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Outgoing  
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**From:** Ingrid Wieser  
**To:** Kit Pappas  
**CC:** Daron Haddock; Jim Smith; Karl Houskeeper; Kevin Lundmark; OGMCOAL  
**Date:** 4/8/2010 2:47 PM  
**Subject:** Re: Beaver Creek Protection & Enhancement Plan  
**Attachments:** HorizonNoRaptorSurvey.pdf

Kit-

As Kevin mentioned, I did look over Horizon mine's commitment to conduct raptor surveys. I have attached the letter from DWR that you referred us to which states that helicopter surveys may no longer be necessary. However, the letter indicates that the cliff face located in SW 1/4 of the SE1/4 of section 8 contains two golden eagle nests and must be protected from spalling prior to undermining. This protection is required under the federal Bald and Golden Eagle Act regardless if the nest is active. Ground raptor surveys may still be necessary for areas which may be subsided and pose a threat to nest destruction or disturbance to active nests. As indicated in the attached letter, species including red-tailed hawk, goshawk, cooper's hawk and sharp shinned hawk may be present in the area. We would like to meet with you to discuss your raptor survey obligations and the protection and enhancement plan that Kevin mentioned below. Both are a high priority since the subsidence is expected to occur this year. Please let us know when you are available to meet.

Thank you

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>>> Kevin Lundmark 4/8/2010 2:09 PM >>>

Kit,

I looked into the commitment to develop a protection and enhancement plan prior to retreat mining under Beaver Creek. Based on our conversation this morning, I understand that retreat mining under Beaver Creek is planned to occur in 2010. You also indicated that you believe the commitment for the protection and enhancement plan was satisfied by the water replacement plan included in the MRP.

Based on the documentation associated with the permit boundary expansion in 2004 - 2005, it appears as though the water replacement plan and selected Chapter 7 appendices were developed to address deficiencies associated with engineering (subsidence control, R645-301-525.480) and hydrology (R645-301-731.530). The protection and enhancement plan is associated with Biology (R645-301-322.100 and R645-301-333). The commitment to develop a protection and enhancement plan is found in MRP Section 10, and to my knowledge, this commitment has not been fulfilled and the development of a protection and enhancement plan would therefore be required prior to retreat mining under Beaver Creek. Additional information about the commitment is included in the Technical Memorandum from Joe Helfrich dated June 8, 2005 (attached, see page 9).

Please don't hesitate to contact me at 801 538 5352 if you have any questions, would like to discuss, or have any additional information. If you would like, I can set up a call in which we can discuss the commitment with Ingrid Wieser, the Division biologist assigned to Horizon. Ingrid is also reviewing the commitment for raptor surveys.

Thanks,  
Kevin

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1 December 2004

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RE: Recommendation for discontinuance of Horizon Mine's helicopter raptor survey

Dear Ms. Grubaugh-Littig,

At the request of Horizon Mine, we feel that if the one cliff face in the SW1/4 of the SE1/4 of section 8, T. 13 S., R. 8 E., were protected from subsidence and subsequent spalling, that there would be no further need to conduct raptor surveys by helicopter.

In the past Horizon mine has conducted raptor surveys by helicopter at the request of the Division of Wildlife Resources and Oil, Gas, and Mining. The most recent survey was conducted in 2001. On this survey one inactive golden eagle nest and one dilapidated golden eagle nest were found, along with one inactive American kestrel nest. All three of these nests were on the same cliff face.

Other than this one cliff face, the rest of the permit area and surrounding 1-mile buffer is coniferous or aspen forest. These habitat types have a closed canopy and high tree density that does not allow visibility into nest sites from a helicopter, therefore this is not a useful technique within this mine permit area.

Possible nesting raptor species within the conifer and aspen habitats include red-tailed hawk, goshawk, cooper's hawk, and sharp shinned hawk. Ground survey methods would be more applicable if there were serious threat to nest destruction.

Thank you for taking these recommendations into consideration for future raptor surveys on the Horizon Mine permit area. If you have questions about these comments, please call Chris Colt (Habitat Program Manager) at 435.636.0279.

Sincerely,

Derris Jones  
Regional Supervisor

cc: Horizon Mine