

# TECHNICAL MEMORANDUM

## Utah Coal Regulatory Program

---

December 15, 2008

TO: Internal File

THRU: Steve Demczak, Lead *SD by SAS*

FROM: Ingrid Wieser, Biology, Cultural Resources *IW*

SUBJECT: Notice of Intent to Conduct Minor Coal Exploration, Energy West/ PacifiCorp, Deer Creek Mine, C/015/0018, Task ID #3089

### SUMMARY:

On November 20, 2008, Energy West Mining, a PacifiCorp subsidiary, submitted a letter of intent to conduct Minor Coal Exploration between May and August of 2009 to the Division. Energy West proposes to helicopter drill six holes in the Joes Valley and Mill Fork staging areas. The six proposed drill holes are located within the company's current Utah State Coal Lease ML-48258 in Sections 1 and 11, Township 16 South, Range 6 East, Salt Lake Base and Meridian. The drilling will occur on USFS lands.

This Memo will address the Cultural Resources and Biology sections of the application.

**EXPLORATION TECHNICAL MEMO**

---

**EXPLORATION TECHNICAL ANALYSIS:**

**OPERATIONAL STANDARDS**

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

**Analysis:**

**Biology**

The Applicant states that the vegetation information for the proposed area can be found in the Deer Creek MRP, volume 12, pages 3-1 to 3-5, and the map of the vegetation is in the MRP labeled MFS1821D. The vegetation consists of Cottonwood/Aspen/Fir/ Dogwood communities at the bottom of the canyons. Spruce-Fir Coniferous Forest dominates the slopes with aspen communities inter-mixed on the South facing slopes. No threatened or endangered plant species occur within the project area according to Bob Thompson, Botanist with the Manti –La Sal National Forest.

The Environmental Assessment included in Deer Creek Mine's MRP prepared by the Manti-La Sal National Forest provides a description of the wildlife species found in the area. According to the report, no threatened or endangered wildlife occurs within the Mill Fork lease area.

The Applicant included a map of the proposed drilling flight lines as well as locations of Golden Eagle nests based on a DWR Raptor Survey conducted in May of 2007 and 2008. A tended Golden Eagle nest (#1210) is located within a half mile of drill site 2009-6. If tended in 2009, the drill site will be subject to the exclusionary period and Energy West has committed to scheduling potential activities for 2009-6 after July 15, 2009 or after the young have fledged the nest. Also, the Applicant lists Northern Goshawk as a management indicator specie for the Manti –La Sal National Forest. The EIS prepared by the Forest Service states that if active, no activity can occur within a 30 acre buffer of the active nests between March 1 and September 30 and no construction, drilling or commercial traffic will be allowed within .5 miles of an active nest between march 1 and August 15. Three Goshawk nests have been located in the area, and identified on the 2009 Coal Exploration map included with the application. All flight paths are distributed so that they do not impact the birds or territories.

**Findings:**

The Applicant did not meet the minimum regulatory requirements of this section and must comply with the following:

**R645-202-100:** The Applicant must include a list of current Threatened and Endangered species in the area.

**HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION**

Regulatory Reference: 30 CFR 783.12; R645-301-411.

**Analysis:**

On Page 9 of the Notice of Intent to Conduct Minor Coal Exploration, the Applicant states that EarthTouch, LLC conducted a Class I file search and a Class III survey of five of the proposed 2009 drill sites located in Joe's Canyon and a copy of the report is on file with the Division. No such report exists with the division. EarthTouch has only conducted these surveys for Section 12 of T16S R6E for drill locations proposed for 2008. The Applicant stated that additional drill sites such as 2009-6 would be surveyed on the surface prior to drilling.

**Findings:**

The Applicant has not met the minimum regulatory requirements of this section and must comply with the following:

**R645-202-100:** The Applicant needs to provide the Class I and Class III Cultural resource surveys conducted by EarthTouch LLC in 2008. Also, *all six* of the proposed 2009 drill sites need to be surveyed for cultural resources before approval. All surveys must be have SHPO concurrence prior to approval.

**RECLAMATION STANDARDS**

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

---

**EXPLORATION TECHNICAL MEMO**

---

**Analysis:**

**Revegetation**

Page 14 of the notice of intent states that all disturbed areas will be seeded or planted with native flora or crops used for agriculture in the area. The application also includes a seed mix on page 15 that will be hand broadcast and raked. Any dead-fall that was removed from the drill site will also be replaced.

**Findings:**

The Applicant met the minimum regulatory requirements for this section.

**RECOMMENDATIONS:**

The Letter of Intent cannot be approved at this time. The Applicant must comply with the following:

**R645-202-100:** The Applicant must include a list of current Threatened and Endangered species in the area.

The Applicant needs to provide the Class I and Class III Cultural resource surveys conducted by EarthTouch LLC in 2008. Also, *all six* of the proposed 2009 drill sites need to be surveyed for cultural resources before approval. All surveys must have SHPO concurrence prior to approval.