0015

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

Michael O. Leavitt
Governor
Kathleen Clarke
Executive Director
Lowell P. Braxton
Division Director

1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801
801-538-5340
801-359-3940 (Fax)
801-538-7223 (TDD)

August 14, 2000

Chuck Semborski, Environmental Supervisor
Energy West Mining Company
P.O. Box 310
Huntington, Utah 84528

Re: Requests for Legal Area Descriptions to Respond to Division Orders, PacifiCorp, Trail Mountain Mine, ACT/015/009-DO00A, Des-Bee-Dove Mine, ACT/015/017-DO00A, Deer Creek Mine, ACT/015/018-DO00A, Cottonwood/Wilberg Mine, ACT/015/019-DO00A, Outgoing File

Dear Mr. Semborski:

The Division has completed a review of your letter dated March 30, 2000 which responded to the Division's February 17, 2000 Orders. Your letter provided legal descriptions of the currently approved permit areas for the above-referenced mines. We have determined that the legal descriptions you have provided are accurate and provide a much better picture of your permit areas. We feel that this information satisfies the requirements of the Division Orders, except for the fact that it is not in a format which can be inserted into the Mining and Reclamation Plans (MRPs). Please review the attached technical memo which discusses this issue. It is important that the information get incorporated, therefore we ask that you provide the appropriate legal descriptions in a format that can be inserted into the Mining and Reclamation Plans. Quite often MRP's will contain a description of leases, but all too often lease descriptions and boundaries do not correspond to permit boundaries. We suggest that the permit boundary descriptions be inserted somewhere near your Right of Entry information. This way not only would we have a description of your lease (right of entry) area but we would also have a description of the permit area.

We recognize that the regulatory basis for this requirement maybe quite obscure; nevertheless, it is a needed piece of information which the Division uses to prepare permit documents. R645-300-121.120 requires a map or description which clearly shows or describes the precise location and boundaries of the proposed permit area. A map is sometimes not adequate especially in areas where lease boundaries may be a fault line. In these cases a description is also warranted. Upon issuance of a permit, R645-300-152 requires the Division to supply a description of lands to be affected by mining to local governmental officials. We certainly need a description of the permit area for this purpose.

An accurate legal description of your permit area is certainly in everyone's best interest. Please provide the required information by September 11, 2000.

Thank you for your help in resolving the Division Orders. Please call if you have any questions.

Sincerely,

Daron R. Haddock
Permit Supervisor

drh/sm
Enclosure:
cc: Price Field Office
O:\015009.TMT\FINAL\Energy WestDOltr.wpd

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

Michael O. Leavitt
Governor
Kathleen Clarke
Executive Director
Lowell P. Braxton
Division Director

1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801
801-538-5340
801-359-3940 (Fax)
801-538-7223 (TDD)

August 4, 2000

TO: Internal File

THRU: Daron R. Haddock, Permit Supervisor DRH

FROM: Wayne H. Western, Senior Reclamation Specialist WHW

RE: Review of PacifiCorp Response to Division Order 2000A for Cottonwood / Wilberg Mine, ACT/015/019, Trail Mountain Mine ACT/015/009, Des-Bee-Dove ACT/015/017, Deer Creek Mine ACT/015/018

SUMMARY:

The Division issued Division Order 2000A to PacifiCorp. The Division Order required the permittee to submit legal descriptions for all the PacifiCorp Mines. In a letter dated March 30, 2000 PacifiCorp responded to the Division Order. The Division found the response to be adequate and recommends that the permittee incorporate the legal descriptions into the corresponding Mining and Reclamation Plans (MRPs).

OPERATION PLAN

MAPS, PLANS, AND CROSS SECTIONS OF MINING OPERATIONS

Analysis:

Affected area maps

The affected area map is often synonymous with the permit area map. Since all disturbance in the PacifiCorp mines is scheduled to occur in the permit area, the Division will consider the permit area maps to be the same as the affected area maps. To verify the permit boundaries, the Division required the permittee to give legal descriptions for all of their coal mines.

In Division Order 2000A the Division required the permittee to provide the fallowing:

FINDINGS OF PERMIT DEFICIENCY

A review of the current Reclamation Agreement and Mining and Reclamation Plan has revealed permit deficiencies. In summary, the Division finds under:

R645-301-110, R645-301-140 and R645-301-521. The permit area maps, legal descriptions and legal notices do not accurately reflect the permit area. In order for Cottonwood/Wilberg mine to be in compliance, PacifiCorp must provide:

1) an accurate description of the boundaries of land for the permit and surface disturbance areas, and 2) revise permit maps and text. Attached is the specific information outlining discrepancies in the legal description.

ORDER

PacifiCorp is ordered to make the requisite permit or Mining and Reclamation Plan (MRP) changes:

2. Provide an accurate legal description of the land with the permit area and surface disturbance area in accordance with R645-301-111.200, R645-301-114, R645-301-140, R645-301-521.121 and R645-301-521.140 & -.141.

On March 31, 2000, the Division received the permittee's response. The Division and the permittee have verified the permit boundaries and legal descriptions. That information must be incorporated into the MRP for each coal mine.

The permittee needs to incorporate the legal descriptions into the respective MRPs. Once the MRPs are updated the Division Order should be terminated.

Findings:

The permittee met the requirements of Division Order 2000A with respect to giving the Division adequate legal descriptions for the permit areas of each of the PacifiCorp mines. The permittee needs to incorporate the legal descriptions into the respective MRPs before Division Order 2000A can be terminated.

RECOMMENDATIONS:

Ask the permittee to incorporate the revised legal descriptions into the respective MRPs so that Division Order 2000A can be terminated.

sm
O:\015019.CWW\FINAL\whwDO00A-1.wpd