



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

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December 7, 2000

TO: [REDACTED]

FROM: Joseph C. Helfrich, Project Team Lead 

RE: Technical Analysis of Significant Revision SR00B, Lodestar Energy, Inc.,
 Horizon Mine, [REDACTED] R00B

SUMMARY:

The proposal to expand the Horizon Mine permit area into the Beaver Creek Tract Federal Lease # UTU-74804 was received by the Division on 08/21/00. The Division determined the amendment to be Administratively Complete on 10/26/00. This significant revision will add approximately 711 acres to the current permit area.

TECHNICAL ANALYSIS:

GENERAL CONTENTS

IDENTIFICATION OF INTERESTS

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

Analysis:

Chapter 1 of the federal lease application is an introduction describing where mining activities are currently located, and the location of the proposed federal lease addition, (plate 1-1). Over all changes to the current operation and reclamation plan are relatively minor.

Ownership and control information is in Chapter 2 and appendix 2-4. The applicant is Lodestar Energy Inc., incorporated under the laws of the State of Delaware and is in good standing and has legal corporate existence. The application includes Lodestar's address, telephone number, resident agent, and employer identification number. The officers and directors of Lodestar Energy Inc., and corporate structure are also identified and are in good standing with the Applicant Violator System. The Resident agent accepting service of process is David Miller and the abandoned mine fee will be paid by Marilyn Adamson.

TECHNICAL MEMO

The application includes the MSHA numbers for the Horizon and Horizon # 2 Mine.

Findings:

Information provided in the proposal is adequate to meet the requirements of this section of the regulations. When the application is at or near final approval an AVS check is recommended.

VIOLATION INFORMATION

Regulatory Reference: 30 CFR 773.15(b); 30 CFR 773.23; 30 CFR 778.14; R645-300-132; R645-301-113

Analysis:

Neither the applicant nor any of its subsidiaries, affiliates or persons controlled by or under common control with the applicant has had a federal or state permit revoked or suspended or revoked, nor forfeited a bond in the last five years. There are no outstanding notices of violation.

Findings:

Information provided in the proposal is adequate to meet the requirements of this section of the regulations.

RIGHT OF ENTRY

Regulatory Reference: 30 CFR 778.15; R645-301-114

Analysis:

The Right of Way through BLM lands was incorporated into the Beaver Creek Tract coal lease UTU 74804 on September 1, 1998. Federal coal can only be mined within this right of way. The application includes copies of the leases for the areas proposed to be added to the permit area, and the legal descriptions in these leases match the areas shown on the permit area maps. The applicant with and under the direction of the BLM has requested a modification to stipulation 10 of Exhibit A of the federal lease agreement.

Findings:

Information provided in the proposal is adequate to meet the requirements of this section of the regulations.

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.

Analysis:

The application includes the legal description and this matches the areas shown on the permit area maps. Copies of the leases for the areas proposed to be added to the permit area are located in appendix 2-3.

The proposed operations will neither be within 100 feet of a public road nor within 300 feet of an occupied dwelling. Coal haulage at the existing mine is within 100 feet of a public road, but the plan contains approval letters from Carbon County regarding use of the public road. The letters are included in Appendix 3-1 and discussed in chapter 3.

According to the current mining and reclamation plan and application, no portion of the area to be permitted is within an area designated as unsuitable for mining, (plate 1-1).

Findings:

Information provided in the proposal is adequate to meet the requirements of this section of the regulations.

PERMIT TERM

Regulatory References: 30 CFR 778.17; R645-301-116.

Analysis:

The current permit term for the applicants permit is five years and expires October 1, 2001.

Findings:

Information provided in the proposal is adequate to meet the requirements of this section of the regulations.

PUBLIC NOTICE AND COMMENT

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

TECHNICAL MEMO

Analysis:

The application includes a copy of the proof of publication containing the required information. The advertisements ran from October 31, through November 21, 2000, in The Sun Advocate. A copy of the affidavit of publication was received December 4, 2000.

No facilities would be used in common with any other permitted operation.

Findings:

Information provided in the proposal is adequate to meet the requirements of this section of the regulations.

FILING FEE

Regulatory Reference: 30 CFR 777.17; R645-301-118.

Analysis:

A copy of the filing fee is currently on file with the division, there is no fee required for this revision to the operation and reclamation plan.

Findings:

Information provided in the proposal is adequate to meet the requirements of this section of the regulations.

PERMIT APPLICATION FORMAT AND CONTENTS

Regulatory Reference: 30 CFR 777.11; R645-301-120.

Analysis:

The application format and contents are in concert with the requirements and guidelines of the Utah Coal Regulatory Program.

There are two minor deficiencies noted in the table of contents for chapter three, the page references match the current plan but do not coincide with the text in the application and Plates 3-9, 3-10, and the raptor survey are not listed.

Findings:

Information provided in the proposal is not adequate to meet the requirements of this section of the regulations. Prior to approval the applicant needs to provide the following: In accordance with R645-301-120

- The page references in the text of the application need to coincide with the references in the table of contents for chapter three in the application.
- Plates 3-9, 3-10, and the raptor survey need to be listed in the table of contents for chapter three..

REPORTING OF TECHNICAL DATA

Regulatory Reference: 30 CFR 777.13; R645-301-130.

Analysis:

The applicants technical data has been analyzed under the requirements of the regulations. Authorized and certified entities and individuals are referenced in the application.

Findings:

Information provided in the proposal is adequate to meet the requirements of this section of the regulations.

MAPS AND PLANS

Regulatory Reference: 30 CFR 777.14; R645-301-140.

Analysis:

The maps and plans provided in the application as required are prepared by a certified professional engineer to appropriate scale.

Findings:

Information provided in the proposal is adequate to meet the requirements of this section of the regulations.

TECHNICAL MEMO

COMPLETENESS

Regulatory Reference: 30 CFR 777.15; R645-301-150.

Analysis:

The information in the application was determined to be administratively complete on October 11, 2000. The applicant has also stated in the application that the information is believed to be complete and correct.

Findings:

Information provided in the proposal is adequate to meet the requirements of this section of the regulations.

ENVIRONMENTAL RESOURCE INFORMATION

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

VEGETATION RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.19; R645-301-320.

Analysis:

Chapter 9 of the current operation and reclamation plan provides the vegetation resource information. Plate 9-1 depicting the vegetative communities and acreage has been updated to include the proposed permit area expansion. Vegetative communities include Oakbrush, Salina Wildrye, Maple/Oakbrush/Aspen, Fir/aspens, Alpine Herb/Grassland, Manzanita, and Sagebrush/grass/ Rabbitbrush. This information is adequate to predict the potential for reestablishing vegetation. Since there is no surface disturbance proposed with the mining in this area it is unlikely that there will be a need for reclamation practices to occur.

Findings:

Information provided in the proposal is adequate to meet the requirements of this section of the regulations.

FISH AND WILDLIFE RESOURCE INFORMATION

Regulatory Reference: 30 CFR 784.21; R645-301-322.

Analysis:

The Fish and Wildlife Information in the application is referenced in section 3.6 et sec, and discussed in chapter 10 of the current plan. Plate 10-1 has been revised to include the proposed addition to the permit area. This map shows the proposed permit boundary, the location of two raptor nests and big game habitat. The map should be revised to show the identification and location of the three nests located during the May 12, 2000 raptor survey. The proposed addition to the permit area is divided into critical year long elk habitat and critical summer deer and elk habitats. There is an additional map labeled 2000 Raptor Survey Jump Creek Quad. The map should be identified as a plate to coincide with the other maps in the plan, the table of contents also needs to reference this map. The legend is unclear as the Cooper's Hawk, Falcon, Prairie Falcon, Raven and Unknown are all identified by various shades of a dot symbol. The map is in black and white. Apparently the coverage from which the map was generated was in color. There are three digit numbers associated with each of the nests shown on the map, 482- Golden Eagle-inactive, 484-Golden Eagle-old/dilapidated, 936-American Kestrel-active

Findings:

The information contained in this section of the application is not adequate to meet the requirements of the regulations. Prior to approval the applicant needs to provide the following in accordance with:

- R645-301-322.200**, A revision to plate 10-1 to include the location, and identification of the three nests identified during the 2000 raptor survey. The raptor legends on Plate 10-1 and the survey map need to be clear and coincide. The table of contents needs to reference the Raptor survey map.

LAND-USE RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.22; R645-301-411.

Analysis:

The land use information is located in chapter 4. Current land uses consist of grazing , logging, mining , mining reclamation activities, recreation and wildlife habitat. This permit application lies beneath an area that is undeveloped. The names , and addresses of the surface owners are provided and identified on plate 4-2. Plate 4-3 shows the ownership and location of the mineral tracts. The applicants legal right to enter is shown on plate 1-1 and discussed in the lease documentation located in chapter 2.

TECHNICAL MEMO

Findings:

Information provided in the proposal is adequate to meet the requirements of this section of the regulations.

OPERATION PLAN

FISH AND WILDLIFE INFORMATION

Regulatory Reference: 30 CFR Sec. 784.21, 817.97; R645-301-322, -301-333, -301-342, -301-358.

Analysis:

Protection and enhancement plan

A description of the wildlife mitigation and management plan is located in section 10.5 of the current operation and reclamation plan. Potential impacts from mining would be best characterized as habitat loss. Since there will be no surface disturbance the only potential impact would be habitat loss resulting from subsidence. The current plan, (chapter 10, section 10.5 page 10-37), indicates that "raptors and their offspring will be protected from disturbance and subsidence." However the plan does not indicate how the raptors will be protected. Since the raptor survey provided by the applicant shows the existence of one active Kestrel nest, one inactive Golden Eagle nest and one Golden Eagle old/dilapidated nest, protection measures from subsidence should be provided.

Endangered and threatened species

The list of threatened, endangered and candidate species that may occur within the proposed lease area are the Bald Eagle, Black-Footed Ferret, Bonytail Chub, Colorado Pike Minnow, Humpback Chub, and Razorback Sucker. They are listed in table 10-1 of chapter 10 of the current operation and reclamation plan. Most threatened or endangered species that could occur in Carbon County occur at lower elevations than the mine and have no habitat in the proposed permit area expansion. There have been no confirmed sightings of Black-Footed Ferrets in Carbon County in several years. However, the mine has potential, through water depletions, of adversely affecting four listed threatened and endangered fish species of the upper Colorado River drainage. The Fish and Wildlife Service requires mitigation when water depletions exceed 100 acre-feet annually. Chapter 7 section 7.3.2 PHC Determinations, page 7-71 provides for the criteria and volumes used to calculate an estimate of 60 acre feet of water per year.

Bald and golden eagles

Bald eagles are common in the area during the winter and could occasionally fly through or roost in the proposed addition to the permit area. Mining would have negligible effects on these birds.

Wetlands and habitats of unusually high value for fish and wildlife

Beaver Creek and several springs and ponds are adjacent to or lie within the proposed permit area revision. The applicant is currently monitoring Beaver Creek and certain springs, and wells in the proposed addition to the permit area., (plate7-1). The applicant has proposed to maintain a 100' Buffer zone along beaver Creek to prevent impacts to the stream. Subsidence monitoring points are identified on plate 3-3

Findings:

The information contained in this section of the application is not adequate to meet the requirements of the regulations. Prior to approval the applicant needs to provide the following in accordance with:

R645-301-333, The current plan, (chapter 10, section 10.5 page 10-37), indicates that "raptors and their offspring will be protected from disturbance and subsidence." However the plan does not indicate how the raptors will be protected. The applicant needs to develop and implement a mitigation plan in cooperation with Wildlife Resources and the Division.

VEGETATION

Regulatory Reference: R645-301-330, -301-331, -301-332.

Analysis:

Chapter 9 of the current operation and reclamation plan provides the vegetation resource information. Plate 9-1 depicting the vegetative communities and acreage has been updated to include the proposed lease area. Vegetative communities include Oakbrush, Salina Wildrye, Maple/Oakbrush/Aspen, Fir/aspen, Alpine Herb/Grassland, Manzanita, and Sagebrush/grass/Rabbitbrush. This information is adequate to predict the potential for reestablishing vegetation. No surface disturbance is anticipated other than minimal subsidence. Mining practices would have a minimal effect on the vegetation resources. Potential impacts to vegetation caused by subsidence during active mining operations may be mitigated by implementing Contemporaneous reclamation practices as described in section 3.5.1 of the reclamation plan.

TECHNICAL MEMO

Findings:

Information provided in the proposal is adequate to meet the requirements of this section of the regulations.

AIR POLLUTION CONTROL PLAN

Regulatory Reference: 30 CFR 784.26, 817.95; R645-301-244.

Analysis:

Chapter 3 section 3.4.7 of the current operation and reclamation provides for the protection of air quality. Since there is no surface disturbance associated with this federal lease addition the current air pollution control plan is adequate.

Findings:

Information provided in the proposal is adequate to meet the requirements of this section of the regulations.

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:

No surface disturbance other than minimal subsidence is anticipated. The post mining land use for the area included in this application will remain the same as pre mining and mining conditions i. e., grazing , logging, mining , mining reclamation activities, recreation and wildlife habitat. This permit application lies beneath an area that is undeveloped.

Findings:

Information provided in the proposal is adequate to meet the requirements of this section of the regulations.

PROTECTION OF FISH, WILDLIFE, AND RELATED ENVIRONMENTAL VALUES

Regulatory Reference: 30 CFR Sec. 817.97; R645-301-333, -301-342, -301-358.

Analysis:

No surface disturbance is anticipated other than minimal subsidence. Beaver Creek and several springs and ponds are adjacent to or lie within the proposed permit area. The applicant is currently monitoring Beaver Creek and certain springs, and wells in the proposed addition to the permit area., (plate7-1). The applicant has proposed to maintain a 100' Buffer zone along beaver Creek to prevent impacts to the stream. Subsidence will be monitored during mining and for a period of two years following final cessation of mining practices. The subsidence monitoring points are identified on plate 3-3 of the application.

Findings:

Information provided in the proposal is adequate to meet the requirements of this section of the regulations.

CONTEMPORANEOUS RECLAMATION

Regulatory Reference: 30 CFR Sec. 785.18, 817.100; R645-301-352, -301-553, -302-280, -302-281, -302-282, -302-283, -302-284.

Analysis:

No surface disturbance is anticipated other than minimal subsidence. Mining practices would have a minimal effect on the vegetation resources. Potential impacts to vegetation caused by subsidence during active mining operations may be mitigated by implementing Contemporaneous reclamation practices as described in section 3.5.1 of the reclamation plan.

Findings:

Information provided in the proposal is adequate to meet the requirements of this section of the regulations.

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.

TECHNICAL MEMO

Analysis:

No surface disturbance is anticipated other than minimal subsidence. Mining practices would have a minimal effect on the vegetation resources. Potential impacts to vegetation caused by subsidence during active mining operations may be mitigated by implementing Contemporaneous reclamation practices as described in section 3.5.1 of the reclamation plan.

General requirements

The general requirements for revegetation are provided for in section 3.5 of the reclamation plan.

Timing

The approximate schedule for reclamation activities is outlined in table 3-4 of section 3.5.7.1 of the reclamation plan.

Mulching and other soil stabilizing practices.

Sections 3.5.4.3, 4.5.1, 2, and 3 of the reclamation portion of the plan and proposal describe the mulching and other stabilizing practices to be implemented during reclamation.

Standards for success

The standards for success are provided for in section 3.5.6 of the reclamation plan.

Findings:

Information provided in the proposal is adequate to meet the requirements of this section of the regulations.

RECOMMENDATION:

The application is not recommended for approval at this time.