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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE RESOURCES

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*Orig Mine file
cc D. Haddock
make orig to D. Provan
12/18/90*

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DIVISION OF
OIL, GAS & MINING

December 10, 1990

Dr. Dianne R. Nielson, Director
Utah Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Attention: Daron Haddock, Permit Supervisor

Subject: Soldier Creek Mine expansion
Raptor survey, Soldier Creek Coal Company
Soldier Canyon Mine
ACT/007/018

Dear Dianne:

After reviewing Soldier Creek's proposed expansion, we recommend the following monitoring program to determine impacts on raptors in the area.

1. We have no information on raptor nests in the affected area. However, we know that there are golden eagles, red-tailed hawks, goshawks, Cooper's hawks and sharp-shinned hawks in the area. The area needs to be surveyed in February or March while the aspen trees are leafless to locate nests. While golden eagles and red-tailed hawks typically nest on cliffs, the others normally build a stick nest in the tops of aspen or cottonwood trees. These nests should be visible at that time. The Pine Canyon area will have to be surveyed for golden eagle and red-tailed hawk nests. The total area could be surveyed with a helicopter in about three hours of helicopter time.
2. Nests that are located during this survey will need to be visited each May to determine if they are being used by nesting raptors. This will involve on-the-ground observation. The number of nestlings should be recorded. Mining activities will need to be scheduled to avoid subsidence or above-ground activities in areas near active nests. This monitoring will need to be done by a member of your staff or by contracting the work out.
3. An annual report will need to be submitted to our office by July 10 each year reporting the results of the nest monitoring program.

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4. If nests or birds are lost due to mining activities, mitigation for these losses will be determined at a later date.

The area in question is described as follows:

Salt Lake Meridian, Utah
T13S, R11E
Sec. 1-lot 1 & 8

T12S, R12E
Sec. 31-all
Sec., 32-NW4NE4
Sec. 33-all
Sec. 34-W2

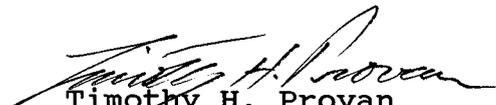
T13S, R12E
Sec. 3-W2

In addition to these activities, Soldier Canyon Mine should also be monitoring known raptor nests in their existing 5-year lease area, particularly if the possibility exists for escarpment failure on the cliffs near the mine offices. We know of several golden eagle nests along those cliffs and will be happy to supply those locations to them.

We will also be willing to provide a biologist to accompany the mine on the helicopter survey. However, they will need to make the necessary arrangements and take care of all associated costs with the helicopter.

If you have questions about these requirements, please contact Bill Bates or Ken Phippen of our staff at 637-3310. Thank you for your consideration.

Sincerely,


Timothy H. Provan
Director