



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

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TO: Internal File

FROM: Susan M. White, Senior Reclamation Specialist/Biologist & Team Lead *SMW*

RE: Phase II Reclamation, PacifiCorp, Des Bee Dove Mine, C/015/017-AM01D

SUMMARY:

The Phase II Reclamation Plan amendment was received by the Division on October 16, 2001. All required information to approve this amendment has not been included and the amendment should not be approved.

TECHNICAL ANALYSIS

GENERAL CONTENTS

PERMIT APPLICATION FORMAT AND CONTENTS

Regulatory Reference: 30 CFR 777.11; R645-301-120.

Analysis:

The letter accompanying this submittal states that this amendment is titled Appendix XIV: Phase 2 Reclamation Plan. The cover letter is the only reference given to Appendix XIV with this submittal. It is confusing and unclear how this Phase 2 submittal will incorporate the plans of Phase 1 and if indeed it is Appendix XIV. Some of the information in the Phase 2 submittal contradicts information in the Mining and Reclamation Plan (MRP). These contradictions and confusion must be addressed prior to approval.

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The reclamation of the facilities area would be much more understandable and cohesive if Phase 1 and 2 submittals were combined.

Findings:

Information provided in the proposed amendment is not considered adequate to meet the requirements of the Permit Application Format and Contents section of the regulations. Prior to approval, the Permittee must provide the following in accordance with:

R645-301-121.200, The proposed Phase 2 Reclamation Plan contains information that contradicts information in the approved Mining and Reclamation Plan (MRP). The Permittee must resolve this contradiction.

R645-301-121.200, The operator must provide an index, C2 form or other way to show how Phase 1 and 2 Reclamation Plan will be combined.

MAPS AND PLANS

Regulatory Reference: 30 CFR 777.14; R645-301-140.

Analysis:

Drawing #: CS1813E, Surface Yard Area Pre/Post SMCRA Development Map shows aerial photographs from 1977, 1978, and 1999. The photographs are marked to show current disturbance and pre-SMCRA disturbance. Post-SMCRA disturbances are not marked. The only post-SMCRA disturbance is the parking lot extension at the bathhouse pad. It is difficult to compare one photograph to the next and determine disturbance since the photographs were not taken from the same location but they are sufficient to determine pre and post-SMCRA disturbances.

The disturbance area marked on the September 30, 1999 aerial photo (Drawing #: CS1813E) and the disturbed area boundary marked on Sheet No. 500-1 and 500-3 are not the same. Sheet No. 500-1 and 500-3 are confusing because they do not contain a legends or other information identifying the various colors.

Findings:

Information provided in the proposed amendment is not considered adequate to meet the requirements of the Maps and Plans section of the regulations. Prior to approval, the Permittee must provide the following in accordance with:

R645-301-140, Proposed Drawing #: CS1813E, Surface Yard Area Pre/Post SMCRA Development Map, Sheet No. 500-1, Channel Reclamation, and Sheet No. 500-3, Reclamation Sections Location must all show the same disturbed area boundary.

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:

Numerous references are given throughout the application to historic structures and locations. The use of the term historic is thought to just mean old and not significant to the historic register. The use of the word historic has regulatory connotations and probably should not be used except when referring to structures eligible to the historic register.

An archeological and cultural survey was conducted in the area in 1980. Early cultural and historic surveys did not consider structures and facilities on the mine site during the survey. Structures that were not eligible because of age in initial surveys may now be over 50 years old. Recently the Division has been requiring re-survey of mine sites with structures and facilities over 50 years old. The application must address the potential for this site to be eligible to the Nation Register of Historic Places.

Findings:

Information provided in the proposed amendment is not considered adequate to meet the requirements of the Historic and Archeological Resource Information section of the regulations. Prior to approval, the Permittee must provide the following in accordance with:

R645-301-411.140, The application must address the potential for this site to be eligible to the Nation Register of Historic Places.

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FISH AND WILDLIFE RESOURCE INFORMATION

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

Analysis:

The Phase 1 application contains a map titled Des-Bee-Dove Mines Phase 1 Reclamation Raptor Location Map. The map shows Golden Eagle nest #952 and 937 are both within the half-mile buffer zone radius of the proposed work area. Chris Colt, DWR Biologist, surveyed these nests. Nest 952 is in direct line of site of the mine facilities and less than 1000 feet away. The following data is available for this nest:

2001- Inactive
2000- Active
1999 – N/A
1998 – N/A

Since this nest does have the potential to be impacted the application must contain current information.

Findings:

The information provided in the application does not meet the minimum Fish and Wildlife Resource Information requirements of the regulations. Prior to approval the following information must be provided in accordance with:

R645-301-322, the application must provide current information about nest 952.

LAND-USE RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.22; R645-301-411.

Analysis:

The postmining land use for the mine site will be the same as the premining land use and that is wildlife and livestock grazing. The East Mountain allotment of the Ferron Ranger District is approximately 21,000 acres and supplies about 2500 animal unit months of grazing. Twice a year local ranchers use the mine access road to drive cattle to and from the East Mountain grazing area.

Findings

The information provided meets the minimum regulatory requirements of the Land-Use Resources Information section.

MAPS, PLANS, AND CROSS SECTIONS OF RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.24, 783.25; R645-301-323, -301-411, -301-521, -301-622, -301-722, -301-731.

Analysis:

Affected Area Boundary Maps

Currently, the mine area disturbed drainage leaves the disturbed area and permit area below the Tipple Valley Fill and then re-enters the permit area and the disturbed area for treatment in the sediment pond. In a letter dated August 29, 2001 to the Permittee the Division allowed the Permittee to not permit this drainage. However, all drainage must be treated prior to leaving the permit area.

Findings:

The information provided in the application meets the minimum Maps, Plans, and Cross Sections of Resource Information requirements of the regulations.

OPERATION PLAN

AIR POLLUTION CONTROL PLAN

Regulatory Reference: 30 CFR 784.26, 817.95; R645-301-244.

Analysis:

State air quality regulations at R307-205-5 Mining Activities requires mining activities to control fugitive dust by watering, paving, restricting speed, restricting travel, or by other methods. The applicant states that they will meet the requirements of the Clean Air Act. The permit states that dust will be controlled by reducing the rate of vehicle travel to 10 mph and watering on an as needed basis.

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Findings:

The information provided in the application meets the minimum Air Pollution Control Plan requirements of the regulations.

VEGETATION

Regulatory Reference: R645-301-330, -301-331, -301-332.

Analysis:

Fill slopes were vegetated with an interim seed mixture in 1981 through 1988. Given the arid climate, the vegetative cover on most of these fill sites was very good after 13 to 20 years of plant establishment. Slopes on these fills are considered very steep and are comparable to the slopes to be reestablished in reclamation. The active rooting zone of the fill material should be suitable as a growth medium in reclamation.

Findings:

Information provided in the application meets the minimum requirements of this section.

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:

The landowner for Phase 1 of the reclamation is PacifiCorp, the Permittee. Because the landowner and applicant are the same no requirements for landowner concurrence is required. The landowner for Phase 2 is PacifiCorp and Forest Service. The Forest Service is involved in the reclamation plan and the Division looks for their concurrence prior to approval of the reclamation.

A cattle trail will be established from the county road to access the grazing allotments on East Mountain. The trail will follow the reclaimed haul road to the pre-law waterline and then back to the reclaimed mine access road.

Findings:

The information provided meets the minimum regulatory requirements of this section.

PROTECTION OF FISH, WILDLIFE, AND RELATED ENVIRONMENTAL VALUES

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

Analysis:

Golden eagle nest #952 is within the half-mile buffer zone suggested by the U. S. Fish and Wildlife Service (USFWS). Restricted dates are January 1 to August 31, although these dates vary according to region. The Permittee has not proposed a start date for the work at the mine. If the project is started inside the restricted dates, after on site activities have been idled then additional consultation with the USFWS and DWR may be required to insure compliance with the Bald Eagle Protection Act. DWR and USFWS have suggested that a survey be conducted to see if the eagles are using nest #952 in the spring. If they are nesting then construction can begin but a biologist will need to monitor the nest. If the eagles appear to be disrupted because of the construction activity then all reclamation work will need to stop until the young have fledged. Abandonment of a nest with eggs or chicks is a violation of the Migratory Bird Treaty Act and the Utah Coal Mining Rules.

Findings:

The information provided in the application does not meet the minimum Protection of Fish and Wildlife and Related Environmental Resource requirements of the regulations. Prior to approval the following information must be provided in accordance with:

R645-301-358, The Operator must commit to the restrictions concerning the eagle protection as stated above.

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.

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Analysis:

General requirements

A total of 22.9 acres will be seeded in Phase 2 reclamation. Sheet No 300-1, Proposed Reseeded Area, shows the area to be seeded. The map is confusing. It is unclear if all areas within the disturbed area boundary will be reseeded or only areas disturbed by the current reclamation will be disturbed. This acreage amount may need to be adjusted in an as-built when actual seeding disturbance is known. At that time actual seeding dates can also be added to the map.

The greatest revegetation concern at this site is stabilizing the very steep slopes, which are commonly 2h:1v and up to 1½h:1v. The seed mixture (section R645-301-353.120) was designed to establish and provide some erosion control on these slopes. Annual reports detailing prevalent species established from interim seeding were reviewed for species seed mix selection. All species in the mixture are native and most are native to this specific area. Unfortunately, Salina wildrye, the dominant grass, is not commercially available for reclamation. The application rate is 61 seeds /ft². This rate is consistent with recommendations for the Utah area. Aggressive species were used because of the concern with soil stabilization. Diversity of the native area is low and the reclaimed vegetative cover should meet the baseline diversity. Transplants will be used to aid in the visual attributes of the area during vegetation establishment. These transplants will also be important to add to the species diversity.

Seed will be broadcast using a hurricane spreader or applied using a hydroseeder. The seed will be raked to cover the seed if using a hand spreader. Generally raking is not necessary unless the soil has crusted. Crusted soil should be raked even if hydroseeding. Covering the seed with hydromulch does not substitute for soil seed coverage.

All noxious weeds will be eradicated either chemically or physically if they become established on site (Maintenance and Monitoring (R645-301-357.320 thru R645-301-357.332)). The Weed Web at: <http://extension.usu.edu/coop/ag/crops/weedweb/index.htm> is an excellent resource for current noxious weed lists and control methods.

Timing

The application commits to seeding immediately after the soil is roughened. The exact season is unknown but likely will be through out the year. Early spring and late fall is the normal time for seeding in this area. A summer seeding maybe successful since this area is subject to summer rains. Several seeding attempts maybe necessary for successful germination and establishment. The Operator should be aware that only under limit conditions is reseeding allowed that does not restart the bond liability period.

Mulching and Other Soil Stabilizing Practices

One ton per acre weed free alfalfa hay will be incorporated into the soil during roughening. (Generally noxious weed free alfalfa hay is specified. Weed free hay will be difficult to find.) This will provide a slight organic component to the soil and may reduce crusting for seed germination. If a hydroseeder is used on site hydromulch with tackifier will be applied at the rate of 1500 lbs./acre. Care must be taken to not leave the seed in the hydromulcher for longer than 30 minutes. No commitment has been made to mulch the soil surface if the seed is broadcast seeded using a hurricane spreader (Page 5 of R645-301-500 and Page 4 of R645-301-300). Since this area is steep a commitment must be made to mulch or otherwise stabilize all surfaces.

Rocks, shrub and tree debris, and other organic on site materials should also be used as a top covering for the seeded surface.

Standards for Success

Vegetation success of the reclaimed Des Bee Dove mine area will be compared to the pinyon-juniper reference area established in 1980. Success will be judged on production, shrub density and cover of the reclaimed site as compared to the reference area. The Operator commits to tree and shrub numbers similar to the reference areas life forms. As the Operator becomes more experienced in reclamation at this specific site the success standard section should be reviewed.

Findings:

Information provided in the application is not considered adequate to meet the minimum Revegetation requirement of the regulations. Prior to approval, the Permittee must provide the following in accordance with:

R645-301-355, the application must commit and describe the surface mulch to be used when broadcast seeding with a hurricane spreader.

STABILIZATION OF SURFACE AREAS

Regulatory Reference: 30 CFR Sec. 817.95; R645-301-244.

Analysis:

Slopes will be graded to 1¼ h:1v to 2h:1v. Extreme surface roughening will be used on all slopes (R645-301-350 Performance Standards, page 5). The roughening process can occur during topsoil placement or while incorporating organic materials (i.e. hay). Proper roughening

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is very important for the site stabilization and revegetation. Roughening is described in the technique sheets in the Division's reclamation manual, The Practical Guide to Reclamation in Utah, found at:

ftp://dogm.nr.state.ut.us/PUB/MINES/Coal_Related/RecMan/Reclamation_Manual.PDF. The technique sheets are also useful to give to equipment operators to illustrate the degree of roughness required. Large boulders will be used as riprap.

Roughening on slopes steeper than 2:1 will be difficult and the pocking will likely not last very long. Since a pond will not be used to treat sediment a demonstration or discussion should be presented on how erosion will be controlled until vegetation establishment.

One ton per acre of certified weed free alfalfa hay will be incorporated into the soil when pocking. A soil tackifier will be applied according to manufacturers specifications. If hydroseeding is used, 1500 lbs/acre of wood fiber mulch and tackifier spread on the soil surface for cover and protection. As required by the deficiency in the Revegetation section of this TA the Permittee needs to describe the surface mulch used in areas that are not hydroseeded.

The area will be monitored annually for rills and gullies. The Permittee commits to filling and seeding any rills and gullies. The Permittee should expect some rills and gullies during the initial site establishment period that may be as long as 5 to 10 years in this arid area.

Findings:

The information provided in the application will meet the minimum Stabilization of Surface Areas requirements of the regulations when deficiency R645-301-355 is provided.

RECOMMENDATIONS

Prior to approval, the requirements of R645-301-355 must be provided as outlined above.