



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

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OK

August 9, 2002

TO: Internal File
THRU: Stephen J. Demczak, Sr. Reclamation Specialist/Engineering, Project Lead
FROM: Susan M. White, Sr. Reclamation Specialist/Biology
RE: Muddy Tract Exploration, Canyon Fuel Company, LLC, SUFCO Mine, C/041/002-EX02D-1

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SUMMARY:

Canyon Fuel Company through Ark Land Company, a subsidiary of Arch Coal Inc., submitted an application to drill a coal exploration hole on March 15, 2002. The one hole is on Forest Service surface and contains SITLA coal. This memo reviews the Biology section.

TECHNICAL ANALYSIS:

COMPLIANCE DUTIES

Regulatory Reference: 30 CFR 772.13; R645-202.

OPERATIONAL STANDARDS

Regulatory Reference: 30 CFR 772.13; R645-202-100.

Analysis:

Biology

The surface of the proposed drilling location is managed by the Manti-La Sal National Forest. The Forest evaluated all threatened and endangered plant and animal species that were identified in a FWS letter dated November 2001 in a Biological Assessment (BA) and sensitive species in a Biological Evaluation (BE). The Forest BA summary of effects was no effect on threatened and endangered plant and animal species and a may impact individuals, but not likely to contribute to a listing for the flammulated owl.

EXPLORATION TECHNICAL MEMO

The Mexican Spotted Owl was not identified on the FWS list sent to the Forest. Frank Howe, DWR, Avian Program Coordinator, was ask about the need to survey for the Mexican Spotted Owl in the area in November 2001. He said canyons close to this drill site should be surveyed. Beginning in 2002, the Forest initiated Mexican Spotted Owl surveys in preparation for leasing the Muddy Tract coal reserves. No owls were found the first year of monitoring. Drilling cannot take place during the breeding season until after completion of the survey and no owls are found.

U.S. Forest Service guidelines prohibit drilling before July 15. The U.S. Forest Service will look for sage grouse habitat and conduct goshawk surveys prior to drilling (phone call with Cara Stabb, Manti-LaSal National Forest, on April 30, 2002). The Division will look for U.S. Forest Service comments prior to approval of this application.

The Forest did identify a sage grouse lek 2 miles from the drill site. No sign of sage grouse use was observed on the proposed drill pad. Disturbance will result in the loss of sagebrush, an obligate species for the sage grouse. The Forest may require mitigation for habitat loss associated with this project.

Cultural Resources

EarthTouch, LLC, conducted the Cultural Resource inventory in 2002. No cultural resource properties were identified on the proposed drill pad or access road.

Findings:

The NOI approval must be conditioned to allow drilling from September 1 to March 1 until completion of the Mexican Spotted Owl survey.

RECLAMATION STANDARDS

Regulatory Reference: 30 CFR 772.13; R645-202-200.

Analysis:

Revegetation

The Division has found that using the extreme surface roughening methods described in The Practical Guide to Reclamation in Utah (www.dogm.utah.gov) work better for controlling erosion and establishing vegetation than crimping mulch. Surface mulch can be incorporated during the roughening process.

All organic material grubbed from the drill pad will be salvaged to use as a surface mulch during reclamation operations. It is recommended that only materials native to the site be used as mulch. Noxious weed-free straw or hay will introduce additional non-noxious weeds.

The seed mixture does not meet the requirements of R645-202-200. Not all of the proposed species are native to the area to be disturbed. The Forest has requested the seed mixture specified.

Findings:

The information provided meets the minimum regulatory requirements of this section.

RECOMMENDATION:

The NOI approval must be conditioned to allow drilling from September 1 to March 1 until completion of the Mexican Spotted Owl survey.