

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

June 10, 2009

TO: Internal File

THRU: Daron Haddock, Permit Supervisor 

FROM: Ingrid Wieser, Lead, Biology, Land Use, Cultural Resources

RE: Include Catchment Structures, West Ridge Resources, Inc., West Ridge Mine, C/007/0041, Task ID #3309

SUMMARY:

Four catchments structures were constructed in the spring of 2009 in the C canyon Drainage as part of the abatement for citation # 10033 issued on January 29, 2009. The citation was written because excess coal fines coming from the mine water discharge were identified in the drainage below the outfall. The majority of the coal fine accumulation is outside of the permit area throughout the C canyon drainage from the outfall reaching almost to the grassy trail confluence. Originally, the Division did not permit the catchments because it was proposed to be a short-duration temporary abatement plan, not a long term cleaning facility. The catchments are on BLM land, and were constructed under a right of way issued for each site. Presently, the BLM and the Division have agreed that some of the catchments should remain for longer than this year in order to protect the drainage from further disturbances and to remove the existing coal fines. Therefore, the Division requested that the four catchment sites be permitted under R-645 coal mining regulations. This application requests to incorporate the catchments into the MRP as part of the permit and disturbed area. The catchments are already constructed, so the permitting process will be applied retroactively. The Permittee responded to deficiencies from task 3257 in this amendment application. This memo will also address the response to those deficiencies.

This amendment is recommended for approval.

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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.

GENERAL

Regulatory Reference: 30 CFR 783.12; R645-301-411, -301-521, -301-721.

Analysis:

The permittee was sent the following deficiency from task 3257:

R645-3-1-146 and 750 and 310 and 742.310: The sediment pond must be regulated by DOGM under the R645 rules and an amendment to the current West Ridge Mine Permit must be submitted and approved by the Division prior to construction. The abatement plan and Sediment pond contingency plan section must include a plan to receive approval from the Division before construction.

The Permittee responded to all deficiencies from task 3257 in this task. Since then, all catchments will be permitted with the approval of this amendment. No Sediment pond is planned to be installed.

Findings:

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

HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION

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

Analysis:

Included in the application is a cultural resource survey (SPUT-589) conducted on March 14, 2008 by John A. Senulis. The survey consisted of a file search and a class III intensive walkover survey for the E and F catchments sites as well as the access roads. Catchment sites A

and C were covered in previous surveys and no sites were identified. The file search resulted in one eligible site listed in the survey area. This site (42CB1184) is located east of the access roads and will not be affected by the construction. During the Class III survey, one eligible site (42CB2674) was located directly adjacent to the access road for catchment F. The surveyors recommended that the site be flagged and avoided during road construction. If this recommendation is met, then no effect determination can be made. The State Historic Preservation Office sent a letter of concurrence on July 15, 2009.

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:

The permittee was sent the following deficiency from task 3257:

R645-400-320 and 301-750: The Division, as remedial Item #2 of the Notice of Violation, requests that the Permittee identify the areas impacted by coal fines. Please submit a detailed map showing the extent of the coal fines as well as acreage of disturbed areas related to the coal fines cleanup (catchment areas, access roads, equipment access and material storage areas, etc). The BLM ROW stipulated that any area within the ROW that was to be disturbed should be brush hogged and the topsoil should be removed and stockpiled. Include vegetation and soil removal methods in the plans and make a commitment to fulfill this if any other area is disturbed (expansion of current catchment areas, sediment pond construction, additional roads, etc.)

The permittee responded to this deficiency in this amendment. The catchments will be included in the permit area upon the approval of this amendment.

No vegetation information for the catchment areas is provided. The catchments are mostly confined to the stream bed, but some of the banks and surrounding vegetation communities have been backfilled to create the access and storage area. The construction has already taken place, so a vegetation survey would be an estimation of what was there prior to disturbance. Photographs were taken of all areas prior to construction and are located in attachment 8 of the new appendix 5-15.

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According to R645-301-100, Vegetation information is only necessary if *required* by the Division. The Division will not require vegetation resource information because it is used to *predict the potential for reestablishing vegetation; and the productivity of the land before mining within the proposed permit area*. The BLM has visited the site and provided the permittee with a letter stating their opinion of success of vegetation reestablishment as well as a seed mix to be used during reclamation.

The Division will consider the catchments a "sediment control structure" which is not included in the definition of disturbed area.

Findings:

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

FISH AND WILDLIFE RESOURCE INFORMATION

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

Analysis:

Prior to the west ridge mine, the C canyon drainage was an ephemeral stream that had no riparian area or other habitat of high value. The mine discharges approximately 800 gallons per minute into the drainage and will only do so for the next 2 to 4 years. Any existing riparian vegetation or aquatic species present has only been there recently and will not survive after the mine shuts off the discharge. The catchments are considered sediment control structures and do not affect wildlife. The catchments slow the water into ponds and provide water for wildlife. The coal sludge in the drainage is not toxic to wildlife.

Findings:

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

MAPS, PLANS, AND CROSS SECTIONS OF RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.24, 783.25; R645-301-323, -301-411, -301-521, -301-622, -301-722, -301-731.

Analysis:

Affected Area Boundary Maps

A Map of the locations of the catchments can be found in Appendix 5-15 in attachment 2.

Cultural Resource Maps

The cultural resource survey located in Appendix 5-15, attachment 6 contains a map identifying the cultural resources.

Permit Area Boundary Maps

A revised permit area map is located in the application that includes the catchment areas.

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:

The cultural resources survey located in appendix 5-15, attachment 6 suggests that the permittee mark one eligible site and avoid it when constructing road upgrades. Due to this, the permittee will have "no effect" on historic sites.

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Findings:

he information provided is considered 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

The catchments are a part of the abatement of violation 10033. The permittee has constructed them in order to protect and clean up the affected area. No additional protection plan is needed. No wildlife will be adversely affected by the clean up operation.

Endangered and Threatened Species

According to the BLM right of way located in appendix 5-15, attachment 3, there are no known wildlife or T&E species that would be affected by the construction or reclamation of the catchments.

Bald and Golden Eagles

No bald or Golden Eagle habitat exists near the catchments

Wetlands and Habitats of Unusually High Value for Fish and Wildlife

According to both the BLM ROW and the BLM Nepa document located in appendix 5-15, attachments 3 and 7, respectively, no wetlands or habitats of high value for fish and wildlife exist in the catchment project area. Any riparian habitat existing will be temporary and cannot support wildlife.

Findings:

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

RECLAMATION PLAN

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:

Revegetation: General Requirements

For task 3257, the following deficiency was sent to the permittee. The permittee attempted to respond to deficiencies from task 3257 in this task.

R645-301-750 and 340: Provide a detailed plan on how the catchments will be reclaimed including re-contouring the stream bed, removing embankments, preparing the seedbed, and seeding in order to restore the habitat along the corridor. Provide a seed mix that will be used once the catchments have been removed and equipment access and storage areas have been backfilled in order to control erosion and improve the habitat that existed before the disturbance. Include the pre-construction photographs mentioned on page 3 of the Abatement plan that were taken of all the catchment sites and are to be used during reclamation. Per item #3 of NOV #10033, the permittee must submit a time schedule to the Division for completion of Mitigation/Clean up activities. If it is the intention of the Permittee to retain the catchments beyond the established abatement date, the Division will require permitting under SMCRA.

Revegetation information for the reclamation of the catchment areas can be found in the BLM ROW and the BLM seed mix letter located in appendix 5-15, attachments 3 and 13 respectively. The permittee has summarized a plan in appendix 5-15 attachment 1.

On page 8 of attachment 1, the permittee has summarized the obligations which include: preparing the seedbed by scarifying or distributing the topsoil, and seeding the disturbed areas. The BLM will hold a site conference prior to termination of the ROW.

The permittee addressed the above deficiency.

Revegetation: Timing

The BLM suggested that the sites be reseeded in the fall. The permittee intends on reclaiming two of the catchment sites as soon as possible after all agencies approval.

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Revegetation: Mulching and Other Soil Stabilizing Practices

The construction was confined to the drainage channel and adjacent floodplain area. Bank stabilization will occur through revegetation. The permittee will place boulders along the reclaimed channel to slow and control the water velocity to prevent erosion of the stream bed. Seed will be hand broadcast and raked into a prepared seedbed using seedmix approved by the BLM.

Revegetation: Standards For Success

The permittee states that all reclamation procedures and cleanup activities will be done in consultation with the BLM and the Division. The Division will conduct site visits throughout the project so that cleanup and reclamation is done appropriately. The Division will require that cover along the banks is adequate to control erosion.

Findings:

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

RECOMMENDATIONS:

This amendment is recommended for approval.