were identified. Accordingly, the permittee must address those deficiencies as found within this Technical Analysis and provide the following, prior to approval, in accordance with the requirements of:

**R645-301-121.300**, Page 100-4 has a pagination error at the bottom of the page. The following text is missing: “The name of the mining operation for which this application is submitted is:”

## 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.

Minimum Regulatory Reference:

The application will describe and identify the lands (on a map) subject to coal mining over the life of the operation, including the size, sequence, and timing of the mining anticipated and permit boundaries. Coal mining and reclamation operations may only occur on the lands identified on the maps submitted and that are subject to the performance bond.

A public notice advertisement will contain a map or description of the precise location and boundaries of the proposed permit area. So that local residents can identify the area, the map must have a north arrow and may include local landmarks.

**Analysis:**

The permit area is being reduced to allow a post-mining land use change on approximately 12.0 acres of ground. The land use will change from wildlife and grazing to industrial. This change will allow the development of two gas wells by Phillips Petroleum to take place.

**Findings:**

The following deficiency must be addressed prior to approval, in accordance with the requirements of:

**R645-301-120**, The legal description of the permit area needs to be modified to show the 12.0 acres of land use change and reduction.

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**PUBLIC NOTICE AND COMMENT**

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

**Minimum Regulatory Reference**

After the application has been determined "administratively complete," an advertisement must be placed in a local newspaper of general circulation in the locality of the proposed surface coal mining and reclamation operation at least once a week for four consecutive weeks. A copy of the advertisement as it will appear in the newspaper will be submitted to the regulatory authority.

At a minimum, the following will be included in the ad:

- (1) The name and business address of the applicant.
- (2) A map or description.
- (3) The location where a copy of the application is available for public inspection.
- (4) The name and address of the Division where written comments, objections, or requests for informal conferences on the application may be submitted.
- (5) If an applicant seeks a permit to mine within 100 feet of the outside right-of-way of a public road or to relocate or close a public road, except where public notice and hearing have previously been provided for this particular part of the road; a concise statement describing the public road, the particular part to be relocated or closed, and the approximate timing and duration of the relocation or closing.
- (6) If the application includes a request for an experimental practice, a statement indicating that an experimental practice is requested and identifying the regulatory provisions for which a variance is requested.

The Division will notify in writing local governmental agencies and all Federal or State governmental agencies involved in or with an interest in the permit process.

Documentation of the public notice and comment period required for the Permit should be incorporated as part of the Permit.

**Analysis:**

Exhibit 117.200a is a draft copy of the Public Notice that was submitted. This Public Notice is for a change in the post mining land use of approximately 12.0 acres of land. The land use change will allow oil and gas development within the Drunkards Wash Unit.

**Findings:**

The following deficiency must be addressed prior to approval, in accordance with the requirements of:

**R645-300-120**, Exhibit 117.200a needs to be replaced with a certified Proof of Public Notice document.

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**GENERAL CONTENTS**

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**ENVIRONMENTAL RESOURCE INFORMATION**

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**ENVIRONMENTAL RESOURCE INFORMATION**

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

**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.

**Minimum Regulatory Requirements:**

The permit application must include as part of the Resource Information, the following maps, plans and cross sections:

**Affected area boundary maps**

The boundaries of all areas proposed to be affected over the estimated total life of the underground mining activities, with a description of size, sequence, and timing of the mining of subareas for which it is anticipated that additional permits will be sought.

**Surface and subsurface ownership maps**

All boundaries of lands and names of present owners of record of those lands, both surface and subsurface, included in or contiguous to the permit area.

Cross sections, maps, and plans included in a permit application as required by this section shall be prepared by, or under the direction of, and certified by a qualified, registered, professional engineer, a professional geologist, or in any State which authorizes land surveyors to prepare and certify such cross sections, maps, and plans, a qualified, registered, professional, land surveyor, with assistance from experts in related fields such as landscape architecture, and shall be updated periodically as required by the Division.

**Analysis:**

**Affected Area Boundary Maps**

Map 321.100h, Disturbed Area Map, has been modified showing the area designated for Phillips Petroleum gas well and utility corridor. This map will replace the existing map in the approved Mining and Reclamation Plan (MRP).

**Surface and Subsurface Ownership Maps**

Map 112.500a, Surface Ownership Map, has been modified showing the areas sold to Sunnyside Cogeneration Associates.

**Findings:**

The following deficiencies were identified. Accordingly, the permittee must address those deficiencies as found within this Technical Analysis and provide the following, prior to approval, in accordance with the requirements of:

**R645-301-323**, Map 321.100h, Disturbed Area Map, Disturbance Legend is missing symbols in the line type for the Saltbrush Area Seed Type and Mtn. Grassland Seed Type.

**R645-301-521.122**, Map 112.500a, Surface Ownership Map, Township 15 South, Range 8 East, Portions of Section 19, 20, 21, 28, 29 & 30 have a lower case "d". The lower case "d" in the Legend indicates Merrill & Freda Filmore as the surface owners. The map legend for the lower case "d" needs to be revised to show ANR Company Inc. as the surface owner.

**R645-301-521.122**, Map 112.500a, Surface Ownership Map, Township 14 South, Range 8 East, Portions of Section 31 has a lower case "d" designation. This lower case "d" needs to be changed on the map and in the legend to a lower case alphabet to indicate Merrill & Freda Filmore as the surface owners.

RECLAMATION PLAN

# RECLAMATION PLAN

## POSTMINING LAND USES

Regulatory Reference: 30 CFR 784.15, 784.200, 785.16, 817.133; R645-301-412, -301-413, -301-414, -302-270, -302-271, -302-272, -302-273, -302-274, -302-275.

### Minimum Regulatory Requirements:

In general, all disturbed areas shall be restored in a timely manner to conditions that are capable of supporting: the uses they were capable of supporting before any mining; or higher or better uses.

Provide a detailed description of the proposed use, following reclamation, of the land to be affected within the proposed permit area by surface operations or facilities, including a discussion of the utility and capacity of the reclaimed land to support a variety of alternative uses, and the relationship of the proposed use to existing land-use policies and plans. This description shall explain: how the proposed postmining land use is to be achieved and the necessary support activities which may be needed to achieve the proposed land use; where a land use different from the premining land use is proposed, all materials needed for approval of the alternative use; and, the consideration given to making all of the proposed underground mining activities consistent with surface owner plans and applicable State and local land-use plans and programs.

The description shall be accompanied by a copy of the comments concerning the proposed use from the legal or equitable owner of record of the surface areas to be affected by surface operations or facilities within the proposed permit area and the State and local government agencies which would have to initiate, implement, approve, or authorize the proposed use of the land following reclamation.

Determine premining uses of land. The premining uses of land to which the postmining land use is compared shall be those uses which the land previously supported, if the land has not been previously mined and has been properly managed. The postmining land use for land that has been previously mined and not reclaimed shall be judged on the basis of the land use that existed prior to any mining; Provided that, if the land cannot be reclaimed to the land use that existed prior to any mining because of the previously mined condition, the postmining land use shall be judged on the basis of the highest and best use that can be achieved which is compatible with surrounding areas and does not require the disturbance of areas previously unaffected by mining.

Criteria for alternative postmining land uses. Higher or better uses may be approved as alternative postmining land uses after consultation with the landowner or the land management agency having jurisdiction over the lands, if the proposed uses meet the following criteria: there is a reasonable likelihood for achievement of the use; the use does not present any actual or probable hazard to public health and safety, or threat of water diminution or pollution; and, the use will not be impractical or unreasonable, inconsistent with applicable land use policies or plans, involve unreasonable delay in implementation, or cause or contribute to violation of Federal, State, or local law.

Approval of an alternative postmining land use, may be met by requesting approval through the permit revision procedures rather than requesting such approval in the original permit application. The original permit application, however, must demonstrate that the land will be returned to its premining land use capability. An application for a permit revision of this type must be submitted in accordance with the requirements of filing for a Significant Permit Revision and shall constitute a significant alteration from the mining operations contemplated by the original permit, and shall be subject to the requirements for permits, permit processing, and administrative and judicial of decisions on permits under the regulatory program.

Surface coal mining operations may be conducted under a variance from the requirement to restore disturbed areas to their approximate original contour, if the following requirements are satisfied:

- 1.) The Division grants a variance from approximate original contour restoration requirements.
- 2.) The alternative postmining land use requirements are met.
- 3.) All applicable requirements of the act and the regulatory program, other than the requirement to restore disturbed areas to their approximate original contour, are met.
- 4.) After consultation with the appropriate land use planning agencies, if any, the potential use is shown to constitute an equal or better economic or public use.
- 5.) The proposed use is designed and certified by a qualified registered professional engineer in conformance with professional standards established to assure the stability, drainage, and configuration necessary for the intended use of the site.
- 6.) After approval, where required, of the appropriate State environmental agencies, the watershed of the permit and adjacent areas is shown to be improved.

**RECLAMATION PLAN**

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- 7.) The highwall is completely backfilled with spoil material, in a manner which results in a static factor of safety of at least 1.3, using standard geotechnical analysis.
- 8.) Only the amount of spoil as is necessary to achieve the postmining land use, ensure the stability of spoil retained on the bench, and all spoil not retained on the bench shall be placed in accordance with all other applicable regulatory requirements.
- 9.) The surface landowner of the permit area has knowingly requested, in writing, that a variance be granted, so as to render the land after reclamation, suitable for an industrial, commercial, residential, or public use (including recreational facilities.)
- 10.) Federal, State, and local government agencies with an interest in the proposed land use have an adequate period in which to review and comment on the proposed use.

**Analysis:**

The area where the post mining land use change and proposed permit area reduction would be located is shown on Maps 112.500a, 321.100h and 542.200c. As mentioned above, the area can't be removed from the permit area until all the terms and conditions of the approved MRP are met. Including, but not limited to, removal of structures, re-grading, re-vegetation, as constructed maps of the reclaimed area, bond release, etc. The application includes a legal description of this area using the Township Range System. The application indicates that this area is well suited for industrial usage. County Road 290 provides direct access to the drill pads. Carbon County zoning of this area is CE-1, which prohibits drilling of gas wells. Carbon County currently is reviewing and accepting comments to amend the zoning to a CE-2 and allow a conditional use permit. These changes would allow the proposed development to occur.

For the Division to approve an alternate post mining land use, the applicant is required to show the use meets the requirements of R645-301-413.300. The following discussion itemizes each criterion together with the justification in the application.

**1. The use must be a higher and better use.**

The amendment requests a land use change for approximately 12.0 acres of land. Current land use is wildlife and grazing. The proposed land use change is industrial. This land use change would help facilitate the oil and gas development within the Drunkards Wash Unit. Care has been taken to locate the drill pad sites adjacent to Carbon County Road 290, minimizing the amount of ground necessary to accomplish this post mining land use change. The industrial usage in this case is a higher and better use of the land.

**2. There must be a reasonable likelihood of achieving the use.**

BLM approved the Drunkards Wash Unit on December 28, 1990 for the production of gas, including, but not limited to, coal bed methane. This unit encompasses approximately 94,000 acres within Carbon and Emery Counties. There are several producing wells adjacent to the permit area and one producing well within the permit area.

Carbon County is currently accepting comments from the public in an effort to rezone this area to allow gas production to take place. Phillips Petroleum has notified Plateau

RECLAMATION PLAN

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Mining Corporation by letter that they plan to drill Cyprus 10-526 and Utah 10-525 in 2002. Drilling in the 2002 year is conditional upon approval of this land use change and meeting the conditions of the approved MRP to remove this parcel from the permit area.

**3. The use must not present any actual or probable hazard to public health or safety, or threat of water diminution or pollution.**

It will be necessary to construct the site to meet all federal and state safety standards. The area will still be subject to requirements of the Clean Water Act. The Star Point Mine reclamation plan was developed to address the watershed of lands within and adjacent to the permit area following coal mining and reclamation operations.

The amount of total suspended solids or other pollutants to ground and/or surface water from the permit area will be minimized, because flood hazards within the watershed will have a reduction of the peak flow resulting from precipitation and/or thaws. This will improve public and private use along with the ecology of the water.

It is not anticipated that the total volume of flow from the area, regardless of the season, will vary in a way that would have adverse effects on the ecology of the surface water. This includes any existing and/or planned use of surface and/or ground water.

**4. The use will not be impractical or unreasonable, inconsistent with applicable land use policies or plans, involve unreasonable delay in implementation, or cause or contribute to violation of federal, Utah or local law.**

As mentioned earlier, the area in and around this site has gas wells and the BLM has approved the Drunkards Wash Unit for gas wells. Carbon County is proposing a zoning change in this area to allow gas wells to be constructed. The development and regulation of these gas wells falls under the jurisdiction of the Division of Oil, Gas and Mining, under the Oil and Gas group.

A review of the submittal under Section 400 follows:

Section 400, Table of Contents and Pages 400-1 through 400-9 have been modified and submitted as part of the Land Use change to allow Phillips Petroleum access to the portions of the Drunkards Wash Unit. Exhibit 412.200a has been added to the approved MRP.

Section 400, Table of Contents has been modified to include text relative to easements, leases, and use agreements.

Pages 400-1 through 400-9 have been modified to include text and remove text to allow the Post-Mining Land Use change on approximately 12.0 acres of land. The use is being changed from wildlife and grazing to industrial to allow Phillips Petroleum to develop two gas

wells and a utility corridor.

Exhibit 412.200a has been added to the approved MRP. This exhibit, as submitted, includes draft Land Owner Letters, County Conditional Use Permit and Lease Agreement.

**Findings:**

The following deficiencies were found. Accordingly, the permittee must address those deficiencies as found within this Technical Analysis and provide the following, prior to approval, in accordance with the requirements of:

**R645-301-412.130**, Exhibit 412.200a, draft letters to the Land Owners needs to be replaced with a copy of the actual letters.

**R645-301-412.130**, Exhibit 412.200a, application for County Conditional Use Permit needs to be replaced with the approved County Conditional Use Permit.

**R645-301-412.130**, Exhibit 412.200a, Lease Agreement between Plateau Mining Corp. and Phillips Petroleum is needed to replace the letters of intent that were in the original submittal.

**R645-301-880**, Must comply with all the applicable regulations for bond release to reduce the permit area.

**TOPSOIL AND SUBSOIL**

Regulatory Reference: 30 CFR 817.22; R645-301-240.

Minimum Regulatory Requirements:

Redistribution

Topsoil materials shall be redistributed in a manner that: achieves an approximately uniform, stable thickness consistent with the approved postmining land use, contours, and surface-water drainage systems; prevents excess compaction of the materials; and, protects the materials from wind and water erosion before and after seeding and planting.

Before redistribution of the material, the regarded land shall be treated if necessary to reduce potential slippage of the redistribution material and to promote root penetration. If no harm will be caused to the redistributed material and reestablished vegetation, such treatment may be conducted after such material is replaced.

The Division may choose not to require the redistribution of topsoil or topsoil substitutes on the approved postmining embankments of permanent impoundments or of roads if it determines that placement of topsoil or topsoil substitutes on such embankments is inconsistent with the requirement to use the best technology currently available to prevent sedimentation, and, such embankments will be otherwise stabilized.

Nutrients and soil amendments shall be applied to the initially redistributed material when necessary to establish the vegetative cover.

The Division may require that the B horizon, C horizon, or other underlying strata, or portions thereof, removed and

## RECLAMATION PLAN

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segregated, stockpiled, be redistributed as subsoil in accordance with the requirements of the above if it finds that such subsoil layers are necessary to comply with the revegetation requirements.

### Analysis:

#### Redistribution

A utility pipeline corridor (proposed for the postmining land use) will pass to the south side of the topsoil stockpile. The maps provided do not clearly show if the pipeline corridor will affect the topsoil stockpile. It is not clear if the topsoil stockpile will be used in site reclamation activities prior to the proposed alternative postmining land use being implemented. This must be clarified. A timeline showing drill pad and pipeline grading in conjunction with other reclamation activities may help clarify these issues.

### Findings:

Information provided in the proposed amendment is not considered adequate to meet the requirements of this section. Prior to approval, the Permittee must provide the following in accordance with:

**R645-301-121.200**, Clarify whether the topsoil stockpile will be affected by oil and gas activities.

## ROAD SYSTEMS AND OTHER TRANSPORTATION FACILITIES

Regulatory Reference: 30 CFR 701.5, 784.24, 817.150, 817.151; R645-100-200, -301-513, -301-521, -301-527, -301-534, -301-537, -301-732.

Minimum Regulatory Requirements:  
Reclamation

A road not to be retained under an approved postmining land use shall be reclaimed in accordance with the approved reclamation plan as soon as practicable after it is no longer needed for mining and reclamation operations. This reclamation shall include: closing the road to traffic; removing all bridges and culverts unless approved as part of the postmining land use; removing or otherwise disposing of road-surfacing materials that are incompatible with the postmining land use and revegetation requirements; reshaping cut and fill slopes as necessary to be compatible with the postmining land use and to complement the natural drainage pattern of the surrounding terrain; protecting the natural drainage patterns by installing dikes or cross drains as necessary to control surface runoff and erosion; and, scarifying or ripping the roadbed, replacing topsoil or substitute material and revegetating disturbed surfaces.

### Analysis:

#### Reclamation

Pages 500-79, 500-80 and 500-84 originally indicated the retention of the short road between the conveyor rock tunnel and County Road 290. This road segment is now scheduled for reclamation.

Page 500-79 was modified indicating the removal of the short road between the conveyor rock tunnel and County Road 290.

Page 500-80 was modified indicating the removal of the short road between the conveyor rock tunnel and County Road 290.

Page 500-84 was modified by the addition of text relative to the Post-Mining Land Use.

**Findings:**

The following deficiencies were identified. Accordingly, the permittee must address those deficiencies as found within this Technical Analysis and provide the following, prior to approval, in accordance with the requirements of:

**R645-301-111.400**, Page 500-79 is located on the backside of a double-sided page. The final submittal should include Page 500-78 on the front side.

**R645-301-111.400**, Page 500-80 is located on the front side of a double-sided page. The final submittal should include Page 500-81 on the backside.

**R645-301-111.400**, Page 500-84 is located on the front side of a double-sided page. The final submittal should include Page 500-85 on the backside.

**REVEGETATION**

Regulatory Reference: 30 CFR 785.18, 817.111, 817.113, 817.114, 817.116; R645-301-244, -301-353, -301-354, -301-355, -301-356, -302-280, -302-281, -302-282, -302-283, -302-284.

Minimum Regulatory Requirements:

Revegetation: General requirements

The permittee shall establish on regraded areas and on all other disturbed areas except water areas and surface areas of roads that are approved as part of the postmining land use, a vegetative cover that is in accordance with the approved permit and reclamation plan and that is: diverse, effective, and permanent; comprised of species native to the area, or of introduced species where desirable and necessary to achieve the approved postmining land use and approved by the Division; at least equal in extent of cover to the natural vegetation of the area; and, capable of stabilizing the soil surface from erosion.

The reestablished plant species shall: be compatible with the approved postmining land use; have the same seasonal characteristics of growth as the original vegetation; be capable of self-regeneration and plant succession; be compatible with the plant and animal species of the area; and, meet the requirements of applicable State and Federal seed, poisonous and noxious plant, and introduced species laws or regulations.

The Division may grant exception to these requirements when the species are necessary to achieve a quick-growing, temporary, stabilizing cover, and measures to establish permanent vegetation are included in the approved permit and reclamation plan.

When the Division approves a cropland postmining land use, the Division may grant exceptions to the requirements

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related to the original and native species of the area. Areas identified as prime farmlands must also meet those specific requirements as specified under that section.

### Analysis:

#### General Requirements

No revegetation plan was provided for the regraded out slopes of the drill pads. A stabilizing ground cover composed of sod-forming grasses is required to prevent erosion and invasion of cheatgrass and noxious weeds.

### Findings:

Information provided in the proposed amendment is not considered adequate to meet the requirements of this section. Prior to approval, the Permittee must provide the following in accordance with:

**R645-301-356.240**, A plan to revegetate and seed the drill pad out slopes must be provided.

## MAPS, PLANS, AND CROSS SECTIONS OF RECLAMATION OPERATIONS

Regulatory Reference: 30 CFR 784.23; R645-301-323, -301-512, -301-521, -301-542, -301-632, -301-731.

#### Minimum Regulatory Requirements:

Each application shall contain maps, plans, and cross sections which show the reclamation activities to be conducted, the lands to be affected throughout the operation, and any change in a facility or feature to be caused by the proposed operations, if the facility or feature was shown and described as an existing structure.

The permit application must include as part of the reclamation plan information, the following maps, plans and cross sections:

#### Final surface configuration maps

Sufficient slope measurements to adequately delineate the final surface configuration of the area affected by surface operations and facilities, measured and recorded according to the following: each measurement shall consist of an angle of inclination along the prevailing slope extending 100 linear feet above and below or beyond the coal outcrop or the area disturbed or, where this is impractical, at locations specified by the Division; where the area has been previously mined, the measurements shall extend at least 100 feet beyond the limits of mining disturbances, or any other distance determined by the Division to be representative of the post-reclamation configuration of the land; and, slope measurements shall take into account variations in slope, to provide accurate representation of the range of slopes and reflect geomorphic differences of the area disturbed through reclamation activities.

#### Certification Requirements.

Cross sections, maps, and plans required to show the design, location, elevation, or horizontal or vertical extent of the land surface or of a structure or facility used to conduct mining and reclamation operations shall be prepared by, or under the direction of, and certified by a qualified, registered, professional engineer, a professional geologist, or in any State which authorizes land surveyors to prepare and certify such cross sections, maps, and plans, a qualified, registered, professional land surveyor, with assistance from experts in related fields such as landscape architecture.

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Each detailed design plan for an impounding structure that meets or exceeds the size or other criteria of the Mine Safety and Health Administration, 30 CFR Section 77.216(a) shall: be prepared by, or under the direction of, and certified by a qualified registered professional engineer with assistance from experts in related fields such as geology, land surveying, and landscape architecture; include any geotechnical investigation, design, and construction requirements for the structure; describe the operation and maintenance requirements for each structure; and, describe the timetable and plans to remove each structure, if appropriate.

Each detailed design plan for an impounding structure that does not meet the size or other criteria of 30 CFR Section 77.216(a) shall: be prepared by, or under the direction of, and certified by a qualified, registered, professional engineer, or in any State which authorizes land surveyors to prepare and certify such plans, a qualified, registered, professional land surveyor, except that all coal processing waste dams and embankments shall be certified by a qualified, registered, professional engineer; include any design and construction requirements for the structure, including any required geotechnical information; describe the operation and maintenance requirements for each structure; and, describe the timetable and plans to remove each structure, if appropriate.

### **Analysis:**

#### **Final Surface Configuration Maps**

Map 542.200c (Reclamation Topography), maps 542.200f and 542.200e2 (Reclamation Cross Sections) have been submitted to replace the original maps in the approved Mining and Reclamation Plan (MRP).

Map 542.200c has been modified to show the parcel of ground proposed for a Post Mining Land Use. This change will allow Phillips Petroleum to develop two gas wells and a utility corridor. Cross section M-3 to M-3' has been added to indicate the proposed reclamation contour changes at well site Utah 10-525. The contours have been reviewed and correlate to the cross section. The contours now indicate the drill pad and mud pit.

Map 542.200e2 has been modified on cross sections A-3 to A-3' and B-3 to B-3'. Cross Section A-3 to A-3' has been changed to show the drill pad for Utah 10-525. Cross Section B-3 to B-3' has been changed to show the utility corridor and road.

Map 542.200f has been modified on cross section L-3 to L-3' and cross section M-3 to M-3' has been added. Cross section L-3 to L-3' has been changed to show the utility corridor and road. Cross section M-3 to M-3' has been added to show the drill pad and mud pit at Utah 10-525.

### **Findings:**

No deficiencies were found on the Topography or Cross Section Maps.

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