

0036

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

August 2, 2007

OK

TO: Internal File

THRU: Wayne Western, Team lead *W.W.*

FROM: Joe Helfrich, Senior Reclamation Biologist *JH*

RE: North Lease Incidental Boundary Change, Canyon Fuel Company, Skyline Mine, C/007/0005, Task #2813

SUMMARY:

On June 27, 2007 the Division received an amendment to add 680 acres to the Skyline Mine permit as an Incidental Boundary Change. Canyon Fuel Company will lease the coal in the IBC from Energy Fuels Corporation and C&B Coal. The land is private and the coal is fee owned. CFC will conduct development mining only in the IBC area (no second mining, no planned subsidence), and they will not conduct any surface disturbances for the purpose of developing surface facilities.

This memo will include a review of the Biology, Land use and cultural resource sections of the regulations as they apply to this application.

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TECHNICAL ANALYSIS:

GENERAL CONTENTS

REPORTING OF TECHNICAL DATA

Regulatory Reference: 30 CFR 777.13; R645-301-130.

Analysis:

The applicant has not included any information in the application that addresses this section of the regulations.

Findings:

The information in the application is not adequate to meet the requirements of this section of the regulations, prior to approval the following information must be submitted in accordance with:

R645-301-130, As noted in the following section under “Maps Plans and Cross Sections of Environmental Resource Information”, the application needs to include the names of persons that collected and analyzed the data, dates of the collection and analysis of the data and descriptions of the methodology used to collect and analyze the data. Technical analysis will be planned by or under the direction of a person qualified in the subject to be analyzed.

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:

The application does not include any historic or archaeological resource information

Findings:

The information in the application is not adequate to meet the requirements of this section of the regulations, prior to approval the following information must be submitted in accordance with:

R645-301-411, the application needs to include historic and or archaeological resource information for the IBC. The applicant is currently researching the MRP for relevant information

VEGETATION RESOURCE INFORMATION

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

Analysis:

The application does not include any vegetative resource information except for the map as described in the following section regarding "Maps Plans and Cross Sections of Environmental Resource Information".

Findings:

The information in the application is not adequate to meet the requirements of this section of the regulations, prior to approval the following information must be submitted in accordance with:

R645-301-320, the application needs to include vegetative resource information for the IBC. The applicant is currently researching the MRP for relevant information

FISH AND WILDLIFE RESOURCE INFORMATION

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

Analysis:

The application does not include any wildlife resource information.

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Findings:

The information in the application is not adequate to meet the requirements of this section of the regulations, prior to approval the following information must be submitted in accordance with:

R645-301-322, the application needs to include fish and wildlife resource information for the IBC. The applicant is currently researching the MRP for relevant information

LAND-USE RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.22; R645-301-411.

Analysis:

The application does not include any land-use resource information.

Findings:

The information in the application is not adequate to meet the requirements of this section of the regulations, prior to approval the following information must be submitted in accordance with:

R645-301-411, the application needs to include land use resource information for the IBC. The applicant is currently researching the MRP for relevant information

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 application includes a "Vegetation Types" map that outlines the vegetative communities in the permit area and the proposed IBC addition. During a site visit to the proposed IBC area and exploration site # C-07 on August 7, 2007 with Mark Bunnel and Gregg Galecki, (Skyline mine representatives), the following inconsistencies were noted on the map:

The map needs to be revised to include the riparian areas located within the proposed IBC. There are at least two and possibly three, one located along the main stream in Winter Quarters Canyon and the two tributaries on the south side of the canyon.

Vegetative community # 11, (Aspen grass forb elderberry), located on the North side of Winter Quarters Canyon needs to be changed to #13, (Sagebrush/Snowberry with pockets of aspen and Chokecherry).

The vegetative communities in the IBC as described on the "Vegetative Types" map or subsequent revisions need to be verified by an individual qualified in plant taxonomy and the identification of plant communities.

Findings:

The information in the application is not adequate to meet the requirements of this section of the regulations, prior to approval the following information must be submitted in accordance with:

R645-301-140, The application needs to include a verification by an individual qualified in plant taxonomy and the identification of plant communities that the vegetative communities as depicted on the "Vegetative Types" map for the proposed IBC accurately match the vegetative communities as they exist on the ground. The reporting of this type of information is also required under **R645-301-130**, reporting of technical data.

FISH AND WILDLIFE INFORMATION

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

Analysis:

The application does not include any information for the following categories:

Endangered and Threatened Species,

Bald and Golden Eagles and

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

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The applicant is currently researching the MRP for relevant information. A previous exploration application for a drill hole within the proposed IBC includes the following information that may be applicable:

- A 2005 Forest Service Biological Evaluation Biological Assessment report, (BEBA). The report provides a detailed explanation regarding the presence or absence of Threatened and Endangered and Sensitive species, (plant, fish and animal), that may be located within the proposed drill site location,
- A 2005 Forest Service Wildlife Resources report. The report provides detailed analyses on TES, MIS, and Priority Migratory Bird Species potentially affected by the exploratory drilling and,
- A 2007 Northern Goshawk / Elk survey. The survey is primarily a Goshawk survey with some observations on the presence of elk and mule deer. There were no nests located within ½ mile of the proposed drill site location.

According to the BEBA the Bald Eagle would not occupy the area during winter periods of migration. Eagles do not typically nest in Utah, although there are eight known nesting pairs in the state, one of which is located approximately 20 miles from the proposed IBC. The exploration activities would not affect the birds. There are no threatened or endangered or sensitive plant species located in the proposed IBC location. Sensitive wildlife species include the Spotted Bat, Townsend's Big Eared Bat, the Northern Goshawk, Flamulated Owl and Three Toed Woodpecker. There is suitable habitat for the Goshawk, and three-toed Woodpecker, and marginal habitat for the Flamulated Owl in the mixed conifer forests on the north facing slopes of Winter Quarters and Woods canyons. Since the proposed IBC does not include any surface disturbance these species' habitats would not be affected by the drilling activities. Management Indicator Species are addressed in the Wildlife Resources Report, they include Elk, Mule Deer, the Northern Goshawk, Golden Eagle and Macroinvertebrates.

Findings:

The information in the application is not adequate to meet the requirements of this section of the regulations, prior to approval the following information must be submitted in accordance with:

R645-301-322, 301-333, -301-358, the application needs to include fish and wildlife information for the IBC as described in the analysis of this section of the regulations. Once that information is received or it is verified that the information referenced in the analysis applies to the IBC, the Division will initiate consultation with the U. S. Fish and Wildlife Service.

RECOMMENDATIONS:

Noted deficiencies should be addressed prior to approval.

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