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

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August 24, 2001

TO: Internal File

THRU: Michael J. Suflita, Senior Reclamation Hydrologist, Team Lead *MJS*

FROM: Susan M. White, Senior Reclamation Biologist *SMW*

RE: Temporary Pipeline, Canyon Fuel Company, LLC., Skyline Mine, C/007/005-AM01G

**SUMMARY:**

An amendment to place a temporary water pipeline was received by the Division on August 23, 2001. The pipe will be laid along a county road that was abandoned in 1975. The pipeline will be used to transport water that is pumped from an underground fault (estimated 5000gpm) to Electric Lake. This is required to prevent flooding of the current underground workings.

The wells and road access for drilling the wells are permitted under an exploration permit by the BLM. This memo only reviews the surface placement of the temporary water pipeline. Division management has determined that this will not be considered a surface disturbance. This memo is intended to supplement the Findings and Analysis in the Division's Technical Analysis for the UP&L tract permit area extension (IBC / UP&L Tract Amendment -IB00B approved April 24, 2001).

**TECHNICAL ANALYSIS:**

**GENERAL CONTENTS**

**RIGHT OF ENTRY**

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

**TECHNICAL MEMO**

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**Analysis:**

The temporary dewatering pipeline from the well crosses Forest Service, G.W. Mower Family, and Utah Power and Light lands to Electric Lake. Coal ownership in this area is Federal and fee (Utah Power and Light). The permit area is increased to include the dewatering pipeline extending to Electric Lake. The expansion is small enough that it does not change the permit area acreage of 7037 acres.

The land and coal in the expanded permit area is owned by Utah Power and Light (PacifiCorp). The lease agreement between Utah Power and Light and Canyon Fuel Co., LLC., (Chapter 1, Appendix 118-A) excludes mining in this expansion area due to concerns about Electric Lake. However, a Right of Entry to Construct and Operate Water Pipeline, dated August 22, 2001 from PacifiCorp makes it clear that surface use of this area is in accordance with the Lease.

A Decision Memo (Chapter 1, Appendix 118-A) from the Manti-La Sal National Forest, dated August 22, 2001, consents to the dewatering pipeline on Forest lands with conditions described in Attachment 2 of the memo and upon issuance of a Road-Use Permit.

The G.W. Mower Family are listed in the Mining and Reclamation Plan (MRP) as owners of surface lands contiguous to the permit area but shown on Dwg. No. 1.6-1 (Chapter 1) as surface owners within the permit area. The dewatering pipeline will be laid on approximately 1000 feet of the Mower's lands. A letter of agreement (Chapter 1, Appendix 118-A) for Right of Entry, dated August 21, 2001, expands the existing agreement for surface use to allow the dewatering pipeline to cross the Mower's property.

**Findings:**

The information provided meets the minimum regulatory requirements for right of entry.

**ENVIRONMENTAL RESOURCE INFORMATION**

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

**HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION**

Regulatory Reference: 30 CFR 783.12; R645-301-411.

**Analysis:**

Montgomery Archaeological Consultants conducted a cultural resources survey of the dewatering drill holes and access road on August 21, 2001. The report did not state that the pipeline route was included in the survey although one aspen art site was documented in this survey adjacent to the pipeline. Chris Hansen, Canyon Fuels, stated on August 24, 2001 that the consultant refers to the pipeline route as the access road.

The James Canyon segment of the county road from Scofield to Fairview was documented as a historic site (42Em2734) along with two aspen art sites (42Em2732 and 42Em2733). The earliest documented date for the James Canyon road was a map dated 1923. The road was decommissioned in 1975 during construction of Electric Lake. The aspen art site adjacent to the road exhibits one carving consisting of "Don Probert 46" and another more recent carving. The three historic sites were recommended as not eligible for the National Register of Historic Places (NRHP) because of lack of artistic elements for the aspen art and lack of retention of structural integrity for the road.

**Findings:**

The information provided meets the minimum regulatory requirements of this section.

**VEGETATION RESOURCE INFORMATION**

Regulatory Reference: 30 CFR 783.19; R645-301-320.

**Analysis:**

Dwg. No. 2.7.1-1a.dwg, UP&L Tract Vegetation Map delineates the vegetative community for the additional permit area.

**Findings:**

The information provided meets the minimum regulatory requirements of this section.

**FISH AND WILDLIFE RESOURCE INFORMATION**

Regulatory Reference: 30 CFR 784.21; R645-301-322.

TECHNICAL MEMO

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**Analysis:**

Dr. Clayton White conducted a goshawk survey of Burnout Canyon and adjacent areas in May 2001. No goshawks were found, although goshawks and redtail hawks have been observed in the area in past years (Appendix Volume A-2).

**Findings:**

The information provided meets the minimum regulatory requirements of this section.

## **OPERATION PLAN**

### **PROTECTION OF PUBLIC PARKS AND HISTORIC PLACES**

Regulatory Reference: 30 CFR784.17; R645-301-411.

**Analysis:**

No properties eligible for listing on the NRHP will be affected by the surface placement of the dewatering pipeline (pg. 2-4).

**Findings:**

The information provided meets the minimum regulatory requirements of this section.

### **FISH AND WILDLIFE INFORMATION**

Regulatory Reference: 30 CFR Sec. 784.21, 817.97; R645-301-322, -301-333, -301-342, -301-358.

**Analysis:**

#### **Protection and Enhancement Plan**

The temporary dewatering pipeline will be placed in James Canyon in late August and removed before November 2001. Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances by the U.S. Fish and Wildlife Service, dated May 1999, contains a table for nesting periods and recommended buffers for raptors in Utah. The recommended seasonal buffer for the goshawk and red-tailed hawk is March 1 to August 15. The dewatering pipeline will not be placed or removed during that time period.

**Findings:**

The information provided meets the minimum regulatory requirements of this section.

**RECOMMENDATIONS:**

The temporary dewatering pipeline amendment may be approved. The Division should be aware that the removal of coal from the permit area extension is **not** allowed.