

#3607  
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# TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

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August 31, 2010

TO: Internal File

THRU: Steve Demczak, Lead

FROM:  Joe Helfrich, Land use, Biology, Cultural Resources

RE: Emery 2.1 Exploration, Consolidation Coal Company, Emery Deep Mine, C0150015, Task ID #3607

**SUMMARY:**

On August 25, 2010 the Division received an application from Consolidation Coal Co. to drill eight exploration holes within the proposed Emery 2.1 face-up area during 2010. The proposed drill sites are located in Section 33 of T. 22S, R. 6E as depicted on plate 1. This memo will include a review of the Biology, Land Use and Cultural Resource sections of the application.

TECHNICAL MEMO

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**TECHNICAL ANALYSIS:**

**ENVIRONMENTAL RESOURCE INFORMATION**

**HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION**

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

**Analysis:**

The application includes a "Cultural Resource Inventory of Consolidated Energy's Emery 2 proposed mine area, (T22 South, R6 East Sections 32 and 33) Emery County Utah". A file search for previous inventories was performed by Marty Thomas on 9/1/2009. Figure 1 is a 7.5 minute quad map, (Walker Flat), showing the size and locations of the proposed Emery 2 area and the 8 cultural resource sites. A 100% pedestrian ground survey, (10 meter grid spacing), was conducted on the 187 acre parcel. The cultural resources were recorded as either archaeological site or isolated finds of artifacts.

**Findings:**

The inventory resulted in the location and re-documentation of six sites and two new sites four of which are eligible under Criterion D of the National Register Evaluation Criteria. The remaining four sites are prehistoric lithic or artifact scatters that are recommended as non eligible to the NRHP. Since the four eligible sites can and will be avoided the applicant has proposed a determination of "No historic properties affected." The information in the application is adequate to meet the requirements of this section of the regulations. The Division received concurrence from the SHPO on September 15, 2010.

**VEGETATION RESOURCE INFORMATION**

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

**Analysis:**

Appendix A includes a description of the plant communities and species compositions for each of the eight drill sites located in the proposed Emery 2.1 area. A description of the grasses and forbs associated with each community is also included in the appendix. For threatened, endangered and sensitive plant species there are several federally listed species that occur in Emery County. A species of Fishhook Cactus, (*Sclerocactus sp.*), was found on drill sites EM-

10-03, 04 and 05 and possibly the more rare Wright's Fishhook Cactus, (*Sclerocactus wrightiae*) or whipplei. In total there were 30 individual *Sclerocactus* sp. plants.

**Findings:**

Due to the uncertainty of the cactus species Consol has agreed to avoid the plants during the exploration drilling. 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:**

Appendix C includes a list of Threatened Endangered and Candidate wildlife species that may occur in Emery County. According to the published data from the Division of Wildlife Resources, (DWR), these species would not be present in the proposed exploration area. Personal conversation with Dr. Patrick Collins, (MT. Nebo Scientific), on September 1, 2010 noted that a "ground truthing" survey for presence and or occupancy of said wildlife species had been conducted concurrently with the vegetation analyses of the 187 acre parcel as noted in the introduction of the vegetation survey. Plate 10-1 has been updated recently, May 2010, to include the Zero Zero North wedge area. Elk (*substantial value winter habitat*) is located in the vicinity of proposed drill holes EM2.1-10-01 and 02. However these sites are located within the current disturbed area.

**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:**

A revised plate 10-1 depicts the land use for the proposed exploration area as wildlife.

**Findings:**

**TECHNICAL MEMO**

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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 CFR 784.17; R645-301-411.

#### **Analysis:**

There were no parks or historic places identified in the cultural resource (pedestrian) survey.

#### **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**

The protection and enhancement plan in the current MRP is adequate.

##### **Endangered and Threatened Species**

This section has been addressed in the Environmental Resource section

##### **Bald and Golden Eagles**

There are no known Bald or Golden eagle nests within ½ mile of the proposed exploration area.

### **Wetlands and Habitats of Unusually High Value for Fish and Wildlife**

According to the vegetation community descriptions there are no wetlands in the proposed 187 acre parcel. Elk (*substantial value winter habitat*) is located in the vicinity of proposed drill holes EM2.1-10-01 and 02. However these sites are located within the current disturbed area.

#### **Findings:**

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

### **VEGETATION**

Regulatory Reference: R645-301-330, -301-331, -301-332.

#### **Analysis:**

This section has been adequately addressed in the Environmental Resource section

#### **Findings:**

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

### **RECOMMENDATIONS:**

The application is recommended for approval