

OLENE S. WALKER
Governor

GAYLE F. McKEACHNIE
Lieutenant Governor

December 23, 2003

James Kohler, Branch Chief
Bureau of Land Management
P.O. Box 45155
Salt Lake City, Utah 84145-0155

Re: Notice of Intent to Conduct Exploration, PacifiCorp, Deer Creek Mine, C/015/0018, Task ID #1779, Outgoing File

Dear Mr. Kohler:

The above-referenced "Exploration Plan" was received at the Division offices on December 5, 2003. We have completed a review of this project and are forwarding our comments to you since the BLM has been determined to be the lead on this project that takes place on federal lease. Following are our comments on this project.

The Notice of Intention to Conduct Minor Coal Exploration indicates that Energy West Mining Corp will dig between six and twenty more pits to a depth of up to twenty feet to further:

- characterize and evaluate subsurface soil, bedrock, and groundwater conditions at the site; to evaluate the site geoseismic setting; and
- to make geotechnical recommendations for earthwork and construction.

Twenty pits seems an excessive number, especially given that in August 2003, the Forest Service was extremely concerned about locating too many soil pits in the canyon bottom. Justification for more than one pit in an area should be requested (areas are designated on page 5). A requirement for documentation of field decisions to create more than one pit should be written into the plan.

On page 8, the plan indicates that topsoil will be separately removed as necessary or as required by the Division. No mention of depths of soil salvage was made for the specific areas to be disturbed (listed on page 5). The Permittee should use information from the five pits dug for the August soil survey to provide a specific estimate of the depth of topsoil to be removed and stockpiled at all pit locations (see page 5 for specified areas). This depth of recovery should be written into the plan.

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No mention is made of gouging the surface to promote soil stability or to prevent erosion (pages 9 – 11). The plan should include a method of soil stabilization.

The coal exploration does not give the Permittee license to compact undisturbed ground with vehicle traffic or otherwise affect the undisturbed or reclaimed areas.

Page 7 refers to a recent archeological survey the Permittee conducted on adjacent properties. This survey did not include the site where the geotechnical exploration will occur. The Permittee must provide an archeological survey of the site where the actual surface disturbance will occur.

Pages 7/8 refer to habitat of unique or unusually high value. A large portion of the permit area contains deer and elk habitat (Vol. 4. Map 2-19 2001). Within the permit area is deer and elk high priority summer range. Also, the area is critical/high priority winter range with adjacent areas as high priority summer range for elk. The Permittee states that there will be no detrimental impact to these species or their habitat. The Division, in coordination with DWR, reminds the Permittee that the project site in Rilda Canyon is closed from December 1st through April 15th. This closure period is still in effect. DWR has files showing at least two letters concerning Rilda Canyon that reminded Energy West of the seasonal closure dates in the past (DWR e-communications, 12222003).

Page 10 lists the seed mixture for riparian areas, which contains yellow sweetclover. The Permittee must omit this non-native species from the list. The Division recommends bringing the total seed rate at least up to 80 PLS/square foot by increasing the remaining species or adding additional Utah native species.

Thank you for the opportunity to provide comments. Please call Priscilla Burton at (801) 538-5288 or me at (801) 538-5325 if you have any questions.

Sincerely,

Daron R. Haddock
Permit Supervisor

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cc: Priscilla Burton
Charles Semborski
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