

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

July 7, 2009

TO: Internal File

THRU: Daron Haddock, Permit Supervisor *DGH*

FROM: Ingrid Wieser, Environmental Scientist II, Lead *IW*

RE: Permit Change to Include Lease Modification, West Ridge Resources Inc, West Ridge Mine, C/007/0041 and Task ID # 3294

SUMMARY:

On May 14, 2009, West Ridge Resources sent the Division an application for a permit change. The change involved including a new portion of Lease UTU-78562 to the permit boundary. The new area consists of 602.91 acres in sections 34 and 35 of T 13S R 13E. All activity in this area will be underground with no surface disturbances predicted other than subsidence.

The following deficiencies were identified by the Division in accordance with :

R645-301-140 and R645-301-320: Vegetation information needs to be included over the entire permit area as shown on Map 3-1.

R645-301-113: Please update the violation information located in Appendix 1-2

R645-301-130: Please provide all technical information including the date the information was gathered for the cultural resource file search and other surveys.

R645-301-140: Map 1-0 should be updated to reflect the current acreage value of the permit area listed at the bottom of the map.

Map 3-1 needs to include vegetation communities over the entire permit area.

R645-301-411: Please clarify the eligibility of site 42CB-317 for listing in the National Register of Historic Sites. The site is located in a potential subsidence zone and may be eligible according to the file search performed by Senco-Phenix.

R645-301-320: Include and incorporate the baseline infrared photographs of the old and proposed new permit area mentioned on page 3-8 of the MRP.

TECHNICAL ANALYSIS:

GENERAL CONTENTS

IDENTIFICATION OF INTERESTS

Regulatory Reference: 30 CFR 773.22; 30 CFR 778.13; R645-301-112

Analysis:

The West Ridge mining and reclamation plan includes the following in accordance with R645-301-112:

- A statement that the company is a corporation organized and existing under the laws of Utah and qualified to do business in Utah.
- The name, address, telephone number and employer id number of the applicant
- The company will pay the abandoned mine fee
- Each person who owns or controls the applicant is listed and additional information is located in Appendix 1-5 and 1-7.
- The application number is located in Appendix 3-5
- Surface and subsurface property owners are listed
- MSHA numbers are listed in appendix 1-5
- A statement is made that there are no pending interests or bids existing on lands contiguous to the present leased area

No information has been changed pertaining to Identification of Interests resulting from this amendment.

Findings:

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

VIOLATION INFORMATION

Regulatory Reference: 30 CFR 773.15(b); 30 CFR 773.23; 30 CFR 778.14; R645-300-132; R645-301-113

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Analysis:

The West Ridge Mining and reclamation plan includes the following information in accordance with R645-301-113:

- A statement that the company has not had a federal or state permit to conduct coal mining and reclamation operations suspended or revoked in the five years preceding the date of submission and has not forfeited any performance bond or security.
- A listing of violations received by the applicant is in appendix 1-2.

The violations listed in Appendix 1-2 are not up to date.

Findings:

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

R645-301-113: Please update the violation information located in Appendix 1-2.

RIGHT OF ENTRY

Regulatory Reference: 30 CFR 778.15; R645-301-114

Analysis:

The permittee updated the right of entry information because of the amendment. The federal coal lease UTU 78562 has been included in the permit area description and the total permit area acreage has been updated to 6,717.80 acres. The disturbed area has not changed.

Findings:

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

LEGAL DESCRIPTION AND STATUS OF UNSUITABILITY CLAIMS

Regulatory Reference: 30 CFR 778.16; 30 CFR 779.12(a); 30 CFR 779.24(a)(b)(c); R645-300-121.120; R645-301-112.800; R645-300-141; R645-301-115.

Analysis:

The legal description of the permit area, federal lease and ROW properties, and surface ownership has been updated to include the new lease area.

Findings:

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

PUBLIC NOTICE AND COMMENT

Regulatory References: 30 CFR 778.21; 30 CFR 773.13; R645-300-120; R645-301-117.200.

Analysis:

The amendment is not considered a significant revision to the plan, and therefore, does not need public notice and comment.

Findings:

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

REPORTING OF TECHNICAL DATA

Regulatory Reference: 30 CFR 777.13; R645-301-130.

Analysis:

Most technical reports submitted with the amendment application include the names of persons or organizations that collected and analyzed the data, dates of collection and analysis of the data and descriptions of the methodology used to collect and analyze the data.

The archaeological report submitted with the amendment does not list the dates of data collection.

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Findings:

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

R645-301-130: Please provide all technical information particularly regarding the cultural resource report including the date the report was prepared and the names of researchers responsible.

MAPS AND PLANS

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

Analysis:

The following maps were updated to include the modified permit boundary.

- Map 1-0 Permit Map: The acreage of the permit area listed at the bottom has not been updated.
- Map 1-1 Location Map
- Map 2-1 Regional Soil Map: The soil information is shown over the entire updated permit area
- Map 3-1: General Vegetation Communities: The vegetation community information does not cover the entire updated permit area.
- Map 3-4 A: Wildlife Map-Raptor Survey: This map needs to be marked "Confidential" and moved to the confidential binder.
- Map 3-4B Wildlife Map-Deer Range: The Critical Summer, winter high priority and critical winter ranges for deer are depicted over the entire updated permit area.
- Map 3-4C Wildlife Map-Elk Range: The high value year long, winter high value and substantial winter range have been depicted over the entire updated permit area.
- Map 3-4D Wildlife Map- Antelope Range: The high value year long antelope range is shown; none exists on the updated permit area.
- Map 4-1 Existing Land use:
- Map 4-2 Archeology Map: This map depicts the modified lease boundary and the archeology survey boundaries. This map needs to be moved to the confidential binder.
- Map 5-2 Surface Ownership Map
- Map 5-3 Subsurface Ownership Map

- Map 5-4A Mining Projections: This map includes mining projects planned for the new lease area.
- Map 5-4B Mining Projections (Extended Reserves):
- Map 5-7 Subsidence Map
- Map 6-1 Regional Geology Map
- Map 6-2 Coal Seam Structure Map
- Map 6-3 Lower sunnyside Coal seam isopach map
- Map 7-3 Water Rights
- Map 7-5 Seep/Spring survey map
- Map 7-6 Hydrological Monitoring Map (Historical Monitoring locations.
- Map 7-7 Operational Monitoring Locations

Findings:

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

R645-301-140: Map 1-0 should be updated to reflect the current acreage value of the permit area listed at the bottom of the map.

Map 3-1 needs to include vegetation communities over the entire permit area.

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 permittee included in the lease modification application a file search and list of intensive cultural resource surveys pertaining to the west ridge mine permit area. The file search was conducted online at the Utah Division of State History website at the Prive River Field Office BLM by Senco-Phenix Archeological Consultants. No date is listed as to when this file search occurred and this deficiency is addressed under reporting of technical data. Studies

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examined by Senco-Phenix revealed that “significant prehistoric archeological sites are most likely to be found in areas with permanent water within Pinyon-Juniper vegetation zones.

One cultural resource survey took place in a portion of the expansion area. This survey was conducted in 1984 by Nickens and Associates and is mapped on Map 4-2. The survey area is located on the NE ¼ of Section 34 and the N ½ Section 35. No cultural resources were located.

Other cultural resource surveys were also listed in the permit area and only one had a potential eligible site. In 1981, a survey was performed by the USHS in a portion of section 1. One site was located and was not considered eligible. According to the current file search by Senco-Phenix, the “site should be considered eligible pending re-examination”. This site is located in a potential subsidence zone above a panel that is proposed to be mined in 2011. The eligibility of this site needs to be clarified.

Findings:

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

R645-301-411: Please clarify the eligibility of site 42CB-317 for listing in the National Register of Historic Sites. The site is located in a potential subsidence zone and may be eligible according to the file search performed by Senco-Phenix.

VEGETATION RESOURCE INFORMATION

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

Analysis:

No vegetation information has been updated or changed as a result of this amendment. Vegetation information is required over the entire permit area including the lease expansion area. Appendix 3-1 includes a report on the plant communities on the west ridge mine project area completed in 1997. This report included a survey of the vegetation that was planned to be disturbed as well as the associated reference area. Appendix 3-1A includes a report of the vegetation of an additional Douglas/Fir Maple community reference area. Vegetation communities were mapped on Map 3-1 using color aerial photos identifying six communities. This map does not include vegetation communities over the entire permit area.

Riparian areas exist in Whitmore Canyon and other drainages within the expansion area. These areas are considered high value habitat for fish and wildlife. A riparian vegetation inventory was conducted in Whitmore Canyon in 2003 and is located in Appendix 3-12.

No surface disturbances will occur in the new expansion area. Therefore, the only potential harm to vegetation would occur as a result of subsidence. The subsidence mitigation measures section begins on page 3-7 of the MRP. West Ridge Resources has committed to conducting infrared photography in areas of potential subsidence as a means of collecting baseline information with regard to vegetation. The photography will continue once every five years to document change in vegetation during mining. The baseline photos are not located in the MRP and possibly do not exist.

Findings:

R645-301-320: Vegetation information needs to be included over the entire permit area as shown on Map 3-1.

Include and incorporate the baseline infrared photographs of the old and proposed new permit area mentioned on page 3-8 of the MRP.

FISH AND WILDLIFE RESOURCE INFORMATION

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

Analysis:

No fish and wildlife resource information has been updated or changed as a result of this amendment.

The MRP lists several wildlife species that occur within and around the permit area including mule deer, pronghorn, cougar, cottontail rabbits, jackrabbits, snowshoe hare, chukar, ruffed grouse and elk.

Appendix 3-3 lists species that potentially occur in the West Ridge area compiled by DWR. The 2008 raptor survey conducted by DWR is included in the amendment. No raptor nests are located in the expansion area.

The description of the Riparian area and corresponding high value habitat is located in chapter 3 of the approved MRP. Since no surface disturbances will occur in the expansion area,

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and mining will be at a depth greater than 2000', no impacts should occur. The permittee has committed to mitigating any subsidence related damage to seeps and springs in the permit area.

Findings:

This information 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:

Land- use information is found on page 4-1 of the MRP. No information in chapter 4 has been added or modified as a result of this amendment. Premining land use of the west ridge permit area includes grazing, wildlife habitat, and coal mining and recreation activities. Carbon County zoned the area as mining and grazing.

Findings

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

OPERATION PLAN

PROTECTION OF PUBLIC PARKS AND HISTORIC PLACES

Regulatory Reference: 30 CFR784.17; R645-301-411.

Analysis:

No public parks or historic places have been identified in the permit area or in the expansion area.

Findings:

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

SUBSIDENCE CONTROL PLAN

Regulatory Reference: 30 CFR 784.20, 817.121, 817.122; R645-301-521, -301-525, -301-724.

Analysis:

Renewable Resources Survey

As stated on page 5-15 of the MRP, no renewable resource lands have been located in or adjacent to the permit area. No information for this section has been modified or added as a result of this amendment.

Findings:

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

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

Not TES species exist within the permit area. The only effects to wildlife and high value habitat would be from subsidence. Page 3-8 of the MRP explains that all mining that will occur below the riparian areas in Whitmore Canyon will occur at a depth of 2000 feet or greater. Due to the great depth of mining, very little subsidence effects should occur to the riparian areas.

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Endangered and Threatened Species

The MRP states that no T&E species occur within the project area. Appendix 3-4 includes a letter from EIS regarding TES species in the west ridge permit area. Canyon Sweetvetch was identified in section 10, but will not be affected. Appendix 3-4B includes an updated T&E species list and description of habitat from Mt. Nebo Scientific. Whitmore Canyon contains an intermittent stream.

Bald and Golden Eagles

No bald or Golden Eagle's have been located in or near the new expansion area. West Ridge resources has committed to notifying the Division if any new nests or raptors are identified.

Wetlands and Habitats of Unusually High Value for Fish and Wildlife

Riparian areas are present within the permit area and are depicted on Map 3-1. All mining will occur at a depth greater than 2000' and therefore, will have little to no impact on vegetation or wildlife.

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:

Post mining land use information can be found on page 4-5 of the MRP. No information in chapter 4 has been modified or added as a result of this amendment. Post mining land use will remain the same as the premining land use of wildlife habitat, grazing and limited recreational activities. The postmining land use will be achieved through site monitoring, remedial actions including regarding, reseeding, remulching and replanting. Fencing will be used to restrict access and grazing on the site until final bond release.

Findings:

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

PROTECTION OF FISH, WILDLIFE, AND RELATED ENVIRONMENTAL VALUES

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

Analysis:

No information was not modified or added as a result of this amendment. West Ridge resources has committed to conducting annual raptor surveys to monitor raptor activity around the mine area. The company will also conduct wildlife education awareness for employees to promote wildlife awareness.

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.

Analysis:

No information pertaining to this section has been modified or added as a result of the amendment. The added lease area will not have any surface disturbances and will not need to be revegetated. If high value habitat is affected due to subsidence, the permittee has committed to mitigating the disturbance

Findings:

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

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RECOMMENDATIONS:

This amendment cannot be approved at this time. Prior to approval, the permittee must respond to all of the deficiencies.

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