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

1594 West North Temple, Suite 1210  
PO Box 145801  
Salt Lake City, Utah 84114-5801  
(801) 538-5340 telephone  
(801) 359-3940 fax  
(801) 538-7223 TTY  
www.nr.utah.gov

Michael O. Leavitt  
Governor  
Robert L. Morgan  
Executive Director  
Lowell P. Braxton  
Division Director

OK

January 9, 2002<sup>3</sup>

TO: Internal Files

THRU: David Darby, Sr. Reclamation Specialist/Hydrology, Team Lead 

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

RE: Link Canyon Portal, Canyon Fuel Company, LLC, SUFCO Mine, C/041/002-02E-1

**SUMMARY:**

Canyon Fuel Company submitted an amendment to construct a new portal at Link Canyon, dated April 8, 2002 with additional information on August 12, 2002 and November 26, 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.

**TECHNICAL ANALYSIS:**

**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.

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**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 vegetation of the Link Canyon Portal consists of approximately one-third riparian (non-jurisdictional wetland) and two-thirds pinyon-juniper communities. The vegetation within the riparian area consists of coyote willow, dogwood, water birch, stinging nettle, rose, horsetail, wiregrass, and Sandberg's bluegrass (Appendix 2-9, Vegetation of the Link Canyon Portal Surface Facilities Area). Species dominant in the pinyon-juniper are pinyon pine, Utah juniper and Salina wildrye. A vegetation map is provided in the vegetation report (Appendix 2-9, Vegetation of the Link Canyon Portal Surface Facilities Area).

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 threatened, endangered or Forest listed sensitive we found when surveyed by Patrick Collins on July 23, 2002 and September 5, 2002.

**Findings:**

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

**FISH AND WILDLIFE RESOURCE INFORMATION**

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

**Analysis:**

The Quitchupah Creek Road DEIS (2001) states that the Quitchupah Drainage is not likely to contain Mexican spotted owls and surveys are not necessary (page 3-8A). Link Canyon is a tributary to Quitchupah Drainage. The Link Canyon area is identified on the 1997 Willey model as potential breeding habitat. The Mexican spotted owl recovery team is in the process of revising the survey requirements for breeding habitat to include the 2000 model plus any canyons less than 1.2 miles wide and more than 1.2 miles long (2x2 rule) associated with the pixels (letter dated November 21, 2002 from USFWS). The model shows breeding habitat in the

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NW ¼ section below section 26 where the portal are located. The canyon meets the width and length criteria (2x2 rule) for survey. Additionally, during the Divisions and DWR's initial scooping of this project, Dr. Frank Howe (DWR and a member of the Mexican spotted owl recovery team) asked for this area to be surveyed.

The first of a two year Mexican spotted owl survey was conducted in 2002 for the Muddy Creek EIS Data Adequacy study. No Mexican spotted owls were found in this drought year. The Forest reported that a calling point for the survey was located at the Link Canyon portal. The application states that planned construction activities will not be conducted during critical nesting and rearing times, February 1 to August 31 for eagles. The breeding season begins for the Mexican spotted owl on March 1. Construction activities during the breeding season will require completion of the second year survey.

The Link Canyon portals should not affect the Mexican Spotted Owl because once constructed these facilities will primarily be accessed through the mine. Building the portal will allow SUFCO employees to check the existing substation through the mine instead of driving the road; this will also cause fewer disturbances. No mining materials will be brought into the mine or removed from the mine via this portal. The existing seep at the portal will be maintained in the drainage and reclaimed in eight to ten years. On December 16, 2002 a meeting was held with USFWS to discuss this issue and verbal concurrence was provided.

**Table 1. Habitat requirements of threatened and endangered species for Sevier County and potential occurrence in the project area.**

<b>Common Name</b>		<b>Habitat</b>	<b>Potential Occurance</b>
Last Chance Townsendia	T	Salt desert shrub and PJ on clay or clay silt soils of Arapien and Mancos Shale.	No Arapien or Mancos derived soils.
Wright Fishhook Cactus	E	Salt desert shrub to Juniper on the Mancos Shale.	No habitat, project elevation to high.
Heliotrope Milkvetch	T	Alpine mixed grass-forb communities	No habitat, project elevation to low.
Bald Eagle	T	Nests in tall trees such as Cottonwoods.	No nests in project, may occasionally fly through project area.
Mexican Spotted Owl	T	Nests in areas with >40% slope. 1997 and 2000 models by D. Willey.	Project within ½ mile of prime canyon breeding habitat (2000 model). 1 <sup>st</sup> year of 2 year survey completed, no owls identified. Project completed prior to breeding times.
Western Yellow-billed Cuckoo	C	Occurs in riparian areas at least 30 feet wide.	Riparian area at project is isolated and does not continue down canyon. Not 30 feet wide on each side of the seep.
Southwestern Willow Flycatcher	E	Occurs in riparian areas at least 30 feet wide.	Riparian area at project is isolated and does not continue down canyon. Not 30 feet wide on each side of the seep.

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Utah Prairie Dog	T	Open sagebrush/grass, salt desert shrub, grasslands	No habitat, steep slopes in project area.
Brown (Grizzly) Bear	T	Montane forest	Project in P-J, Extirpated from Utah
Canada Lynx	T	Montane forest, snowshoe hare prey base.	Project in P-J, Lynx could possibly pass through project area.

A survey was conducted in June 2002 at the portal for aquatic fauna, specifically Forest sensitive spotted frog and boreal toad and other mollusks and amphibians. A report, Survey Report Aquatic Fauna Link Canyon Portal Area, found no sensitive aquatic fauna. No amphibian or mollusks or their sign were observed (Appendix 2-9). Several species of macroinvertebrates were identified.

Golden eagle nests occur outside but close to the half mile radius and not within line of sight of the Link Canyon portals. Raptor surveys are conducted each spring. The application states that planned construction activities will not be conducted during critical breeding, nesting and rearing times, February 1 to August 31.

**Findings:**

The information provided meets the minimum Fish and Wildlife Resource Information requirements of the regulations if construction occurs outside of critical nesting and rearing times, March 1 to August 31.

## 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. After the facilities are in place, very little mining activity will occur in the area.

Link Canyon is in a high priority deer and elk winter range. The current plan says surface activities will be minimized from December 1 through April 15 (page 3-43) and the Operator will get concurrence from DWR and USFWS for construction January 1 to August 15 referring to nest buffer zones. Leroy Mead (DWR Biologist) stated that DWR would like to be notified prior to construction for concurrence so that current weather conditions can be taken into consideration for their decision (phone call with Leroy Mead and Susan White on December 16, 2002). A conversation with the Division, Mine and DWR was held on January 13, 2003 about

construction beginning in the next two weeks for a three week period.

The mine will improve the Link Canyon spring above the mine portal as part of a required Forest Service mitigation. The spring improvement will provide a trough for cattle and prevent livestock from trampling the riparian vegetation which includes the sensitive Link Trail columbine.

Electrical lines are wrapped and coated upon leaving the substation to the underground (personal communication with Mike Davis on October 28, 2002). No phase to phase or phase to ground contact of bare wires is possible making the lines raptor safe.

**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.

**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.

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**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 general pinyon-juniper seed mixture and plantings for the SUFCO mine and riparian area of the Link Canyon Mine portal are given in section 3.4.1.2. Oregon grape a dominant soil stabilizer in the area immediately surrounding the portal access road will be transplanted to the topsoil pile and then returned to the reclaimed area.

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 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.

A pinyon-juniper and riparian reference area was established for the Link Canyon Portals and are shown on Vegetation Map, Link Canyon Portal Area in Appendix 2-9, Vegetation of the Link Canyon Portal Surface Facilities Area. At the time of bond release the vegetation of the disturbed area will be compare to the corresponding reference area.

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 Permittee has committed to placing a fence around the reclaimed area.

**Findings:**

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

**RECOMENDATIONS:**

Approve the amendment and allow construction between September 1 and March 1. Construction at other times will require specific approval from the Division.

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