

#3858
B

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

July 5, 2011

TO: Internal File

FROM: Joe Helfrich, Lead, Admin, Biology, Land use, Cultural Resources 

RE: Permit Area Modification, Energy West Mining, Trail Mountain Mine, C/015/0009, Task ID #3858

SUMMARY:

On June 9, 2011 the Division received an application form Energy West Mining Company to modify the permit area for the Trail Mountain Mine. The amendment stemmed from the partial lease relinquishment on September 24, 2010 of areas that had been mined out in federal leases UTU-64375 and UTU-49332. This memo will include a review of that information as it pertains to the Admin, Biology, Land use, Cultural Resources sections of the regulations.

Summary of Deficiencies:

R645-301-112, the "supplemental volume" referred to in chapter 2 of the application needs to be updated to include current ownership and control information. The application needs to also include a revised legal description of the permit area boundary. [JCH]

R645-300-121.120, the application needs to include a legal description of the revised permit area boundary. [JCH]

R645-301-120, Chapter 3 of the application is titled "Engineering" and it has its own numbering system. However sections 3.4 "Environmental Protection" and 3.5 "Reclamation Plan" contain information that is not germane to the engineering section. The application needs to be reformatted in accordance with the R645 regulations. [JCH]

R645-301-140, the adjacent areas for all maps should be determined by the Division in consultation with the permittee as adjacent areas are not always simply a line or polygon and are defined more by what they may impact whether it be a Golden Eagle or regional aquifer. Plate 7-2 or TMS1450C, Plate 7-4 or TMS1456C, Water rights, Plate 4-2 or TMS 1458C land use, , Plate 6-3 or TMS 1681D Hiawatha Seam Structural Contour, Plate 6-4 or TMS 1682D

Hiawatha Seam Overburden Isopack, Plate 6-5 or TMS 1683D Hiawatha Coal Seam Isopack, need to be revised to show the current permit area on the map and in the legend. Coal Ownership, Surface Ownership, Plate 3-4 or TMS 1680C Adjacent Area. [JCH]

***R645-301-320**, Chapter nine section 9.4 should also include “permit” as well as adjacent area. [JCH]*

***R645-301-322**, Chapter ten page iii, the applicant needs to explain why the list of appendices has been deleted from the application. [JCH]*

TECHNICAL ANALYSIS:

GENERAL CONTENTS

IDENTIFICATION OF INTERESTS

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

Analysis:

According to the information in chapter 2 R645-301-100 General Contents, "All legal financial information pertaining to the Trail Mountain Mine is located in the supplemental volume entitled: PacifiCorp Legal Financial Volume", wherever that may be. The application needs to include a revised legal description of the permit area boundary

Findings:

The information in the application is not adequate to meet the requirements of this section of the regulations. Prior to approval the following information must be provided in accordance with R645-301-112, the "supplemental volume" referred to in chapter 2 of the application needs to be updated to include current ownership and control information. The application needs to also include a revised legal description of the permit area boundary.

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 application needs to include a legal description of the revised permit area boundary

Findings:

The information in the application is not adequate to meet the requirements of this section of the regulations. Prior to approval the following information must be provided in accordance with R645-300-121.120, the application needs to include a legal description of the revised permit area boundary.

TECHNICAL MEMO

PERMIT APPLICATION FORMAT AND CONTENTS

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

Analysis:

Chapter 2 is formatted in accordance with the R645 regulations although it is not the soils chapter which is the standard format required by the Division. Chapter 3 of the application is titled "Engineering" and it has its own numbering system. However sections 3.4 "Environmental Protection" and 3.5 "Reclamation Plan" contain information that is not germane to the engineering section.

Findings:

The information in the application is not adequate to meet the requirements of this section of the regulations. Prior to approval the following information must be provided in accordance with R645-301-120, Chapter 3 of the application is titled "Engineering" and it has its own numbering system. However sections 3.4 "Environmental Protection" and 3.5 "Reclamation Plan" contain information that is not germane to the engineering section. The application needs to be reformatted in accordance with the R645 regulations.

MAPS AND PLANS

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

Analysis:

In general the adjacent area should be determined by the Division in consultation with the permittee as adjacent areas are not always simply a line or polygon and are defined more by what they may impact whether it be a Golden Eagle or regional aquifer. Several of the maps need to be revised to be consistent with the applicants revised permit boundary. Plate 7-2 or TMS1450C needs to be revised to show the current permit area on the map and in the legend.

Findings:

The information in the application is not adequate to meet the requirements of this section of the regulations. Prior to approval the following information must be provided in accordance with R645-301-140, the adjacent areas for all maps should be determined by the Division in consultation with the permittee as adjacent areas are not always simply a line or polygon and are defined more by what they may impact whether it be a Golden Eagle or regional aquifer. Plate 7-2 or TMS1450C, Plate 7-4 or TMS1456C, Water rights, Plate 4-2 or TMS 1458C land use, Plate 6-3 or TMS 1681D Hiawatha Seam Structural Contour, Plate 6-4 or TMS 1682D Hiawatha

Seam Overburden Isopack, Plate 6-5 or TMS 1683D Hiawatha Coal Seam Isopack, need to be revised to show the current permit area on the map and in the legend. Coal Ownership, Surface Ownership, Plate 3-4 or TMS 1680C Adjacent Area.

ENVIRONMENTAL RESOURCE INFORMATION

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

HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION

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

Analysis:

The text in chapter 5 has been revised to reflect the current status of the permit and adjacent areas.

Findings:

The information is adequate to meet the requirements of this section of the regulations.

VEGETATION RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.19; R645-301-320.

Analysis:

Chapter nine section 9.4 should also include "permit" as well as adjacent area

Findings:

The information in the application is not adequate to meet the requirements of this section of the regulations. Prior to approval the following information must be provided in accordance with R645-301-320, Chapter nine section 9.4 should also include "permit" as well as adjacent area.

TECHNICAL MEMO

FISH AND WILDLIFE RESOURCE INFORMATION

Regulatory Reference: 30 CFR 784.21; R645-301-322.

Analysis:

Chapter ten page iii, the applicant needs to explain why the list of appendices has been deleted from the application. Permit and adjacent area text has replaced mine plan area as needed.

Findings:

The information in the application is not adequate to meet the requirements of this section of the regulations. Prior to approval the following information must be provided in accordance with R645-301-322, Chapter ten page iii, the applicant needs to explain why the list of appendices has been deleted from the application.

LAND-USE RESOURCE INFORMATION

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

Analysis:

The text in chapter 4 has been revised to reflect the current status of the permit and adjacent areas.

Findings:

The information is adequate to meet the requirements of this section of the regulations.

RECOMMENDATIONS:

The application is not recommended for approval at this time.