

0047



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

Michael O. Leavitt  
Governor  
Ted Stewart  
Executive Director  
Lowell P. Braxton  
Division Director

1594 West North Temple, Suite 1210  
PO Box 145801  
Salt Lake City, Utah 84114-5801  
801-538-5340  
801-359-3940 (Fax)  
801-538-7223 (TDD)

March 23, 1998

TO: File

THRU: Daron Haddock, Permit Supervisor 

FROM: Paul Baker, Reclamation Biologist 

RE: Barn Canyon Ventilation Facility, Cyprus Plateau Mining Corporation, Willow Creek Mine, ACT/007/038-98B, Folder #2, Carbon County, Utah

**SUMMARY:**

Cyprus Plateau Mining Corporation is proposing to install a ventilation shaft in Barn Canyon about 1000 feet up the canyon from the Castle Gate Preparation Plant disturbed area. The area contains critical deer and elk winter range and a nearby golden eagle nest, but the plan adequately addresses these issues. The applicant needs to make a minor addition to the revegetation plan for the Barn Canyon site.

It is unclear exactly how much disturbance would be added, but it would be between 0.36 and 0.91 acres. Also, the maps show "permit area" and "disturbed area" boundaries, but the permit area already includes the entire proposed shaft site. It appears the applicant is attempting to show a potential disturbed area and an area of actual anticipated disturbance with the idea that they are trying to minimize disturbance but still allow for any area that might need to be disturbed. These issues need to be clarified, but they are addressed in other reviewers' memoranda. In addition, the maps need to have contour elevations.

Because of the long-term use, the applicant will need to permit the existing road to the shaft. This is not addressed in the application. The applicant will need to show how the road will be reclaimed for the postmining land use. It is anticipated the road would remain for the land use.

**TECHNICAL ANALYSIS:**

**ENVIRONMENTAL RESOURCE INFORMATION**

**VEGETATION AND FISH AND WILDLIFE RESOURCES**

Regulatory Reference: R645-301-320

**Analysis:**

The application includes a qualitative survey of the vegetation in the area of the proposed

shaft. Because the shaft would be near the bottom of the canyon, there are two aspects and three vegetation communities. They are pinyon/juniper, grass/sage, and Gambel oak/maple. The application also includes a discussion of the predominant species in these communities.

Two of these three communities are described in detail in the current mining and reclamation plan. The plan does not contain a description of the Gambel oak/maple community, but it does have a description of a very similar community, mixed brush. However, considering the size of the proposed disturbance and the similarity of the vegetation to what is described in the plan, it is not necessary to acquire additional quantitative vegetation information.

The proposed shaft is near a golden eagle nest, and the applicant has proposed monitoring this nest in the spring of 1998 for activity. In the most recent helicopter survey, the nest was described as old and dilapidated. To date, the applicant's representative has not seen any eagles in the area, and the nest will be checked from a helicopter in May. This plan is acceptable.

The current mining and reclamation plan contains information about other wildlife species in the area. Barn Canyon in the vicinity of the proposed shaft contains critical elk and deer winter range.

**Findings:**

Information provided in the application is considered adequate to meet the requirements of this section of the regulations.

**OPERATION PLAN**

**PROTECTION OF BIOLOGICAL RESOURCES**

Regulatory Reference: R645-301-330

**Analysis:**

The current mining and reclamation plan contains a plan for interim revegetation of disturbed areas, and this should be adequate for this site.

The Division and the applicant are unsure whether the shaft site is visible from the eagle nest, but it is close enough to the nest that it is very possible shaft construction would cause nesting eagles to abandon the nest. Assuming the nest is not active in 1998 when the applicant intends to begin construction, the only potential problem would be for eagles wanting to use the nest in subsequent years. However, birds that begin nesting in areas that are already disturbed are generally able to tolerate the disturbance.

To not disturbed wintering big game, the applicant has committed to not do shaft construction between December 1 and April 15. If the fan is built, the applicant would need to inspect the site daily, and this could cause some disruption of big game. Anyone using the road during the winter needs to be instructed to not harass big game, and they should not stop to observe the animals.

In a visit to the Willow Creek Mine on March 18, 1998, a Division representative saw

thirteen deer in the Barn Canyon substation area. These deer seemed to have habituated to the nearby disturbance and were not particularly frightened.

**Findings:**

Information provided in the application is considered adequate to meet the requirements of this section of the regulations.

## **RECLAMATION PLAN**

### **REVEGETATION**

Regulatory Reference: R645-301-341

**Analysis:**

Except for riparian areas, the same seed mix would be used to revegetate the entire disturbed area of the Willow Creek Mine. This seed mix was designed primarily for big sage/grass and pinyon/juniper areas, and most of the species are adapted to the Barn Canyon site. However, the bottom of the canyon contains oak and maple trees that would not be planted using the existing revegetation plan. These are the dominant species in this area, and the applicant needs to show how these would be reestablished. It is suggested that containerized plants be planted.

**Findings:**

Information provided in the application is not considered adequate to meet the requirements of this section of the regulations. Prior to final approval, the applicant needs to provide the following in accordance with:

**R645-301-341**, The applicant needs to show how big tooth maple and Gambel oak trees would be reestablished at the proposed shaft site.

### **LAND USE**

Regulatory Reference: R645-301-400

**Analysis:**

Land uses in the area are described in the existing mining and reclamation plan, and no additional information is needed. The area has been surveyed for cultural resources, and none were found. The application contains a clearance letter from the Division of State History giving their determination of no effect.

No changes to the postmining land use are proposed. The Division is requiring the applicant to permit the road to the shaft, and the revised application will need to address reclamation of the road.

Page 4  
ACT/007/038-98B  
March 23, 1998

**Findings:**

Information provided in the application is considered adequate to meet the requirements of this section of the regulations. When the applicant proposes to permit the road, they will need to address reclamation of the road, in particular the postmining land use.

**RECOMMENDATIONS:**

The application should not be approved until the deficiency discussed in this memorandum is addressed. There are also some problems with the maps, acreage figures, and terminology that need to be corrected. In addition, when the applicant submits a proposal to permit the road in Barn Canyon, they will need to include a reclamation plan for the road showing the postmining land use.