

# TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

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December 20, 2004

TO: Internal File

THRU: Gregg Galecki, Environmental Scientist III, Team Lead

FROM: Jerriann Ernstsens, Ph.D., Environmental Scientist II, Biology.

RE: 2004 Midterm Review, Canyon Fuel Company, LLC, Skyline Mine, C/007/0005, #2067



## SUMMARY:

The Division is required to review each active permit during its term in accordance with R645-303-211. The Division is currently conducting the Midterm Review for the Skyline Mine. One of the pertinent elements chosen for this current review focuses on the following:

A review to ensure the Plan reflects changes in the Utah Coal Regulatory Program – specifically compliance with the U. S. Fish and Wildlife Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin.

Compile a list of biology-related stipulations, conditions, or agreements.

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TECHNICAL ANALYSIS:

## OPERATION PLAN

### FISH AND WILDLIFE INFORMATION

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

**Analysis:**

**Wetlands and Habitats of Unusually High Value for Fish and Wildlife**

Adverse result of mining on water quantity to the Colorado River drainages affects four Colorado River endangered fish species (Colorado pikeminnow [squawfish], humpback chub, bonytail chub, and razorback sucker). The USFWS considers depletions or significant changes to contributions to the Colorado River drainage as a potential jeopardy to these endangered fish. Water users may have to mitigate if there are considerable changes to contributions or if water consumption is greater than 100 acre-feet per year. Currently, the mitigation fee is approximately 16.00 per acre-foot of depletion, but may change marginally from year to year.

The Permittee must provide all equations and justifications with supporting documentation leading to the overall sum of water depletions or additions for all mining operations and explorations including dust control in the MRP section R645-301-333. (R645-301-322; -333.) The Permittee may use the following paper as a guideline "Windy Gap Process As It Applies To Existing Coal Mines In The Upper Colorado River Basin". In brief, consumption values must at least include the following:

- Mining consumption
- Ventilation consumption
- Coal producing consumption
- Ventilation evaporation
- Sediment pond evaporation
- Springs and seep effects from subsidence
- Alluvial aquifer abstractions into mines
- Alluvial well pumpage
- Deep aquifer pumpage
- Postmining inflow to workings
- Coal moisture loss
- Direct diversions

- Dust suppression (not mentioned in Windy Gap).

The Permittee must resubmit water consumption calculations

1. If original submittal was based on estimates prior to mining. Submit actual values during the midterm review.
2. If future changes in mining operations significantly change current total estimates. Submit new values with amendment related to change in mining operations.

**Findings:**

Information provided in the application is inadequate to meet the minimum Fish and Wildlife Information section of the Operation Plan regulations. Prior to approval, the Permittee must act in accordance with the following:

**R645-301-333**, Provide all equations and justifications with supporting documentation leading to the overall sum of water depletions or additions for all mining operations and explorations including dust control in the MRP section R645-301-333.

**Index of Biology-Related Lease Stipulations or Conditions, and MRP Agreements**

Below is an index of lease stipulations or conditions, and MRP biology-related agreements. This index may include the following for each stipulation, condition, or agreement:

*Title*

- 1 Overseeing party:
- 2 General objective:
- 3 Frequency of task:
- 4 Status (pending, on going, or completed):
- 5 Required reports:
- 6 Citation:
- 7 Other:

**Lease stipulations:**

*Unknown*

- 1 Overseeing party: USFS 2002.
- 2 General objective: General surface management stipulations.
- 3 Frequency of task: Dependent on intent of specific stipulation.
- 4 Status: On going.
- 5 Required reports: Not mentioned.

Citation:  
Other:

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**MRP agreements:**

*Vegetation: Aerial photography*

- 1 Overseeing party: Division.
- 2 General objective: Color infrared photography monitoring to assess possible impacts of mining on vegetation.
- 3 Frequency of task: Annual starting in 2002.
- 4 Status: On going.
- 5 Required reports: A qualified biologist will review the pictures and the Permittee will submit a report in the Annual Report to the Division.
- 6 Citation: MRP page 2-63d; Section 4.17.5.

*Macroinvertebrates*

- 1 Overseeing party: Division.
- 2 General objective: Survey macroinvertebrates in Winter Quarters and Woods streams.
- 3 Frequency of task: Two times a year (fall and spring) for two consecutive years and then every three years or for a period determined by the Division and other agencies until data supports a population trend. Must conduct the surveys two years before longwall mining and at least two years after mining and when subsidence ceases in the area.
- 4 Status: On going.
- 5 Required reports: Provided with the Annual Report to the Division.
- 6 Citation: MRP page 2-71a.

*Fish*

- 1 Overseeing party: Division
- 2 General objective: Survey fish in Winter Quarters and Woods streams.
- 3 Frequency of task: Two times a year (fall and spring) every third year beginning fall 2002 and spring 2003.
- 4 Status: On going.
- 5 Required reports: Provided with the Annual Report to the Division.
- 6 Citation: MRP page 2-71b.

**RECOMMENDATIONS:**

Do not approve the midterm review until the deficiency is addressed.