

EXPLORATION TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

November 5, 2003

TO: Internal File

THRU: Karl R. Housekeeper, Environmental Scientist III/Inspector, Team Lead

FROM: Jerriann Ernstsens, Ph.D., Environmental Scientist/Biology

RE: 2004 Exploration of ML-48258, PacifiCorp, Deer Creek Mine, C/015/018, Task ID #1743

SUMMARY:

The Division received the Notice of Intention that addresses the minor coal exploration drilling of the four holes on September 29, 2003. This memo reviews the biology and archeology sections of the notice.

The permittee plans to core-drill four holes EM188, EM189, EM190, and EM191 in 2004. The plan shows that all drill holes are located within the Mill Fork Lease. The operator will drill the holes using a helicopter-transported drill rig in accordance with the Utah State Coal Lease ML-48258 application for the Notice of Intention of Conduct Minor Coal Exploration.

EXPLORATION TECHNICAL ANALYSIS:

COMPLIANCE DUTIES

Regulatory Reference: 30 CFR 772.13; R645-202.

OPERATIONAL STANDARDS

Regulatory Reference: 30 CFR 772.13; R645-202-100.

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Analysis:

The Permittee plans to core-drill four holes EM188, EM189, EM190, and EM191 in 2004. The plan shows that all drill holes are located within the Mill Fork Lease. Drill holes EM188, EM189, and EM190 are near the northwestern edge, while drill hole EM191 is near the northern edge in the middle of the Mill Fork Lease.

In 2001, SENCO-PHENIX recommended that PacifiCorp obtain waivers from the USFS archeologist for drill hole projects. They based their recommendation on PacifiCorp using helicopters for drill hole procedures, which minimizes impact to environmental resources. The drill hole project conducted in 2003 received a USFS waiver. The Permittee submitted the request for the waiver for this 2004 project. The USFS will conduct a file search and provide the Permittee with their decision sometime this winter (Charles Semborski, Personal communications 11/04/03).

Biology

The operator will drill the holes using a helicopter-transported drill rig. The staging area for all drill holes is in Joe's Valley. There is a secondary staging area located east of the Mill Fork Lease. This area is just within or immediately outside the 0.5-mile buffer zone for Golden Eagle nests 80 and 81 as well as Red Tail Hawk nest 1207. DWR and the Permittee will conduct the yearly raptor surveys in May 2004. If the nests are active or tended in 2004, the Permittee will not use this secondary staging area unless they implement the "special monitoring program" established in 2002 (pg. 12). The need for this secondary staging area is to provide the Permittee with reduced response times to address staff emergencies and requests. Time for the Permittee to get to the Joe's Valley staging area would take considerably longer. (Charles Semborski, Personal communications 11/04/03).

The Permittee must implement the special monitoring program, developed by the USFS, before initiation of operations if any nests are listed active. The Permittee must immediately cease operations and contact the Division, if the Permittee observes any disturbance to the eagles or nests during operations. The Division will immediately coordinate a meeting with USFWS, DWR, USFS, and Energy West to develop an action plan.

The special monitoring program includes the action items listed below. The text in bold details additional action items the Division requires of the Permittee.

- 1) Establish ground-monitoring point(s) three days prior to drilling near nests determined to be active or "verified in consultation with the DWR biologist to observe activity".
- 2) Establish baseline data for raptor activity from the advanced monitoring.

- 3) Position Guy Davis (PacifiCorp biologist; USFS approved 2002), prior to daily drilling, to conduct the special monitoring program.
- 4) Observe active nest(s) near Mill Fort staging area.
The Permittee must immediately cease operations and contact the Division if the Permittee observes any disturbance to the eagles or nests during operations. The Division will immediately coordinate a meeting with government agencies to develop an action plan.
- 5) Conduct all helicopter flights in a manner to minimize potential disturbance by applying “low-impact” flight patterns.
“Apparent impacts include but not limited to; alteration to daily nest activity, feeding routines and general chick behavior. If apparent impacts are identified, PacifiCorp will mitigate impacts by altering flight paths, timing of flight not to disrupt feeding schedules and minimize the number of flight.”
- 6) Conduct all non-essential helicopter flights at least 1,000 feet above ground elevation and 30 miles/hour (USFW Guidelines).
- 7) Monitor raptor activity during drilling within ½ mile buffer zone of active nests based on raptor monitoring data for a minimum of three days. USFS biologist may terminate the special monitoring program once no apparent impacts are determined.
- 8) Report all raptor monitoring information to the Division, DWR, and USFS.

The primary land uses associated with the area are wildlife habitat, critical winter range for elk, and high priority summer range for deer and elk. The Permittee expects that the small size of the project will not impact these uses. The Permittee plans to initiate and complete the drill project on May 15, 2004 and 45 days after initiation, respectively. Winter range exclusion date is from November 1 through May 15. The elk calving and deer fawning sensitive dates are from May 1 through July 1 and May 16 through July 1, respectively. The Permittee discussed the starting dates with the USFS for the 2003 drill project. The USFS recommendation was to begin on May 15th rather than the original proposed date in July (Charles Semborski, Personal communications 11/04/03). The Permittee applied the 2003 recommendation for this 2004 drill project to start on May 15th to minimize impact.

PacifiCorp conducted several surveys for Threatened, Endangered and Sensitive (TES) plant and animal species for various projects associated with this area. The projects associated with this area were Rilda Canyon (Surface Facilities, Permit Extension and Powerline) and the Mill Fork coal leasing process. The MRP states that there are no TES within the permit area (Volume 12; pg. 3-9).

The drill-hole operations will require a total of 0.24 acre-feet of water (pgs. 5, 13). The USFWS requires mitigation for endangered fish species of the Colorado River when the amount of water consumption exceeds 100 acre-feet.

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Findings:

The Division considers the information adequate to meet the minimum requirements of the Biology section of the Operational Standards regulations.

RECLAMATION STANDARDS

Regulatory Reference: 30 CFR 772.13; R645-202-200.

Analysis:

Revegetation

The Permittee expects minor surface disturbances from the drilling activities. The size of the work pads for the holes are 40' x 40'. The Permittee will remove deadfall from the sites in preparation for the drill-hole pads. Preparation will not include removing vegetation unless removal is necessary for staff safety. The reclamation project includes removing debris and contaminated soil, recontouring, seeding, and replacing deadfall.

The proposed seed mixture meets the requirements of the regulations. The mix contains: *Stipa columbiana*, *Elymus trachycaulus*, *Poa secunda*, and *Aster chilensis*. The Permittee will supplement this mix with *Eriogonum umbellatum* and *Penstemon strictus*.

Findings:

The Division considers the information adequate to meet the minimum requirements of the Revegetation section of the Reclamation Standards regulations.

RECOMMENDATIONS:

Approve the Notice of Intentions to Conduct Minor Coal Explorations.