

# TECHNICAL MEMORANDUM

## Utah Coal Regulatory Program

---

August 11, 2005

TO: Internal File

THRU: Pamela Grubaugh-Littig, Permit Supervisor

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

RE: Update Volume 1 & Relocate Confidential Info, PacifiCorp, Des-Bee-Dove Mine, C/015/0017, Task ID #2235

### **SUMMARY:**

In response to a request from the Division, the Permittee submitted an amendment to move certain information on archaeology and raptors from the publicly accessible sections of the MRP to the Confidential and Private folder.

The Permittee has also used this amendment to update the Introduction and Table of Contents for the MRP. Volume 1: Part 1 Legal and Financial Information was previously incorporated into a separate Legal and Financial Volume (which contains this information for all four PacifiCorp mines); this amendment removes all remaining information from Volume 1, Part 1, with Appendix F being moved to Volume 5 to become part of Appendix XIII and the rest removed completely.

The Volume List of Appendices in Volumes 5 and 6 have been updated. Appendices XVII and XVIII have been moved from Volume 7 to Volume 6, and Volume 7 has been eliminated from the MRP. With one exception, reference pages have been added where necessary so that changes can be followed through the MRP.

---

TECHNICAL MEMO

---

**TECHNICAL ANALYSIS:**

## **GENERAL CONTENTS**

### **IDENTIFICATION OF INTERESTS**

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

**Analysis:**

Legal and Financial information was previously incorporated into a separate Legal and Financial Volume (which contains this information for all four PacifiCorp mines); this amendment removes all remaining information from Volume 1, Part 1, with Appendix F being moved to Volume 5 to become part of Appendix XIII and the rest removed completely.

**Findings:**

Identification of Interests information in this amendment is sufficient to meet the requirements of the Coal Mining Rules.

### **VIOLATION INFORMATION**

Regulatory Reference: 30 CFR 773.15(b); 30 CFR 773.23; 30 CFR 778.14; R645-300-132; R645-301-113

**Analysis:**

Legal and Financial information was previously incorporated into a separate Legal and Financial Volume (which contains this information for all four PacifiCorp mines); this amendment removes all remaining information from Volume 1, Part 1, with Appendix F being moved to Volume 5 to become part of Appendix XIII and the rest removed completely.

**Findings:**

Violation Information in this amendment is sufficient to meet the requirements of the R645 Coal Rules.

## **RIGHT OF ENTRY**

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

### **Analysis:**

Legal and Financial information was previously incorporated into a separate Legal and Financial Volume (which contains this information for all four PacifiCorp mines). This amendment removes all remaining information from Volume 1, Part 1, with Appendix F, which includes Lease Relinquishment information, being moved to Volume 5 to become part of Appendix XIII and the rest removed completely.

### **Findings:**

Information on Right of Entry in this amendment is sufficient to meet the requirements of the Coal Mining Rules.

## **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:**

Legal and Financial information was previously incorporated into a separate Legal and Financial Volume (which contains this information for all four PacifiCorp mines). This amendment removes all remaining information from Volume 1, Part 1, with Appendix F, which includes Lease Relinquishment information, being moved to Volume 5 to become part of Appendix XIII and the rest removed completely.

### **Findings:**

Information on the Legal Description and Status Of Unsuitability Claims in this amendment is sufficient to meet the requirements of the R645 Coal Rules.

## **PERMIT APPLICATION FORMAT AND CONTENTS**

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

---

TECHNICAL MEMO

---

**Analysis:**

The Permittee has written a new Introduction to the MRP. It updates the status of reclamation for the site, up through the proposed reclamation of the Sedimentation pond and pond-access road in Phase 3, scheduled for 2005 but not yet approved by the Division. The Introduction also outlines the general organization of the MRP. It also includes a statement that all maps, plans, and cross sections have been prepared under the supervision of a Registered Professional Engineer.

The Table of Contents for the MRP has been updated. Volume List of Appendices have been updated for Volumes 5 and 6, Appendices XVII and XVIII have been moved from Volume 7 to Volume 6, and Volume 7 has been eliminated from the MRP. Reference pages have been added where necessary so that changes can be followed through the MRP.

Legal and Financial information was previously incorporated into a separate Legal and Financial Volume (which contains this information for all four PacifiCorp mines); this amendment removes all remaining information from Volume 1, Part 1, with Appendix F being moved to Volume 5 to become part of Appendix XIII.

Archaeological information has been moved from Volume 1: Part 2 to the Confidential and Private Volume (which leaves a large gap in the page numbering) but a Reference Sheet was not provided to indicate this relocation. The Permittee needs to add a Reference Sheet in Volume 1: Part 2 to indicate the new location of the Archaeological Information (Paper 22) in the Confidential and Private binder.

Page 2-133 is to be moved to the Confidential and Private binder. The letter on page 2-133 refers to the "Cultural Resource Survey of the Deseret Haul Road in Emery County, Utah" on pages 2-134 through 2-144, which is not being moved to the Confidential and Private binder. The Permittee needs to clarify whether page 2-133 is to remain with the Haul Road Survey in Volume 1 or the Haul Road Survey is to be moved to the Confidential and Private binder.

**Findings:**

Permit Application Format and Contents Information in this amendment is not sufficient to meet the requirements of the Coal Mining Rules. Prior to approval, the Permittee must provide the following in accordance with:

**R645-301-121.200**, Archaeological information has been moved from Volume 1: Part 2 to the Confidential and Private Volume (which leaves a large gap in the page numbering) but a Reference Sheet was not provided to indicate this relocation. The Permittee needs to add a Reference Sheet in Volume 1: Part 2 to indicate the new location of the Archaeological Information (Paper 22) in the Confidential and

Private binder, including on the Reference sheet the page numbers for the pages that were relocated and the date they were moved.

**R645-301-121.200**, The proposed amendment indicates page 2-133 is to be moved to the Confidential and Private binder. Page 2-133 is a copy of a letter referring to the “Cultural Resource Survey of the Deseret Haul Road in Emery County, Utah”, on pages 2-134 through 2-144, that is not being moved to the Confidential and Private binder. The Permittee needs to clarify whether page 2-133 is to remain with the Haul Road Survey in Volume 1 or the Haul Road Survey is to be moved to the Confidential and Private binder with page 2-133.

## MAPS AND PLANS

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

### Analysis:

Map 2-17B has been moved from Volume 3 to the Confidential and Private binder. The Introduction to the MRP includes a statement that all maps, plans, and cross sections have been prepared under the supervision of a Registered Professional Engineer.

### Findings:

Information on Maps and Plans in this amendment is sufficient to meet the requirements of the R645 Coal Mining Rules.

## 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:

Archaeological information has been moved from Volume 1: Part 2 to the Confidential and Private Volume (which leaves a large gap in the page numbering) but a Reference Sheet was

---

TECHNICAL MEMO

---

not provided to indicate this relocation. The Permittee needs to add a Reference Sheet in Volume 1: Part 2 to indicate the new location of the Archaeological Information (Paper 22) in the Confidential and Private binder.

**Findings:**

Historic and Archaeological Resource Information in this amendment is not sufficient to meet the requirements of the Coal Mining Rules: see the deficiency already identified in the section General Contents - Permit Application Format and Contents.

**FISH AND WILDLIFE RESOURCE INFORMATION**

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

**Analysis:**

Map 2-17B, which shows Raptor Nesting Locations and Habitat, has been moved from Volume 3 to the Confidential and Private binder. A reference page has been inserted in Volume 3.

The reclamation plan for the Maple Gulch portals (Volume 2: Part 4, Appendix IX) has a raptor nest map in Attachment 1 that must be moved to the Confidential and Private binder.

The reclamation plan for the pump house area (Volume 5, Appendix IV) contains a raptor nest map in Section R645-301-300, Appendix A that must be moved to the Confidential and Private binder. There is also a description of nest locations on page 6 that must either be rewritten to be less specific or moved to the Confidential and Private binder.

**Findings:**

Fish and Wildlife Resource Information submitted in this amendment is not sufficient to meet the requirements of the Coal Mining Rules. Prior to approval, the Permittee must provide the following in accordance with:

- R645-300-124.300, •**The reclamation plan for the Maple Gulch portals (Volume 2: Part 4, Appendix IX) has a raptor nest map in Attachment 1 that must be moved to the Confidential and Private binder. •The reclamation plan for the pump house area (Volume 5, Appendix IV) contains a raptor nest map in Section R645-301-300, Appendix A that must be moved to the Confidential and Private binder. •There is also a description of nest locations on page 6 of Appendix A that must either be rewritten to be less specific or moved to the Confidential and Private binder.

- Reference pages must be provided for information relocated to the Confidential and Private binder.

## HYDROLOGIC RESOURCE INFORMATION

Regulatory Reference: 30 CFR Sec. 701.5, 784.14; R645-100-200, -301-724.

### Analysis:

#### Baseline Information

This amendment removes all remaining information from Volume 1, Part 1, with Appendix F, which includes Hydrology Information, being moved to Volume 5 to become part of Appendix XIII.

### Findings:

Hydrologic Resource Information in this amendment is sufficient to meet the requirements of the Coal Mining Rules.

## OPERATION PLAN

### 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, -300-147, -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:

#### Transfer of Wells

This amendment removes all remaining information from Volume 1, Part 1, with Appendix F, which includes Exploration Drill Site Information, being moved to Volume 5 to become part of Appendix XIII.

---

TECHNICAL MEMO

---

## **SUBSIDENCE CONTROL PLAN**

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

### **Analysis:**

This amendment removes all remaining information from Volume 1, Part 1, with Appendix F, which includes Subsidence Information, being moved to Volume 5 to become part of Appendix XIII.

### **Findings:**

Subsidence Control Information submitted with this amendment is sufficient to meet the requirements of the R645 Coal Rules.

### **RECOMMENDATIONS:**

This amendment should not be approved until the Permittee has satisfactorily addressed the deficiencies.