

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

July 26, 2010

TO: Internal File

THRU: Daron Haddock, Permit Supervisor *DORH*

FROM: Ingrid Wieser, Lead *W*

RE: Incidental Boundary Change, West Ridge Resources, West Ridge Mine, Permit # C/007/0041 and Project #3583

SUMMARY:

On June 28, 2010, the Division received an amendment from West Ridge Resources for an incidental boundary change to the West Ridge Mine Permit. The incidental boundary change included increasing the permit area to 6740.53 acres from 6718.03 acres. The area to be included will be undermined with over 3000 feet of cover and will have no associated surface disturbances. West Ridge Resources (WRR) projects that undermining this area will occur in October 2010 with Division approval.

WRR included a map with the amendment application titled, "West Ridge Mine Incidental Boundary Change". The 22.5 acres included in the boundary change are associated with State Lease ML-51744 on T13S R13E Section 36.

The amendment is recommended for approval.

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TECHNICAL ANALYSIS:

GENERAL CONTENTS

VIOLATION INFORMATION

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

Analysis:

WRR included the Violation Information in Appendix 1-2 of the application. This section includes violation information for Centennial Mine, Crandall Mine, West Ridge Mine, Horse Canyon Mine, Canterbury Coal Inc., UMCO, Maple Creek, Pennamerican Coal, Ohio American Coal, Energy Resources INC., TDK Coal Sales Inc., Belmont Coal Company, The Ohio Valley Coal Co, American Energy Corp, and the American Coal Co. This appendix also lists several mines that either have not had any violations in the last three years or do not have permits.

WRR will be asked to update the violation information with violations received during review of this amendment.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

RIGHT OF ENTRY

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

Analysis:

The application includes Lease information for State Coal Lease ML 51744 in appendix. Lease ML 51744 is located in Section 36 N12, SE ¼ of T13S R13E. The lease term is ten years.

WRR leases 4889.92 acres of federal coal through leases SL-068754 and UTU-78562. WRR leases 2162.34 acres of state coal through Leases ML 47711, ML 49287 and ML 51744. WRR also leases 382.08 acres on private fee coal lands. WRR also holds surface use permits including SITLA special Use Lease Agreement No. 1163, BLM right of way UTU-77120 and 87110.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for 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 Legal Description is located in Chapter 1 on table 1-4 and on Maps 1-0 and 1-1. The total permit area is 6740.53 acres.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

PERMIT TERM

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

Analysis:

The Division renewed the permit effective April 1, 2009. The permit will expire on April 1, 2014. See 2009 Outgoing file 0016.pdf. There were two special conditions to the Permit. These were regarding the experimental practice and electronic submittal of water monitoring reports.

Findings:

The information provided is considered adequate to meet the minimum requirements for this section.

PUBLIC NOTICE AND COMMENT

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

Analysis:

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Public notice and comment is not required for this amendment. It is considered a minor permit revision.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

ENVIRONMENTAL RESOURCE INFORMATION

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

PERMIT AREA

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

Analysis:

WRR proposed to increase the permit area by 22 acres. This expansion would include area that will be undermined but will not include surface disturbance. This expansion accounts for less than 1% of the current permit area.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION

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

Analysis:

Senco-Phenix Archaeological consultants conducted a cultural resource review for the West Ridge Mine Lease Expansion on June of 2010. The review consisted of a file search for the project area and surrounding areas. Only one site has been identified from previous studies that could be eligible for listing in the historic register. This site, 42CB-317, is located in the

SE/SE/SE of section 12 and consists of nine buildings on the west side of Whitmore Creek. This site is not located in the lease expansion area and therefore will not be affected by this amendment. Prior to undermining the site, however, WRR will need to reexamine the site and provide a protection or mitigation plan.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

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

Due to the depth of mining and overburden, WRR does not anticipate any surface disturbances from mining.

Bald and Golden Eagles

WRR submitted a helicopter raptor Survey from 2010 in the confidential folder of the amendment. The survey included the lease expansion area, which contained two nests (1934 and 1935). Much of the information was not included for Nest 1935 and no information was included about nest 1934. No surface disturbance is anticipated from this lease expansion.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

RECOMMENDATIONS:

This amendment is recommended for approval.