

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

OK

September 20, 2004

TO: Internal File

THRU: Jim Smith, Lead *JS*

FROM: Joe Helfrich, biology, Big Game Species *JH*

RE: Amendment of Volume 11, North Rilda Area, Pacificorp, Energy West Mining Company, Deer Creek mine, C/015/0018, Task #2032

SUMMARY:

On September 2, 2004 the Division received a hand delivered application to amend the Deer Creek mining and reclamation plan. The application includes a plan to develop a 12acre parcel and install two portals in Rilda Canyon. The area is approximately 12 miles up Huntington Canyon from the town of Huntington. The area can be located on the Rilda Canyon 7.5 minute U. S. G. S. quadrangle map SW1/4NE1/4, section 29, T.16S. R.7E. This memo will include a review of the Biology section of the regulations with the emphasis on Big Game species.

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TECHNICAL ANALYSIS:

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

FISH AND WILDLIFE RESOURCE INFORMATION

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

Analysis:

Chapter three of the application includes a Wildlife Resources Report prepared by Terry Nelson and Pam Jewkes from the Manti-La Sal National Forest. Big Game species identified in the report include the Canada Lynx, Rocky Mountain Elk and Mule Deer. The report is a stand-alone document a portion of which describes the listed big game species their habitats and several alternatives with respect to the development of access routes to the School and Institutional Trust Lands Administration, (SITLA), properties located within the Manti-La Sal National Forest. The application does not include a discussion that correlates the Big Game species identified in this report with the proposed development in Rilda Canyon.

Findings:

The information provided in the application is not adequate to meet the requirements of this section of the regulations. Prior to approval the Permittee must provide the following in accordance with; **R645-301-322**; The applicant needs to include a discussion in the text that correlates the Big Game species identified in the Wildlife Resources report with the development of the portals and surface facilities located in Rilda Canyon. The discussion also needs to include additional Big Game species common to the proposed Rilda Canyon development area.

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:

The application does not include habitat maps for the big game species common to the proposed Rilda Canyon development area.

Findings:

The information provided in the application is not adequate to meet the requirements of this section of the regulations. Prior to approval the Permittee must provide the following in accordance with;

R645-301-323, -301-411, -301-521, -301-622, -301-722, -301-731; The application must include habitat maps for the big game species common to the proposed Rilda Canyon development area. The application must also address the referenced sections of the regulations.

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 application does not include a protection and enhancement plan for Big Game species common to the proposed Rilda Canyon development area.

Wetlands and Habitats of Unusually High Value for Fish and Wildlife

The application does not address this section of the regulations with respect to the proposed Rilda Canyon development area

Findings:

The information provided in the application is not adequate to meet the requirements of this section of the regulations. Prior to approval the Permittee must provide the following in accordance with; **R645-301-322, -301-333, -301-342, -301-358;** the Permittee must address these sections of the regulations.

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RECLAMATION PLAN

PROTECTION OF FISH, WILDLIFE, AND RELATED ENVIRONMENTAL VALUES

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

Analysis:

The application does not address this section of the regulations with respect to Big Game species common to the proposed Rilda Canyon development area.

Findings:

The information provided in the application is not adequate to meet the requirements of this section of the regulations. Prior to approval the Permittee must provide the following in accordance with;

R645-301-333, -301-342, -301-358; the Permittee must address these sections of the regulations as related to the reclamation plan for the RildaCanyon development area.

RECOMMENDATIONS:

The application is not recommended for approval at this time.