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STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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January 24, 1986

Mr. Clark Johnson
U. S. Fish & Wildlife Service
2060 Administrative Building
1745 West 1700 South
Salt Lake City, Utah 84104-5110

FILE COPY

Dear Mr. Johnson:

RE: Consultation on Meetinghouse Canyon Breakout, Utah Power & Light Company, Deer Creek Mine, ACT/015/018, #13, Emery County, Utah

In the Mining and Reclamation Plan (MRP) for the Deer Creek Mine (Volume 2, Page 3-6-A), Utah Power & Light Company (UP&L) committed to consulting with the U. S. Fish & Wildlife Service (USFWS) on impacts of their breakouts. The following is intended to provide the information necessary for consultation on potential raptor conflicts at the imminent breakout in the North Fork of Meetinghouse Canyon.

As indicated in their MRP, the three portals of the breakout will be developed from within the mine with no disposal of coal, rock or waste material on the surface. The final dimensions of each portal will be approximately 8 feet high by 20 feet wide with 100 feet between centers. The openings will be fenced to prevent unauthorized entry and since the entries are to be used as intakes, no fans will be installed and no additional activity is planned for the life of mine.

The location of the breakout will be as indicated on the Blind Canyon Seam, Five Year Mining Plan Map (Figure 3-2 #2 of 3, revised 5/24/84; see attached map). While the breakout will be within the raptor nesting zone designated on Map 2-19 of the MRP, it will be on a wooded, north facing slope rather than in or adjacent to the sandstone cliff formation preferred by raptors for nesting. Emery Mining Corporation (EMC) reports that across-canyon from the breakout site, the south facing canyon wall also appears marginal for nesting, consisting of six to eight foot high cliff sections rather than massive sandstone outcrops.

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February 24, 1986

The 1981-82 USFWS survey of the area reported three nest areas and/or bird sitings within approximately one mile of the proposed breakout. An inactive raven nest (#46) was reported about 3/4 of a mile southeast of the breakout. Turkey vultures were sited about one mile southwest of the breakout (#45). The nearest known golden eagle nest area identified in the 1981-1982 surveys is approximately one mile to the northeast (#17, 1981: one inactive golden eagle, very old; 1982: two inactive). None of these nests/sitings are within line of site of the breakout.

Based on existing nest data, the nature of the breakout construction, the marginal quality (for nesting) of the breakout location and the timing of the breakout, UP&L feels that the intended breakout will have no adverse impact on raptors. Val Payne of EMC will, however, visit the site February 25, 1986 to further document the quality of raptor habitat in the canyon and to look for raptors that may be using the area for courtship, hunting, etc. Mr. Payne reports that raptors are currently active in known territories in the vicinity of Meetinghouse Canyon. Data from this site specific inventory is expected February 26, 1986 and will be forwarded to your office as soon as it is available. Mr. Payne will also take a "bird's eye view" of the canyon from the portals when the breakout occurs. While the latter observations would be too late to prevent conflict, they could help in developing mitigation measures if deemed necessary.

Both UP&L and the Division request your review of this material and opinion on conflicts between raptors and a breakout at the designated location. If, based on this information or your own additional inspection/data, you feel there may be a conflict, UP&L, the Division and USFWS should meet to discuss the appropriate action and/or mitigation. The breakout is expected to occur about March 1. If a representative of your staff would like to inspect the site before or during the actual breakout, please contact me or UP&L.

Sincerely,


Kathryn M. Mutz
Reclamation Biologist

kmm
Enclosure
cc: C. Shingleton
V. Payne
J. Whitehead
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