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STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Dianne R. Nielson, Ph.D., Division Director

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November 14, 1985

CERTIFIED RETURN RECEIPT REQUESTED
(P402 457 256)

Mr. Val Payne
Emery Mining Corporation
P. O. Box 310
Huntington, Utah 84528

Dear Mr. Payne:

RE: Wildlife Mitigation for Wilberg Waste Rock Dump and Wilberg to Des-Bee-Dove Road, Utah Power & Light Company, Des-Bee-Dove Mines, ACT/015/017, #2, Wilberg/Cottonwood Mine, ACT/015/019, #2, Emery County, Utah

On about October 25, 1985 I spoke with both you and Larry Dalton, Utah Division of Wildlife Resources (UDWR), about the proposed mitigation for wildlife habitat lost in construction of the Wilberg/Des-Bee-Dove Waste Rock area and the Des-Bee-Dove to Wilberg haul road. Basis for the wildlife mitigation is UMC 817.97, and specifically, as stated, for example, in the Des-Bee-Dove Decision Document: "The applicant has also committed to working with the UDWR to establish improved critical deer winter habitat to off-set the displacement of habitat by the Des-Bee-Dove/Wilberg Junction Road."

Our conversation in late October confirmed that both Emery Mining Company (EMC) and UDWR are thinking along the same lines, particularly:

1. UDWR and EMC have discussed the mitigation and generally agree that wildlife habitat should be replaced on a productivity (rather than acre for acre) basis in the vicinity. Old roads and trails in the area should be revegetated for wildlife and a small clearing developed at the end of one of the roads to be closed.

2. EMC has conferred with the Soil Conservation Service and the Bureau of Land Management on potential productivity of the area in order to establish the number of acres to be developed.

You had also indicated that EMC wants to include the imminent closure of an existing 3,500 feet of road in the plan and that submission for the revision to replace the 3,500 foot road with a much shorter road is due to the Division in November.

Whether or not this additional road is included in the plan, the Division would like to see the mitigation plans finalized this winter so that construction/revegetation can be completed in the summer/fall of 1986. It appears that you have done most of the footwork for the project and that a written plan is all that is necessary for final review.

Please submit the plan by February 28, 1985 to give both UDWR and the Division ample time to review the plan so as not to delay your summer work schedule.

We appreciate the work you have done to date on this project. If you have any questions or would like to consult further on the mitigation, please contact me.

Sincerely,

Kathryn M. Mutz

Kathryn M. Mutz
Reclamation Biologist

kmm
cc: L. Dalton
C. Shingleton
J. Whitehead
0531R-2 & 3