

0020



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801
801-538-5340
801-359-3940 (Fax)
801-538-7223 (TDD)

Michael O. Leavitt
Governor
Lowell P. Braxton
Division Director

June 26, 1998

TO: File

THRU: Daron Haddock, Permit Supervisor

FROM: Paul Baker, Reclamation Biologist

RE: Link Canyon Substation, Canyon Fuel Company, SUFCO Mine, ACT/041/002-98-1, Folder #2, Sevier County, Utah

Handwritten initials, possibly "D.H." and "P.B.", written in black ink.

SUMMARY:

Canyon Fuel Company is proposing to build a substation and breakout portal in Link Canyon within 100 feet of a public road. The Forest Service has not yet given approval for this activity. Besides this and some information that needs to be included about the bat survey, reviewed sections of the application can be considered complete and accurate.

TECHNICAL ANALYSIS:

ADMINISTRATIVE INFORMATION

UNSUITABILITY CLAIMS

Regulatory Reference: R645-301-115

Analysis:

The Link Canyon facilities would be built within 100 feet of a public road; therefore, the permittee is required to obtain approval from the public road authority with jurisdiction over the road. The application contains a copy of a letter to Janette Kaiser, supervisor for the Manti-Lasal National Forest requesting the approval. The applicant acknowledges in the letter that approval from the Forest Service is contingent on the results of an Environmental Analysis and a decision by the Forest Service and Bureau of Land Management whether to give approval for the Link Canyon facilities. As soon as it becomes available, the applicant needs to show it has this approval.

The applicant has been advertising the amendment in local newspapers, and, the advertisement mentions that the facilities would be within 100 feet of a public road.

The Division is unaware of any petitions to designate the area as unsuitable for mining.

Findings:

Information provided in the proposed amendment is not considered adequate to meet the requirements of this section of the regulations. Prior to approval, the applicant must provide the following

Page 2
ACT/041/002-98-1
Link Canyon Substation
June 26, 1998

in accordance with:

R645-301-115, The application needs to show evidence of approval from the entity with jurisdiction over the Link Canyon road for mining within 100 feet of the road.

ENVIRONMENTAL RESOURCE INFORMATION

LAND USE RESOURCE INFORMATION

Regulatory Reference: R645-301-411

Analysis:

The mining and reclamation plan contains land use information about the existing mine, and the application also has information about the Forest Service classification of the Link Canyon area. The proposed Link Canyon facilities appear to be in compliance with Forest Service management plans.

Findings:

Information provided in the proposal is considered adequate to meet the requirements of this section of the regulations.

HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION

Regulatory Reference: R645-301-411.140

Analysis:

The application includes a copy of a cultural resources survey report. No cultural resources were found in Link Canyon, so the Division can recommend a determination of no effect to the State Historic Preservation Officer (SHPO). Also, since no cultural resources were found in the Link Canyon area, it is not necessary to keep the report confidential.

Findings:

Information provided in the proposal is considered adequate to meet the requirements of this section of the regulations.

VEGETATION RESOURCE INFORMATION

Regulatory Reference: R645-301-321

Analysis:

The application contains no new vegetation resource information. The area in Link Canyon that would be disturbed has a pinyon/juniper/mountain mahogany community similar to vegetation near the main facilities in East Spring Canyon. Considering the size of the new disturbance, the existing information is considered adequate.

Findings:

Information provided in the proposal is considered adequate to meet the requirements of this section of the regulations.

FISH AND WILDLIFE RESOURCE INFORMATION

Regulatory Reference: R645-301-322

Analysis:

Wildlife Information

The current mining and reclamation plan contains results of raptor surveys and has been updated through 1997. There are two golden eagle nests in Link Canyon, but both were inactive in 1997. One is within about 1500 feet of the proposed disturbance, and the other is about 3000 feet away.

According to information in the existing mining and reclamation plan, Link Canyon contains critical deer winter range but marginal elk habitat.

The application includes a survey for bats done in Link and Box Canyons and in some adjacent areas. Spotted bats were heard in some areas of lower Box Canyon but not in the area that would be subsided. Townsend's big-eared bats were not seen or recorded. Several other bat species were recorded, but no maternal roosting sites or hibernacula were identified in the permit area.

Most of the basic information in the bat survey about the status classifications of Townsend's big-eared and spotted bats is incorrect. The study says spotted bats are classified as a category 2 species for listing as threatened or endangered, but this category has not existed for about two years. Also, the Utah Natural Heritage Program ranking is shown as G4SI, but the actual ranking is G4S2.

Townsend's big-eared bats are also ranked as G4S2, but the study says the ranking is SX. The SX ranking would mean the species is extirpated or extinct, but George Oliver of the Natural Heritage Program said he considers Townsend's big-eared bats to be widespread, fairly common, and present in most habitats. The report also says UDWR considers it a category 2 species, but this ranking is not given by Wildlife Resources.

The information in the application should be corrected, preferably by the consultant in the report or at least with a statement in the application showing the correct status of these species.

There are other problems with the report. The literature citations are incomplete and not properly done. The consultant claimed to have identified six species of *Myotis* using the ANABAT, but it is very difficult to identify species of *Myotis* in this manner. The report should have discussed the possible errors in identification. Also, the report does not give the dates when the bat survey was done. Dates can be critical for work of this nature.

Assuming the study was done at the proper times, most of these problems are not of great consequence to the study's conclusions. Nevertheless, the applicant needs to affirm the qualifications of those conducting the bat survey.

Threatened or Endangered Species

According to information in the existing mining and reclamation plan, there are no known occurrences of threatened or endangered species in the permit area. In 1997, there was an active peregrine falcon nest about two miles from the proposed Link Canyon facilities, but because of the distance and topography, it is unlikely this nest would be adversely affected.

Findings:

Information provided in the proposal is not considered adequate to meet the requirements of this section of the regulations. Prior to approval, the applicant must provide the following in accordance with:

R645-301-140, The applicant needs to affirm the qualifications of those conducting the bat survey. The report does not give dates of data collection, and much of the information about the status of two species is incorrect. Either the application needs to give correct and complete information or the consultant's report needs to be changed.

OPERATION PLAN

AIR QUALITY

Regulatory Reference: R645-301-420

Analysis:

The applicant proposes an increase in production above what is allowed in the existing Air Quality Approval Order, and the application says a request for modification of the Air Quality Approval Order has been filed with the Division of Air Quality to obtain approval for this increase.

Findings:

Information provided in the proposal is considered adequate to meet the requirements of this section of the regulations.

INTERIM STABILIZATION

Regulatory Reference: R645-301-331

Analysis:

The existing mining and reclamation plan contains a plan for interim revegetation of disturbed areas. Grasses and forbs from the final reclamation seed mix will be seeded according to the plan for final revegetation. These species should provide adequate erosion control.

Findings:

Information provided in the proposal is considered adequate to meet the requirements of this

Page 5
ACT/041/002-98-1
Link Canyon Substation
June 26, 1998

section of the regulations.

FISH AND WILDLIFE RESOURCE PROTECTION

Regulatory Reference: R645-301-333

Analysis:

Golden eagles are sometimes sensitive to human disturbance during the nesting period from February 1 to July 15. The applicant commits to avoid the nests in the Link Canyon area and to delay construction until after August 15. After the facilities are in place, most maintenance would occur from within the mine with minimal activity on the surface.

Link Canyon also contains critical deer winter range that should not be disturbed from November 1 through May 15. The current plan says surface activities will be curtailed from November 1 through April 1, and given the new commitment to not begin construction until after August 15, big game should be adequately protected. The applicant should avoid visiting the site as much as possible during the winter, and it would be best to avoid disturbance during the morning and evening hours.

Findings:

Information provided in the proposal is considered adequate to meet the requirements of this section of the regulations.

RECLAMATION PLAN

REVEGETATION

Regulatory Reference: R645-301-341

Analysis:

The current mining and reclamation plan includes plans for revegetating the main mine facilities area, and this plan, including the success standards, is mostly adequate for the proposed Link Canyon facilities.

Link Canyon is used to trail cattle to the top of the plateau, and it is anticipated they would graze on vegetation in the reclaimed area. This could reduce vegetation establishment and success, so the Division recommends the applicant fence the reclaimed area

Findings:

Information provided in the proposal is considered adequate to meet the requirements of this section of the regulations.

Page 6
ACT/041/002-98-1
Link Canyon Substation
June 26, 1998

LAND USE RECLAMATION PLAN

Regulatory Reference: R645-301-412

Analysis:

No changes to the postmining land use are proposed, and the reclamation plan appears to be in compliance with the management plan of the Forest Service.

Findings:

Information provided in the proposal is considered adequate to meet the requirements of this section of the regulations.

RECOMMENDATIONS:

The application should not be approved until the applicant has corrected the deficiencies outlined in this review.