

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

November 30, 2007

TO: Internal File

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

FROM: James D. Smith, Environmental Scientist/Hydrology, Team Lead *DS 12/12/07*

RE: Update to the Legal and Financial Volume, PacifiCorp, Deer Creek Mine, Permit C/015/0018, Task ID #2840

SUMMARY:

This proposed amendment includes a description of federal lease UTU-84285, also known as the Mill Fork West Lease, for insertion into the Legal and Financial Volume. Also included is updated information on the amended BLM Right of Way, as granted on December 14, 2006.

PacifiCorp acquired the Mill Fork West lease (213.57 acres) on October 11, 2006. This federal lease allows for maximum coal extraction between the western boundary of State lease ML-48258 and the surface expression of the Joes Valley Fault. The Assistant Secretary signed the mining plan approval on March 22, 2007, and this boundary information was incorporated into Volume 12 of the Deer Creek MRP on January 19, 2007.

The BLM Right of Way (UTU-52401) was amended to authorize existing facilities that were partially within the existing Right of Way (off lease but within permit) and partially on a mineral lease (SL-064607/064621) which has subsequently been relinquished. The original Right of Way consisted of 0.74 acres. The amended Right of Way encumbers an additional 1.1 acres for a total of 1.84 acres.

This amendment includes changes in the Legal and Financial Volume text and appendices, updating the permit acreage and description of the permit boundary. Updates have also been made to various maps of the MRP to show the revised permit boundary. The Permittee submitted one hard copy of each of the maps to show the revised permit boundary: the maps do not include a PE's signature; however, upon approval, clean copies of these maps with the required PE certification will be submitted.

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TECHNICAL ANALYSIS:

GENERAL CONTENTS

IDENTIFICATION OF INTERESTS_{[sm:]1}

Regulatory Reference: 30 CFR 773.22; 30 CFR 778.13; R645-301-112

Analysis:

PacifiCorp, an Oregon corporation, will be responsible for payment of the reclamation fees. PacifiCorp's new local address is 1407 West North Temple, Suite 310, Salt Lake City, Utah 84116. The telephone number is 801-220-4140 (Sec. 112.230).

Findings:

The information meets the requirements of the R645 Rules.

RIGHT OF ENTRY_{[sm:]2}

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

Analysis:

Addition of lease UTU-84285 adds 213.57 acres to the Right of Entry area for a total of 19,737.34 acres: 13, 194.52 acres in federal leases, 1,020.00 acres in private leases, and 5,522.82 acres in State leases. These acreages include rights-of-way and special use permits. The permit area covers 19,936.88 acres: the 199.54-acre difference between right-of-entry and permit acres is due to relinquished leases still inside the permit area boundary.

The table on page 1-6 has been updated to show these total acreages, and the table on page 1-11 includes the 1.1-acre increase for Right of Way U-52401. Pages DC-1 through DC-11 in Appendix C incorporate lease UTU-84285, and total acreages on page DC-11 have been updated. In Appendix G, the boundary description now takes in lease UTU-84285 on page DC-1 and the modified Right of Way U-52401 on page DC-2. (In Sec 22, T. 16 S., R. 6 E., only Lot 3 is part of federal lease UTU-84285: Lots 1, 2, 4, 5, 6, and 7 are part of state lease ML-48258.) Page DC-4 shows the updated Total Permit Acres.

Plate 1-1, Coal Ownership, and Plate 1-2, Surface Ownership, show lease UTU-84285 and Right of Way U-52401 are within the permit boundary. Other maps have also been updated to show the new boundaries.

Findings:

The information meets the requirements of R645 Rules.

MAPS, PLANS, AND CROSS SECTIONS OF RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.24, 783.25; R645-301-323, -301-411, -301-521, -301-622, -301-722, -301-731.

Analysis:

The Permittee submitted one hard copy of each of the maps to show the revised permit boundary: the maps do not include a PE's signature; however, upon approval, clean copies of these maps with the required PE certification will be submitted.

Permit Area Boundary Maps^(sm:4)

The permit area boundary is identified on several maps, including Plates 1-1 and 1-2.

Surface and Subsurface Ownership Maps

Plates 1-1 (CM-10522-DR) and 1-2 (CM-10521-DR) show surface and subsurface ownership for the Deer Creek Mine permit area and adjacent areas. Plates 1-1 and 1-2 have been updated to show the 1995 and 2004 BLM lease relinquishments and the addition of federal lease UTU-84285 and Right of Way U-52401.

RECOMMENDATIONS:

This amendment should be approved.