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United States Department of the Interior

FISH AND WILDLIFE SERVICE
UTAH FIELD OFFICE
LINCOLN PLAZA
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SALT LAKE CITY, UTAH 84115

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DIV. OF OIL, GAS & MINING

In Reply Refer To
(CO/KS/NE/UT)

June 10, 1998

Ms. Mary Ann Wright
Associate Director of Mining
Utah Coal Program
Division of Oil, Gas, and Mining
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, UT 84114-5801

Copy Aaron & Paul

RE: Determination of Administrative ~~Completeness for~~ Permit Application, Andalex Resources, Inc., West Ridge Mine, PRO/007/041, Carbon County, Utah

#2

Dear Ms. Wright:

We have reviewed the subject West Ridge Mine Permit Application to proceed with additional underground mining operation in the "C" Canyons, and offer the following comments for your consideration:

1. Section 322.210, Paragraph 1 states, in error, that the U.S. Fish and Wildlife Service (Service) letter of January 12, 1998 indicated that no federally listed threatened or endangered species are known to occur in the project area. A similar statement appears in Section 330.333, paragraph 1. Our letter provided a list of species occurring in Carbon County.

2. Section 322.210, Paragraph 3 should be updated to include Utah Division Wildlife Resources (UDWR) 1998 raptor survey information which located a pair of peregrine falcons using an area near the perimeter of the 10-mile radius survey area. Although nesting was not confirmed, perching areas were located and the pair was assumed to potentially be breeding in the area (Ben Morris, UDWR, personal communication). This section as well as Section 322.333 should be updated to include UDWR 1998 raptor survey results.

3. Section 322.210, Paragraph 4 indicates that the burrowing owl is not expected to occur within the permit area since they use prairie dog burrows as nest sites. It should be noted that burrowing owls also use badger and marmot burrows for nest sites.

4. Section 330.333, paragraph 2; We appreciate the effort to incorporate raptor-proof designs for power line design and installation. To facilitate this effort, we recommend conformance with specifications presented in:

Avian Power Line Interaction Committee (APLIC). 1996. Suggested practices for raptor protection on power lines: the state of the art in 1996. Edison Electric Institute/Raptor Research Foundation. Washington, D.C. 125pp.

Avian Power Line Interaction Committee (APLIC). 1994. Mitigating bird collisions with power lines: the state of the art in 1994. Edison Electric Institute. Washington, D.C. 78pp.

Suggested practices are intended to reduce bird collisions, entanglement, and electrocution. Construction of transmission towers and power poles should also enhance raptor nesting opportunities where appropriate.

5. Section 330.333, paragraph 3 states that Andalex/West Ridge Resources, Inc. would consult with the Utah Division of Oil, Gas, and Mining and the UDWR if additional raptor nests are found during subsidence area surveys. Consultation with the Service should also be initiated when raptor nests are located to ensure project compliance with the Endangered Species Act, Eagle Protection Act and/or the Migratory Bird Treaty Act.

6. Section 330.333, paragraph 7 estimates that water consumption and usage from proposed mining activities will be less than 100 acre-feet per year. If actual water depletion from the Upper Colorado River System exceeds 100 acre-feet per year, Section 7 consultation with the Service will be required.

7. Section 410; Post-mining land use is described as remaining the same as pre-mining land use, including grazing, wildlife habitat, and recreational activities. While the land use categories may remain the same, construction of the "C" Canyon access road is likely to increase recreational use of the area due to improved accessibility. Increased human access as well as impacts associated with the roadway footprint and operation will have unquantifiable effects to wildlife and their habitats (see comment #9 also).

8. Section 521; An alternate 10-acre topsoil borrow area approximately 1.5 miles west of the mine site may be required during reclamation activities. If this area is utilized, mitigation for loss of wildlife habitat will be necessary, and should be incorporated in this plan.

9. Section 527.100; Construction of the "C" Canyon road to access the West Ridge Mine facility is discussed briefly in this section. We understand that the "C" Canyon Road alignment and construction will be analyzed under separate cover of the West Ridge Project Environmental Assessment, being prepared by the Bureau of Land Management. However, since the proposed road is intended to access the West Ridge Coal Mine and will be maintained by the mine for the life of the project, we believe the mine permit application should acknowledge its development in the Project Description, Wildlife, and Land Use sections. For instance, construction of the "C" Canyon road is likely to incur both direct and indirect wildlife impacts such as construction-related mortality of wildlife, an increase in wildlife-vehicle collisions, habitat loss and fragmentation, and displacement of some individuals or species to already occupied or less

desirable habitats. Public recreational use and associated wildlife impacts may also increase with development of the access road.

At a minimum, Andalex/West Ridge Resources, Inc. should assume mitigative measures (and incorporate into Section 330.333) in this mine plan which are directly related to road impacts associated with mine operation. Coal hauling operations are likely to increase wildlife-vehicle collisions, particularly deer, since the travel route is located within critical-valued deer winter range; subsequently, increased mortality of raptors feeding on road-killed carrion may also occur. The mine should commit to educational programs for its employees in an effort to increase awareness of the potential for collisions with wildlife. In addition, road-killed deer and elk should be immediately removed from the roadway to minimize the potential for collisions with raptors.

Thank you for the opportunity to provide comments. If we can be of further assistance, please contact Laura A. Romin, Wildlife Ecologist, of this office at (801) 524-5001, ext. 142.

Sincerely,

Reed E. Harris

Reed E. Harris
Field Supervisor

cc: Mr. John Kimball, Director, Utah Division Wildlife Resources, 1594 West North Temple, Suite 2110, P.O. Box 146301, Salt Lake City, UT, 84114-6301.