

0015



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

October 3, 2002

Tim Kirshbaum, Environmental Engineer  
Consolidation Coal Company  
P.O. Box 566  
Sesser, Illinois 62884

Re: Transmission Line, Consolidation Coal Company, Emery Deep Mine, C/015/015-02D-1, Outgoing File

Dear Mr. Kirshbaum:

The above referenced amendment is conditionally approved upon complying with the requirements of the following Permit Conditions, as specified, in the Technical Analysis document TA\_02D-1. *The permittee can only install the power poles. The power lines cannot be installed on the power poles until this amendment receives final written approval from the Division.*

If you have any questions, please feel free to call Stephen J. Demczak at (435) 613-5242 or me at (801) 538-5268.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Pamela Grubaugh-Littig'.

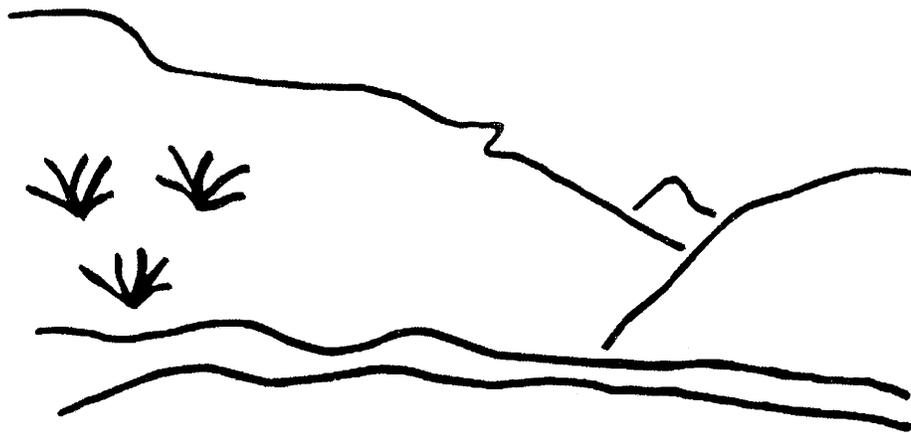
Pamela Grubaugh-Littig  
Permit Supervisor

sd

cc: Jim Noyes, Consol, Emery  
Price Field Office

O:\015015.EMEFINAL\CONAPP02D-1.DOC

# State of Utah



## Utah Oil Gas and Mining

### Coal Regulatory Program

Emery Deep Mine  
Transmission Line  
C/015/015-02D-1  
Technical Analysis  
October 1, 2002

## TABLE OF CONTENTS

---

<b>INTRODUCTION.....</b>	<b>3</b>
<b>SUMMARY OF PERMIT CONDITIONS.....</b>	<b>5</b>
<b>ENVIRONMENTAL RESOURCE INFORMATION.....</b>	<b>7</b>
HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION .....	7
VEGETATION RESOURCE INFORMATION .....	8
FISH AND WILDLIFE RESOURCE INFORMATION .....	9
SOILS RESOURCE INFORMATION.....	9
MAPS, PLANS, AND CROSS SECTIONS OF RESOURCE INFORMATION .....	10
Permit Area Boundary Maps .....	10
Surface and Subsurface Manmade Features Maps .....	10
<b>OPERATION PLAN .....</b>	<b>11</b>
PROTECTION OF PUBLIC PARKS AND HISTORIC PLACES .....	11
FISH AND WILDLIFE INFORMATION .....	11
Protection and Enhancement Plan .....	11
TOPSOIL AND SUBSOIL.....	12
Topsoil Removal and Storage.....	12
VEGETATION.....	12
HYDROLOGIC INFORMATION .....	13
Siltation Structures: Exemptions.....	13
SUPPORT FACILITIES AND UTILITY INSTALLATIONS.....	13
<b>RECLAMATION PLAN.....</b>	<b>15</b>
GENERAL REQUIREMENTS .....	15
TOPSOIL AND SUBSOIL.....	15
Redistribution.....	15
REVEGETATION.....	16
Revegetation: General Requirements .....	16
BONDING AND INSURANCE REQUIREMENTS.....	16
Determination of Bond Amount .....	16

## TECHNICAL ANALYSIS

---

### TECHNICAL ANALYSIS

The Division regulates the Surface Mining Control and Reclamation Act of 1977 (SMCRA). When mines submit a Permit Application Package or an amendment to their Mining and Reclamation Plan, the Division reviews the proposal for conformance to the R645-Coal Mining Rules. This Technical Analysis is such a review. Regardless of these analyses, the permittee must comply with the minimum regulatory requirements as established by SMCRA.

Readers of this document must be aware that the regulatory requirements are included by reference. A complete and current copy of these regulations and a copy of the Technical Analysis and Findings Review Guide can be found at <http://ogm.utah.gov/coal>

This Technical Analysis (TA) is written as part of the permit review process. It documents the Findings that the Division has made to date regarding the application for a permit and is the basis for permitting decisions with regard to the application. The TA is broken down into logical section headings which comprise the necessary components of an application. Each section is analyzed and specific findings are then provided which indicate whether or not the application is in compliance with the requirements.

Often the first technical review of an application finds that the application contains some deficiencies. The deficiencies are discussed in the body of the TA and are identified by a regulatory reference which describes the minimum requirements. In this Technical Analysis we have summarized the deficiencies at the beginning of the document to aid in responding to them. Once all of the deficiencies have been adequately addressed, the TA will be considered final for the permitting action.

It may be that not every topic or regulatory requirement is discussed in this version of the TA. Generally only those sections are analyzed that pertain to a particular permitting action. TA's may have been completed previously and the revised information has not altered the original findings. Those sections that are not discussed in this document are generally considered to be in compliance.

## INTRODUCTION

---

### INTRODUCTION

The permittee has submitted an amendment to construct a power line from the existing substation to the 4<sup>th</sup> East portals. The total length of the transmission line is 1.4 miles. The permittee will install approximately 38 power poles. The total disturbance will be 0.002 acres. No road will be used to service the power lines.

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 permit conditions.

Page 4  
C/015/015-02D-1  
October 1, 2002

## INTRODUCTION

---

**SUMMARY OF PERMIT CONDITIONS**

---

**SUMMARY OF PERMIT CONDITIONS**

As determined in the analysis and findings of this Technical Analysis, approval of the plan is subject to the following Permit Conditions. The applicant is subject to compliance with the following Permit Conditions and has committed to comply with the requirements of these conditions as referenced in the approved Permit.

*The permittee can install only the power poles. The power lines cannot be installed on the power poles until this amendment receives written approval from the Division.*

Accordingly, the permittee has committed to comply with the requirements of the following Permit Conditions, as specified, and in accordance with the requirements of:

*Regulations*

- R645-301-322.200, Results of the survey by Larry England must be included in the MRP. .... 9
- 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. .... 13
- 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). .... 11
- 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..... 8
- R645-301-411.140, The Cultural resources discussion in the MRP (X.A) must be updated to include current information from Appendix 5.0. .... 8
- R645-301-521.122, The permittee will need to show the location on the transmission line on the manmade features or on a surface facilities map. .... 10

Page 6  
C/015/015-02D-1  
October 1, 2002

**SUMMARY OF PERMIT CONDITIONS**

---

## ENVIRONMENTAL RESOURCE INFORMATION

---

# 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:

Montgomery Archaeological Consultants conducted a cultural and historic resource inventory of the power line 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.

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 located 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.

---

## ENVIRONMENTAL RESOURCE INFORMATION

---

### 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.

## FISH AND WILDLIFE RESOURCE INFORMATION

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

### Analysis:

The permittee conducted a study of endangered or threatened species of plants and animals along the power line corridor. JBR Environmental Consultants conducted this study in August 2002. The power lines locations have been adjusted to avoid potential sensitive or endangered species. The majority of the power poles will be installed on existing roads. Wetlands and riparian areas will be avoided.

### Findings:

The information provided is considered adequate and meets the minimum requirements of the R645 Coal Rules.

## SOILS RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.21; 30 CFR 817.22; 30 CFR 817.200(c); 30 CFR 823; R645-301-220; R645-301-411.

### Analysis:

No topsoil will be saved since the disturbance is small, less than 0.002 acres. Each power pole installation will cause one square foot of disturbance.

### Findings:

The permittee has met the minimum requirements of 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:**

#### **Permit Area Boundary Maps**

The permittee has stated in the text on Page 17d that the entire power lines will be in the permit area.

#### **Surface and Subsurface Manmade Features Maps**

The transmission lines need to be shown on a surface facilities map or a manmade features map.

### **Findings:**

The permittee has met the minimum requirements of Permit Area Boundary Maps.

Prior to approval, the Permittee must provide the following in accordance with:

**R645-301-521.122**, The permittee will need to show the location on the transmission line on the manmade features or on a surface facilities map.

---

**OPERATION PLAN**

---

## **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.

#### **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).

## **TOPSOIL AND SUBSOIL**

Regulatory Reference: 30 CFR Sec. 817.22; R645-301-230.

### **Analysis:**

#### **Topsoil Removal and Storage**

The permittee will not store or save the topsoil, because the disturbance of the power pole will be less than one square-foot. The total disturbance of 38 power poles will be 0.002 acres. In the event that more topsoil or vegetation is disturbed, the permittee will reclaim the disturbance as specified in Chapter VIII.C.4 in the MRP.

### **Findings:**

The permittee has met the minimum requirements of this section.

## **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.

## OPERATION PLAN

---

### HYDROLOGIC INFORMATION

Regulatory Reference: 30 CFR Sec. 773.17, 774.13, 784.14, 784.16, 784.29, 817.41, 817.42, 817.43, 817.45, 817.49, 817.56, 817.57; R645-300-140, -300-141, -300-142, -300-143, -300-144, -300-145, -300-146, -300-147, -300-147, -300-148, -301-512, -301-514, -301-521, -301-531, -301-532, -301-533, -301-536, -301-542, -301-720, -301-731, -301-732, -301-733, -301-742, -301-743, -301-750, -301-761, -301-764.

#### Analysis:

##### Siltation Structures: Exemptions

There will be no sediment control for the power line, since the total disturbance is less than one square-foot for each power pole. This would have no impact to the receiving waters.

#### Findings:

The permittee has met the minimum requirements of this section.

### SUPPORT FACILITIES AND UTILITY INSTALLATIONS

Regulatory Reference: 30 CFR Sec. 784.30, 817.180, 817.181; R645-301-526.

#### Analysis:

The permittee has submitted an amendment to construct a power line from the existing sub-station to the 4<sup>th</sup> east portals. The length of the power line will be approximately 1.4 miles. It will consist of 38 power poles. This is indicated on Plate 11-3 of this amendment. This plate is P.E. certified.

#### Findings:

The permittee has met the minimum requirements of this section.

## RECLAMATION PLAN

---

# RECLAMATION PLAN

## GENERAL REQUIREMENTS

Regulatory Reference: PL 95-87 Sec. 515 and 516; 30 CFR Sec. 784.13, 784.14, 784.15, 784.16, 784.17, 784.18, 784.19, 784.20, 784.21, 784.22, 784.23, 784.24, 784.25, 784.26; R645-301-231, -301-233, -301-322, -301-323, -301-331, -301-333, -301-341, -301-342, -301-411, -301-412, -301-422, -301-512, -301-513, -301-521, -301-522, -301-525, -301-526, -301-527, -301-528, -301-529, -301-531, -301-533, -301-534, -301-536, -301-537, -301-542, -301-623, -301-624, -301-625, -301-626, -301-631, -301-632, -301-731, -301-723, -301-724, -301-725, -301-726, -301-728, -301-729, -301-731, -301-732, -301-733, -301-746, -301-764, -301-830.

### Analysis:

The transmission lines will be removed, conductor cables removed, and the wood poles cut off at ground level. The Division has approved this method at several mines.

### Findings:

The permittee has met the minimum requirements of this section.

## TOPSOIL AND SUBSOIL

Regulatory Reference: 30 CFR Sec. 817.22; R645-301-240.

### Analysis:

#### Redistribution

There will be no redistribution of topsoil to the power line corridor. The total disturbance of 38 power poles will be 0.002 acres.

### Findings:

The permittee has met the minimum requirements of 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**

There will be no revegetation of this area since the power poles will be cut-off at ground level. However, in the event that the area is disturbed, the permittee will reclaim the disturbance by the approved plan.

#### Findings:

The permittee has met the minimum requirements of this section.

### BONDING AND INSURANCE REQUIREMENTS

Regulatory Reference: 30 CFR Sec. 800; R645-301-800, et seq.

#### Analysis:

##### **Determination of Bond Amount**

The permittee has shown a \$19,600 increase in the bond for the reclamation of the power line to the 4<sup>th</sup> East portals. The permittee has sufficient bond due to the fact the preparation plant has never been constructed.

#### Findings:

The permittee has met the minimum requirements of this section.