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included in Appendix 3-5.

The intermittent / ephemeral stream channels lacks riparian vegetation; thus many bird species of high federal interest would not utilize this area example southwestern will flycatcher. The lack of trees or large shrubs precludes the use of woodpeckers. The stream channels do not support fish or an established invertebrate fauna.

The UDWR has submitted general information to be included in the wildlife plans of previous permit applications. Their information covers all the biogeological areas found on the Tavaputs Plateau which includes the Upper Sonoran, Transition, Canadian, and Hudsonian life zones. As noted previously only the Upper Sonoran life zone is represented within the permit area.

This UDWR general information is included in this application because it provides an overall description of the wildlife and wildlife habitats in the general area. The information is also useful in providing habitat information for design of the reclamation of the disturbed area. Thus the past wildlife habitat conditions can be emulated by reclamation and wildlife accommodated as they return to the mine site area upon final reclamation. (See Appendix 3-6, abbreviated)

The USFWSUDWR has submitted information over the years in commenting on the various wildlife plans submitted in prior permit applications.

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until June 30, 2006. The new rankings will have only two categories as shown.

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- _____ 1 = Crucial-critical habitat
 _____ 2 = High priority habitat
 _____ 3 = Substantial value habitat
 _____ 4 = Seasonal - Limited

After June 2006

- 1= Crucial
2= Substantial

Table 3-2 Ranking of Wildlife Habitat

<u>Species</u>	<u>Permit/lease Area</u>	<u>Management Area</u>
Rocky Mt. Big Horn (Seasonal)	800 Acres	5,411 Acres
Elk (Winter habitat)	8,960 Acres	19,840 Acres
Elk (Summer habitat)	0 Acres	1,280 Acres
Mule Deer (Critical)	6,720 Acres	9,280 Acres
Mule Deer (Year Long)	960 Acres	16,000 Acres
Pronghorn Antelope (Year Long)	0 Acres	12,160 Acres

It is important to note that the actual disturbed area (approximately 42.6 acres) is not critical elk or deer winter range but is habitat for Rocky Mountain Big Horn Sheep.

According to DWR, Rocky Mountain Bighorn Sheep spend all year along the escarpments in the Lila Canyon area of the Book Cliffs. DWR and the Division visited the proposed disturbed area on June 11, 2002. Prior to the visit, the DWR representative was concerned that sheep may need to move further up the cliff when traveling the escarpments because of the mine and that sheep would likely leave the area. After the visit, the DWR representative felt that the

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sheep use of Lila Canyon may not be affected. The change in opinion may be due to the fact that the DWR representative was not familiar with the specifics of the mine plan until the site visit.

Rocky Mountain Big Horn Sheep appear to have a low tolerance for disturbance. Considering the low population density and the abundance of suitable similar habitat this impact appears to be slight.

The loss of range for Big Horn Sheep is mitigated and is defined in the Environmental Assessment submitted in association with the Right-Of-Way applications.

The USFWS recognizes that the permit area is within range of endangered species, including the black-footed ferret, MSO, and the bald eagle (Letter dated February 4, 1998, Appendix 3-3).

Raptor surveys were initiated in 1998 and continue annually with the exception of 2004. These surveys were initiated before ground-breaking of the Lila project. The results of these surveys are in Appendix 3-5. The entire Book Cliffs escarpment within the permit area was inventoried for cliff nesting raptors. In addition, a 1-mile buffer zone was inventoried around areas of potential development.

~~None of the Eagle nests in the close proximity to the mines surface facilities (less than 1/4 mile) had been active nor tended from 1998 to 2003.~~ An active golden eagle nest, with young, was documented during the 1999 spring raptor survey. In 2005 nest 946 contained a chick that was possibly dead. ~~Historically one active and one tended Golden Eagle Nest is within close proximity to the mines surface facilities. After consultation with USFWS, Laura Roma, UDWR,~~

Chris Colt, and BLM, Dave Mills, ~~it was determined, during the EA process,~~ that there was a high probability these nest sites would be abandoned. A cooperative agreement with the regulatory agencies and UEI was finalized and is made part of the mitigation for the Lila Canyon EA. One nest discussed above, also lies in an area of potential subsidence which is a mute point due to its close proximity to the mine site. Since the nests are located so close to the mine surface facility, ~~their future potential use was deemed to be lost and were so~~ and that there was a high probability these nest sites would be abandoned, these nests will be mitigated by a prey base off-site vegetation treatment project approved by the USFWS, UDWR and BLM (See page 19 for BLM mitigation information).

~~Prior to construction and during operations UEI~~ Although it was predicted that these nests might be abandoned, the Operator will coordinate closely with USFWS, DWR, and the Division to avoid "take" of golden eagles.

The prior to construction and during operations. Immediately following any raptor survey that shows that the eagles are nesting, the operator will contact the USFWS and DOGM. The agencies will immediately coordinate to determine appropriate measures.

Although the Operator will avoid "take", the operator agreed to the BLM-lead mitigation project that is based on the premise that there is sufficient nest sites in the area to accommodate the population base. The limiting factors appears to be available prey base. Mitigation is designed to enhance the prey base while concurrently enhancing habitat for big game, deer, elk, and bighorn sheep.

In addition, there are a number of aquatic

Threatened and Endangered (T&E) species associated with the Colorado drainage systems. In the Lila Canyon Permit Area, there are no perennial streams, or ephemeral drainages which are in close enough proximity to perennial streams which could pose a potential threat to any aquatic species.

322.230. All known species or habitats needing special protection under state or federal law have been addressed.

322.300. Adequate copies of the Mine Reclamation Plan have been submitted to the Division to allow for distribution to the Fish and Wildlife Service for their review.

323. Maps or aerial photographs of the permit area and adjacent areas have been provided. Plates 3-1 Wildlife Habitats, is and 3-1A are maps that shows all critical habitat, raptor nests and all special habitat features. This~~This~~ These plates will be updated on an as needed bases to reflect current conditions such as new raptor nests and/or changes in wildlife use.

323.100. The location of the proposed reference area is shown on Figure 1 of Appendix 3-1. Appendix 3-1 is the report for the 2003 vegetation inventory. The reference area for the mine site disturbance was established during the summer of 2003. The reference area was chosen in an

area which represents the natural premining conditions of the permit area. The reference area will facilitate the determination of successful revegetation and the resultant final bond release for the Applicant.

- 323.200.** Monitoring locations are shown on Plate 3-1 and can also be found on the raptor inventory map in Appendix 3-5.
- 323.300.** Protection facilities: There will be no facilities used exclusively for the protection or enhancement of fish and wildlife.
- 323.400.** Plate 3-2 Identifies each vegetative type and plant community. The sample locations used during the vegetation inventory can be found on Figure 1 of Appendix 3-1. ~~Critical or high priority w~~Wildlife use areas can be correlated to vegetation with the incorporation of the Wildlife Map, Plate 3-1.

Appendix 7-8 provides a description of each water monitoring location. In Summary monitoring locations L-6-G, L-7-G, and L-11-G have a habitat overstory of Douglas Fir-Mountain Brush association. Water monitoring location L-8-G has a habitat of predominantly pinyon - juniper and sagebrush grass associations. Water monitoring locations L-9-G, L-10-G, and L-12-G have some minor wet meadow habitat with an overstory of pinyon-juniper and sagebrush grass immediately adjacent along each side of the sites. Water monitoring sites L-16-G and L-17-G are both seeps and have a habitat of a mix of grasses and salt desert shrub with some invasive tamarisk.

Sites L-1-S, L-2-S, L-3-S, L-13-S, L-14-S and L-15-S are dry washes with a habitat consisting of sagebrush with an overstory of pinion-juniper.

Monitoring site L-4-S and L-5-G are for sediment pond discharge and for the mine discharge and have a habitat consisting of an overstory of pinion-juniper.

existing raptor nests from subsidence. It was determined that all nests within a ½ mile radius of the surface facilities were assumed to have a high probability of being abandoned by indirect disturbance associated with mine activities. The Lila Canyon EA # UT-070-99-22, outlines mitigation recommended through a cooperative effort between Utah Department of Wildlife Resources, Bureau of Land Management, U.S. Fish and Wildlife and UtahAmerican Energy, Inc. where mitigation would be implemented to increase prey base off-site. The construction of alternative nests was considered to be ineffective. Eagle distribution was not limited by suitable nest sites but by available prey.

An MSO two-year calling survey will be completed according to Appendix 3-4. Results as described in Appendix 3-4 will be reported to the Division, UDWR, and USFWS. This two-year survey will include four night time surveys with no more than one survey prior to end of April and at least three surveys prior to end of July. Results will be submitted to USFWS, DWR, and the Division immediately following of each night time survey. If owls are observed, the agencies will reopen the consultation process immediately following the night time survey that observed the owls coordinate to determine appropriate measures.

Construction at the mine to upgrade drainage controls and to construct the road will have a minor impact on wildlife in the area. The impact will mainly be increased human activity associated with the construction and a small, less than 42.6 acre, loss of habitat for the mine site, roads and sedimentation pond. These impacts will have little or no affect on the wildlife because they will be completed in an environmentally sound manner.

UEI will instruct all personnel as to current regulations regarding the use of off-road vehicles, firearm regulations, and where current UDWR proclamations are available. This training will be part of the annual refresher offered to all employees. The company will encourage strict compliance with these regulations.

DWR will be notified of any road kills involving large game and request to have them removed to safeguard raptors. Mine personnel will be instructed to remove road kills a safe distance from the road way.

4. Possible restrictions on firearms on the mine site, and restrictions on off road vehicle usage to lessen disturbance.
5. The Operator will ensure that DWR surveys for cliff nesting raptors within proposed facilities areas at least two years prior and one year following construction. ~~The Division, in consultation with DWR, cleared the two consecutive year requirement if the mine begins construction sometime between 2005 and February 2006. This clearance is because UET already had eight years of data as well as data for spring 2005. The Operator will continue to~~conduct annual raptor surveys in 2006.
6. An active golden eagle nest, with young, was documented during the 1999 spring raptor survey. The nest is located in the left fork of Lila Canyon within the 1-mile buffer zone. (See Plate 3-1). A consultation with USF&W, BLM, and UDWR was held in the fall of 1999. Line of site and potential mitigation was addressed during this meeting. The results of this consultation are addressed in Sec 322.220 and the Lila Canyon EA. This nest was not active in 2000, 2001, 2002, or 2003. A survey was not done in 2004. In 2005 nest 946 contained a possibly dead chick. (See Appendix 3-5 for updated inventories)
7. The Operator will adhere to exclusionary periods when initiating construction and final reclamation projects. The exclusionary periods include: raptors (Feb 1 - July 1), Bighorn sheep lambing (May 1 - June 15), and Pronghorn (May 15 - June 20).

The Applicant does not plan to monitor any wildlife species during the life of the operation with the exception of raptors. Helicopter spring raptor surveys will be conducted at a minimum of a 1-mile radius around any new or potentially disruptive mining activity,

2-years prior and annually after the proposed activity Permittee. The Operator will contact the USFWS; BWR, and the Division immediately following raptor fly-over surveys if raptors are observed nesting.

The mine will emphasize their commitment to legal requirements of firearm and off-road vehicle-use by employees. This type of program has been adopted by the operator and will continue throughout the operation. An education program aimed at minimizing potential negative impacts by employees will be presented during the Operators annual retaining programs. Employees will be informed about the wildlife in the area and about which species are protected. They will be counseled to refrain from poaching or harassing animals and about the need to preserve the wildlife. They will also be instructed on the danger of animals on the road during dusk and night hours and consequently the need to reduce speed to avoid colliding with animals difficult to see in these periods of poor light. All threatened or endangered wildlife sighted within or adjacent to the permit area will be reported to the appropriate state and / or federal agency.

The location and construction of the haulage road, as well as measures for the protection of surface hydrology, from sedimentation, including the sedimentation pond and other drainage control structures, are discussed in Chapter 7, Hydrology.

Any waters discharged from the facility will be monitored in accordance with UPDES Permit No.UTG040024. Major disturbances will be scheduled to avoid deer / antelope fawning times.

No use of pesticides or chemicals that have serious consequences to plants or wildlife will be used on the permit area, unless recommended by a regulatory agency and under their direction.

Prevention of fires and their spreading outside the permit area will be accomplished through, water sprays, and fire extinguishers located at all facilities. Wild fires will be addressed by the appropriate state and federal

obtained from the ninth and tenth year sampling. This data will be used to obtain statistical information that will show the site meets the requirements for bond release.

- 341.300.** The methods outlined have a proven performance based on the successful reclamation of the Horse Canyon Mine in the immediate drainage to the north (less than two miles) in like habitat and aspect.

The Operator will conduct a study to determine the optimum time for seeding warm seasons species (refer to page 29).

342. Fish and Wildlife. A fish and wildlife plan follows:

- 342.100.** The sediment pond will be maintained through the life of the operation and will be removed when effluent criteria is met following reclamation.

- 342.200.** Rangeland for domestic stock is the secondary intended postmining land use with wildlife habitat as the primary land use. Plant species appropriate for enhancing the wildlife habitat were selected on the basis of known wildlife requirements including nutritional value for fish and wildlife, use as cover for fish and wildlife and ability to support and enhance fish and wildlife habitat. The Pinyon/Juniper area will be enhanced and reclaimed to the Grass/Shrub community type. The habitat type provides excellent winter range for big game, as well as, an increase in rodent populations which in turn are beneficial to raptors. The Lila Canyon EA has stipulated that in excess of 70 acres of wildlife habitat will be enhanced to help offset negative impacts ~~associated with the disturbance created by the mine through the life of the mine and until such time as the site is fully reclaimed.~~

- 342.210.** This section is addressed in 342.200.

- 342.220.** This section is addressed in 342.200.

358.100. Appendix 3-3 is a letter from U.S. Fish and Wildlife Service identifying all threatened and endangered species that could occur in the permit area or within a one-half mile proximity. All mine personnel will be trained to identify these species and instructed to notify the environmental coordinator at the mine. The environmental coordinator will confirm, if possible, the identification, notify the Division, and then take whatever actions are necessary to safeguard both the species and its habitat.

In addition, a threatened and endangered species inventory will be conducted prior to any disturbance. Historical as well as current threatened and endangered inventories are included in Appendix 3-4.

Prior to any new surface disturbance a raptor inventory will be conducted to ensure that no raptors or their nests or young would be adversely impacted through any mining or mine related activity. A copy of historical raptor data as well as current survey results are attached as Appendix 3-5.

A one-half mile buffer zone of no new disturbance during critical nesting periods will be maintained during that portion of the year that the nest sites are active.

358.200. No coal mining and reclamation operations will be conducted in a manner which would result in the unlawful taking of a bald or golden eagle, its nests, or any of the eggs.

358.300. This section is addressed in 358.200.

358.400. There are no wetlands and / or riparian areas within the area of potential disturbance.

358.500. Each operator will, to the extent possible using the best technology currently available:

358.510. All power and transmission lines will be designed with the best technology

County, Utah". This report was written in March 1986 by Don Southworth and Asa S. Nielson for the Mining and Reclamation Plan submitted to the Division by Intermountain Power Agency. A cultural Resource Inventory of the Kaiser Steel Corporation South Lease Mine Property and a Test Excavation (42EM1343 in Emery County, East Central Utah conducted by Rebecca Rauch (1981). These and additional survey reports of the area are included in Appendix 4-1.

Detailed archeological ground surveys were conducted at the Lila Canyon mine site and associated disturbed area, by Montgomery Archaeological personnel. This survey was conducted in 1998 and 1999 and is included within Appendix 4-1.

Within the Horse and Lila Canyon Permit areas and the nearby Southern portion of the Kaiser Steel Corporation South Lease mine property, there are five known historic resources that are either on or eligible for listing on the National register. There is one listed site (42EM1222) 2.5 miles from the facility area. One eligible site (42EM1343) has been recovered and another (42EM2517) will be recovered prior to construction. The other two eligible sites (42EM2255 and 42EM2256) are not expected to be impacted by operations.

411.141. Historic resources ~~All such sites~~ are depicted on Plate 4-3.

411.141.1 The locations of listed or eligible cultural and historical resources in the area are discussed in Appendix 4-1 and shown on Plate 4-3.

There are no publicly owned parks.

411.141.2 No cemeteries are located in or within 100 feet of the proposed permit area.

411.141.3. No land within the proposed permit area is within the boundaries of any units of the National System of Trails or the Wild and Scenic Rivers System.

411.142. ~~Within the area there are five historic resources that are either on or eligible for listing on the National register. There is one listed site (42EM1222) 2.5 miles from the facility area. One eligible site (42EM1343) has been recovered and another (42EM2517) will be recovered prior to construction. The other two eligible sites (42EM2255 and 42EM2256) are not expected to be impacted by operations.~~

~~SHPO concurs with the Division's determination of "No Historic Properties Affected" for 42Em2255 and 42Em2256. The SHPO is aware of the BLM recovery plan for 42Em2517 that will occur after mine plan approval and before construction.~~

~~No publicly owned parks or places listed on the National Register of Historic Places would be adversely affected by the proposed coal mine.~~

411.143. ~~BLM will develop a BLM recovery plan for 42EM2517 that will occur after mine plan approval and before construction~~Consultation efforts for cultural and historical resources are in process. Final concurrence from the SHPO will be included in this MRP prior to permit approval.

UEI will also include measures to prevent or minimize adverse impacts to listed sites within the permit area, if sites are discovered during the consultation process.

411.143. The Operator has provided archeology survey reports. Two of these surveys included intensive survey and analysis of areas that would be directly impacted by the Lila Canyon mining operations.

Two other surveys include spot surveys and analysis of areas that are expected to have a low probability of indirect mining impacts to the surface.

411.144 Of the nineteen cultural and historical sites identified in the area, only one, 42EM1222, is listed on the National Register of Historic Places. This site is approximately 2.5 miles from the Lila Canyon surface facility and therefore, no impacts should are not expected to occur

at this site.

BLM will develop a recovery plan for 42EM2517 that will occur after mine plan approval and before construction.

- 411.200.** Previous mining and exploration activities have occurred within the proposed permit area within the last twenty years. In the mid-1950's, the road along the bottom of Lila Canyon was constructed to allow exploration of the resources. The road intersects the Horse Canyon Highway approximately 1.4 miles to the north and loops back to the south to intersect Highway 191 and 6 to the south (see Plate 4-1). Two sealed breakouts (Plate II-2 of Horse Canyon Plan) are located in the left fork of Lila Canyon where the Lila Canyon fan was installed in the 1950's. The Lila Canyon fan was used until the closure of Horse Canyon post 1977, and therefore, the current Coal Regulatory Program has jurisdiction over this disturbance and it is included in the permit area.
- 411.210.** Coal was removed from the outcrop of Horse Canyon and transported back through the Horse Canyon Mine. Excavation indicates only a small amount of coal was previously removed.
- 411.220.** In the past, coal was removed from the Sunnyside Seam.
- 411.220.** Because the old portal has been sealed, it is difficult to ascertain the total amount of coal which had been removed.
- 411.240.** The exact date of the coal outcrop excavations is unknown. It is believed that coal was removed during the late 1950's or early 1960's.
- 411.250.** The land use prior to outcrop excavation was the same as currently exists within the area. Wildlife habitat, grazing, and coal exploration was previously and is currently the predominant land use in the area.

Willey's October 2002 final report. The buffer will remain in effect until the Formal MSO survey is completed..

- 2) Formal MSO surveys will commence two years prior to the potential occurrence of subsidence in areas described below:
 - A) areas identified as potential habitat in the 2000 model and confirmed as potential habitat by Dr. Willey in his October 2002 report;
 - B) and those identified areas are within the area of influence from subsidence.

UEI will establish spotted owl calling stations designed for "complete coverage" (as defined by the inventory protocol) of the buffered zone; each point will be surveyed four times a year during two consecutive survey years; and the survey design will follow the standardized protocol for inventory of spotted owls (e.g., USDI 1991, amended 2002) or any new subsequent protocol that may be effect at the time.

- 3) In areas outside the limit of projected subsidence, NO additional surveys will be required.

Any inventories and surveys that may be conducted will be submitted to DOGM, UDWR and USFWS ~~for their comments and recommendations prior to and following all formal inventories and/or surveys.~~

The Division and UDWR will be provided the following information from the MSO calling survey.

- 1) Surveyor name (DOGM requires a copy of license to conduct MSO)
- 2) Methods
- 3) Results
- 4) Raw data sheets
- 5) Maps showing exact locations (GPS) of habitats
- 6) Analysis
- 7) Summary
 - A) Occupied and suitable habitat.
 - B) Possible impacts to owls and their habitat by the project.

Since the surface facility area and a 1 mile buffer zone around the surface facility area has been determined not to be suitable MSO habitat, no additional inventories are warranted.

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The DWR has submitted information over the years in commenting on the various wildlife plans submitted in prior permit applications. The ranking of wildlife values on coal-producing lands in Utah are found in Table 3-2 and are in the following list. The four rankings are in effect until June 30, 2006. The new rankings will have only two categories as shown.

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- 1 = Crucial-critical habitat
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low population density and the abundance of suitable similar habitat this impact appears to be slight.

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In addition, there are a number of aquatic Threatened and Endangered (T&E) species associated with the Colorado drainage systems. In the Lila Canyon Permit Area, there are no perennial streams, or ephemeral drainages which are in close enough proximity to perennial streams which could pose a potential threat to any aquatic species.

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have been provided. Plates 3-1 and 3-1A are maps that show all critical habitat, raptor nests and all special habitat features. These plates will be updated on an as needed bases to reflect current conditions such as new raptor nests and/or changes in wildlife use.

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Sites L-1-S, L-2-S, L-3-S, L-13-S, L-14-S and L-15-S are dry washes with a habitat consisting of sagebrush with an overstory of pinion-juniper.

Monitoring site L-4-S and L-5-G are for sediment pond discharge and for the mine discharge and have a habitat consisting of an overstory of pinion-juniper.

330. Operation Plan. A plan for protection of vegetation, fish and wildlife resources follows:

331. The permit area is approximately 5,992.07 acres of which only 42.6 acres are within the surface disturbance area. All incidental disturbance, which will not be utilized in operations, will be revegetated with an interim seed mix proven beneficial to wildlife. The revegetation plan is addressed in Section 341 and the seed mixes are addressed in Tables 3-4 and 3-5. Revegetation will occur the first desirable period following disturbance and/or abandonment.

332. The extent and degree of subsidence will be in large dependent on both the amount of overburden as well as the mining method. Employees and or consultants of the operator have numerous years of experience mining the Bookcliffs and Wasatch areas and none have observed nor are aware of any negative impacts on wildlife or vegetation, as a result of subsidence, with the exception of

- 1) Escarpment Failure which is not anticipated.
 - 2) Disruption of Surface and / or Ground Water, which is not anticipated.
- (1) Escarpments will be protected by implementing escarpment barriers. An escarpment barrier of a minimum of 200', within which no second mining will take place, will be used to protect all escarpments.
 - (2) Disturbance of Surface and / or Ground Water. Considering, the permit area has no surface water with the exception of

intermittent or ephemeral flow associated with precipitation events and / or snow melt, subsidence should have no adverse effect. The ephemeral stream channels, in the area's of potential subsidence, will be monitored to insure there are no adverse impacts to the ephemeral flow.

No negative impacts to vegetation are anticipated. However, vegetation will be monitored in conjunction with subsidence monitoring, utilizing infrared aerial photography once every five years for those areas that are undermined. This will be done in accordance with the subsidence control plan. (See Section 525). Any loss of or diminished appearance of vegetation will be noted, confirmed on the ground, and a corrective plan to mitigate the loss will be submitted to the Division of Oil, Gas, and Mining for their approval and concurrence prior to implementation.

It is anticipated that the saturated zone will most certainly produce some water when intercepted in the course of mining. The effect could be positive in the event the mine were to discharge surplus water to the surface. Assuming the water quality was suitable for wildlife, a valuable enhancement fixture could be sustained at a minimum through the life of the mine. While it is possible subsurface disruption of ground water could occur as a result of subsidence it is problematically slight. (See Appendix 7-3 Probable Hydrologic Consequences (PHC).)

The losses of wildlife habitat and or vegetation through subsidence is not anticipated. The mined portion of the permit area will be monitored visually each spring for evidence of subsidence. In the event vegetation and or wildlife habitat where impacted; mitigation could take the form of: 1) habitat enhancement - through selected manipulation of existing undisturbed areas to increase productivity of preferred forage species, and 2) off site water sources such as construction of guzzlers and stock water impoundments.

Each of the above would need to be analyzed on a site specific bases, taking all agencies (UDWR, UDOGM, and BLM) input into a viable, workable, course of action to be implemented by the mine and as stipulated in the Lila Canyon EA.

lesson disturbance.

5. The Operator will ensure that DWR surveys for cliff nesting raptors within proposed facilities areas at least two years prior and one year following construction. The Operator will conduct annual raptor surveys.
6. An active golden eagle nest, with young, was documented during the 1999 spring raptor survey. The nest is located in the left fork of Lila Canyon within the 1-mile buffer zone. (See Plate 3-1). A consultation with USF&W, BLM, and UDWR was held in the fall of 1999. Line of site and potential mitigation was addressed during this meeting. The results of this consultation are addressed in Sec 322.220 and the Lila Canyon EA. This nest was not active in 2000, 2001, 2002, or 2003. A survey was not done in 2004. In 2005 nest 946 contained a possibly dead chick. (See Appendix 3-5 for updated inventories)
7. The Operator will adhere to exclusionary periods when initiating construction and final reclamation projects. The exclusionary periods include: raptors (Feb 1 - July 1), Bighorn sheep lambing (May 1 - June 15), and Pronghorn (May15 - June 20).

The Applicant does not plan to monitor any wildlife species during the life of the operation with the exception of raptors. Helicopter spring raptor surveys will be conducted at a minimum of a 1-mile radius around any new or potentially disruptive mining activity, 2-years prior and annually after the proposed activity. The Operator will contact the USFWS and the Division immediately following raptor fly-over surveys if raptors are observed nesting.

The mine will emphasize their commitment to legal requirements of firearm and off-road vehicle-use by employees. This type of program has been adopted by the operator and will continue throughout the operation.

An education program aimed at minimizing potential negative impacts by employees will be presented during the Operators annual retaining programs. Employees will be informed about the wildlife in the area and about which species are protected. They will be counseled to refrain from poaching or harassing animals and about the need to preserve the wildlife. They will also be instructed on the danger of animals on the road during dusk and night hours and consequently the need to reduce speed to avoid colliding with animals difficult to see in these periods of poor light. All threatened or endangered wildlife sighted within or adjacent to the permit area will be reported to the appropriate state and / or federal agency.

The location and construction of the haulage road, as well as measures for the protection of surface hydrology, from sedimentation, including the sedimentation pond and other drainage control structures, are discussed in Chapter 7, Hydrology.

Any waters discharged from the facility will be monitored in accordance with UPDES Permit No.UTG040024. Major disturbances will be scheduled to avoid deer / antelope fawning times.

No use of pesticides or chemicals that have serious consequences to plants or wildlife will be used on the permit area, unless recommended by a regulatory agency and under their direction.

Prevention of fires and their spreading outside the permit area will be accomplished through; water sprays, and fire extinguishers located at all facilities . Wild fires will be addressed by the appropriate state and federal agencies. Operation and reclamation activities will be done in compliance with the Endangered Species Act of 1973. As instructed by the Bureau of land Management and the Utah Division of Wildlife Resources, fencing will be removed when DOGM determines that all reclamation standards have been met. Further measures taken to enhance wildlife habitat during reclamation are discussed under the "Reclamation Plans" section of this chapter.

The interim reseeded of small areas will provide some small amounts of additional forage and seed. Reseeding will particularly benefit rodents and passerine birds seeking seeds in this sparse vegetative type. The seeding of sediment pond slopes usually provides a bonus crop of seeds as the plants are watered by intermittent runoff.

Within the disturbed area, there are areas of undisturbed ground such as in topsoil storage areas. These areas will be posted so as to preclude trespass by vehicles and/or mine equipment. In addition, dust control will be practiced throughout the life of the mine to minimize impacts from blowing dust .

The sediment pond on the disturbed area will hold water during short periods and will provide some additional surface water for wildlife. The stored water may prolong use of that portion of the winter range by deer because water is often the limiting factor on dry winter ranges. Migrating small birds and mourning doves will also utilize this water to recuperate during their flights, as well as a small indigenous flock of chukkers. In the event the water in the pond were to contain any material which would be hazardous to wildlife (ex: oil, grease), the material would be removed by the use of petroleum selected filtration material. The filtration material will be used when an apparent sheen is visible on the pond. If hazardous materials are observed the Division will be notified immediately to develop a protection plan for wildlife. The pond will be monitored visually daily by surface personnel for signs of oil and grease.

340. Reclamation Plan.

obtained from the ninth and tenth year sampling. This data will be used to obtain statistical information that will show the site meets the requirements for bond release.

- 341.300.** The methods outlined have a proven performance based on the successful reclamation of the Horse Canyon Mine in the immediate drainage to the north (less than two miles) in like habitat and aspect.

The Operator will conduct a study to determine the optimum time for seeding warm seasons species (refer to page 29).

342. Fish and Wildlife. A fish and wildlife plan follows:

- 342.100.** The sediment pond will be maintained through the life of the operation and will be removed when effluent criteria is met following reclamation.

- 342.200.** Rangeland for domestic stock is the secondary intended postmining land use with wildlife habitat as the primary land use. Plant species appropriate for enhancing the wildlife habitat were selected on the basis of known wildlife requirements including nutritional value for fish and wildlife, use as cover for fish and wildlife and ability to support and enhance fish and wildlife habitat. The Pinyon/Juniper area will be enhanced and reclaimed to the Grass/Shrub community type. The habitat type provides excellent winter range for big game, as well as, an increase in rodent populations which in turn are beneficial to raptors. The Lila Canyon EA has stipulated that in excess of 70 acres of wildlife habitat will be enhanced to help offset negative impacts.

- 342.210.** This section is addressed in 342.200.

- 342.220.** This section is addressed in 342.200.

358.100. Appendix 3-3 is a letter from U.S. Fish and Wildlife Service identifying all threatened and endangered species that could occur in the permit area or within a one-half mile proximity. All mine personnel will be trained to identify these species and instructed to notify the environmental coordinator at the mine. The environmental coordinator will confirm, if possible, the identification, notify the Division, and then take whatever actions are necessary to safeguard both the species and its habitat.

In addition, a threatened and endangered species inventory will be conducted prior to any disturbance. Historical as well as current threatened and endangered inventories are included in Appendix 3-4.

Prior to any new surface disturbance a raptor inventory will be conducted to ensure that no raptors or their nests or young would be adversely impacted through any mining or mine related activity. A copy of historical raptor data as well as current survey results are attached as Appendix 3-5.

A one-half mile buffer zone of no new disturbance during critical nesting periods will be maintained during that portion of the year that the nest sites are active.

358.200. No coal mining and reclamation operations will be conducted in a manner which would result in the unlawful taking of a bald or golden eagle, its nests, or any of the eggs.

358.300. This section is addressed in 358.200.

358.400. There are no wetlands and / or riparian areas within the area of potential disturbance.

358.500. Each operator will, to the extent possible using the best technology currently available:

358.510. All power and transmission lines will be designed with the best technology

Willey's October 2002 final report. The buffer will remain in effect until the Formal MSO survey is completed..

- 2) Formal MSO surveys will commence two years prior to the potential occurrence of subsidence in areas described below:
 - A) areas identified as potential habitat in the 2000 model and confirmed as potential habitat by Dr. Willey in his October 2002 report;
 - B) and those identified areas are within the area of influence from subsidence.

UEI will establish spotted owl calling stations designed for "complete coverage" (as defined by the inventory protocol) of the buffered zone; each point will be surveyed four times a year during two consecutive survey years; and the survey design will follow the standardized protocol for inventory of spotted owls (e.g., USDI 1991, amended 2002) or any new subsequent protocol that may be effect at the time.

- 3) In areas outside the limit of projected subsidence, NO additional surveys will be required.

Any inventories and surveys that may be conducted will be submitted to DOGM, UDWR and USFWS.

The Division and UDWR will be provided the following information from the MSO calling survey.

- 1) Surveyor name (DOGM requires a copy of license to conduct MSO)
- 2) Methods
- 3) Results
- 4) Raw data sheets
- 5) Maps showing exact locations (GPS) of habitats
- 6) Analysis
- 7) Summary
 - A) Occupied and suitable habitat.
 - B) Possible impacts to owls and their habitat by the project.

Since the surface facility area and a 1 mile buffer zone around the surface facility area has been determined not to be suitable MSO habitat, no additional inventories are warranted.

County, Utah". This report was written in March 1986 by Don Southworth and Asa S. Nielson for the Mining and Reclamation Plan submitted to the Division by Intermountain Power Agency. A cultural Resource Inventory of the Kaiser Steel Corporation South Lease Mine Property and a Test Excavation (42EM1343 in Emery County, East Central Utah conducted by Rebecca Rauch (1981). These and additional survey reports of the area are included in Appendix 4-1.

Detailed archeological ground surveys were conducted at the Lila Canyon mine site and associated disturbed area, by Montgomery Archeological personnel. This survey was conducted in 1998 and 1999 and is included within Appendix 4-1.

Within the Horse and Lila Canyon Permit areas and the nearby Southern portion of the Kaiser Steel Corporation South Lease mine property, there are five known historic resources that are either on or eligible for listing on the National register. There is one listed site (42EM1222) 2.5 miles from the facility area. One eligible site (42EM1343) has been recovered and another (42EM2517) will be recovered prior to construction. The other two eligible sites (42EM2255 and 42EM2256) are not expected to be impacted by operations.

- 411.141.** Historic resources are depicted on Plate 4-3.
- 411.141.1** The locations of listed or eligible cultural and historical resources in the area are discussed in Appendix 4-1 and shown on Plate 4-3.

There are no publicly owned parks.
- 411.141.2** No cemeteries are located in or within 100 feet of the proposed permit area.
- 411.141.3.** No land within the proposed permit area is within the boundaries of any units of the National System of Trails or the Wild and Scenic Rivers System.
- 411.142.** Consultation efforts for cultural and historical resources

are in process. Final concurrence from the SHPO will be included in this MRP prior to permit approval.

UEI will also include measures to prevent or minimize adverse impacts to listed sites within the permit area, if sites are discovered during the consultation process.

- 411.143.** The Operator has provided archeology survey reports. Two of these surveys included intensive survey and analysis of areas that would be directly impacted by the Lila Canyon mining operations.

Two other surveys include spot surveys and analysis of areas that are expected to have a low probability of indirect mining impacts to the surface.

- 411.144** Of the nineteen cultural and historical sites identified in the area, only one, 42EM1222, is listed on the National Register of Historic Places. This site is approximately 2.5 miles from the Lila Canyon surface facility and therefore, impacts are not expected to occur at this site.

BLM will develop a recovery plan for 42EM2517 that will occur after mine plan approval and before construction.

- 411.200.** Previous mining and exploration activities have occurred within the proposed permit area within the last twenty years. In the mid-1950's, the road along the bottom of Lila Canyon was constructed to allow exploration of the resources. The road intersects the Horse Canyon Highway approximately 1.4 miles to the north and loops back to the south to intersect Highway 191 and 6 to the south (see Plate 4-1). Two sealed breakouts (Plate II-2 of Horse Canyon Plan) are located in the left fork of Lila Canyon where the Lila Canyon fan was installed in the 1950's. The Lila Canyon fan was used until the closure of Horse Canyon post 1977, and therefore, the current Coal Regulatory Program has jurisdiction over this disturbance and it is included in the permit area.

- 411.210.** Coal was removed from the outcrop of Horse Canyon and transported back through the Horse Canyon Mine.

Excavation indicates only a small amount of coal was previously removed.

- 411.220.** In the past, coal was removed from the Sunnyside Seam.
- 411.220.** Because the old portal has been sealed, it is difficult to ascertain the total amount of coal which had been removed.
- 411.240.** The exact date of the coal outcrop excavations is unknown. It is believed that coal was removed during the late 1950's or early 1960's.
- 411.250.** The land use prior to outcrop excavation was the same as currently exists within the area. Wildlife habitat, grazing, and coal exploration was previously and is currently the predominant land use in the area.

412. Reclamation Plan

- 412.100.** Post mining land use will be the same as currently exists today, that being: wildlife habitat, grazing, and limited recreational activities.
- 412.110.** After all mining activity has been completed and the disturbed area regraded and reseeded, the site will enter a post reclamation phase. During the first ten years, the site will be monitored for vegetative success and erosion control. The reclaimed, revegetated area may be fenced to discourage livestock grazing until final reclamation has been achieved and the reclamation bond released.

Support activities to achieve the post-mining land use plan included: site monitoring, remedial actions including regrading, reseeded, remulching and replanting; and fencing as necessary to restrict access and grazing on the site until the reclamation bond has been released.
- 412.120.** After the reclamation bond has been released, the property will be returned to the care of the surface land

owners, which, for the most part, is the BLM. Management of the site will be according to the BLM's current range management plan for the region existing at that time.

412.130. Since premining land use is the same as postmining land use this section is not applicable.

412.140. This post-mining program is in accordance with the Emery County and BLM management framework plans. See Correspondence with Emery County Zoning Administrator, Bryant Anderson, and the BLM, regarding the zoning of lands within the Lila Canyon Extension included within Appendix 4-2. A Large Scale Industrial Site Plan was required by the county for any significant mining or industrial operations. A copy of the approval for the Large Scale Industrial Site Plan can be found in Appendix 4-2.

Based on the desire expressed by the BLM and/or Emery County, at the time of reclamation of the mine site, mine personnel would agree to work with the BLM and/or Emery County to achieve future land use objectives.

412.200. A Large Site Plan Approval has been filed with Emery County regarding the plans to mine coal in the Lila Canyon area. The approval process and a copy of this application are included in Appendix 4-2. A copy of the BLM post mine land use determination can be found in Appendix 4-2.

412.300. The mine operator does not propose to leave fills containing excess spoil.

413. Performance Standards

413.100 All disturbed areas will be restored to the conditions equal to or better than existed prior to disturbance.

413.200 Wildlife habitat and grazing will resume following reclamation activities of the mine site. No alternative

postmining land uses, nor higher or better uses are being proposed.

413.300. No alternative post-mining land use is being proposed at this time.

414. Premining Land use: It is the operations intent to return the mine properties to its pre-mine use. The reclamation practices to be implemented as outlined in chapter five have a proven record of success.

420. Air Quality.

421. Compliance with the Clean Air Act: Mining and reclamation operations will be conducted in compliance with the requirements of the Clean Air Act and other applicable state, federal statutes.

422. Compliance Efforts: Appendix 4-3 contains the "Intent to Approve" and the actual "Approval Order" for the air quality permit obtained from the Utah Bureau of Air Quality. The initial air quality permit is for 1.5 million tons. Revisions to the air quality permit will be made to accommodate future increases in production.

423. Since Lila Canyon Mine is an underground operation this section is not applicable.

423.100 Since Lila Canyon Mine is an underground operation this section is not applicable.

423.200 Since Lila Canyon Mine is an underground operation this section is not applicable.

424. Since Lila Canyon Mine is an underground operation this section is not applicable.

425. Since Lila Canyon Mine is an underground operation this section is not applicable.

REFERENCES

Stephens, Don, U.S. Bureau of Land Management, Federal Coal Leases Map, 1990.

Division of Water Rights, PLAT program

Emery County Recorder's Office