

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

September 3, 2008

TO: Internal File

THRU: Steve Demczak, Lead *SD by an*

FROM: Joseph C. Helfrich, Environmental Scientist/Biology/Land use/Cultural resources *JCH*

RE: Minor Coal Exploration Plan, Ark Land Company, Dugout Mine, C/007/0039, Task ID #3037

SUMMARY:

On August 19, 2008 the Division received an application from Ark Land Company to drill two coal exploration holes on private land during the fall of 2008. The exploration holes will be completed by the use of rubber tired drill rigs. The 2 exploration sites can be located on the Mount Bartles and Pine Canyon 7.5 minuet quadrangle maps, township 13 south range 13 east in sections 29 and 30.

This memo will address the Biology and Cultural Resource and Land use sections of the regulations.

EXPLORATION TECHNICAL ANALYSIS:

OPERATIONAL STANDARDS

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

Analysis:

Biology

Page 6 of the application describes the vegetative communities in the exploration sites as mountain brush, pinyon-juniper and sagebrush. According to the survey preformed by Pat Collins of Mt. Nebo Scientific there were no threatened, endangered or sensitive plant or animal species located within the proposed drill site locations.

TECHNICAL MEMO

The application also includes the following wildlife information in Appendix A:

- A current list of Threatened and Endangered plant, animal and fish species,
- A statement regarding the absence of Threatened and Endangered and Sensitive species, (plant, fish and animal), and a rationale for their absence that may be located within the proposed drill site locations,
- Vegetation and wildlife maps 3-1 and 3-2 that include the location of the proposed drill sites are found in volume three of the MRP,
- A 2007 raptor survey indicating that there are no active nests within ½ mile of the proposed drilling locations,
- A 2007 Northern Goshawk survey. The calling survey conducted over a period of four weeks indicated that there were no responses from Goshawks. There were no nests located within ½ mile of the proposed drill site locations.
- A calling point survey was also conducted for the Mexican Spotted Owl. There were no responses according to the results of the survey.

The Bald Eagle may visit the area during winter periods of migration. Eagles do not typically nest in Utah, although there are eight known nesting pairs in the state. The exploration activities are scheduled for September of 2008 and would not affect the birds. There are no threatened or endangered or sensitive plant or animal species located in the proposed drill hole locations. Sensitive wildlife species include the Spotted Bat, Townsend's Big Eared Bat, the Northern Goshawk, Flamulated Owl and Three Toed Woodpecker. There is suitable habitat for the Goshawk, and three toed Woodpecker, and marginal habitat for the Flamulated Owl in the mixed conifer forests on the north facing slopes of the drainages. Since the exploration sites are located in open areas these species' habitats would not be affected by the drilling activities. Management Indicator Species include Elk, MuleDeer, the Northern Goshawk, Golden Eagle and Macroinvertebrates. According to the report they would not be affected by the helicopter-drilling project.

The drilling activities are scheduled for the 15th of September, which is not during any wildlife exclusionary periods.

Findings:

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

HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION

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

Analysis:

The application includes a site-specific cultural resource evaluation for the proposed drill hole locations. (Senco-Phoenix report No. SPUT-577, Appendix B). A class three pedestrian survey was completed on July 19th and 24th of 2008. The project area covered a 110 acre pedestrian survey of the proposed drill hole locations. The 2 exploration sites can be located on the Mount Bartles and Pine-Canyon 7.5 minuet quadrangle maps, township 13 south range 13 east in sections 29 and 30. The project areas are located within the Pace Creek and Dugout Creek drainages.

According to the survey there were no known districts, sites, buildings, structures, or objects listed on or eligible for listing on the National Register of Historic Places. The survey results also provided a finding of "no historic properties affected". A copy of the survey was forwarded to the State Historic Preservation Office. The Division received their concurrence from the SHPO by way of "E" mail correspondence on September 10, 2008.

Findings:

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

RECLAMATION STANDARDS

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

Analysis:

Revegetation

The application includes a seed mix to be used in reclamation of the drill sites as outlined on page 9 of the application. The seed mix was approved by the division for the Granger Ridge project and is applicable to the locations for the proposed drill sites.

Findings:

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

TECHNICAL MEMO

RECOMMENDATIONS:

The application is recommended for approval.

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