

File

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
AREA OFFICE COLORADO-UTAH
1311 FEDERAL BUILDING
125 SOUTH STATE STREET
SALT LAKE CITY, UTAH 84138

May 19 , 1980

IN REPLY REFER TO:

Mr. Cleon B. Feight, Director
Division of Oil, Gas, and Mining
1588 West North Temple
Salt Lake City, Utah 84116

Attention: Mary Ann Wright

RE: Consolidation Coal Company
Emery Deep Mine
ACT/015/015
Emery Surface Mine
ACT/015/003 (proposed)

Dear Mr. Feight:

We have reviewed the correspondence of February 2, 1980 generated by Ms. Mary Ann Wright of your staff in regard to these mining operations. Included with this correspondence were study guidelines and an Inspection Memorandum provided to the Consolidation Coal Company. We concur on the materials presented on those documents.

Recently, we were in receipt of additional information that we felt should be brought to your attention. According to the planned operation, the proposed Emery surface mine would remove the Muddy Creek drainage in the permit area and replace it at the completion of mining. It is our impression that the Division of Oil, Gas and Mining, as the regulatory authority under the permanent program, will have to address unsuitability criteria in mine plan approval procedure.

Adjacent to the Consolidation Coal's Emery surface proposal is an area being considered for future leasing by the Department of the Interior for coal mining. In the Departmental application of unsuitability criteria, the Mud Creek drainage was considered an alluvial flood plain and as such has been eliminated from the leasing proposal for surface mining. This may have some relationship to your activities in land unsuitability for mining determinations for the proposed Emery Surface Mine.

Also, this mine permit area is located in the range of the following endangered species.

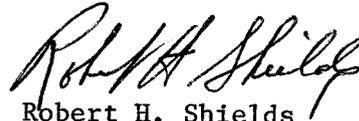
1. Bald Eagle, Haliaeetus leucocephalus
2. Peregrine Falcon, Falco, peregrinus anatum
3. Wright Fishhook Cactus, Sclerocactus wrightiae

4. Utah Prairie Dog, Cynomys parvidens
5. Black Footed-ferret, Mustela nigripes

The company should ascertain whether any of these species do occur in this permit area.

This letter constitutes our Fish and Wildlife Service response to your consultation procedures in regard to the subject mine plans. If we can be of further assistance, we would be more than happy to provide the same.

Sincerely,



Robert H. Shields
Area Manager