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Utah Division of Oil, Gas & Mining
Utah Coal Program
1594 West North Temple, Suite 1210
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May 20, 2013

Attn: Daron Haddock
Permit Supervisor

Re: West Ridge Mine C/007/041 Task #4010
13-005 Raptor Approval, Re-Opening "B" Canyon Portal

Dear Mr. Haddock:

As per my telephone conversation with Joe Helfrich on May 16th, and by means of this letter, UEI is seeking formal approval from the Division and FWS to immediately begin construction activities at B Canyon. With the loss of some reserves at Westridge due to Burned Coal, It is imperative that UEI starts the construction activities by May 28th.

In the June 12, 2012 approval of Task #4010 on page 5 of Appendix 5-19 states "If there is no activity (raptor) at the time (eggs, chicks, fledglings), the company would formally seek approval (from the Division and FWS) to begin construction activities at the portal site."

A qualified wildlife biologist (Derris Jones) has determined that all nest initiation for 2013 for golden eagles has commenced and that there are no active nests within the ½ mile spatial buffer.

Attached is a copy of page 5 of Appendix 5-19 and the raptor survey letter from Derris Jones.

UEI appreciates DOGM's coordination with USFW to obtain their formal approval.

If you have questions or comments please contact Jay Marshall at (435) 888 4007.

Sincerely,



R. Jay Marshall

Attachment 3 show, subsequent re-vegetation appears healthy and diverse. Also, Mt Nebo Scientific has conducted an on-site vegetation report (see Attachment 7), which lists the plant species (shrubs, forbs and grasses) which have successfully re-established themselves at the site over the last 12 years since the AML reclamation.

Included in the Mt Nebo report is an updated list of Threatened, Endangered and Sensitive Species for Carbon County, Utah. The report concludes that there should be no impacts to any of the listed species as a result of re-opening the B Canyon portal.

Based on the 2011 raptor survey, there are several eagle nests in the B Canyon area. In particular, nest 395 (tended in 2011) is located immediately above, and is visible from, the portal site. Nest 1056 (inactive in 2011) is located down-canyon about 2000' from and in line-of-sight of the portal. Nest 398 (tended in 2011) is located about a mile from the portal, but is around the cliff face out of line of site of the portal and the access road leading to the portal. A copy of the 2011 raptor survey is included in Attachment 9.

Due to the proximity of the eagle nests in the B Canyon area, the company has initiated discussions with DOGM biologist, US Fish & Wildlife Service (FWS) officials, and consulting wildlife specialist to determine to best approach to conduct the portal re-opening project so as to minimize the impact to any eagle activity in the area. A record of this correspondence is included in Attachment 9 as well. In summary, there has been eagle activity noted currently (February, 2012) in the vicinity of Nest 395 located above the portal. The current plan is to employ a trained wildlife biologist to monitor eagle activity in the area while the permitting process is underway. At such time as the permit is approved, the biologist would conduct a ground survey of the nests in question. This may also coincide with the regular annual helicopter raptor survey of the area. If there is no activity at the time (eggs, chicks, fledglings), the company would formally seek approval (from the Division and FWS) to begin construction activities at the portal site. However, if there is any eagle activity at that time, the company will wait until subsequent ground surveys of the nests verify that any fledglings have reached maturity and have left the nest.

CHAPTER 4: LAND USE

After the portal re-opening project has been completed (estimated six months after beginning), the site will be reclaimed. Present land use includes wildlife habitat and limited cattle grazing. Recreation use includes hunting and 4-wheeling. All existing land-use activities can continue during and after the completion of the portal project.

As mentioned previously, the site has been disturbed on several occasions in the past. It is assumed that AML provided the necessary cultural clearances prior to there 1998 reclamation work. However, in September, 2009, the company contracted Senco-Phenix Archeological Consultants to conduct an intensive cultural survey of the area as part of a GVH project that was

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May 17,2013

Jay Marshall
Utah American Energy Inc.
P.O. Box 910
East Carbon UT 84520

Dear Jay

I queried the raptor nest data base and mapped all raptor nests within 1 mile of the proposed disturbance at the B Canyon fan portal. There were 12 nests within the 1 mile radius USFWS call for a 1 mile buffer for peregrine falcons and bald eagle nests. No nests of these two species were identified. The twelve identified nests were 9 golden eagle 2 raven and one red-tail hawk. The golden eagle and the red-tail hawk both have a ½ mile spatial buffer. Only two golden eagle nests fell within the ½ mile buffer of the proposed disturbance. One of these nests was in line of site of the proposed disturbance.

On 3/22/13 I visited nest number 395 which is the nest only a few hundred yards from the portal entrance and within line of site of the disturbance. There was no new nest material or greenery present at the nest site. The greenery that was present when monitored in 2012 was still present but the evergreen needles had turned brown. The nest was observed for approximately 4 hours with no activity from raptors of any species.

Nest 1056 is in a location that the nest cannot be observed from the ground. This was the same problem I encountered last year. We did fly this nest in the May helicopter survey of 2012 and found the nest to be inactive. Being very familiar with this nest I was able to observe the cliff face the nest is located on and observed no raptor activity of any kind near where the nest is located. This cliff face was observed for about 4 hours on 3/22/13 as well.

As of March 22, neither of these nests was active.

Being it is still possible for either nest to become active yet this year, I recommended the nest be monitored again in May to determine nest status for the two affected nests. On May 11,2013 while conducting the annual helicopter raptor survey for Westridge Mine, both nest #395 and #1056 were flown. Nest # 395 was inactive and in good condition. Nest #1056 was inactive and in fair condition.

It is my opinion as a wildlife biologist that all nest initiation for 2013 for golden eagles has commenced based on past history of golden eagle nesting, and the observation of 15 active eagle nests in 2013 to date. I would not hesitate to request a variance on the seasonal buffer for your construction planned in "B" canyon.

If you have any further questions or concerns please don't hesitate to give me a call, (435)630-0239.