0044

File ACT/007/001
Folder #2

VALLEY CAMP OF UTAH, INC.

Scofield Route
Helper, Utah 84526

29 July 1983

Mr. Lynn Kunzler
Division of Oil, Gas & Mining
4241 State Office Building
Salt Lake City, Utah 84114

RE: Wildlife Concerns
ACT/007/001

Dear Mr. Kunzler:

Thank you for your assistance thus far in alleviating some of the concerns of the U. S. Fish and Wildlife Service pursuant to your May correspondence. I apologize for the delayed response and hope it hasn't effected any additional undue concerns.

(May 17, 1983)

This response is structured directly to your letter, so the following paragraphs correspond directly to your specific comments and are numbered accordingly.

1. Valley Camp does acknowledge the existence of riparian habitats, however small they may be. This is documented in previous permit verbiage.

   By definition, i.e. "an impinging, striking....forceful contact" impact appears as somewhat strong verbiage, if used in conjunction with occurrences related to riparian habitat which might possibly be construed as being under our control. This particular area would be Whiskey Canyon, and maybe a more appropriate word for describing the disturbances which have occurred along this drainage would be "effected".

   Certainly, Eccles Canyon Creek could be viewed as being impacted as a result of early on area mining activity, but with the paving of this State Highway, future problems related to degradation should be minimized. I would imagine this particular section of creek would be the recipient of varied enhancement projects by both Valley Camp and Coastal States Energy Company as time goes by. At this point in

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time, however, a firm commitment as to type of enrichment cannot be predicted.

Whiskey Canyon does provide a stretch of riparian habitat through the mine permit area, but it is not being impacted as severely as some people depict. Between the mine complex and Eccles Canyon, the closest the mine access road comes to Whiskey Creek is approximately 250 feet. The average distance between the creek and the road is approximately 350 feet. The area below the road is covered with very dense vegetative cover and disallows snow blown sediment from entering the creek. The only areas which provide an access to the creek are the natural drainages. All culvert drainage from the road into these areas is passed through sediment basins before it is allowed to continue down the drainages to Whiskey Creek.

2. Most of the road downslopes are recovering a vegetative cover through naturalization. Once the road paving is complete, we will then attempt revegetation of these downslopes with a permanent seed mix approved by the Division. For achieving the best results in revegetation, I would anticipate revegetative activities to take place either in the spring or fall of 1984.

3. Valley Camp does realize that some wildlife will be affected in a permanent nature. We do not know what type species will be affected or the magnitude or duration of these effects.

   Valley Camp has previously submitted committal statements obligating the applicant to mitigation measures and wildlife protection, as well as enhancement.

   We have also committed to maintaining a close working relationship with the DWR, and as enhancement opportunities become apparent, the applicant will be more than willing to participate in projects which will result in preservation of the environment. Valley Camp is assuredly not intending to rape the environment or destroy the wildlife, but then the applicant is not contemplating establishing a miniature game preserve either.

4. The USF & WS, and apparently, other government agencies' philosophy concerning use and development of public natural resources is also shared by industry and the general public. The inclusion of

this concept into in-house practice by the USF & WS would be greatly appreciated, I'm sure, by the general public. Specific applications of this philosophy might be in the development of reservoir fisheries vs. municipal drinking water, and big game management for private hunting associations (e.g. United Sportsmen).

Specific recommendations have been made by the USF & WS regarding enhancement and mitigation; however, many of these are completely unreasonable or idealistic and simply cannot be incorporated into the applicant's Wildlife Plan.

The following statements are directed to the September 13, 1982 letter from the USF & WS:

a. The grazing leases within the mine plan area are either federal or private leases, and the applicant has no jurisdiction whatsoever over this type land use. The applicant leases private properties adjacent to U. S. Forest Service lands for the purpose of mining, not for control of grazing. Even though the applicant realizes the importance of this area's high value range, we cannot allocate any animal units per month on any land for wildlife. The USF & WS needs to realize that big game grazing is not pre-eminent to many property owners.

b. The applicant leases some surface properties in the area, but most of the area is not under our management. The only areas which might possibly have caused destruction to snags would be the areas of surface disturbance, i.e. roads, load-out complex, Belina Mines Surface area. The only other disturbance would be subsidence, and this would not destroy the habitat features; maybe rearrange them, but not destroy them.

c. With the abundance of trees in this area and the scarcity of bluebirds, the suggestion to build bird condominiums is absurd.

5. It is very possible that the statement concerning the goshawks and Cooper's hawks' ability to "generally tolerate considerable human impact", made by Dr. White, might have been taken from a study directed towards determination of hawk nesting success near

hiking trails and campgrounds, and not specifically coal trucks, bulldozers or conveyor systems. In recognition of this possibility, and in hopes of averting a "snail darter" situation over semantics, please delete that statement from page 87, Section 784.21, Volume III.

Please remember, however, that both the goshawks and Cooper's hawks nests were located in Eccles Canyon, presumably on the opposite side of the road from the applicant's proposed conveyor route and that between that proposed route and the nests are:

(1) State Highway No. 96; and (2) a second proposed conveyor route previously approved. The applicant will accept responsibility for impacts that might occur to these species as a result of its direct mining operations. This would exclude other coal company activities entirely, and traffic on and reconstruction of, Utah State Highway No. 96.

I hope this response will be sufficient for determination of completeness for the technical analysis.

I appreciate the Division's efforts thus far, in their attempts to maintain a position of reasonableness and practicality, during the permitting process.

Please contact me if you have further concerns.

Sincerely,

T. G. Whiteside
Chief Engineer