



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

Michael O. Leavitt
Governor
Kathleen Clarke
Executive Director
Lowell P. Braxton
Division Director

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)

February 15, 2000

TO: Internal File
THRU: Robert Davidson, Team Lead *RAD*
FROM: Paul Baker, Reclamation Biologist *PB*
RE: Link Canyon Substation, Canyon Fuel Company LLC, SUFCO Mine,
ACT/041/002-AM99G

SUMMARY:

On December 6, 1999, the Division received a proposal from Canyon Fuel Company to build a substation in Link Canyon. The Division previously approved, and Canyon Fuel built, another substation about 0.4 miles from the proposed location, but there have been some problems with the first location.

The proposed substation is in high priority big game winter range and is near three raptor nests. Commitments in the application and plan have been modified to provide adequate wildlife protection.

TECHNICAL ANALYSIS:

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 approved amendment for the Link Canyon No. 1 substation 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 current mining and reclamation plan includes a copy of a cultural resources survey report done for the previous substation but not for the current proposal. However, the report in the plan references a separate study done by Everett Bassett in 1996 for the State Abandoned Mine Land Reclamation program. This study surveyed the Link Canyon Mine, and the State Historic Preservation Officer (SHPO) concurred with the consultant's recommendation that it was not eligible for listing in the National Register of Historic Places.

The Division requested comments/concurrence from SHPO but has not received them; however, because the Abandoned Mine Land Reclamation Program previously received a clearance for the same area, there should be no concern with disturbing the area.

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 proposed 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 application contains a copy of Plate 3-3 which has been updated through the 1999 raptor survey. Appendix 3-4 contains a copy of data sheets from Wildlife Resources showing the status of each nest in the 1999 survey, and the text has been updated to discuss the history of the raptor nests in Link Canyon. Of the three nests near the proposed substation, two were not found in the 1999 survey and one was inactive. One of the nests, #31, was probably improperly shown on a previous version of Plate 3-3, and it was deleted.

According to information in the existing mining and reclamation plan, Link Canyon contains high priority deer and elk winter range.

The current mining and reclamation plan 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.

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 proposes no changes that should affect the Air Quality Approval Order.

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, and the Fish and Wildlife Service recommends a one-half mile buffer zone be maintained from January 1 to August 31; however, there is some latitude for local conditions. According to the application, construction was begun in October 1999 with drilling for power cables. Construction of the substation should be started right after the drilling and power cables are completed in February 2000. Because construction activity began before the nesting season started and should continue into the nesting season without interruption, any birds wanting to use the old nests in the area would be able to choose if they can tolerate the disturbance. There would be no disturbance starting in the nesting season that would cause them to abandon a nest. The nests will be monitored to see if they are being used. After the facilities are in place, very little mining activity will occur in the area with only emergency maintenance and monthly electrical inspections required.

These commitments are adequate. Because major activity at the site is not expected to continue past the construction period, and because the nests are not extremely close to the proposed substation, there should be few long-term effects.

Link Canyon also contains high priority deer and elk winter range, and it is preferred that the area not be disturbed from November 1 through May 15. The current plan says surface activities will be curtailed from November 1 through April 1, but it does not say construction will not be done during this period. However, because high priority habitat does not fall within the definition of "habitat of unusually high value," the Division cannot make this a requirement. 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 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 adequate for the proposed Link Canyon facilities. The Division of Wildlife Resources commented the area is big game winter range and that they would like to see revegetation include browse plants. The revegetation plan includes shrubs, and the postmining land use requires that some shrubs be reestablished.

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.

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.

Link Canyon Substation No. 2

ACT/041/002-AM99G

February 15, 2000

Page 7

RECOMMENDATIONS:

The application should not be approved until the deficiencies discussed in this memorandum have been resolved.

sm

O:\041002.CON\FINAL\pbbAM99G2.wpd