

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

March 18, 2010

TO: Internal File

THRU: Kevin Lundmark, Lead *KWL*

FROM: Ingrid Wieser, Environmental Scientist II *IW*

RE: Phase III Bond Release, Plateau Mining Corporation, Star Point Mine, Permit # C/007/0006 and Task # 3493

SUMMARY:

On February 11, 2010, Plateau Mining Corporation (PMC) submitted a significant revision to the Star Point Mine Permit. The revision included three parts regarding a 40-acre parcel within the permit boundary: a postmining land use change, a phase III bond release and a permit boundary change. The 40-acre parcel is located at SE/4 SE/4 of Section 9 T15S, R8E and currently owned by PMC. The parcel will be sold to Conoco Phillips for a gas development site upon bond release. The parcel consists of undisturbed area and 8 acres of disturbed area that has received phase II bond release from the Division. PMC intends to change the postmining land use of the entire 40-acre parcel and apply for phase III bond release for the 8 acres of disturbed/reclaimed area after approval of the land use change. Once these two steps are complete, the Division can then approve the permit boundary change, which eliminates the 40 acres from the Star Point Permit Boundary. This memo will review the biology and land use sections of the U.A.C Coal Mining regulations.

This application is not recommended for approval. Prior to approval the Division must conduct a site visit and the following deficiency must be addressed in accordance with:

R645-301-321.100: Please update tables 321.100a and 321.100b to include the correct acreages of vegetation and disturbed area.

Please update Maps 321.100 "Disturbed Area Maps" to include the correct permit boundary and proposed postmining land use change area.

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TECHNICAL ANALYSIS:

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 intends to relinquish a 40 acre portion of the current permit boundary. This area consists of undisturbed area, and 8 acres of reclaimed and revegetated land that has received phase II bond release. The permittee has requested a postmining land use change to industrial for the entire 40 acre parcel. The only requirements for the permit boundary change would be phase III bond release of the area. For an industrial post mining land use, the requirement for phase III bond release is erosion control. The Division conducted a phase II bond release site inspection of the star point mine in October, 2008. The Division concluded that adequate vegetation had established on the site to control erosion, and approved the phase II bond release. The Division will conduct a site visit to the proposed 40 acre parcel in April 2010. Once the Division has approved the postmining land use change and concluded that the site is suitable for phase III bond release as an industrial parcel, the Division can then approve the boundary change to relinquish the area.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section. The Division must conduct a site visit to insure that the site meets all phase III bond release requirements prior to approval.

RECLAMATION PLAN

POSTMINING LAND USES

Regulatory Reference: 30 CFR Sec. 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.

Analysis:

The applicant has submitted changes to section 412.100 on page 400-6. This section states that the postmining land uses will be the same as premining uses except for the areas of industrial pmlu shown on Maps 542.200a and 542.200c. These maps depict the 40 acre parcel which the permittee has applied to remove from the permit boundary. It also shows the 8 acres of disturbed area within the 40 acres. R645-301-413.100 states that all disturbed areas will be restored in a timely manner to conditions that are capable of supporting either the premining uses or higher and better uses. In this case, the permittee seeks to change the postmining land use to a higher and better use of Industrial.

The permittee modified page 400-6 to include industrial as a postmining land use. This page also states that table 412.100a summarizes the disturbed areas and the postmining land uses. Table 412.100a includes oil and gas development as a postmining land use.

Findings:

The information provided is considered adequate to meet the minimum requirements for this section.

REVEGETATION

Regulatory Reference: 30 CFR Sec. 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.

Analysis:

Revegetation: Standards For Success

Year 6 vegetation monitoring for the Star Point Mine was submitted in the Star Point Mine 2008 Annual Report. Dr. Pat Collins of Mt. Nebo Scientific conducted the monitoring. The 40 acre parcel that PMC has applied for a pmlu change and bond release consists of 8 acres of disturbed and reclaimed land which includes parts of Sample areas A, D and F.

Sample area A is a reclaimed sagebrush area with 40% total living cover and 3042 woody species per acre in 2008. Sample area D is also a reclaimed sagebrush area with 49% cover and 1398 woody species per acre in 2008. Sample area F is a reclaimed mountain grassland area with 40% cover and 2155 woody species per acre in 2008.

Dr. Collins noted that, between 2006 and 2008 results, reclaimed sagebrush and mountain grassland areas decreased in cover, decreased in cover of undesirable species, and dramatically increased in woody species density.

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Dr. Collins monitored the reference areas in 2006. The sagebrush reference area had a Total living cover of 53 %, and a woody species density of 8171 plants per acre. The Division and DWR set the woody species density standard in 2009 as between 1500 to 2000 plants per acre (see 2009 incoming file 0003).

PMC has applied for a post mining land use change to industrial for this area. According to R645-301-356.240: For areas to be developed for industrial use less than two years after regarding is completed, the vegetative ground cover will not be less than that required to control erosion. The area of interest has received phase I and II bond release from the Division which requires that the area has been regarded and revegetated so that the area is no longer contributing suspended solids to streamflow or runoff outside the permit area. This proves that the ground cover is adequate to "control erosion", a provision of the industrial land use success standard.

For Phase III bond release, the operator is required to successfully comply with the operator responsibility period stipulated in R645-301-357 and all reclamation requirements of the Act and the permit. No extended responsibility period will exist if the land is converted to the post mining land use of industrial. The current vegetation is adequately controlling erosion and the Oil and Gas Program of the Division will regulate the future development and reclamation by the new owner.

Table 321.100a and b list the Permit area vegetation type acreage and Disturbed acreage by vegetation type respectively. Both tables include a column titled, "Phillips postmining land use". These tables need to be updated to include the correct acreage of the proposed postmining land use and boundary changes.

The Disturbed area Maps are located in section 300 titled 321.100. These maps include the previous conoco-phillips land relinquishment but need to be updated to include the proposed 40 acre postmining land use and bond release area.

Findings:

The information provided is not considered adequate to meet the minimum regulatory requirements for this section. Prior to approval, the applicant must provide the following in accordance with:

R645-301-321.100: Please update tables 321.100a and 321.100b to include the correct acreages of vegetation and disturbed area.

Please update Maps 321.100 "Disturbed Area Maps" to include the correct permit boundary and proposed postmining land use change area.

RECOMMENDATIONS:

This application is not recommended for approval.

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