

#3531

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# TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

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May 6, 2010

TO: Internal File

THRU: Steve Christensen, Lead *Site*

FROM: Ingrid Wieser, Environmental Scientist II *on my SGS*

RE: Add Degas Well G-30, Canyon Fuel Company LLC, Dugout Canyon Mine, Permit # C/007/0039, Task ID #3531

## SUMMARY:

On April 13, 2010, Canyon Fuel Company submitted an amendment to the Division to include well site G-30 in the Dugout Canyon Mine permit area. The application includes a report on the vegetation and threatened or endangered species present in the area. The archaeological information was provided in a previously submitted report located in the confidential section of the official M&RP for Dugout Canyon Mine.

This application is not recommended for approval. The applicant must address the following deficiency prior to approval in accordance with:

**R645-301-321:** Please update figure 3-2 to include proposed well site G-30 and all other un-reclaimed well pad locations.

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**TECHNICAL ANALYSIS:**

**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:**

Archeology report SPUT 577 is located in the confidential binder of the approved M&RP. It was submitted with a previous amendment and includes the G-30 well area. Two isolated sites were located but not eligible for listing in the National Historic Register. The Division made the determination of No Effect on cultural resources or properties. The Utah State Historic Preservation Officer concurred with that decision on April 6, 2009 (see 2009 Incoming 0020).

**Findings:**

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

**VEGETATION RESOURCE INFORMATION**

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

**Analysis:**

Patrick Collins of Mt. Nebo Scientific surveyed the vegetation of the proposed site and summarized the findings into a report in November of 2009. CFC submitted the report in attachment 3-1. According to the Mt. Nebo Scientific report, the proposed well pad and access road contain a Sagebrush/grass community with encroaching Mountain Brush and mixed conifer vegetation. The site consisted of big sagebrush, snowberry, penstemon, lupine, bluegrass and Nelson's needlegrass. The total living cover was 65.50%. Woody species density was 4,611.

Dean Stacy of NRCS estimated the vegetative production of the site in 2008. A letter from Mr. Stacy is included in attachment 3-1. The letter indicates that Mr. Stacy made the

determination of production by assessing photos of the area and recent climatic conditions. The letter states that site G-30 lies within a Mountain Shallow Loam (Mountain Big Sagebrush) area. He estimated that site G-30 would produce approximately 1,500 pounds per acre.

The location of Vegetation reference areas and associated well pads are located on figure 3-1 which has been updated to include well G-30. Plant communities and well pad locations are shown on figure 3-2. However, figure 3-2 has not been updated to include G-30.

**Findings:**

The information provided is not considered adequate to meet the minimum regulatory requirements for this section. Prior to approval, the applicant must provide the following in accordance with:

**R645-301-321:** Please update figure 3-2 to include proposed well site G-30 and all other un-reclaimed well pad locations.

**FISH AND WILDLIFE RESOURCE INFORMATION**

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

**Analysis:**

Aerial Raptor surveys were conducted in the area of proposed well pad G-30 from 2003 to 2008. No nests were found during those surveys. The site contains very limited habitat for raptors. Possible bat habitat (a pond labeled Site #7 from the JBR Environmental report) exists more than a half mile from the proposed well pad G-30.

**Findings:**

The information provided in the application is considered adequate to meet the minimum regulatory requirements for this section.

**LAND-USE RESOURCE INFORMATION**

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

**Analysis:**

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The land use for all well sites is listed on page 4-1 of the M&RP. It states that the areas are currently used by private landowners for hunting, and open range for livestock and wildlife.

**Findings:**

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

## **OPERATION PLAN**

### **FISH AND WILDLIFE INFORMATION**

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

**Analysis:**

#### **Protection and Enhancement Plan**

CFC proposes to drill between September and October. This is outside the range of critical wildlife exclusionary periods, so the disturbance should not affect wildlife. CFC completed an enhancement project for Northern Saw Whet Owls in 2009 in consultation with the Division and Tony Wright of DWR. This project included placing signs on over thirty snags that would deter loggers and landowners from cutting them down. The snags will provide more nesting habitat for owls.

Further enhancement will occur during reclamation of the well sites by establishing vegetation and habitat for wildlife.

#### **Endangered and Threatened Species**

Table 7 in the Vegetation and Sensitive Species report (attachment 3-2) lists no threatened or endangered plant or wildlife species or their habitat in the vicinity of proposed pad G-30.

Utah Division of Wildlife Resources sensitive species biologist, Anthony Wright, reviewed the permit area and determined that potential goshawk habitat existed in portions of sections 17 and 21. Well G-30 is located in section 29 and consists primarily of sagebrush.

### **Bald and Golden Eagles**

Raptor surveys conducted by DWR between 2003 and 2008 and by private consultants in 2009 revealed no raptor nests within or around proposed well pad G-30.

Page 3-6 of the M&RP states that a spring raptor survey will be conducted within ½ mile of each active well pad each year.

### **Wetlands and Habitats of Unusually High Value for Fish and Wildlife**

According to the vegetation survey conducted by Mt. Nebo Scientific, no wetlands exist within the G-30 well site.

#### **Findings:**

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

## **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:**

According to the official M&RP, page 3-25, the postmining land use for all well sites is grazing and pasture land.

#### **Findings:**

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

### **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.

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**Analysis:**

**Revegetation: General Requirements**

CFC will reclaim site G-30 in one phase which will include backfilling and grading, redistributing topsoil and reseeding. The seed mix to be used is listed in Table 3-2 on page 3-22 of the M&RP.

**Revegetation: Timing**

The reclamation timetable is shown on figure 5-26 and in chapter 3 of the official M&RP.

**Revegetation: Mulching and Other Soil Stabilizing Practices**

CFC plans to salvage vegetation with the removal of the topsoil and use it as a mulch when the topsoil is redistributed. Additional mulch may be used after seeding if necessary.

**Revegetation: Standards For Success**

Patrick Collins of Mt. Nebo Scientific chose the reference area for G-30. (see Attachment 3-1). Dr. Collins chose the Mountain Brush/Sagebrush/ Snowberry reference area that had previously been established for other well sites.

**Findings:**

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

**RECOMMENDATIONS:**

This amendment is not recommended for approval at this time.