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

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March 11, 1997

TO: File

THROUGH: Daron Haddock, Permit Supervisor 

FROM: Paul Baker, Reclamation Biologist 

Re: Alkali Creek Lease, Canyon Fuel Company, Soldier Canyon Mine,
ACT/007/018, Folder #2, Carbon County, Utah

SYNOPSIS

On May 31, 1996, the Division received a proposal from Soldier Creek Coal Company to expand its permit area by about 2535 acres including the previously permitted Alkali Lease Incidental Boundary Change. This includes adding the Alkali Creek Lease, two areas of fee coal to the west of the current permit area, and deleting about 600 acres from the north part of the permit area. A revised proposal was received September 25, 1996, and another revision was received March 6, 1997..

Although the permittee is now Canyon Fuel Company, the application and the plan still refer to Coastal States Energy Company, Sage Point Coal Company, and Soldier Creek Coal Company. In this review, information is discussed as shown in the application. Canyon Fuel needs to update the ownership and control information in the plan.

ANALYSIS

IDENTIFICATION OF INTERESTS

Regulatory Reference: R645-301-112

Analysis:

The applicant and operator are both Soldier Creek Coal Company. Soldier Creek Coal Company is owned by Sage Point Coal Company which is a wholly owned subsidiary of Coastal States Energy Company. The resident agent is C. T. Corporation Systems of Houston, Texas.

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The application shows the officers and directors of Soldier Creek Coal Company and its parent and affiliated companies. The Division needs to check this information in the Applicator Violator System.

The application lists the names and addresses of all owners of record of surface and mineral property both within and contiguous to the proposed permit area. Land ownership is shown on maps 1.12-1 and 1.12-2.

MSHA numbers are shown in Section 1.12.7 of the application.

Findings:

Information provided in the proposal is considered adequate to meet the requirements of this section of the regulations.

VIOLATION INFORMATION

Regulatory Reference: R645-301-113

Analysis:

The applicant submitted new violation information with this application. Neither the applicant nor any of its subsidiaries, affiliates, or persons controlled by or under common control with the applicant has had a federal or state mining permit suspended or revoked in the last five years.

With the updated ownership and control information, the application includes bond forfeiture information about sixteen operations of Virginia Iron, Coal and Coke Company. Settlement agreements have been reached with the Virginia Division of Mined Land Reclamation for several of these operations. The Division needs to check through the Applicator Violator System to ensure the applicant is eligible to receive a permit.

Findings:

Information provided in the proposal is considered adequate to meet the requirements of this section of the regulations.

RIGHT OF ENTRY

Regulatory Reference: R645-301-114

The current plan shows right of entry information for the existing and the proposed permit areas.

Most of Section 32, Township 12 South, Range 12 East, is currently in the permit area, and the applicant intends to delete this section from the permit area.. Coal in this area is owned by the State Institutional and Trust Lands Administration, and they have agreed in letters contained in the application to allow the applicant to relinquish the leases. Soldier Creek first-mined about 5.6 acres within this section in 1992 and 1993.

The regulations do not appear to address the issue of deleting a portion of an underground mine from a permit area; however, the applicant has fulfilled its commitments for monitoring subsidence and water in the area. The applicant will continue to monitor one spring within the leases.

Findings:

Information provided in the proposal is considered adequate to meet the requirements of this section of the regulations.

UNSUITABILITY CLAIMS

Regulatory Reference: R645-301-115

Analysis:

The proposed expansion area is not within an area designated or under study for designation as an area unsuitable for mining. The Bureau of Land Management's environmental assessment says the unsuitability criteria for coal mining have been applied in the land use planning process and may receive further application in the process of reviewing and approving the mining plan. Granting the lease was found to be in conformance with the Price River Resource Management Framework Plan.

The permittee has permission to operate within 100 feet of the county road in the surface operations area.

The application states there are no public roads and no occupied dwellings within the area proposed to be added to the permit area in the Alkali Tract significant revision. While there is a road in the Coal Creek area, it is apparently not a public road. The applicant owns the surface of the land in the area.

Findings:

Information provided in the proposal is considered adequate to meet the requirements of this section of the regulations.

INSURANCE AND PROOF OF PUBLICATION

Regulatory Reference: R645-301-117

Analysis:

The Division has on file a copy of a certificate of insurance for the Soldier Canyon Mine. On March 6, 1997, the Division received an affidavit of publication for advertising the Alkali Lease Tract addition.

Findings:

Information provided in the proposal is considered adequate to meet the requirements of this section of the regulations.

VEGETATION INFORMATION

Regulatory Reference: R645-301-321

Analysis:

The application is for underground mine development for which no additional vegetation information is required. The applicant has committed to take aerial photographs to monitor the effects of underground mining on vegetation. This commitment was made primarily to fulfill the requirements of a stipulation in the federal coal leases.

Findings:

Information provided in the proposal is considered adequate to meet the requirements of this section of the regulations.

FISH AND WILDLIFE RESOURCE INFORMATION

Regulatory Reference: R645-301-322

Analysis:

Fish and Wildlife Information

The applicant submitted updated versions of three wildlife maps with the Alkali Lease Tract revision. Drawing 3.10-2 shows raptor nests, riparian zones, and spring locations in the current and proposed permit areas and in nearby areas. There are several raptor nest locations within the proposed addition to the permit area.

Drawing 3.10-3 is a game bird and lagomorph distribution map. This map shows critical habitat for sage grouse in the northern part of the current and proposed permit areas.

Big game distributions are shown on Drawing 3.10-4. Nearly all of the existing and proposed permit areas contain high priority habitat for elk or mule deer. The only critical big game habitat is in the area of the sewage lagoons and lower topsoil storage area. Wildlife Resources has confirmed that these areas are used heavily by wintering deer and that the areas are truly critical for maintenance of the local deer population.

Threatened and Endangered Species

The application includes no new threatened or endangered species information. Most of the surface of the proposed addition to the permit area is owned by Louise Iriart or Sage Point Coal Company. Small portions of the proposed permit area are managed by the Bureau of Land Management, and the Division needs to receive comments from the Fish and Wildlife Service about these areas.

The most likely threatened, endangered, proposed or candidate species to be in the proposed addition to the permit area is canyon sweetvetch. It is extremely unlikely this species would be affected by underground mining operations, but it is possible it could occur in breakouts that might be built in the future. The species has no protection on private land, but the Bureau of Land Management does give it some protection on their lands. No new information is required at this time, but some baseline information may be required when the breakouts are proposed.

Other species with some potential of being affected include bald eagles, peregrine 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, 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. In 1996, the applicant supplied information to the Office of Surface Mining indicating the proposed lease would cause an average annual depletion of 89.5 acre feet. Since this is less than 100 acre feet, no mitigation is needed at this time. November 6, 1996, correspondence from the Fish and Wildlife Service says, however, that the Office of Surface Mining should condition their permit to retain jurisdiction in the event that the recovery program is unable to implement the recovery plan in a timely manner. In this case, it might be necessary to reinitiate Section 7 consultation.

Findings:

Information provided in the proposal is considered adequate to meet the requirements of this section of the regulations.

FISH AND WILDLIFE PROTECTION PLAN

Regulatory Reference: R645-301-333

Analysis:

No changes to the fish and wildlife protection plan were included with the Alkali Tract permit revision. The following provisions are included in the current mining and reclamation plan.

If significant subsidence occurs or is about to occur during the April to July period of any year, a nesting survey will be completed to determine if any nesting raptors are in the potential area of impact. Major earthwork and blasting will be avoided during certain hours in May and June. Any subsidence cracks which could cause injury or death to livestock or wildlife will be repaired.

It is very unlikely any critical big game or sage grouse range would be adversely affected by the proposed expansion to the mining operations. There are a few areas of critical sage grouse range that overlap the subsidence buffer zone in Sections 1 and 2 of Township 13 South, Range 11 East. However, even if subsidence does occur in these areas, there is little chance of it damaging a grouse nest.

In the southwest quarter of Section 12 and the southeast quarter of Section 11, Township 13 South, Range 11 East, there are four golden eagle nests identified on Drawing 3.10-2. These nests are all in areas where second mining is planned as shown on Exhibit 5.25-1. Although it is unlikely, these nests could potentially be damaged or destroyed if subsidence occurred. The applicant will need to follow through with its commitments to

monitor nests during periods when subsidence could occur.

Findings:

Information provided in the proposal is considered adequate to meet the requirements of this section of the regulations.

REVEGETATION

Regulatory Reference: R645-301-340

Analysis:

The current mining and reclamation plan contains final revegetation plans for the mine facilities area, and no further surface disturbance is currently proposed.

Findings:

Information provided in the proposal is considered adequate to meet the requirements of this section of the regulations.

HISTORIC AND ARCHAEOLOGICAL RESOURCE INFORMATION

Regulatory Reference: R645-301-412.140

Analysis:

The application includes no new historic or archaeological resource information. A cultural resource evaluation of most of the area proposed to be included in the permit area was previously included in the plan. Two isolated artifacts were discovered in the evaluation, but these were not considered significant. Based on the lack of sites and no above-ground disturbance, the Division of State History concurred with issuing the permit.

The cultural resource survey included most, but not all, of the area proposed to be added to the permit area. The west half of Section 10, Township 13 South Range 11 East, was not included in the survey. This area includes the bottom of Coal Creek Canyon and the Knight Ideal Mine which could theoretically contain cultural resource sites. However, according to Exhibit 5.21-5, the applicant plans no surface or subsurface activities in this area.

Findings:

Information provided in the proposal is considered adequate to meet the requirements of this section of the regulations. Additional cultural resource information will be required if the applicant proposes to mine in the west half of Section 10, Township 13 South Range 11 East.

LAND USE RESOURCE INFORMATION

Regulatory Reference: R645-301-112

Analysis:

Drawing 4.11-1 shows grazing allotments, abandoned croplands, Carbon County zoning, and mine development in the area of the current and proposed permit areas. The current mining and reclamation plan contains descriptions of the current and potential uses of the land in compliance with regulatory requirements.

Findings:

Information provided in the proposal is considered adequate to meet the requirements of this section of the regulations.

PROTECTION OF PUBLIC PARKS AND HISTORIC PLACES

Regulatory Reference: R645-301-411.144

Analysis:

There are no public parks or known sites eligible for listing in the National Register of Historic Places within the proposed permit or adjacent areas.

Findings:

Information provided in the proposal is considered adequate to meet the requirements of this section of the regulations.

POSTMINING LAND USE

Regulatory Reference: R645-301-413

Analysis:

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No changes to the approved postmining land use were included with the Alkali Tract revision. There are no owners of surface land that are not already included in the permit area. The plan contains comments about the postmining land use from these entities.

Findings:

Information provided in the proposal is considered adequate to meet the requirements of this section of the regulations.

RECOMMENDATIONS

The applicant has fulfilled the requirements of the general contents, biology, and land use and air quality sections of the regulations. However, the general contents section needs to be updated with new ownership and control information