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

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June 12, 1997

TO: File

THRU: Daron Haddock, Permit Supervisor *DH*

FROM: Susan M. White, Senior Reclamation Biologist *SMW*

RE: North Rilda Lease, PacifiCorp, Deer Creek Mine, ACT/015/018-97I, Emery County, Utah. #2

SUMMARY

The initial North Rilda Lease Application was received February 4, 1997. A revision to this application was received by the Division on May 14, 1997. Information found in the application are considered adequate to meet the requirements of the regulations. One condition to permit approval is recommended.

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.

Analysis:

Protection and enhancement plan.

The Rilda Canyon is considered possible year long moose habitat and the area is classified as Critical Elk Summer and Winter Range. Rilda Canyon area has significant historical use by raptors since the Castlegate escarpments provides nesting sites.

Specific raptor nest information is available for the area in Volume 4, Map 2-18B. This map and packet is dated received 1990. Nest information for 1995 is found on page 2-210.6 of the MRP. Nest information for 1996 is found in Volume 11, R645-301-300 Appendix 1. Nest information should be consolidated and provided in a single table. Nest information from 1990 to 1995 should be included in this table.

Nest 296A was active and contained one young when surveyed in 1996. Nest 296A is found within the Rilda Lease Tract. Nest 296B and C which are within the proposed North Rilda Lease and located immediately across the canyon from 296A area are listed as old dilapidated. These nests are considered part of the territory of the eagles that contained one young in 1996, 296A. The operator has committed to annual raptor monitoring and to providing the information to the Division immediately, upon request.

UDWR stated (personal conversation, 3/21/97) that there is a potential for Townsends and Spotted Bats to occur along the cliff escarpment in Rilda Canyon. The operator has committed to survey the areas of potential failure to determine the presence of these mammals. The actual requirements of this survey are currently (June 1997) being discussed between the Division and UDWR. The operator must provide this survey to the Division upon completion.

No mining is approved where subsidence has the potential, as indicated by angle-of-draw, to affect the riparian area. Neither will subsidence be approved to disturb the Castlegate escarpment where several raptor nests or territories are located. The actual longwall configuration has not been proposed or approved by the Division with this May 14, 1997 submittal. If mining plans change and escarpment subsidence is approved take permits from the U.S. Fish and Wildlife Service is required when ever any raptor nests are removed.

Full-extraction mining is not planned under the riparian areas. The riparian buffer zone in the Left Fork of Rilda Canyon has been designed and protected for zero subsidence. This zone is based on the angle of draw from the Hiawatha Seam to the riparian area. The operator appears to be assured that the riparian area will be protected from mining impacts.

North Rilda Lease
ACT/015/018-97I
Page 3

Findings:

Information in the proposed North Rilda Area amendment to the Deer Creek Mine MRP is considered adequate to meet the requirements of the fish and wildlife protection and enhancement plan.

RECOMMENDATION

The amendment may be approved as discussed above. Since raptor nesting activity changes yearly the North Rilda permit should be stipulated with the following condition of approval:

- The permittee must report immediately, upon discovery, to the Division any active raptor nest found within the North Rilda Lease area.

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