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

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August 31, 2000

TO: Internal File

FROM: Susan M. White, Senior Reclamation Biologist, Team Lead *SMD*

RE: Legal, Financial, PacifiCorp, Des Bee Dove Mines, ACT/015/017-LF00B-1

SUMMARY:

Proposed changes to the Des Bee Dove permit were received on April 14, 2000. This amendment revises the permit area boundaries and updates and reformats Chapter 1 (legal and financial). The permit area reduction has since, August 31, 2000, been removed from this amendment and assigned a new amendment number, AM00D. This technical analysis reviews only the legal and financial information submitted April 14, 2000 and August 30, 2000. The amendment is complete.

TECHNICAL ANALYSIS :

ADMINISTRATIVE INFORMATION

OWNERSHIP AND CONTROL INFORMATION

Regulatory Reference: R645-301-112

Analysis:

The applicant is PacifiCorp, an Oregon corporation. PacifiCorp is a wholly-owned subsidiary of Scottish Power, a foreign corporation. Energy West Mining Company, a wholly owned subsidiary of PacifiCorp is the operator. The application gives the name, address and telephone number of the applicant and operator (page 2). The resident agent is identified as Charles Semborski. The employer identification number is 99-0246090. PacifiCorp will pay the abandoned mine reclamation fee.

TECHNICAL MEMO

Ownership and control information is in Appendix A. The names, addresses, permit numbers, regulatory authorities, and MSHA numbers together with dates of issuance for coal mining and reclamation operations owned or controlled by the applicant is found in section R645-301-112.400. This section fails to list the required employer identification number of these operations. Information in this section will need to be checked in the applicant violator system.

Section R645-301-112.600 list surface and subsurface owners of record contiguous to the permit area. Section R645-301-114 list right of entry information and shows the surface ownership information. Since the operator is applying for a reclamation permit only, no subsurface ownership information is required.

PacifiCorp is owner of fee surface and coal rights contiguous to the permit area. There are no holders of record of any leasehold interest in areas affected by surface operations of facilities or coal to be mined other than oil and gas leases and grazing permits.

Findings:

Information provided in the application meets the minimum regulatory requirement.

VIOLATION INFORMATION

Regulatory Reference: R645-301-113

Analysis:

PacifiCorp has never had a federal or state mining permit suspended, revoked, or forfeited a bond. Appendix B contains a list of Notice of Violations (NOV) for all of PacifiCorp.

Findings:

Information provided in the application meets the minimum regulatory requirements.

RIGHT OF ENTRY

Regulatory Reference: R645-301-114

Analysis:

Section R645-301-114 list right of entry information and shows the surface ownership information. The surface lands are owned and controlled by the Forest Service, Bureau of Land Management, State of Utah, and PacifiCorp.

Findings:

Information provided in the application is considered adequate to meet the requirements of this section.

UNSUITABILITY CLAIMS

Regulatory Reference: R645-301-115

Analysis:

No lands within or adjacent to the permit area have been identified as qualifying under R645-103-300 as unsuitable.

Findings:

Information provided in the application is considered adequate to meet the requirements of this section.

PERMIT TERM, INSURANCE, PROOF OF PUBLICATION, AND FACILITIES USED IN COMMON

Regulatory Reference: R645-301-116 and -117

Analysis:

The permit term for which the applicant is applying is five years. No mining will be conducted during this term. Certificates of insurance are on file with the Division and will expire April 1, 2002.

No facilities or structures are used in common with another coal mining and reclamation operation, although the Cottonwood Waste Rock disposal site is available for disposal of coal waste for the Des Bee Dove Mine.

An advertisement for permit renewal was placed in the Emery County Progress, a local newspaper, for 4 consecutive weeks, June 27, July 4, 11, and 18, 2000.

TECHNICAL MEMO

Findings:

Information provided in the application is adequate to meet the requirements of this section.

RECOMMENDATION:

Approve amendment LF00B, legal and financial.

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