GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining
JOHN R. BAZA
Division Director

June 27, 2018

Ken Fleck, Manager of Geology and Environmental Affairs
Interwest Mining Company
P.O. Box 310
Huntington, Utah 84528

Subject: Remove Raptor Survey Requirement, PacifiCorp, Deer Creek Mine, C/015/0018, Task #5684

Dear Mr. Fleck:

The Division has reviewed your application. The Division has identified deficiencies that must be addressed before final approval can be granted. The deficiencies are listed as an attachment to this letter.

The deficiencies authors are identified so that your staff can communicate directly with that individual should questions arise. The plans as submitted are denied.

If you have any questions, please call me at (801) 538-5325.

Sincerely,

Daron R. Haddock
Coal Program Manager

DRH/sqs
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UTAH DNR OIL, GAS & MINING

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Technical Analysis and Findings

Utah Coal Regulatory Program

PID: C0150018
TaskID: 5684
Mine Name: DEER CREEK MINE
Title: REMOVE RAPTOR SURVEY REQUIREMENT

Reclamation Plan

WildLife Protection

Analysis:

The amendment does not meet the State of Utah R645-301-358 requirements for wildlife protection. The amendment proposes removing the annual raptor survey requirement for both the Cottonwood/Wilberg and Deer Creek facilities, including Rilda Canyon. The stated reasons for this request include the fact that there will be no more mining, construction, or remote exploratory drilling activities in these areas that could affect raptors. The company also states that there are no known raptor nests within ½ mile of any active operations to be conducted by the company. However, according to the raptor survey map included in the 2017 annual report, there was an active golden eagle nest with a chick observed less than 0.5 miles from the Deer Creek facility in May of 2017. The status of this nest along with other golden eagle and raptor nests in the area is unknown following the Trail Mountain fire currently burning in the Deer Creek and Rilda Canyon areas. This fire, which has burned over 17,000 acres in the area, has created an element of unpredictability with regards to raptor nesting in 2018, 2019, and beyond. As such, it is unknown whether nests in the area persist, whether raptors displaced by the fire may move into the area, or whether raptors will abandon the areas surrounding the active reclamation operations. The reclamation operations of Deer Creek and Rilda Canyon present reasonable concern for impacting potential raptor nesting in the area. The monitoring of known raptor nests in the Rilda Canyon and Deer Creek areas is required as well as monitoring for any new nests that may appear within the 1 mile maximum buffer zone of reclamation activity.

Deficiencies Details:

The amendment does not meet the State of Utah R645-301-358 requirements for wildlife protection. The following deficiency must be addressed prior to approval.

R645-301-358.200: To maintain awareness of raptor nesting activity during the reclamation operations at Deer Creek and Rilda Canyon, the annual monitoring of raptor nests by the Permittee is required during the active reclamation phase.

tmiller