

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

August 19, 2010

TO: Internal File

THRU: Kevin Lundmark, Lead *KWL*

FROM: Ingrid Campbell, Environmental Scientist II *IC*

RE: Protection and Enhancement Plan and Raptor Survey, Hidden Splendor Resources, Horizon Mine, Permit # C/007/0020 and Task ID #3587

SUMMARY:

On June 1, 2010, the Division sent a letter to Hidden Splendor Resources (HSR) explaining that a protection and enhancement plan must be developed prior to undermining Beaver Creek and that raptor surveys are required in areas that could be affected by undermining. This information was stated in the Horizon Mine M&RP on page 10-40 and 41. HSR submitted an amendment in response to this letter on July 7, 2010.

This application is not recommended for approval. Prior to approval, the permittee must address the following in accordance with:

R645-301-332: An application to modify the MRP must demonstrate that a protection and enhancement plan for Beaver Creek is not necessary because there will be no adverse impacts to fish and wildlife and related environmental values during coal mining and reclamation operations. If the permittee chooses to demonstrate this, they must clearly show where second mining has occurred under Beaver Creek and explain what, if any, effects it has had on stream flow. This area must also be compared to the proposed area of Beaver Creek to be undermined to show whether or not similar effects can be anticipated.

Also, Hidden Splendor Resources should be aware that raptor surveys will be required prior to any new surface activities that are conducted during critical breeding and nesting periods or that may destroy a nest. These activities include reclamation, drilling, construction and subsidence involving cliff areas.

TECHNICAL MEMO

TECHNICAL ANALYSIS:

OPERATION PLAN

FISH AND WILDLIFE INFORMATION

Regulatory Reference: 30 CFR Sec. 784.21, 817.97; R645-301-322, -301-333, -301-342, -301-358.

Analysis:

Protection and Enhancement Plan

The Horizon Mine M&RP states that Hidden Splendor Resources (HSR) committed to developing a protection and enhancement plan prior to secondary mining of Beaver Creek. The Division sent a letter to the permittee in June 2010 that stated, "An application to modify the MRP must demonstrate that a protection and enhancement plan for Beaver Creek is not necessary because there will be no adverse impacts to fish and wildlife and related environmental values during coal mining and reclamation operations." If the permittee would like to demonstrate this, they must clearly show where mining has occurred under Beaver Creek and explain what, if any, effects it has had on stream flow.

On July 7, 2010 HSR submitted an amendment to this commitment. HSR believes that the only possible disturbance to the creek would be from water loss. No additional surface impacts will occur. The Horizon Mine M&RP contains commitments to replace water loss due to subsidence damage. HSR also states that they have designed the mine plan so that more than 900 feet of overburden will remain under beaver creek after second mining. Based on the Mining Reference Handbook that HSR cites in the M&RP, 900 feet of overburden is sufficient to prevent impacts to resources. However, the Division is not sure where second mining has occurred under Beaver Creek due to discrepancies in previous submitted maps.

Bald and Golden Eagles

In areas where surface disturbances (such as mining facilities where vegetation and soil removal occurs) are not anticipated, the only possible impact to nests would be from escarpment failure caused by undermining. One escarpment area exists within the Horizon mine area. HSR has committed to avoiding this escarpment and a 500 ft buffer around it so that impacts to raptor nests can be avoided. No other surface disturbance is anticipated, so no raptor surveys are currently needed. However, if future surface disturbances or activity is needed for mining

operations, raptor surveys need to be conducted in order to verify if raptors or nests could be affected by the activity.

Findings:

The information provided is not considered adequate to meet the minimum regulatory requirements for this section. Prior to approval, the permittee must address the following in accordance with:

R645-301-332: An application to modify the MRP must demonstrate that a protection and enhancement plan for Beaver Creek is not necessary because there will be no adverse impacts to fish and wildlife and related environmental values during coal mining and reclamation operations. If the permittee chooses to demonstrate this, they must clearly show where second mining has occurred under Beaver Creek and explain what, if any, effects it has had on stream flow. This area must also be compared to the proposed area of Beaver Creek to be undermined to show whether or not similar effects can be anticipated.

Raptor Surveys will be required prior to any new surface activities that are conducted during critical breeding and nesting periods or that may destroy a nest. These activities include reclamation operations, drilling, construction and others. Surveys will also be required for undermining cliff areas.

RECOMMENDATIONS:

The amendment application is not recommended for approval.