



0025

STATE OF UTAH
NATURAL RESOURCES & ENERGY
Wildlife Resources

ACT/015/018B

Mary, C
Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Douglas F. Day, Division Director

1596 West North Temple • Salt Lake City, UT 84116 • 801-533-9333

June 20, 1983

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

Attention: James Smith

RE: MRP Review—Cottonwood Lease
Modification for UP&L's Wilberg
Mine

Dear Jim:

The Division has completed a review of the Mining and Reclamation Plan (MRP) submitted by Utah Power and Light Company for a modification to include the Cottonwood Lease with the Wilberg Mine. As you know the Division during March, 1981 provided the applicant with significant input concerning inhabitation of the mine plan area by wildlife, anticipated impacts and recommendations for a mitigation plan. However, since that time significant data relative to nesting raptors has been collected by the U.S. Fish and Wildlife Service. It is recommended that the applicant secure that data and include it with their MRP in order that planning and assessment of impacts can be best achieved. The MRP fails to address the potential impacts and mitigation for the raptor nests associated with their proposed air breakout in SE1/4, Sec. 28 T 17 S, R 7 E, Emery County, Utah. The MRP appears to be adequate in all other areas that relate to wildlife. Attached are the Division's specific comments.

Thank you for an opportunity to review the MRP and provide comment.

Sincerely,

Acting Director

Douglas F. Day
Director

DFD:gp

Encl.

RECEIVED
JUN 27 1983

DIVISION OF
OIL, GAS & MINING

UTAH DIVISION OF WILDLIFE RESOURCES' REVIEW COMMENTS
ON THE MINING AND RECLAMATION PLAN (MRP) SUBMITTED BY
UP&L FOR INCLUSION OF THE COTTONWOOD LEASE WITH THE
WILERG MINE

Page 8, paragraph 3, Mine Plan Narrative and Sequence-- The proposal to develop from within the mine an 8 foot by 20 foot air breakout in SE1/4, Sec. 28 T 17 S, R 7 E, Emery County, Utah is a preferred technique for minimal impacts on wildlife. The particular local in which this breakout will be made showed evidence in 1981 of nesting use by raptors--possible falcon scrape, very old and inactive golden eagle nest, inactive golden eagle nest and two tended golden eagle nests. Thus, the breakout must be planned such that none of the nests will be compromised or physically destroyed. This can best be accomplished by the applicant surveying the breakout point so that it will avoid the nests and restricting breakout to a period of the year when raptors are not on their nests. Typically, golden eagles and falcon aerie sites need protection between February 15 and June 15.

An alternative would be for the applicant to select a breakout area that does not evidence nesting use by raptors.