

# TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

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June 25, 2013  
Revised July 30, 2013

TO: Internal File

THRU: Priscilla Burton, Lead *for*

FROM: Joe Helfrich, Biology, Landuse, Cultural Resources *JCH*

RE: Revised DD1 & Sediment Pond 4, Alton Coal Development LLC, Coal Hollow Mine, C025/0005, Task ID #4369

## SUMMARY:

On June 7<sup>th</sup> the Division received an application to make revisions to ditch DD1 and sediment pond #4. This memo includes a review of that information. On July 22<sup>nd</sup> the undersigned met with management to discuss the two deficiencies noted in this memo. The timing restriction was removed from the first deficiency and the commitment to conduct pre-site archaeological surveys noted in the second deficiency is included in chapter 4 of the MRP.

## SUMMARY OF DEFICIENCIES

**R645-301-322, -301-333, -301-342, -301-358, and the commitment to minimize impacts to wildlife as stated in chapter 3 of the MRP**, the applicant needs to demonstrate how potential impacts to the grouse will be minimized during the additional construction activities associated with the construction of Ditch D1 and sediment pond 4. [JCH]

**R645-301-411**, the application needs to include written verification of pre-site archaeological clearances for the construction of ditch D1 and sediment pond 4. [JCH]

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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:**

Archaeological clearances are required for surface disturbances associated with the Coal Hollow mine. Chapter 4, Page 4-5, Section 411.142 states that ***“Clearances will be obtained through (SHPO) by means of phase testing, a data recovery treatment plan, or other appropriate mitigation processes.”*** The application needs to include documentation verifying that appropriate clearances have been obtained for the construction of ditch D1 and Sediment pond 4.

**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; **R645-301-411**, the application needs to include written verification of pre-site archaeological clearances for the construction of ditch D1 and sediment pond 4.

## OPERATION PLAN

### 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**

Diversion ditch D1 and sediment pond 4 are currently located in both lekking and critical nesting and brood rearing habitats for the sage grouse according to the information provided in the application and the MRP. The lekking and nesting periods for the grouse are complete for 2013. However the brood rearing period is ongoing. The best technology currently available to minimize impacts to the grouse is to avoid disturbing them until they have developed enough to be able to move away from man caused disturbances. That would be August 15<sup>th</sup>. The applicant needs to demonstrate how potential impacts to the grouse will be minimized during the construction of Ditch D1 and sediment pond 4.

#### 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; **R645-301-322, -301-333, -301-342, -301-358, and the commitment to minimize impacts to wildlife as stated in chapter 3 of the MRP**, the applicant needs to demonstrate how potential impacts to the grouse will be minimized during the additional construction activities associated with the construction of Ditch D1 and sediment pond 4.

#### **RECOMMENDATIONS:**

The application is not recommended for approval at this time.