



United States Department of the Interior  
FISH AND WILDLIFE SERVICE

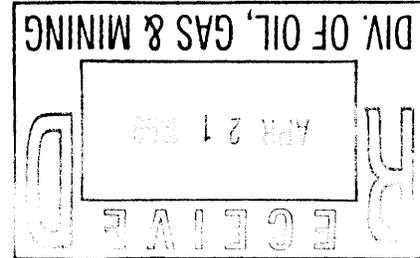
UTAH FIELD OFFICE  
LINCOLN PLAZA  
145 EAST 1300 SOUTH, SUITE 404  
SALT LAKE CITY, UTAH 84115



In Reply Refer To

(CO/KS/NE/UT)

April 14, 1999



Ms. Mary Ann Wright, Associate Director of Mining  
Utah Division of Oil, Gas, and Mining  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, Utah 84114-5801

RE: Determination of Administrative Completeness, Lila Canyon, Utah American Energy, Inc., Horse Canyon Mine, Carbon and Emery Counties

Dear Ms. Wright:

The U.S. Fish and Wildlife Service (Service) has reviewed the Determination of Administrative Completeness for the Lila Canyon Mine. The proposed coal mine causes direct disturbance to 39.86 acres within a 40.77 acre affected permit area, including: 4.6 miles of new road and railroad, 1.6 miles of power lines, and 8.2 miles of water discharge line to the Price River. The Service previously provided comments to your office in a letter dated January 6, 1998. We offer the following comments for your consideration at this time:

Threatened and Endangered Species:

Listings of threatened and endangered species statewide and within the project area should be updated. For example, Table 3-1 only lists ten threatened and endangered species as occurring within the state of Utah, but the actual list is more extensive. It may be more appropriate to remove this table since the more important issue is the potential for species within the project's zone of influence.

Similarly, section 322.210 states that the black-footed ferret, bald eagle, and peregrine falcon are potential inhabitants of the project area. We provided a species list to your office in our letter dated January 6, 1998 which also included the Barneby reed-mustard, bonytail chub, Colorado pikeminnow (previously the Colorado squawfish), humpback chub, Jones cycladenia, last chance townsendia, maguire daisy, razorback sucker, San Rafael cactus, Winkler cactus, and Wright fishhook cactus as potential project inhabitants. Please clarify whether all species were evaluated for actual presence within the project area's zone of influence. For example, it is unclear whether the potential impact to Colorado pikeminnow of mine effluent from the proposed discharge line to the Price River has been evaluated. Colorado pikeminnow are known to occur in the Price River up to mile marker 88. Formal consultation per section 7 of the Endangered Species Act is

ACT/1007/013 #2  
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required if the determination is that the project "may affect" the listed species.

Following recent updates of our statewide threatened and endangered species list as well as interagency coordination, we now include the endangered southwestern willow flycatcher (*Empidonax traillii extimus*) as potential species within Emery county (see enclosed map). Willow flycatcher breeding habitat is typified by areas of dense willow or willow mixed with a variety of riparian shrubs and small trees. An assessment of potential habitat for the southwestern willow flycatcher should be included in the mine plan. For areas considered potential southwestern willow flycatcher habitat, the Service recommends presence/absence surveys. Formal consultation per section 7 of the Endangered Species Act is required if the determination is that the project "may affect" the listed species.

#### Raptors:

The Service appreciates the efforts of Utah American Energy, Inc. to construct power lines in a manner which minimizes potential hazards to raptors. The Service recommends application of power line designs such as those presented in the Avian Power Line Interaction Committee's (APLIC), "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.

Section 358.200 states that raptor inventories will ensure that no bald or golden eagles, their eyries, or young would be adversely impacted. Please ensure that raptor surveys include all raptor species, not only bald and golden eagles. *The Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances* (Romin and Muck 1999) identify nest and roost site protection measures for all raptors in the State of Utah. The Guidelines should be used to identify potential impacts to raptors and develop appropriate mitigation strategies.

#### Direct and Indirect Impacts to Wildlife:

Section 333 identifies loss of habitat during construction as the major impact to wildlife in and around the Lila Mine site. However, the Service believes operational impacts, including wildlife disturbance, habitat fragmentation, and vehicle collisions with wildlife are more significant than impacts during construction.

The text assumes that wildlife will accept the disturbance of operational activities or adjust their behavior to coexist with the operation. However, disturbances can result in increased heart rates and displacement by wildlife encountered; either behavior is known to accelerate the consumption of energy reserves which may be essential in allowing that animal to survive winter conditions. Displacement often requires wildlife to use already occupied or less desirable habitats.

Potential for increased roadway mortality of wildlife should be assessed. Raptors scavenging on road-killed prey items are prone to involvement in vehicular collisions; a plan to immediately remove wildlife carcasses from the road should be implemented to reduce potential collisions

with raptors. In addition, low-mobility wildlife species and burrowing animals can incur high mortality during construction activities.

Section 323.300 lists measures to minimize adverse impacts to wildlife. This list should include removal of wildlife carcasses from the road as described above. In addition, we recommend use of native vegetation for reclamation activities where feasible. Restrictions on firearms on the mine site and restrictions on off-road vehicle use should be enforced and not identified merely as possible measures.

Thank you for the opportunity to provide comments. If we can be of further assistance, please contact Laura Romin of this office at (801) 524-5001, ext. 142.

Sincerely,



*for* Reed E. Harris  
Field Supervisor

cc: Mr. John Kimball, Director, Utah Division Wildlife Resources, 1594 West North Temple,  
Suite 2110, P.O. Box 146301, Salt Lake City, UT, 84114-6301