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December 22, 1980

Mr. Tom Paluso
Soldier Creek Coal Company
P.O. Box AS
Price, Utah 84501

RE: Soldier Creek Coal Company
Hidden Valley Mine
ACT/015/022
Emery County, Utah

Dear Mr. Paluso:

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.

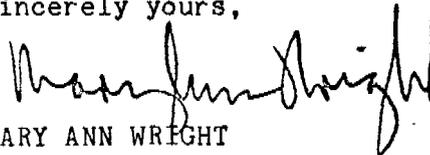
The enclosed wildlife information guidelines were compiled by the Division as a result of the consultation begun earlier with the agencies having jurisdiction over fish and wildlife and habitat in the mine plan area. Due to the legal status, as explained, these guidelines are simply a suggestion to the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

Soldier Creek Coal Company
Hidden Valley Mine
ACT/015/022

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

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 occurrence and location of any raptor breeding sites.

2. Federally Listed Threatened or Endangered Species Study

The letter from the U.S. Fish and Wildlife Service is attached for your information concerning listed species on the mine plan area. The Division of Wildlife Resources has suggested checking the area for prairie dog colonies since such sites are potential habitat for the black-footed ferrets.

3. Survey of All Other Vertebrates--Amphibians, Reptiles, Birds and Mammals

Area: Mine plan area.

Time: Literature surveys and general observations year-round.

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. The purpose of the survey is to discuss the potential and actual vertebrate species occurring in relation to the habitat which will be disturbed at the site.

4. Habitat Survey

Area: Mine plan area with particular attention to the areas to be disturbed.

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. See Vegetation Information Guidelines for Coal Mines, revised June 6, 1980, by the Division of Oil, Gas and Mining.