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DIVISION OF WILDLIFE RESOURCES

EQUAL OPPORTUNITY EMPLOYER

0016



DOUGLAS F. DAY
Director

1596 West North Temple/Salt Lake City, Utah 84116/801-533-9333

August 11, 1981

Mr. Cleon B. Feight, Director
Division of Oil, Gas and Mining
1588 West North Temple
Salt Lake City, Utah 84116

Attention: James Smith

Dear Jack:

The Division has reviewed the Mining and Reclamation Plan (MRP) submitted by Kaiser Steel Corporation for the Sunnyside Mines. As you know, the Division has provided the applicant with significant input concerning wildlife, impacts and recommendations for a mitigation plan. In the area of wildlife, the MRP fails to discuss crucial periods of time or the ranked value of habitats for high interest wildlife. The MRP also makes evaluations and assumptions that were not confirmed or concurred with by the Division. Since the MRP is a public document, it must be adjusted to be correct. Some of the erroneous information provided by the MRP is not even appropriate for the document. Our specific comments are enclosed.

Thank you for an opportunity to review the MRP and provide comment.

Sincerely,

Douglas F. Day
Director

Enclosure

Acting Director

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UTAH DIVISION OF WILDLIFE RESOURCES REVIEW COMMENTS ON THE MINING AND RECLAMATION PLAN (MRP) SUBMITTED BY KAISER STEEL CORPORATION FOR THE SUNNYSIDE MINES

Volume I

Section 1.2 (i) - The MRP should identify historic and planned uses for coarse refuse material for uses other than road construction, if any, on the permit area. The MRP should briefly discuss mitigation plan to keep this material from moving into Grassy Trail Creek.

Section 3.2.9; 3.2.10; 3.4.3.2; and 3.4.9 - The MRP fails to discuss in detail the sediment control plan in relation to coarse refuse material used on road systems within the permit area.

3.4.6.1 - The MRP fails to discuss potential impacts that could result from harassment or unintentional disturbance by individual employees while on the permit area.

3.4.6.2 - The Company could cause significant mitigation for impacts on wildlife throughout the remaining life of the mine from education of its employees. Utah Division of Wildlife Resources has offered its services at the Companies' convenience to present periodic seminars to employees for such a purpose.

The MRP does not discuss a need for timing of future developments so that human activity is precluded or lessened when practicable during crucial periods for wildlife.

Volume II

9.6.2 - The MRP indicates that the applicant may utilize "limited hunting" as a control measure for the effects of wildlife on vegetation. Since all hunting in the State of Utah is controlled by Utah Division of Wildlife Resources the MRP should be appropriately modified.

9.7 (d) - Statements made concerning planting times in the MRP seem to be in conflict:

9.7 (d) - Seed in late fall. This philosophy is acceptable.

9.7 (g) - Hardened seedlings to be planted in late fall. This philosophy is acceptable if plants are in state of dormancy.

3.5.5.2 - Seed in late fall and transplant seedlings in spring before dormancy ends. This philosophy is acceptable.

3.5.6.1 - Table III-6 - Transplanting to be done in all weeks of April and May. This philosophy is acceptable; however, after the second week of May there could be problems with available soil moisture.

Table III-6 - Application of seed between the last two weeks of May and the last of July would be with great risk in the local area due to high temperatures and low available soil moisture.

- 10.3.2.2 - The data provided by the applicant relative to classification of various types of winter range is no longer valid. It was taken from a 1967 publication. There is now more up-to-date information on this material. Similar comment is provided for the deer population numbers developed in 1977; they have been modified due to improved techniques.

Data relative to numbers of mule deer are not needed in the MRP. It would behove the applicant to eliminate the statement on deer numbers from the MRP since those reported are outdated.

Inhabitation of the area the applicant describes as severe winter range by deer is realized in most winters. It is important to note that during severe winters the deer are restricted due to snow depths to just the severe winter range.

The questions raised and assumptions made by the applicant relative to deer herd unit 27b are of inconsequential value for the MRP. Answers to those questions could have been provided, if deemed necessary, had the applicant made a request.

The evaluation of published data on mule deer in Table X-3 is made only for the year 1979. This technique is highly questionable and professionally unacceptable in view of the fact that many years of data are available.

The units picked for comparative purposes in Table X-3 are almost all dissimilar from one another; this fact alone totally invalidates the applicant's assumptions derived from evaluation of the data. The variables that the applicant identified as needing to be equal between compared units for correct evaluation are in fact not equal. This essential background information would have been available had the applicant made a request.

Elk have been observed in the vicinity of the permit area. Through management their numbers will be increased. The applicant's determination that growth of the herd would take many years, needs to be defined or eliminated from the MRP. The Division has not yet developed any opinion on this matter.

Statements in the MRP that ". . .the permit area probably contains habitat suitable for cougars and that cougars may be present. . ." is an obvious evasion of biological facts. Unquestionably, habitat and cougar are each present on the mine plan area.

Comments provided for cougar are applicable to black bear as discussed in the MRP.

The applicant has failed to utilize the most current data available for the local area in relation to black-footed ferrets. An unconfirmed sighting of a ferret was made in 1980 just a few miles west of East Carbon City. The applicant has not contacted the Division concerning file or other information.

The MRP fails to discuss each of the species of vertebrate wildlife that have high Federal or State interest.