



0029

STATE OF UTAH  
NATURAL RESOURCES  
Wildlife Resources

orig: ACT/015/019

cc: K. Mutz  
S. W. MitchellNorman H. Bangerter, Governor  
Dee C. Hansen, Executive Director  
William H. Geer, Division Director

Southeastern Region • 455 West Railroad Avenue • Price, UT 84501-2829 • 801-637-3310

July 16, 1987

RECEIVED  
JUL 20 1987Kathy Mutz  
Utah Division of Oil, Gas & Mining  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, UT 84180-1203DIVISION OF  
OIL, GAS & MINING

Ref: Accelerated Mining - Impacts - Mitigation for Miller/Newberry Canyons project.

Dear Kathy:

In regards to UP&L and DOGM's request during the 6-9-87 meeting for an identification of wildlife concerns relative to a proposed accelerated mining plan by UP&L, the following is offered for your consideration. As you know, the current mining in Newberry Canyon has resulted in substantial subsidence which has destroyed an eagle nest and inundated a pinion/juniper forest (critical valued deer winter range) with rocky rubble. The company has not yet tabulated these and other impacts nor made projections as they would relate to future mining. Since the current mining is a study to assess these type of impacts, and the study/mining will not be completed until mid-September, 1987, there is not sufficient predictive information to speculate on impacts or develop specific mitigation plans.

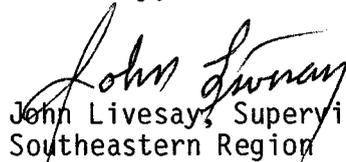
The original discussions for a permit to take Newberry Canyon eagle nests by the company suggested that mining in Miller Canyon would not occur for several years after the Newberry Canyon study was completed. This accelerated mining plan, if allowed, would necessitate decisions without benefit of the results from the ongoing study.

It is recommended that the company be encouraged to develop in other portions of the mine until an evaluation of the current study is completed. It is unlikely that such an evaluation and permitting of the mining planned for March, 1988 in Miller Canyon can occur in the next seven months. Regardless, the company should plan to avoid mining/subsidence impacts beneath raptor nests between February 1 and July 15 of any year. If subsidence were to impact a raptor nest, appropriate and acceptable mitigation needs to be planned. Additionally, mitigation for damaged deer winter range will also need to be addressed.

Kathy Mutz  
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Kathy, to the Division's knowledge the company has not yet identified potential impacts to vegetation, hydrologic circumstances or wildlife from this proposal. Unquestionably, the responsibility for impact identification lies with the company. Once they have provided impact identification based on the current study, the Division can more appropriately respond.

Sincerely,

  
John Livesay, Supervisor  
Southeastern Region

JL/LBD/dd

cc: Darrell Nish  
Clark Johnson, USFWS  
BLM (San Rafael Resource Area)  
Rod Player, USFS