

C/025/005 Incoming
cc: Joe



United States Department of the Interior
FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
2369 WEST ORTON CIRCLE, SUITE 50
WEST VALLEY CITY, UTAH 84119

March 10, 2016

RECEIVED

MAR 14 2016

DIV. OF OIL, GAS & MINING

In reply refer to:
06E23000-2015-CPA-0031

Daron R. Haddock
Coal Regulatory Program
Utah Division of Oil, Gas & Mining
P.O. Box 145801
Salt Lake City, Utah 84114-5801

RE: Alton Coal Development, North Private Lease: Greater Sage Grouse Management Plan.

Dear Mr. Haddock,

The Utah Division of Oil, Gas and Mining (UDOGM) has issued a permit to Alton Coal Development, LLC (Alton Coal) to mine coal resources located approximately 0.8 miles south east of the town of Alton, Utah, known hereafter as the North Private Lease. As a condition of the permit, Alton Coal is required to develop a Sage-Grouse Management Plan (Plan), which we received on March 6, 2016. We appreciate the opportunity to review this Plan and provide feedback to UDOGM and Alton Coal.

General Comments

We commend the effort of Alton Coal to work with our office, the Utah Division of Wildlife Resources (UDWR), UDOGM, and the Color Country Adaptive Resource Management Group (CCARM) to develop its Plan. We wish to highlight the following commitments from Alton Coal that may contribute to the Plan's effectiveness:

- Identification of specific habitat types for compensatory mitigation, including an emphasis on nesting and brood rearing habitat (riparian areas and wet meadows);
- Incorporation of a 4:1 compensatory mitigation ratio (acreage) for surface disturbance as prescribed in the State of Utah's Sage Grouse Conservation Plan;
- Measures to ensure compensatory mitigation (i.e. habitat treatments) will keep pace ahead of mining disturbance; and,
- A monitoring component that includes financial assurances associated with trapping, data collection, and GPS collaring of six sage-grouse.

In order to further strengthen the Plan and ensure long-term viability of the Alton-Sink Valley sage-grouse population, we refer you to recommendations we provided on August 27, 2015, in response to Alton Coal's permit application for the North Private Lease. Specifically, we maintain that prior to the onset of mining activities, Alton Coal should create refuge habitat that includes appropriate acreage to compensate for the expected loss of brood rearing habitats. Because there is little precedent for successful restoration or creation of brood rearing habitat, we recommend Alton Coal demonstrate full

compliance with success criteria as well as habitat use by brood-rearing greater sage-grouse prior to initiation of mining activities. This recommendation is to ensure that affected sage-grouse have sufficient quantity and quality of refugia to sustain the population through the duration of mining activities and post-mining reclamation.

Specific Comments:

Page 4:

The statement reads, "Funds used for mitigation projects and habitat improvement can be channeled through the Watershed Restoration Initiative (WRI) to allow WRI partners an opportunity to review and comment on proposed treatments."

We support a process by which Alton Coal develops and funds its own mitigation and habitat improvement projects, and we support the solicitation of resource-specific expertise from WRI. It is unclear whether Alton Coal intends to solicit matching funds from WRI to support their mitigation requirements or how their funds will be channeled through WRI. We recommend Alton Coal address these details in their Plan.

Pages 6-7:

The maps associated with the Plan should also include the State of Utah's official habitat layer designations for the greater sage-grouse as they relate to the North Private Lease area. For clarity, we recommend a stand-alone map depicting the most current UDWR mapped sage-grouse habitat and seasonal designations.

Page 9:

In addition to GPS collars and annual lek surveys, the Plan indicates that Alton Coal will continue to use employee observations and monthly walking bird surveys to collect data on sage-grouse in the area. While these may provide some value, we caution that employee observations and monthly pedestrian bird surveys should not be used to gauge population estimates or define sage-grouse habitat use. From the information provided in the Plan, these survey methods do not appear to be easily replicated because no formal protocols have been identified or accepted by UDWR. Walking surveys also have potential to disturb sage-grouse during crucial seasonal life stages (i.e., nesting, early brood rearing, wintering). Instead, the most valuable and informative data regarding population size and habitat use should come from proposed GPS transmitters and UDWR annual lek surveys.

Page 10:

The statement reads, "The location and type of mitigation project will be determined from input and recommendations provided by ACD, UDOGM, UDWR, CCARM, and BLM which may be formalized in a mitigation agreement between the parties."

We agree that a mitigation agreement should be formalized by the proponent and applicable action agency. To provide additional assurance, we recommend changing the term, "which may be" to "will be."

Page 10 (Noise detection and Sound Assessment):

We recommend that more detail be included in this section. For example, we recommend that Alton Coal identify the protocol that will be used for sound monitoring, including the number and location of monitoring points, responsible parties, how the data will be analyzed, and contingency measures if noise negatively influences sage-grouse behavior.

Page 11:

The statement reads, "Where appropriate, green strips may also be created to protect sensitive habitats from fire."

From the information included in the document, it is not clear if fire is considered a threat for the North Private Lease area or in general for the entire sage-grouse population area. If Alton Coal proposes to create green strips, we recommend they provide additional detail in the Plan that references the source of the fire threat, and identifies a collaborative process to ensure appropriate design and plant species. An effective fire management strategy should be coordinated with partners across the landscape. Therefore, we recommend that Alton Coal commit to working with the Utah Department of Natural Resources, UDWR, and BLM to develop a comprehensive fire strategy.

Page 11:

We understand that as result of the previously permitted New Dame Lease, UDOGM required Alton Coal to complete 344 acres of mitigation. The mining did not occur, but Alton Coal completed the required mitigation. The Plan states that Alton Coal will credit this 344 acres of mitigation to the North Private Lease. It is not clear if all 344 acres of the New Dame Lease mitigation will be credited. The Plan does not identify the type of greater sage-grouse habitat created under mitigation for the New Dame Lease, or whether it met success criteria and is currently used by greater sage-grouse. We recommend that Alton Coal identify these details in the Plan. Mitigation should only be fully credited if it was successful and is being used by sage-grouse. If the mitigation credits do not account for sufficient brood rearing habitat to mitigate for that impacted by the North Private Lease at a 4:1 ratio, additional mitigation acreage will need to be identified for creation or restoration.

Thank you for your continued coordination with us while you refine and implement this Plan. Please contact me at 801-975-3330 (ext. 126) or Jay Martini, Fish and Wildlife Biologist (ext. 144), if we can be of further assistance.

Sincerely,



for Larry Crist
Utah Field Supervisor

