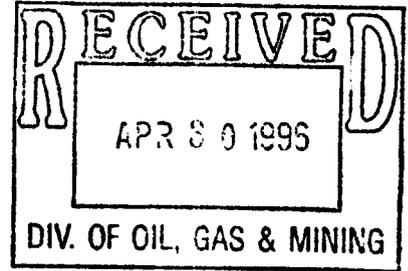




United States Department of the Interior

FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
 LINCOLN PLAZA
 145 EAST 1300 SOUTH, SUITE 404
 SALT LAKE CITY, UTAH 84115



In Reply Refer To

April 26, 1996

Wm. J. Malencik
 Division of Oil, Gas and Mining
 3 Triad Center Suite 350
 Salt Lake City UT 84180-1203

Fax Bill, Copy Joe
ACT/015/009 #2

Dear Mr. Malencik:

This responds to your letter of April 19, 1996 concerning a permit amendment from PacifiCorp for facilitating prior approved first mining in accordance with the recently approved resource recovery and protection plan on the third, fourth, and fifth east panel setups at the Trail Mountain Mine amendment number ACT/015/009-96A.

A pair of peregrine falcons, an endangered species, are now using the escarpment area adjacent to the aforementioned first mining area. At this time no nest site has been identified. Our concern for this pair of birds is the protection of the nesting area for future nesting attempts. This amendment is for first mining which would not induce subsidence of the escarpment. The Service therefore believes that first mining in this area would not affect the peregrine falcon.

Sincerely,

Reed E. Harris

Reed E. Harris
 Utah Field Supervisor

 * P.01 *
 * TRANSACTION REPORT *
 * MAY-01-96 WED 08:30 AM *
 * SEND(M) *
 * DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *
 * MAY-01 08:28 AM PRICE FIELD OFFICE 1'41" 3 SEND (M) OK 052 *
 * TOTAL 1M 41S PAGES: 3 *



State of Utah
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF OIL, GAS AND MINING

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Michael O. Leavitt
 Governor

Ted Stewart
 Executive Director

James W. Carter
 Division Director

UTAH DIVISION OF OIL, GAS AND MINING
 FACSIMILE COVER SHEET

DATE: 5/1/96

FAX # _____

ATTN: Bill Malenzik

COMPANY: PFO

FROM: Fain Grubbaugh-Littig

DEPARTMENT: DOGIM

NUMBER OF PAGES BEING SENT (INCLUDING THIS ONE): 3

If you do not receive all of the pages, or if they are illegible,
 please call (801) 538-5340.



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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801-538-5319 (TDD)

April 29, 1996

Val Payne, Sr. Environmental Engineer
PacifiCorp
Energy West
P.O. Box 310
Huntington Utah 84528

Re: Facilitate Mining with Approved Resource Recovery and Protection Plan (R2, P 2), 3rd, 4th, 5th East Development, 4th and 5th East Longwall Panels, PacifiCorp, Trail Mountain Mine, ACT/015/009-96A, Folder #2, Emery County, Utah

Dear Mr. Payne,

As of the writing of this letter I am in receipt of comments from the U.S. Fish and Wildlife Service, U.S. Forest Service, Bureau of Land Management, and Susan White, Jesse Kelley and Bill Malencik of our staff. It is my understanding that Bill Bates, Utah Division of Wildlife Resources, Biologist from the Price Resource area has verbally concurred with the State and Federal Entities in attendance at the meeting held in Salt Lake on April 25th, 1996 that first mining for the development of longwall panels in the referenced areas will not affect the presence of the Perigrine Falcon. With that in mind our agency is approving the referenced amendment as follows:

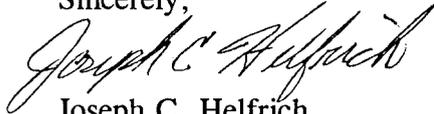
- The approval of amendment 96A is valid for first mining only as described in the Bureau of Land Managements approved R2 P2 and must not be considered, implied, or construed that follow-up longwall mining beneath the escarpment will be approved on 4th and 5th longwall panels as a result of the approval of first mining, until such time as a subsequent amendment is submitted and cleared through other responsible coordinating agencies.
- Mining of the bleeder and setup entries associated with the 4th East Longwall panel will not proceed beyond the Castle Gate escarpment.
- The permittee must resubmit maps delineating this change.



Page 2
ACT/015/009-96A
April 29, 1996

Enclosed is a stamped copy for incorporation into your approved Mining and Reclamation Plan. Please send one additional copy for the Divisions files at your earliest convenience.

Sincerely,



Joseph C. Helfrich
Permit Supervisor

enclosure

cc:

M. Page - DWR Price (w/o enclosure)
D. Ariotti - Health Price (w/o enclosure)
B. Bates - Wildlife Price (w/o enclosure)
PFO

H:payne.wpd