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10274 of

July 17, 2002

TO: Internal Files

THRU: Michael J. Suflita, Sr. Reclamation Specialist/Hydrology, Team Lead *mjs*

FROM: Susan M. White, Sr. Reclamation Specialist/Biology *SMW*

RE: Link Canyon Portal, Canyon Fuel Company, LLC, SUFCO Mine, C/041/002-02E

SUMMARY:

Canyon Fuel Company submitted an amendment to construct a new portal at Link Canyon, dated April 8, 2002. The total disturbed area will be approximately 0.23 acres. The new disturbance will include the portal area and powerlines to the Link Canyon substation. The submittal requires additional biological information prior to approval.

TECHNICAL ANALYSIS:

GENERAL CONTENTS

REPORTING OF TECHNICAL DATA

Regulatory Reference: 30 CFR 777.13; R645-301-130.

Analysis:

Keith Zobell conducted most of the biological studies reported. Mr. Zobell's qualifications must be provided.

Findings:

The information provided does not meet the minimum Reporting of Technical Data requirements of the regulations. Prior to approval, the Permittee must provide the following in accordance with:

TECHNICAL MEMO

R645-301-132, The qualifications of Keith Zobell to conduct biological studies must be provided.

MAPS AND PLANS

Regulatory Reference: 30 CFR 777.14; R645-301-140.

Analysis:

Plate 5-2F must distinguish between coal mining operations as follows:

- Conducted prior to August 3, 1977 and not disturbed again by the Permittee.
- Coal mining operations conducted prior to August 3, 1977 and disturbed again by the Operator after August 3, 1977.
- Operations conducted after August 3, 1977.

Findings:

The information provided does not meet the minimum Maps and Plans requirements of the regulations. Prior to approval, the Permittee must provide the following in accordance with:

R645-301-142, Distinctions must be clearly shown in which coal mining and reclamation operations occurred prior to, after and continuously with August 3, 1977.

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:

John Senulis of Senco-Phenix conducted a literature and file review of the Link Canyon Mine portals. He concluded that no cultural or paleontological resources are present. The review did consider the historical significance of the Link Canyon Mine. This review is sufficient for the portal development work.

Findings:

The information provided meets the minimum Historic and Archeological Resource Information requirements of the regulations.

VEGETATION RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.19; R645-301-320.

Analysis:

The area proposed for disturbance contains a small riparian area of .05 acres. The vegetation within the riparian area consists of willow, alder, stinging nettle, rose, horsetail, carex, Kentucky bluegrass, rush, and clematis (page 3-20). A detailed species list providing genus and species is required for this riparian area. This will provide information to develop a revegetation plan.

The Link Canyon portal also requires a short access road. It is unclear in the application what vegetation type the road will disturb. No information has been provided to assess if the existing Pinyon-Juniper reference area adequately represents this area. The level of detail provided in Plate 3-1 is insufficient to predict the potential for reestablishing vegetation.

Keith Zobell conducted a threatened and endangered plant survey of the area in 1996 and no threatened or endangered plant species were found (Appendix 2-2). No Forest Service sensitive plant species were found by Zobell (2000), however a few of the species may be found within the portal area (page 3-22). The area must be surveyed and report provided in the MRP for sensitive species prior to approval.

Findings:

The information provided does not meet the minimum Vegetation Resource Information requirements of the regulations. Prior to approval, the Permittee must provide the following in accordance with:

R645-301-321.100, A detailed species list providing genus and species for the riparian area must be provided.

R645-301-321.100, Information must be provided to assess if the existing Pinyon-Juniper reference area adequately represents this area.

R645-301-323, A vegetation map of the disturbed area must be provided at a level adequate to predict the potential for reestablishing vegetation

R645-301-322, The area must be surveyed for Forest Service sensitive plant and the report included in the MRP.

TECHNICAL MEMO

FISH AND WILDLIFE RESOURCE INFORMATION

Regulatory Reference: 30 CFR 784.21; R645-301-322.

Analysis:

The application states that Link Canyon is not likely to contain Mexican Spotted owls. While this statement may be true because they are a rare species, it is still necessary to conduct clearances for the owl. The comment (page 3-8A) that owls are not likely and surveys unnecessary must be changed. Surveys will be required if construction occurs during critical nesting and rearing times, February 1 to August 31.

Any mollusks and amphibians found when opening the western most Link Canyon Mine portal will be moved to the other portal found on the eastern side. These surveys should be conducted prior to construction and results of the survey included in the resource section of the MRP.

Golden eagle nests occur within a half mile radius of the Link Canyon portals. Raptor surveys are conducted each spring. Prior to construction the portal area will be surveyed for raptor nests.

Findings:

The information provided does not meet the minimum Fish and Wildlife Resource Information requirements of the regulations. Prior to approval, the Permittee must provide the following in accordance with:

R645-301-322.210, The comment (page 3-8A) that Mexican spotted owls are not likely and surveys unnecessary must be changed. Surveys will be required if construction occurs during critical nesting and rearing times, February 1 to August 31.

R645-301-322.210, Mollusk and amphibian surveys must be conducted prior to construction and results of the survey included in the resource section of the MRP.

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:

Golden eagles are sensitive to human disturbance during the nesting period. The Fish and Wildlife Service recommends a one-half mile buffer zone with no disturbance be maintained from January 1 to August 31. 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 inspections.

Link Canyon also contains high priority deer and elk winter range. The current plan says surface activities will be curtailed from December 1 through April 15 (page 3-42) for big game and January 1 to August 15 for raptors. That leaves August 15 to December 1 for construction activities.

Findings:

The information provided meets the minimum Fish and Wildlife Information requirements of the regulations.

VEGETATION

Regulatory Reference: R645-301-330, -301-331, -301-332.

Analysis:

A plan for interim revegetation is found in Section 3.5.3 of the MRP.

Findings:

The information provided meets the minimum Vegetation requirements of the regulations.

RECLAMATION PLAN

POSTMINING LAND USES

Regulatory Reference: 30 CFR Sec. 784.15, 784.200, 785.16, 817.133; R645-301-412, -301-413, -301-414, -302-270, -302-271, -302-272, -302-273, -302-274, -302-275.

TECHNICAL MEMO

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

REVEGETATION

Regulatory Reference: 30 CFR Sec. 785.18, 817.111, 817.113, 817.114, 817.116; R645-301-244, -301-353, -301-354, -301-355, -301-356, -302-280, -302-281, -302-282, -302-283, -302-284.

Analysis:

The current MRP includes a general seed mixture for seeding all reclaimed areas. The seed mixture has low diversity and alfalfa is an unnecessary introduced species. Oregon grape a dominant soil stabilizer in the area immediately surrounding the portal access road should be added as a transplant for Link Canyon portal disturbed area. The recommended rate for broadcast seeding is 50 to 100 seeds per square foot. The seed mixture needs to be reevaluated in terms of seeds per square foot.

The riparian area will be planted with willow, red osier dogwood, woods rose and alder. Shrubs will be planted in late August through early October (page 3-46). The application should be revised to state that cuttings from willows should be planted from dormant stock in early spring. The NRCS Plant Materials Centers at <http://plant-materials.nrcs.usda.gov/idpmc/> provide excellent instructions for restoring riparian or wetland areas. Plugs of sedges from the adjacent portal wet area could also be transplanted.

The current mining and reclamation plan includes plans for vegetating the main mine facilities area, and this plan, including the success standards for a Pinyon-Juniper reference area. The riparian area requires a success standard and this area must be delineated on a map to match the preexisting riparian area. The Division's Vegetation Information Guidelines do not require a reference area if disturbance is less than one acre but success standards are required. The access road will also require a success standard if the existing Pinyon-Juniper reference area does not adequately represents the area (see deficiency under Vegetation Resources).

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:

The information provided does not meet the minimum Revegetation requirements of the regulations. Prior to approval, the Permittee must provide the following in accordance with:

R645-301-353, The seed mixture must be modified to: (1) Eliminate introduced species, (2) Provide 50 to 100 seeds per square foot, (3) Provide greater diversity.

R645-301-353, The species selected for transplanting for the access road must also include Oregon grape. The MRP must be modified to plant cuttings from willows during early spring.

R645-301-356, the success standards for the access road and portal area must be established.

RECOMMENDATIONS:

Prior to approval, the above noted deficiencies must be addressed.