

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

November 1, 2005

TO: Internal File

THRU: Peter H. Hess, Environmental Scientist III/Engineering, Team Lead

FROM: Jerriann Ernstsens, Ph.D., Environmental Scientist/Biology

RE: 2004 Midterm Review, Canyon Fuel Company, LLC, SUFCO Mine, C/041/002, Task ID #2363

SUMMARY:

The Division is required to review each active permit during its term in accordance with R645-303-211. The Division is currently conducting the Midterm Review for the SUFCO Mine. One of the pertinent elements chosen for this current review focuses on the following:

A review to ensure the Plan reflects changes in the Utah Coal Regulatory Program – specifically compliance with the U. S. Fish and Wildlife Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin.

TECHNICAL ANALYSIS:

OPERATION PLAN

FISH AND WILDLIFE INFORMATION

Regulatory Reference: 30 CFR Sec. 784.21, 817.97; R645-301-322, -301-333, -301-342, -301-358.

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Analysis:

Wetlands and Habitats of Unusually High Value for Fish and Wildlife

Adverse result of mining on water quantity to the Colorado River drainages affects four Colorado River endangered fish species (Colorado pikeminnow [squawfish], humpback chub, bonytail chub, and razorback sucker). The USFWS considers depletions or significant changes to contributions to the Colorado River drainage as a potential jeopardy to these endangered fish. Water users may have to mitigate if there are considerable changes to contributions or if water consumption is greater than 100 acre-feet per year. Currently, the mitigation fee is approximately 16.00 per acre-foot of depletion, but may change marginally from year to year.

The Permittee provided all equations and justifications with supporting documentation leading to the overall sum of water depletions or additions for all mining operations and explorations including dust control in the MRP. The current value of water contributed is greater than the total value of water consumed from mining operations.

The Permittee must resubmit water consumption calculations.

1. If original submittal was based on estimates prior to mining. Submit actual values during the midterm review.
2. If future changes in mining operations significantly change current total estimates. Submit new values with amendment related to change in mining operations.

Findings:

Information provided in the plan meets the Operations - Fish and Wildlife Information requirements of the regulations.

RECOMMENDATIONS:

Approve the midterm.