



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
AREA OFFICE COLORADO-UTAH  
1311 FEDERAL BUILDING  
125 SOUTH STATE STREET  
SALT LAKE CITY, UTAH 84138-1197

August 5, 1982

IN REPLY REFER TO:

Mr. Cleon Feight, Director  
Division of Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

Attn: Mr. Lynn M. Kunzler

Dear Mr. Kunzler:

This constitutes our response to your request for predesign consultation for the Wildhorse Ridge Mine (PRO/015/001) proposed by Anaconda Minerals in Bear Creek Canyon.

We have reviewed the proposed facilities and site for the mine during our three coordinated field trips and have also queried our computer data bases for other relevant data.

Attached you will find the results of our computer searches. The results indicate the permit area is:

- 71.1% Elk critical winter range
- 22.0% Elk high priority summer range
- 6.3% Elk high priority winter range
- 100% Mule deer critical winter range
- 31.7% Within 1 km. of golden eagle nests

The area in which facilities (includes areas outside of permit area) are proposed to be built is:

- 78.3% Elk critical winter range
- 4.4% Elk high priority summer range
- 17.4% Elk high priority winter range
- 100% Mule deer critical winter range
- 39.1% Within 1 km. of golden eagle nests

A golden eagle nest in the SW 1/2, SW 1/4, Sec. 25, T. 16 S., R. 7 E., was active with 2 young when surveyed in 1982. There are a total of 5 raptor nest sites known to exist in the same canyon. Near the section line between sections 13 and 24 are 2 large inactive stick nests. In the N 1/2 section, Sec. 19, T. 16 S., R. 8 E., there are 2 golden eagle nests; however we were only able to verify the location of 1 in 1982 since surveys were hampered by high winds.

The proposed facilities and access road should not significantly impact golden eagle nesting and no restrictions are suggested for this area. Other activities by the Company within the buffer zones should be avoided when active nesting attempts by eagles are in progress. Other potential sources of disturbance to nest sites include environmental monitoring and exploration activities.

No listed species of threatened or endangered plants or animals are known to occur on the permit area. A concern would be the possible presence of the candidate species, Hedysarium boreale var. canone. We feel all areas selected for surface disturbance should be inventoried for this species and protected if present.

Our major concerns about the proposed developments are related to the location of the access road. These are primarily: (a) actual surface disturbance of high valued habitats, and (b) the introduction of a zone of behavioral avoidance due to the extension of significant human activities approximately one-half mile up the right fork of Bear Creek Canyon.

The Fish and Wildlife Service mitigation planning goals guide us on how, and what types of wildlife habitat are to be protected or mitigated (FR V. 46, No. 15, 7644-7663). The habitat in the canyon bottom proposed for the access road would be considered resource Category 1 or 2. The goal for mitigation planning would be "no net loss of in-kind habitat value" for category 2 or "no loss of existing habitat" for category 1.

The habitat proposed for clearing for the road has a substantial number of very old ponderosa pine and a number of large snags. Trees this size are not common and we believe they significantly enhance this drainage. Birds such as the pigmy owl identified by the Company in the permit area would use cavities in trees like these. The drainage itself would appear to offer potential for Cooper's hawk nesting.

We recommend that inventories be completed for migratory birds of high federal interest (MBHFI) and emphasis be placed on locating and protecting breeding habitats for these birds if they occur on the permit area. Areas requiring inventories are those within 1 km of proposed disturbances for songbirds and raptors. Survey methods for songbirds should include a reconnaissance survey to determine species present and then a suitable survey to determine nesting density when MBHFI species have been documented to occur. We suggest using tape recordings to facilitate locating nesting songbirds. Since the area impacted by human activity will be expanded by opening this mine, the area impacting big game during critical seasons will also be expanded.

We feel sufficient justification exists to ask the Company for a more exhaustive review of the options for accessing the coal on the tract such as an underground lift to the coal seams, transportation of miners to the portals, and options for road design. This review should include construction, maintenance (especially snow removal) and reclamation for the following options:

1. Underground access to the coal seams from the canyon bottom.
2. One lane maintenance road with passing lanes, built predominantly above the second bench of the drainage with minimal extension northeast of the existing developed access.
3. One lane maintenance road in drainage designed to abut one side or the other of the drainage, minimize the number of crossings of the channel and avoid killing or removing any of the large pines or dead snags.
4. Two lane road above second bench of drainage.
5. Two lane road in drainage designed to minimize stream crossings cut and fill and removal of large trees and snags.

These options are listed in what we believe is an increasing order of impact to wildlife. Option 5 will require considerably more effort to mitigate than Option 1.

Measures to minimize impacts to wildlife and mitigate impacts would depend upon the final choice of access and the results of inventories. Those suggested in this letter and during field reviews include:

1. Avoid human activities, underground blasting or other intrusions that have an impact at the golden eagle nest sites from February 15 to July 1 or when young are still present at the nest site.
2. Eliminate, minimize, and/or buffer human intrusions into critical big game ranges through choice of access, consolidating personnel movements on roads, avoiding critical areas (i.e. near water sources) avoiding unnecessary habitat destruction (i.e. virgin timber), speed controls, and avoid creating barriers to big game movement.
3. Enhance habitats where potential exists to mitigate impacts caused by the Company's activities. These could include but are not be limited to:
  - Replacement of existing or potential nest cavities lost due to tree and snag removal;
  - Purchase of grazing rights or enhancement of existing winter use areas to replace areas lost to big game use through habitat destruction or avoidance;
  - Protection, maintenance or enhancement of surface water sources.

We appreciate the opportunities we've had to comment and wish to acknowledge the cooperativeness of the Company and Oil, Gas and Mining in reviewing options to minimize impacts to wildlife.

Sincerely yours,

A handwritten signature in cursive script that reads "Ronald R. Faust".

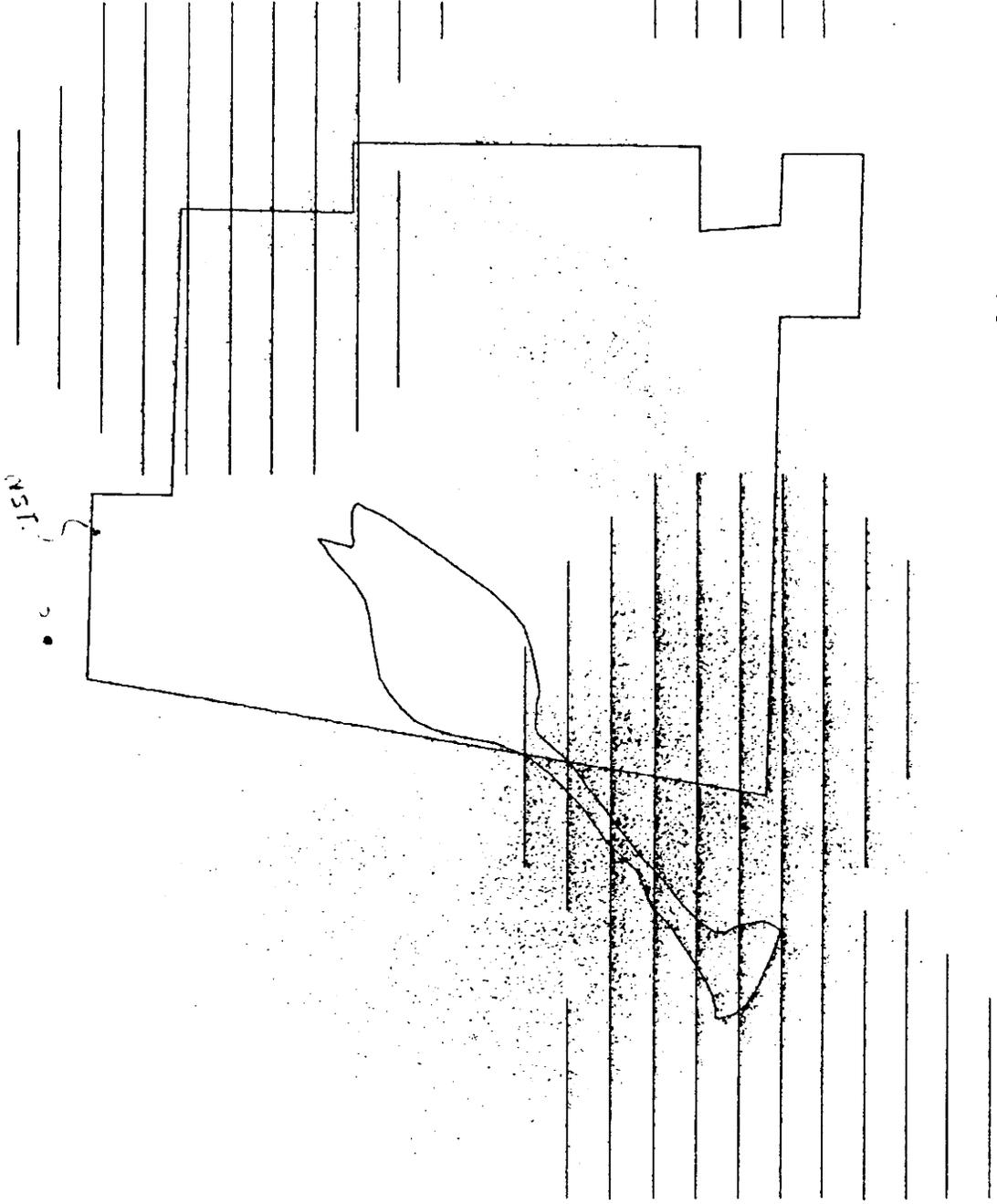
Acting Field Supervisor  
Ecological Services

Attachments

cc: DWR: SLC, Price  
USFS: Price

7 OVERLAY

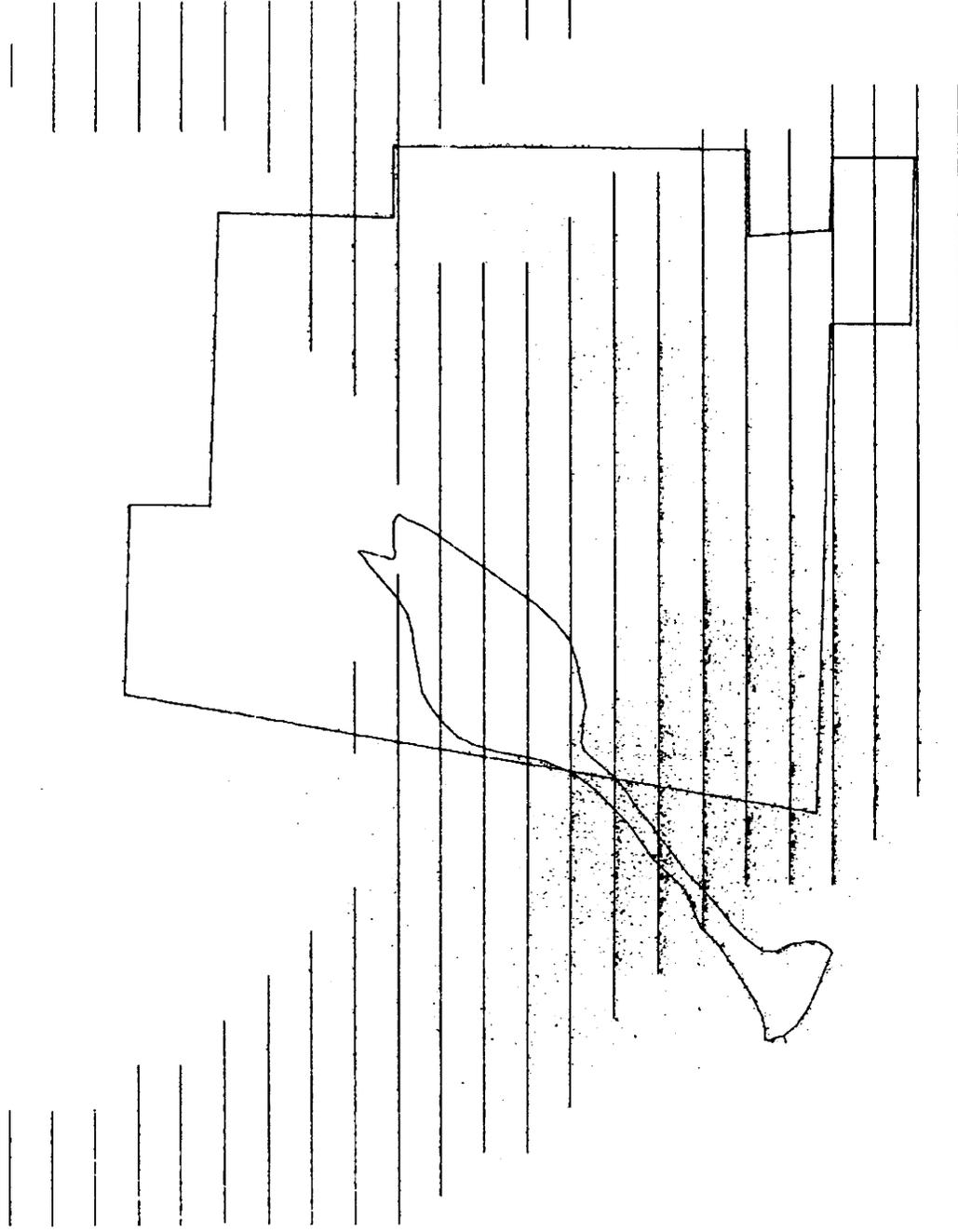
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Raptor Nest Sites and Golden Eagle  
Nest Buffer Zones

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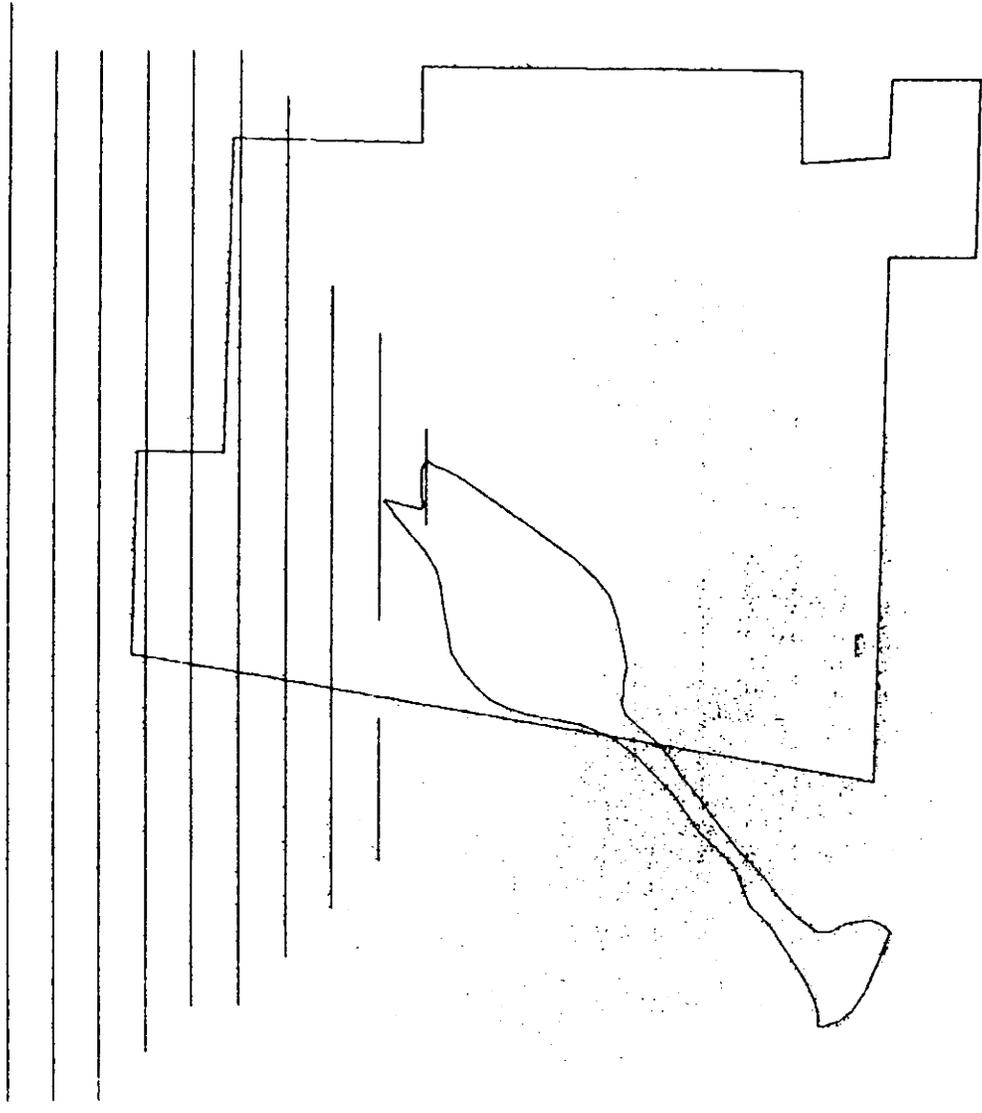
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Utah Division of Wildlife Resources (UDWR)  
Designated Elk Critical Winter Range

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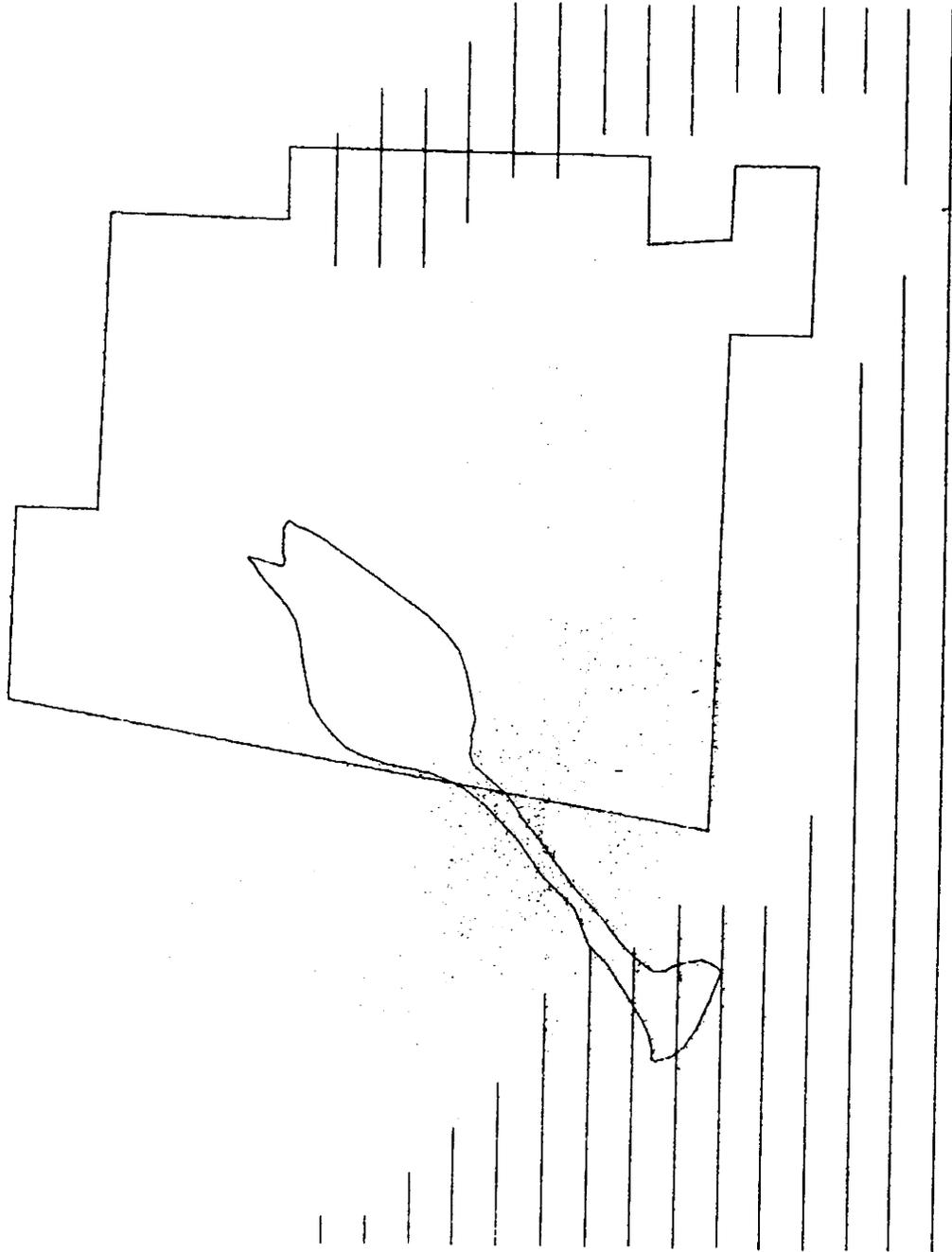
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Utah Division of Wildlife Resources (UDWR)  
Designated Elk High Priority Summer  
Range

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Utah Division of Wildlife Resources (UDWR)  
Designated Elk High Priority Winter  
Range