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December 19, 1980

Mr. Merrill Heward
Manager, Mining & Exp.
Utah Power & Light Company
P.O. Box 899
Salt Lake City, Utah 84110

RE: Utah Power & Light Company
Wilberg Mine
ACT/015/018-B
Emery County, Utah

Dear Mr. Heward:

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.

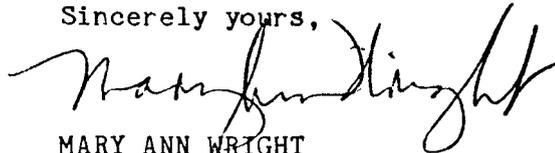
The enclosed wildlife information guidelines were compiled by the Division as a result of the consultation begun earlier with the agencies having jurisdiction over fish and wildlife and habitat in the mine plan area. Due to the legal status, as explained, these guidelines are simply a suggestion to the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

Mr. Merrill Heward
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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,

A handwritten signature in cursive script, appearing to read "Mary Ann Wright".

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.R.O.

Utah Power & Light Company
Wilberg Mine
ACT/015/018-B

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

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Terrestrial Studies

1. Federally Listed Threatened or Endangered Species Survey

For your information concerning threatened and endangered species, the U.S. Fish and Wildlife letter is provided.

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

Area: Mine plan area.

Time: Literature survey.

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.

3. Habitat Survey

Area: Mine plan area.

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. Refer to vegetation guidelines.