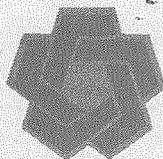


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STATE OF UTAH
NATURAL RESOURCES & ENERGY
Wildlife Resources

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Douglas F. Day, Division Director

Jim Smith

1596 West North Temple • Salt Lake City, UT 84116 • 801-533-9333

March 13, 1984

FILE ACT/007/016, #2

Copy to Steve

Dr. Diane R. Nielson, Director
Utah Division of Oil, Gas and Mining
4241 State Office Building
Salt Lake City, UT 84114

Attn: James Smith

Subject: Beaver Creek Coal Company's Response to ACR for MRP at Gordon Creek
No. 2 Mine

Dear Dianne:

The Division has evaluated Beaver Creek Coal Company's February 23, 1984 response to stipulations for the draft final technical analysis on the Mining and Reclamation Plan at the Beaver Creek No. 2 Mine. Generally speaking, the response is adequate. However, the comment in the fourth paragraph on page 10-18 that indicates the company was authorized to remove two raptor nests is in error. Removal of only one nest was authorized, but the company removed two nests. Criminal action is proceeding under the provisions of the Federal Migratory Bird Treaty Act.

Additionally, the company's assumption on page 10-19, paragraph 2 and 3, that mitigation measures identified in tables 10-1 and 10-2 fulfill their obligations under UMC 817.97 is incorrect. The development of 4 acres of riparian habitat during final reclamation at Gordon Creek 3-6 mines is a mitigation stipulation for their certificate of registration to legally take the one raptor nest. It is likely that only 0.5 acres of riparian habitat can be developed during reclamation of the 3-6 mines, but the company is obligated to develop a total of 4 acres of riparian. Therefore, the MRP must become explicit that 4 acres of riparian development will be conducted in coordination with DWR. It is probable that a single area for riparian development will be selected remote to the mining operations, due to the limited potential in that area.

Thank you for an opportunity to review the MRP and provide comment.

Sincerely,

Douglas F. Day, Director
DIVISION OF WILDLIFE RESOURCES

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