From:	Rhett Boswell
To:	Joe Helfrich
Cc:	Dustin Schaible; Amy_Defreese@fws.gov; Carmen Bailey; Nicki Frey; Bill James; JASON ROBINSON
Subject:	Re: Sage Grouse Report
Date:	Thursday, May 02, 2013 12:09:34 PM
Attachments:	RBoswell comments ACD progress report 2013.doc

Joe,

I have put together some general comments on the ACD progress report. I look forward to meeting on this in the near future. I appreciate the opportunity to provide input.

Thanks,

Rhett

On Thu, Apr 11, 2013 at 3:03 PM, Joe Helfrich <joehelfrich@utah.gov> wrote:

> Friends,
> The folks at the Coal Hollow Mine, (owned by Alton Coal Development Co.), have compiled their Sage grouse monitoring and habitat treatment data for 2012. I sent out a draft earlier, this is the final version and is open for discussion and comment. Comments are most welcome by way of "E" mail and I would ask that they be submitted to me by May 2nd. I would also like to schedule follow up meetings with DWR and FWS in order to meet the consultation requirements of our coal regulations I will be contacting you to set up an appropriate time, I will plan on driving to Panguitch, the mine or Cedar City to meet with the DWR folks and can meet with Laura, Amy and Melissa pretty much any time when I'm not in the field.....Looking forward to your input.....Joe
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> --
> *Joseph C. Helfrich*
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> *Utah Division of Oil Gas & Mining*
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General comments and suggestions for ACD's Greater Sage-grouse progress report 2013

R. Boswell - UDWR

Page 5.

The report list a total of 56 birds in Ford's Pasture. This may be a bit misleading, it would be hard to confirm that there are 56 individuals there; the same group may have been flushed over and over. It is accurate to say they are using Ford's and it is currently safe to say they are using it in the winter. The Ford's Pasture birds could very well be using the sink valley area. The last sentence makes it seem that the Ford's birds are a separate population from the sink valley birds (no evidence currently to refute or confirm this) but in other parts of the report they are all lumped together.

Page 9.

The "number of birds" column in table 2 is a bit misleading in that it is a total number from multiple flushes/observations in the same survey area. There *may* be as many as 70 individuals in these areas but one must consider that double counting is likely happening. A simple side note could explain this to readers. Also, this "70 birds" is used throughout this report as evidence of a general increase in birds in sink valley since mining began. 56 of those 70 *observations* were made in Ford's Pasture on one survey night with half a dozen flushing events. Is this report using observations in sink valley and ford's pasture to draw conclusions on the overall population as it relates to mining activity?

Page 10.

Last sentence of last paragraph: Is this statement eluding that these birds are acclimating to major disturbances? If birds are displaying in the presence of disturbance (helicopters, "begee's", other noise) that does not mean they are not being impacted. Most research suggests that sage grouse are very sensitive to these levels of disturbance and noise. The birds observed displaying are instinctually trying to attract mates to breed. Research suggests the importance of hens being able to audibly detect strutting males. The birds may be getting used to the mine but that doesn't mean that their breeding success is not being hindered by the disturbance in the area.

Page 13

Last two sentences of first paragraph: Same concern as above on page 10. These sentences are making a major sweeping assumption that breeding is not being impacted by the mine. Displaying behavior is still occurring, yes, but how can conclusions be made that breeding activity is not being impaired?

Page 17

Vegetation Enhancement and Revegetation: Can ACD list exactly who paid for these treatments and provide documentation for the report? It appears that the rabbit brush was not mowed prior to herbicide application; is that true? is that effective? It appears from the photos that the rabbitbrush is seeded out and not actively growing.

Page 20.

SUMMARY

Item #2: Is 12 birds the official count from DWR or the mine? The actual count on the traditional lek should be listed here along with other lekking behavior in the area.

Item #4. Again these numbers cannot assume total individuals and may be misleading to the reader. Also, weren't 56 of the 70 birds recorded from Ford's Pasture? Why is it listed here as being in the "valley"?

Item#5. This is a misleading assumption as a total of 7 chicks where observed according to table 2. The observations of chicks are good data and do confirm successful breeding. However, it is problematic to assume that "sage-grouse are completing nesting and brood rearing activities near the mine" for the area's population based on 7 chick sightings. If the mine claims that as many as 70 birds are in the area then 7 chicks is dismal breading success. Of course we can assume that not all birds and chicks were detected with the surveys from the mine. The latter fact alone makes it hard to suggest that brood rearing and nesting is being completed near the mine without more robust evidence.

Item#6: Caution should be used in stating that sage grouse are "habituating" and "not being impacted to the degree predicted" from activities associated with mining. It seems that both these assumptions are based on a "general increase in bird observations in the Alton area since mining has begun". A general increase in observations may be a function of observer effect. The amount of eyes looking for grouse in the area has increased exponentially since mining began. Before the mine the only observations were DWR annual lek counts and some research from USU/SUU. It could be interpreted as scientifically irresponsible to make such sweeping assumptions in a yearly progress report based on "a general increase in observations".