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DEPARTMENT OF NATURAL RESOURCES

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JK

April 17, 2007

TO: Internal File

THRU: Pamela Grubaugh-Littig, Permit Supervisor

FROM: Joe Helfrich, Environmental Scientist III

RE: DOGM's Informal Consultation with the USFWS and Informal Decision, Appendix X, Gob Vent Holes 10 through 17, Andalex Resources Inc., Centennial Mine, C/007/0019, Task ID #2766

SUMMARY:

On March 16, 2007 the Division received an amendment from Andalex Resources Inc. to drill eight primary and seven alternate gob vent holes over panel # 10. They are located on the Deadman 7.5 minuet quadrangle map in Township 12 South Range 11East, Section 31 and Township 12 South Range 10 East, Section 36. The project is intended to facilitate the uninterrupted mining and maximum recovery of the coal by lowering the percentage of methane gas in the mine. This memo will document the informal consultation with Betsy Herrmann from the USFWS.

THREATENED. ENDANGERED. AND SENSITIVE ANIMAL/PLANT SPECIES

The Application meets the requirements of R645-301-322 because the Application or MRP provides supporting documentation, and maps on threatened, endangered, and sensitive (TES) species that could occur within or adjacent to the proposed drilling area.

The Division, in consultation with USFWS and Utah Heritage Group (DWR), did not believe that the 2006 GOB hole project would impact TES species or their habitat. The Division extends the same finding of no impact for the eight primary and seven alternate gob vent holes over panel # 10.

The application includes the results of a plant and animal T & E survey for the 2005/2006 GOB project and a listing for Carbon County, table 3-1.



Graham Beardtongue	<i>Penstemon grahamii</i>	C
Uinta Basin Hookless Cactus	<i>Sclerocactus glaucus</i>	T
Bonytail ^{4,10}	<i>Gila elegans</i>	E
Colorado Pikeminnow ^{4,10}	<i>Ptychocheilus lucius</i>	E
Humpback Chub ^{4,10}	<i>Gila cypha</i>	E
Razorback Sucker ^{4,10}	<i>Xyrauchen texanus</i>	E
Bald Eagle ³	<i>Haliaeetus leucocephalus</i>	T
Mexican Spotted Owl ⁴	<i>Strix occidentalis lucida</i>	T
Western Yellow-billed Cuckoo	<i>Coccyzus americanus occidentalis</i>	C
Black-footed Ferret ⁶	<i>Mustela nigripes</i>	E

¹ Nests in this county of Utah.

² Migrates through Utah, no resident populations.

³ Wintering populations (only seven known nesting pairs in Utah).

⁴ Critical habitat designated in this county.

⁵ Critical habitat proposed in this county.

⁶ Historical range.

⁷ Experimental nonessential population.

⁸ Introduced, refugia population.

⁹ Candidate species have no legal protection under the Endangered Species Act. However, these species are under active consideration by the Service for addition to the Federal List of Endangered and Threatened Species and may be proposed or listed during the development of the proposed project.

¹⁰ Water depletions from *any* portion of the occupied drainage basin are considered to adversely affect or adversely modify the critical habitat of the endangered fish species, and must be evaluated with regard to the criteria described in the pertinent fish recovery programs.

According to the research and analysis performed by Mt. Nebo Scientific and EIS there are no known federally listed threatened and endangered or candidate plant and wildlife species within the proposed drill site locations. The Division will coordinate with the USFWS and Permittee to prevent taking if any known reports show that there are TE species within the area.

DOGM INFORMAL CONSULTATION WITH USFWS SUMMARY:

Chapter III, page 3-5 of the application includes criterion for estimating mine water consumption for present and future mining operations. Calculations and numbers and references have been included with the criteria that are used in determining the mine water consumption value in acre-feet per year. According to the figures in table VI-23B page 169 the predicted discharge of 1.5 cfs would be approximately 1,086 acre feet per year minus the consumptive losses of 48.5 acre feet per year equal a net gain of 1037.5 acre feet per year net gain to the Colorado River watershed system. According to the USFWS protocol this net gain would constitute a "No Effect" determination.

Based on this determination the Division proceeded with informal consultation as noted in the Agencies protocol for the Colorado fish recovery program. Division Biologist Joe Helfrich met with Betsy Herrmann from the USFWS on Tuesday April 10, 2007 at the USFWS field office in Salt Lake City. The following topics were discussed:

- A review of the T&E and sensitive species surveyed for the proposed drilling project, in Carbon County,
- The "No Effect" determination by the Division to the endangered fish species, (Bonytail, Humpback Chub, Colorado Pikeminnow and Razorback Sucker), in the Colorado River watershed system.
- A description of and proposed locations of the drill pads, reference to plate 1-1 included in the application,
- General access to the drill pad locations from Deadman Canyon and limiting specific access to the sites from the South and East or West between sites,
- Current raptor surveys and a finding of no nests within ½ mile of the proposed drilling locations and
- Scheduling a pre-site nest survey of the proposed drill pad locations for potential nesting sage grouse.

DOGM INFORMAL DECISION

The Division's determination is that the proposed Centennial Mine Gob Vent drilling project is "No effect" to threatened or endangered species listed for Carbon County because there is no depletion of water from the Colorado River basin and there are no observations that support the presence of T & E species.

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cc: Betsy Herrmann
Dave Shaver

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