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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 16, 1997

Mary Ann Wright
Associate Director of Mining
Utah Coal Regulatory Program
Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, UT 84114-5801

ACT/041/002
Folder #2
Copy Aaron

RE: Determination of Administrative Completeness for Permit Renewal, ACT/041/002-97PR, SUFCo Mine, Canyon Fuel Company, LLC, Folder #3, Sevier County, Utah

Dear Ms. Wright:

We have received your letter of March 19, 1997 and are concerned about how current the information is in the permit renewal application. A map of the known inactive and active nests in the application appears outdated. Twelve nests were identified and were dated in which they were surveyed. Ten of these nests were dated 1987 and 1988, and two nest had the dates 1981 and 1982. In Chapter 3, the application states that known raptor nests will be monitored on a yearly basis using helicopter flights near the end of May. However, the results of these flights were not found in the renewal application, in the yearly reports, or on any map. All text, maps and appendices should be updated with current data and information.

The U.S. Fish and Wildlife Service 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~~. Three nests (2 inactive, 1 active) are currently located on the edge of the subsidence zones. 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.

In Section 3.5.8.3 it states that the applicant knows it is illegal to take any endangered or threatened species, nests, or eggs because of the Endangered Species Act. A similar statement should be included about the taking of other raptors and migratory birds, their nests, eggs, and young (especially golden eagles). Raptors and migratory birds are protected under the Migratory Bird Treaty Act and the Bald Eagle Protection Act.

The application stated that the electric power lines were modified in 1981 for the protection of raptors. 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.

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 Harris
Field Supervisor