

# TECHNICAL MEMORANDUM

## Utah Coal Regulatory Program

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April 14, 2006

TO: Internal File

THRU: Wayne Western, Environmental Scientist III/Team Lead.

FROM: Priscilla Burton, Certified Professional Soil Scientist

RE: Phase III Bond Release, UtahAmerican Energy, Inc., Horse Canyon Mine, C/007/0013, Task ID #2409

### **SUMMARY:**

UtahAmerican Energy applied for Phase Phase III bond release of 74.26 acres disturbed by the Horse Canyon Mine, including the 16.18 acres that was transferred to the College of Eastern Utah for a residential/recreational land use, 51.56 acres that has previously received Phase II bond release and 6.5 acres of reclaimed borrow area.

Grading of 51.56 acres at the Horse Canyon site was completed in 1991 and required disturbance of a 6.5 acre borrow area. Phase I bond release for the 51.56 acres was granted February 5, 1997 and Phase II bond release was granted on April 11, 2002. Neither Phase I, nor Phase II bond release was ever granted for the borrow area.

The mine facilities area of 16.18 acres was deeded to the College of Eastern Utah in September 2005 (App. III-1-1). Structures remaining after reclamation to support the recreational/residential post mining land use are listed in Exhibit E of the Asset Assignment Agreement included as App. III-I-I of this application.

As Built information for these areas is found in Chap. 2 and 3 of Vol. 1. and Plates III-2A through G.

This is a review of the administrative information for the Horse Canyon Mine.

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**TECHNICAL ANALYSIS:**

**ADMINISTRATIVE DETAILS**

Regulatory Reference: 30 CFR Sec. 800.40 (a) (2) and (b); R645-301-880.120.

**Analysis:**

The application for bond release does not meet the administrative requirements because

1. Although it includes a copy of the public notice in Ex. III-1-3 to be published in both the Emery County Progress and the Sun Advocate, the public notice does not yet include all requirements of R645-301-880.120;
2. It includes a copy of the notification letter sent to the Mayor of East Carbon in Ex. III-1-2; but does not provide a list of addressee's who also received the letter.
3. It includes a notarized C1C2 form attesting to the fact that all information in the application is accurate, but does not include a notarized statement certifying that all reclamation activities were accomplished in accordance with the Act and the approved reclamation plan. The latter is important, since there were no modifications to the plan noted in the application.

**Findings:**

Information provided does not yet meet the administrative information required by R645-301-880.120 for bond release.

**TOPSOIL AND SUBSOIL**

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

**Analysis:**

**Redistribution**

The application includes a request for Phase III bond release on the 6.5 acre borrow area. This acreage has not yet received Phase I or Phase II bond release. Although the Permittee may request Phase I through Phase III bond release on the 6.5 acres at one time, the Rules specifically states that "no bond will be fully released under provisions of this section until reclamation requirements of the Act and the permit are fully met (R645-301-880.310). Therefore, the application for bond release on the 6.5 acre borrow area must include a description of the grading

and reclamation work completed at the borrow site or reference sections of the plan where the work is described.

**Findings:**

The information provided does not meet the requirements of R645-301-880.300 for Phase I, Phase II and Phase III bond release of the 6.5 acre borrow area.

**RECOMMENDATIONS:**

Further information is requested in the bond release application.