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TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

January 3, 2007

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TO: Internal File

THRU: Pamela Grubaugh-Littig, Permit Supervisor *PL*

FROM: Wayne H. Western, Team Lead *W. H. W.*

RE: Phase III Bond Release for 2.52 Acres of Industrial Post Mining Land Use, PacifiCorp, Des-Bee-Dove Mine, C/015/0017, Task ID #2714

SUMMARY:

On August 23, 2006, the Division received a request for Phase III bond release on 2.52 acres associated with the pumphouse site and the reclaimed haul road. The Permittee requested Phase III bond release because of oil and gas development that will occur on or near the site. On December 11, 2006, the Division received additional information.

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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 met the requirements of this section. The postmining land use for the pumphouse area is industrial. The U.S. Forest Service, which is the land management agency, supports the land in the postmining land use to allow the entire 2.52 acres to receive Phase III bond release.

See finding under Task 2606 for additional information. That task deals specifically with the change in the postmining land use to industrial.

Findings:

The Permittee met the minimum requirements for this section.

APPROXIMATE ORIGINAL CONTOUR RESTORATION

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

Analysis:

The Permittee met the minimum requirements of this section. The Division made a finding that the site met the approximate original contour requirements as part of the Phase I bond release. The Division reviewed AOC requirements as part of the Phase III bond release and concluded that the site met the approximate original contour requirements because:

- Minimize off-site effects. The site is vegetated and there is no evidence that there are site impacts.
- Achieve a final surface configuration that closely resembles the general surface configuration of the land before mining. The land in and around the site was disturbed by

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pre-SMCRA activities. Therefore, predisturbed contour maps are not available. The reclaimed site has a similar topography to the surrounding area.

- Provide a subsurface foundation for a vegetative cover capable of stabilizing the surface from erosion. The vegetation appears to be sufficient to stabilize erosion.
- Support the approved postmining land use. The site will be stable enough to support an industrial postmining land use.

Findings:

The Permittee met the minimum requirements of this section of the regulations.

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:

General

The Division determined during the Phase I bond release process that the site met the minimum backfilling and grading requirements. The only general backfilling and grading requirement that is applicable to the site is the requirement for the minimum safety factor. The site is level and easily meets the minimum 1.3 safety factor requirement.

Findings:

The Permittee met the minimum requirements of this section of the regulations.

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:

There are no mine openings associated with the 2.52-acre site.

Findings:

The Permittee met the minimum requirements of this section of the regulations.

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ROAD SYSTEMS AND OTHER TRANSPORTATION FACILITIES

Regulatory Reference: 30 CFR Sec. 701.5, 784.24, 817.150, 817.151; R645-100-200, -301-513, -301-521, -301-527, -301-534, -301-537, -301-732.

Analysis:

Reclamation

All roads within the Phase III bond release area have been reclaimed.

Findings:

The Permittee met the minimum requirements of this section of the regulations.

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:

Revegetation: General Requirements

During the September 28, 2006 bond release inspection, the Division noted that the plant density and diversity at the site was good. In addition, the vegetation was sufficient to control erosion and support the postmining land use, which is industrial.

Findings:

The Permittee met the minimum requirements of this section of the regulations.

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:

Bonded Area Map

The Permittee meet the minimum requirements for showing the bonded area on Figure 1 of the bond release application. The Permittee clearly label the 2.52 areas for which they sought Phase III bond release.

Findings:

The information provided in the bond release application is considered adequate to meet the requirements of this section.

BONDING AND INSURANCE REQUIREMENTS

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

Analysis:

General

The Permittee did not meet all of the general requirements for Phase III bond release. Those requirements are:

- **Notarized Statement:** The Permittee included a notarized statement from a responsible official certifying that the information in the bond release package is true and correct to the best of the official's information.
- **Notification Letters:** The Permittee included copies of letters sent to surface and mineral owners in and around the bond release area as well as local government officials. The letters contained the minimum information.
- **Newspaper Advertisements:** The Permittee included a draft copy of the newspaper advertisement. The draft newspaper advertisement contained the minimum information needed. The Permittee included proof of publication.

Determination of Bond Amount

The Permittee did not request any bond release. Therefore, the Division will not change the bond amount.

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Terms and Conditions for Liability Insurance

Findings:

The information provided in the bond release application is considered adequate to meet the requirements of this section.

RECOMMENDATIONS:

The Division should approve the bond release.