

0035

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

August 7, 2007

JK

TO: Internal File

THROUGH: Steve Demczak, Lead *AGD by ar*

FROM: *JCH* Joseph C. Helfrich, Environmental Scientist/Biology/Land use/Cultural resources

RE: Minor Coal Exploration Plan, Consolidation Coal Company, Emery Deep Mine, C/015/0015, Task ID #2670

SUMMARY:

On July 31, 2007 the Division received an application from Ark Land Company C/O Skyline Mine to drill one coal exploration hole on private land in Winter Quarters canyon during the summer of 2007. The exploration hole will be completed by helicopter drilling. The exploration site can be located on the Scofield 7.5 minuet quadrangle map, township 13 south range 6 east in the NE 1/4 of the N/W quarter of section 1.

This memo will address the Biology and Cultural Resource and Land use sections of the regulations.

EXPLORATION TECHNICAL ANALYSIS:

OPERATIONAL STANDARDS

Regulatory Reference: 30 CFR 772.13; R645-202-100.

Analysis:

Biology

Page 3 of the application refers to the vegetation in the exploration area as mountain brush and white fir spruce vegetative communities. Although that description may have been accurate for some of the previous exploration sites the site visit on August 7, 2007 with Mark Bunnel and Gregg Galecki representatives from the Skyline Mine indicated that exploration site C-07 was located on a south facing slope, with the dominant vegetative community being sage brush/snowberry with interspersed pockets of aspen and choke cherry.

TECHNICAL MEMO

The last sentence on page 3 should be revised to accurately describe the vegetative community where the proposed exploration site is located. It is unlikely that the area is habitat for a number of reptiles as stated on page 4 sentence #3. The application should be corrected to reflect these suggested changes.

The application also includes the following wildlife information in Appendix A:

- A 2005 Forest Service Biological Evaluation Biological Assessment report, (BEBA). The report provides a detailed explanation regarding the presence or absence of Threatened and Endangered and Sensitive species, (plant, fish and animal), that may be located within the proposed drill site location,
- A 2005 Forest Service Wildlife Resources report. The report provides detailed analyses on TES, MIS, and Priority Migratory Bird Species potentially affected by the exploratory drilling and,
- A 2007 Northern Goshawk / Elk survey. The survey is primarily a Goshawk survey with some observations on the presence of elk and mule deer. There were no nests located within ½ mile of the proposed drill site location.

According to the BEBA the Bald Eagle would not occupy the area during winter periods of migration. Eagles do not typically nest in Utah, although there are eight known nesting pairs in the state, one of which is located approximately 20 miles from the exploration site location. The exploration activities would not affect the birds. There are no threatened or endangered or sensitive plant species located in the proposed drill hole location. Sensitive wildlife species include the Spotted Bat, Townsend's Big Eared Bat, the Northern Goshawk, Flamulated Owl and Three Toed Woodpecker. There is suitable habitat for the Goshawk, and Three toed Woodpecker, and marginal habitat for the Flamulated Owl in the mixed conifer forests on the north facing slopes of Winter Quarters and Woods canyons. Since the exploration site is located on a South-facing slope these species' habitats would not be affected by the drilling activities. Managemnt Indicator Species are addressed in the Wildlife Resources Report, they include Elk, MuleDeer, the Northern Goshawk, Golden Eagle and Macroinvertebrates. According to the report they would not be affected by the helicopter-drilling project.

The drilling activities are scheduled for the 22nd of August, which is beyond any wildlife exclusionary periods.

Findings:

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

HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION

Analysis:

The application includes a site-specific cultural resource evaluation for the drill hole # C-07, (Earth Touch Cultural Resource report No. 07-15 attachment, Appendix B). A class three pedestrian survey was completed in July of 2007. The project area covered a 100' by 100' area.

According to the survey there were no known districts, sites, buildings, structures, or objects listed on or eligible for listing on the National Register of Historic Places within 1/2 mile of the proposed drill site location. The survey results also provided a finding of "no historic properties affected". A copy of the survey was forwarded to the State Historic Preservation Office. The Division received their concurrence from the SHPO by way of "E" mail correspondence on 08/14/2007.

Findings:

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

RECLAMATION STANDARDS

Regulatory Reference: 30 CFR 772.13; R645-202-200.

Analysis:

Revegetation

The application includes a seed mix to be used in reclamation of the drill sites as outlined on page 10 of the application. The seed mix was approved by the division for the Granger Ridge project and is applicable to the location for the current drill site # C-07.

Findings:

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

RECOMMENDATIONS:

The application is recommended for approval.