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

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October 17, 1996

TO: File

THROUGH: Daron Haddock, Permit Supervisor

FROM: Paul Baker, Reclamation Biologist

Re: Second Incidental Boundary Change for the Alkali Lease, Soldier Creek Coal Company, Soldier Canyon Mine, ACT/007/018-96A, Carbon County, Utah

Folder # 2

**SUMMARY:**

Soldier Creek Coal Company has submitted an amendment for a second incidental boundary change in the Alkali Lease Tract. In the first incidental boundary change, they submitted most information required for approval. The latest submittal only included three maps.

None of the maps shows the actual area that would be permitted if this amendment was approved. Also, the map showing raptor nest sites has been updated with information from a 1996 survey, but it does not accurately show the proposed permit area and it has an unexplained abbreviation.

Otherwise, the legal/financial, biology, and land use and air quality portions of the application can be considered complete and accurate.

**ANALYSIS:**

***ADMINISTRATIVE INFORMATION***

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

Analysis:

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 subsurface) 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 . 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. Right of entry information for the new incidental boundary change area is already in the mining and reclamation plan.

None of the maps included with this amendment show the area that would actually be in the permit area if the amendment was approved. It is possible to glean this information from maps already in the mining and reclamation plan and from the newly-submitted maps, but at least one map, such as the coal ownership map or the Rock Canyon Seam mine plan map, should show the area actually permitted.

#### Findings:

Information provided in the proposed amendment is not considered adequate to meet the requirements of this section. Prior to approval, the applicant must provide the following in accordance with:

- R645-301-521.132 At least one of the maps needs to show the area that would be in the permit area when this amendment is approved. While all applicable maps would normally be required to show this information, it is recognized that the Division is likely to approve the revision for the entire Alkali Lease in the near future. This would outdate any map revisions done now.

### **UNSUITABILITY CLAIMS**

#### Analysis:

There are no roads or buildings within the proposed incidental boundary change. 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 is considered adequate with regard to this section of the regulations.

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**

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 application is considered adequate with regard to this section of the regulations.

***ENVIRONMENTAL RESOURCE INFORMATION***

**VEGETATION RESOURCE INFORMATION**

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. The applicant intends to take color infrared photographs of the area to document effects of mining on the condition of vegetation resources.

falcons, and the threatened and endangered fish of the Colorado River. No peregrine falcons were found in the raptor survey. Bald eagles frequent the general area in the winter, but they are usually found roosting in trees at lower elevations, especially near water. No bald eagle nest sites are known to occur in the proposed addition to the permit area.

The Fish and Wildlife Service has determined that water depletions in the Upper Colorado River Basin may affect certain threatened and endangered fish of this area. For this reason, they require a mitigation fee for water use in excess of 100 acre feet per year. As documented in Figure 7.28-20 in the application to add the entire Alkali Tract, annual water usage in the mine from 1985 to 1991 averaged about 41 acre feet. This includes losses from evaporation and water added to coal.

The amount of water used in conjunction with mining is not expected to increase substantially with addition of the Alkali Tract. In addition, as documented in the Probable Hydrologic Consequences document, there is little effect on surface water caused by use of water encountered in the mine. Nearly all of the water used in the mine is from perched aquifers not associated with surface flow. Therefore, since water use is less than 100 acre feet per year and since use is not expected to increase, no mitigation should be required.

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.

The Division and the Office of Surface Mining need to obtain approval from the Fish and Wildlife Service. No issues of concern are anticipated; the Division is aware of no threatened or endangered species that could possibly be affected by this proposal.

**Findings:**

Information provided in the proposed amendment is not considered adequate to meet the requirements of this section. Prior to approval, the applicant must provide the following in accordance with:

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|--------------|--|
| R645-301-120 | Map 3.10-2 needs to be revised to accurately depict the proposed permit area and to show the meaning of "NF96." This is not a critically important issue at this time, and it could be addressed in the Alkali Lease permit revision proposal. |
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**LAND USE RESOURCE INFORMATION**

**HISTORIC AND ARCHAEOLOGICAL RESOURCES  
POSTMINING LAND USES  
AIR QUALITY**

Analysis:

The only surface land owner in the proposed incidental boundary change area is 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 for the Alkali Tract revision. 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.

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 should recommend to the Division of State History that they give their clearance for this project.

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:

The application is considered adequate with regard to this section of the regulations. Based on the information in the application, the Division should recommend that the Division of State History give its clearance for this amendment..

***OPERATION PLAN***

**FISH AND WILDLIFE PROTECTION**

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.

Findings:

The application is considered adequate with regard to this section of the regulations.

***RECLAMATION PLAN***

**REVEGETATION**

Analysis:

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

Findings:

The application is considered adequate with regard to this section of the regulations.

**RECOMMENDATIONS:**

Soldier Creek needs to modify at least one of its maps to show the correct proposed permit area boundary. Map 3.10-2 with updated raptor nesting information needs to be corrected to show the permit area boundary and the meaning of an abbreviation. Soldier Creek could just update the map for the Alkali Creek Tract permit revision proposal which the Division is currently reviewing.

Neither of the map issues is considered critical at this time. It is recommended the Division approve the amendment with the stipulation that the maps be revised.