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State of Utah

DEPARTMENT OF NATURAL RESOURCES

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Division of Oil, Gas and Mining

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August 31, 2020

Gregg Galecki
Canyon Fuel Company, LLC
HC 35 Box 380
Helper, Utah 84526

Subject: Conditional Approval of Swens Canyon Power Line Road Crossings, Canyon Fuel Company, LLC, Skyline Mine, C/007/0005, Task #6177

Dear Mr. Galecki:

The above-referenced amendment has been conditionally approved. Final approval will be granted when the following documents have been provided to the Division:

1. Two clean copies of the amendment prepared for incorporation.
2. The Affidavit of Publication for insertion into Appendix 118-A
3. The Utah Department of Transportation Road Encroachment Permit for insertion into Appendix 118-A.
4. The Dominion Energy email addressing the power line for insertion into Appendix 118-A.

It should be noted that this amendment called for the revision of pages 1-34(a), 1-37 and Dwg 1.6-3. However; the proposed revisions of those pages and drawing were superseded with the approval of Task #6175, Swens Canyon Power Line Non-Road Crossing. As a result, the re-submission of those pages and drawing is not necessary as the currently approved Mining and Reclamation Plan is accurate and up to date.

Please submit the clean copies of the above by no later than September 30, 2020. Once the clean copies are received, final approval will be granted. A stamped incorporated copy of the approved plans will also be returned to you at that time, for insertion into your copy of the Mining and Reclamation Plan.

If you have any questions, please call me at (801) 538-5350.

Sincerely,

Steve Christensen
Coal Program Manager

SKC/sqs

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Technical Analysis and Findings

Utah Coal Regulatory Program

PID: C0070005
TaskID: 6177
Mine Name: SKYLINE MINE
Title: SWENS CANYON POWER LINE ROAD CROSSINGS

Summary

The 18.46 acre powerline corridor was approved with Task 6175, with the caveat that the road crossings required public notice. Public notice was listed in TVNews legal notices, during the month of July 2020. No public comments were received.

Figure 3.2.10-3 shows the powerline spanning a distance of 400 ft on either side of SR 264 and a minimum 30 ft clearance over the highway at Upper Huntington Creek.

pburton

General Contents

Right of Entry

Analysis:

The application meet sthe State of Utah R645 requirements for Right of Entry.

The powerline is generally described as a 50 foot by 3.05 mile corridor, totaling 18.46 acres (p. 2-4c2). The powerline is located in Section.s 13, 23, 24, 26 and 27 of Township 13 S, R 6 E in Carbon County, Utah (p. 1-34(a)). The powerline crosses SR-264 twice and USFS road 0018 on Trough Springs Ridge once (p. 1-34(a)).

The Permittee received the Utah Department of Transportation road encroachment permit and an email approval from Dominion energy in the first week of August 2020 (personal communication with G. Galecki 8/6/2020). This information will be added to Right of Entry Appendix 118-A.

Appendix 118-A includes the USFS special use permit which authorizes work on and across USFS Road 0018.

pburton

Permit Term

Analysis:

The application meets the State of Utah R645 requirements for Permit Term.

Total disturbed area remains unchanged at 146.74 acres.

Conditional approval will be issued pending the correction of Swen's Canyon acreage (6.33 acres disturbed) and total

acreage (146.74 acres) on pages 1-37 and
page 1-34(a)).

pburton

Public Notice and Comment

Analysis:

The application meets the State of Utah R645 requirements for Public Notice.

A public notice regarding the three road crossings shown on Dwg 1-6.3(A) has run in ETVNews for four consecutive weeks in July 2020. The public comment period will end August 28, 2020. To date no comments have been received. The affidavit of publication will be provided with the approved copy of the amendment.

pburton

Environmental Resource Information

Permit Area

Analysis:

The amendment meets the State of Utah R645 requirements for Permit Area.

The acreages on pages 1-37, 1-34a, and Plate 1.6-3 of this application are incorrect but were subsequently revised to reflect the accurate acreages in the previous task (Task# 6175), which was approved on August 4, 2020. Since the correct acreages have already been submitted and approved, there is no need for the Permittee to submit further documentation.

jeatchel

Historic and Archeological Resource Information

Analysis:

The amendment meets the State of Utah R645-301-411 requirements for Historic and Archeological Resource Information.

The MRP already contains a cultural resource report done by EPG in 2014 titled "A Cultural Resources Inventory for the Skyline Mine Expansion and Transmission Line Construction Project." This report covers most of the currently proposed powerline. The part that is missing from the report is covered under the Forest Service's Shalom Timber Sale report included in the amendment. In consultation with Charmaine Thompson, Forest Service archeologist, she indicated that these two reports were sufficient to clear the project.

tmiller

Fish and Wildlife Resource Information

Analysis:

The amendment meets the State of Utah R645-301-322 requirements for Fish and Wildlife Resource Information.

A Species List was pulled from the U.S. FWS IPaC website on July 16, 2020 which indicated the possible presence of Mexican spotted owl, Southwestern willow flycatcher, bonytail gila, Colorado pikeminnow, humpback chub, and razorback sucker. None of the species have critical habitat in the proposed project area. In 2015, a team of biologists from DOGM, DWR, and the Forest Service met at the site to evaluate it for potential habitat for a number of species, including Mexican spotted owl and Southwestern willow flycatcher (see DOGM findings document for Task 4935). It was determined that no suitable habitat for these birds exists in the project area. As for the fish, the project location lies many miles away from their habitat, however, water depletions from upstream mining operations can still affect their habitat. The proposed project, however, will not change the mine's current water depletion.

Consultation was also done between the Division and the Forest Service as well as DWR. During the course of this consultation, each agency determined there were not likely to be any threats to threatened, endangered, or sensitive species from the proposal.

Hydro GroundWater Monitoring Plan

Analysis:

The amendment meets the State of Utah R645 requirements for Hydro: Groundwater Monitoring Plan.

There is no new groundwater monitoring locations needed for the small amount of disturbance required for the installation of the Swens Canyon Power Line.

khinton

Hydro SurfaceWater Monitoring Plan

Analysis:

The amendment meets the State of Utah R645 requirements for Hydro: Surface Water Monitoring Plan.

There is no new surface water monitoring locations needed for the small amount of disturbance required for the installation of the Swens Canyon Power Line.

khinton

Maps Cultural Resource

Analysis:

The amendment meets the State of Utah R645-301-411 requirements for Cultural Resource Maps.

Cultural resource clearance for this project stems from two reports: one titled "A Cultural Resources Inventory for the Skyline Mine Expansion and Transmission Line Construction Project" which is already found in the MRP and the other included in the amendment from a Forest Service timber sale. Each of these reports contains a cultural resource map.

tmiller

Maps Permit Area Boundary

Analysis:

The amendment meets the State of Utah R645 requirements for Permit Area Boundary Maps.

The acreages listed in the Legend in Plate 1.6-3 of this application are incorrect but were subsequently revised to reflect the accurate acreages in the previous task (Task# 6175), which was approved on August 4, 2020. Since the correct acreages have already been submitted and approved, there is no need for the Permittee to submit further documentation.

Plate 1.63(A) displays accurate acreages as well as the locations of the overhead powerline corridor, gas pipelines, and road crossings.

jeatchel

Operation Plan

Relocation or Use of Public Roads

Analysis:

The application meets the State of Utah R645 requirements for Use of Public Roads.

The application satisfies the requirements of R645-301-526.116 and R645-103-234 in regard to the proposed mining operations within 100 feet of the right-of-way line of a public road. The application proposes to cross public roads with an overhead power line in three places: 1) SR-264 at mile marker 7.1, 2) SR-264 at mile marker 12.8, and 3) USFS Road 0018 approximately 0.9 miles south of SR-264. Since public notice is required prior to the proposed construction activities, the Permittee published a legal notice in ETV Newspaper for 4 consecutive weeks in July (July 8, July 15, July 22, July 29).

22, and July 29). The public comment period associated with this notice will end on August 28, 2020, and to date, no comments have been received. A copy of the legal notice that was published is included in Appendix 118A of this application. Plate 1.6-3 and Plate 1.6-3(A) highlight where the power lines will cross the public roads.

The Permittee recently acquired an encroachment permit from the Utah Department of Transportation (UDOT) that enables the contractor (BODEC) to perform the work as planned for the three road crossings in question (Email communication with Greg Galecki, 8/19/2020). According to BODEC, the roads will not be closed during the time the power lines are strung across the road. The cover letter states that USFS personnel William Otto indicated that they do not require additional permits for this project since the roads were considered during the adjacent Special Use permit review earlier this year.

jeatchel

Hydrologic Ground Water Monitoring

Analysis:

The amendment meets the State of Utah R645 requirements for Hydro: Groundwater Monitoring.

There is no additional ground water monitoring required with the disturbance associated with the proposed Swens Canyon Power Line.

khinton

Hydro Surface Water Monitoring

Analysis:

The amendment meets the State of Utah R645 requirements for Hydro: Surface Water Monitoring.

There is no additional surface water monitoring required with the disturbance associated with the proposed Swens Canyon Power Line.

khinton

Reclamation Plan

Bonding Determination of Amount

Analysis:

The amendment meets the State of Utah R645 requirements for Determination of Bonding Amount.

The amendment satisfies the requirements of R645-301-542.800 and -830 because the reclamation commitments pertaining to the road crossings were addressed in the bonding calculations submitted in the previous amendment (Task# 6175). To summarize, the reclamation costs pertaining to the entire power line corridor increased the reclamation liability by \$12,000 to \$5,514,000 from the previous \$5,502,000. The current posted bond amounts to \$5,799,000, which is \$285,000 over the reclamation liability. Since the bonding costs for the entire power line corridor were addressed in the non-road crossings amendment (Task# 6175), no new bond adjustments are required.

jeatchel