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U.S. FISH AND WILDLIFE SERVICE
1311 FEDERAL BUILDING
125 SOUTH STATE STREET
SALT LAKE CITY, UTAH 84138

August 13, 1983

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Copy to G. M. Lynn

MEMORANDUM

TO: Acting Deputy Administrator
Technical Service Center West
Office of Surface Mining
Denver, Colorado
Attention: Shirley Lindsay

FROM: Field Supervisor, Ecological Services
Fish and Wildlife Service
Salt Lake City, Utah

SUBJECT: Utah Power and Light Company's response to the ACR for
Deer Creek Mine's MRP

RECEIVED
AUG 17 1983
JIM
AUG 17 1983
DIVISION OF
OIL GAS & MINING

We have evaluated Utah Power and Light Company's response to the apparent completeness review (ACR) for the Mining and Reclamation Plan (MRP) at the Deer Creek Mine. Our comments evaluate how the Company's response addresses issues that were stated in our letter of February 4, 1982 to your office and not specifically the Company's response to the Utah Division of Oil, Gas and Mining's ACR.

We are unsure that our raptor nest data has been transferred to the Company. We offer the following comments to address our concerns and improve the MRP. We also suggest that the Company include a map in the MRP showing the locations of these nests if they have not done so already.

Page 34 (last paragraph): The Company will avoid new or unnecessary activities near raptor nests when they are active and will informally consult with the USFWS when proposed activities will potentially impact active nesting attempts.

Page 36 (1st paragraph): The Company should provide maps or a table indicating which areas and how many acres are to be revegetated in the riparian community.

We believe the suggested changes will put the Company into a posture that complies with "The Eagle Protection Act" and the "Migratory Bird Treaty Act", as well as pertinent parts of UMC 817.97. The FWS will rely on the judgement of your office as to what further actions are to be required of the Company in terms of enhancement (817.97a).

Please don't hesitate to contact us if further clarification is required.

cc: RO/HR, DEN
DWR, SLC
DOGM, SLC

