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CLEON B. FEIGHT
Director

DIVISION OF OIL, GAS, AND MINING
1588 West North Temple
Salt Lake City, Utah 84116
(801) 533-5771

January 8, 1979

Mr. Clark Johnson
Coal Coordinator
U.S. Fish & Wildlife Services
Federal Building
Salt Lake City, Utah

Dear Mr. Johnson,

The Division of Oil, Gas, and Mining hereby requests clarification of the matter of Plateau Mining Company's application for an Access Road Right-of-Way (#4-39779) from the Bureau of Land Management at it's Star Point Mines. Presently, there appears to be a conflict of viewpoint on the responsibility of approval for this 4,671 ft. Right-of-Way. The Division's present understanding from the Bureau of Land Management is that the Bureau of Land Management is awaiting a clearance from the U.S. Fish & Wildlife Service, while in contrast, the U.S. Fish & Wildlife Service has given the Division the understanding that the matter is in the Bureau of Land Management's hands.

The U.S. Fish & Wildlife Service's concern for wildlife values is understandable, but it seems that an extraordinarily long time has elapsed since the U.S. Fish & Wildlife Service was requested by the Bureau of Land Management to make a determination on wildlife impacts for the Right-of-Way. Attached with this letter is a history of the situation which the Division believes to be accurate. The Division of Oil, Gas, and Mining would therefore appreciate an

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immediate clarification of who has the present responsibility for the next step in the consultation and approval process for the Right-of-Way and when that step will be taken.

We appreciate your cooperation and are awaiting your reply.

Sincerely,

Cleon B. Feight
Cleon B. Feight
Director

Enclosure:

cc: Chauncey Powis, Governors Office
Representative John Galt, Legislature
Gordon Harmston, Director of Department of Natural Resources
Paul Howard, State Director, Bureau of Land Management
T.F. Baily, Plateau Mining
Don Crane, Office of Surface Mining
Leon Bregman, Price Area Manager, Bureau of Land Management
Denise Dragoo, Special Assistant, State Attorney General

PLATEAU MINING COMPANY'S RIGHT-OF-WAY APPLICATION HISTORY

January 8, 1979

February 23, 1978

Submittal of r.o.w. application to the Bureau of Land Management by Plateau Mining Company.

April 27, 1978

Plateau Mining Company was notified by the Division of Oil, Gas, and Mining that their present access and haul road exceeds the grade requirements set forth in the interim regulations of the Surface Mining Control and Reclamation Act of 1977 (PL 95-87).

May 3, 1978

Board of Oil, Gas, and Mining Order extending the deadline to November 4, 1978 for Plateau Mining Company to provide an access and haul road which meets the grade requirements of PL 95-87.

May 5, 1978

Submittal of additional information by Plateau Mining Company to The Bureau of Land Management for Right-of-Way.

July 17, 1978

Plateau Mining Company's submittal to the Bureau of Land Management of revised location for Right-of-Way.

August 17, 1978

Division of Wildlife Resources completed a consultation on wildlife for the Bureau of Land Management and approved the project with stipulations for cessation of construction between November 1 and May 15, due to the use of the general area by Bald and Golden Eagles during the winter months.

September 1978

Memorandum to the Bureau of Land Management Environmental Assessment Coordinators to provide for endangered species reviews for projects on the Bureau of Land Management land.

October 6, 1978

Bureau of Land Management requested an endangered species consultation from the U.S. Fish & Wildlife Service due to winter use of the general area by Bald Eagles (an endangered species). U.S. Fish & Wildlife Service explained that consultation could not proceed until the President signed the extension of the Endangered Species Act (ESA).

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October 16, 1978
Completion of Environmental Assessment Report (EAR) by the Bureau of Land Management on Access Road Right-of-Way with a Memorandum to the Bureau of Land Management Area Manager requesting stipulations set forth by Division of Wildlife Resources on August 17, 1978.

October 26, 1978
U.S. Fish & Wildlife Service requested the Bureau of Land Management to conduct a raptor and nest site survey.

November 4, 1978
Compliance deadline for Plateau Mining Company on its access road.

November 8, 1978
President signed extension of ESA
Memo from the Bureau of Land Management Area Manager to Bureau of Land Management State Director requesting Right-of-Way endangered species consultation with U.S. Fish & Wildlife Service be expedited.

November 15, 1978
Raptor and nest site survey made by Bureau of Land Management Biologist. Observations made:
a. Two Golden Eagles
b. One Redtailed Hawk
c. One Cliff stick nest $\frac{1}{2}$ mile east of proposed road.
d. One possible cliff stick nest about 500 feet above Star Point #1 mine portals.

December 18, 1978
U.S. Fish & Wildlife Service visit to site. No observations made due to weather.

January 3, 1979
Bureau of Land Management and State Division of Oil, Gas, and Mining biologists visit to site. Observations:
a. Same nest site observations as on November 15, 1978.