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# State of Utah

DEPARTMENT OF NATURAL RESOURCES

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## Technical Analysis and Findings

### Utah Coal Regulatory Program

**PID:** C0410002  
**TaskID:** 4446  
**Mine Name:** SUFCO MINE  
**Title:** 3R2S PANEL BLOCK B

#### Environmental Resource Information

##### Historic and Archeological Resource Information

*Analysis:*

The Division previously requested the updated Memorandum of Agreement between the permittee, SHPO and the US Forest Service. In conversation with Kyle Beagley of the US Forest Service, the MOA was never completed.

As requested, page 4-12 of the SUFCO MRP was updated to include the 2013 Cultural Resource inventory of the South Fork of Quitcupah Canyon. During July and August 2013 EnviroWest LLC conducted a file search and a pedestrian survey of the area. The report is located in Appendix 4-2 Confidential Folder of the SUFCO MRP. Five new cultural resource sites were documented. One rock shelters was recommended to be eligible and another rock shelter is potentially eligible with further testing for listing in the National Register of Historic Places. The mitigation, or recovery of the two shelters will be done in 2014 when weather permits and prior to undermining. The USDA will oversee the excavation and consult with SHPO again.

The determination of Significance and Effect from the USDA Forest Service Intermountain Region is included in the confidential folder appendix 4-2 of the MRP. This document states that the Utah State Historic Preservation Officer agrees with the determination of effect and eligibility for listing of the five sites mentioned above. The USDA forest service is responsible for future consultations and approvals from the USHPO during the excavation of the two rock shelters.

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#### Operation Plan

##### Fish and Wildlife Endangered and Threatened

*Analysis:*

Table 3-1 in the application is an updated list of Federally Listed and Proposed Endangered Species in Utah Sevier and Emery Counties as of April 2, 2013. The Fish Lake National Forest consulted with the US Fish and Wildlife Service in 2012 regarding the impact to endangered species from undermining. The USFWS concurred with the USFS finding of no impact. CFC included a commitment to survey for all TEC and Sensitive species within the South Fork Quichupah mining area prior to undermining. This commitment is located in Appendix 3-14 under Vegetation. Dr. Patrick Collins compiled a habitat assessment summary for the South Fork Quitcupah area for sensitive, threatened or endangered species (TES). He concluded that no TES species would be impacted from undermining due to lack of suitable habitat in the area.

The USFS also initiated a section 7 consultation with the USFWS regarding the endangered Colorado River Fish. The USFWS indicated that the mine is located in a watershed that contributes to the Dirty Devil River which is not considered habitat for the endangered fish species. This information was provided through email correspondence which is on file with the Division.

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## **Fish and Wildlife Bald and Golden Eagles**

### *Analysis:*

The 2013 annual raptor survey was included in the Confidential folder, appendix 3-4. The survey was conducted by TetraTech on May 15, 16, 29 and 30, 2013. The Waste rock Disposal area including a one mile buffer, and two other areas that will be undermined in the near future were surveyed for status of historical nests and new nest identification. A Northern Goshawk Broadcast Vocalization and Intensive search survey was also conducted at these areas.

Three active red-tailed hawk nests were found within a mile of the Waste Rock Disposal Area. Only one nest (TT7) was within a halfmile. This nest appeared to be producing two nestlings upon a followup survey to the area. The ongoing activity at the waste rock site does not appear to be affecting the nesting or productivity of raptors in the area.

According to the 2012 annual report, Map 5-7v9 5 year projection map, panels within section 30 of T21S R5E, and section 24 of T21S R 4E will be mined in 2014. These areas were surveyed for raptors in May of 2012 and 2013. No active nests were identified. Two historic red-tailed hawk nests are present in this area which have not been active since before 2007. These nests should not be impacted by undermining.

The surface facilities/portal area was inventoried with one active golden eagle nest (305) within 250 feet of the boundary. The nest was active and appeared to be productive upon a follow up survey. One fledgling was identified in the followup survey. The ongoing activity at the portal area does not seem to be affecting the productivity of nests in the area.

No northern Goshawks were detected within the survey areas.

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