



United States
Department of
Agriculture

Forest
Service

Manti-La Sal
National Forest

Ferron/Price Ranger District
Ferron Work Center
115 West Canyon Road
P.O. Box 310
Ferron, UT 84523
Phone # (435) 384-2372
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File Code: 2820-4

Date: March 1, 2006

Charles A. Semborski
Manager Geology/Permitting
Energy West Mining
Box 310
Huntington, UT 84528

Dear Mr. Semborski,

I have reviewed your letter dated February 14, 2006 regarding Notice of Intention to Conduct Minor Coal Exploration – Utah State Coal Lease ML-48258; PacifiCorp, Energy West Mining Co., Emery County, Utah. My intent is to facilitate helicopter drilling on the State lease consistent with lease rights and Forest Plan direction for protection of non-coal interest on NFS lands.

It is understood that you are proposing to start helicopter assisted drilling operations on May 15, 2006. The priority holes you desire to drill during the 2006 field season are 2006-1 through 2006-9. The purpose of this is to define the orientation of the long term mains in both Blind Canyon and the Hiawatha coal seams. It is understood that additional geologic data is needed prior to September 2006 to make the necessary mine plan decisions needed to achieve maximum economic recovery of the mineable coal seams.

In recent years I have made special efforts to assure your drilling operations were permitted in an agreed upon time frame consistent with company desired startup times for drilling operations, while adhering to wildlife timing restrictions contained in the Manti-La Sal Forest Plan. The usual start-up dates are after the calving and fawning season that ends on July 5. This allowed time to conduct necessary goshawk surveys and prepare the necessary wildlife reports to make an informed decision with Conditions of Approval to avoid impacts to wildlife. There was a one time exception granted in the 2003 drilling plan authorizing May 28, 2003 as the startup date. It was determined by the Forest biologist there would be no effect to elk calving and deer fawning due to reduced snow pack that year. It was also determined there was no effect to goshawk because drilling or helicopter flight paths were not proposed in goshawk habitat.

Implementation of your proposed project will be delayed by required goshawk survey protocols consistent with Forest Plan direction for protection of seasonal wildlife uses. We received your application after the field season and were not able to conduct the required goshawk surveys at the time; these surveys must be conducted from mid June to early July of each year. I have decided not to accelerate the processing or timing of your permit due to potential impacts to wildlife.

- There is potential for detrimental impacts to elk calving and deer fawning since the

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project is proposed within calving and fawning habitat. The normal timing restriction consistent with the Forest Plan is from May 1 to July 5

- The proposed project could adversely impact nesting goshawks. Nine of the eleven proposed drill holes are located within or adjacent to suitable goshawk nesting habitat. One of the proposed drill holes is located within a ½ mile of a goshawk nest that was active in 2005. Goshawk surveys must be completed prior to beginning project activity within suitable habitat. Goshawk surveys consistent with accepted protocol can begin on June 12th. If active nests are found, those nests must be protected with buffer zones as specified in the Forest Plan goshawk amendment and recommended by the U.S. Fish and Wildlife Service.
- The Mill Fork Lease Stipulation #14 states "In order to protect big-game wintering area, elk calving and deer fawning areas, sagegrouse strutting areas, and other key Wildlife Habitat and/or activities, specific surface uses outside the mine development area may be curtailed during specified periods of the year." In this case, it is appropriate to apply timing restrictions.

The engineering staff has received your application for the extension of your existing Road Use Permit. In this request you specify operation between May 15th and June 30th. The dates are outside the normal dry season (July 1 to October 1) authorized under part 3.h.(3) of the Road Use Permit. Any commercial use prior to July 1 is contingent upon review of road conditions by our engineering staff to ensure roads have dried sufficiently to support your operations. Forest Road 50040 is usually closed until after Memorial Day weekend due to wet conditions.

I anticipate having a Decision signed and a Special Use Permit issued so that you can start drilling operations on July 5, 2006. However, if active goshawk nests are found in the area where drilling is proposed, additional timing restrictions could be required for hole locations within the protection zone. This could include a ½ mile buffer around active nests through August 15th and a 30 acre buffer around the nest until September 30th.

The Forest Service is considering doing a programmatic environmental analysis to determine the affect of helicopter assisted drilling for coal drilling operations. As part of the analysis, impacts to goshawk and other species of concern would be considered. However; this could take two years to complete and may or may not help to accelerate the required to process future drilling request.

Should you have questions contact Tom Lloyd at 636-3596.

Sincerely,

Tom Lloyd acting for

MESIA NYMAN
District Ranger

cc: John Blake, Mary Ann Wright, Diane Whittington, USFWS