



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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December 10, 2002

TO: Internal File

THRU: Priscilla Burton, Senior Reclamation Soils Specialist/Team Lead 

FROM: Joe Helfrich, Biologist 

RE: Star Point Waste Fuel, Sunnyside Cogeneration Associates, Sunnyside Cogeneration Facility, C/007/042 PM02A

SUMMARY:

On April 1, 2002 Sunnyside Cogeneration Associates submitted a permit application to add 107.59 acres, (Book 1 of 5, Section 1, Exhibit A), of the Star Point Mine's refuse pile and topsoil parcel to its permit area for the Sunnyside Cogeneration Facility. The site will be reclaimed upon completion of the refuse removal to the SCA facility. The coal refuse site is located near Wattis, Utah in Sage Brush Canyon adjacent to County road #290 in Carbon County. There is no additional surface disturbance associated with the acquisition of the refuse pile. The Division of Oil, Gas and Mining determined the application administratively complete on June 24, 2002. This memo will address the Biology, (wildlife), portion of the application.

TECHNICAL MEMO

TECHNICAL ANALYSIS:

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

FISH AND WILDLIFE RESOURCE INFORMATION

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

Analysis:

Fish and wildlife resource information is provided for in volume two section three of the application. Section 322 provides a discussion on the threatened, endangered, sensitive and species of high value habitat. Tables 322.210a and 322.201b include a listing and status of these species. Species of high value habitat common to the area include Elk, Mule deer, Cougar, and Bobcat. Information regarding Furbearers, Small Mammals, Birds, Reptiles and Amphibians, and Aquatic Resources is also provided in this section.

The locations where environmental data referring to wildlife are collected including raptor nests and wildlife mitigation area are shown on Map 322.220a in connection with Map 321.100a. However map 322.220a does not include the raptor nests identified in table 322.200f or the more current data from the River Gas Surveys. Wildlife Habitat map # 322.220a is not to scale to depict the Golden Eagle nest and 3 of the 5 stick nests identified in the legend and any active raptor nests that may be located within one half mile of the activities associated with the refuse pile removal. Table 322.200f indicates that there are 2 active Golden Eagle nests and the legend on map 322.220a only shows 1. There are additional species listed in table 322.220f that are not identified on map 322.220a. The legend is the same for Sediment ponds/Streams and Desert Cottontail/Gray Fox habitat. A different symbol for each should be provided.

Findings:

The information provided is not adequate to meet the Fish and Wildlife Resource requirements of the Regulations. Prior to approval the applicant must provide the following information in accordance with:

- R645-301-322.200, -323.200, (1)** A current raptor survey must be provided that accurately depicts the location and status of raptor nest sites. **(2)** The application must include a map from the 2000 raptor survey identifying the raptors, nest site locations and status of the nests, with an accurate legend for species and number of nests.

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

Measures taken to disturb the smallest practicable area and a plan to minimize disturbances and adverse impacts are discussed in Sections 331 and 333. In the application it states that, "Only facilities required to operate the refuse pile, access the topsoil area or to satisfy environmental or safety requirements will be built."

The protection plan is divided into four categories, direct impacts to individuals or populations, direct impacts to wildlife habitat, indirect impacts associated with increased access, and residual impact associated with the operation of the SCA facilities. Specific measures include: A commitment to notify the Division of any sightings of threatened, endangered or sensitive species; A commitment to preclude the potential of raptor electrocutions on construction of power lines. The application references a letter dated October 9, 1981 from the USFWS to Cleon B. Feight, Director of DOGM stating, "The Plateau Mining Company Lines were examined for the Star Point mine. It's lines do not pose a threat to raptors."; A commitment to provide passage for large mammals where excavation related structures prevent necessary migrations; A commitment to provide fencing, cover, or other appropriate methods that protect animals from accessing ponds that may contain toxic materials; A commitment to develop a mitigation plan with the appropriate agencies should there be impacts to surface or ground water quality; and A commitment to inform all employees of the values of the wildlife resources associated with the mining activities.

Endangered and Threatened Species

A discussion of these species is provided in section 322.210 of the application:

Bonytail Chub
Colorado Pike Minnow
Humpback Chub
Razorback Sucker
Bald Eagle
Mexican Spotted Owl
Black Footed Ferret

TECHNICAL MEMO

All of the threatened or endangered fish species that could occur in Carbon County occur at lower elevations than the Star Point Waste Fuel mine and have no habitat in the proposed permit area.

The Mexican Spotted Owl is listed in Carbon County as possibly being a threatened species. The former permittee had conducted raptor surveys since the inception of the Surface Mining and Reclamation Control Act with no sightings of the Owl. Since there will be no additional surface disturbance associated with the activities proposed by SCA it is unlikely that there will be any impacts to the birds or their habitat.

There have been no confirmed sightings of Black-Footed Ferrets in Carbon County in several years.

The removal of the refuse has no potential, through water depletions, of adversely affecting four listed threatened and endangered fish species of the upper Colorado River drainage. No water will be consumed as a result of the refuse removal activities other than occasional watering of the access road. The U.S. Fish and Wildlife Service (USFWS) requires mitigation when water depletions exceed 100 acre-feet annually. USFWS concurrence is pending.

Bald and Golden Eagles

Bald eagles are not common in the area during the winter but could occasionally fly through or roost in the proposed addition to the permit area. Mining would have negligible effects on these birds.

Wetlands and Habitats of Unusually High Value for Fish and Wildlife

There are no wetlands within or associated with the proposed refuse removal activities. The permit and adjacent areas are high value for Mule Deer and Elk. Mule Deer occupy both high priority summer and winter range. Elk occupy high priority winter range. Since the refuse pile has been active for approximately 30 years no impacts to wildlife species are anticipated.

Findings:

The information provided is adequate to meet the requirements of this section of the regulations. It should be noted that should the required raptor survey information required in the Environmental Resource information section indicate that there are active nests within ½ mile if the proposed activities, then additional protection information will be required.

RECLAMATION PLAN

PROTECTION OF FISH, WILDLIFE, AND RELATED ENVIRONMENTAL VALUES

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

Analysis:

Measures taken to disturb the smallest practicable area and a plan to minimize disturbances and adverse impacts are discussed in sections 331 and 333. In the application it states that "Only facilities required to operate the refuse pile, access the topsoil area or to satisfy environmental or safety requirements will be built." The protection plan is divided into four categories, direct impacts to individuals or populations, direct impacts to wildlife habitat, indirect impacts associated with increased access, and residual impact associated with the operation of the SCA facilities. Specific measures include: A commitment to notify the Division of any sightings of threatened, endangered or sensitive species; A commitment to preclude the potential of raptor electrocutions on construction of power lines. The application references a letter dated October 9, 1981 from the USFWS to Cleon B. Feight, Director of DOGM states that "The Plateau Mining Company Lines were examined for the Star Point mine. It's lines do not pose a threat to raptors."; A commitment to provide passage for large mammals where excavation related structures prevent necessary migrations; A commitment to provide fencing, cover, or other appropriate methods that protect animals from accessing ponds that may contain toxic materials; A commitment to develop a mitigation plan with the appropriate agencies should there be impacts to surface or ground water quality; And a commitment to inform all employees of the values of the wildlife resources associated with the mining activities.

Findings:

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

RECOMMENDATIONS:

The application is not recommended for approval at this time.