

0014



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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April 3, 1998

TO: Pam Grubaugh-Littig, Permit Coordinator *gpl*  
THRU: Joe Helfrich, Permit Supervisor *gk* for Joe Helfrich  
FROM: Susan M. White, Senior Reclamation Biologist *SMW*  
RE: Permit Boundary Change, PacifiCorp, Cottonwood/Wilberg Mine, ACT/015/019-BR98A, Folder #2, Emery County, Utah

## SUMMARY

PacifiCorp has requested a change in permit boundary for the Cottonwood/Wilberg Mine. This action has been categorized as a bond release by the Division. It is this reviewer's understanding (conversation with Chuck Semborski) that only Federal Lease U-47978 will be eliminated from a permit area, the other leases removed from the Cottonwood/Wilberg permit area are included in PacifiCorp's Deer Creek permit area. Therefore, this review only covers the mining and reclamation impacts associated with Federal Lease U-47978. Areas impacted by mining and reclamation activities deleted from the Cottonwood/Wilberg Mine permit area but still included in the Deer Creek permit area will be assessed at a later date. Since these areas are dually permitted it is recommended that the Division approves PacifiCorp's request to remove them from the Cottonwood/Wilberg permit area. The permit area included as Federal Lease U-47978 should be released.

This memo does not address whether or not lease relinquishment needs to occur prior to reduction of the permit area boundary. Additionally, this memo makes no finding as to Federal lease relinquishment.

## Technical Analysis

## **RECLAMATION PLAN**

## **POSTMINING LAND USES**

### **Analysis:**

The stated postmining land use for the area is recreation, wildlife and cattle grazing. The areas are designated as high priority summer habitat for elk and deer and general big game winter range. The Operator has assessed the impacts of mining caused subsidence by examining aerial photographs taken annually and color IR photographs taken at 5 year intervals. Annual site visits are also

made to verify photographs. The operator states that because no significant changes to vegetation or the topography has been observed, it is concluded that mining impacts have not changed the land use.

The following affects were reported in Newberry Canyon (within U-47978) from mining related cliff failure.

- Approximately 35 acres of pinyon-juniper, mountain brush, grass mixed vegetation community and .006 acres (2500 ft.<sup>2</sup>) of riparian vegetation were impacted in Newberry Canyon. An unknown number of *Hedysarum occidentale* var. *canone* (sensitive plant) were destroyed.
- A graben formed between two cracks approximately 2 to 3 feet deep.

The Forest Service, surface owners of the northern portion of U-47978, describes the subsidence impacts to Newberry Canyon as presenting no danger to people, wildlife, or livestock. However they have recommended that the graben area not be released due to the potential the cracks have to conduct water and produce gully erosion.

This reviewer has not inspected any of the surface areas of U-47978, except in 1991 a site visit to the lower portions of Newberry Canyon. It is assumed that the Operator has reported all known effects.

**Findings:**

The information provided meets the regulatory requirements of this section.

**PROTECTION OF FISH, WILDLIFE, AND RELATED ENVIRONMENTAL VALUES**

Regulatory Reference: 30 CFR Sec. 817.97; R645-301-333, -301-342, -301-358.

**Analysis:**

Three of five nests in Newberry Canyon were destroyed due to cliff failure. No adult or young eagles nor any eggs were lost. The reproductive viability of the Newberry Canyon territory has not been impacted. The mine reports that this territory has been comparably productive when compared to adjacent territories. Take permits were obtained from the USFWS.

The Operator has preformed annual or frequent raptor monitoring of Lease U-47978 since the 1980's. Complete information could not be found by the Division in the permit or annual reports of this monitoring effort. The Operator did provide a brief summary of the raptor information in a letter dated March 30, 1998. The letter cites a study by Bill Bates and Miles Moretti (*Golden Eagle Population Ecology in Eastern Utah, Great Basin Naturalist, Volume 54, No. 3, July 1994*) which concludes that mining has not adversely effected the overall golden eagle production in territories within the permit area. The study states that rabbit populations are the controlling factor in eagle

populations.

The Operator preformed mitigation for the vegetation loss in Newberry Canyon by making some big game winter range habitat improvements in adjacent areas.

**Findings:**

Information provided in this amendment meets the minimum regulatory requirements of this section.

**RECOMMENDATION**

The requirements for bond release of Federal Lease U-47978 have been met for the above reviewed sections of the regulations. All other areas proposed for release should be released provided that they are covered within another permit area.

It is unclear what the exact permit area is for the Cottonwood/Wilberg, Deer Creek and Des Bee Dove Mines and what the overlap of these permit areas. Therefore, the Operator should be required to provide the following in each respective permit, after bond release, in accordance with:

**R645-300-121.120**, a map which clearly show the precise location and boundaries of the Cottonwood/Wilberg Mine, Deer Creek Mine, and Des Bee Dove Mine.