

# TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

*JK*

November 8, 2006

TO: Internal File

THRU: Priscilla W. Burton, Environmental Scientist/Soils, Team Lead *PWB by an*

FROM: Wayne H. Western, Environmental Scientist/Engineering *W+U*

RE: Post Mining Land Use Change, PacifiCorp, Des-Bee-Dove Mine, C/015/0017, Task ID #2606

**SUMMARY:**

On August 17, 2006, the Division received an application to change the postmining land use for the Des Bee Dove Mine to include industrial. The Division reviewed the application to determine if the change in postmining land use would meet the requirements of the regulations.

**TECHNICAL ANALYSIS:**

## RECLAMATION PLAN

### 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:**

The Permittee did not meet the minimum requirements of this section of the regulations. The Permittee did not include an alternative postmining land use plan with enough details for the Division to make the findings as stated in Section R645-301-413.300 and R645-301-413.334. Specifically, the Permittee did not show that there is a reasonable likelihood for implementation of the alternative postmining land use.

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In order to make a finding of a reasonable likelihood, the Permittee must show that the entire permit area is under a minerals lease (oil and gas) and that the mineral lessee has the legal right to entire onto the entire permit area.

The Division did find that the Permittee did meet the requirements for changing the postmining land use at the XTO well site because:

- The land management agency (United States Forest Service) considers oil and gas development to be a higher and better land use than the premining land uses.
- XTO has the legal right to enter on to the property and conduct oil and gas development.
- The site meets all the backfilling and grading requirements including the restoration to the approximate original contours.

**Findings:**

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

**R645-301-413.300 and R645-301-413.310**, The Permittee must restrict the area for the postmining land use to those areas that have an active mineral lease (oil and gas) and that the lessee has the legal right to entire the permit area and conduct mineral extraction. If the Permittee wants to include recreational use then they must show a current need for the change in postmining land use.

**RECOMMENDATIONS:**

The Division should deny the bond release until the above-mentioned deficiency has been addressed.