



4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

March 5, 1984

Mr. Allen D. Klein, Administrator  
Western Technical Center  
Office of Surface Mining  
Brooks Towers  
1020 Fifteenth Street  
Denver, Colorado 80202

RE: Draft Technical Analysis and  
Decision Document  
Beaver Creek Coal Company  
C. V. Spur Preparation Plant  
ACT/007/022, Folder No. 2  
Carbon County, Utah

Dear Mr. Klein:

Enclosed for your records is a copy of the Division's Draft Technical Analysis and Decision Document for the above referenced State operation. Should you or your staff have any questions regarding this document, please contact the Division accordingly.

Sincerely,

*Mary M. Esnick*  
157 James W. Smith, Jr.  
Coordinator of Mined  
Land Development

JWS/MMB:btb

Enclosures

cc: Dan Guy, Beaver Creek Coal Company  
M. Boucek, DOGM  
J. Whitehead, DOGM  
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## FINDINGS DOCUMENT

Beaver Creek Coal Company  
C. V. Spur Preparation Plant  
ACT/007/022, Carbon County, Utah

March 5, 1984

1. The plan and the permit application will be accurate and complete and all requirements of the Surface Mining Control and Reclamation Act (the "Act"), and the approved Utah State Program will be complied with (786.19[a]) after stipulations as outlined in the Draft Technical Analysis have been adequately addressed.
2. The applicant proposes acceptable practices for the reclamation of disturbed lands. These practices have been shown to be effective in the short-term; there are no long-term reclamation records utilizing native species in the western United States. Nevertheless, the Utah Division of Oil, Gas and Mining (DOG M) staff has determined that reclamation, as required by the Act, can be feasibly accomplished under the Mining and Reclamation Plan (MRP) (see Technical Analysis [TA], Section UMC 817.111-.117) (UMC 786.19[b]).
3. The assessment of the probable cumulative impacts of all anticipated coal mining in the general area on the hydrologic balance has been made by the regulatory authority. The mining operation proposed under the application has been designed to prevent damage to the hydrologic balance in the permit area and in the associated off-site areas (UMC 786.19[c]). (See Cumulative Hydrologic Impact Analysis (CHIA) Section, attached to this Findings Document.) (Note: the CHIA is not available at this time.)
4. The proposed permit area is:
  - A. Not included within an area designated unsuitable for underground coal mining operations.
  - B. Not within an area under study for designated lands unsuitable for underground coal mining operations.
  - C. Not on any lands subject to the prohibitions or limitations of 30 CFR 761.11(a) (national parks, etc.), 761.11(f) (public buildings, etc.) and 761.11(g) (cemeteries).
  - D. Not within 100 feet of the outside right-of-way line of a public road, except for site access which is allowed (UMC 761.11).
  - E. Not within 300 feet of any occupied dwelling (UMC 786.19[d]).

5. The regulatory authority's issuance of a permit is in compliance with the National Historic Preservation Act and implementing regulations (36 CFR 800) (UMC 786.19[e]). See attached letter from SHPO dated November 7, 1983.
6. The applicant has the legal right to enter the permit area through one Special Warranty Deed, dated November 11, 1977, which conveys surface ownership to the applicant (MRP, Section 4.3.4). This is a coal preparation and loadout facility which does not involve underground or surface mining on-site (UMC 786.19[f]).
7. The applicant has shown that prior violations of applicable law and regulations have been corrected (MRP, Section 2.0, Table 2-3) (UMC 786.19[g]).
8. Beaver Creek Coal Company is not delinquent in payment of fees for the Abandoned Mine Reclamation Fund for its active mining operations (UMC 786.19[h]) (personal communication, John Sender, OSM, Albuquerque, January 12, 1984).
9. The applicant does not control and has not controlled mining operations with a demonstrated pattern of willful violations of the Act of such nature, duration and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the provisions of the Act (UMC 786.19[i]) (see MRP, Section 2.0 and Table 2-3).
10. Underground coal mining and reclamation operations to be performed under the permit will not be inconsistent with other such operations anticipated to be performed in areas adjacent to the proposed permit area (UMC 786.19[j]). This is a coal preparation and loadout facility located on surface owned by the applicant, and there are no mining operations in the immediate vicinity.
11. A detailed analysis of the proposed bond had been made. The bond estimate is attached to the TA. The regulatory authority has made appropriate adjustments to reflect costs which would be incurred by the State, if it was required to contract the final reclamation activities for the minesite. The bond shall be posted (UMC 786.19[k]) with the regulatory authority prior to final permit issuance. A preliminary bond in the amount of \$550,000.00 is currently on file.
12. No lands designated as prime farmlands occur on the permit area (MRP, Section 8.3.3, Figure 8-1) nor will this operation have a deleterious effect on any alluvial valley floor (see TA, Section 822.1-.14) (UMC 786.19[l]).
13. The proposed postmining land-use of the permit area has been approved by the regulatory authority (see TA, Section UMC 817.133) (UMC 786.19[n]).
14. The regulatory authority has made all specific approvals required by the Act, and the approved State Program (UMC 786.19[n]).

15. The proposed operation will not affect the continued existence of any threatened or endangered species or result in the destruction or adverse modification of their critical habitats (MRP, Section 9.4, Section 10.3.3; see attached Division of Wildlife Resources [DWR] letter dated December 13, 1983) (UMC 786.19[o]).
16. All procedures for public participation required by the Act, and the approved Utah State Program have been complied with (UMC 741.21[a][2][ii]).

Prior to the permit taking effect, the applicant must forward a letter stating its compliance with the special stipulations in the permit and post the performance bond for reclamation activities.

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DOG M Lead Reviewer

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Coordinator of Mined Land Development

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