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ACT/007/016

STATE OF UTAH
NATURAL RESOURCES & ENERGY
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Cleon B. Feight, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

February 26, 1982

Mr. Dave Chenoweth
Arco Coal Company
555 17th Street
Box 5300
Denver, Colorado 80217

RE: Power Line and Raptor Protection Policy

Dear Mr. Chenoweth:

Since there has been some confusion and misunderstanding regarding power lines and raptor protection, the Division has adopted the following policy.

Pursuant to UMC 817.97(c) (SMC 816.97[c] for surface mines) which states:

> "A person who conducts underground (surface) coal mining activities shall ensure that the design and construction of electric power lines and other transmission facilities used for or incidental to the underground (surface) mining activities on the permit areas shall be designed and constructed in accordance with the guidelines set forth in Environmental Criteria for Electric Transmission System (USDI, USDA [1970]), or in alternative guidance manuals approved by the Division. Distribution lines shall be designed and constructed in accordance with REA Bulletin 61-10, Power Line Contacts by Eagles and Other Large Birds, or in alternative guidance manuals approved by the Division. For informational purposes, these two documents are available at the OSM Office, U. S. Department of the Interior, South Interior Building, Washington, D. C. 20240, at each OSM Regional Office, District Office and Field Office, and at the Central Office of the Division."

The Division will evaluate compliance as outlined below.

For "new" poles or when old poles on existing lines are replaced, the operator should design and construct these poles according to the design criteria of the above-mentioned guidelines.

Board/Charles R. Henderson, Chairman • John L. Bell • E. Steele McIntyre • Edward T. Beck
Robert R. Norman • Margaret R. Bird • Herm Olsen

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For pre-Law poles (those constructed prior to 1977), the operator has two options:

Option 1

All poles with hazardous configurations shall be physically modified according to the criteria set forth in the guidelines above or according to plans approved by the Division. The operator will have 180 days to make the necessary modifications.

Option 2

Certain existing power line poles may be exempted from modification based upon United States Fish and Wildlife Service (USFWS) surveys of existing power lines and their recommendations. If not already completed, the survey should be conducted and the results submitted to the Division within 180 days of receipt of this notification. Adequate plans for modifying those poles requiring modification (as indicated by the survey) should be submitted to the Division for approval within 45 days of the survey and should be modified within 45 days of the Division's approval of the modification plans. If raptor populations or behavior changes dictate, future surveys may be required and additional poles modified. In the event a raptor is electrocuted on a pole that had not been previously recommended for modification, the Division may require several poles in that area to be modified.

Should you have any problems or questions, please don't hesitate to contact Lynn Kunzler or Susan Linner of my staff.

Sincerely,

JAMES W. SMITH, JR.
COORDINATOR OF MINED
LAND DEVELOPMENT

cc: Richard Dawes, OSM
Clark Johnson, USFWS
Douglas F. Day, DWR

JWS/LMK:btb