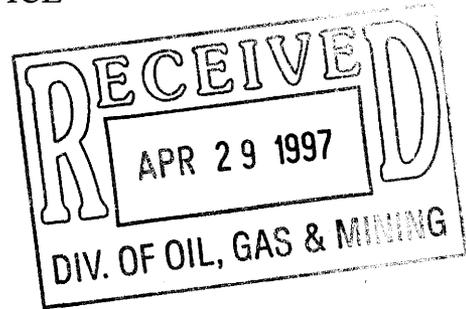




United States Department of the Interior  
FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE  
LINCOLN PLAZA  
145 EAST 1300 SOUTH, SUITE 404  
SALT LAKE CITY, UTAH 84115



In Reply Refer To  
(CO/KS/NE/UT)

April 23, 1997

Pamela Grubaugh-Littig, Permit Supervisor  
Utah Coal Regulatory Program  
Division of Oil, Gas and Mining  
1594 West North Temple, Suite 1210  
Box 145801  
Salt Lake City, UT 84114-5801

RE: Federal Lease U-024316, Application for Mining the Fank Seam, Co-Op Mining Company, Bear Canyon Mine, ACT/015/025-97-1, Emery County, Utah

Dear Ms. Grubaugh-Littig:

We have received your letter of April 1, 1997 and are concerned about how current the information is in the permit application. In Section 10.3.2.4 Birds, it states that two species of involved birds are on the endangered species list. These include the bald eagle and the peregrine falcon. The status of the bald eagle was down listed from endangered to threatened in 1995.

Later in this same Section it states: *Further investigations were made during 1987 to confirm these assumptions. Potential areas of impact (mine site, haul road, and utility corridor) were pointed out and marked on a map.* There is no map cited for the reader to find this information.

In Section 10.3.3.2 Raptors - it states that two species of endangered raptors may be found in the mine plan area. Please see previous comment about the bald eagle.

The FWS recommends that Chapter 10 - Fish and Wildlife Resources be updated as data becomes available.

The FWS recommends that the raptor surveys should not only continue to monitor known nests, but should be expanded to include the entire permit area to locate any new nests. Any nest located within the subsidence zone should be monitored and appropriate actions taken (nest relocation, removal, etc.) to protect them if subsidence occurs. "Taking" of any nest requires the appropriate federal permits.

The application states in Section 10.6 Fish and Wildlife Monitoring that Co-Op will take all necessary measures to ensure the power transmission poles and/or structures are safe. Because of additional experience, design development, and research, the FWS recommends that all power

lines that are temporary or permanent, conform with designs shown in both the Avian Power Line Interaction Committee's (APLIC) 1994 and 1996 publications, "Mitigating Bird Collisions with Power Lines: The State of the Art in 1994," and, "Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996," prepared for the Edison Electric Institute/Raptor Research Foundation, Washington, D.C.

Section 3.3.5 Power System, Transmission Lines and Substations - this Section should state that all power systems and transmission lines will be raptor proofed as stated in Section 10.6.

Thank you for the opportunity to review the renewal application. Should additional issues of concern arise, we may provide comments at a later date.

Sincerely,

A handwritten signature in cursive script that reads "Reed E. Harris".

Reed E. Harris  
Utah Field Supervisor