

EXPLORATION TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

February 2, 2006

TO: Internal File

THRU: Stephen J. Demczak, Environmental Scientist III/Engineering, Team Lead
Pamela Grubaugh-Littig, Permit Supervisor

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

RE: Minor Coal Exploration, PacifiCorp, Deer Creek Mine, C/015/018, Task ID
#2362

SUMMARY:

The Division received the Notice of Intention in October 2005 that addresses minor coal exploration drilling of 11 holes. This memo reviews the biology and archeology sections of the notice.

EXPLORATION TECHNICAL ANALYSIS:

COAL EXPLORATION

Regulatory Reference: R645-200.

REQUIREMENTS FOR NOTICE OF INTENTION TO CONDUCT MINOR COAL EXPLORATION

Regulatory Reference: 30 CFR 772.10; 30 CFR 772.11; R645-100-412; R645-201-200.

Analysis:

The Mine and Reclamation Plan (MRP) does not meet the requirements of R645-201-200.223, R645-201-200.224, or R645-201-200.225 because the Permittee does not adequately present narrative describing the exploration area, timing of the project, or method used to protect biological or archeological resources from adverse impacts.

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The Permittee plans to transport core or rotary drill rigs by helicopter and drill eleven 3” diameter holes: 2006-1 through 2006-11. The proposed drill holes are located within the Mill Fork Lease area on USFS surface and State of Utah subsurface. The legal description for this project is T16 S and R 6 E Sections 7, 11, 12, 13, and 15 (7.5 Minute Quadrangle USGS map is the Rilda quadrangle). The elevation of the project sites is approximately over 9400’. Drill hole staging sites are in Upper Joes Valley or lower end of Mill Fork Canyon. (Refer to 2005-raptor map in this 2006 plan).

The current plan shows that the project will start on July 15 and take no longer 60 days to complete. The Permittee mentioned that they will submit a request to start earlier than July 15 because their mine plan shows that they will be approaching these sites prior to July and because a July start date would require more linear feet of water lines than if they start earlier in the season (1/24/06 communications: Jerriann Ernstsens and Chuck Semborski). During a wildlife meeting, the Permittee also mentioned that they would like to start earlier because of possible water constraints.

Archeology

The Division will comply with Section 106 laws. The Permittee must provide the archeology report with this plan (R645-201-200.223). The Permittee must provide historic or cultural resource information in a separate folder, marked Confidential, for both the hard and electronic copies. The Division will coordinate with the USFS to reduce SHPO consultation efforts. The USFS will conduct the SHPO consultation requirement and send the Division a copy of the correspondence for our records (1/23/06 communications: Jerriann Ernstsens and Bruce Ellis, USFS).

The Permittee should follow the Division’s policy on confidential information. The Permittee must remove or relocate, to a Confidential Binder, the site-specific description of 42EM856 provided on page 4-5. The Division recommends that, in the future, the Permittee only provide the site number. If descriptions are necessary for the review process, the Permittee must provide historic or cultural resource information in a separate folder, marked Confidential, for both the hard and electronic copies.

Biology

Plants

The Permittee provides an adequate description of the existing vegetation community types in the Operations Standards section (230). The plan also includes topographic maps and aerial photos of the area. Previous reports for the area show that there are no TES plant species (MRP Millfork Vol. 12).

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The Permittee expects minor surface disturbances from the drilling activities. The size of the work pads for the holes are 40' x 40'. Preparation will not include digging up or removing vegetation. There will be no soil disturbance. The Permittee will remove deadfall and may need to prune taller vegetation (1/25/06 communications: Jerriann Ernsten and Chuck Semborski) from the sites in preparation for the drill-hole pads.

At the end of the project, the Permittee will remove all equipment, rake the vegetation, and spread the USFS requested seed mix. This seeding step is required by the USFS.

Animals

The Permittee does not provide an adequate description of the existing wildlife communities in the Operations Standards section (230).

The plan states that the area is designated as critical winter range for elk, and high priority summer range for deer and elk. The Permittee will initiate the drill project on July 15, which is after deer and elk exclusionary wintering and calving periods (December 1 through April 15 and May 15 through July 5, respectively).

The Permittee will conduct their annual raptor fly-over survey in May 2006. The plan is to start drilling on July 15, which is after the exclusionary period for many raptors (February 1 through July 15) and conduct all non-essential flights at 1000'. These plans will help reduce impacts to the local raptor population.

The 2005 Raptor Location map does not show all the raptor nests as shown on the Raptor Location map received on 10/11/06 (record #0114). Missing nests include 1211, 1437, and 81. The 10/11/06 map is more informative than the yearly fly-over survey maps. The Division requests that the Permittee include the 10/11/06 map with this and future exploration plans (R645-201-200.223).

The Permittee states that drill holes or staging areas are not within 0.5-mile buffer zones. The Raptor Location Map, however, illustrates that the buffer zones for nests 1210 and 1211 may surround holes 2, 3, and 4; that the buffer zone for nest 78 may surround holes 4, 7, and 8; and that the buffer zones for nests 80 and 81 may surround the Millfork staging area. The Division requests that the Permittee confirm that these holes or staging area are not within 0.5-mile buffer zones (R645-201-200.225).

The area includes habitat and nesting sites for goshawks, which is a USFS indicator species. The USFS will conduct a goshawk survey starting the second week of June. The Permittee may need to follow USFS protection measures if the results are positive for goshawks.

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The Wildlife interagency team is currently discussing this project relative to the goshawks. The Permittee must include a description of the goshawk habitat within the project area as well as any relative information (R645-201-200.223).

Previously, the USFS stipulated that the Permittee must implement the special monitoring program if raptor nests are listed as active during the spring over-flight survey. The USFS issued this stipulation because the Permittee requested to initiate the project during the raptor exclusionary period. (See TA_EXP_1743.PDF for details of the program). If the Permittee makes this same request for 2006, the USFS may issue the same or similar protection measures.

To comply with the Division's internal policy concerning confidential information, the Permittee must relocate, to a Confidential Binder or folder, the site-specific description of raptor nests provided on the 2006 Raptor Location map. The Permittee must provide nesting or other related (dens, middens, roosting sites) information in a separate folder, marked Confidential, for both the hard and electronic copies. All submittals need only include one copy of all confidential information.

The Mexican spotted owl exclusionary period is March 1 through August 31. Previous reports show that the elevation for the 2006 project sites are above this species preferred nesting habitat of below 8,000' (MRP Millfork Vol. 12).

The drill-hole operations will require 1.35 acre-feet of water (p. 12 of this plan). The Permittee will access water from local drainages.

Findings:

R645-201-200.223, The Permittee must provide the archeology report with this plan. The Permittee must provide historic or cultural resource information in a separate folder, marked Confidential, for both the hard and electronic copies. • The Permittee should follow the Division's policy on confidential information (refer to the Division's letter sent in early 2005). The Permittee must remove or relocate, to a Confidential Binder, the site-specific description of 42EM856 provided on page 4-5. The Division recommends that, in the future, the Permittee only provide the site number. If descriptions are necessary for the review process, the Permittee must provide historic or cultural resource information in a separate folder, marked Confidential, for both the hard and electronic copies. • The Division requests that the Permittee include the 10/11/06 Raptor Location map with this and future exploration plans. • The Permittee must include a description of the goshawk habitat within the project area as well as any relative information. • The Permittee must relocate, to a Confidential Binder or folder, the site-specific description of raptor nests provided on the 2006 Raptor Location map. The

Permittee must provide nesting or other related (dens, middens, roosting sites) information in a separate folder, marked Confidential, for both the hard and electronic copies. All submittals need only include one copy of all confidential information (archeology and biology related).

R645-201-200.225, The Division requests that the Permittee confirm that these holes or staging area are not within 0.5-mile buffer zones.

COMPLIANCE DUTIES

Regulatory Reference: 30 CFR 772.13; R645-202.

RECLAMATION STANDARDS

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

Analysis:

Approximate original contour

Revegetation

Boreholes

Facilities and Equipment

Findings:

This 2006 helicopter supported drilling project will not substantially disturb the drill-hole site locations. The 202-200 regulations, therefore, do not apply.

Substantially disturb is defined as: significantly impact land or water resources by blasting; by removal of vegetation, topsoil, or overburden; by construction of roads or other access routes; by placement of excavated earth or waste material on the natural land surface or by other such activities; or to remove more than 250 tons of coal.

RECOMMENDATIONS:

Do not approve the amendment until the Permittee addresses all deficiencies.