

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

August 3, 2010

TO: File

THRU: James Smith, Lead *DS 2/18/2010*

FROM: Ingrid Campbell, Environmental Scientist II *ICC*

RE: Amendment to Update M&RP, PacifiCorp, Deer Creek Mine, Permit #C/015/0018 and Task ID #3585

SUMMARY:

On June 30, 2010, the Division received an amendment to update the Deer Creek Mining and Reclamation Permit, Volume 11, North Rilda Canyon Portal Facilities from PacifiCorp. This amendment is the first submittal of a three-part task to amend the Rilda Canyon Portal Facilities Information. This submittal also includes the updated as-built conditions of the site since its completion in 2008. The second and third submittal will update the bonding calculations and reduce the permit area to the disturbed area for the entire mine.

This application is recommended for approval.

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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:

Pacificorp submitted several wildlife maps depicting the location of the rilda portals in relation to high value habitat areas. The following is a summary of these maps.

Map 300-3 Deer Creek Mine- Mill Fork Lease State Lease ML-48258/UTU-84285 Deer Habitat Map: This map shows that the mine facility is located within High Value Winter Range for deer and adjacent to Critical Summer range.

Map 300-4 Elk Habitat Map: The mine facility is within Critical Winter Range and adjacent to Critical summer range.

Map 300-5 Moose Habitat Map: The mine facility is within Critical summer range and high value winter range.

Macroinvertebrate/ Fish Surveys

Pacificorp submitted a macroinvertebrate and fish survey in Appendix D of the submittal. The survey was titled, "Macroinvertebrate and Fish surveys to Determine Effects of Energy Development" and was prepared by aquatic biologist Kenneth Breidinger in December of 2009. The report explains that energy development in the Huntington Creek Drainage by Energy West has led to a need for increased surface facilities in Rilda Creek Canyon. Fish and invertebrate monitoring began in 2005 and construction of the facilities occurred between 2006 and 2008.

Three sites were selected as monitoring points for macroinvertebrate surveys; one upstream and two downstream of the surface facilities. Single pass electrofishing was used for fish surveys at numerous sites between the confluences with Huntington Creek. All three macroinvertebrate sampling sites have shown downward trends in density indicating a drainage wide trend not attributed to the portal development. Also, it was found that increased organic pollutants are occurring in Rilda Canyon but are not associated with the portal construction since

it is occurring above and below the site. None of the other indicator changes (Evenness, number of unique genera and the Ephemeroptera, plecoptera and Trioptera index) could be attributed to the portal construction.

The number of fish encountered each year has fluctuated but was not attributed to mine portal construction.

Findings

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

LAND-USE RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.22; R645-301-411.

Analysis:

Pacificorp submitted a land use map titled, 400-1 Deer Creek Mine Rilda Canyon Historical Mining. The map shows the boundary of the Pre-disturbed AML reclaimed area as well as the North Rilda Canyon Portal Facilities boundary.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

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

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This amendment modifies the biology section of the Rilda M&RP section by updating information about commitments. The updated commitments now include information explaining that they were completed or reasons why they are not complete and should be removed.

Modified Commitments

Leroy Mine Area, Buried Coal Removal and Landscape Enhancement: This project was completed in August 2006 and was initiated to benefit Big Game wildlife species.

Abandoned Mine Areas Outside of the Proposed Disturbance: This project was completed in August 2006 and was intended to benefit big game wildlife species.

Meetinghouse Canyon (Elk springs Area) Wildlife enhancement/ Aspen Regeneration: This commitment will be removed from the M&RP. According to Dennis Oakley of Pacificorp, Energy West coordinated with the County's forester in which the forester included many requirements for logging contractors. When the project went out to bid, there were no bids received. Talking with a few contractors, they indicated that the requirements were too cost prohibitive and could not make a profit.

Historic Raptor Database Development and Evaluation: This commitment will be removed from the M&RP. According to Mr. Oakley, Energy West had the funding approved for this database development to be paid to DWR. However, when time came to transfer funds, DWR had no mechanism to receive this funding and therefore the project came to a dead-end.

Rilda Creek Riparian Habitat Restoration: This commitment is now changed to "Sediment Loading Reduction Project. The Project was completed in November 2008.

Mitigation Database Development: This commitment has been removed from the M&RP. According to Mr. Oakley, Energy West had the funding but couldn't garner any interest in the State to get this project off the ground.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

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:

Vegetation Reference Area Maps

Pacificorp submitted a map titled 300-1 Deer Creek Mine North Rilda Ridge Vegetation Map. This map shows the location of the North Rilda Portal Facilities and surrounding vegetation. The portal facilities lies within Rocky Mountain Juniper woodlands and adjacent vegetation includes Douglas Fir Forest, High mountain brush, mountain brush, and barren rock outcrops and ledges. The map was updated to include the as-built disturbed area boundary.

Pacificorp also submitted a map titled 300-2 Deer Creek Mine Rilda Canyon Facilities Vegetation Reference Areas. This map shows the location of the sagebrush/ Grass reference area, the Piyon/Juniper/ Mtn brush Referecnce area and the White fir/ aspen reference area.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

RECLAMATION PLAN

REVEGETATION

Regulatory Reference: 30 CFR Sec. 785.18, 817.111, 817.113, 817.114, 817.116; R645-301-244, -301-353, -301-354, -301-355, -301-356, -302-280, -302-281, -302-282, -302-283, -302-284.

Analysis:

Revegetation: Mulching and Other Soil Stabilizing Practices

Pacificorp included a Best Management Practice (BMP) Utilization for Sediment and Erosion Control in appendix 4 of the submittal. This appendix includes a section for reseeding. Seed mixes will be used as a BMP for erosion control of disturbed surfaces. Pacificorp will apply seed by hand broadcasting, mechanical broadcasting, or hydroseeding. Temporary erosion control practices will be utilized until adequate vegetation has been established to control erosion.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

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RECOMMENDATIONS:

This application is recommended for approval.

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