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

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OK

November 26, 2002

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

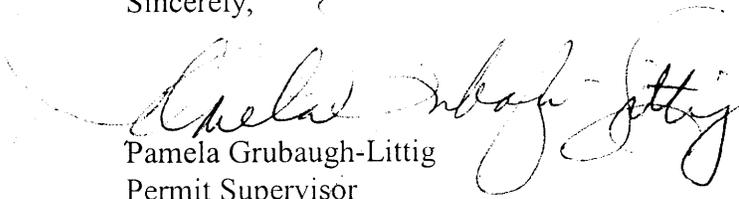
Re: Approval of Transmission Line, Consolidation Coal Company, Emery Deep, C/015/015-02D-2, Outgoing File

Dear Mr. Kirschbaum:

The above-referenced amendment is approved effective November 18, 2002. A stamped incorporated copy is enclosed for insertion into your copy of the Mining and Reclamation Plan. A copy of our Technical Analysis is also enclosed for your information.

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

Sincerely,


Pamela Grubaugh-Littig
Permit Supervisor

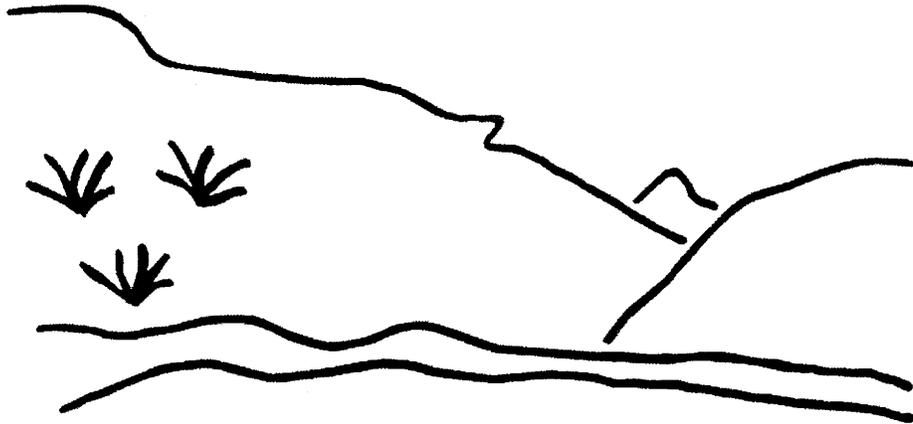
SJD/sd

Enclosure

cc: Ranvir Singh, OSM
Pat Gubbins, BLM
Mark Page, Water Rights w/o
Dave Ariotti, DEQ w/o
Derris Jones, DWR w/o
Price Field Office

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State of Utah



Utah Oil Gas and Mining

Coal Regulatory Program

Emery Deep Mine
Transmission Line
C/015/015-02D-2
Technical Analysis
November 15, 2002

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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 4th 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.

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INTRODUCTION

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 proposes. 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. The cultural and historic resources maps have been updated.

Findings:

Information provided in the application is considered adequate to meet the minimum Historic and Archeological Resource Information requirements of the regulations.

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. The result of Larry England survey has been included into the MRP.

Findings:

Information provided in the application is considered adequate to meet the minimum Vegetation Resource Information requirements of the regulations

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

ENVIRONMENTAL RESOURCE INFORMATION November 15, 2002

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 have been included on a surface facilities map or a manmade features map.

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November 15, 2002 **ENVIRONMENTAL RESOURCE INFORMATION**

Findings:

The permittee has met the minimum requirements of this section.

OPERATION PLAN

OPERATION PLAN

PROTECTION OF PUBLIC PARKS AND HISTORIC PLACES

Regulatory Reference: 30 CFR 784.17; 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

The proposed power pole configuration uses fiberglass triangular raptor protection devices and Kaddus bird guards in areas where 60 inches couldn't be achieved. It is determined to meet the minimum requirements to protect raptors.

Findings:

Information provided in the application is considered adequate to meet the minimum Fish and Wildlife Information requirements of the regulations.

TOPSOIL AND SUBSOIL

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

Analysis:

OPERATION PLAN

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 Permittee provide a map showing exact access for pole placement and a commitment to minimize disturbance and take the shortest overland route possible for pole placement.

Findings:

Information provided in the application is considered adequate to meet the minimum Vegetation Information requirements of the regulations

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, -300-148, -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:

OPERATION PLAN

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 4th 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.

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OPERATION PLAN

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.

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 4th 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.