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TO: Internal File

THRU: Pamela Grubaugh-Littig, Project Lead *pgl*

FROM: Susan M. White, Senior Reclamation Biologist *S.M. W.*

RE: Revised Permit Maps, Mountain Coal Company, Gordon Creek #2, #7, & #8 Mines, ACT/007/016-AM99C-1

SUMMARY:

Proposed changes to the Gordon Creek #2, #7, & #8 permit were received on February 3, 2000. This amendment revises the permit area boundaries since right-of-entry expired with the coal lease relinquishment. The amendment is not recommended for approval until additional requested information is provided.

TECHNICAL ANALYSIS :

ADMINISTRATIVE INFORMATION

RIGHT OF ENTRY

Regulatory Reference: R645-301-114

Analysis:

Right of entry information is found in section 4.3.4 of the permit. All coal leases have been relinquished (1999) and therefore only surface right of entry remains. Surface use agreements are with Calvin Jacob and Sons, Robert and Linda Jewkes and E. E. Peirce.

This permit change does not remove all of the information in the plan concerning reduction of the permit area. Some of the information should remain as a reference and history of the mining.

TECHNICAL MEMO

Page 4-47 of the amendment states that the current permit area is approximately 2286.05 acres and the revised permit area will contain 180 acres. Since these amended pages, when approved, will be directly added to the MRP this sentence should read "the current permit area is 180 acres".

Findings:

The minimum regulatory requirements of this section have not been met. Prior to approval the permittee must provide the following in accordance with:

R645-301-116.100, the current acres of land to be affected should be stated.

ENVIRONMENTAL RESOURCE INFORMATION

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

MAPS, PLANS, AND CROSS SECTIONS OF RESOURCE INFORMATION

Regulatory Reference: 30 CFR Sec. 783.24, 783.25; R645-301-323, -301-411, -301-521, -301-622, -301-722, -301-731.

Analysis:**Permit Area Boundary Maps**

The current permit area boundary (date receive December 16, 1999) is shown on Figures 4-1, 4-2, and 4-3.

Surface and Subsurface Ownership Maps

Surface and subsurface ownership maps are shown on Figures 4-1 and 4-2.

Findings:

The information provided in this section meets the minimum regulatory requirements of this section. However, additional map information may be required when providing other requested information.

TECHNICAL MEMO

OPERATION PLAN

SUBSIDENCE CONTROL PLAN

Regulatory Reference: 30 CFR Sec. 784.20, 817.121, 817.122; R645-301-521, -301-525, -301-724.

Analysis:

Performance standards for subsidence control.

No information was provided on subsidence in the application. A discussion is needed describing observed versus projected subsidence impacts, and a discussion of how any subsidence-caused material damage was prevented or mitigated.

Findings:

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

R645-301-560 and R6450-301-525, an analysis of observed versus projected subsidence impacts, and a discussion of how any subsidence-caused material damage was prevented or mitigated must be provided.

HYDROLOGIC INFORMATION

Regulatory Reference: 30 CFR Sec. 773.17, 774.13, 784.14, 784.16, 784.29, 817.41, 817.42, 817.43, 817.45, 817.49, 817.56, 817.57; R645-300-140, -300-141, -300-142, -300-143, -300-144, -300-145, -300-146, -300-147, -300-147, -300-148, -301-512, -301-514, -301-521, -301-531, -301-532, -301-533, -301-536, -301-542, -301-720, -301-731, -301-732, -301-733, -301-742, -301-743, -301-750, -301-761, -301-764.

Analysis:

The application did not contain a surface and groundwater quality and quantity impact analysis, for the area being removed from the permit. The analysis should assess hydrology data relative to the impact projections and trends contained within the PHC and CHIA. The analysis must show that onsite impacts have been minimized and that offsite impacts have been prevented.

TECHNICAL MEMO

Findings:

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

R645-301-750, an analysis must be provided assessing hydrology data relative to the impact projections contained within the PHC and CHIA. The analysis must show that onsite impacts have been minimized and that offsite impacts have been prevented.

RECLAMATION PLAN

GENERAL REQUIREMENTS

Regulatory Reference: PL 95-87 Sec. 515 and 516; 30 CFR Sec. 784.13, 784.14, 784.15, 784.16, 784.17, 784.18, 784.19, 784.20, 784.21, 784.22, 784.23, 784.24, 784.25, 784.26; R645-301-231, -301-233, -301-322, -301-323, -301-331, -301-333, -301-341, -301-342, -301-411, -301-412, -301-422, -301-512, -301-513, -301-521, -301-522, -301-525, -301-526, -301-527, -301-528, -301-529, -301-531, -301-533, -301-534, -301-536, -301-537, -301-542, -301-623, -301-624, -301-625, -301-626, -301-631, -301-632, -301-731, -301-723, -301-724, -301-725, -301-726, -301-728, -301-729, -301-731, -301-732, -301-733, -301-746, -301-764, -301-830.

Analysis:

The application did not contain documentation that all wells have been capped, sealed, backfilled, or approved for transfer as a water well. No documentation was provided that all exploration holes and bore holes were permanently cased and sealed. No documentation was provided that all monuments and surface markers used as subsidence monitoring points have been removed.

Findings:

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

R645-301-640, documentation must be provided that all subsidence monuments have been removed. Documentation must be provided that all wells or bore holes have been cased, capped, sealed, backfilled, or approved for transfer.

TECHNICAL MEMO

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:

No information could be found in the application describing how the land has met the stated postmining land use, including a discussion of the utility and capacity of the land after mining. A demonstration must be provided on how the mined land has met the surface owner or surface manager plans and programs described in the permit. This may include comments or letters from the surface land owners.

Findings:

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

UCA 40-10-2(2) and R645-301-413, the application must contain a description of how the land has met the stated postmining land use and how the mined land has met the surface owner or surface manager plans and programs described in the permit.

RECOMMENDATION:

The above noted deficiencies (**UCA 40-10-2(2) and R645-301-413, R645-301-640, R645-301-750, R645-301-560 and R645-301-525, and R645-301-116.100**) must be addressed prior to approval.