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

Outgoing File

Michael O. Leavitt  
Governor

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August 15, 2001

Reed Harris  
U. S. Fish and Wildlife Service  
Utah Field Office  
Lincoln Plaza  
145 East 1300 South, Suite 404  
Salt Lake City, Utah 84115

Re: Section 7 Consultation Lila Canyon, Utah American Energy, Inc, Horse Canyon Mine, C/007/013-SR98, Outgoing File

Dear Mr. Harris:

The Division entered into additional section 7 consultation for the Lila Canyon Mine on July 16, 2001 due to concerns over the Mexican Spotted Owl. Dr. Frank Howe (DWR), Susan White (DOGM), and Mel Coonrod (Utah American Energy representative) visited the site on August 6, 2001 to determine if suitable habitat for the owl occurs within or adjacent to the disturbed area of the Lila Canyon facilities. Dr. Howe is recognized as the Utah authority on the Mexican spotted owl.

Dr. Howe stated that although some of the required components for the Mexican spotted owl's habitat are present the overall aspect of the area was much too exposed for the owl to use except as winter foraging habitat. Winter foraging habitat is not limited in this area and there is not suitable breeding or roosting habitat for the Mexican spotted owl in the disturbed area. Dr. Howe concluded that no further surveys were necessary in this area. Please see the attached field visit report.

The Division concludes that coal mining and reclamation operations within the Lila Canyon facilities area are not likely to adversely affect the Mexican spotted owl or its critical habitat. The Division requests your written concurrence.

Please call me at (801) 538-5325 or Susan White at (801) 538-5258 if you have any questions.

Sincerely,

Daron R. Haddock

Permit Supervisor

vs

Attachments:

cc: Joe Willcox  
Clyde Borrell  
Price Field Office

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August 14, 2001

TO: Internal File  
FROM: Susan M. White, Senior Reclamation Biologist *SMW*  
RE: Field Visit to Review Mexican Spotted Habitat, Utah American Energy, Inc.,  
Horse Canyon Mine, C/007/013

**Other Attendees:** Dr. Frank Howe (DWR) and Mel Coonrod (EIS)

**Date & Time:** August 6, 2001, 2:00 p.m. to 2:30 p.m.

**PURPOSE:**

The Mexican spotted owl was listed as a threatened species on March 16, 1993 by the United States Fish and Wildlife Service (USFWS). Critical habitat was designed for the owl on February 1, 2001. The western boundary of Critical Habitat Unit CP-15 is located within a mile of the eastern boundary of the Horse Canyon Permit Area. The Mexican spotted owl was not identified by the USFWS as a listed species that may potentially occur within the county during Section 7 Consultation in correspondence dated January 6, 1998, April 14, 1999, October 14, 1999, or April 28, 2000.

The Division notified the USFWS on July 16, 2001 of the need for additional Section 7 consultation concerning the Mexican spotted owl. In a response dated July 18, 2001, the USFWS recommended that a survey of the project area be conducted with a qualified expert to determine if further surveys for the owl are needed.

The purpose of this field trip was to determine if suitable habitat for the Mexican spotted owl occurs within and/or adjacent to the disturbed area of the Lila Canyon facilities. Dr. Howe, DWR, is recognized as the Utah authority on the Mexican spotted owl.

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TECHNICAL FIELD VISIT

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**OBSERVATIONS:**

Dr. Howe, Mr. Coonrod, and myself drove to the middle of the disturbed area to provide Dr. Howe a good overall view of the disturbed area and adjacent rock cliffs. Dr. Howe was primarily looking at the cliffs for nesting habitat and large trees for roosting. He stated that although some of the required components were present the overall aspect of the area was much too exposed for the spotted owl to use except for winter foraging habitat. An E-mail from Dr. Howe summarizing his observations is attached to this field visit report.

**RECOMMENDATIONS:**

The Division should make a determination that coal mining and reclamation operations in the Lila Canyon disturbed area is not likely to affect the Mexican spotted owl. Written concurrence by the USFWS is then required to complete the Section 7 Consultation and no further action is necessary.

sd  
enclosure

cc: Dr. Frank Howe (DWR)  
Mel Coonrod (EIS)

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**From:** Frank Howe  
**To:** Susan White  
**Date:** 8/9/01 3:24:29 PM  
**Subject:** Mexican Spotted Owl Habitat at Proposed Lila Canyon Mine Site

Hi Susan,

As I mentioned during our site visit (8/6/01) to the Lila Canyon Mine site, I don't see any need for spotted owl surveys at the site. There is no suitable breeding/roosting owl habitat within the proposed mine's footprint. And while I did not go up Lila Canyon, it did not appear that there was any breeding/roosting habitat for at least 1 mile and probably farther up the canyon (as stated by Mr. Coonrod). As such, I would say that there is no need for season restrictions of construction to avoid disturbance of spotted owls.

The site contained "marginal" foraging habitat and there were signs of woodrat activity. However, since there is no indication of nearby breeding/roosting habitat it's not likely that owls would use this area to forage during the breeding season. It may provide winter foraging habitat, but it is similar to many adjacent canyons which would offer the same characteristics (snow-free and relatively warm in winter).

Of course, you will need to get the official word from the USFWS since it is their call to make.

Please let me know if you have any questions.

Thanks,  
fh

Frank P. Howe, Ph.D.  
Nongame Avian Program Coordinator  
Utah Division of Wildlife Resources  
1594 W. North Temple, Suite 2110  
PO Box 146301  
Salt Lake City, UT 84114-6301  
Phone: 801-538-4764  
Fax: 801-538-4709  
e-mail: fhowe@state.ut.us

**CC:** Alan G. Clark; Chris Colt; Kevin Christopherson; Laura Romin