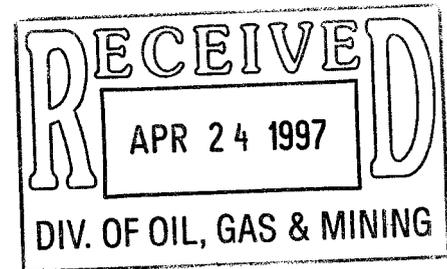




United States Department of the Interior
FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
LINCOLN PLAZA
145 EAST 1300 SOUTH, SUITE 404
SALT LAKE CITY, UTAH 84115



In Reply Refer To

(CO/KS/NE/UT)

April 18, 1997

Mary Ann Wright
Associate Director of Mining
Utah Coal Regulatory Program
Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, UT 84114-5801

Copy Aaron, Joe, RAM
#2

RE: Determination of Administrative Completeness for Permit Renewal, ACT/007/005-96PR, Skyline Mine, Canyon Fuel Company, LLC, Folder #3, Carbon County, Utah

Dear Ms. Wright:

We have received your letter of March 19, 1997 and are concerned about how current the information is in the permit renewal application. In Section 2.10 it states that a survey for raptors did not locate any nests. However, the FWS received two letters, dated June 1, 1993 and January 30, 1995, from the State of Utah's Division of Wildlife Resources to Utah Fuel on raptor surveys of the Skyline Mine lease area. The letter dated June 1, 1993 states that there are 18 known nests in the area. These nests include 1 prairie falcon, 1 red-tailed hawk, and 16 golden eagles. One of the golden eagles nests was lost to subsidence. All text, maps and appendices within the application should be updated with current data and information.

The FWS recommends that raptor surveys be conducted to locate and monitor nests within the permit area. Any nests located should be monitored and appropriate actions taken (nest relocation, removal, etc.) to protect these nests if subsidence occurs. The proper permits are required for the "taking" of any nest.

Because of current design development and research, the FWS recommends that all power lines that are temporary or permanent, conform with designs shown in both the Avian Power Line Interaction Committee's (APLIC) 1994 and 1996 publications, "Mitigating Bird Collisions with Power Lines: The State of the Art in 1994," and, "Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996," prepared for the Edison Electric Institute/Raptor Research Foundation, Washington, D.C.

The renewal application stated that Huntington Creek and Eccles Creek both have cutthroat trout. The Colorado River cutthroat is a species of concern to federal and state agencies. These

agencies have developed a Draft Conservation Agreement and Strategy for Colorado River Cutthroat Trout (*Oncorhynchus clarki pleuriticus*) to provide conservation measures for their protection. While Colorado cutthroat trout populations in Huntington Creek and Eccles Creek are not mentioned in the Conservation Agreement, Canyon Fuel Company should work in cooperation with the Utah Division of Wildlife Resources and the Upper Colorado River Basin Conservation Team for the identification and protection of this species in these creeks.

Thank you for the opportunity to review the renewal application. Should additional issues of concern arise, we may provide comments at a later date.

Sincerely,

A handwritten signature in cursive script that reads "Reed E. Harris".

Reed E. Harris
Utah Field Supervisor