

0020



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
Lowell P. Braxton
Division Director

1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801
801-538-5340
801-359-3940 (Fax)
801-538-7223 (TDD)

April 9, 1998

Dan Meadors, General Manager
Canyon Fuel Company, LLC
P.O. Box 719
Helper, Utah 84526

Re: Updated Raptor Information, Canyon Fuel Company, LLC, Skyline Mine, ACT/007/005-98A, File #2, Carbon County, Utah

Dear Mr. Meadors:

A review of the referenced amendment by Senior Reclamation Specialist, Paul Baker, indicates the need to address two deficiencies identified in the findings section of the fish and wildlife resource portion of this memo.

TECHNICAL ANALYSIS:

FISH AND WILDLIFE RESOURCE INFORMATION

Regulatory Reference: R645-301-322

Analysis:

The application includes copies of letters and maps that contain results from raptor surveys conducted in 1993, 1995, and 1997. Several raptors and nests have been found in the permit area, but since most nests in the permit area are in trees rather than on cliffs, it is often difficult to locate or relocate nests. Although the surveys almost certainly did not locate every nest that might be affected, the information provided complies with the requirements of the stipulation.

The current mining and reclamation plan says a helicopter survey would be done in 1993 with subsequent surveys to consist of "walk-throughs" of areas to be subsided in the coming year. Since the 1993 survey has been done and the information now submitted for addition to the mining and reclamation plan, this section of the plan has been modified to indicate walk through surveys will be done annually.

Ground surveys are acceptable, but it is difficult to find nests in heavily wooded areas. Rather than strictly walking the areas to be subsided, the applicant needs to commit to use established survey protocol to find nests that could be affected or lost through subsidence. Known nests would need to be checked, but the surveys should also look for previously unidentified nests.

The applicant needs to show how survey results will be made available. The Division, the Fish and Wildlife Service, and Wildlife Resources need to be able to evaluate the information as soon as it becomes available and compare it with the mining plan to see if any protection or mitigation measures are

needed. While the survey information does not need to be inserted in the mining and reclamation plan every year, the plan should be periodically updated.

Findings:

Information provided in the application is not considered adequate to meet the requirements of this section of the regulations. Prior to approval, the applicant must provide the following in accordance with:

R645-301-322, The applicant has committed to walk through areas that will be subsided in the coming year to look for raptor nests, but these surveys need to include established survey protocol to look for raptor nests.

R645-301-322, The applicant needs to commit to submitting raptor nest survey information to the Division, the Fish and Wildlife Service, and the Division of Wildlife Resources as soon as it becomes available so it can be compared with the mining plan and appropriate protection or mitigation measures taken. The plan needs to be updated with this information periodically.

FISH AND WILDLIFE PROTECTION

Regulatory Reference: R645-301-333

Analysis:

The stipulation says the applicant must raptor-proof all power lines and update corresponding information in the plan by June 30, 1997. The cover letter for the application says power lines in the permit area are the property and responsibility of Utah Power and Light (UP&L) and that, to the best of UP&L's knowledge, the structures are raptor-proof in accordance with the latest rules. This information is reflected in the text of the plan.

Findings:

Information provided in the application is considered adequate to meet the requirements of this section of the regulations.

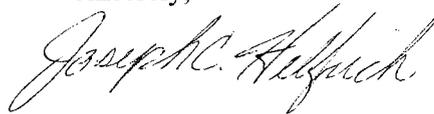
RECOMMENDATIONS:

The applicant has satisfied the requirements of the stipulation, so the notice of violation can be terminated. However, there remain deficiencies in the raptor survey plan that need to be addressed.

Page 3
ACT/007/005-98A
April 9, 1998

Please respond to these deficiencies by April 23, 1998. If you have any questions, please call.

Sincerely,

A handwritten signature in cursive script that reads "Joseph C. Helfrich".

Joseph C. Helfrich
Permit Supervisor

tat
cc: Price Field Office
O:\007005.SKY\FINAL\DEFICIEN.98A