

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

May 16, 2006

TO: Internal File

THRU: Pamela Grubaugh-Littig, Permit Supervisor

FROM: Jerriann Ernstsens, Ph.D., Environmental Specialist, Biologist/Lead

RE: Modification to Table of Contents, Canyon Fuel Company, LLC, Skyline Mine, C/007/0005, Task ID #2417

SUMMARY:

The Division received an amendment, on January 12, 2006 that addresses some of the inconsistencies in the Table of Contents and the Documents in the Biology and Archeology chapters of the Skyline mine MRP. This memo describes the review of the biology and archeology sections.

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TECHNICAL ANALYSIS:

GENERAL CONTENTS

PERMIT APPLICATION FORMAT AND CONTENTS

Regulatory Reference: 30 CFR 777.11; R645-301-120.

Analysis:

The Mine and Reclamation Plan (MRP) does not meet the requirements of R645-301-121.200 for the Biology Chapter and Archeology sections.

Findings:

Information provided in the plan does not meet the Permit Application Format and Contents in General Contents requirements of the regulations. Prior to approval, the Permittee must act in accordance with the following:

R645-301-121.200, The Permittee must provide correct citations in the Table of Contents for the supporting documents and provide the supporting documents cited in the Table of Contents that are missing from the MRP: **Volume A-2:**

- For the citation “Vegetation and Soils...” provide more information, such as “Vegetation and Soil Letters, Survey Results, and Maps for Proposed Conveyor Route (1991, 4 separate documents)”. This suggestion makes it clearer that there are four documents for this single citation and mentions their nature.
- Relocate “Riparian Plan Community...” to Volume A-2, Volume 2. This suggestion will consolidate all the Woods and Winter Quarters surveys in a single volume, rather than spreading them out between two volumes, which helps expedite the review process.
- Remove the second of the double citations “Baseline Data Report on Presence and Utilization....”. Correct misspelled words in the first citation misspellings.
- Determine if the citation “Additional Wildlife Information...” is a duplicate/typo of the citation “Additional Avifauna Information...”. Typically, there is no reason for wildlife information to be in the Confidential Binder, unless there are site-specific notations, such as raptor nests.

Volume A-2, Volume 2:

- Provide tab pages for Volume A-2, Volume 2 that match the tab pages in Volume A-2 (Soils and Vegetation, Terrestrial Wildlife, and Avifauna Reports).
- Provide the same, corrected Table of Contents in Volume A-2, Volume 2 as provided in Volume A-2.
- The Table of Contents lists the same document “Biological Studies in Winter...” under three

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different tab headings “Soils and Vegetation, Terrestrial Wildlife, and Avifauna Reports. The Permittee may either provide the same document behind each tab heading. Or, modify the Table of Contents by providing the exact citation under each of the three headings and adding “See document behind the tab Soils and Vegetation” following the citations under “Terrestrial Wildlife and Avifauna Reports”. Currently, the citations differ among the different headings. **Volume A-3:** Provide the report “Monitoring Aquatic Macroinvertebrate, Sediments of Eccles Creek – 1984 Summary” that is missing from the MRP. • Provide the citation “DWR Eccles Fish Survey, 1990” in the Table of Contents. This document is the “last” entry in this volume. • Relocate “Macroinvertebrate Studies, 2002 and 2003, Winter Quarters and Woods Canyon” to Volume A-3, Volume 2. This suggestion will consolidate all the Woods and Winter Quarters surveys in a single volume, rather than spreading them out between two volumes, which helps expedite the review process. **Volume A-3, Volume 2:** Provide tab pages for Volume A-3, Volume 2 that match the tab pages in Volume A-3 (Archeological Reports, Historical Reports, Aquatic Wildlife, Geotechnical, Geology, and Geologic Cross Sections). • Provide the same, corrected Table of Contents in Volume A-3, Volume 2 as provided in Volume A-3. • For the citation “Biological Studies in Winter Quarters...” add “A Study Plan” before the date. This suggestion will help distinguish the document as a plan vs. an actual study with results.

RECOMMENDATIONS:

Do not approve the amendment until the Permittee addresses all deficiencies.