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From: Steve Christensen
To: Gina Rau
CC: Dana Dean; Daron Haddock; Joe Helfrich; John Baza; OGMCOAL; Richard...
Date: 6/24/2009 5:18 PM
Subject: Re: Covol Application
Place: OGMCOAL

Hi Gina,

I apologize for not being able to attend the last sit-down you had with the Division regarding the Covol application. As a result, I can't speak to what was said or done at that meeting. However, after discussing the qualification issue with Joe Helfrich and Daron Haddock, the quickest resolution of this issue would be to simply have Mr. Jensen compile the list of projects where he has completed burrowing owl survey's (as you mentioned in your e-mail below), a brief qualification statement (i.e. any training, classes or experience in doing these types of surveys) and have him submit that information to the Division. Once we have that information, it's my understanding that we can then put this issue to rest.

If you have any questions or concerns, don't hesitate to give me a call.

Til next time,
Steve

p.s. If you'd like to stop by and discuss this issue, feel free to do so. I will be in the office all day. Joe Helfrich will be gone in the morning, but be back after lunch.

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>>> Gina Rau <grau@headwaters.com> 6/24/2009 2:24 PM >>>

Steve,

I received your voice message yesterday. I'm traveling this week and do not have the latest deficiency letter with me, but I thought that our response was due by July 13th. We are working towards that deadline and should make it; however, I'm concerned about the burrowing owl survey issue. Richard and I spoke with the biologist that we hired (Chris Jensen) and he provided this link to the burrowing owl survey protocol that is used for burrowing owls: <http://www2.ucsc.edu/scpbrg/section1.htm> He said that US Fish & Wildlife Service only has a Mexican Owl Survey Protocol. To confirm this, I searched the USFWS website and found only a reference to the burrowing owl protocol found at the link provided and the Mexican Owl Survey Protocol. I did not find a burrowing owl survey protocol. Chris confirmed that he conducted the survey in accordance with the protocol found at this link. Chris spoke with one of the agency biologists that Joe requested. Chris indicated that this person was in agreement with the methods that Chris used and the agency biologist would call Joe and speak with him. Chris is still trying to connect with the other agency biologist.

In addition, Joe is questioning Chris' experience to conduct the burrowing owl survey, please see the attached e-mail from Joe. In our last meeting, I asked what where the minimum requirements that Joe listed in the deficiency letter came from and no one provided an answer and said that Chris' resume was fine. **Chris has done several burrowing owl surveys in California and New Mexico.** He will put together a list of the burrowing owl projects that he has worked on so that we can forward that to Joe.

In the original agreements with Mary Ann Wright, surveys were not required; DOGM agreed to using published data. In our meeting onsite last August, Covol agreed to do a biological survey since DOGM folks were not comfortable with that original agreement. At that time, no one mentioned anything about survey protocols and experience requirements. Covol then hired an experienced biologist to conduct the surveys as we agreed to do. We understand that impacts to burrowing owls can occur from

activities within 200 yards of a burrow, making surveys outside of the disturbed area appropriate. Chris covered this area in his field survey and he followed the appropriate protocols.

I fly into Salt Lake at 8:30 tomorrow morning (Thursday morning) and can come by your offices to meet to discuss this issue. Please let me know if this would be helpful to resolve this issue.

Thank you,
Gina

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