

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

OK

July 12, 2004

TO: Internal File

THRU: Greg Galecki, Hydrologist, Team Lead ~~AGH~~

FROM: Karl R. Houskeeper, Environmental Scientist III *KRH by AN*

RE: IBC – Penta Creek Fee Lease, West Ridge Resources, Inc. West Ridge Mine, C/007/0041, Task ID #1942

SUMMARY:

On June 4, 2004, West Ridge Resources, Inc. requested an Incidental Boundary Change. This Incidental Boundary Change would incorporate Penta Creek Fee Lease area (Township 14 South, Range 14 East, Section 7: SE ¼ of Lot 3 and all of Lot 4). The proposed Penta Creek Fee Lease area contains 46.35.

The existing permit area for the West Ridge Mine contains 4382.55 acres. The addition of the Penta Creek Fee Lease area containing 46.35 acres would bring the total permit area for the West Ridge Mine to 4428.90 acres. The Penta Creek Fee Lease is being added to the permit area for the coal reserves. The addition of the Penta Creek Fee Lease area will not increase the disturbed area. The existing Surface facilities will be used to access the underground reserves associated with this lease.

On July 2, 2004 West Ridge Resources, Inc submitted additional information. The additional information adds a small area of leased Penta Creek Fee Lease to the permit area. The change now increases the application from 46.35 acres to 50 acres. This addition brings the total permit area to 4432.55 acres and still does not increase the disturbed area.

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TECHNICAL ANALYSIS:

GENERAL CONTENTS

IDENTIFICATION OF INTERESTS

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

Analysis:

Minor changes have been made that show the owners of record of all property (surface and subsurface). The additions shown in the application are already contained in the approved MRP.

Findings:

Information submitted in this application meets the minimum requirements of this section.

VIOLATION INFORMATION

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

Analysis:

New information has been submitted as part of this application that updates Appendix 1-2 with current Violation information.

Findings:

Information submitted in this application meets the minimum requirements of this section.

RIGHT OF ENTRY

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

Analysis:

The application contains information and reference to an additional lease area that will increase the size of the permit area from 4382.55 acres to 4432.55 acres. The referenced area is the Penta Creek Fee Lease Area (Township 14 South, Range 14 East, SLBM, Section 7: SE $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$).

No documentation is presented in Appendix 1-14 of the approved MRP, nor in the application, that shows right of entry into this parcel of ground. The approved MRP does show right of entry into the Penta Creek Fee Lease Area (Township 14 South, Range 14 East SLB&M, Section 6: Lot & SE $\frac{1}{4}$ SW $\frac{1}{4}$. Section 7: Lots 1 and 2 NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$. Section 18: Lots 2 and 3 NW $\frac{1}{4}$ NE $\frac{1}{4}$.)

The submittal included a new cover sheet for Appendix 1-4. This cover sheet indicates that Proof of Federal Lease Assignments for SL 687554 and UTU 78562 will be contained in Appendix 1-4. The information in the approved MRP under Appendix 1-4 shows the lease as SL 68754 not SL 687554. It appears that an extra 5 has been placed on the cover sheet for this lease. No information is contained in the approved MRP or this submittal for Federal Lease UTU 78562.

Findings:

R645-301-114 Proof of Right of Entry to **(1)** the Penta Creek Fee Lease Area (Township 14 South, Range 14 East, SLBM, Section 7: SE $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$) Appendix 1-14, and **(2)** Federal Lease UTU 78562 Appendix 1-4, needs to be provided as part of the application. **(3)** The cover sheet for Appendix 1-4 needs to be corrected to represent the correct Federal Lease SL 68754. **(4)** A map (such as a County Plat) needs to be provided to the Division that shows Township & Range, Sections and the lot locations. This map is needed to complete the review. Maps in the approved MRP do not contain lot information.

PUBLIC NOTICE AND COMMENT

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

Analysis:

The permit application has been determined by the Division to be an Incidental Boundary Change.

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Findings:

Public Notice is not required.

RECOMMENDATIONS:

The permit application should be denied until the three **(4)** items under the requirements of R645-301-114 are met.

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