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

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April 26, 1996

TO: File

THRU: Joe Helfrich, Permit Supervisor 

FROM: Susan M. White, Senior Reclamation Biologist 

RE: Facilitate Mining in Accordance with Approved Resource Recovery and Protection Plan (R2P2); Third, Fourth, and Fifth East Development, Fourth and Fifth East Longwall Panels, PacifiCorp, Trail Mountain Mine, ACT/015/009-96A, Folder #2, Emery County, Utah

**SYNOPSIS**

An amendment has been received from PacifiCorp for development mining (first mining) in the third, fourth, and fifth east panel setups at the Trail Mountain Mine. Subsidence and escarpment failure is not expected during development mining. During a helicopter raptor survey on April 10, 1996, a pair of Peregrine falcons were observed in the permit area and specifically in the area of this proposed development mining. The Peregrine falcon is federally listed as endangered.

**PROTECTION OF FISH, WILDLIFE, AND RELATED ENVIRONMENTAL VALUES**

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

**Analysis:**

A pair of Peregrine falcons have established a breeding territory along the eastern Castlegate Escarpment of the Trail Mountain Mine. The pair was first observed during a helicopter survey on April 10, 1996. The pair have been observed from the ground since that time displaying courtship behavior and defending the territory but up to this writing (April 26, 1996) have not yet established a nest. The proposed 4th and 5th east longwall panels, setups and bleeders are proposed directly underneath this breeding territory.

A consultation was held on April 25, 1996 to fulfill the Division's requirements of R645-301-358.100 with regard to this amendment. In attendance at that consultation was Division of Wildlife Resources, U.S. Fish and Wildlife Service, U.S. Forest Service, U.S. Bureau of Land Management, DOGM, and PacifiCorp. The individuals represented by these agencies were Biologist, Geologist, Engineers, and Administrators.

The consensus reached at this meeting concerning this amendment was not to allow the second mining on the 4th east longwall panel beyond the zone of escarpment protection. However, first mining could proceed in the 5th east long wall panel as proposed. This amendment did not address second mining (longwall extraction) and second mining is therefore not approved.

This consensus was based on the following assumptions:

1. First mining will not cause any subsidence or cliff failure based on the Engineers and Geologist statements and on PacifiCorps previous subsidence monitoring.
2. If first mining was approved in the 4th east longwall panel beyond that proposed in the original R2P2 (December 1994) then second mining and associated possible escarpment failure could occur during nesting and fledging of young Peregrines if a nest was established. Therefore, any mining which could cause escarpment failure in this panel was denied.
3. Longwall mining in the 5th east panel will be conducted in September and October when all nesting and fledging activities should be completed.

### **Findings:**

The amendment meets the regulations of this section for first mining in preparation for the 5th east longwall panel. However, after consultation with appropriate state and federal fish and wildlife agencies first mining can not proceed as proposed in the 4th east longwall panel. That portion of the amendment must be denied in accordance with R645-301-358.100.

### **RECOMMENDATION**

Approve the amendment with the condition that mining of the bleeder and setup entries associated with the 4th east longwall panel will not proceed beyond the Castlegate escarpment. The permittee must resubmit maps delineating this change.