



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

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August 10, 2001

TO: [REDACTED] Files

THRU: Stephen J. Demczak, Reclamation Specialist, Team Lead *SD for STD*

FROM: Susan M. White, Senior Reclamation Biologist *SMW*

RE: Dugout and Pace Canyon's Minor Exploration, Canyon Fuel Company, Dugout Mine [REDACTED] EX01B-1

SUMMARY:

The Division received a revised Notice of Intent to conduct exploration for the Dugout Mine on August, 6, 2001. The proposed exploration is on fee land with state coal within the Dugout Mine permit area. Two drill holes, DT-1 and DT-2 require Division review of the NOI. Drill hole DT-1 is scheduled to be drilled in 2001. Drill hole DT-2 is scheduled to be drilled in the summer of 2002. A saw-whet owl was heard near DT-2. DT-2 may not be drilled during the seasonal buffer or a survey may be conducted to determine if a nest is located within 300 meters of the drill location.

TECHNICAL ANALYSIS:

COAL EXPLORATION

OPERATIONAL STANDARDS

Regulatory Reference: 30 CFR 772.13; R645-202-100.

Analysis:

Biology

Minimal vegetation information is provided in the exploration Notice of Intent (NOI). A statement is provided in the NOI that the vegetation in the exploration area is dominated by

MINOR COAL EXPLORATION

pinyon-juniper, mountain shrubs, sagebrush-grass, conifer-aspen, and ponderosa pine communities. The vegetation map in the Dugout Canyon Mining and Reclamation Plan (MRP) show that drill locations DT-1 and DT-2 are within the deciduous streambank vegetation type.

Drill sites DT-1 and DT-2 are located within 20 feet of the drainage. The drainage is considered intermittent, drying only during the summer months¹. Pace Canyon drainage was monitored in 1978 and the Division's Electronic Water Database indicates the flow to be perennial that year. Pace Canyon appears to be a deep drainage within a well developed riparian zone.

The NOI states that because the drill holes are above 7,400 feet and the area has been heavily grazed, no threatened or endangered plant or animal species are believed to occur. EIS Environmental and Engineering Consulting conducted a survey of the proposed drill sites on June 21, 2001 for four species of concern: the loggerhead shrike, burrowing owl, canyon sweetvetch, and Creutzfeldt cryptanta. The inventory found no suitable habitat for any of the species except the canyon sweetvetch. The sweetvetch was not found within any of the areas to be disturbed.

A survey for the Mexican spotted owl was conducted in Pace Canyon June 18 to July 3, 2001 by EIS Environmental and Engineering Consulting. The survey was conducted using established protocol for the owl. The Mexican spotted owl was not located by the survey even though suitable habitat exists.

The EIS survey did document two saw-whet owls responses. One saw-whet owl was heard near drill hole DT-2. The Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances (Laura Romin and James Muck, May 1999, U.S. Fish and Wildlife Service, Utah Field Office, Salt Lake City) require a 0.25 mile seasonal buffer from March 31 to August 31 for this species. Chris Colt, UDWR², stated that the survey did not locate an owl nest but only the owl's response to a call. The survey did not attempt to locate saw whet owl nests. Mr. Colt stated that if young owls were present then they should be mobile by July 15 in this area. However, Mr. Colt recommended that a one or two night survey is conducted within a 300 meter perimeter of drill pad DT-2 prior to drilling. Limiting drilling to after August 31 or surveying to be sure no nest occurs within 300 meters of the drill pad will ensure compliance with the Migratory Bird Treaty Act.

Cliff nesting raptor inventory data is not provided. The NOI commits to no drilling until after July 15 to avoid the raptor nesting period. The area is within critical mule deer summer range, but not within the critical fawning period.

¹Phone conversation with Mike Stevenson, ARCH on July 12, 2001.

²Phone conversation on August 10, 2001.

The land use is grazing, logging, and wildlife habitat. Although, I have never visited Pace Canyon, visits to adjacent areas show heavy grazing, logging, and extensive road building for logging operations.

Topsoil

Only general soils information is provided in the NOI. The applicant does commit to removing topsoil and vegetation, storing, protecting, and replacing the soil and vegetation during reclamation. The Division has not required operators to remove the soil on flat road accesses but simply to rip the soil deeply at reclamation.

Findings:

The information provided in the proposed Notice of Intent is not considered adequate to meet the requirements of this section. Prior to approval, the operator must provide the following in accordance with:

R645-202-231, drilling of DT-2 is limited to after August 31 but prior to March 1 or a survey may be conducted to be sure no saw-whet owl nest occurs within 300 meters of the drill pad.

RECLAMATION STANDARDS

Regulatory Reference: 30 CFR 772.13; R645-202-200.

Analysis:

Revegetation

After topsoil replacement, the site will be lightly roughened and then seeded. The Division recommends the use of extreme surface roughening. Extreme roughening reduces or eliminates surface water runoff and retains the water on site for seed germination and plant growth. In addition, it greatly reduces the occurrence of off-road vehicle vandalism.

The below listed seed mixture will be used except Northern sweetvetch is not available in the 2001 seed year. An attempt should be made to include this sweetvetch seed in the 2002 application.

MINOR COAL EXPLORATION

<u>Species</u>	<u>PLS lbs/Acre</u>
Western wheatgrass (<i>Agropyron smithii</i>)	2
Bluebunch wheatgrass (<i>Agropyron spicatum</i>)	2
Indian ricegrass (<i>Oryzopsis hymenoides</i>)	2
Thickspike wheatgrass (<i>Agropyron lanceolatus</i>)	2
Kentucky bluegrass (<i>Poa pratensis</i>)	0.5
Northern sweetvetch (<i>Hedysarum boreale</i>)	1
Pacific aster (<i>Aster chilensis</i>)	0.1
Fourwing saltbush (<i>Atriplex canescens</i>)	2
Bitterbrush (<i>Purshia tridentata</i>)	2
Total	13.6

Findings:

The information provided meets the minimum regulatory requirements of this section.

RECOMMENDATIONS:

Prior to approval, the requirements of R645-202-231 must be addressed or this deficiency may be added as a stipulation since DT-2 will not be drilled until 2002.