

# TECHNICAL MEMORANDUM

## Utah Coal Regulatory Program

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March 11, 2005

TO: Internal File

THRU: D. Wayne Hedberg, Permit Supervisor

FROM: James D. Smith, Environmental Scientist, Team Lead

RE: Relinquishment of Right of Way Permit, PacifiCorp, Des Bee Dove, C/015/0017, Task #2109

### **SUMMARY:**

The BLM Right of Way (ROW) UTU-53809 adjacent to the Des Bee Dove sedimentation pond was due for renewal in 2004. With the concurrence of the BLM, the Permittee did not renew it. Reasons given for relinquishing the permit are stated in the cover letter to the amendment submittal (January 6, 2005):

- The area is not included in the Des Bee Dove disturbed area.
- It overlapped the Emery County road ROW.

The BLM granted the ROW to the Permittee in 1984 to provide additional space to store sediment that was removed from the sedimentation pond after an exceptionally large storm. The sediment storage area was part of the mine's disturbed area until the transfer of the haul road to Emery County in 1998. At that time, this sediment storage area was removed from the mine's disturbed area and released from the reclamation bond under a post-mining land use change; it was determined that the sediment pile is part of the toe of the slope supporting the road and reclamation of the sediment pile could jeopardize the integrity of the road. If the road is reclaimed by Emery County, this sediment storage area will be included in that work.

This proposed amendment removes this 3.05-acre BLM ROW from the Des Bee Dove MRP; however, on page 1-5 the permit area is shown as decreasing by only 0.96 acres. In a phone conversation on March 10, 2005, Dennis Oakley explained that when the acreage at the sedimentation pond was recalculated to account for the BLM ROW relinquishment, they found errors had been made when the original surveyors notes were transferred to the AutoCAD drawing. The Permit Boundary Description for the sediment pond in Appendix G has been corrected, and Dennis stated that acreages given in the MRP are as accurate as they can

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determine. (State ROW 3137 along the access road was previously omitted inadvertently from the table on page 1-11 but is included in this submittal).

Appropriate pages in the Legal and Financial Volume, a volume common to all four PacifiCorp mines, have been updated. All maps that show surface ownership and lease or permit boundaries have been replaced with updated maps.

Acceptance of this amendment is recommended.

**TECHNICAL ANALYSIS:**

**GENERAL CONTENTS**

**RIGHT OF ENTRY**

Regulatory Reference: 30 CFR 778.15; R645-301-114

**Analysis:**

The documents upon which the permittee bases their legal right to enter and conduct coal mining and reclamation operations are found in the Legal and Financial Volume, a separate volume that covers all four PacifiCorp mines.

Tables on pages 1-5 and 1-11 and in Appendix B have been updated to show the BLM ROW relinquishment. The Permit Boundary Description for the sediment pond in Appendix G has been corrected for errors made when the original surveyors notes were initially transferred to AutoCAD (phone conversation with Dennis Oakley on March 10, 2005).

**Findings:**

The Right of Entry Information submitted is sufficient to meet the requirements of the R645 Coal Rules.

**ENVIRONMENTAL RESOURCE INFORMATION**

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

## **PERMIT AREA**

Regulatory Requirements: 30 CFR 783.12; R645-301-521.

### **Analysis:**

Maps and tables on pages 1-5 and 1-11 and in Appendix B have been updated for the relinquishment of BLM ROW UTU-53809. The Permit Boundary Description for the sediment pond in Appendix G has been corrected for errors made when the original surveyors notes were initially transferred to AutoCAD (phone conversation with Dennis Oakley on March 10, 2005).

### **Findings:**

Permit Area Information submitted is sufficient to meet the requirements of the R645 Coal Rules.

## **FISH AND WILDLIFE RESOURCE INFORMATION**

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

### **Analysis:**

Maps 2-18A and 2-18B have been updated to show the BLM ROW relinquishment

### **Findings:**

The Fish and Wildlife Resource Information that was submitted is sufficient to meet the requirements of the R645 Coal Rules.

## **SOILS RESOURCE INFORMATION**

Regulatory Reference: 30 CFR 783.21; 30 CFR 817.22; 30 CFR 817.200(c); 30 CFR 823; R645-301-220; R645-301-411.

### **Analysis:**

Maps 2-14 and 2-16 have been updated to show the BLM ROW relinquishment.

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**Findings:**

The Soils Resource Information that was submitted is sufficient to meet the requirements of the R645 Coal Rules.

**LAND-USE RESOURCE INFORMATION**

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

**Analysis:**

Maps 2-17A and 2-17B have been updated to show the BLM ROW relinquishment.

**Findings**

Land Use Resource Information that was submitted is sufficient to meet the requirements of the R645 Coal Rules.

**MAPS, PLANS, AND CROSS SECTIONS OF RESOURCE INFORMATION**

Regulatory Reference: 30 CFR 783.24, 783.25; R645-301-323, -301-411, -301-521, -301-622, -301-722, -301-731.

**Analysis:**

**Affected Area Boundary Maps**

Maps 1-1 (Coal Ownership Map) and 1-2 (Surface Ownership Map) correctly show the boundaries and present owners of all lands within or contiguous to the permit area as well as those lands upon which the permittee has the legal right to enter and begin coal mining operations. They have been updated to show the BLM ROW relinquishment.

**Mine Workings Maps**

Maps 1-3 (Mine Permit Area with Mine Development - Beehive/Little Dove Mine), 1-4 (Mine Permit Area with Mine Development - Deseret Mine) have been updated to show the BLM ROW relinquishment.

**Permit Area Boundary Maps**

Map 1-5 (Disturbed Area Boundary Map) has been updated to show the BLM ROW relinquishment.

#### **Surface and Subsurface Manmade Features Maps**

Map 1-6 (Des Bee Dove Mines Sediment Pond and Access Road Permit Areas) has been updated to show the BLM ROW relinquishment.

#### **Vegetation Reference Area Maps**

Map 2-12 has been updated to show the BLM ROW relinquishment.

#### **Findings:**

The Maps, Plans, and Cross Sections of Resource Information that was submitted is sufficient to meet the requirements of the R645 Coal Rules.

#### **RECOMMENDATIONS:**

Acceptance of this amendment is recommended.