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ok



PO Box 310
Huntington, Utah 84528

November 27, 2001

Utah Coal Regulatory Program
Division of Oil, Gas, and mining
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801

*Incoring
C/015/018
IBC - OK*

*Copy Mayfield, (Access to
Dana, Pam (2-sides)
Mill Fork
Tract*

RE: Application for Permit Change - Incidental Boundary Change, Pacificorp, Deer Creek Mine, C/015/018, Emery County, Utah

Pursuant to R645-303-22, PacificCorp respectfully submits this application to amend the Deer Creek Mine permit. The amendment involves an Incidental Boundary Change (IBC) to add 65.7 acres of US Forest Service land to the Deer Creek Mine permit area (see Figure 1). A lease modification application was submitted to the Bureau of Land Management on March 19, 2001. This action is pending approval. The US Forest Service has completed the NEPA work (see Exhibit 2) as required by the lease modification.

Addition of the area will allow underground access from the Deer Creek Mine permit area to the Mill Fork State Lease Tract # ML-48258. There is no other potential access to this area. The proposed underground access-way will consist of a set of main entries separated by pillars. No subsidence is expected to occur within the IBC area since full support (first mining only) mining will be conducted. The proposed action will add approximately 65.7 acres to the Deer Creek Mine permit area and the Federal Coal Lease U-06039.

Underground mining will occur in the IBC area only in the Hiawatha Seam (see Drawing DU-1752D). This drawing depicts the modified Resource Recovery and Protection Plan (R2P2), including reconfigured longwall panels, gate roads and main entries, as submitted to the Bureau of Land Management (BLM) on October 11, 2001. As mentioned above only section development will take place in the proposed amended permit area. No longwall mining will take place in the area under consideration. Information regarding the R2P2 modification is found in Exhibits 4. Following the decision of the BLM regarding R2P2 and lease modification and Division approval regarding the IBC, clean copy drawings will be submitted for inclusion as Plates 1-1, 1-2, 1-3, 3-6 and 3-7 of the Deer Creek Mining and Reclamation Plan. A clean copy of Part 1 of the Deer Creek MRP will also be submitted to include the modified permit description. The current permit was renewed February 7, 2001. Refer to the DOGM State permit in Exhibit 3.

Huntington Office:
(435) 687-9821

Fax (435) 687-2695

Purchasing Fax (435) 687-9092

Deer Creek Mine:

(435) 687-2317

Fax (435) 687-2285

Trail Mountain Mine:

(435) 748-2140

Fax (435) 748-5125

The land associated with the IBC is comprised of the following parcels:

T. 16S. R. 7E. SLM		
Section 19:	Lot 2	22.87 acres
	Lot 3	22.83 acres
	W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>20 acres</u>
Total acreage		65.70 acres

The surface owner of record of the subject property is (see Drawing CM-10521-DR):

United States of America
Department of Agriculture
US Forest Service
Manti-LaSal National Forest
599 Price River Drive
Price, Utah 84501

The parcel will be included in Federal Coal Lease U-06039 as re-assigned on February 11, 1999 (see Exhibit 1). Originally, lease U-06039 was assigned to Utah Power and Light Company effective January 1, 1980 and was previously reassigned on October 2, 1998.

Surface owners of record of lands adjacent to the IBC area are United States of America and State of Utah (see Drawing CM-10521-DR).

Coal Leases adjacent to the IBC area are (see Drawing CM-10522-DR):

Federal Lease U-024317
State Lease ML-48258

These leases are held by the applicant.

Regulations R645-303-222 through R645-303-224 allow for Incidental Boundary Changes as permit amendments if the area meets the following criteria:

1. The IBC area is less than 15% of the surface or subsurface disturbed area under the approved permit (R645-303-224.100);
2. The IBC area is in the cumulative impact area as defined in the Cumulative Hydrologic Impact Assessment (R645-303-224.200);

3. The IBC area is in the same hydrologic basin as operations authorized in the approved permit (R645-303-224.300);

As previously stated, underground mining will occur in the IBC area in the Hiawatha seam of the Deer Creek Mine. The associated subsurface disturbance will be approximately eleven and one-half (11 ½) acres. The current subsurface disturbed area at the Deer Creek Mine exceeds 4,000 acres; therefore, the total IBC area of 65.7 acres equates to approximately 1% of the subsurface disturbed area. No surface disturbance is expected within the IBC area. Therefore, criterion number 1 is met.

The IBC is within the area covered by the Cumulative Hydrologic Impact Assessment prepared for the Deer Creek Mine and mining within the IBC is within the hydrologic basin for which operations are authorized in the approved permit. Additionally, the IBC area is included in the current PacifiCorp hydrologic monitoring program conducted at the Deer Creek Mine. Therefore, criteria 2 and 3 are met.

The addition of the IBC area will allow the boundaries of the State Lease ML-48258 and the Federal Lease U-06039 to become contiguous to each other giving underground access for future mining operations. This combined area will become the Deer Creek Mine permit area.

Enclosed are seven (7) copies of the following drawings:

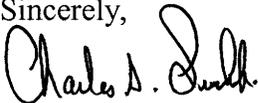
<u>DRAWING NO.</u>	<u>TITLE</u>
CM-10522-DR (Permit Change)	Coal Ownership Map of the Deer Creek Mine Permit Area
CM-10521-DR (Permit Change)	Surface Ownership Map of the Deer Creek Mine Permit Area
CM-10367-DR (Permit Change)	Deer Creek Mine Permit area Map
CM-10899-DR (Permit Change)	Deer Creek Mine life of Mine Plan, Blind Canyon Coal Seam
CM-10900-DR (Permit Change)	Deer Creek Mine life of Mine Plan, Hiawatha Coal Seam
DU-1752D (Supportive Info)	Deer Creek Mine Lease Modification - Lease U-060309

Additionally, the following Exhibits are provided to assist in the Divisions review of the application.

<u>EXHIBIT</u>	<u>SUBJECT</u>
1	Re-Assignment of Coal Lease U-06039, February 11, 1999
2	USFS Decision Notice / Modification of Federal Coal Lease U-06039 (Underground Access to State Lease ML-48258) September 5, 2001
3	DOGM Permit C/015/018 Deer Creek Mine, Renewed February 7, 2001
4	Deer Creek Mine R2P2 Modification Request, October 12, 2001 Deer Creek Mine R2P2 Modification, BLM Approval (Pending)
5	Application for Third Modification, Federal Coal Lease U-06039 BLM Approval of R2P2 Modification Request (Pending)

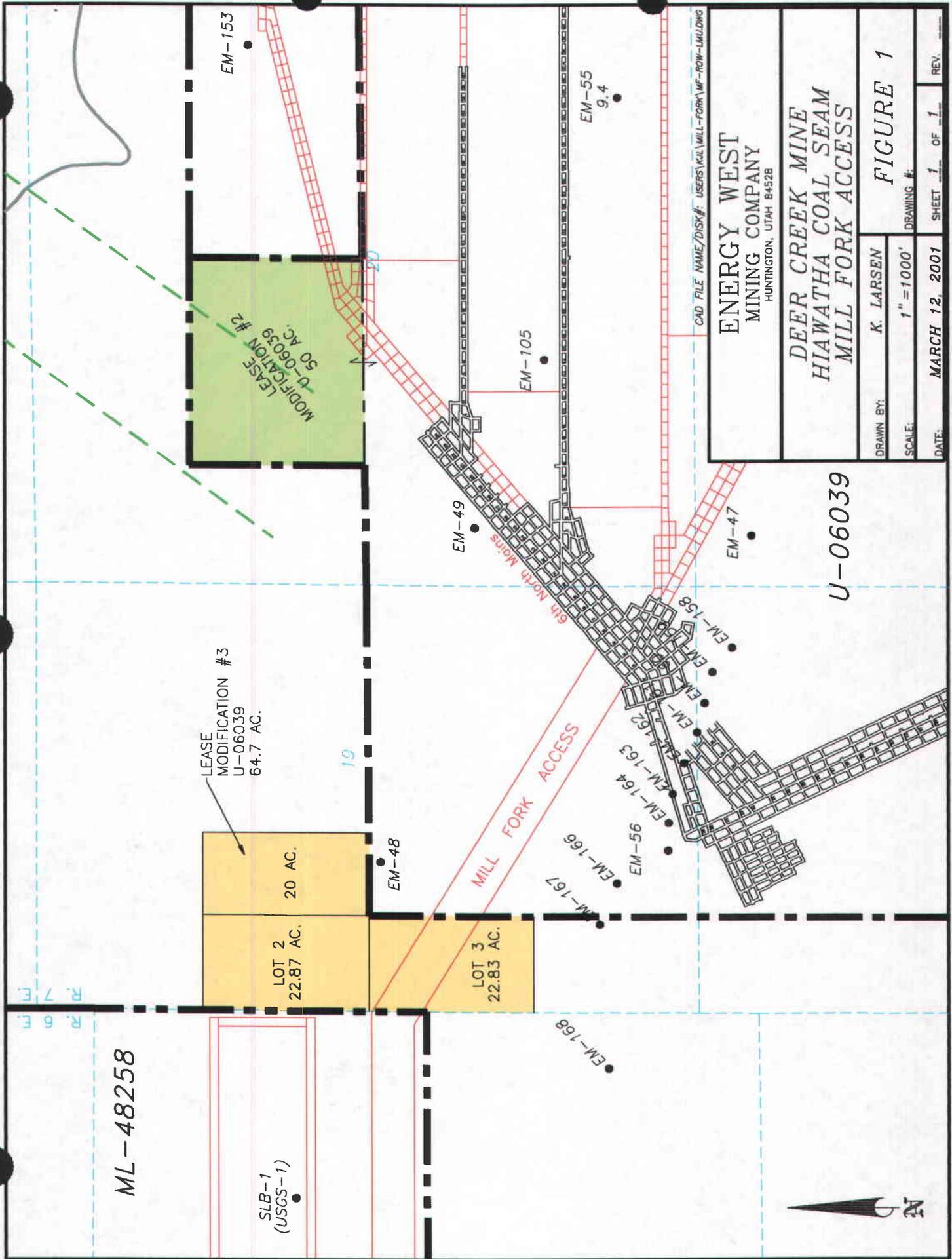
The Division's attention to this application is greatly appreciated. Six (6) redline/strike copies of this document, including maps, Part 1, C1/C2 forms and supporting exhibits, are enclosed. One complete copy has been sent to the Price Field Office. As mentioned previously, this application for an Incidental Boundary Change is being submitted prior to the lease modification approval by the Bureau of Land Management. The lease modification approval will be submitted to the Division and inserted as Exhibit 5. If additional information is required, please call me at (435) 687-4720.

Sincerely,



Charles A. Semborski
Geology/Permitting Supervisor

cc: Scott Child, IMC
Carl Pollastro
File



CAD FILE NAME/DISK#: USERS\KJL\MILL-FORK\MF-ROW-MLD.DWG

**ENERGY WEST
MINING COMPANY**
HUNTINGTON, UTAH 84528

**DEER CREEK MINE
HIAWATHA COAL SEAM
MILL FORK ACCESS**

DRAWN BY:	K. LARSEN	DRAWING #:	FIGURE 1
SCALE:	1" = 1000'		
DATE:	MARCH 12, 2001	SHEET	1 OF 1
		REV.	

U-06039

ML-48258

SLB-1
(USGS-1)

APPLICATION FOR PERMIT PROCESSING

<input checked="" type="checkbox"/> Permit Change	<input type="checkbox"/> New Permit	<input type="checkbox"/> Renewal	<input type="checkbox"/> Transfer	<input type="checkbox"/> Exploration	<input type="checkbox"/> Bond Release	Permit Number: C/015/018
Title of Proposal: Application for Permit Change - Incidental Boundary Change, Deer Creek Mine, PacifiCorp, C/015/018, Emery County, Utah						Mine: DEER CREEK
						Permittee: PACIFICORP

Description, include reason for application and timing required to implement: Modification to Federal Coal Lease U-06039 is necessary to provide legal entry to State Coal Lease ML-48258

Instructions: If you answer yes to any of the first 8 questions (gray), submit the application to the Salt Lake Office. Otherwise, you may submit it to your reclamation specialist.

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	1. Change in the size of the Permit Area? <u>65.7</u> acres Disturbed Area? _____ acres <input checked="" type="checkbox"/> increase <input type="checkbox"/> decrease.
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	2. Is the application submitted as a result of a Division Order? DO # _____
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	3. Does application include operations outside a previously identified Cumulative Hydrologic Impact Area?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	4. Does application include operations in hydrologic basins other than as currently approved?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	5. Does application result from cancellation, reduction or increase of insurance or reclamation bond?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	6. Does the application require or include public notice/publication?
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	7. Does the application require or include ownership, control, right-of-entry, or compliance information?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	9. Is the application submitted as a result of a Violation? NOV # _____
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	10. Is the application submitted as a result of other laws or regulations or policies? Explain: _____
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	11. Does the application affect the surface landowner or change the post mining land use?
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2?)
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	13. Does the application require or include collection and reporting of any baseline information?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	15. Does application require or include soil removal, storage or placement?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	16. Does the application require or include vegetation monitoring, removal or revegetation activities?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	17. Does the application require or include construction, modification, or removal of surface facilities?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	18. Does the application require or include water monitoring, sediment or drainage control measures?
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	19. Does the application require or include certified designs, maps, or calculations?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	20. Does the application require or include subsidence control or monitoring?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	21. Have reclamation costs for bonding been provided for?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	22. Does application involve a perennial stream, a stream buffer zone or discharges to a stream?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	23. Does the application affect permits issued by other agencies or permits issued to other entities?

Attach 7 complete copies of the application.

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations herein. (R645-301-123)

Charles A. Semborski Charles A. Semborski - Geology/Permitting Supervisor 11/27/01
Signed - Name - Position - Date

Subscribed and sworn to before me this 27 day of Nov, 2001.

Larissa Anderson
Notary Public
Utah Emery 12/22, 2001
My Commission Expires: _____
Attest: STATE OF _____ }
COUNTY OF _____ } ss:

Received by Oil, Gas & Mining

NOV 29 2001

DIVISION OF
OIL, GAS AND MINING

ASSIGNED TRACKING NUMBER

