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July 12, 2000

Chuck Semborski, Environmental Supervisor
Energy West Mining Company
P. O. Box 310
Huntington, Utah 84528

Re: Maple Gulch Portals, PacifiCorp, Des-Bee-Dove Mine, ACT/015/017-AM00C, Outgoing File

Dear Mr. Semborski:

The above-referenced amendment has been reviewed and there are deficiencies that must be adequately addressed prior to approval. A copy of our technical analysis is enclosed for your information. Please respond to these deficiencies by August 1, 2000.

In the future, please submit permit revisions in a timely manner to allow full approval of the amendment prior to conducting site activities.

If you have any questions, please feel free to call Susan White at (801)538-5258, or me at (801)538-5325.

Sincerely,

Daron R. Haddock

Daron R. Haddock
Permit Supervisor

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Enclosure:
cc: Price Field Office
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State of Utah

Utah Oil Gas and Mining

Coal Regulatory Program

Des Bee Dove Mines
Maple Gulch Portals
ACT/015/017-AM00C
Technical Analysis
June 12, 2000

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INTRODUCTION

Proposed changes and additions to the Des Bee Dove permit were received on June 22, 2000. This amendment describes the proposed reclamation of the Maple Gulch Fan Portals. The portals are located in a remote area in the Huntington Canyon drainage. All material for the reclamation will be transported by helicopter. All reclamation will be conducted using hand tools. Laborers for the work will need to hike 1 ½ hours to access the site.

The amendment is not adequate for approval. The detailed changes should be made and the amendment resubmitted.

SUMMARY OF OUTSTANDING DEFICIENCIES

The Technical Analysis regarding the proposed permit changes is not complete at this time, pending submittal of additional information by the Permittee and further review by the Division, to address outstanding deficiencies in the proposal. A summary of those outstanding deficiencies is provided below. Additional comments, concerns, and deficiencies may also be found withing the analysis and finding make in the Draft Technical Analysis which have not been presented in this summary. Upon finalization of this review, any outstanding deficiencies will be evaluated for compliance with the regulatory requirements. Such deficiencies may be conditioned to the requirements of the permit issued by the Division, result in denial of the proposed permit changes, or may result in other executive or enforcement actions as deemed necessary by the Division at that time to achieve compliance with the Utah Coal Regulatory Program.

Accordingly, the permittee must address those deficiencies as found within this Draft Technical Analysis and provide the following, prior to approval, in accordance with the requirements of:

R645-301-322.100, a bat survey must be conducted prior to reclamation activities and the results must be provided in the amendment. 3

R645-301-356, the amendment must propose a vegetation success standard for consideration at Phase III Bond Release. The standard must be proposed for vegetative cover and shrub density. 8

R645-301-553.130, the amendment must provide product information on the aerated concrete blocks, demonstrating strength, durability, and other physical characteristics. 5

R645-301-553.300, the amendment must address how the coal seam will be adequately covered or treated to eliminate any adverse effect and prevent sustained combustion. 5

ENVIRONMENTAL RESOURCE INFORMATION

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

FISH AND WILDLIFE RESOURCE INFORMATION

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

Analysis:

A raptor survey of the portal area was conducted May 22, 2000. There are two nests within the ½ mile buffer zone radius of the portals. One Golden Eagle nest (#822) was active with one chick (Volume 2 Part 4: Appendix IX, page 5) and is within the Deseret Portal buffer zone. The nests are not within direct view of the portal.

No information was provide concerning the presences of bats in the portals. There is a potential for Townsend's big-eared bat to use the portals. A survey must be conducted. After the survey if any bats are found in the portals then those portions of the regulation dealing with protection of wildlife will need to be addressed.

Findings:

Information provided in the application is not considered adequate to satisfy the requirements of this section of the regulations. Prior to approval, the permittee must provide the following in accordance with:

R645-301-322.100, a bat survey must be conducted prior to reclamation activities and the results must be provided in the amendment.

RECLAMATION PLAN

PROTECTION OF FISH, WILDLIFE, AND RELATED ENVIRONMENTAL VALUES

Regulatory Reference: 30 CFR Sec. 817.97; R645-301-333, -301-342, -301-358.

Analysis:

Reclamation will commence no sooner than July 17 at the Deseret Portal to prevent any potential disturbance to active golden eagle nest #822. A letter dated June 30, 2000 from the US Fish and Wildlife Service concurs that no negative impact to the productivity of the raptor nests will occur as a result of this reclamation activity.

Findings:

Information provided meets the minimum regulatory requirements of this section.

APPROXIMATE ORIGINAL CONTOUR RESTORATION

Regulatory Reference: 30 CFR Sec. 784.15, 785.16, 817.102, 817.107, 817.133; R645-301-234, -301-270, -301-271, -301-412, -301-413, -301-512, -301-531, -301-533, -301-553, -301-536, -301-542, -301-731, -301-732, -301-733, -301-764.

Analysis:

Approximate original contour restoration will not be assessed. When the portals were developed in 1980 from within the mine no material was salvaged for reclamation. All portals at the Des Bee Dove Mine have been permanently sealed preventing access to these portals through the mine. The only access to the portals is a rugged 2 mile hike. The portal disturbance is less than .04 acres combined disturbance. Material for the reclamation is being transported by helicopter to the site. All available fill material will be used to reclaim the portal areas.

Findings:

Because of the remoteness of these portals and the small surface disturbance (<.04 acres combined) an assessment of AOC will not be made at this time.

BACKFILLING AND GRADING

Regulatory Reference: 30 CFR Sec. 785.15, 817.102, 817.107; R645-301-234, -301-537, -301-552, -301-553, -302-230, -302-231, -302-232, -302-233.

Analysis:

Backfilling and grading will use soil material adjacent to and above the portal breakouts. Aerated concrete blocks will be used to fill the void spaces to reduce the amount of fill needed from the surrounding area. Surrounding rock material will be used to cover disturbed slopes.

No product information has been provided on the physical characteristic of the aerated concrete blocks to be used as fill material.

Page 3 of Appendix IX states that covering the coal seam is not warranted and is impractical at these sites. The regulations require covering or treating of exposed coal seams.

Findings:

Information provided in the application is not considered adequate to satisfy the requirements of this section of the regulations. Prior to approval, the permittee must provide the following in accordance with:

R645-301-553.130, the amendment must provide product information on the aerated concrete blocks, demonstrating strength, durability, and other physical characteristics.

R645-301-553.300, the amendment must address how the coal seam will be adequately covered or treated to eliminate any adverse effect and prevent sustained combustion.

MINE OPENINGS

Regulatory Reference: 30 CFR Sec. 817.13, 817.14, 817.15; R645-301-513, -301-529, -301-551, -301-631, -301-748, -301-765, -301-748.

Analysis:

The portals were permanently sealed in 1986. The amendment states that the seals were approved by MSHA.

Findings:

The information provided meets the minimum regulatory requirements of this section.

TOPSOIL AND SUBSOIL

Regulatory Reference: 30 CFR Sec. 817.22; R645-301-240.

Analysis:

No topsoil resources were salvaged for reclamation. Adjacent native material will be used to cover the fill material. The Operator should minimize disturbance to existing plant communities when salvaging topsoil material.

Findings:

HYDROLOGIC INFORMATION

Regulatory Reference: 30 CFR Sec. 784.14, 784.29, 817.41, 817.42, 817.43, 817.45, 817.49, 817.56, 817.57; R645-301-512, -301-513, -301-514, -301-515, -301-532, -301-533, -301-542, -301-723, -301-724, -301-725, -301-726, -301-728, -301-729, -301-731, -301-733, -301-742, -301-743, -301-750, -301-751, -301-760, -301-761.

Analysis:

Ground-water Monitoring

The Des-Bee-Dove mine complex was dry and water resources for dust suppression and culinary use were supplied from outside the sources. Portal seals at Maple Gulch did not require hydrologic drains.

Surface-water Monitoring

Maple Gulch is an ephemeral drainage which flows in to Huntington Canyon Creek. The portals are located 3 miles from the confluence of Huntington Canyon. The portal area runoff prior to disturbance was sheet flow and attempts will be made to return the disturbance runoff to sheet flow. No water monitoring will be conducted for this site. General monitoring of Hunting Canyon Creek is preformed by the Deer Creek Mine.

Acid and Toxic-forming Materials

The coal outcrop has not been tested for acid and toxic forming material. If problems are observed the problem areas will be tested.

Sediment Control Measures

The measures used to control sediment at this site are surface roughening with hand tools and straw mulch anchored by plastic netting.

Findings:

The information provided meet the minimum regulatory requirements at this time.

REVEGETATION

Regulatory Reference: 30 CFR Sec. 785.18, 817.111, 817.113, 817.114, 817.116; R645-301-244, -301-353, -301-354, -301-355, -301-356, -302-280, -302-281, -302-282, -302-283, -302-284.

Analysis:

General Requirements

The seed mixture is found in section **R645-301-300:Biology**. The seed mixture has a very high rate of application, 202 seeds/ft^2. Generally recommended application rates are 40 to 100 seeds/ft^2. Of greatest concern is the application rates of some of the more aggressive wheatgrass species. These grasses while helping to stabilize the site can be persistent, not allowing invasion from the surrounding native species or the other less aggressive species in the seed mixture. The Forest Service, land owner, has approved this mixture. Diversity of the reclaimed site should be monitored so that diversity requirements for Phase III Bond Release can be met.

Timing

The site will be seeded immediately after the soil is roughened. This will be a summer seeding. A summer seeding maybe successful since this area is subject to summer rains.

Mulching and Other Soil Stabilizing Practices

Straw mulch will be incorporated into the soil surface. Straw and netting, rocks and tree branches will be used as a top covering for the seeded surface. Straw can contain significant amounts of grain and weed seed which compete with young seedlings in marginal precipitation years. This is mostly of concern for those species that are not very aggressive but are needed to meet species diversity requirements for bond release.

Standards for Success

No success standards have been proposed for these portals which were constructed in 1980.

Findings:

R645-301-356, the amendment must propose a vegetation success standard for consideration at Phase III Bond Release. The standard must be proposed for vegetative cover and shrub density.

MAPS, PLANS, AND CROSS SECTIONS OF RECLAMATION OPERATIONS

Regulatory Reference: 30 CFR Sec. 784.23; R645-301-323, -301-512, -301-521, -301-542, -301-632, -301-731.

Analysis:

Reclamation Backfilling and Grading Maps

The only maps provided in this submittal of the portal areas are of such scale that the disturbed areas boundary is shown as a dot on the map.

Final Surface Configuration Maps

No final surface configuration maps were provided in this submittal.

Findings:

Because of the remoteness of these portals and the small surface disturbance (<.04 acres combined) involved the detailed maps described by this section will not be required.