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STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

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March 13, 1986

Mr. Chris Shingleton  
Utah Power & Light Company  
P. O. Box 899  
Salt Lake City, Utah 84110

Dear Mr. Shingleton:

RE: Meetinghouse Canyon Breakout, Utah Power & Light Company,  
Deer Creek Mine, ACT/015/018, #13, Emery County, Utah

This letter is to document that various conversations and letters among yourself, Val Payne (Emery Mining Corporation [EMC]), Bruce Waddell, Clark Johnson (U. S. Fish & Wildlife Service [USFWS]) and myself constituted consultation on the effect of the North Fork Meetinghouse Canyon breakout on birds of high federal interest.

My conversations with the various parties indicated that there was a misunderstanding on the reason for the required consultation. USFWS did not request the "consultation language" at the time of permitting because they were unsure of the breakout location. The Mining and Reclamation Plan (MRP) maps clearly identified its proposed location in Meetinghouse Canyon although various revisions differed on the number of portals proposed. The main purpose of the consultation was to insure that a site investigation of the portal area be conducted before breakout. The potential impacts on cliff or tree nesting raptors and cavity nesting birds were of particular concern.

For this consultation, Val Payne provided background material for a letter from the Division to the USFWS, conducted a site visit and provided a report on that visit to both the Division and the USFWS. While snow conditions prevented access for observation of tree nesters, the potential for conflicts with cliff nesters was evaluated. Val was also planning to "take a look" for problems from the inside after breakout.

**FILE COPY**

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Based on the available data, the USFWS agreed with Val's assessment of no significant conflict between the breakout and birds of interest.

It is my understanding that another breakout is planned for the South Fork of Meetinghouse Canyon and that Utah Power & Light Company is also committed to consultation for this breakout. The Division and the USFWS would appreciate it (and heartily recommend) that the site inspection be performed during the summer prior to expected breakout and that the data be reported to give the agencies sufficient time to evaluate it and develop mitigation measures if conflicts are identified. Providing data at the last moment (as was done for the North breakout) is much more likely to result in a delay of mining than if the necessary biological assessment is performed with ample time for review.

We appreciate Val Payne's efforts in this consultation.

Sincerely,

  
Kathryn M. Mutz  
Reclamation Biologist

kmm  
cc: C. Johnson  
V. Payne  
J. Whitehead  
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