

0023



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

1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801
(801) 538-5340 telephone
(801) 359-3940 fax
(801) 538-7223 TTY
www.nr.utah.gov

Michael O. Leavitt
Governor
Robert L. Morgan
Executive Director
Lowell P. Braxton
Division Director

OK

September 25, 2002

TO: Stephen J. Demczak, Sr. Reclamation Specialist/Engineering, Team Lead *SJD by an*
FROM: Susan M. White, Sr. Reclamation Specialist/Biology *SMW*
RE: Transmission Line, Consolidation Coal Company, Emery Deep Mine, C/015/015-02D-1

SUMMARY:

A new power line is proposed to provide the 4th East Portal with surface and underground power. This technical analysis reviews the power line amendment submitted September 16, 2002. Approval of the amendment is not recommended, however, pole placement can begin if stipulated with addressing the below recommended deficiencies.

TECHNICAL ANALYSIS:

ENVIRONMENTAL RESOURCE INFORMATION

HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION

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

Analysis:

Montgomery Archaeological Consultants conducted a cultural and historic resource inventory of the powerline corridor in July and August 2002. An intensive 100 percent pedestrian survey covered a 200-foot corridor. Two new archaeological sites (42Em2821 and 42Em2822) were documented as a result of this survey. Site 42Em2822 is considered eligible for inclusion to the National Register of Historic Places.

TECHNICAL MEMO

Blain Miller (BLM staff Archeologist) and Vernal Rowley (Emery County Historical Society) were contacted concerning the Spanish Trail sign observed on the county road just prior to entering the mine disturbed area but within the permit area. They stated that the "Old Spanish Trail" was more of a way or route than an actual trail. Emery County Historical Society designated an actual trail for documentation purposes. Congress has asked the National Park Service to consider designating the Old Spanish Trail as part of the National Trail System. This action is still being considered.

A cultural and historic survey by AERC (1980) included in the Mining and Reclamation Plan (MRP, Appendix 5.0) document the existence of the trail as being outside the permit area. No maps can be found that show where the trail is located. AERC recommended locating the trail within the permit area as future work. The location of the trail must be documented.

Plate XA-1, Permit Area Cultural Resources must be updated to include all known archeological sites within and adjacent to the permit area and the location of the Old Spanish Trail. The MRP (page X-1) must be corrected to document sites occur within the permit area that are eligible to the National Register of Historic Places.

Findings:

Information provided in the application is not considered adequate to meet the minimum Historic and Archeological Resource Information requirements of the regulations. Prior to approval, the Permittee must provide the following in accordance with:

R645-301-411.140, The cultural and historic resources map must be updated to show the location of the Old Spanish Trail and all archeological sites within and adjacent to the permit area identified in Appendix 5.

R645-301-411.140, The Cultural resources discussion in the MRP (X.A) must be updated to include current information from Appendix 5.0.

VEGETATION RESOURCE INFORMATION

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

Analysis:

Previous technical analyses have identified Wright fishhook cactus (*Sclerocactus wrightiae*), last chance townsendia (*Townsendia aprica*), and San Rafael cactus (*Pediocactus despainii*) as potentially occurring in the permit area. The Wright fishhook cactus and last chance townsendia are known to occur in areas immediately adjacent to the mine. The two cacti

are listed by the U.S. Fish and Wildlife Service as endangered and the townsendia is threatened. A recovery plan has been published for the townsendia.

USFWS was contacted on September 23, 2002 concerning the plants. Larry England, staff botanist, visited the site on September 24, 2002.

JBR Environmental Consultants conducted a power line corridor survey on August 8, 2002. Previous consultation with the Utah Natural Heritage Program identified rockloving milkvetch, Price penstemon, Bicknell milkvetch, Wright fishhook cactus, and last change townsendia as sensitive, threatened, and endangered species occurring in the area. The survey identified a potential for the Wright fishhook cactus to be present.

The Division was concerned about the JBR survey timing for these threatened and endangered species. USFWS was contacted on September 23, 2002 concerning the plants. Larry England, staff botanist, visited the site on September 24, 2002. In a phone conversation with Susan White (DOGM), Seth McCourt (Consol) and Larry England, Mr. England stated that he had walked the area and no habitat for the threatened or endangered plant species exist in the power line corridor.

Findings:

Information provided in the application is not considered adequate to meet the minimum Vegetation Resource Information requirements of the regulations. Prior to approval, the Permittee must provide the following in accordance with:

R645-301-322.200, Results of the survey by Larry England must be included in the MRP.

OPERATION PLAN

PROTECTION OF PUBLIC PARKS AND HISTORIC PLACES

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

Analysis:

Site 42Em2822 (eligible for inclusion to the National Register of Historic Places) is flagged and will be avoided during power line construction.

TECHNICAL MEMO

Findings:

The information provided meets the minimum regulatory requirements of 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 proposed power pole configuration uses techniques that retrofit existing power lines for raptor protection. New power pole configuration must be designed to maintain adequate spacing. A minimum distance of 60 inches between energized hardware or between phases or between phases and ground wires is required to provide safe perching for large raptors (eagles).

Findings:

Information provided in the application is not considered adequate to meet the minimum Fish and Wildlife Information requirements of the regulations. Prior to approval, the Permittee must provide the following in accordance with:

R645-301-358.510, The power line configuration must be designed for a minimum distance of 60 inches between energized hardware or between phases or between phases and ground wires to provide safe perching for large raptors (eagles).

VEGETATION

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

Analysis:

The application states that existing dirt roads will be used for pole placement (Chapter II page 17d). The application also states that if more topsoil or vegetation is disturbed it will be reclaimed. No map was provided showing exact access for pole placement. The Permittee must provide either a map showing exact access for pole placement or a commitment to minimize disturbance and take the shortest overland route possible for pole placement.

Findings:

Information provided in the application is not considered adequate to meet the minimum Vegetation Information requirements of the regulations. Prior to approval, the Permittee must provide the following in accordance with:

R645-301-331, The plan must provide either a map showing exact access for pole placement or a commitment to minimize disturbance and take the shortest overland route possible for pole placement.

RECCOMENDATIONS:

Approval of the amendment is not recommended, however, pole placement but no wire placement may begin until the following deficiencies are approved:

R645-301-411.140, The cultural and historic resources map must be updated to show the location of the Old Spanish Trail and all archeological sites within and adjacent to the permit area identified in Appendix 5.

R645-301-411.140, The Cultural resources discussion in the MRP (Chapter X.A) must be updated to include current information from Appendix 5.0.

R645-301-322.200, Results of the survey by Larry England must be included in the MRP.

R645-301-358.510, The power line configuration must be designed for a minimum distance of 60 inches between energized hardware or between phases or between phases and ground wires to provide safe perching for large raptors (eagles).

R645-301-331, The plan must provide either a map showing exact access for pole placement or a commitment to minimize disturbance and take the shortest overland route possible for pole placement.