

May 8, 2003

**TO:** Internal File

**THRU:** Priscilla Burton, Senior Reclamation Soils Specialist/Team Lead

**FROM:** Joe Helfrich, Biologist

**RE:** Star Point Waste Fuel, Sunnyside Cogeneration Associates, Sunnyside Cogeneration Facility, C/007/042 PM02A-1

**SUMMARY:**

On April 1, 2002 Sunnyside Cogeneration Associates submitted a permit application to add 107.59 acres, (Book 1 of 5, Section 1, Exhibit A), of the Star Point Mine's refuse pile and topsoil parcel to its permit area for the Sunnyside Cogeneration Facility. The site will be reclaimed upon completion of the refuse removal to the SCA facility. The coal refuse site is located in Carbon County near Wattis, Utah in Sage Brush Canyon adjacent to County road #290. There is no additional surface disturbance associated with the acquisition of the refuse pile. The Division of Oil, Gas and Mining determined the application administratively complete on June 24, 2002. On January 10, 2003 the technical analysis was sent to the applicant noting deficiencies. On March 6, 2003 the Division received a written response to the deficiencies noted in the technical analysis. The April 15, 2003 wildlife review of the March 6, 2003 submittal contained two deficiencies. On April 22 and 28 the applicant submitted additional information that adequately addressed the two deficiencies. This memo will address the Biology, (wildlife), portion of the applicants submittals. The deficiencies noted by this reviewer in the April 15, 2003 technical analysis were:

**R645-301-322.200, -323.200, (1)** A current raptor survey must be provided that accurately depicts the location and status of raptor nest sites. **(2)** The application must include a map from the 2000 raptor survey identifying the raptors, nest site locations and status of the nests, with an accurate legend for species and number of nests.

**TECHNICAL MEMO**

---

**TECHNICAL ANALYSIS:**

**ENVIRONMENTAL RESOURCE INFORMATION**

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

**FISH AND WILDLIFE RESOURCE INFORMATION**

Regulatory Reference: 30 CFR 784.21; R645-301-322.

**Analysis:**

Fish and wildlife resource information is provided for in volume two section three of the application. Section 322 provides a discussion on the threatened, endangered, sensitive and species of high value habitat. Tables 322.210a and 322.201b include a listing and status of these species. Species of high value habitat common to the area include Elk, Mule deer, Cougar, and Bobcat. Information regarding Furbearers, Small Mammals, Birds, Reptiles and Amphibians, and Aquatic Resources is also provided in this section.

The locations where environmental data referring to wildlife are collected including raptor nests and wildlife mitigation areas are shown on Map 322.220a in connection with Map 321.100a. The applicant has submitted a revised map # 322.220a. Revisions included corrections to the legend to properly identify the symbols linking them to the information in table 322.200f. The legend and map include an accurate description of the proposed permit area boundary.

A letter dated February 14, 2003 from Chris Colt to Carolyn Snyder is included in the application. In the letter Mr. Colt states that "there are no active raptor nests within ½ mile of the Star Point Waste Fuel project location. A clear, concise, accurate map, (exhibit 322.210a), of the current raptor nest locations is included with the application. The map shows that there are no active nests within ½ mile of the permit area as noted in Mr. Colts letter dated February 14, 2003.

**Findings:**

The information provided is adequate to meet the Fish and Wildlife Resource requirements of the Regulations.

**RECOMMENDATIONS:**

The application is recommended for approval.