

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

November 10, 2009

TO: Internal File

THRU: James D. Smith, Lead *JS 12/14/09*

FROM: *JH* Joe Helfrich, Ingrid Wieser, Biology, Land Use, Cultural Resources

SUBJECT: Wildcat Loadout Expansion, Andalex Resources Inc., Wildcat Loadout, Permit # C/007/0033, Project #3365

SUMMARY:

On April 30th, 2008 the Division received an application from Andalex Resources Inc. to expand the Wildcat Loadout facility. The 18.09 acre expansion was intended to facilitate the stockpiling and shipping of additional coal volumes. The facility is located in Carbon County 3 miles west on the Consumers road and can be located on the Standardville 7.5 minuet quadrangle map, Township 13 South, Range 9East, Section 33. The application included a mitigation plan for the removal of coal fines as well a coal stockpile expansion plan. On August 13, 2009 the Division received an application for the pending Division Order DO-04. Andalex Resources Inc. reduced the development of the 18.09 acre expansion to 6.35 acres. This memo will include a review of the Biology, Land Use and Cultural Resource sections of the application.

The application cannot be approved at this time. The following deficiencies need to be addressed prior to approval:

R645-301-331, 301-332, The application should include a commitment not to initiate construction until after July 1st 2010 or as recommended by a Division biologist based on site conditions.[JH]

R645-301-352, -301-553, -302-280, -302-281, -302-282, -302-283, -302-284; Appendix P, page 4 of the application needs to be revised to include broadcast seeding for the sediment pond and the coal fine removal areas. The following language is suggested: *"the areas associated with and including the sediment pond and coal fine removal as shown on plates 1A and 1B will be broadcast seeded using the interim seed mix described in figure three. Seeding will occur in the fall or as recommended by a DOGM biologist"*. [JH]

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R645-301-341.250, The application needs to include a commitment to consult with the Division prior to final reclamation to determine the status of the site in terms of coal fine accumulation and vegetation success. [JH]

TECHNICAL ANALYSIS:

ENVIRONMENTAL RESOURCE INFORMATION

OPERATION PLAN

VEGETATION

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

Analysis:

Critical Winter Elk habitat areas should be avoided when Elk are “physically present on the range” which is likely to occur between December and April? Also, construction activities should be avoided during critical Deer fawning seasons, which are from June to July each year. The application should include a commitment not to initiate construction until after July 1st 2010 or as recommended by a Division biologist based on site conditions.

Findings:

The information in the application is not adequate to meet the requirements of this section of the regulations, prior to approval the following must be provided in accordance with;

R645-301-331, 301-332, The application should include a commitment not to initiate construction until after July 1st 2010 or as recommended by a Division biologist based on site conditions.

RECLAMATION PLAN

GENERAL REQUIREMENTS

Regulatory Reference: PL 95-87 Sec. 515 and 516; 30 CFR Sec. 784.13, 784.14, 784.15, 784.16, 784.17, 784.18, 784.19, 784.20, 784.21, 784.22, 784.23, 784.24, 784.25, 784.26; R645-301-231, -301-233, -301-322, -301-323, -301-331, -301-333, -301-341, -301-342, -301-411, -301-412, -301-422, -301-512, -301-513, -301-521, -301-522, -301-525, -301-526, -301-527, -301-528, -301-529, -301-531, -301-533, -301-534, -301-536, -301-537, -301-542, -301-623, -301-624, -301-625, -301-626, -301-631, -301-632, -301-731, -301-723, -301-724, -301-725, -301-726, -301-728, -301-729, -301-731, -301-732, -301-733, -301-746, -301-764, -301-830.

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:

General

Appendix P, page 4 of the application needs to be revised to include broadcast seeding for the sediment pond and the coal fine removal areas. The following language is suggested: *“the areas associated with and including the sediment pond and coal fine removal as shown on plates 1A and 1B will be broadcast seeded using the interim seed mix described in figure three. Seeding will occur in the fall or as recommended by a DOGM biologist”.*

The application also needs to include a commitment to consult with the Division prior to final reclamation to determine the status of the site in terms of coal fine accumulation and vegetation success.

Findings:

The information in the application is not adequate to meet the requirements of this section of the regulations, prior to approval the following must be provided in accordance with, **R645-301-352, -301-553, -302-280, -302-281, -302-282, -302-283, -302-284;**

Appendix P, page 4 of the application needs to be revised to include broadcast seeding for the sediment pond and the coal fine removal areas. The following language is suggested: *“the areas associated with and including the sediment pond and coal fine removal as shown on plates 1A and 1B will be broadcast seeded using the interim seed mix described in figure three. Seeding will occur in the fall or as recommended by a DOGM biologist”.*

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The application needs to include a commitment to consult with the Division prior to final reclamation to determine the status of the site in terms of coal fine accumulation and vegetation success.

RECOMMENDATIONS:

The application is not recommended for approval at this time.

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