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

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August 2, 1999

TO: File

THRU: Daron Haddock, Permit Supervisor 

FROM: Paul Baker, Reclamation Biologist 

RE: 160-Acre Pines Tract Incidental Boundary Change, Canyon Fuel Company, SUFCO Mine, ACT/041/002-IBC99C, Folder #2, Sevier County, Utah

**SUMMARY:**

On June 24, 1999, Canyon Fuel Company submitted a proposal for a 160-acre incidental boundary change in the Pines Tract Lease area. The proposal was modified in a submittal received July 16, 1999.

According to information submitted with this package but not as part of the amendment application, Canyon Fuel applied on June 23, 1999, with the Bureau of Land Management for a right of way to do first mining in the incidental boundary change area. However, it appears the Bureau of Land Management has not yet issued this right of way, and the application does not include complete right of entry information. The Division would normally require baseline vegetation, wildlife, and archaeological information, but since there would be no subsidence, this information is not required.

The Division and Canyon Fuel consider the proposed incidental boundary change a temporary measure to allow Canyon Fuel to continue operating until the Pines Tract Lease is fully approved. Canyon Fuel has only updated two maps, so if this incidental boundary change is approved, other maps in the mining and reclamation plan would be out of date. However, these maps would be updated in the Pines Tract significant revision that is now on file.

**TECHNICAL ANALYSIS:**

**ADMINISTRATIVE INFORMATION**

**RIGHT OF ENTRY**

Regulatory Reference: R645-301-114

**Analysis:**

The applicant needs to supply right of entry information in compliance with R645-301-114. This includes information about the documents granting right of entry together with the date these were executed and the rights given.

The application says a copy of federal coal lease UTU-76195 granting the right to enter and begin underground mining operations is presented in Appendix 1-2, and it also says this lease was approved in June 1999 with the Bureau of Land Management right of way. Information submitted with the incidental boundary change application, but not as part of the application, includes a June 23, 1999, application to the Bureau of Land Management for a right of way. However, there is no indication the Bureau of Land Management has granted this right of way. Also, the cover letter from Canyon Fuel to the Bureau of Land Management indicates lease UTU-76195 has not yet been issued. This is contrary to the information in the application.

**Findings:**

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

**R645-301-114**, The applicant needs to submit complete right of entry information.

## **ENVIRONMENTAL RESOURCE INFORMATION**

### **HISTORIC AND ARCHAEOLOGICAL RESOURCE INFORMATION**

Regulatory Reference: R645-301-411

**Analysis:**

Although the application includes no archaeological information, the State Historic Preservation Office does not normally require this information when there will be no surface disturbance or subsidence. Another amendment and a significant revision currently on file with the Division contain archaeological information for the area, but, because the current proposal is for first mining only, this information does not need to be included in the plan at this time.

**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 regulations require detailed vegetation information for disturbed areas and for other critical habitat that may be affected by mining. Since the applicant is proposing no surface disturbance and since no subsidence is anticipated, no additional information is required.

### **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:**

The Division requires no information beyond that contained in the current mining and reclamation plan. Maps in the current plan and in annual reports show raptor nests in the area, but these maps do not show other kinds of wildlife habitat outside the current disturbed area. Since no surface disturbance is anticipated, however, the Division does not require further information.

### **Findings:**

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

## **LAND USE RESOURCE INFORMATION**

Regulatory Reference: R645-301-411

**Analysis:**

While Plate 4-1 and the text do not include detailed information about land use, they are considered adequate for this amendment. Plate 4-1 shows land use information, and this plate includes information for the proposed addition to the permit area. Land uses are wildlife habitat, grazing, and forestry.

**Findings:**

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

## **OPERATION PLAN**

### **PROTECTION OF PUBLIC PARKS AND HISTORIC PLACES**

Regulatory Reference: R645-301-411.140

**Analysis:**

The applicant did not specifically address this section of the regulations; however, since no surface disturbance, including subsidence, is anticipated, the Division does not require additional information or commitments.

**Findings:**

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

### **FISH, WILDLIFE AND VEGETATION RESOURCE PROTECTION**

Regulatory Reference: R645-301-330

**Analysis:**

The applicant did not specifically address this section of the regulations; however, since no surface disturbance, including subsidence, is anticipated, the Division does not require additional information or commitments.

**Findings:**

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

**RECOMMENDATIONS:**

The applicant needs to supply complete right of entry information, but the Division can approve parts of the application relating to vegetation, wildlife, and land use.