0009

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

October 12, 1995

TO: Daron Haddock, Permit Supervisor

FROM: Paul Baker, Reclamation Biologist PBB File #2

RE: Draft Review, Alkali Lease Incidental Boundary Change, Soldier Canyon Mine, Soldier Creek Coal Company, ACT/007/018, ~~Working File~~, Carbon County, Utah

SYNOPSIS

Soldier Creek is proposing to add an area of about 276 acres to its permit area. In discussion with the Division, Soldier Creek personnel have said they do not plan to second mine the area. However, the application does not say this. A significant revision should be submitted some time in the future to allow for mining in the entire area of the so-called Alkali Lease.

The State Historic Preservation Officer recommended a determination of No Historic Properties. The Fish and Wildlife Service said it cannot offer comments at this time because of a lack of staff and time. The Division does not anticipate negative effects to threatened or endangered species, including candidate species. However, the Division normally must receive concurrence from the Fish and Wildlife Service before issuing a permit.

ANALYSIS

IDENTIFICATION OF INTERESTS, VIOLATION INFORMATION, AND RIGHT OF ENTRY INFORMATION

Regulatory Reference: UCA R645-301-112; R645-301-113; R645-301-114

Analysis:

Other than right of entry, the applicant has not provided new information for this portion of the mining and reclamation plan. Ownership and control and violation information does not change with this amendment.

The area proposed to be included in the incidental boundary change does not border land (either surface or mineral) owned by entities not already shown in the mining and reclamation plan. Therefore, no new land ownership information is required.

The proposed incidental boundary change is within federal lease UTU-69635 . Sage Point Coal Company is the lessee, and the application lists the date of the lease as "pending."

The Division received a letter from the Bureau of Land Management on September 27, 1995, saying the lease has been issued to Sage Point Coal Company. The amendment application should be updated with this information.

Findings:

This portion of the application is considered complete and accurate with the following exception:

1. The right of entry portion of the application needs to be updated to reference the lease, including the date it was issued.

UNSUITABILITY CLAIMS

Regulatory Reference: UCA R645-301-115

Analysis:

The application does not address this regulation. A representative of the applicant stated in a telephone conversation there are no roads or buildings within the proposed addition to the permit area, but this information needs to be included in the application.

The Division is unaware of any proposal to designate the area as unsuitable for mining. The Bureau of Land Management, in its decision to hold a lease sale, determined the lease application was in conformance with the approved land use plan. They also determined that the lease application, using the standard lease stipulations, will have no significant impacts on the human environment.

Findings:

The application does not address this regulation but is, nevertheless, considered complete and accurate with the following exception:

1. The application needs to contain information indicating whether the proposed incidental boundary change area contains roads or buildings.

The Division is unaware of any proposal to designate the area as unsuitable for mining, and the Bureau of Land Management has found the lease application to be in conformance with the approved land use plan.

PERMIT TERM, INSURANCE, PROOF OF PUBLICATION, NOTARIZED SIGNATURE

Regulatory Reference: UCA R645-301-116; R645-301-117; R645-301-121; R645-301-123; R645-301-142

Analysis:

The application does not address most of these regulations. The permit term would not change as a result of this application, and the permittee has insurance coverage meeting the division's requirements. The amendment is not a significant revision, so no public notice is required.

The application includes a statement with the notarized signature of Barry Barnum indicating he is a responsible official of the applicant and that the information in the application is true and correct to the best of his information and belief.

Findings:

The applicant has complied with the requirements of these regulations.

VEGETATION RESOURCE INFORMATION

Regulatory Reference: R645-301-321

Analysis:

The application contains no new vegetation information.

Lease stipulation nine requires the lessee to establish a monitoring system to locate, measure and quantify the progressive and final effects of underground mining on the topographic surface, underground and surface hydrology, and vegetation. This is a standard stipulation in federal leases. No monitoring plan was found in the amendment or the current mining and

reclamation plan.

Since no new surface disturbance is proposed, the Division does not require the application to contain additional vegetation information.

Findings:

The application is considered complete and accurate with the following exception:

1. To comply with lease stipulation nine, the application must contain a plan to monitor the progressive and final effects of mining on vegetation.

FISH AND WILDLIFE RESOURCE INFORMATION

Regulatory Reference: R645-301-322

Analysis:

The applicant conducted a raptor and bird survey in the Alkali Lease area in May 1995. A map showing the results of the survey is in Appendix 3G. This map shows four golden eagle nests in the area of the incidental boundary change, including two nests that were tended in 1995.

The Division does not anticipate significant effects on other wildlife species, so additional wildlife information is not required. The Utah Division of Wildlife Resources was consulted about the need for further wildlife information for the proposed incidental boundary change area and concurs with the decision not to require more information. The Bureau of Land Management's environmental assessment says it is not likely longwall mining could be justified, and no subsidence is anticipated with room and pillar mining. No subsidence has been detected at two adjacent mines that mine with room and pillar methods.

Soldier Creek's current plan discusses a few candidate threatened or endangered plant species that could occur in the area. Even if there is subsidence, there is virtually no likelihood of subsidence cracks or other surface expressions of subsidence negatively affecting these species. The plants do not grow in areas, such as cliffs, that are particularly susceptible to subsidence damage.

A small portion of the proposed incidental boundary change area includes federal surface land. Therefore, the Division and the Office of Surface Mining need to obtain approval from the Fish and Wildlife Service. However, the Fish and Wildlife Service said in a letter dated September 22, 1995, that they cannot offer comments at this time due to a lack of staff and time.

It also says this should not be construed as concurrence. It says they may later provide comments if issues of concern arise or come to their attention. While no issues of concern are anticipated, the Division and OSM need concurrence before permitting the area.

Findings:

The applicant has complied with the requirements of this regulation.

FISH AND WILDLIFE PROTECTION

Regulatory Reference: R645-301-333

Analysis:

As discussed under "Fish and Wildlife Resource Information," the Bureau of Land Management does not expect subsidence. Even if subsidence does occur, the potential for damage to most wildlife species is very small.

Subsidence has caused cliff spalling at some mines in Utah. This has resulted in loss of golden eagle nests. The current plan contains a commitment to complete a nesting survey if significant subsidence occurs or is about to occur during the April to July nesting period. If active nests are found, the Division and the Division of Wildlife Resources will be notified so all appropriate actions can be taken.

The commitments in the existing plan are considered sufficient for wildlife in the new lease area. However, additional protection measures or mitigation is probably needed for the current mining and reclamation plan. Wildlife Resources has not completed its review and made its recommendations about the amendment. However, they have expressed a need to reduce deer mortality through reducing the speed of trucks and by using habitat enhancement to lure deer away from the road. At this point, this is not Wildlife Resources' official position.

Findings:

The section of the application is considered complete and accurate. When the Division receives comments from Wildlife Resources, Soldier Creek may need to make some changes to the wildlife protection part of the mining and reclamation plan.

REVEGETATION

Regulatory Reference: R645-301-340

Analysis:

Soldier Creek does not plan any surface disturbance with the proposed incidental boundary change.

Findings:

Soldier Creek has complied with the requirements of this section of the regulations.

LAND USE RESOURCE INFORMATION
HISTORIC AND ARCHAEOLOGICAL RESOURCES
POSTMINING LAND USES
AIR QUALITY

Regulatory References: UCA R645-301-411.100; R645-301-411.200, R645-301-411.140, R645-301-412, R645-301-420

Analysis:

A letter accompanying the application says all information in the land use and air quality section of the permit applies to the permit change with the exception of an archaeological survey performed over the entire lease.

Land owners in the proposed incidental boundary change area are the Bureau of Land Management and Louise Iriart. Mrs. Iriart was notified of the potential mining beneath her property and responded by letter dated September 1, 1995. Her letter is included in the application. It says she expects the postmining use of the surface properties to be the same as the current usage, including wildlife habitat, livestock grazing, and big game hunting and other recreational activities.

In 1992, Soldier Creek wrote the Bureau of Land Management and said they anticipate the use of the land following mining to be livestock grazing, wildlife habitat, and recreation. The Bureau of Land Management concurred with the letter by signing and returning it.

The archaeological study of the Alkali Lease concentrated on upper ridges and escarpment crests. Two isolated artifacts were observed. They consisted of chert primary and secondary flakes. The presence of these together with two similar artifacts found nearby suggests the terrain feature may have been used anciently as a transportation corridor linking lower elevations with the Whitmore Park area. However, these items are not considered

significant historic or prehistoric resources that could be susceptible to surface subsidence. The Division of State History recommended a determination of "No Historic Properties."

By adding the incidental boundary change to its permit area, Soldier Creek is not proposing to increase the amount of coal it mines. Because of this and because all disturbance will be underground, there are no requirements to change the air quality section of the mining and reclamation plan.

Findings:

Soldier Creek has complied with the requirements of these regulations. Based on the information in the application, the State Historic Preservation Officer has recommended a determination of No Historic Properties.

RECOMMENDATIONS

. The application needs to be updated to reference the newly-issued leased, and it needs to contain information indicating whether the proposed incidental boundary change area contains roads or buildings. Also, to comply with lease stipulation nine, the application must contain a plan to monitor the progressive and final effects of mining on vegetation.

Although the Division anticipates no adverse effects to threatened, endangered, or sensitive species, it needs concurrence from the Fish and Wildlife Service. The Fish and Wildlife Service said in a letter dated October 4, 1995, that it cannot offer comments at this time due to a lack of staff and time constraints.