

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

October 12, 2010

TO: Internal File

THRU: Priscilla Burton, Lead *PWB m SOS*

FROM: Ingrid Campbell, Environmental Scientist II *ICC*

RE: Incidental Boundary Change, Canyon Fuel Company, Skyline Mine, Permit C/007/0005, Task ID #3615

SUMMARY:

On September 16, 2010, the Division received an application from Canyon Fuel Company (CFC) for an Incidental Boundary Change to the Skyline Mine Permit. The IBC would add approximately 320 acres to the approved underground mining activities area. CFC is currently pursuing acquisition of a privately-held lease for this area. No surface disturbance will occur in this area.

This application is conditionally recommended for approval based on the following condition:

The permittee must submit the 2010 Woods canyon fish monitoring report and the protection and enhancement plan (which will be based on the report) to the Division as soon as possible and prior to undermining the IBC area.

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TECHNICAL ANALYSIS:

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

PERMIT AREA

Regulatory Requirements: 30 CFR 783.12; R645-301-521.

Analysis:

The permittee reduced the permit area to the disturbed area and decreased the adjacent area to the lease area. The adjacent area, shown in Map 1.6-3, includes a .5 mile radius around major surface disturbances from mining facilities.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.12; R645-301-411.

Analysis:

No surface disturbance is proposed as a result of this IBC. No cultural resources, if present, should be affected due to the IBC.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

VEGETATION RESOURCE INFORMATION

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

Analysis:

No surface disturbance is proposed with the incidental boundary change. A study from Agapito Associates in Appendix 4.15 indicates that no surface affects should occur as a result of undermining.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

OPERATION PLAN

SUBSIDENCE CONTROL PLAN

Regulatory Reference: 30 CFR 784.20, 817.121, 817.122; R645-301-521, -301-525, -301-724.

Analysis:

Subsidence Control Plan

A study conducted by Agapito associates indicated that mining could be safely conducted in areas with 475 feet of overburden and less than 5 feet of subsidence should occur in the Woods canyon area.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

FISH AND WILDLIFE INFORMATION

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

Analysis:

Endangered and Threatened Species

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Water consumption information relative to the requirements for the Colorado River Endangered Fish Program is located on page 2-51d of section 2.5. A study was conducted by Agapito Associates to determine possible effects to the creek from undermining. That study is located in section 4.17.

Bald and Golden Eagles

No bald or Golden Eagle nests have been located in or adjacent to the Skyline Mine permit area in previous years. No surface disturbance is projected to occur in relation to this IBC.

Wetlands and Habitats of Unusually High Value for Fish and Wildlife

Macroinvertebrate and fish monitoring stations have been set up in the Woods Canyon Creek to monitor the effects of undermining this area. The locations are shown on Map 2.8.1-1 "Macroinvertebrate Sample Site Locations". An electrofishing monitoring program was completed in 2010. The permittee will base future monitoring on the results of the 2010 study.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section. The permittee must submit the 2010 Woods canyon fish monitoring report and the protection and enhancement plan (which will be based on the report) to the Division as soon as possible and prior to undermining the IBC area.

RECOMMENDATIONS:

This application is recommended for approval.