

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

April 17, 2006

TO: Internal File

THRU: Dana Dean, Environmental Scientist III, Team Lead

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

RE: 2004 Midterm Review, Canyon Fuel Company, LLC, Skyline Mine, C/007/0005, Task ID #2447

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.

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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

The USFWS has determined that water depletions from the Upper Colorado River System are a major source of impact to four endangered fish species (Colorado pikeminnow [squawfish], humpback chub, bonytail chub, and razorback sucker). The USFWS Recovery Implementation Program is the reasonable and prudent alternative to avoid the likelihood of jeopardy to these fish. The Permittee estimated that mining operations total water balance at an annual net gain of 5,966 acre-feet (Vol.1A, Sec. 2.5, p. 2-51e). The Division, in consultation with the USFWS, considered that mining operations were “not likely to adversely affect” the endangered fishes of the Colorado River Basin because there was no indication of depleting water from the Basin.

The Permittee must update all equations and justifications with supporting documentation leading to the overall sum of water depletions or additions when projects would significantly change the current estimated value. If values increase over 100 acre-feet of water, the Permittee will mitigate their impact by contributing a one-time fee to the Recovery Program.

Findings:

Information provided in the plan meets the minimum Operations - Fish and Wildlife Information requirements of the regulations.

RECOMMENDATIONS:

Approve the midterm review.