

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

March 11, 2008

TO: Internal File

THRU: James D. Smith, Permit Supervisor *DS 01/02/08*
(D) Dana Dean, Team lead

FROM: Joe Helfrich, Senior Reclamation Biologist *JH*

RE: North Lease Incidental Boundary Change, Canyon Fuel Company, Skyline Mine, C/007/0005, Task ID #2918

SUMMARY:

On June 27, 2007 the Division received an amendment to add 680 acres to the Skyline Mine permit as an Incidental Boundary Change. On October 30th the Division received a response to the Division's first round of review, task # 2813. The information was reviewed under task # 2874 and a response to the deficiencies was received on January 31, 2008 and assigned task # 2918. 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 applicant's response to the Division's review of the applicant's response to task #2874.

TECHNICAL MEMO

TECHNICAL ANALYSIS:

GENERAL CONTENTS

REPORTING OF TECHNICAL DATA

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

Analysis:

As noted in the following section under "Maps Plans and Cross Sections of Environmental Resource Information", the application includes verification by plant taxonomist Pat Collins from MT. Nebo Scientific that vegetative communities as depicted on the "Vegetative Types" map for the proposed IBC accurately match the vegetative communities, as they exist on the ground.

Findings:

The information in the application is adequate to meet the requirements of this section of the regulations.

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 information in the application refers the reviewer to four archaeological survey reports on file, (Confidential), with the Division, Archaeological Evaluations in the Winter Quarters Locality of Carbon, Emery and Sandpete Counties, December 1991; Historical and Cultural Resources Inventories, Scofield Mine, Carbon County, Utah, September 1992; Cultural Resource Inventory of Four Drill Location and Associated Staging Areas and Trails-Winter Quarters, July 15, 2002 and the most recent, A cultural Resource Inventory of Drill Location C-

TECHNICAL MEMO

07, Report # 07-15. The 1991 survey identified one eligible cultural resource, (42 CB 835 a historic trail and wagon road), that crosses through the middle of the proposed IBC in Township 13 South Range 6 East, Section 1 from East to West. The September 1982 survey identified one eligible cultural resource, (42 CB 269 a rock shelter), in addition to the wagon road corridor. The 2002 four drill location and 2007 drill location C-07 surveys did not reveal any additional cultural resources. Current mining practices have shown in most cases no subsidence for development mining. Therefore it is a reasonable assumption that the proposed development mining only for the IBC would not impact the two identified cultural resources. Concurrence with our no effect determination was received by way of "E" mail on April 3, 2008

Findings:

The information in the application is adequate to meet the requirements of this section of the regulations.

VEGETATION RESOURCE INFORMATION

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

Analysis:

Vegetative resource information for the application is included in Sections 2.7.1, .5 and .6, Exhibit 2.7.5, (Data Adequacy Information for the Skyline Mine), and Riparian Plant Community Survey Winter Quarters and Woods Canyons of the MRP.

Findings:

The information in the application is adequate to meet the requirements of this section of the regulations and accurately characterize the vegetative communities in the IBC.

FISH AND WILDLIFE RESOURCE INFORMATION

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

Analysis:

Fish and wildlife resource information for the IBC in included in Sections 2.8.1, 2.9 and Biological Studies in Winter quarters and Woods Canyons of the MRP.

TECHNICAL MEMO

Findings:

The information in the application is adequate to meet the requirements of this section of the regulations.

LAND-USE RESOURCE INFORMATION

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

Analysis:

Land use information is included in Section 2.12 of the MRP. It is described as "*grazing, recreation and wildlife*".

Findings:

The information in the application is adequate to meet the requirements of this section of the regulations.

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. The map has been 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 has been changed to #13, (Sagebrush/Snowberry with pockets of aspen and Chokecherry).

The vegetative communities in the IBC as described on the "Vegetative Types" map have been verified by Pat Collins from MT. Nebo Scientific, an individual qualified in plant taxonomy and the identification of plant communities.

Findings:

The information in the application is adequate to meet the requirements of this section of the regulations.

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 includes 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.

A previous exploration application for a drill hole within the proposed IBC includes the following information applicable to this permitting action:

- 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 is 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

TECHNICAL MEMO

disturbance these species' habitats would not be affected. 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 adequate to meet the requirements of this section of the regulations.

RECOMMENDATIONS:

The application is recommended for approval.