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TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

September 23, 2013

TO: Internal File

THRU: Daron Haddock, Lead *DRH*

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

RE: Revised DD1 & Sediment Pond 4, Alton Coal Development LLC, Coal Hollow Mine, C025/0005, Task ID #4396

SUMMARY:

On June 7th 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 22nd 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. On August 15 the Division received a response to the deficiencies noted in task # 4369. This memo will include a review of the most recent information.

RECOMMENDATION

R645-301-411, ACD needs to be reminded (to be included in the approval letter) that an archaeologist needs to be on site during the construction of ditch D1 and sediment pond 4 to determine if there are any cultural resources discovered during the excavation. Documentation of the results of the inspection should be provided to the Division within 30 days of completion of the project. [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:

ACD needs to be reminded (to be included in the approval letter) that an archaeologist needs to be on site during the construction of ditch D1 and sediment pond 4 to determine if there are any cultural resources discovered during the excavation. Documentation of the results of the inspection should be provided to the Division within 30 days of completion of the project.

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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 and brood rearing periods for the grouse are near completion for 2013. The applicant should be able to proceed without impacting the grouse.

Findings:

No further fish and wildlife information is required for the additional construction activities associated with the construction of Ditch D1 and sediment pond 4.

RECOMMENDATIONS:

The application is recommended for approval with the following request:

ACD needs to be reminded (to be included in the approval letter) that an archaeologist needs to be on site during the construction of ditch D1 and sediment pond 4 to determine if there are any cultural resources discovered during the excavation. Documentation of the results of the inspection should be provided to the Division within 30 days of completion of the project.