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November 1, 2002

TO: Internal File

FROM: Stephen J. Demczak, Sr. Reclamation Specialist/Engineering, Team Lead

*SGP by an*

RE: Methane Degas, Canyon Fuel Company, LLC., Dugout Canyon Mine, C/007/039-02J

**SUMMARY:**

The degas hole will be located on Canyon Fuel Company, LLC property. This will be above the third longwall panel in the Dugout Canyon Mine. The intent of the degas hole is to drain off methane gas from the longwall gob. The degas hole will increase safety and coal production. Therefore, this action is associated with mining.

The total disturbed area for MW-02 degas well will be 1.61 acres. Well MW-02 will be in the same location as well DCH-5 that was a coal exploration pad area.

**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 in the MRP in Chapter 1 on Page 1-2. This information was revised in January 2000. This information has not changed.

Canyon Fuel Company, LLC, is the surface and mineral owners.

The officers have not changed. This information is in the MRP in Chapter 1 on Page 1-3.

**TECHNICAL MEMO**

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Three names are lacking in this amendment for owners of property contiguous to the permit area. The Milton & Ardith Thayne Trust, George & Alice Conover Et. Al., and KFJ Ranch Partnership are in the MRP in Chapter 1 on Page 1-18. The permittee must update this amendment to reflect the three missing names.

The permittee does have a MSHA identification number. This information is in Chapter 1 on Page 1-19 in the MRP.

Canyon Fuel Company, LLC has no interest in contiguous lands other than those currently owned as shown on Plate 1-3 of the MRP.

**Findings:**

The information has not met the minimum requirements of this section. Prior to approval the permittee must address the following R645 Coal Rule:

**R645-301-112.600**, The amendment must be updated to reflect owners of property contiguous to the permit area, as reflected in the MRP.

**VIOLATION INFORMATION**

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

**Analysis:**

This information is in the current Mining and Reclamation Plan. This information was last updated in May 1999. Canyon Fuel Company has received at least one violation since January 1999. The permittee has, however, submitted updated violation information in the Dugout refuse pile amendment. This will be incorporated once this amendment is approved.

**Findings:**

The permittee has met the minimum requirements of this section

**RIGHT OF ENTRY**

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

**Analysis:**

This information is in the MRP in Chapter 1 on Page 1-28. This information was last updated in November 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 maps showing the MW-02 degas well. The permittee has given information in the amendment that the disturbed area will be 1.61 acres. The permittee will not have to advertise in the newspaper, since this area is within the current permitted area.

**Findings:**

The permittee has met the minimum requirements of this section.

**PERMIT TERM**

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

**Analysis:**

The permittee has a five-year permit term. This information is in the MRP and has not changed.

**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.

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**TECHNICAL MEMO**

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**Analysis:**

This area is within the present day permit area. Therefore, public notice will not be required.

**Findings:**

The permittee has met the minimum requirements of this section.

**FILING FEE**

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

**Analysis:**

This will not be required. This is an amendment and not a permit application.

**Findings:**

The permittee has met the minimum requirements of this section.

**PERMIT APPLICATION FORMAT AND CONTENTS**

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

**Analysis:**

The permittee has complied with R645-301.120. The information is in the Mining and Reclamation Plan and this amendment.

**Findings:**

The permittee has met the minimum requirements of this section.

**REPORTING OF TECHNICAL DATA**

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

**Analysis:**

The information submitted contains names of persons or organizations that collected and analyzed the data.

**Findings:**

The permittee has met the minimum requirements of this section.

**MAPS AND PLANS**

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

**Analysis:**

The permittee has submitted a map with a scale of 1" = 1500' on Figure 1 in the amendment.

**Findings:**

The permittee has met the minimum requirements of this section.

**COMPLETENESS**

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

**Analysis:**

Completeness is not required for this review.

**Findings:**

The permittee has met the minimum requirements of this section.

**ENVIRONMENTAL RESOURCE INFORMATION**

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

**TECHNICAL MEMO**

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**GENERAL**

Regulatory Reference: 30 CFR 783.12; R645-301-411, -301-521, -301-721.

**Analysis:**

Information addressing R645-301-521 is addressed in the MRP. There is no change to this section, since MW-02 is already within the permit area.

The permittee has submitted information on existing surface and subsurface facilities and features; see Page 5-5. No buildings are located in or within 1,000 feet of the permit area.

Landowner right-of-entry information is in the existing MRP.

There is no public road to MW-02 degas well, because, it is on Canyon Fuel Company private property.

**Findings:**

The permittee has met the minimum requirements of this section.

**PERMIT AREA**

Regulatory Requirements: 30 CFR 783.12; R645-301-521.

**Analysis:**

The permit area will not change. The MW-02 degas well is within the existing permit area.

**Findings:**

The permittee has met the minimum requirements of this section.

**LAND-USE RESOURCE INFORMATION**

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

**Analysis:**

The MW-2 degas well area is now wildlife habitat and livestock grazing. The post-mining land use will return to wildlife habitat and livestock grazing.

The permittee will use water or chemical treatment for this area when mobile equipment is operating on unpaved areas.

**Findings:**

The permittee has met the minimum requirements of this section.

**MAPS, PLANS, AND CROSS SECTIONS OF RESOURCE INFORMATION**

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

**Analysis:**

**Affected Area Boundary Maps**

The affected area maps will not change.

**Existing Structures and Facilities Maps**

The existing structure map will not change. This map is in the MRP.

**Existing Surface Configuration Maps**

On Figure 1, the permittee has shown the surface contours and location of MW-02. The area is small and greater detail is needed. MW-02 is going to be drilled on a pre-existing exploration drill pad. This area is basically flat as the contours indicate.

**Mine Workings Maps**

The permittee has submitted a site-specific underground mine map where the degas hole will be drilled into the underground workings on Figure 1-1. This map will need to be P. E. certified.

TECHNICAL MEMO

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**Permit Area Boundary Maps**

This map is in the MRP. The permittee will need to update the surface facility map to include MW-02 degas well as disturbed area. This will also address the areas under a performance bond.

**Findings:**

The permittee has not met the minimum requirements of this section. Prior to approval, the permittee must address the following R645 Coal Rules:

**R645-301-512**, The surface facilities map must be certified by a qualified, registered, professional engineer or land surveyor.

**R645-301-521.132**, The permittee must update the permit area map to show the location of the disturbed area of MW-02.

**OPERATION PLAN**

**MINING OPERATIONS AND FACILITIES**

Regulatory Reference: 30 CFR 784.2, 784.11; R645-301-231, -301-526, -301-528.

**Analysis:**

The permittee has given a surface facilities map (layout) on Figure 5-1. This is a surface facility map for an exploration site. The permittee must submit an operational surface facilities map. This map must be P.E. certified.

**Findings:**

The permittee has not met the minimum requirements of this section. Prior to approval, the permittee must address the following R645 Coal Rules:

**R645-301-512**, The surface facilities map must be certified by a qualified, registered, professional engineer or land surveyor.

**R645-301-521.180**, The permittee must submit a description, plan, and drawings for each support facilities to be constructed, used, or maintained within the proposed permit area.

## **EXISTING STRUCTURES:**

Regulatory Reference: 30 CFR 784.12; R645-301-526.

### **Analysis:**

There will be no existing structure near MW-02 degas well. The existing structure map will be changed. This information is in the MRP.

### **Findings:**

The permittee has met the minimum requirements of this section.

## **PROTECTION OF PUBLIC PARKS AND HISTORIC PLACES**

Regulatory Reference: 30 CFR784.17; R645-301-411.

### **Analysis:**

A cultural resource evaluation was conducted in July of 1998 at well MW-02, when this area was labeled well DCH-5 during previous coal exploration. The conclusion is that no significant cultural resource sites will be adversely impacted during the development of the exploration holes.

### **Findings:**

The permittee has met the minimum requirements of this section.

## **RELOCATION OR USE OF PUBLIC ROADS**

Regulatory Reference: 30 CFR 784.18; R645-301-521, -301-526.

### **Analysis:**

There are no public roads accessing the MW-02 degas hole. An existing road will be used to develop the MW-02 degas hole. This is a private road owned by Canyon Fuel Company.

### **Findings:**

The permittee has met the minimum requirements of this section.

**TECHNICAL MEMO**

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**AIR POLLUTION CONTROL PLAN**

Regulatory Reference: 30 CFR 784.26, 817.95; R645-301-244, -301-420.

**Analysis:**

The permittee will use water or chemical treatment for this area when mobile equipment is operating on unpaved areas.

**Findings:**

The permittee has met the minimum requirements of this section.

**ROAD SYSTEMS AND OTHER TRANSPORTATION FACILITIES**

Regulatory Reference: 30 CFR Sec. 784.24, 817.150, 817.151; R645-301-521, -301-527, -301-534, -301-732.

**Analysis:**

**Road Classification System**

The permittee has not classified the road leading to MW-02 degas hole. This road is a pre-existing road but will be used to access the degas hole. Therefore, this hole will need to be classified as an ancillary or primary road. A justification will need to determine the classification of road.

**Plans and Drawings**

The permittee has submitted a typical cross-section of the existing road. Once the MW-02 degas well is constructed, this road will have minimal use. The intent of the site is to deliberate methane from the underground workings. The road activity is similar to road activity at the main fan at some mine sites.

**Findings:**

The permittee has not met the minimum requirements of this section. Prior to approval, the permittee must address the following R645 Coal Rule:

**R645-301-527.100**, The permittee must classify each road as either primary or ancillary.

## **SPOIL AND WASTE MATERIALS**

Regulatory Reference: 30 CFR Sec. 701.5, 784.19, 784.25, 817.71, 817.72, 817.73, 817.74, 817.81, 817.83, 817.84, 817.87, 817.89; R645-100-200, -301-210, -301-211, -301-212, -301-412, -301-512, -301-513, -301-514, -301-521, -301-526, -301-528, -301-535, -301-536, -301-542, -301-553, -301-745, -301-746, -301-747.

### **Analysis:**

#### **Disposal Of Noncoal Mine Wastes**

No spoil and waste material will be developed.

#### **Coal Mine Waste**

There will be no coal waste developed in this area.

### **Findings:**

The permittee has met the minimum requirements of this section.

## **SIGNS AND MARKERS**

Regulatory Reference: 30 CFR Sec. 817.11; R645-301-521.

### **Analysis:**

The permittee will display a permit identification site for MW-02. This is not needed because the road is private and a public road cannot access MW-02.

### **Findings:**

The permittee has met the minimum requirements of this section.

## **MAPS, PLANS, AND CROSS SECTIONS OF MINING OPERATIONS**

Regulatory Reference: 30 CFR Sec. 784.23; R645-301-512, -301-521, -301-542, -301-632, -301-731, -302-323.

### **Analysis:**

#### **Affected Area Maps**

This will not change from the current MRP.

**TECHNICAL MEMO**

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**Mining Facilities Maps**

This has been addressed in this document.

**Mine Workings Maps**

This map will not change.

**Certification Requirements**

This has been addressed in other sections of this document.

**Findings:**

The permittee has met the minimum requirements of this section.

## **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:**

Upon the permanent cessation of methane venting, Dugout Canyon Mine will seal and permanently reclaim the disturbed area in accordance with the R645 coal Rules.

The terrain is a relatively flat-lying area and reclamation will seal the well, and rip, pock, and seed the disturbed area.

The permittee has submitted a timetable for reclamation of this area. This is indicated in Figure 5-4 of this submittal.

**Findings:**

The permittee has met the minimum requirements of this section.

## 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:

The MW-2 degas well area is now wildlife habitat and livestock grazing. The post-mining land use will return to wildlife habitat and livestock grazing.

The terrain is a relatively flat-lying area and reclamation will seal the well, an rip, pock, and seed the disturbed area.

### Findings:

The permittee has met the minimum requirements of this section.

## APPROXIMATE ORIGINAL CONTOUR RESTORATION

Regulatory Reference: 30 CFR Sec. 784.15, 785.16, 817.102, 817.107, 817.133; R645-301-234, -301-412, -301-413, -301-512, -301-531, -301-533, -301-553, -301-536, -301-542, -301-731, -301-732, -301-733, -301-764.

### Analysis:

The permittee will reclaim this area to the approximate original contour. This is stated on Page 5-14 of the submittal.

### Findings:

The permittee has met the minimum requirements of this section.

## BACKFILLING AND GRADING

Regulatory Reference: 30 CFR Sec. 785.15, 817.102, 817.107; R645-301-234, -301-537, -301-552, -301-553, -302-230, -302-231, -302-232, -302-233.

### Analysis:

#### General

The topsoil will be removed from well MW-02 degas area. The only other earthwork to be done is to construct a small Mud pit during the drilling process.

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**Findings:**

The permittee has met the minimum requirements of this section.

**ROAD SYSTEMS AND OTHER TRANSPORTATION FACILITIES**

Regulatory Reference: 30 CFR Sec. 701.5, 784.24, 817.150, 817.151; R645-100-200, -301-513, -301-521, -301-527, -301-534, -301-537, -301-732.

**Analysis:**

**Reclamation**

No roads will be reclaimed since the permittee will be using existing roads that are currently being used for cattle grazing.

**Retention**

The permittee will be using existing roads.

**Findings:**

The permittee has met the minimum requirements of this section.

**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:**

**General**

The permittee did not state if the mud pit would be removed after the drilling program is finished. If the mud pit were not going to be removed, the permittee would need to justify the need for the mud pit.

**Findings:**

The permittee has not met the minimum requirements of this section. Prior to approval, the permittee must address the following R645 Coal Rule:

**R645-302-282.100**, After drilling is completed, the permittee will have to show why the mud pit is necessary and why it is not going to be reclaimed.

## **MAPS, PLANS, AND CROSS SECTIONS OF RECLAMATION OPERATIONS**

Regulatory Reference: 30 CFR Sec. 784.23; R645-301-323, -301-512, -301-521, -301-542, -301-632, -301-731.

### **Analysis:**

#### **Final Surface Configuration Maps**

The permittee has not given the surface configuration of this area. Three cross-sections of the MW-02 degas area are needed. These cross-sections are a) pre-disturbance, b) during operation, and c) final reclamation. Pre-disturbance means the cross-section prior to the degas hole MW-02 not prior to exploration.

### **Findings:**

The permittee has not met the minimum requirements of this section. Prior to approval the permittee must address the following R645 Coal Rule:

**R645-301-542.310**, The permittee must supply final surface configuration of the affected area. Cross section of pre-disturbance, operational, and final reclamation will be required.

## **BONDING AND INSURANCE REQUIREMENTS**

Regulatory Reference: 30 CFR Sec. 800; R645-301-800, et seq.

### **Analysis:**

#### **Determination of Bond Amount**

The total disturbed area is 1.61 acres, and will cost \$19,455. This amount is less than 5% of the bond and is within the contingency of the bond. Dugout Mine recently had a bond review and the company is currently over bonded.

TECHNICAL MEMO

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**Terms and Conditions for Liability Insurance**

The permittee is insured and complies with the R645 Coal Rules. The policy will expire on July 31, 2003.

**Findings:**

The permittee has met the minimum requirements of this section.

**RECOMMENDATIONS:**

The permittee has not met the minimum requirements of the R645 Coal Rules. This amendment is not recommended for approval. Prior to approval, the permittee must address the following R645 Coal Rules:

**R645-301-112.600**, The amendment must be updated to reflect owners of property contiguous to the permit area, as reflected in the MRP.

**R645-301-512**, The surface facilities map must be certified by a qualified, registered, professional engineer or land surveyor.

**R645-301-521.132**, The permittee must update the permit area map to show the location of the disturbed area of MW-02.

**R645-301-521.180**, The permittee must submit a description, plan, and drawings for each support facilities to be constructed, used, or maintained within the proposed permit area.

**R645-301-527.100**, The permittee must classify each road as either primary or ancillary.

**R645-301-542.310**, The permittee must supply final surface configuration of the affected area. Cross section of pre-disturbance, operational, and final reclamation will be required.

**R645-302-282.100**, After drilling is completed, the permittee will have to show why the mud pit is necessary and why it is not going to be reclaimed.