CHAPTER 4

LAND STATUS, LAND-USE AND POSTMINING LAND-USE

CHAPTER 4

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4.1 SCOPE

4.2 METHODOLOGY

4.3 LAND STATUS

4.3.1 SURFACE LAND STATUS/MINE PLAN AREA

Ownership of the surface rights within and contiguous to the mine plan and permit area is shown on Plates 2-1, 3-1 and 4-1. The surface within the lease areas and the contiguous lands, outside of the ARCO fee lands, are administered by the USFS. Also as shown on Plate 2-1 there are no structures within 1000' of the mine permit area.

4.3.1.1 OWNERSHIP

The United States Government under the supervision of the Manti-LaSal National Forest owns most of the surface rights in the immediate area of the permit and mine plan area as shown on Plates 2-1, 3-1 and 4-1.

Swisher Coal Company is now owned by the Atlantic Richfield Company. The properties formerly owned by Swisher are now operated by ARCO as Beaver Creek Coal Company. Mailing address for Beaver Creek Coal Company is as follows:

Beaver Creek Coal Company
1109 South Carbon Avenue
Price, UT 84501

4.3.1.2 SURFACE MANAGING AUTHORITIES

United States Department of Agriculture, Forest Service, Intermountain Region.

4.3.1.3 UTILITY CORRIDORS AND OTHER RIGHT-OF-WAYS

No utility corridors or other rights-of-way existon the surface or in documentation or court record. There are no surface or subsurface man-made features within or passing over the permit area.

4.3.1.4 SPECIAL USE PERMITS AND LEASES

Genwal has obtained Special Use Permits from United States Forest Service, Manti-LaSal Forest Ranger for surface facilities adjacent to permit area (sediment pond etc.), snow storage and Forest Parking and the three topsoil stockpiles.

The proposed use of private and Forest Service lands, not contained in the lease area, for surface facilities in conjunction with the Crandall Canyon Mine are shown on Plate 2-1. The document for legal right-of-entry and the construction of an access road through Forest Service lands is enclosed at the end of Chapter II as Item 2-3. Documents permitting the use of Forest Service lands for portal facilities, snow storage and topsoil stockpiles not contained within the boundaries of the Federal coal lease is shown as a special use permit application and is enclosed at the end of Chapter 2 as Item 2-4. Document supporting legal right-of-entry on Swisher Coal Company property is enclosed as Item 2-5.

4.3.2 MINERAL OWNERSHIP/MINE PLAN AREA

Coal ownership within the permit area and on contiguous lands is shown on Plates 2-1, 3-1 and 4-1.

4.3.2.1 COAL OWNERSHIP AND MINES

The coal within the lease area is owned by the United States Government - United States Bureau of Land Management, operates as managing authority.

4.3.2.2 COAL LEASES

SL-062648 assigned through BLM (See Item 2-1). Applicant current lease-holder U-54762. In this document lease-holder U-54762 is occasionally referred to as U-054762.

4.3.2.3 MINERAL OWNERSHIP

United States Government.

4.3.2.4 MINERAL LEASES

Existing documentation indicates that none exists.

4.3.2.5 OIL AND GAS OWNERSHIP AND WELLS

United States Government owner - no existing oil or gas wells within permit area.

4.3.2.6 OIL AND GAS LEASES

Portion of the permit area held under oil and gas lease by the Federal Government. See Plate 4-1.

4.4 LAND USE

4.4.1 REGIONAL LAND-USE

Under United States Forest Service jurisdiction to be managed as a multiple use forest area.

4.4.2 LAND-USE IN MINE PLAN AREA

Prior to 1939, the permit area was used for dispersed, non-developed recreation, grazing by native big game species and habitiat for small game and non-game animals. From 1939 until 1955, the area was mined by traditional room and pillar methods. Approximately 35,000 tons were removed from the Hiawatha Seam. Since termination of mining, the land has reverted to its original uses. Cattle are moved through the canyon to grazing areas at higher elevations. Some grazing occurs in the riparian areas at these times, but the canyon slopes are too steep to be suitable for regular grazing. The area is also unsuitable for logging.

After mining operations cease, the area will be restored to support uses it was capable of supporting prior to mining. Since the area will be returned to its approximate original contours, it will most likely be too steep for grazing by other than native game and non-game species. The access road will be left in place, pursuant to the wishes of the USFS (surface landowner).

The present use of the land to be affected by surface operations and facilities within the proposed permit area is for dispersed non-developed recreation, native wildlife habitiats and dispersed cattle grazing. The wildlife habitats within the mine area are described in Items 10-2 and 10-3. The area has been used for a previous mining operation and the previous operation created somewhat level areas to create access to the coal seam and for coal loading operations.

This has made the area somewhat more accessible and in a better condition as far as access goes, however, the previous operation has also left a lot of trash and lumber, remains of old cabins, fuel and oil cans in the area which might make it less desirable for recreation from an aesthetic point of view. A portion of the existing vegetation was also disturbed and there is no evidence of any revegetative work having ever been done in the area.

Emery County had previously zoned this area as a recreation forestry and mining area. However, as of November 12, 1979, this area has been rezoned to CE-1 which is a critical environment zone. A county zoning of CE-1 does not prohibit mining. Therefore, the area will not have to be rezoned.

Based upon a phone call with Don Almond, the Emery County Mining Commissioner, on October 9, 1981, the designation of CE-1 and consequently the status of possible mine development in Crandall Canyon was ascertained. Although mining is not prohibited, page 38 of the Emery County Zoning Resolution states that conditional use must comply with their code and be approved by the County Commission under provisions of Article 9. A review by the Emery County Commission scheduled for October 22, 1981, was postponed until November 19, 1981, because of a lack of information submitted.

Genwal Coal has complied with the procedures outlined in Part 9-1-2, Items A through F. On July 30, 1980, at the planning commission meeting, Genwal's documents were to be reviewed as per Article IV, Part 9 Section F. The planning commission did not approve, disapprove or approve it subject to modification as required by Section F. No action was taken, for reasons stated in the minutes from the meeting, refer to Item 4-2. The commission should have responded as required in Section F of the Emery County Zoning Ordinance. The only response Genwal has had came on September 14, 1981, rather than as provided for in Section F. The letter dated September 14, 1981, indicates the previously submitted documents were adequate for preliminary review. If that was the case, the County planning commission should have responded favorably within 30 days to the Emery County Commission as required in Section F. During the Emery County Planning Commission meeting held on November 25, 1981, the previously submitted documents were approved unamiously.

The Manti LaSal Division of the United States Forest Service has this area shown on their land use map as suitable for dispersed, non-developed recreation, and suitable for limited grazing as the slopes are steep and there is not enough of the necessary vegetation for extensive grazing. It is also classified as unsuitable for logging operations as conifer is only a marginal component of the area.

Dispersed grazing currently occurs in the permit area while cattle are moved though to higher elevation grazing areas. It is expected that this sporadic grazing will continue after mine life. Big game will also graze the post-mine land.

Crandall Canyon is not actually being used as summer range for cattle, but cattle are moved through the canyon to the actual grazing areas at higher elevations. Because the cattle are moved through the canyon, grazing, although undesirable, does occur, without noticeable depletion of vegetation in the riparian zone. The riparian zone, covering a minute portion of the canyon area, allows for some grazing. It is undesirable for the effect it has on riparian vegetation for use by native wildlife. The posture of the canyon lying outside the riparian zone is too steep for grazing by other than native wildlife. Big game use will be part of the post-mine land-use for this reason. Cattle will still be moved through the canyon with unavoidable sporadic grazing in the riparian zone, but the cattle should be moved to higher elevations as soon as possible to avoid unnecessary damage to vegetation in the riparian zone. By returning the disturbed areas to its original contours, it will again be to steep for grazing by other than native big game species.

In the Manti La Sal National Forest Land and Resource Management Plan (LRMP), 1986, the Forest Service has developed certain management objectives for the area.

The permit area includes four separate management units. The management units are as follows and management emphasis for each unit is described.

The bottom of Crandall Canyon is included in the MMA (Leasable Minerals Area) Management Unit where management emphasis is on leasable minerals development. This unit includes the surface facilities for the mine.

The eastern protion of the permit area lies within the GWR (General Big-Game Winter Range) Management Unit where management emphasis is on providing general big-game winter range.

The north and west areas of the permit area lies within the RNG (Range Forage Production) Management Unit. Management emphasis is on production of forage and cover for domestic livestock and wildlife.

The riparian area along Crandall Creek is included in the RPN (Riparian) Management Unit. RPN areas include the aquatic (including fish) ecosystem, the riparian (characterized by distinct vegetation), and adjacent ecosystems that remain within approximately 100 feet measured horizontally from the edge of all perennial streams and springs, and the shores of lakes and other

still water bodies, i.e., from seeps, bogs, and wet meadows. Emphasis is on preservation of the riparian areas and component ecosystem.

The historic use of the land has been for recreation, forestry, wildlife habitiat and mining as indicated by previous zoning, historic documentation and visual examination.

The proposed mine plan area has been previously mined and the following information is provided as requested.

Type of mining method used: room and pillar method of mining.

Coal seams mined: Hiawatha seam only seam mined.

Extent of coal removed: Approximately 35,000 tons as per USGS calculations.

Approximate dates of past mining: November, 1939, to September, 1955, as per USGS records.

4.4.3 LAND-USE DURING OPERATION

4.4.3.1 AFFECT OF OPERATION ON LAND-USE

Applicant feels that greater portion of permit area will not be affected by our operation and that pre-mining land-use will be applicable except for disturbed area around portals and access road.

4.4.3.2 MITIGATION OF EFFECTS OF OPERATION

The maximum area of possible subsidence is shown on Plate 12-2 as the area contained within the zero subsidence contours. As explained in Chapters 7 and 12 no adverse effects are expected to occur as a result of the subsidence mechanisms and no mitigation measures are proposed, however in the event subsidence damages or alters such structures as streams, roads etc. Genwal will repair or replace such structures in conjunction with prudent and resonable environmental designs.

4.5 POSTMINING LAND-USE

After reclamation, the area will be restored to support uses it was capable of supporting prior to mining. Vegetation will be restored to comply with UMC 817.116 and 817.117 to provide habitat and a food source for wildlife. It is expected that the

cattle grazing will continue after reclamation. The access road will remain pursuant to the wishes of the USFS (surface landowners), to support limited (underdeveloped) recreation.

4.6 SOCIOECONOMIC CONSIDERATIONS

4.7 BIBLIOGRAPHY

None.