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State of Utah

Department of Natural Resources

MICHAEL R. STYLER
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Division of Oil, Gas & Mining

JOHN R. BAZA
Division Director

May 10, 2005

Chuck Semborski, Environmental Supervisor
Energy West Mining Company
P.O. Box 310
Huntington, Utah 84528

Subject: Replacement of Volume 11 (RILDA Canyon Facilities), PacifiCorp, Deer Creek Mine, C/015/0018, Task ID #2195, Outgoing File

Dear Mr. Semborski:

The Division has completed its evaluation of your April 1, 2005, deficiency response to our March 1, 2005 technical review for the revised Rilda Canyon fan portal and support facilities proposal. The proposal has been reviewed under Task #2195. Comments received from the U.S. Forest Service concerning topsoil have been evaluated and incorporated into the review document. Additional comments regarding suggested changes to the revegetation seed mix have not been incorporated into the document, but are included as an emailed attachment. We concur with the Forest Service seedmix change recommendations.

Before the Division can approve this permit revision, the Permittee must provide the information outlined in the following deficiencies, in accordance with the R645 Coal Mining Rules cited. For clarification or more information, you can contact the Division specialist whose initials are at the end of each deficiency.

PWB	Priscilla Burton	(801) 538-5288
JAE	Jerriann Ernstsen	(801) 538-5214
JCH	Joe Helfrich	(801) 538-5290
JDS	Jim Smith	(801) 538-5262
WHW	Wayne Western	(801) 538-5263

Draft Technical Memos and a draft TA have been prepared, but final versions of these documents will not be prepared until all technical deficiencies have been resolved. Please respond to the following deficiencies by June 10, 2005.

If you have any questions, please call me at (801) 538-5286 or Jim Smith at (801) 538-5262.

Sincerely,

/S/

D. Wayne Hedberg
Permit Supervisor

an
Attachments: Technical Deficiencies
USFS comments
cc: Price Field Office
O:\015018.DER\FINAL\WG2195\WG2195TEMPletter.doc

TECHNICAL DEFICIENCIES

R645-301-121.200, **(1)** Clarify that the USGS macroinvertebrate data may supplement the surveys conducted during and after 2004 **(2)** Clarify that the Permittee will comply with the exclusionary period during construction and reclamation **(3)** Clarify the exclusionary period to either include the calving/fawning or remove the reference to calving (pp. 17, 26). [JAE]

R645-301-122, The Permittee must include a signed copy of the Agreement #2 that will allow a portion of Emery County Road 306 to be temporarily restricted to public use. [WHW]

R645-301-122, The Permittee must provide the Division with an updated copy of the R2P2 or equivalent information, when that information becomes available. [WHW]

R645-301-200, There is an incorrect citation for the location of the topsoil storage pile cross-sections. The plan should indicate in section R645-301-231.100 (p. 12) that Map 500-4 Sheet 3 of 5 provides the stockpile cross-sections. [PWB]

R645-301-243, Reestablishment of microbial activity in stockpiled soil material usually occurs as a result of the addition of straw or hay and with seeding. The plan might encourage rapid establishment of locally adapted strains of microbes through the use of a slurry of native soil and water. The supernatant from this slurry could be added to the hydromulch for application to the soil. [PWB]

R645-301-356, Provide a NRCS 2004 evaluation of productivity and range condition for the previously mined site. Illustrate that surveyors conducted or will conduct the vegetation survey and NRCS evaluation within a normal precipitation year prior to disturbance. [JAE]

R645-301-356.250, The Permittee must bring the cover to at least the percent of ground cover existing before redisturbance and adequate to control erosion. [JAE]

Protection and Enhancement Plan

R645-301-322, -301-333, -301-342, -301-358,

Volume 11, Page 300-16 procedure #1 The reduced footprint is a surface disturbance that includes the removal of coal and construction of a sediment pond that will displace current wintering big game species throughout the life of the facility. This procedure needs to be removed from the application.

Page 300-17 procedure #14; this sentence needs to include construction activities as well as reclamation activities.

Pages 300-17 and 18, table 300-5.

Commitment #1, The removal of coal will displace the current wintering big game species throughout the life of the facility. This commitment needs to be removed from the application.

Commitments 2, 3 and 4 need to include detailed plans for implementation. The plans should be developed on cooperation with the Division of Wildlife Resources, The US Forest Service and the Division of Oil Gas and Mining. Any enhancement plan must include at least the overseeing agency or other group, general objective and location of the project, date of expected implementation and completion, and required reporting. [JCH]

R645-301-333, Provide supplemental information for the protection and enhancement plan. For example, the Division requires more information for the Leroy Mine, DWR timber harvest, raptor prey-base, Rilda Creek, and East Mountain projects. The Permittee must include, where appropriate, proposed dates, overseeing agencies, and points on how the Permittee will participate (monetary, man power, etc.). [JAE]

Wetlands and Habitats of Unusually High Value for Fish and Wildlife

Volume 11, Pages 300-17 and 18 of the application for the proposed Rilda Canyon development area include four protection methods and general descriptions of three proposals for enhancement of big game species. By addressing the deficiencies outlined in the Protection and Enhancement Plan section (above), the Permittee will also meet the requirements of this section of the regulations. [JCH]

R645-301-521.123 and R645-301-521.190, The Permittee must show the location of the Forest Service road that accesses the topsoil storage location on the reclamation, operational, and existing maps. [WHW]

R645-301-521.180 and R645-301-521.190, All items shown on Map 500-3 must be listed in Section 521.180, and the reverse must occur. Examples include, but are not limited to; the generator, transformer, fuel tank for generator, bunker for noncoal waste – sand storage – rock waste, gravel storage, covered storage, rock dust silo, fuel dock, pump station – generator, and trail parking area. [WHW]

R645-301-521.133.1, The Permittee must list those measures that they will take to protect the public when mining and reclamation activities occur within 100 feet of a public road. Specific issues include protecting the public during mining and reclamation activities at the topsoil and subsoil storage areas and when the trailhead is reclaimed. Examples of methods to protect the public could include, but not be limited to; flag persons, warning signs, and barricades. [WHW]

R645-301-521.124, The Permittee must show the location of the noncoal waste storage site on the operations map, Map 500-3. [WHW]

R645-301-524.200 and R645-301-524.220, The Permittee must submit a blasting plan for each blast. The five-pound exemption only applies to preblast surveys (See R645-301-524.300.) [WHW]

R645-301-542.600, The Permittee must include a detailed plan for the realignment of Emery County Road 306 in the MRP. The agreement must specifically state whether the County or the Permittee will be responsible for doing the work. If the Permittee is responsible for the work, then plans for the realigned road must be included in the MRP. [WHW]

R645-301-534.130, The Permittee must discuss how the road embankments will meet the 1.3 minimum safety factor requirement. [WHW]

R645-301-528, The Permittee must include in the narrative a statement about the temporary storage of coal mine waste at the North Rilda Portal Facility. Specific issues that must be addressed are: **(1)** The Permittee must refer to the coal mine waste storage area as the rock waste site. This is what the facility is referred to in the rest of the MRP (see Section R645-301-536 of the MRP). **(2)** The maximum amount of time coal mine waste can be stored at the North Rilda Portal Facility. **(3)** The maximum volume/weight of material that can be stored on site. [WHW]

R645-301-830, The Permittee must submit adequate reclamation cost estimates and have adequate bond before the revision is approved. To avoid confusion, the Division recommends that the Permittee make a general comment that the reclamation cost estimates will be provided to the Division, before the revision is approved. [WHW]

Experimental Practice

R645-302-212.310, Clearly state the seed mix to be used on the experimental practice area in the description of the experimental practice in item #4, page 35 Experimental practice. [PWB]

R645-302-212.400, (1) Anionic Polyacrylamide will be used at reclamation to enhance infiltration of water into the soils. The Division assumes that 20 years hence, advances will be made concerning the specifics of PAM application. The plan should indicate that details of the PAM application will be worked out prior to implementation **(2)** Investigation of the infiltration and erosion control on the PAM treated experimental practice area is implied under the heading R645-302-214.100 (page 25 Experimental practice), but the monitoring must be included as a sixth item in the Experimental Practice plan outline on page 28 and details of the site monitoring during years subsequent to reclamation must be provided. [PWB]

Subject: New Surface Facilities in Rilda Canyon, PacifiCorp, Deer Creek Mine, C/015/0018, Task ID #2195, Outgoing File

The following are Forest Service comments on PacifiCorp's revised application:

R645-301-200 Soils Section, page 24, R645-302-212.410 Evaluate the effectiveness of the experimental practice.

There is no discussion of how PacifiCorp proposes to evaluate the effectiveness of this experimental practice. They discuss where they have used this practice in the past, but not how they intend to show that it is effective at this site.

R645-301-200 Soils Section, page 25, R645-302-214.200.

One of the factors that may affect revegetation is soil compaction. The original soil may be compacted while it is covered by other soil. There should be a discussion of what compaction, if any, may be expected, how compaction may affect revegetation, and what mitigation is possible.

There should also be a description of soil compaction under the proposed facilities and how it may be mitigated at the time of final reclamation.

R645-301-200 Soils Section, page 27, R645-302-216.

This section requires a "periodic monitoring, recording, and reporting program" for the experimental practice. There is still no discussion of monitoring or reporting.

R645-301-200 Soils Section, Plan for Experimental Practice: In-Place Topsoil Storage, page 32.

Subsoil/construction Fill – Experimental Practice, first paragraph.

Describe the potential remediation methods. State that the Surface Management Agency must consent to the type of remediation to ensure that post-mining land use objectives are met.

Subsoil/construction Fill – Experimental Practice, second paragraph.

Explain how the microrhizomes will be restored in the topsoil after it has been buried for many years.

R645-301-200 Soils Section, Plan for Experimental Practice: Reclamation of the Experimental Practice Area, page 35.

This section should discuss how PacifiCorp proposes to deal with topsoil compaction and restoration of the microrhizomes.

R645-301-203 Biology Section, R645-301-341 Revegetation

Page 22, Table 300-8, Seed Mixture (Pinyon-Junimer/Mountain Brush)

Make the following changes:

Change the seeding rate for Bluebunch Wheatgrass to 2.0 lbs./acre.

Replace Big Bluegrass with Sandberg Bluegrass, *Poa secunda,* at a seeding rate of 1.0 lb./acre.

Change the seeding rate for Indian Ricegrass to 1.0 lbs./acre.

Delete Thickspike Wheatgrass.

Change the seeding rate for Blueleaf Aster to 0.25 lbs./acre.

Change the seeding rate for Blue Flax to 0.25 lbs./acre.

Replace Big Sagebrush with Snowberry, *Symphoricarpus oneophilus,* at a seeding rate of 0.5 lbs./acre.

Change the seeding rate for Curlleaf Mahogany to 1.0 lb./acre.

Change the seeding rate for Fourwing Saltbrush to 2.0 lbs./acre.

Replace the Utah Juniper, Rocky Mountain Juniper, and Pinyon Pine seedlings with True Mountain Mahogany, *Cercocarpus montanus*, at a seeding rate of 1.0 lbs./acre.

Note: The seed for Blueleaf Aster and Louisiana Sage may not be available. If a substitute is necessary, contact the Forest Service botanist, Bob Thompson, to discuss suitable replacements.

Page 23, Table 300-9, Seed Mixture (Sagebrush/Grass)

Make the following changes:

Delete Thickspike Wheatgrass.

Replace Big Sagebrush with Bitterbrush, *Purshia tridentate*, at a seeding rate of 1.0 lbs./acre.

Note: The seed for Blueleaf Aster and Louisiana Sage may not be available. If a substitute is necessary, contact the Forest Service botanist, Bob Thompson, to discuss suitable replacements.

Page 24, Table 300-10, Seed Mixture (White Fir/Aspen)

Make the following changes:

Correct the scientific name for Kentucky Bluegrass to *Poa pretenses.*

Replace Big Sagebrush with Snowberry, *Symphoricarpos oreophilius*, at a seeding rate of 1.0 lbs./acre.

Change the seeding rates for Saskatoon Serviceberry and Skunkbrush Sumac to 0.5 lbs./acre each.

Note: The seed for Louisiana Sage, Pacific Aster, and Rocky Mountain Penstemon may not be available. If a substitute is necessary, contact the Forest Service botanist, Bob Thompson, to discuss suitable replacements.

R645-301-203 Biology Section, R645-301-350, Performance Standards, page 27, 5th paragraph.

The standard for successful revegetation should also state that not more than 10% weeds are allowed and no noxious weeds are allowed.

R645-301-500, Engineering Section, R645-301-527, Transportation facilities, page 36, discussion of Emery County Road #306

The discussion states that no salt will be used within the disturbed area of the Rilda Canyon Portal Facilities. The discussion should state what will be used on the county road below the portal facilities, as this has the potential to impact Rilda Creek.

R645-301-700, Hydrology Section, page 48, Mitigation and Control Plans, 2nd paragraph.

This discussion should describe the impacts of road salt on surface water.