



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

Michael O. Leavitt
Governor

Kathleen Clarke
Executive Director

Lowell P. Braxton
Division Director

1594 West North Temple, Suite 1210

PO Box 145801

Salt Lake City, Utah 84114-5801

801-538-5340

801-359-3940 (Fax)

801-538-7223 (TDD)

February 7, 2001

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

Re: Permit Area Reduction, PacifiCorp, Des-Bee-Dove Mine, [REDACTED] AM00D [REDACTED]

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 April 16, 2001 or the Division will return your application.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Pamela Grubaugh-Littig".

Pamela Grubaugh-Littig
Permit Supervisor

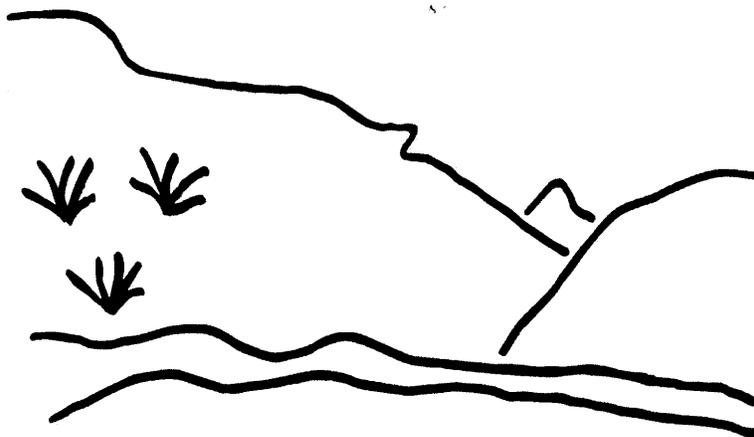
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Enclosure:

cc: Price Field Office

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State of Utah



Utah Oil Gas and Mining

Coal Regulatory Program

Des Bee Dove Mine
Permit Area Reduction
C/015/017- AM00D
Technical Analysis
February 1, 2001

TABLE OF CONTENTS

INTRODUCTION	1
SUMMARY OF OUTSTANDING DEFICIENCIES	3
GENERAL CONTENTS	5
LEGAL DESCRIPTION AND STATUS OF UNSUITABILITY CLAIMS	5
ENVIRONMENTAL RESOURCE INFORMATION	7
SUBSIDENCE CONTROL PLAN	7
Subsidence control plan	7
HYDROLOGIC INFORMATION	8
RECLAMATION PLAN	11
GENERAL REQUIREMENTS	11
POSTMINING LAND USES	11
APPROXIMATE ORIGINAL CONTOUR RESTORATION	12
BACKFILLING AND GRADING	12
MINE OPENINGS	12
HYDROLOGIC INFORMATION	13
Discharges into an underground mine	13
Gravity discharges	13
Sedimentation ponds	13
Impoundments	13
MAPS, PLANS, AND CROSS SECTIONS OF RECLAMATION OPERATIONS	13
Affected area boundary maps	14
Bonded area map	14
BONDING AND INSURANCE REQUIREMENTS	15
Determination of bond amount	15
Terms and conditions for liability insurance	15
RULES INDEX	17

INTRODUCTION

TECHNICAL ANALYSIS**INTRODUCTION**

Proposed changes to the Des Bee Dove permit were received on April 14, 2000. This proposed amendment revised the permit area boundaries and updated and reformatted the legal and financial information of Chapter 1 of the permit. A TA discussing the deficiencies in the April submittal was sent to Energy West on June 12, 2000. Energy West's response was received August 3, 2000. The Division sent a letter to Energy West on September 5, 2000 splitting LF00B into two amendments, continuing amendment LF00B to deal with legal and financial changes to the MRP and initiating AM00D to deal with the permit area reduction. The Division approved LF00B conditionally.

This amendment, AM00D, proposes to reduce the permit area from 2760 acres to 147 acres. Mining ceased at this site in 1987. The amendment is not ready for approval.

SUMMARY OF OUTSTANDING DEFICIENCIES

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 within the analysis and findings made in this 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 action 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:

- R645-301-121.300, -640**, in a format suitable for insertion into the MRP, documentation must be provided that all wells, exploration holes, or bore holes have been cased and sealed, capped, sealed, backfilled, or approved for transfer. 11
- R645-301-121.300, -750**, in a format suitable for insertion into the MRP, an analysis must be provided assessing hydrology data relative to the impact projections contained within the PHC and CHIA. The analysis must show that onsite impacts have been minimized and that there has been no material damage to the hydrologic balance in the area to be removed from the permit. 9
- R645-301-521 and R645-301-731**, all permit area maps in the MRP must show the disturbed and permit area: 1) the two remote portal breakouts and 2) the disturbed area drainage. 14
- R645-301-560 and R645-301-525**, an analysis of observed versus projected subsidence impacts, and a discussion of how any subsidence-caused material damage was prevented or mitigated must be provided. 8
- UCA 40-10-2(2) and R645-301-413**, the application must contain a description of how the land has met the stated postmining land use and how the mined land has met the surface owner or surface manager plans and programs described in the permit. . . . 12

GENERAL CONTENTS

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 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. Employer I.D. Number is 99-0246090. PacifiCorp will pay the abandoned mine reclamation fee.

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.

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 has a reclamation permit, 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.

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 adequate to meet the requirements of this section of the regulations.

ENVIRONMENTAL RESOURCE INFORMATION

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

SUBSIDENCE CONTROL PLAN

Regulatory Reference: 30 CFR 784.20, 817.121, 817.122; R645-301-521, -301-525, -301-724.

Analysis:

Subsidence control plan

The permittee divided the subsidence areas for all their permitted areas into subsections that can cover part of one mine or parts of several mines. The subsections are listed by area number in the annual subsidence report. The Division reviewed the subsidence information in the annual report for each area in the Des-Bee-Dove mine permit area. The results are as follows:

Area 8

Parts of Area 8 may have subsided without detection due to lack of subsidence monitoring before 1989. The subsidence profile show a fair amount of variability that is due to the rugged terrain. The profiles show that no major subsidence has occurred in the past five years.

Area 9 and 10

Those areas cover the north section of the Little Dove Mine and the abandoned American Fuel Mine. Subsidence has been monitored for subsidence since 1987 although mine in the area had occurred previously. Subsidence has been stable since 1994.

Area 13

Figures 39 and 41 in the 1999 Annual Subsidence Report shows the area monitored for subsidence in the Southern Areas Mine Workings and the subsidence profiles. Because of problems with aerial triangulations and no subsidence monitoring points install before 1986, the amount of subsidence is difficult to determine. However, the subsidence data shows that subsidence has been stable since 1994.

The above analysis show that sufficient information has been collected to make a demonstration that subsidence is stable and has not caused material damage. However, a summary and analysis of this information was not submitted with this application. This information must be included in the Mining and Reclamation Plan (MRP), available to the public, and the MRP changed to show the requirement for subsidence monitoring is no longer required.

Findings:

The requirements of this section of the regulations are not considered adequate until the requisite MRP modifications are proposed. Prior to approval, the permittee must provide the following in accordance with:

R645-301-560 and R645-301-525, an analysis of observed versus projected subsidence impacts, and a discussion of how any subsidence-caused material damage was prevented or mitigated must be provided.

HYDROLOGIC INFORMATION

Regulatory Reference: 30 CFR Sec. 773.17, 774.13, 784.14, 784.16, 784.29, 817.41, 817.42, 817.43, 817.45, 817.49, 817.56, 817.57; R645-300-140, -300-141, -300-142, -300-143, -300-144, -300-145, -300-146, -300-147, -300-148, -301-512, -301-514, -301-521, -301-531, -301-532, -301-533, -301-536, -301-542, -301-720, -301-731, -301-732, -301-733, -301-742, -301-743, -301-750, -301-761, -301-764.

Analysis:

The amendment as initially proposed did not contain a surface and groundwater quality and quantity impact analysis for the area being removed from the permit. Such an analysis should assess hydrology data relative to the impact projections and trends contained within the PHC and CHIA, and must show that impacts have been minimized in the permit area and impacts have been minimized and material damage has not occurred in adjacent areas, which includes the area to be removed from the permit. (In other words, to remove an area from the permit, there can be no material damage within that area: has the permittee provided sufficient information and analysis to allow the Division to make a finding that there has been no material damage in the area to be removed from the permit?)

The cover letter with the second (July 2000) submittal stated that, according to the PHC and CHIA, hydrologic impacts associated with the Des-Bee-Dove Mine were projected to be negligible. The letter refers to raw data in the 1999 Annual report; however, the requirement isn't for raw data but for analysis or assessment of available data to show that onsite impacts have been minimized and that offsite impacts and material damage have been prevented.

The cover letter also refers to supportive information on pages 7 and 10 - 11 in Supplemental Information for the Relinquishment of Federal Acreage, East Mountain Logical Unit, June 12, 1995; however, this is not information readily available to the public, and if this information is pertinent to satisfying the requirements of the Coal Mining Rules, it should be incorporated into the Des-Bee-Dove MRP as part of this amendment.

Spring 85-51 is the only spring found in the Des-Bee-Dove permit area, and this spring does not appear to have changed because of mining. Seasonal fluctuations are proportionate to precipitation, as shown in the graph in Appendix H of the 1999 Annual Hydrologic Report, which is reproduced in Attachment 4 of the July 2000 submittal.

Underground mining at Des-Bee-Dove has never intercepted ground water, therefore there has never been discharge to surface drainages. No impacts to surface water have ever been reported within the Des-Bee-Dove area.

Findings:

Information in the cover letter and attachments for the July 2000 response addresses the Operational Hydrologic Information deficiency in the Division's TA of June 2000; however, that information is not in a format that can be inserted into the MRP, so is not adequate to meet the requirements of the Coal Mining Rules. Prior to approval, the Permittee must provide the following, in a format suitable for insertion into the MRP, in accordance with:

R645-301-121.300, -750, in a format suitable for insertion into the MRP, an analysis must be provided assessing hydrology data relative to the impact projections contained within the PHC and CHIA. The analysis must show that onsite impacts have been minimized and that there has been no material damage to the hydrologic balance in the area to be removed from the permit.

RECLAMATION PLAN

RECLAMATION PLAN

GENERAL REQUIREMENTS

Regulatory Reference: PL 95-87 Sec. 515 and 516; 30 CFR Sec. 784.13, 784.14, 784.15, 784.16, 784.17, 784.18, 784.19, 784.20, 784.21, 784.22, 784.23, 784.24, 784.25, 784.26; R645-301-231, -301-233, -301-322, -301-323, -301-331, -301-333, -301-341, -301-342, -301-411, -301-412, -301-422, -301-512, -301-513, -301-521, -301-522, -301-525, -301-526, -301-527, -301-528, -301-529, -301-531, -301-533, -301-534, -301-536, -301-537, -301-542, -301-623, -301-624, -301-625, -301-626, -301-631, -301-632, -301-731, -301-723, -301-724, -301-725, -301-726, -301-728, -301-729, -301-731, -301-732, -301-733, -301-746, -301-764, -301-830.

Analysis:

Letters from the USFS and BLM in Attachment 5 of the July 2000 response indicate that all wells, exploration holes, or bore holes have been cased and sealed, capped, sealed, or backfilled.

According to the cover letter, subsidence monitoring was done using aerial photogrammetry and surveys and helicopter reconnaissance flights. No monuments were ever installed for the purposes of subsidence monitoring.

Findings:

Information in the cover letter and attachments for the July 2000 response addresses the Reclamation Plan deficiencies in the Division's TA of June 2000; however, that information is not in a format that can be inserted into the MRP, so is not adequate to meet the requirements of the Coal Mining Rules. Prior to approval, the Permittee must provide the following, in a format suitable for insertion into the MRP, in accordance with:

R645-301-121.300, -640, in a format suitable for insertion into the MRP, documentation must be provided that all wells, exploration holes, or bore holes have been cased and sealed, capped, sealed, backfilled, or approved for transfer.

POSTMINING LAND USES

Regulatory Reference: 30 CFR Sec. 784.15, 784.200, 785.16, 817.133; R645-301-412, -301-413, -301-414, -302-270, -302-271, -302-272, -302-273, -302-274, -302-275.

Analysis:

No information could be found in the application describing how the land has met the stated postmining land use, including a discussion of the utility and capacity of the land after mining. This should include an analysis of raptor monitoring data for the permit area, operational and post-operational grazing AUM's, and other land use data. A demonstration must be provided on how the mined land has met the surface owner or surface manager plans and programs described in the permit. This may include comments or letters from the surface land owners.

Findings:

The information provided is not considered adequate to meet the requirements of this section. Prior to approval, the Permittee must provide the following in accordance with:

UCA 40-10-2(2) and R645-301-413, the application must contain a description of how the land has met the stated postmining land use and how the mined land has met the surface owner or surface manager plans and programs described in the permit.

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:

No surface disturbance occurred in the area scheduled to be removed from the permit boundary. Therefore, the Division considers that all backfilling and grading requirements have been met or are irrelevant.

Findings:

The requirements of this section of the regulations are considered adequate in regard to the proposed permit area reduction.

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:

No surface disturbance occurred in the area scheduled to be removed from the permit boundary. Therefore, the Division considers that all backfilling and grading requirements have been met or are irrelevant.

Findings:

The requirements of this section of the regulations are considered adequate in regard to the proposed permit area reduction.

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.

RECLAMATION PLAN

Analysis:

All mine openings will still be in the permit area. The portals have all been sealed. No known access to the underground working exists.

Findings:

The requirements of this section of the regulations are considered adequate in regard to the proposed permit area reduction.

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:**Discharges into an underground mine**

No discharges into underground workings are known to occur in the permit area.

Gravity discharges

No gravity discharges from underground workings are known to occur in the permit area.

Sedimentation ponds

No sediment ponds exist in the area scheduled to be released from the permit boundaries.

Impoundments

No impoundments exist in the area scheduled to be released from the permit boundaries

Findings:

The requirements of this section of the regulations are considered adequate in regard to the proposed permit area reduction.

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:

Affected area boundary maps

The Division usually considers the affected area boundary maps and the permit boundary maps to be equivalent. The Division considers the Des-Bee-Dove Mines Surface Ownership Map, Map 1-2, of the Permit Area to be both the permit area and affected area boundary map. The permit areas are shown in relationship to section corners so that the locations can be identified. The permit area boundary is also shown on Maps 1-1, 1-2, 1-3, and 1-4. These maps as well as others need to reflect the current permit area. It is important to retain the location of the old permit area as a history of the mining however, the current permit area proposed should be designated with the old permit boundary labeled as such.

Currently, the mine area disturbed drainage leaves the disturbed area (see Figure 1) and then the permit area below the substation and then re-enters the permit area and the disturbed area for treatment in the sediment pond. Likely, the first point of water discharge quality leaving the permit area (below the material storage yard) does not always meet the requirements of the Clean Water Act. Extending the permit area and disturbed area to include the disturbed drainage from the mine site area to the sediment pond (see Figure 2) will avoid compliance problems.

The proposed Map 1-2, and other required permit area maps need to include in the permit area the escapeway portal breakouts (BLM Right of Way U-45337 and Federal Coal Lease U-02664) and the disturbed area drainage from the mine site to the pond.

Bonded area map

The bonded area is equivalent to the disturbed area shown on proposed Map 1-2, Des-Bee-Dove Mines Surface Ownership Map. The map shows the location of the disturbed area boundaries. Plate CM-10658-DS, Des-Bee-Dove Coal Mines Disturbed Area Boundary Map, is the disturbed area map in the currently approved MRP. That map has a scale of 1" = 400' and the new map has scales that range from 1" = 300' to 1" = 500'. Prior to initiation of final reclamation a disturbed area boundary map with greater detail should replace the current Plate CM-10658-DS.

The breakouts are small areas, less than 0.01 acres. The two detailed drawings of the breakout areas do not show the breakouts included in the disturbed area. Since the areas are so small the disturbed area may only be a comment label with the designation.

Findings:

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

R645-301-521 and R645-301-731, all permit area maps in the MRP must show the disturbed and permit area: 1) the two remote portal breakouts and 2) the disturbed area drainage.

RECLAMATION PLAN

BONDING AND INSURANCE REQUIREMENTS

Regulatory Reference: 30 CFR Sec. 800; R645-301-800, et seq.

Analysis:**Determination of bond amount**

The area to be released from the permit area does not contain any areas scheduled to have reclamation work done. Therefore, reclamation costs were not calculated for those areas. When those areas are removed from the permit area, the Division will not need to recalculate the bond.

Terms and conditions for liability insurance**Findings:**

The requirements of this section of the regulations are considered adequate in regard to the proposed permit area reduction.

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Attachment (TA_00D(A))

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RULES INDEX

30 CFR

779.12(a)	5
773.17	8
774.13	8
778.16	5
779.24(a)(b)(c)	5
783	7
784.13	11
784.14	8, 11, 13
784.15	11, 12
784.16	8, 11
784.17	11
784.18	11
784.19	11
784.20	7, 11
784.200	11
784.21	11
784.22	11
784.23	11, 13
784.24	11
784.25	11
784.26	11
784.29	8, 13
785.15	12
785.16	11, 12
800	15
817.102	12
817.107	12
817.121	7
817.122	7
817.13	12
817.133	11, 12
817.14	12
817.15	12
817.41	8, 13
817.42	8, 13
817.43	8, 13
817.45	8, 13
817.49	8, 13
817.56	8, 13
817.57	8, 13

R645

-300-121.120	5
-300-140	8
-300-141	5, 8
-300-142	8
-300-143	8
-300-144	8
-300-145	8

-300-146	8
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-301-512	8, 11-13
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-301-626	11
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-301-632	11, 13
-301-720	8
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-301-724	7, 11, 13
-301-725	11, 13
-301-726	11, 13
-301-728	11, 13
-301-729	11, 13
-301-731	8, 11-13
-301-732	8, 11, 12
-301-733	8, 11-13
-301-742	8, 13
-301-743	8, 13
-301-746	11
-301-748	12
-301-750	8, 13
-301-751	13
-301-760	13
-301-761	8, 13
-301-764	8, 11, 12
-301-765	12
-301-800	15
-301-830	11
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-302-275	11

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TECHNICAL ANALYSIS
DES BEE DOVE MINE
February 1, 2001
ATTACHMENT A



Figure 1. Drainage carrying disturbed area runoff to the sediment pond far below.

Figure 2. Proposed permit, showing area that should also be included in the permit area.

