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

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August 8, 1996

Keith Zobell, Manager  
Utah Fuel Company  
P. O. Box 719  
Helper, Utah 84526

Re: Administrative Completeness Deficiencies, Soldier Creek Coal Company, Soldier Canyon Mine, Alkali Lease Addition, ACT/007/018-96-1, Folder #3, Carbon County, Utah

Dear Mr. Zobell,

The Division has completed an initial review of the Alkali Lease Revision submitted on May 31, 1996. The purpose of this review is to determine the Administrative Completeness of your application. It has been determined that your application is not administratively complete because of outstanding deficiencies. The enclosed document identifies the deficiencies and discusses the items that require your further attention. Once these items have been adequately addressed your plan could be considered administratively complete. You should submit this information as quickly as possible. In the meantime, the Division is proceeding with a technical review of the rest of your plan, however, keep in mind that the technical review cannot be completed until the administrative issues are resolved.

Please call if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Daron R. Haddock".

Daron R. Haddock  
Permit Supervisor

Enclosure

cc: P. Grubaugh-Littig  
S. Johnson  
P. Baker  
W. Western  
R. Davidson  
J. Smith  
W. Western

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# Administrative Completeness Deficiencies

## Alkali Tract Soldier Creek Coal Company ACT/007/018-96-1

August 8, 1996

### IDENTIFICATION OF INTERESTS

Regulatory Reference: R645-301-112

#### Analysis:

Normally, the Division would rely on much of the information in the current Mining and Reclamation Plan for information required to be in this section of the plan or application. However, it appears the updated information is intended to supersede what is now in the plan. Therefore, it is not complete. The application does not show the person responsible for paying the abandoned mine reclamation fee, and it does not show the resident agent.

The application is required to contain the names and addresses of all owners of record of surface and mineral property both within and contiguous to the proposed permit area. Revised Map 1.12-1 shows surface ownership in the current and proposed permit area and includes contiguous areas. However, the plan does not include addresses for all entities owning surface property within and contiguous to the proposed permit area.

The mineral ownership information needs to be revised. According to the plan, the only legal or equitable owners of the coal to be mined are the United States government, the State of Utah, and Sage Point Coal Company. These and Louise Iriart are the owners of coal contiguous to the proposed permit area.

The applicant needs to differentiate between mineral owners and lessees. Where the applicant has a right to enter and begin mining operations, it is assumed the applicant either owns or leases the coal. The applicant leases coal from governments entities, but the plan and application do not show who actually owns the mineral rights in areas with fee coal. For example, on page 1-90, the current application says, ". . . all coal reserves in the state of Utah formerly owned or leased by Sunedco are now owned or leased by Sa[g]e Point Coal Company." This statement does not show clearly who owns the mineral rights. The application needs to show who owns the coal in these areas.

In the application, the bond forfeiture list ends on page 1-68, but in the current plan, information from a new section after the bond forfeiture list begins on page 1-61. The

application and the plan need to be paginated so they do not overlap.

MSHA numbers are shown in Section 1.12.7 of the current plan, but this is a portion of the current plan that overlaps with the application. The plan contains a statement of all lands, interest in lands, options, or pending bids on interests held or made by the applicant for lands contiguous to the area. Again, however, this page overlaps with a page in the application.

**Findings:**

Information provided in the proposal does not meet all of the minimum regulatory requirements of this section. Prior to final approval, the applicant must provide the following:

1. The application needs to show the names and addresses of all owners of record of surface and mineral property within and contiguous to the proposed permit area.
2. The application needs to be formatted in a way that does not supersede essential information in the current plan. Some pages in the application would overlap with the current plan and eliminate some needed information.

**RIGHT OF ENTRY**

**Regulatory Reference: R645-301-114**

The current plan shows right of entry information for the existing and most of the proposed permit areas. A portion of Section 9, Township 13 South, Range 11 East, is shown as being within the proposed addition to the permit area. This area is already within the permit area for Andalex Resources, Inc., permit number ACT/007/019. Andalex's plan shows they acquired right of entry for this area. According to information received by telephone from a representative of Soldier Creek, Andalex does have the rights to mine this coal. Therefore, it needs to be deleted from Soldier Creek's proposed permit area.

Most of Section 32, Township 12 South, Range 12 East, is currently in the permit area. Based on the maps received with the application for the Alkali Creek permit revision, it appears the applicant intends to delete this section from the permit area. However, according to annual reports, Soldier Creek mined about 5.6 acres within this section in 1992 and 1993. The regulations do not appear to address the issue of deleting a portion of an underground mine from a permit area. Logically, the Division should ensure that all commitments relative

to subsidence monitoring and water monitoring, particularly any underground water monitoring, have been fulfilled for the area. The Division should also make a finding that no further monitoring is needed. Because the portion of this section that was mined is relatively small and because it was not second-mined, it should be possible to make these findings.

**Findings:**

Information provided in the proposal does not meet all of the minimum regulatory requirements of this section. Prior to final approval, the applicant must provide the following:

1. For the portions of Section 9, Township 13 South, Range 11 East, shown as being in the proposed permit area, the applicant needs to either show it has the right to enter and begin mining and reclamation operations or delete this area from the proposed permit area.

In addition, the applicant has proposed deleting a portion of the permit area. Before deleting this area, the Division needs to ensure that all appropriate monitoring and other requirements have been met.

**SOILS INFORMATION**

**Regulatory Reference: R645-301-200**

The only soil resource information provided in the Revision document is Exhibit 2.22-1, Soil Resource Map for the Soldier Canyon Mine. The map is taken directly from the Order-3 Carbon County soil survey published by the U.S. Department of Agriculture, Soil Conservation Service. Generally, the Order-3 survey information would be sufficient for lease expansions not involving any surface disturbance. However, the Alkali Creek tract lease expansion involves two separate breakouts as located on Exhibit 5.21-5. The first breakout is labeled as 1996 West Mains. The second is labeled 1999 First Mining. Since both breakouts will result in localized surface disturbance, information in the plan needs to include specific Order-1 soil survey/soil resource, operation and reclamation plan information for those surface areas directly affected.

**Findings:**

Since no new soil information is provided for the proposed breakouts and resulting surface disturbance areas in the lease expansion area, the Significant Permit Revision package is not complete.

## **VEGETATION INFORMATION**

**Regulatory Reference:** R645-301-321

### **Analysis:**

The application is primarily for underground mine development for which no additional vegetation information is required. The applicant has committed to take aerial photographs to monitor the effects of underground mining on vegetation. This commitment was made primarily to fulfill the requirements of a stipulation in the federal coal leases.

According to Exhibit 5.21-5, the mine plan for the Rock Canyon Seam, a breakout is planned for 1996 and another for 1999. Since the first of these breakouts is planned for within the current permit term, the application needs to contain vegetation information about this proposed disturbance. It is probably possible to correlate the vegetation community of the area that would be disturbed with a vegetation community already described in the mining and reclamation plan. This might be done by discussing the soil type and range site associated with the area that would be disturbed and showing they are similar to what is described in the plan. If the area that would be disturbed is in a completely different community, a full set of vegetation cover, density, and productivity information could be required.

The applicant should plan to include in the permit renewal package vegetation information needed for the planned 1999 breakout.

### **Findings:**

Information provided in the proposal does not meet all of the minimum regulatory requirements of this section. Prior to final approval, the applicant must provide the following:

1. The application needs to include information about the vegetation in the area of the planned 1996 breakout. This could be in the form of information that would correlate vegetation at the breakout site with vegetation at the main mine facilities.