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

ACT/015/018
#3

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June 12, 1995

TO: File
FROM: Daron R. Haddock, Permit Supervisor *DQH*
RE: Incidental Boundary Change Administrative Findings, PacifiCorp Electric Operations, Deer Creek Mine, ACT/015/018, Folder #3, Emery County, Utah

ADMINISTRATIVE FINDINGS

The following findings are required as part of the Administrative Analysis for permit documentation and issuance of an approved permit under the Utah Coal Regulatory Program:

COMPLETENESS

The application has been reviewed by the Division's technical staff. It has been determined to be a complete and accurate application. The application describes the modification of Coal Lease U-06039 to allow mining in the Blind Canyon seam an additional area comprising 42.97 acres. The application contains the necessary maps, plans, and descriptions to allow for mining in the proposed area. However the plans are not in a format readily insertable and compatible to the existing Deer Creek Mining and Reclamation Plan. The applicant has committed to provide updated drawings once the application has been approved.

Findings:

The application is complete and accurate and the applicant has complied with all the requirements of the State Program. While the application is complete, it is not readily insertable to the MRP. Accordingly, the following permit condition is required:

- R645-301-121 The applicant must submit the revised maps and information describing the Incidental Boundary Change in a format readily insertable to the Deer Creek Mining and Reclamation Plan.



VALID EXISTING RIGHTS

The applicant, PacifiCorp, has obtained a lease of the area covered by the Incidental Boundary Change. Lease U-06039 was modified to include the additional 42.97 acres on May 16, 1995. No unsuitability petitions were filed.

Findings:

The proposed permit area is not within an area under study or administrative proceedings under a petition, filed pursuant to R645-103-400 or 30 CFR 769, to have an area designated as unsuitable for coal mining and reclamation operations.

SEVERED SURFACE AND MINERAL OWNERSHIP

There is no severed surface and mineral ownership in the area of the Incidental Boundary Change. The land and minerals are owned by the U. S. Government.

Findings:

The applicant has obtained the legal right to enter and conduct mining and reclamation activities within the boundaries of the incidental boundary change.

ENDANGERED SPECIES ACT

The Environmental Assessment done for the Rilda Canyon lease determined that there would be no adverse affects to endangered, threatened, or sensitive plant or animal species or their habitat. Conversations with the Fish and Wildlife Service (Sue Linner) confirmed that this would also be the case with the IBC area.

Findings:

The operation would not affect the continued existence of endangered or threatened species or result in destruction or adverse modification of their critical habitats, as determined under the Endangered Species Act of 1973 (16 U.S.C. 1531 et.seq.).

NATIONAL REGISTER OF HISTORIC PLACES

No cultural or historic sites have been identified in the area of the IBC through survey. The BLM's analysis also indicates that there will be no surface disturbance (including subsidence) that will impact the IBC area.

Findings:

The Division has taken into account the effect of the proposed permitting action on properties listed on and eligible for listing on the National Register of Historic Places. There will be no impact.

HYDROLOGIC IMPACT

The IBC is located within the boundary of the East Mountain Cumulative Hydrologic Impact Area. The cumulative hydrologic impacts have previously been assessed. In accordance with requirements in previously approved mining area it is imperative that PacifiCorp monitor groundwater in the area of the IBC. Accordingly the following permit condition is required:

R645-301-731.210 If, during entry development or when mining occurs adjacent to the Mill Creek Fault, sustained quantities of groundwater greater than 5 gallons per minute are encountered , and these flows continue after operational activities have progressed beyond the area of inflow, then PacifiCorp will inform the Division within 24 hours of the groundwater flows encountered and begin monitoring these flows for quality and quantity under the approved baseline parameters.

Findings:

The Division has made an assessment of the probable cumulative impacts of all anticipated coal mining and reclamation operations on the hydrologic balance in the cumulative impact area and has determined that the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area. However, in accordance with requirements in previously approved mining area it is imperative that PacifiCorp monitor groundwater in the area of the IBC. Accordingly the following permit condition is required:

R645-301-731.210 If, during entry development or when mining occurs adjacent to the Mill Creek Fault, sustained quantities of groundwater greater than 5 gallons per minute are encountered , and these flows continue after operational activities have progressed beyond the area of inflow, then PacifiCorp will inform the Division within 24 hours of the groundwater flows encountered and begin monitoring these flows for quality and quantity under the approved baseline parameters.

RECLAIMABILITY

No effects are anticipated to project to the surface in the area of the IBC.

Findings:

The Applicant has demonstrated that reclamation as required by the State Program can be accomplished according to information given in the permit application.

EXISTING STRUCTURES

There are no existing structures in the area of the IBC.

Findings:

The Applicant has demonstrated that any existing structure will comply with the applicable performance standards of R645-301 and R645-302.

RECLAMATION FEES

Findings:

The Applicant has paid all reclamation fees from previous and existing coal mining and reclamation operations as required by 30 CFR Part 870.

AGRICULTURAL POST-MINING LAND USE

Findings:

This finding is not applicable since there is no agricultural post mining land use in the area of the IBC.

SPECIAL CATEGORIES AND AREAS OF MINING

Findings:

There are no special categories or areas of mining that are planned for this area.

SPECIAL CONDITIONS OR STIPULATIONS TO THE PERMIT APPROVAL

R645-301-121	The applicant must submit the revised maps and information describing the Incidental Boundary Change in a format readily insertable to the Deer Creek Mining and Reclamation Plan.
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