

#4010
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TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

March 19, 2012

TO: Internal File

THRU: Steve Christensen, Lead *SKC*

FROM: Joe Helfrich, Biology, Land-Use, Cultural resources *JGH*

RE: Re-opening of B Canyon Portal, Appendix 5-19, West Ridge Resources Inc.,
West Ridge Mine Name, C0070041, Task ID # 4010

SUMMARY:

On February 22, 2012, the Division received an amendment to the West Ridge MRP to re-open the 1998 AMR reclamation of the "B" canyon portal. The portal will remain open for approximately six months to conduct safety related rehabilitation work in some of the old Kaiser mine entries prior to longwall development in that area. This memo will include a review of the information contained in the amendment as is relevant to the Biology, Land-Use, Cultural Resource sections of the regulations.

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TECHNICAL ANALYSIS:

GENERAL CONTENTS

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 text on page 5 of Chapter 4 of appendix 5-19 includes a reference to the cultural resource survey completed by Senco-Phoenix in September of 2009. The survey is included in Attachment 8 of the application. The report entitled "*An intensive Cultural Resource Survey and Inventory of Two Gob Vent Holes for the West Rdige Mine*" was prepared by John Senulis. It included a literature search, (conducted on September 2 and 7, 2009), and a class III intensive walkover survey, (by John and Jeanne Senulis on September 18, 2009), of the proposed disturbed area. The remains of the auxiliary portal for the Sunnyside Mine workings and two carvings on aspen trees were noted. The portal remains will be removed when the auxiliary portal is developed for re-entry. A finding of no effect was recommended. The Division concurs with Senco-Phoenix's recommendation. A letter will be sent to SHPO seeking concurrence with the Division's determination as well.

Findings

The information in the application is adequate to meet the requirements of this section of the regulations. The Division will need to obtain concurrence from SHPO.

VEGETATION RESOURCE INFORMATION

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

Analysis:

Attachment 7 entitled, (*Vegetation and Sensitive Species at the "B" Canyon Portal Area West Ridge Mine*), was prepared by Dr. Patrick Collins of Mt. Nebo Scientific. It includes an overview of the history of the portal area, portal reclamation, plant species seeded, plant species observed, (January 2012), a listing and review of T&E and Sensitive species and a Summary and Conclusions. A previous T&E and Sensitive species survey in April of 2010 indicated that there were no T&E or Sensitive species listed for Carbon County found in the area where the permittee intends to re-open the Sunnyside mine portal. A current list is included in the attachment that provides comment and the likelihood of potential impacts to the listed species. In summary either the species is not present or there is no suitable habitat for the listed species. A seed mix similar to the AML mix proposed for reclamation is acceptable.

Findings:

The information 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:

Attachment 9 includes the "2011 Raptor Survey and Agency Correspondence regarding the Golden Eagle Nests". There are currently three nests within ½ mile of the proposed disturbed area. Nest # 395 above and to the right of the mine is currently active, (tended), and has been tended for the three previous years and active in 2007. Nest # 398 was tended in 2011 and active in 2009. It is approximately 4250 feet from the proposed portal development and out of sight of the access road and proposed portal development. Nest # 1056 was inactive in 2011, 10, 09, 08, and 2007. It is approximately 2200 feet from the proposed portal development and within line of sight of the access road and proposed portal development.

The applicant has proposed to conduct surveys of nests 395 and 1056 three days prior to re-opening the portal. If either of the nests is active activities will not commence until it has been determined that the young have fledged, approximately July 15, 2012.

Findings:

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

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LAND-USE RESOURCE INFORMATION

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

Analysis:

Page 1-18 of the application describes the .25 acre BLM parcel as being located in T14S, R13E Section 14 SWNE. Additional previously disturbed areas to be utilized are described on page 1-20 of the application. They include roads in right and left hand forks, road culvert, water monitoring well, and material storage pad for a total of 1.62 acres. Since the portal was reclaimed by the Abandoned Mine program the land-use for the area has historically been wildlife and grazing and some recreation as noted on page 5 of appendix 5-19.

Findings:

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

OPERATION PLAN

PROTECTION OF PUBLIC PARKS AND HISTORIC PLACES

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

Analysis:

According to the information in the cultural resource survey completed by Senco-Phoenix in 2009, (Attachment 8), there were no public parks or historic places located in the proposed disturbed area.

Findings:

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

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

A protection and enhancement plan is described in attachment 9 and the analysis for the proposal is described in the Fish and Wildlife Resource section of this memo.

Endangered and Threatened Species

Attachment 7, (*Vegetation and Sensitive Species at the "B" Canyon Portal Area West Ridge Mine*), was prepared by Mt. Nebo Scientific. It includes an overview of the history of the portal area, portal reclamation, plant species seeded, plant species observed, (January 2012), a listing and review of T&E and Sensitive species and a Summary and Conclusions. A previous T&E and Sensitive species survey in April of 2010 indicated that there were no T&E or Sensitive species listed for Carbon County found in the area where Andalex intends to re-open the Sunnyside mine portal. A current list is included in the attachment that provides comment and the likelihood of potential impacts to the listed species. In summary either the species is not present or there is no suitable habitat for the listed species.

Bald and Golden Eagles

There are no Bald Eagles currently nesting within ½ mile of the proposed portal re-opening. Bald Eagles migrate through Utah but do not typically nest there. Although there are 8 known nests in the state.

Wetlands and Habitats of Unusually High Value for Fish and Wildlife

There are no wetlands in the proposed disturbed area as verified by Dr. Pat Collins, (Mt. Nebo Scientific) and Joe Helfrich, (DOGM) during the January 2012 site visit.

Findings:

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

VEGETATION

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

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Analysis:

Attachment 7, (*Vegetation and Sensitive Species at the "B" Canyon Portal Area West Ridge Mine*), was prepared by Mt. Nebo Scientific. It includes an overview of the history of the portal area, portal reclamation, plant species seeded, plant species observed, (January 2012), a listing and review of T&E and Sensitive species and a Summary and Conclusions. A previous T&E and Sensitive species survey in April of 2010 indicated that there were no T&E or Sensitive species listed for Carbon County found in the area where Andalex intends to re-open the Sunnyside mine portal. A current list is included in the attachment that provides comment and the likelihood of potential impacts to the listed species. In summary either the species is not present or there is no suitable habitat for the listed species.

Operations are estimated at six months at which time the portal will be sealed and the area will be reclaimed unless the permittee chooses to include this area with the final reclamation of main facilities disturbed area.

Findings:

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

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:

The Post Mining Land-uses for the proposed disturbed area are wildlife, grazing and recreation.

Findings:

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

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:

The applicant may opt to seal the portal and reclaim the area at final reclamation with the rest of the mine facilities, or reclaim the area at the completion of the rehabilitation of the Sunnyside entries, (approximately 6 months). In any event the reclamation practices outlined in the MRP including a variation on the AML seed mix will be implemented.

Revegetation: Standards For Success

The current reference area in the reclamation section of the MRP is adequate to determine standards for success for the proposed disturbed area.

Findings:

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

RECOMMENDATIONS:

The application is recommended for approval pending receipt of SHPO concurrence.