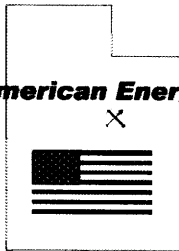


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UtahAmerican Energy, Inc.



C/007/013 Incoming  
cc: Joe  
Lila Canyon Project  
P. O. Box 910  
East Carbon, Utah 84520  
Phone: (435) 888-4000  
(435) 650-3157  
Fax: (435) 888-4002

January 21, 2009

Daron Haddock  
Permit Supervisor  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, Utah 84114-5801

Subject: Exclusionary period mitigation plan, Utah American Energy, Inc. (UEI), Horse Canyon Mine, C/007/0013,

Dear Mr. Haddock:

Thank you for opportunity to come to Salt Lake on such short notice and participate in the discussions about continued construction operations during exclusionary periods for Raptors, Bighorn Sheep and Antelope at the Lila Canyon Mine.

The purpose of this letter is to provide you with a summary of our interpretations of the action items discussed.

Effective immediately, UEI may continue at the current level of construction at Lila Canyon mine. The level of the surface disturbing activity is not to increase during the exclusionary period without specific approval from the Division.

Based on the discussions with representatives from FWS, (Nathan Darnall), BLM, (Stan Perkes, James Owen, Steve Rigby-teleconference) DWR, (Jim Parrish, Leroy Mead), DOGM, Dana Dean, Daron Haddock, Ingrid Wieser, Joe Helfrich, Pete Hess-teleconference). EIS, (Derris Jones) and you, the following information was discussed and agreed upon.

- 1) Initial rounds of blasting (on or near the surface) must occur prior to Feb. 1<sup>st</sup> 2009. Underground blasting could continue throughout the exclusionary period
- 2) UEI will provide horizontal and vertical distances from the surface disturbed area to all Golden Eagle nests currently being monitored as per the approved mine and reclamation Plan.
- 3) UEI must maintain the current buffer distance of approx. ¼ mile between the mine and currently identified nests being monitored as per the

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approved mining and reclamation plan. It is acceptable if nesting pairs select a nest closer than the ¼ mile buffer distance.

- 4) UEI will conduct intensive ground raptor surveys in accordance with the attached proposal. Due to lack of noted ferruginous hawk nests by DWR on past helicopter surveys, only incidental surveys along the county right-of-way will be completed as biologist come and go from the Lila Mine Site while completing golden eagle surveys. This ground monitoring program will replace the past required helicopter surveys.
- 5) UEI must implement the approved EA mitigation plan for Bighorn Sheep, installation of guzzlers or alternative water catchment structures. The BLM is the lead on the mitigation and will consult with DWR, and DOGM prior to finalizing plans. In addition, if all concerned feel it is warranted after a field inspection of the nesting habitat in Lila Canyon, an attempt to increase this distance by installing two artificial nests in the Fall of 2009.

This letter and attached mediation plan will be followed during construction through the exclusionary period.

If you have any questions, please feel free to call me at (435) 650 3157.

Sincerely,

R. Jay Marshall

  
Resident Agent

<b>Environmental Industrial Services</b>	31 North Main Helper, Utah 84526	Phone (435)472-3814
		Fax (435)472-8780
		djones@preciscom.net

# 2009 Lila Canyon Eagle Monitoring

**Prepared for: Jay Marshal**

**Prepared by: Derris Jones, Senior Certified Wildlife Biologist**

**January 14, 2009**

## **Objective**

Determine nesting and production status of Golden Eagles using the territory above the Lila Mine site.

## **Goals**

Monitor the activity of any Golden Eagles in and around the Lila Mine site every ten days throughout the courtship and egg laying period to document status of the golden eagle pair. If no activity or nesting failure is documented, monitoring will be discontinued. If it is determined golden eagles have successfully laid eggs and are incubating, monitoring will continue on a less frequent basis to determine if young have successfully fledged.

## **Solution**

The territory will be monitored on a ten-day rotation from mid January to mid March. Field notes will be taken on behavior observed from eagles and a report sent to UEI after each visit. Each known nest will be observed to document any attendance. In addition to known nest effort will be made to locate any unknown or potentially new nest building activity that may be occurring due to the increased level of disturbance from the mine site. Each of these monitoring visits will be for a four-hour period beginning at sunrise. By mid March if no active nests (hen sitting on eggs) has been noted monitoring will cease for 2009. If incubation is occurring, the nest will be monitored for the first two weeks of incubation on a weekly basis. The next visit will be timed to document brooding. Once hatching has occurred and documented monitoring will be minimal with visits timed to attempt to document fledging of young. A minimum of seven monitoring visits will be made. If the territory is unoccupied or no nesting activity is observed, no further visits will be made. If the eagle lays eggs and successfully fledges young twelve visits to monitor nest activity will be needed. Two additional visits early in incubation to insure abandonment of eggs does not occur. Two visits in May to monitor brooding success, and one in June to document fledging. These visits would be of shorter duration than the earlier monitoring.