

General / ~~Interagency~~ / ~~Incoming~~ / 2010
cc: Daron
R



United States Department of the Interior
FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
2369 WEST ORTON CIRCLE, SUITE 50
WEST VALLEY CITY, UTAH 84119

In Reply Refer To

FWS/R6
ES/UT
10-CPA-0110

June 28, 2010

RECEIVED

JUL 06 2010

DIV. OF OIL, GAS & MINING

Daron Haddock
Utah Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

RE: Public Outreach for the Evaluation of the Utah Coal Regulatory Program (Division of Oil, Gas and Mining & Federal Office of Surface Mining), Outgoing File

Dear Mr. Haddock :

This responds to your letter of May 26, 2010, soliciting topics for your annual evaluation of the Utah Division of Oil, Gas, and Mining's regulatory program for coal mining in Utah. We have coordinated with Utah Division of Oil, Gas and Mining (UDOGM) on numerous projects this year and appreciate the excellent working relationship between our two agencies. We propose two topics for inclusion in your upcoming evaluation period.

Raptor nest monitoring program

Many coal mines are required under their mining permits to conduct annual aerial surveys for the purpose of monitoring raptor nesting activity in the vicinity of the mines. Until 2008, coal mine operators funded the Utah Division of Wildlife Resources (UDWR) to conduct all the necessary aerial raptor nest surveys for the entire region. The UDWR completed the surveys each year using a consistent methodology across the region, and UDWR maintained the data in a single database. This system enabled the resource, regulatory, and land management agencies to examine raptor nest use through time and over a wide geographic area, and provided critical information for mine operators and the agencies for impact analyses, mitigation planning, and project permitting. With UDWR no longer providing this service, the raptor survey responsibilities have reverted to the coal mines to individually address this requirement, hire their own surveyors, and submit the data to UDWR.

We recommend UDOGM and the Office of Surface Mining annual evaluation examine the raptor nest monitoring program, specifically whether it is providing and will continue to provide

consistent, reliable data over the long term and across a regional scale. The evaluation should examine the consistency of the survey methodology, experience level of the survey biologists and the relationship to data quality, the type and detail of data being recorded, and reliability of data transfer to UDWR's centralized database. We recommend the evaluation identify specific strategies that could improve the program, if necessary.

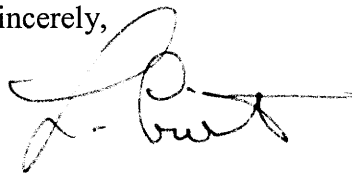
A comprehensive raptor nest monitoring program that provides consistent and reliable data within a centralized database will enable long-term nest tracking, improve impact analysis, and streamline the permitting process. This will benefit both the mine operators and the agencies in project planning and management of wildlife resources.

Water depletions to the Upper Colorado River basin

The depletion of water from the Upper Colorado River Basin, including depletions associated with coal mining, impacts the habitat quality and quantity for endangered fish in mainstem and tributary rivers. In your 2009 evaluation, you discuss past efforts to regulate mitigation for these impacts and comply with the requirements of the Endangered Species Act, concluding that a guidance document should be created that standardizes water depletion calculations and simplifies the consultation process. Our offices have worked together over the past year to finalize this guidance document, which was submitted to UDOGM in January, 2010. We believe you should summarize this cooperative effort in your 2010 evaluation and discuss the pertinent parts of the document. We appreciate your office's effort on this task and believe that the guidance document represents a strong commitment on UDOGM's part to the conservation and recovery of listed species.

If you need further assistance, please contact Betsy Herrmann, Fish and Wildlife Biologist, at the letterhead address or (801) 975-3330 ext. 139.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Crist", with a long horizontal flourish extending to the right.

Larry Crist
Utah Field Supervisor

cc: Office of Surface Mining (Attn.: Howard E. Strand), Denver Field Division, P.O. Box 46667, Denver, CO 80201-6667