

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

March 8, 2005

TO: Internal File

THRU: Pamela Grubaugh-Littig, Permit Supervisor

THRU: Wayne Western, Team Lead

FROM: Joe Helfrich, Biologist

RE: Penta Creek Fee Lease IBC, West Ridge Mine, C/007/0041 Task # 2172

SUMMARY:

On June 4, 2004 the Division received an application for an incidental Boundary change from West Ridge Resources Inc. The proposed IBC was intended to add 50 acres of the Penta Creek Fee Lease to the West Ridge mine. The IBC can be located on the 7.5minute Sunnyside quadrangle map, T14S, R14E, section 7, SE1/4, SW1/4 and SW1/4, NE1/4, SW1/4. This permit change did not include any surface disturbance as it was intended to address the addition of the 50 acres of fee coal to the current permit. The application was withdrawn and returned to the permittee on February 22, 2005. On March 7, 2005 the permittee resubmitted an incidental boundary change to add certain Penta Creek areas adjacent to the Grassy Trail Reservoir to the permit. This IBC can also be located on the 7.5minute Sunnyside quadrangle map, T14S, R14E, portions of section 6, Lot 7, SE1/4SW1/4 section 7, Lot 1, Lot 2, NE1/4NW1/4, E1/2SW1/4, WS1/4SE1/4, and section 18 Lot 2, Lot 3, NW1/4NE1/4. This memo will address the biology and land use sections of the technical analysis.

TECHNICAL MEMO

TECHNICAL ANALYSIS:

GENERAL CONTENTS

MAPS AND PLANS

Regulatory Reference: 30 CFR 777.14; R645-301-140.

Analysis:

Wildlife maps for the Biology section of the application include Appendix 3-9A, the Mexican Spotted Owl Habitat, 3-1 is the General Vegetation Communities map, 3-4A is the Raptor Survey map for 1997 and 1998, Appendix 3-2A includes a 2004 raptor survey of the proposed IBC area. Maps 3-4B, C, And D identify the Deer, Elk and Antelope Ranges. Land use and Surface ownership maps are identified as maps 4-1 and 5-2. The proposed IBC lies within the Grassy Trail Allotment and the Penta Creek/Magnificent Seven are the surface owners. The U. S. A. areas on the surface ownership map are further identified as Bureau of Land Management properties. Map 4-2 includes an Archeological denotation and survey. The legend includes the map features.

Findings:

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

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:

The historic and archeological resource information is referenced in volume one chapter 4, pages 4-2 and 3 of the approved MRP. An order one survey or Summary of Archeological

studies of the proposed West Ridge Project area are included in Appendix 4-3. A determination of no historic properties by the State Historic Preservation Office (SHPO) is included in appendix 4-2 of the MRP. The proposed permit area includes no cemeteries, trails in the National Trails System, rivers in the Wild and Scenic Rivers System, or public parks.

Findings:

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

VEGETATION RESOURCE INFORMATION

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

Analysis:

Vegetation communities are identified on map 3-1, (general vegetation communities), of the application. They include Aspen, Sagebrush\Grass\Herbland, Mountain Brush and Riparian. As there is no surface disturbance proposed with this permitting action there would be no potential impacts to the vegetative communities from mining activities. The underground mining activities will be limited to gate-road development only with little or no subsidence anticipated. As such potential impacts from gate-road development would be negligible. The application also includes a list of possible threatened, endangered and candidate plant species identified in the U. S. Fish and Wildlife Service listing for Carbon County.

Findings:

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

FISH AND WILDLIFE RESOURCE INFORMATION

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

Analysis:

The fish and wildlife information is provided for in chapter three of the application. Included are:
Appendix 3-9A containing a letter from the DWR and a map regarding the Mexican Spotted Owl habitat,

TECHNICAL MEMO

Map 3-1, the General Vegetation Communities, Appendix 3-2A, the 2004 Raptor Survey map, Map 3-4B Deer Range, map 3-4C Elk Range, map 3-4D Antelope Range and, Appendix 3-4A, the current list of Threatened, Endangered, and candidate plant and wildlife species for Carbon County. The wildlife species located within the proposed IBC are identified on Maps 3-4B, C, D and Appendix 3-2A. A current list of Threatened, Endangered, and candidate wildlife species for Carbon County has been included in the application. As there is no surface disturbance proposed with this permitting action there would be no potential impacts to the wildlife species from mining activities. The underground mining activities will be limited to gate-road development only with little or no subsidence anticipated. As such impacts from gate-road development would be negligible.

Findings:

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

LAND-USE RESOURCE INFORMATION

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

Analysis:

A description of the land use is provided for in section 4-1 of the approved MRP. A land use map, 4-1, is included in the application and is reviewed under the maps and plans section of this technical review.

Findings:

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

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

Volume 1 chapter 3 Pages 3-7 and 8 of the approved MRP describe the protection plan for minimizing impacts to wildlife and livestock as a result of anticipated effects of subsidence. West Ridge Resources has committed to conducting infrared aerial photography every five years in areas of potential subsidence. The underground mining activities in this application will be limited to gate-road development only with little or no subsidence anticipated. As such impacts from gate-road development would be negligible.

Endangered and Threatened Species

Potential water depletions from mining operations may have an affect on endangered fish species identified in pertinent fish recovery programs. Volumes of water consumed in mining processes in excess of 100acre feet/year require mitigation with the U. S. Fish and Wildlife Service. Calculations of current water depletions from mining activities are provided for in Appendix 7-7 of the approved MRP. It is estimated the mine would use 21,804,600 gallons or about 67 acre-feet per year. This includes evaporation from ventilation, washdown, culinary uses, and what would be used by the longwall, continuous miner, and roof bolter. Above one hundred-acre feet per year, the Fish and Wildlife Service would require a mitigation fee.

Bald and Golden Eagles

Bald Eagles do not nest in the area but are typically inhabitants during migration. Included in the application is a current raptor survey, (2004), listed as Appendix 3-2A. According to the survey there is no Golden Eagle nests located in or within ½ mile of the proposed IBC gate-road development area. The underground mining activities will be limited to gate-road development only with little or no subsidence anticipated. As such impacts to raptors from gate-road development would be negligible.

Wetlands and Habitats of Unusually High Value for Fish and Wildlife

Chapter 3, map 3-1 of the application outlines the riparian communities located in Whitmore Canyon and portions of the permit area. Appendix 3-12, (Riparian Plant Community Survey at Grassy Trail Creek), includes a description and vegetation inventory of the riparian communities associated with Grassy Trail Creek. The 50-acre lease addition includes some minor riparian areas along the northeast boundary. The proposed gate-road development would neither transect nor be located within the angle of draw of the riparian areas nor would there be any extraction or secondary mining.

TECHNICAL MEMO

Findings:

The information in the approved MRP and application is adequate to meet the requirements of these sections of the regulations.

VEGETATION

Regulatory Reference: R645-301-330, -301-331, -301-332.

Analysis:

The vegetative communities are discussed in volume 1 chapter 3 page 3-2 of the approved MRP. Additional information is included appendix 3-12 of the application. West Ridge Resources has committed to conducting infrared aerial photography every five years in areas of potential subsidence.

Findings:

The information in the application is adequate to address the minimum requirements of this section of the regulations.

RECOMMENDATIONS:

The application is recommended for approval.