

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

June 2, 2005

TO: Internal File

THRU: Stephen J. Demczak, Environmental Scientist III/Engineering, Team Lead

FROM: Priscilla W. Burton, Environmental Scientist III/Soils

RE: Additional Boundary to Facilitate 1st North Mining, Consolidation Coal Company, Emery Deep Mine, C/015/0015, Task ID #2222

SUMMARY:

The First North Mining Incidental Boundary Change (IBC) Chapter XII of the MRP was received April 6, 2005 describes the addition of 348 acres to the northeast of the existing permit area in T. 22 S., R. 6 E., SLBM as follows:

Sec 22: NE1/4, SE1/ 4, SE1/4NW1/4
Sec 23: W1/2 SW1/4
Sec 27: NE'4.

With this addition, the total permit area becomes 5,408 acres. All but 19 of the additional acres are under Consol ownership. The nineteen acres of private ground owned by Kenneth L. and Earlene Christiansen, has been determined to be prime farmland (Sec 22, SE1/4NW1/4, see Plate I-1 Surface Ownership Map). This land will be undermined in 2006 and 2007 and the Permittee must make notification to the surface owners six months prior to mining, as per plan. There is no planned surface disturbance of these lands. Subsidence mitigation plans are described in Chap. V, Section B.

The permit area shown on Plate I-1 shows Fed lease U50044 as part of the permit area, (but Plate III-9 does not). This land will likewise be undermined in 2007 and 2008, also requiring prior landowner notification.

TECHNICAL ANALYSIS:

ENVIRONMENTAL RESOURCE INFORMATION

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

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SOILS RESOURCE FORMATION

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:

Soils information is provided on an Order III level for the 348-acre IBC area. The application does not indicate any surface disturbance in the IBC area and no further soils information was submitted beyond the initial reconnaissance information. The application indicates that the lands to be undermined in T. 22 S., R. 6 E., SLBM, Sec 22, SE1/4NW1/4 are prime farmland, irrigated Penoyer Loam soils. The NRCS letter of determination (expected imminently) will be placed in Appendix XII-2. No further survey information has been provided, because there will be no surface disturbance to these soils.

Findings:

The information provided meets the minimum requirements for environmental soil resource requirements of the Regulations.

PRIME RMLAND

Regulatory Reference: 30 CFR 785.16, 823; R645-301-221, -302-270.

Analysis:

Lands within the IBC area are shown as Prime Farmland in Important Farmlands of Parts of Carbon, Emery, Grand, and Sevier Counties. 1981. Utah Ag Exp Sta Res Rpt No. 76. The prime farmland status of nineteen acres of private ground owned by Kenneth L. and Earlene Christiansen was confirmed through maps of agricultural land acquired from the United States Farm Service Agency and through discussions with the Natural Resources Conservation Service. NRCS reconnaissance of the prime farmland confirmed that the acreage is a grass pasture and is currently being irrigated.

Surface disturbance is not planned or expected using a continuous miner room and pillar operation (Sections XII.A, XII.C.6.1, XII.D.1, and XII.D.4). A pre-subsidence survey will be made of the prime farmland area prior to developing any panels in the IBC (Section XII.C.2). In addition, Consol will locate a subsidence monitoring point within the designated prime farmland in the IBC in consultation with the landowner (Section X.C.2). This point will be designated on Plate XII-1 of the MRP. Subsidence mitigation plans are described in Chap. V, Section B.

Findings:

The Division finds that nineteen acres of private ground, owned by Kenneth L. and Earlene Christiansen in T. 22 S., R. 6 E., SLBM, Sec 22, SE1/4NW1/4, are prime farmland and are within the 348 acre IBC. No surface disturbance to these lands is proposed.

RECOMMENDATIONS:

Nineteen acres of private ground owned by Kenneth L. and Earlene Christiansen, is shown in Sec 22, SE1/4NW1/4 (Plate I-1 Surface Ownership Map). This land will be undermined in 2006 and 2007 and the Permittee must make notification to the surface owners six months prior to mining, as per plan. The NRCS prime farmland determination letter has yet to be received and will be added to the plan as soon as possible. It is expected that this letter will provide a bit of detail on the crops grown (grassland) and the average productivity of these lands.