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# TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

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*OK*

December 5, 2007

TO: Internal File

THRU: Pamela Grubaugh-Littig, Permit Supervisor *pgl*

FROM: Jerriann Ernstsens, Ph.D., Environmental Specialist, Biologist *JER*

RE: Conditions - Lila Canyon Extension, UtahAmerican Energy Inc., Horse Canyon Mine, C/007/0013, Task ID #2858

**SUMMARY:**

The Division received additional information on 9/13/2007 concerning raptor nest locations (Plate 5.3, 5.3a, 5.3b) as requested by the Division in the Permit Conditions. The minor change (including the Plate numbers) to the MTA will be reflected with the completion of task #2883 special project.

**TECHNICAL MEMO**

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**FISH AND WILDLIFE INFORMATION**

Regulatory Reference: 30 CFR Sec. 784.21, 817.97; R645-301-322, -301-333, -301-342, -301-358.

**Analysis:**

**Protection and Enhancement Plan** [Sheila Mo1]

The wildlife exclusionary periods include: raptors (Feb 1 - July 1), deer/elk winter range (Dec 1 – April 15), deer/elk calving (May 15 – July 5), bighorn sheep rutting (Dec 1 – April 15), bighorn sheep lambing (May 1 - June 15), and pronghorn (May15 – June 20).

*Migratory Birds, Game Birds, and Raptors*

The Permittee must clearly illustrate the number of all raptor nests (not just golden eagle) within the subsidence zone. If the mining plan shows that there are one or more raptor nests located within the subsidence zone, the Permittee must provide a mitigation plan for possible subsidence of the nest(s). The Permittee must coordinate with the Division, DWR, USFWS, and BLM to develop a mitigation plan similar to the plan developed for the Bear Canyon Mine between 2006-2008. The plan must include the name of the lead agency, proposed date of implementation, a reporting mechanism, as well as the mitigation proposal. The MRP must include a provision that states the Permittee will apply for a nest 'take' permit, through the USFWS, if the mitigation plan includes preventing raptors from accessing nests. The Permittee must apply for 'take' permits 6-12 months prior to potentially subsidizing nests. The Permittee must submit all mitigation plans and final reports to the Division for incorporation into Appendix 3 of the MRP. The MRP includes the requirement of this paragraph in part by providing the requested maps. The Permittee must follow any measures of the condition that are not specifically stated in the MRP.

**Findings:**

Information provided in the plan meets the Operations - Fish and Wildlife Information requirements of the regulations.

**RECOMMENDATIONS:**

Approve the amendment.