

#4054
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TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

April 11, 2012

TO: Internal File

THRU: Steve Christensen, Lead *SC*

FROM: Ingrid Campbell, Biologist/Cultural Resources *UC*

RE: Addition of 50 Acres to Permit Boundary, Canyon Fuel Company, Dugout Mine, Permit C007/0039, Task ID #4054

SUMMARY:

On March 15, 2012, the Division received an application from Canyon Fuel Company (CFC) to add 50 acres to the Dugout Mine Permit Boundary. This boundary addition would enable CFC to mine the Gil 4b East and West panels located in portions of sections 23, 25 and 26 T13SR12E by continuous mining as development mining. The pillars will remain following mining and no subsidence is anticipated.

R645-301-358: Please revise or remove the inserted paragraph on page 3-25 of the application. The area still must be surveyed for raptor activity over areas that could be impacted by subsidence regardless of previous nest status. Inactive or dilapidated nests can become active in the future and new nests could be constructed in the area.

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TECHNICAL ANALYSIS:

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:

Bald and Golden Eagles

Canyon Fuel Company added text on page 3-25 stating that nests in the vicinity of the 50 acre expansion area were last surveyed by DWR in 2006. The application stated that, "During the surveys in 2002 through 2006, one nest could not be located, one continued to be inactive and one was considered dilapidated therefore the DWR deemed it unnecessary to survey the area of the nests after 2006. There is no letter or documentation of this statement from DWR. Regardless, inactivity does not guarantee that the territory will remain inactive in the future. All areas that could be impacted from subsidence must be surveyed for raptor activity prior to mining according to the Division's Raptor survey guidelines. The 50 acre expansion does include areas that will be mined with a continuous miner rather than longwalling, but it is adjacent to areas that will be longwalled and to cliff escarpments (according to plate 3-3). This text must be removed from the application. The area should be surveyed for raptor activities over longwall panel areas.

Findings:

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

R645-301-358: Please revise or remove the inserted paragraph on page 3-25 of the application. The area still must be surveyed for raptor activity over areas that could be impacted by subsidence regardless of previous nest status. Inactive or dilapidated nests can become active in the future and new nests could be constructed in the area.

RECOMMENDATIONS:

This application is not recommended for approval at this time.