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

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December 2, 1998

TO: File

THRU: Daron Haddock, Permit Supervisor DRH

FROM: Paul Baker, Reclamation Biologist PBB

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

SUMMARY:

Canyon Fuel Company is proposing to build a substation in Link Canyon within 100 feet of a public road with power lines extending up the canyon to the area of the coal seam outcrop. The Forest Service has given its consent for the activity. 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 the Forest Service Decision Document and Finding of No Significant Impact.

Findings:

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

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 not heard in Link Canyon, but two species of *Myotis* were mist netted. There may have been a maternal colony of *Myotis lucifugus* under a bridge in the lower part of Link Canyon. Spotted bats and Townsend's big eared bats are classified by the Forest Service as sensitive species.

The survey was done in early October 1997. This is a transitional time for most bat species when they could still be foraging or when they could be starting to hibernate. Since bats were mist-netted and recorded with the ANABAT, it is assumed most were still active.

The bat study did not consider hibernacula. To do so would necessitate a winter survey. However, because of the small size of the disturbance, it is unlikely any would be affected, and additional bat survey work is not required for this project.

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 considered adequate to meet the requirements of this section of the regulations.

OPERATION PLAN

AIR QUALITY

Regulatory Reference: R645-301-420

Analysis:

The applicant has received approval from the Division of Air Quality to increase its production to 8,000,000 tons per year.

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 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, very little mining activity will occur in the area with only emergency maintenance and monthly electrical inspections required.

Link Canyon also contains critical deer winter range; however, the Division of Wildlife

Resources has indicated the canyon is used primarily as a travel corridor and not for cover or foraging habitat. Given the nature of the area, they feel construction could occur during the time when it would normally need to be restricted.

The current plan says surface activities will be curtailed from November 1 through April 1. While the Division can allow construction, activities at this site should be avoided during the winter, and, as far as possible, the applicant should 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 the cattle 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.

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 reviewed portions of the applications are adequate and can be approved.

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