

April 8, 2003

TO: Internal File

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

FROM: Peter H. Hess, Environmental Scientist III/Engineering

RE: Leach Field Area-Phase III Bond Release Application, Plateau Mining Corporation, Willow Creek Mine, C/007/038-BR03A

**SUMMARY:**

The permittee submitted an application for Phase III bond release of that area of Crandall Canyon located above the surface facilities known as the leach field area on March 6, 2003. The area involved is 7.51 acres.

**TECHNICAL ANALYSIS:**

**GENERAL CONTENTS**

**IDENTIFICATION OF INTERESTS**

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

**Analysis:**

The Identification of Interest information is contained in the currently approved mining and reclamation plan in Chapter 1, Page 1.0-3, section **1.3, OWNERSHIP AND INTERESTS**. The last paragraph of section **1.3** references information relative to Plateau Mining Corporation in Exhibit 1. Exhibit 1 contains information relative to the Castle Gate Mine, (page 4 of 16), and the Willow Creek Mine, (page 9 of 16). Although the Crandall Canyon facilities were initially developed as part of the Castle Gate #3 and #5 Mines, the facilities were transferred to the Willow Creek Mine in the late 1990's. The information included in section **1.3** was last

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**TECHNICAL MEMO**

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revised in April 1999. The information included in Exhibit 1 of the currently approved mining and reclamation plan is not correct and needs to be updated.

C-Canyon L.C., is the surface owner of the land associated with this BR03B proposal. The coals associated beneath the Crandall Canyon facilities are owned by the United States of America and regulated by the U.S. Department of the Interior, Bureau of Land Management.

The officers of Plateau Mining Corporation were updated in a submittal received on May 5, 2003.

The following landowners are adjacent to the 7.51 acres that are being proposed for Phase III release via this application; they are the United States of America, Bureau of Land Management, and C-Canyon, L.C. The leach field actually lies on C-Canyon, L.C. property and is the property owner who has made the requests through Plateau Mining Corporation relative to leaving the vegetation as it currently exists intact, as well as the road and its associated drain culverts. The items will be used as part of the post-mining land use.

The Phase III application, as submitted March 7, 2003, contains letters of notification to the following individuals/agencies relative to this Phase III application. Those notified include:

- 1) Mr. Mark Mackiewicz, U.S. Department of the Interior, Bureau of Land Management, Price Field Office, Price, Utah.
- 2) Mr. William D. Krompel, Commissioner, Carbon County, Utah
- 3) Mr. Gary Harwood, Water Supervisor, Helper City, Utah
- 4) Mr. Dave Levanger, Carbon County Planning and Zoning Commission
- 5) Mr. Roger Wheeler, Director, Land Management, RAG American Coal Company
- 6) Mr. Reed Martineau, Snow Christensen, & Martineau, Attorneys at Law, (C-Canyon, L.C.)

The Crandall Canyon area utilizes the same MSHA identification number (42-02113) as the Willow Creek Mine. This information is in Volume 1, section 2.1 Legal/Financial, page 2.1-8, **TABLE 2.1-2, OPERATING PERMIT SUMMARY.**

**Findings:**

The information has met the minimum requirements of this section.

**VIOLATION INFORMATION**

**Analysis:**

This information is in the current Mining and Reclamation Plan. This information was last updated in October 1999, and indicates that (See section **2.1.4.2, Summary of Notices of Violation, Unabated Cessation Orders, and Unabated Air and Water Quality Violation Notices**) that no violations exist due to the status of the Willow Creek Mine being new. This is not correct because some violation have been written. However, all violations have been abated and there are no outstanding violations.

**Findings:**

The permittee has met the minimum requirements of the violation information section of the regulations.

**RIGHT OF ENTRY**

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

**Analysis:**

This information is included in Volume 1, section **2.1.5, Right of Entry** (page 2.1-7). **Right of Entry Documentation** (section **2.1.5.1.**, page **2.1-7**) includes information specific to the Crandall Canyon facilities area (See page **2.1-12**). This information was last revised in December of 2001.

**Findings:**

The permittee has met the requirements of this section.

**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 permittee has submitted *EXHIBITS 3.7-7A* and *3.7-7B* depicting the area (7.51 acres) under analysis of this Phase III bond release application. The 7.51 acres include approximately 2900 feet of access road and the area that formerly served as a leach field. Several diversions will remain to drain the roadway. A gate (depicted on *EXHIBIT 3.7-7A*) has been installed by the landowner (C-Canyon, L.C.) to bar access to the 7.51 acres.

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**TECHNICAL MEMO**

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The permittee has advertised the required information in a newspaper of local distribution (*Sun Advocate*, Price, Utah) in the following publications; March 27, April 3, 10, and 17, 2003. The closing date for comments, objections, and/or requests for public hearing or an information conference on this proposal must be received by May 17, 2003.

**Findings:**

The permittee has met the minimum requirements of this section.

**PERMIT TERM**

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

**Analysis:**

The current mining and reclamation permit issued by the State of Utah, Division of Oil, Gas, and Mining is a five year permit which remains in affect until April 24, 2006 (See page 3, **Section 4, PERMIT TERM** of C/007/038).

**Findings:**

The permittee has met the minimum requirements of this section.

**PUBLIC NOTICE AND COMMENT**

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

**Analysis:**

This area is within the current permit area. As noted above, the permittee has advertised the required information in a newspaper of local distribution (*Sun Advocate*, Price, Utah) in the following publications; March 27, April 3, 10, and 17, 2003. The closing date for comments, objections, and/or requests for public hearing or an information conference on this proposal must be received by May 17, 2003.

**Findings:**

The permittee has met the minimum requirements of this section.

**RECOMMENDATIONS:**

Recommendation for approval cannot be made until the aforementioned deficiencies have been addressed.

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