



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801
801-538-5340
801-359-3940 (Fax)
801-538-7223 (TDD)

November 3, 1997

TO: File

THROUGH: Daron Haddock, Permit Supervisor 

FROM: Paul Baker, Reclamation Biologist

Re: Notice of Intention to Conduct Exploration; Wasatch Coal, L. L. C.; Bear River Project; CEP/043/009-97A; Folder #2; Summit County, Utah

SUMMARY:

On October 7, 1997, the Division received a notice of intention from Wasatch Coal, L. L. C., to conduct coal exploration on private land in Summit County near the Wyoming border.

The notice of intention was submitted on a form used in the minerals program and has references to the R613 rules. While the notice contains much of the required information, it needs to provide more detail of how environmental resources will be protected and the site reclaimed. Also, it is assumed less than 250 tons of coal will be removed, but the notice of intention should state how much coal will be removed.

The applicant has requested that the notice of intention be kept confidential; however, the only information the Division is required to keep confidential is that which concerns trade secrets or privileged commercial or financial information which relates to the competitive rights of the person intending to conduct coal exploration. The information in the notice of intention may or may not qualify under these criteria. It is recommended the Division maintain the application as confidential unless a GRAMA request is received. If a GRAMA request is received, the Division could determine what information in the notice qualifies as confidential.

TECHNICAL ANALYSIS:

NOTICES OF INTENTION

Regulatory Reference: R645-201-200

Analysis:

Wasatch Coal Company has submitted a notice of intention (NOI) to explore for coal in Summit County. The NOI includes the applicant's name, address, and telephone number. The applicant's on-site representatives are Boart Longyear and Bill Dycus. The exploration would occur between November 1 and December 15, 1997, on land shown on an attached map.

One four-inch hole would be drilled to a depth of 4200 feet using drilling fluids. The NOI does not say how much coal would be removed. For the purposes of the remainder of this review, it is assumed less than 250 tons of coal would be removed, but the NOI should state how much coal would be removed.

The NOI is required to give a description of the practices that will be followed to protect the area from adverse impacts of the exploration activities and to reclaim the area in accordance with the applicable requirements of R645-202. The NOI is on a form used in the minerals program which shows general operation and reclamation practices that may not necessarily apply to the coal program.

The NOI needs to more specifically show:

1. How the applicant will handle potentially toxic and acid-forming materials. This should include a discussion of the drilling fluids, whether they are toxic, and how they will be disposed of. Also, cuttings must be assumed to be toxic or acid-forming unless shown otherwise. Unless shown to be non-toxic and non-acid-forming, cuttings should be buried at least four feet deep.
2. How sediment will be controlled. This is a prime concern, and the NOI should show how water will be contained on the site or treated before leaving the site so as to not damage the hydrologic resources.

The NOI should also show how sediment will be controlled following reclamation. The Division recommends the area be left very rough and that certified noxious weed free straw be used as a mulch both to limit offsite sedimentation and to encourage plant establishment.

3. How much topsoil will be salvaged or how it will be determined how much topsoil should be salvaged. It is recommended the applicant have a person knowledgeable about soils, such as a soil scientist or a geologist, supervise this portion of the operation.

Soils should be protected from contamination, compaction, and loss during exploration. After soils are salvaged, straw bales could be used to help protect them from loss.

4. What species will be used to reseed the area and at what rates they will be planted. Broadcast seeding in the fall is recommended.

The exploration rules do not require that cultural resource information be submitted to the Division, but a clearance is required from the Division of State History.

Findings:

Information provided in the notice of intention is not considered adequate to meet the requirements of his section of the regulations. Prior to final approval, the applicant must provide the following in accordance with:

R645-200-100, The notice of intention needs to state how much coal will be removed in this exploration project.

R645-201-225, The notice of intention needs to contain more detail of how environmental resources will be protected and the site reclaimed. Of particular concern are the handling of potentially toxic or acid-forming materials, sediment controls, topsoil salvage and storage, and revegetation methods.

In addition, the NOI should contain a caveat statement that the rules cited in the NOI do not apply to the coal regulatory program.

RECOMMENDATIONS:

The notice of intention should not be approved until the deficiencies outlined in this memorandum have been satisfactorily addressed.

EXP/043/009

97 A

LAW OFFICES
PRUITT, GUSHEE & BACHTELL

SUITE 1850 BENEFICIAL LIFE TOWER
SALT LAKE CITY, UTAH 84111-1405
(801) 531-8446

TELECOPIER (801) 531-8468

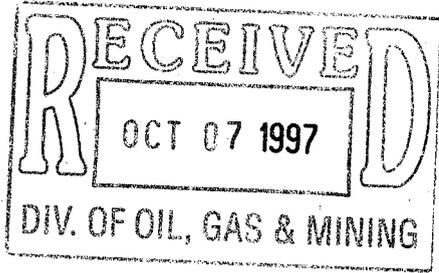
ROBERT G. PRUITT, JR.
OLIVER W. GUSHEE, JR.
THOMAS W. BACHTELL
A. JOHN DAVIS, III
JOHN W. ANDERSON
FREDERICK M. MacDONALD
JOHN F. WALDO
ANGELA L. FRANKLIN
JOHN S. FLITTON
MICHAEL S. JOHNSON
CHRISTOPHER J. CASTILLO

OF COUNSEL
ROBERT G. PRUITT, III
BRENT A. BOHMAN

October 7, 1997

VIA HAND DELIVERY

Ms. Mary Ann Wright
Utah Coal Program
Utah Division of Oil Gas & Mining
1597 West North Temple
Salt Lake City, Utah 84114



*RE: Notice of Intention to Conduct Exploration
Wasatch Coal, L.L.C.*

Dear Ms. Wright:

Enclosed please find a Notice of Intention to Conduct Exploration filed on behalf of our client, Wasatch Coal, L.L.C. We request that this Notice and its contents remain confidential to the full extent allowed by law. Per your telephone confirmation to me this morning, no filing fee for this Notice is required. Your prompt attention to its review will be greatly appreciated.

If there are any questions regarding the Notice, please contact me at the letterhead address and telephone number. Thank you again for your assistance in this matter.

Very truly yours,

Frederick M. MacDonald

FMM:pk
Enclosure
1888.02
cc: Elizabeth Hurtt