

# TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

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August 7, 2008



TO: Internal File

THRU: Steve Christensen, Lead 

FROM: Joe Helfrich, Biologist 

RE: Five Year Plan, Consolidation Coal Company, Emery Deep Mine, C/015/0015, Task ID #2990

**SUMMARY:**

On June 13, 2008 the Division received an application from Consolidation Coal Company for a five-year mining plan. The plan includes pillar splitting to maximize coal recovery. This memo will include a review of the Land-use, Cultural Resource and Biology sections of the regulations.

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**TECHNICAL ANALYSIS:**

**GENERAL CONTENTS**

**PERMIT APPLICATION FORMAT AND CONTENTS**

Regulatory Reference: 30 CFR 777.11; R645-301-120.

**Analysis:**

The application needs to include information that addresses the Biology, R645-301-300 and Land-use, R645-301-400 sections of the regulations.

**Findings:**

The information in the application is not adequate to meet the requirements of this section of the regulations. Prior to approval the following information must be provided in accordance with **R645-301-300 and R645-301-400**; the application needs to include information that addresses the Biology, R645-301-300 and Land-use, R645-301-400 sections of the regulations.

**MAPS AND PLANS**

Regulatory Reference: 30 CFR 777.14; R645-301-140.

**Analysis:**

The application includes two maps, Plate VIII-1, Vegetation and Landuse and Plate 10-1, Selected Wildlife Information.

**Findings:**

These two maps are adequate to meet the requirements of this section of the regulations.

**ENVIRONMENTAL RESOURCE INFORMATION**

**HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION**

Regulatory Reference: 30 CFR 783.12; R645-301-411.

**Analysis:**

The application includes cultural resource data for the projected five year plan. Montgomery Archaeological Consultants Inc. (MOAC) conducted a cultural resource inventory for Consol's Life of Mine Full Extraction areas on May 15, 2008. The survey included a file search and a block inventory in sections 21, 22, 27, 28 and 29 in Township 22S, Range 6E. The field inventory was conducted under the state of Utah Antiquities Project permit # U-08-MQ-0464p.

According to the survey one previously documented ineligible site and 14 new sites, one of which was recommended eligible to the NRHP, # 42Em3837 were documented. The remaining 13 sites did not meet the standard for eligibility under Criteria A through D as noted in 30 CFR 60.4. If the eligible site can be avoided the survey supports a recommendation of "*no adverse effect*". However the application includes a proposal to conduct full extraction mining activities under the eligible site as depicted on Plate V-5. The application needs to include a narrative on how the site will be avoided or a data recovery plan if the site can not be avoided.

**Findings:**

The information is not adequate to meet the requirements of this section of the regulations. Prior to approval the following information must be provided in accordance with **R645-301-411**; the application needs to include a narrative on how the eligible site, 42Em3837 will be avoided or a data recovery plan if the site cannot be avoided.

**ALLUVIAL VALLEY FLOORS**

Regulatory Reference: 30 CFR 785.19; 30 CFR 822; R645-302-320.

**Analysis:**

**Alluvial Valley Floor Determination**

The Permittee should discuss whether the proposed full extraction mining to be implemented at the site (See Plate V-5) could potentially impact the alluvial valley floors (AVF's) depicted on Plate XI-1.

**Findings:**

**R645-301-320-** The Permittee should discuss whether the proposed full extraction mining to be implemented at the site (See Plate V-5) could potentially impact the alluvial valley floors (AVF's) depicted on Plate XI-1.

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**RECOMMENDATIONS:**

The application is not recommended for approval at this time.

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