TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

November 5, 2008

TO: Internal File

THRU: Dave Darby, Lead

FROM: Joe Helfrich, Biology, Land Use, Cultural Resources

RE: MRP Update, R645 Reformat, Savage Industries Inc., Savage Coal Terminal, Permit # C/007/0022, Project #2955

SUMMARY:

On April 9, 2008 the Division received an amendment from Savage Industries Inc. that included a reformat of the Savage Coal Terminal's Mining and Reclamation Plan. This memo will include a review of the Biology, Cultural Resources and Land Use sections of the regulations as they pertain to the reformatted application.

TECHNICAL ANALYSIS:

GENERAL CONTENTS

PERMIT APPLICATION FORMAT AND CONTENTS

Regulatory Reference: 30 CFR 777.11; R645-301-120.

Analysis:

The information in the application is formatted in accordance with the format, (R 645 Regulations), approved by the Division.

Findings

The information in the application is adequate to meet the requirements of this section of the regulations.

REPORTING OF TECHNICAL DATA

Regulatory Reference: 30 CFR 777.13; R645-301-130.

Analysis:

All technical data included in the application is accompanied by the names of the individuals qualified in their fields of expertise to obtain the information.

Findings

The information in the application is adequate to meet the requirements of this section of the regulations.

MAPS AND PLANS

Regulatory Reference: 30 CFR 777.14; R645-301-140.

Analysis:

The reformatted application includes a wetland delineation map, vegetation map, archaeology map and land use map, plates 1 of the wetland evaluation, 3-1, 4-1 and 5-2 respectively. The wildlife map, Plate 10-1 from the existing MRP, should be included in the reformatted application along with any other pertinent wildlife maps identified in the DWR's database. The DWR may have additional wildlife species maps for the area where the Savage Coal Terminal is currently located.

Findings

The information in the application is not adequate to meet the requirements of this section of the regulations. Prior to approval the following information must be provided in accordance with; **R645-301-140,** ***the wildlife map, Plate 10-1 from the existing MRP, should be included in the reformatted application along with any other pertinent wildlife maps identified in the DWR's database. The DWR may have additional wildlife species maps for the area where the Savage Coal Terminal is currently located.***

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783. et. Al.

HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.12; R645-301-411.

Analysis:

Historic and Archaeological resource information is included in chapter 4 and the confidential binder of the reformatted MRP. The information is reformatted in accordance with the R645 rules. Cultural resource surveys have been completed for the current permit area. No eligible sites have been identified.

Findings

The information in the application is adequate to meet the requirements of this section of the regulations.

VEGETATION RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.19; R645-301-320.

Analysis:

Vegetation resource information is included in chapter 3 of the reformatted MRP. The information is reformatted in accordance with the R645 rules. The information includes a description of the vegetative communities within the disturbed and permit areas, vegetation test plots and analysis and wetland delineation for the 13 acre load out expansion.

Findings:

The information in the application is adequate to meet the requirements of this section of the regulations.

FISH AND WILDLIFE RESOURCE INFORMATION

Regulatory Reference: 30 CFR 784.21; R645-301-322.

Analysis:

Fish and wildlife resource information is included in chapter 3 of the application. The information is reformatted in accordance with the R645 rules and includes a description of the wildlife resources within the disturbed and adjacent areas.

Findings:

The information in the application is adequate to meet the requirements of this section of the regulations.

LAND-USE RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.22; R645-301-411.

Analysis:

Land use resource information is included in chapter 4 of the reformatted MRP. The information is reformatted in accordance with the R645 rules and includes a description of the land uses prior to, current and post mining associated with the loadout activities.

Findings:

The information in the application is adequate to meet the requirements of this section of the regulations.

OPERATION PLAN

PROTECTION OF PUBLIC PARKS AND HISTORIC PLACES

Regulatory Reference: 30 CFR784.17; R645-301-411.

Analysis:

The reformatted application includes an archaeological survey for the permit area. According to the information in the survey there are no public parks or historic places within the permit area.

Findings:

The information in the application is adequate to meet the requirements of this section of the regulations.

FISH AND WILDLIFE INFORMATION

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

Analysis:

The application includes fish and wildlife information that addresses and is formatted in accordance with these sections of the regulations for the protection and enhancement plan, endangered and threatened species, bald and golden eagles and wetlands and habitats of unusually high value for fish and wildlife.

In order to ensure compliance with the Endangered Species act as required by R645-301-332 the application needs to include calculations for water consumed in acre feet per year for the loadout facility that would contribute to the habitat of the four endangered fish species in the upper Colorado River watershed system. A copy of the criterion used to calculate water consumption has been provided to the applicant by way of "E" mail. They include the Colorado pike minnow, razorback sucker, humpback chub and the bonytail. These four endangered fish species are included in the Fish and Wildlife Services' Colorado fish recovery program which requires a payment of 15.95 per acre foot for each acre foot up to and including any excess of 100 acre feet of water consumed per year.

Findings:

The information in the application is not adequate to meet the requirements of this section of the regulations. Prior to approval the following information must be provided in accordance with **R645-301-322, -301-333, -301-342, -301-358,** ***In order to ensure compliance with the Endangered Species act as required by R645-301-332 the application needs to include calculations for water consumed in acre feet per year for the loadout facility that would contribute to the habitat of the four endangered fish species in the upper Colorado River watershed system. A copy of the criterion used to calculate water consumption has been provided to the applicant by way of "E" mail. They include the Colorado pike minnow, razorback sucker, humpback chub and the bonytail. These four endangered fish species are included in the Fish and Wildlife Services' Colorado fish recovery program which requires a payment of 15.95 per acre foot for each acre foot up to and including any excess of 100 acre feet of water consumed per year.***

VEGETATION

Regulatory Reference: R645-301-330, -301-331, -301-332.

Analysis:

The application includes information about protective measures for vegetation during the operation phase of mining activities that is formatted in accordance with R645-301-330, 331 and 332.

Findings:

The information in the application is adequate to meet the requirements of this section of the regulations.

RECLAMATION PLAN

POSTMINING LAND USES

Regulatory Reference: 30 CFR Sec. 784.15, 784.200, 785.16, 817.133; R645-301-412, -301-413, -301-414, -302-270, -302-271, -302-272, -302-273, -302-274, -302-275.

Analysis:

The information is reformatted in accordance with the R645 rules and includes a description of the post mining land use for the disturbed area as *"light industrial"*, (chapter 4, page 6 section 412.100). However chapter three, page 17, section 330 indicates that the postmining land use would be wildlife habitat for small mammals and songbirds. The applicant may choose to implement either one or both of the proposed post mining land uses and should revise the appropriate sections of the application accordingly.

Findings:

The information in the application is not adequate to meet the requirements of this section of the regulations. Prior to approval the following information must be provided in accordance with ; **R645-301-412, -301-413, -301-414, -302-270, -302-271, -302-272, -302-273, -302-274, -302-275**, ***The information is reformatted in accordance with the R645 rules and includes a description of the post mining land use for the disturbed area as light industrial, (chapter 4, page section 411.100). However chapter three, page 17, section 330 indicates that the***

postmining land use would be wildlife habitat for small mammals and songbirds. The applicant may choose to implement either one or both of the proposed post mining land uses and should revise the appropriate sections of the application.

PROTECTION OF FISH, WILDLIFE, AND RELATED ENVIRONMENTAL VALUES

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

Analysis:

The information is reformatted in accordance with the R645 rules and includes a description of the protection of the fish, wildlife and related environmental values. Section 358 is addressed under section 333 and section 342 is addressed under section 540

Findings:

The information in the application is adequate to meet the requirements of this section of the regulations.

CONTEMPORANEOUS RECLAMATION

Regulatory Reference: 30 CFR Sec. 785.18, 817.100; R645-301-352, -301-553, -302-280, -302-281, -302-282, -302-283, -302-284.

Analysis:

The information is reformatted in accordance with the R645 rules and includes a description of contemporaneous reclamation measures employed for those areas no longer need for the loadout activities. Additional information is included in section 540.

Findings:

The information in the application is adequate to meet the requirements of this section of the regulations.

REVEGETATION

Regulatory Reference: 30 CFR Sec. 785.18, 817.111, 817.113, 817.114, 817.116; R645-301-244, -301-353, -301-354, -301-355, -301-356, -302-280, -302-281, -302-282, -302-283, -302-284.

Analysis:

The information is reformatted in accordance with the R645 rules and includes a description of the revegetation measures to be implemented during reclamation. The revegetation measures are described in chapter 5, section 540, and pages 41-49.

Findings:

The information in the application is adequate to meet the requirements of this section of the regulations.

RECOMMENDATIONS:

The application is recommended for approval pending the applicant's response to the noted deficiencies.

O:\007022.SAV\FINAL\WG2955\jch2955.doc