



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

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October 12, 1999

TO: File

THRU: Jim Smith, Project Lead *JDS*

THRU: Daron Haddock, Permit Supervisor *JAD*

FROM: Paul Baker, Reclamation Biologist *PBB*

RE: Proposal to Add Federal Lease, Canyon Fuel Company, Dugout Canyon Mine, ACT/007/039-SR99A, Folder #2, Carbon County, Utah

SUMMARY:

In a proposal received May 21, 1999, and modified August 4, 1999, Canyon Fuel Company is proposing to add 2416.14 acres of federal coal lease U-07064-027821 to its permit area. Additional areas would also be added as subsidence buffer zones.

Since no additional surface disturbance is proposed, this analysis does not consider the adequacy of the reclamation plan.

TECHNICAL ANALYSIS:

ADMINISTRATIVE INFORMATION

OWNERSHIP AND CONTROL INFORMATION

Regulatory Reference: R645-301-112

Analysis:

The application would not change most of this section of the plan, including the land ownership information, but some of this material needs to be modified. The plan only lists three owners of land, both surface and mineral, in the permit area. These are the State of Utah, the Bureau of Land Management, and Canyon Fuel, but two other entities, identified as Thayn and Conover on the revised Plate 1-1, would own surface land in the revised permit area. In addition, the plan includes names and addresses of owners of surface and mineral property contiguous to

the permit area, and some of these owners are not shown on Plate 1-1 or 1-2. These discrepancies need to be resolved.

The application would revise the section of the plan discussing interests in contiguous lands. The current plan discusses possible future permitting of the federal coal lease, but this would be eliminated. The application says the applicant does not intend to mine the state coal to the east of the permit boundary (revised boundary) during the current permit term.

Findings:

Information provided in the application is not adequate to meet the requirements of this section of the regulations. Prior to approval, the applicant must provide the following in accordance with:

R645-301-112.500 and R645-301-112.600, The application needs to be revised so land ownership information is consistent between the text and the maps.

VIOLATION INFORMATION

Regulatory Reference: R645-301-113

Analysis:

The lists of violations received by Canyon Fuel Company's operations has been updated. This information needs to be checked with the applicant violator system.

Findings:

Information provided in the application is adequate to satisfy the requirements of this section of the regulations.

RIGHT OF ENTRY

Regulatory Reference: R645-301-114

Analysis:

The right of entry section includes information about the federal coal lease that is being added to the permit area. This lease was approved in 1957 and readjusted effective January 1, 1997. On July 15, 1997, effective March 1, 1996, this lease was approved as part of the Soldier Creek Logical Mining Unit with Canyon Fuel Company as the unit operator. Most of the surface

of the federal coal lease is privately owned.

Part of the proposed addition to the permit area is federal, state, and private land, both surface and mineral, for which the applicant does not have right of entry; however, no coal mining is proposed for these areas. These areas are to be used as subsidence buffer zones.

Page 1-28 of Section 114 contains a discussion of acreage figures that needs to be clarified. The first part of this discussion apparently refers to surface ownership, but the application needs to make this clear. Although the application has this minor problem, the applicant has evidently checked the acreage figures to be sure they correlate and has clearly explained the one discrepancy.

Findings:

Information provided in the proposal is not considered adequate to satisfy the requirements of this section of the regulations. Prior to final approval, the applicant must supply the following in accordance with:

R645-301-114, Page 1-28 of Section 114 contains a discussion of acreage figures that needs to be clarified. The first part of this discussion apparently refers to surface ownership, but the application needs to make this clear.

UNSUITABILITY CLAIMS

Regulatory Reference: R645-301-115

Analysis:

The applicant is not aware of any unsuitability designation or proposal to designate the area unsuitable for mining. No operations would be conducted within 300 feet of an occupied dwelling, and the current mining and reclamation plan contains approval for mining within 100 feet of a public road.

The proposed addition to the permit area contains a few unimproved roads, mostly on private land. The current mining and reclamation plan contains commitments to repair material damage to these roads to a condition acceptable to both the private land owner and the applicant.

Findings:

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

PERMIT TERM, INSURANCE, PROOF OF PUBLICATION, AND FACILITIES USED IN COMMON

Regulatory Reference: R645-301-116 and -117

Analysis:

No changes are proposed for this section of the mining and reclamation plan. The applicant will need to submit a copy of the proof of publication when advertising is complete.

Findings:

Information provided in the proposal is considered adequate to meet the requirements of this section of the regulations. The applicant will need to submit a copy of the proof of publication when advertising is complete.

ENVIRONMENTAL RESOURCE INFORMATION

HISTORIC AND ARCHAEOLOGICAL RESOURCE INFORMATION

Regulatory Reference: R645-301-411.140

Analysis:

The application includes no new cultural resources information. The current mining and reclamation plan for the Soldier Canyon Mine contains a 1980 cultural resources inventory that included the proposed addition to the permit area. Not all of the area was examined for cultural resources. Instead, the survey concentrated on those areas where prehistoric or historic activities were most probably concentrated, particularly in the canyons.

The cultural resource survey located one isolated artifact and one historical site. The historical site is the Pace Canyon Mine, and it was determined to not be eligible for listing in the National Register of Historic Places.

The information in the Soldier Canyon plan is adequate and is available to the Division, but the Dugout plan needs to refer to this information.

Findings:

Information provided in the proposal is not adequate to meet the requirements of this

section of the regulations. Prior to final approval, the applicant must provide the following in accordance with:

R645-301-411.140, The application needs to either contain adequate cultural resources information or it needs to reference the Soldier Canyon mining and reclamation plan which contains this information.

VEGETATION INFORMATION

Regulatory Reference: R645-301-321

Analysis:

Vegetation in the proposed addition to the permit area is very similar to that in the current permit area. The applicant has added one new vegetation community designation to Plate 3-1. This community is called deciduous streambank vegetation and limited riparian vegetation. According to the text, heavy grazing and erosion in Pace Creek and Rock Creek Canyons have resulted in sections of the stream banks having little or no deciduous and/or riparian vegetation.

Since the applicant is not proposing additional disturbance, the information in the application and the current plan is acceptable.

Findings:

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

FISH AND WILDLIFE RESOURCE INFORMATION

Regulatory Reference: R645-301-322

Analysis:

Wildlife Information

The applicant has revised Plate 3-2 to include the proposed addition to the permit area. This plate shows one eagle nest in the proposed addition, and the plate has been updated to include results from the 1998 raptor survey. Plate 3-2 also shows high priority yearlong elk habitat and critical deer summer range in the new area. High priority winter ranges are to the south of the proposed addition. According to the text, the access roads in Pace Creek and Rock