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December 22, 1980

Mr. Ken Hutchinson
Price River Coal Company
P.O. box 29
Helper, Utah 84526

RE: Price River Coal Company
Braztah Complex
ACT/007/004
Carbon County, Utah

Dear Mr. Hutchinson:

Earlier this year, litigation brought by industry and other plaintiffs resulted in a favorable decision by the U.S. Court of Appeals for the District of Columbia Circuit. Judge Flannery's decision called for certain regulations to be remanded for revision. Among those which were remanded for revision were regulations requiring mine plans to contain fish and wildlife information and a plan (30 CFR 779.20, 780.16, 783.20 and 784.21). Similarly, the Utah Board of Oil, Gas and Mining suspended the corresponding state regulations at their November hearing in order that Utah's program would be acceptable to the Secretary under Flannery's ruling. Thus, at this time Utah has no regulations requiring wildlife information and a plan and could not disapprove a mine plan lacking these items. However, it is likely that the operator will need to present in some manner the method of compliance with wildlife and reclamation performance standards which have remained intact.

The Division views this situation as an opportunity to work with the operators in formulating regulations which are more compatible with Utah's program. Your input is sincerely welcomed for the revision of these regulations.

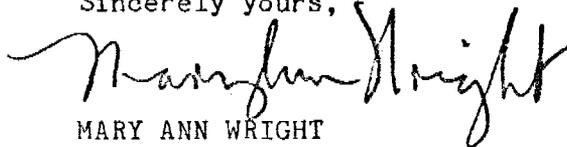
The enclosed wildlife information guidelines were compiled by the Division as a result of the consultation begun earlier with the agencies having jurisdiction over fish and wildlife and habitat in the mine plan area. Due to the legal status, as explained, these guidelines are simply a suggestion to the operator at this time.

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Also enclosed are the guidelines for the design and construction of electric power lines for compliance with performance standard part UMC 817.97(c).

Should any questions arise concerning these matters, please call me.

Sincerely yours,



MARY ANN WRIGHT
RECLAMATION BIOLOGIST

MAW/te

Enc: Guidelines

cc: Shirley Lindsay, O.S.M.
Clark Johnson, U.S.F.W.S.
D.W.R., S.E.R.O.

Price River Coal Company
Braztah Complex
ACT/007/004

Guidelines for Fish and Wilflife and Habitat
Information Pursuant to UMC 783.20

Aquatic Studies

1. Biological Community Survey - UMC 817.57.

Area: Any streams to be impacted by development of surface operations within 100 feet of the streams, specifically Willow Creek and Crandall Canyon Creek.

Time: Spring, Summer.

Purpose: Determine the presence or absence of any "biological communities", as defined in UMC 817.57 for the designation of buffer zones. The Division will make buffer zone determinations.

2. Habitat Survey

Area: Any streams which will be disturbed for significant stretches.

Time: Spring and Fall.

Purpose: Determine the following physical characteristics of existing aquatic habitat: stream velocity, gradient, sinuosity, depth, width, pool-riffle ratio, substrate types, aquatic vegetation, riparian vegetation, seasonal temperature and d O2.

Terrestrial Studies

1. Raptor Survey

Area: Areas to be disturbed plus a zone of 1 km. radius surrounding the sites.

Time: February through June.

Purpose: Assess occurence and location of any raptor breeding sites.

2. Migratory Birds of High Federal Interest Survey

Area: Areas of proposed disturbance.

Time: Spring and Summer.

Purpose: Assess occurrence of these species on the areas of proposed disturbance.

3. Upland Game Birds Survey

Area: Areas of proposed disturbance.

Time: Spring and Summer.

Purpose: Assess the presence of any critical areas for these species.

4. Federally Listed Threatened or Endangered Species Survey

For your information, the U.S. Fish and Wildlife Service letter is enclosed.

5. Survey of All Other Vertebrates—Amphibians, Reptiles, Birds and Mammals

Area: Mine plan area.

Time: Literature survey and general field observations.

Purpose: Provide information on presence and preferred habitat type for all species inhabiting the mine plan area. Present habitat preference information to correlate with data collection from habitat (vegetation) studies.

6. Habitat Survey

Area: Mine plan area.

Time: Year-round.

Purpose: To assess the condition, trend and types of habitat within the mine plan area. In the course of other field studies, areas of special use for wildlife, such as heavily used riparian areas, large mammals dens and snake dens, should be noted and mapped. Refer to vegetation guidelines.