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# TECHNICAL MEMORANDUM

## Utah Coal Regulatory Program

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September 27, 2010

TO: Internal File

THRU: Daron Haddock, Permit Supervisor *DH*

FROM: Ingrid Campbell, Environmental Scientist, Team Lead *IC*

RE: Phase II & III Bond Release Miller Canyon Portals, PacifiCorp, Cottonwood/Wilberg, Permit # C/015/0019 and Project #3594

### SUMMARY:

On July 19, 2010, the Division received an application for phase II and III bond release of the Miller Canyon Portals from PacifiCorp. The Miller Canyon Portal area encompasses .02 acres located in T17S R7E SE1/4 of section 30. The area contains three separate portals located on the western side of East Mountain. Final reclamation was completed on June 25, 1999 and the Division granted phase I bond release on June 21, 2002. On July 21, 2010 the Division conducted a preliminary site visit by helicopter to the portals. The site was stable and well vegetated. (See 2010 outgoing document 07292010.pdf). The final bond release inspection was conducted on August 31, 2010 and included representatives from Energy West, the Division, the Office of Surface Mining, the Environmental Protection Agency, the Bureau of Land Management, and the US Forest Service.

Phase II and Phase III bond release of the Miller Canyon Portals is recommended for approval pending concurrence from interested state, federal and private agencies.

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**TECHNICAL ANALYSIS:**

**GENERAL CONTENTS**

**PERMIT TERM**

Regulatory References: 30 CFR 778.17; R645-301-116.

**Analysis:**

The Cottonwood/Wilberg permit was renewed by the Division on July 6, 2009 and will expire on July 6, 2014. The permit includes one special condition to submit water quality data online on the Division's website.

**Findings:**

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

**PUBLIC NOTICE AND COMMENT**

Regulatory References: 30 CFR 778.21; 30 CFR 773.13; R645-300-120; R645-301-117.200.

**Analysis:**

On July 27, 2010, the Division notified the permittee that the application passed the Administrative Completeness Review and the permittee could proceed with publication. The Division sent out an agency notification to all interested parties on August 5, 2010 (See 2010 Outgoing document 08052010b.pdf).

The Division received an affidavit of publication from the permittee on September 7, 2010. The publication ran for four consecutive weeks ending August 24, 2010 (See 2010 Incoming document 09072010a.pdf). The thirty comment period will be open for thirty days after the last publication which is September 24, 2010.

**Findings:**

The information provided is considered adequate to meet the minimum regulatory requirements for this section. Prior to final approval, the Division must receive concurrence from OSM, other interested parties.

## ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

## RECLAMATION PLAN

### POSTMINING LAND USES

Regulatory Reference: 30 CFR Sec. 784.15, 784.200, 785.16, 817.133; R645-301-412, -301-413, -301-414, -302-270, -302-271, -302-272, -302-273, -302-274, -302-275.

#### Analysis:

A demonstration of achievement of postmining land use can be found in attachment 11 of the application. The postmining land use for the Wilberg mine was established as grazing and wildlife habitat. The permittee explained that the site is extremely steep and inaccessible to wildlife or cattle. Therefore, vegetation establishment is the best indicator of post mining land use achievement. All standards for vegetation have been met.

#### Findings:

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

## 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: General Requirements

Backfilling and grading was conducted utilizing helicopter support to transport soil and rock to the portal sites. The area was revegetated with a seed mixture of native grasses forbs and

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shrubs. Vegetation monitoring for the last two years of the liability period occurred in September of 2008 and 2009.

### **Revegetation: Standards For Success**

The vegetation monitoring reports for the last two years of the liability period are located in attachment 8 of the application. Dr. Patrick Collins of Mt. Nebo Scientific conducted the monitoring in 2008 and 2009. Dr. Collins measured species frequency and composition, woody species density, and diversity of the reclaimed portals and reference area.

#### 2008 results

Dr. Collins estimated the total living cover for the reclaimed area at 39.17% and woody species density at 3,293 plants per acre. Dr. Collins estimated the total living cover of the reference area at 33.75%. According to the report, no woody species estimates were required in the cottonwood wilberg M&RP and the vegetation of the reclaimed area met the reference area standards.

#### 2009 results

The total living cover of the reclaimed portals was estimated at 39.5% and the woody species density was 3.436 plants per acre. The reference area cover was estimated at 34.5%. For both years, the cover was significantly greater at the reclaimed sites than at the reference area.

Attachment 10 of the application includes an explanation of how the responsibility period has been met for the reclaimed portals. The following is noted in the attachment:

- There has been no augmented seeding of the area since the initial reseeding
- The responsibility period for the site is ten years
- The vegetation of the reclaimed area exceeds the standards set by the reference area.

### **Findings:**

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

## **STABILIZATION OF SURFACE AREAS**

**Analysis:**

Large boulders were placed on and around the backfilled portals to promote soil stability and wildlife habitat. No rills, gullies or other evidence of erosion was present on the reclaimed area.

**Findings:**

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

**RECOMMENDATIONS:**

Phase II and III bond release for the miller canyon portals is recommended for approval pending concurrence from other interested parties.