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ACT/007/018 Mig Mineral
cc Dawn Haddock

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE RESOURCES

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DIVISION OF
OIL GAS & MINING

August 2, 1991

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

Dear Dr. Nielson:

Our Southeastern Regional office was contacted by your office and Soldier Creek Coal Company last winter about impacts to raptors that may result from an expansion of the mining permit for Soldier Creek. This spring we completed a flight to look for raptor nests in the expansion area. Soldier Creek also hired a consultant to survey areas that could not be surveyed from the air to look for nests.

No raptor nests were found or raptors observed during the early spring flight. This was done on the aspen parks north of Pine Canyon and west of Soldier Creek. Ground surveys conducted by Environmental Industrial Services of Elmo, Utah, were done in Pine Canyon in May. In a report prepared by EIS, they reported finding two old nests and one usable nest, although it had not been tended this year. Two unidentified buteos and two red-tailed hawks were observed during the survey.

Based on these surveys and the vegetation and habitat in the area, it is our conclusion that red-tailed hawks, and possibly some accipters, may be nesting in Pine Canyon. However, no active nests were found. We recommend that subsidence from underground mining by Soldier Creek Coal Company be monitored. If significant subsidence occurs or is about to occur in Pine Canyon during the April to July period of any year, a nesting survey should be completed to determine if nesting raptors are in the area. Subsidence surveys have been conducted by other mining companies in the area so a good data base should be available to determine extent and timing of subsidence. Impacts to raptor nests may be avoided if subsidence occurs during the non-nesting season. If any active raptor nests are lost, we ask that the Division of Wildlife Resources be notified immediately, and preferably before loss occurs, so as to remove young to a safe location. Mitigation for such losses will be determined at that time.

We appreciate the opportunity to comment on these proposals. Please contact us if you need more information.

Sincerely,

Danell H. Nish
Acting Director

Timothy H. Provan
Director

cc: Johnny H. Pappas, Environ. Coord., Soldier Creek Coal Company
Reed Harris, U.S. Fish and Wildlife Service
Randy Radant
Administration

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