

# TECHNICAL MEMORANDUM

## Utah Coal Regulatory Program

May 19, 2006

TO: Internal File

FROM: Priscilla W. Burton, Environmental Scientist/Soils, Team Lead

RE: Phase I, II and III Lease Relinquishment Information, PacifiCorp, Deer Creek Mine, Permit C/015/0018, Task # 2477

### **SUMMARY:**

The Permittee has requested that three BLM lease relinquishment decision documents be added to Supplemental Volume 1, Phase I, II, and III Lease Relinquishment Information, which is a confidential volume common to the MRP's of all three PacifiCorp mines on East Mountain, Deer Creek, Des Bee Dove, and Cottonwood/Wilberg Mines.

Lease relinquishment information is not confidential. A better placement for this information is in Appendix C of the Legal and Financial Volume (another volume common to the PacifiCorp mines) that contains detailed coal-lease information that is affected by these lease relinquishments.

### **TECHNICAL ANALYSIS:**

## **GENERAL CONTENTS**

### **RIGHT OF ENTRY**

Regulatory Reference: 30 CFR 778.15; R645-301-114

#### **Analysis:**

Total acreage in the permit area is 22,013.77 acres: 15,470.95 acres in federal leases, 1,020.00 acres in private leases, and 5,522.82 acres in State leases. Surface right-of-entry information is tabulated in Section R645-301-114. [04192005]

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The table titled Deer Creek Mine – Underground Right-of-Entry Information with Cited Surface and Subsurface Ownership in Appendix C of the Legal and Financial Volume provides the required information on surface and subsurface ownership for coal leased or owned by the Permittee in and adjacent to the Deer Creek Mine permit area. Section R645-301-112.600 lists the name and address of each owner of record of surface and subsurface property contiguous to the permit area. Maps 1-1 (CE-10522-DR) and 1-2 (CE-10521-DR) in Volume 4 of the Deer Creek Mine MRP show surface and subsurface ownership in and adjacent to the permit area. [04192005]

Copies of BLM lease relinquishment Decision Documents, with descriptions of the lands and rights being relinquished, are in the Supplemental Volume 1, Phase I, II, and III Lease Relinquishment Information, which is a confidential volume shared by the MRP's of the Deer Creek, Cottonwood/Wilberg, and Des Bee Dove Mines. [04192005] These lease relinquishment documents are not confidential and should be returned to the Legal/Financial Volume for the Deer Creek, Cottonwood/Wilberg, and Des Bee Dove Mines. [05162006]

Lease relinquishments specifically state that relinquished lands are subject to any reclamation actions deemed necessary under the requirements of the SMCRA permit; therefore, permit acreage figures in Section R645-301-114 of the Legal and Financial Volume will not change as a result of the BLM lease relinquishments. [05162006]

**Findings:**

Information provided in the plan does not meet the Right of Entry requirements of the regulations. Prior to approval, the Permittee must provide the following information, in accordance with:

**R645-300-124.300**, Because lease relinquishment information is not confidential, please revise the first statement of the last paragraph on page 1-12 of the Legal and Financial Volume, concerning the location of lease relinquishment information. A better placement for this information is in Appendix C of the Legal and Financial Volume (another volume common to the PacifiCorp mines) that contains detailed coal-lease information that is affected by these lease relinquishments.

**R645-301-301-114**, The Permittee needs to update the relinquished acreage in Underground Right-of-Entry Information with Cited Surface and Subsurface Ownership chart of Appendix C in the Legal and Financial Volume to agree with the March 2006 BLM documents.

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**R645-301-121.200**, The Permittee needs to reconcile the acreage figures for lease U-1358 in Appendix C of the Legal and Financial Volume with the information in the BLM lease relinquishment documents. i.e. 40 acres relinquished, 120 acres active right of entry.

**R645-301-521.131**, Vol. 4, Plate 1-1 needs to be updated to show all lease relinquishments; however, all relinquished lands remain subject to SMCRA requirements and therefore should not be removed from within the permit area.

### LEGAL DESCRIPTION AND STATUS OF UNSUITABILITY CLAIMS

Regulatory Reference: 30 CFR 778.16; 30 CFR 779.12(a); 30 CFR 779.24(a)(b)(c); R645-300-121.120; R645-301-112.800; R645-300-141; R645-301-115.

#### Analysis:

Lease relinquishments specifically state that relinquished lands are subject to any reclamation actions deemed necessary under the requirements of the SMCRA permit; therefore, permit Boundary Descriptions in Appendix G of the Legal and Financial Volume will not change as a result of the BLM lease relinquishments. [05162006]

Surface ownership and subsurface coal rights for the Deer Creek Mine are shown, respectively, on maps 1-2 (CE-10521-DR) and 1-1 (CE-10522-DR) in Volume 4 of the Deer Creek Mine (larger scale maps MFS1838D and MFU1837D in Volume 12 show this same information for the Mill Fork and Rilda Canyon areas). Legal descriptions are found in Appendix C of the Legal and Financial Volume. [03292005]

The Legal and Financial Volume, Section R645-302-115, contains a statement that no lands within or adjacent to the permit area have been identified as qualifying under R645-103-300 as areas unsuitable for surface effects of underground mining. [07012005]

#### Findings:

Information provided in the plan meets the Legal Description and Status of Unsuitability Claims requirements of the regulations.

#### RECOMMENDATIONS:

This amendment should not be approved until the items listed above are corrected.