

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

May 17, 2007

TO: Internal File

THRU: Wayne Western, Environmental Scientist/Engineering, Team Lead *WtW*

FROM: *JCH* Joseph C. Helfrich, Environmental Scientist/Biology, Cultural Resources and Land Use

RE: Panel 14th West Full Extraction, Consolidation Coal Company, Emery Deep Mine, C/015/0015, Task ID #2807

SUMMARY:

On April 20, 2007 the Division received an application from Consolidation Coal Company to complete secondary or full extraction in panel 14 West. The panel can be located on the Walker Flat 7.5 minuet quadrangle map. The project is intended to facilitate the uninterrupted mining and maximum recovery of the coal. There is no anticipated surface disturbance associated with this amendment. This memo will address the Biology, Cultural Resource and Land use sections of the regulations.

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TECHNICAL ANALYSIS:

GENERAL CONTENTS

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:

The application includes a reference to the archaeological resource information that is applicable to this application in the table of contents of chapter ten.

Findings:

The information in the application is adequate to meet the requirements of this section of the regulations.

VEGETATION RESOURCE INFORMATION

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

Analysis:

A discussion of the vegetation resources above the 4 East, 6 West and 14 and 15 West panels is provided in Appendix VIII-3. Vegetative communities include greasewood, shadscale, Saltgrass, Tamarisk, Cattail/Saltgrass, Mat Saltbush, Greasewood /Tamarisk, Baren ground, Dry pasture and Irrigated pasture. A current list of threatened and endangered species is also included in the appendix along with a vegetation map of the 14 and 15 West panel areas. Plate VIII-1 has been updated to include a reference, (Appendix VIII-3 figures 1 and 2), to the detailed vegetative communities in panels 4 East, 6 West and 14 and 15 West.

Findings:

The information in the application is adequate to meet the requirements of this section of the regulations.

FISH AND WILDLIFE RESOURCE INFORMATION

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

Analysis:

A reference to the wildlife resources within the 14th West panel area has been included in the chapter nine of the MRP. A reference to the current list of threatened and endangered species is also included in the application as noted in the table of contents for chapter nine. Plate 10-1 has been updated to include the location of the 14th West panel, the panel includes elk substantial value winter habitat and substantial deer year long habitat.

Findings:

The information in the application is adequate to meet the requirements of this section of the regulations.

LAND-USE RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.22; R645-301-411.

Analysis:

DOGM management has determined that the requirements of these sections of the regulations do not apply to the information provided in the 14th West application.

Findings:

N/A

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.

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Analysis:

Archeological Site Maps

Plate X.A-1, Permit Area Cultural Resources includes the location and identification of the eight sites identified in the cultural resources inventory dated February 14, 2007. Three of these cultural resource sites, (42EM 3833, 34 and 35), are located in panels 14 and 15 west as shown on Plate X.A-1.

Cultural Resource Maps

Plate X.A-1, Permit Area Cultural Resources includes the proposed 14 and 15 West panels. The Plate also includes the location and identification of the eight sites identified in the cultural resources inventory dated February 14, 2007, (same requirement for Archaeological site maps).

Surface and Subsurface Ownership Maps

Surface ownership maps have been included in the 14th West application.

Findings:

The information in the application is adequate to meet the requirements of this section of the regulations.

OPERATION PLAN

PROTECTION OF PUBLIC PARKS AND HISTORIC PLACES

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

Analysis:

The application includes a reference in the table of contents for information that addresses this section of the regulations, chapter X appendix 5-7 of the MRP.

Findings:

The information in the application is adequate to meet the requirements of this section of the regulations.

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

DOGM management has determined that the requirements of this section of the regulations do not apply to the information provided in the 14th West application.

Endangered and Threatened Species

Threatened and Endangered plant species for Emery County are listed on page 6 of Appendix VIII-3. No T&E plant species were found within the study area. As well the habitat assessment suggested almost no chance of species occurrence at the sites. In addition a sensitive species inventory of the area is also being conducted. The location of the study area is identified on the Vegetation maps, figures 1 and 2.

Threatened and Endangered animal species for Emery County have been included in the application for the 14th West panel. Calculations for mine water discharge for the 14th West panel has been included in the MRP.

Additional species in Utah's Sensitive species list include the following;

Conservation Agreement Species

Northern Goshawk

Accipiter gentilis

Wildlife Species of Concern

Grasshopper Sparrow

Ammodramus savannarum

Short-eared Owl

Asio flammeus

Burrowing Owl

Athene cunicularia

Ferruginous Hawk

Buteo regalis

Greater Sage-grouse

Centrocercus urophasianus

Black Swift

Cypseloides niger

Bobolink

Dolichonyx oryzivorus

Lewis's Woodpecker

Melanerpes lewis

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Long-billed Curlew
American White Pelican
Three-toed Woodpecker
Sharp-tailed Grouse

Numenius americanus
Pelecanus erythrorhynchos
Picoides tridactylus
Tympanuchus phasianellus

Bald and Golden Eagles

Bald Eagles do not nest in the area but are typically inhabitants during migration. The applicant needs to address this section of the regulations. A current legible raptor survey will be submitted when completed in June of 2007.

Wetlands and Habitats of Unusually High Value for Fish and Wildlife

DOGM management has determined that the requirements of these sections of the regulations do not apply to the information provided in the 14th West application.

Findings:

The information in the application is adequate to meet the requirements of this section of the regulations.

The requirement for a protection and enhancement plan does not apply to the 14th West panel area.

Threatened and Endangered animal species for Emery County have not been included in the application for the 14th West panel.

Calculations for mine water discharge for the 14th west panel have not been included in the application.

A current legible raptor survey will be submitted when completed in June of 2007.

The requirement to include a mitigation plan for habitats of high value for fish and wildlife does not apply to the 14th West panel area.

RECOMMENDATIONS:

The application is recommended for approval.