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FILE ACT/007/007, #2 To Mary
Copy to: Steve Mary

STATE OF UTAH
NATURAL RESOURCES & ENERGY
Wildlife Resources

1596 West North Temple • Salt Lake City, UT 84116 • 801-533-9333

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Douglas F. Day, Division Director

RECEIVED
FEB 15 1984
DIVISION OF
OIL, GAS & MINING

February 3, 1984

JIM
FEB 16 1984

Dr. Diane Nielson, Director
Division of Oil, Gas and Mining
4241 State Office Building
Salt Lake City, Utah 84114

Attention: James Smith

Dear Diane:

The Division has evaluated Kaiser Steel Corporation's September 2, 1983 response to the Apparent Completeness Review for the Mining and Reclamation Plan (MRP) at the Sunnyside Mine. Enclosed are the Division's specific comments and recommendations. Generally speaking, the company fails to recognize wildlife values associated with their project and a need for a detailed and specific mitigation plan.

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

Sincerely,

Douglas F. Day
Director

DFD:db

Enclosure

Board/Warren T. Harward, Chairman • L. S. Skaggs • Lewis C. Smith • Jack T. World • Roy L. Young
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UTAH DIVISION OF WILDLIFE RESOURCES' COMMENTS
RELATIVE TO KAISER STEEL CORPORATION'S RESPONSE
TO THE APPARENT COMPLETENESS REVIEW
FOR THE MINING AND RECLAMATION PLAN (MRP)
AT THE SUNNYSIDE MINES

Chapter X, UMC, 783.20, Fish and Wildlife Resources' Information

1. Baseline data (UDWR publication No. 78-16, Species list) exists for similar, though undisturbed, habitats as the permit area. Inferences as to impacts and changes in the biological community can be made with a reasonable amount of validity. Such baseline data was provided to the company in a letter dated March 30, 1981. This material (species list, which includes occurrance, status as protected or non-protected, as well as high interest, population trend, and preferred habitats) should be appended to the ACR.

2. Stocking of Grassy Trail Creek was discontinued in 1979. However, sampling the fishery in July of 1983 showed that rainbow trout were spawning and naturally reproducing in that stretch of stream below Whitmore Reservoir. These wild fish average 120 per mile of stream. This new information needs to be included in the MRP.

3. The ACR states that mammals of high state interest were discussed in the permit application. There are 27 species of mammals having high interest to the state of Utah and DWR has no recollection of their discussion in the permit application.

   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. This needs updating or delete it entirely from the discussion.

4. Plate X-1 does not have a delineation and classification of mule deer winter and summer range, while the ACR implies that the winter range is mapped. These delineations and classifications are available from DWR and should be mapped accordingly on Plate X-1.

   The active golden eagle nest on Plate X-1 should also have a 1 km radius buffer zone delineated and mapped around it. The buffer would preclude disturbance within this area for the protection of nesting golden eagles.

Chapter 10, UMC 817.97, Protection of Fish, Wildlife and Related Environmental Values

1. The applicant has not indicated how impact control measures, management techniques, and monitoring methods will be arrived at and implemented. Under UMC 783.20, the ACR states that "the goal of Sunnyside wildlife program is to conserve wildlife through sound management techniques and monitoring methods". Specific details under UMC 817.97 are, therefore, needed. Furthermore, the

Chapter 10, UMC 817.97 (Continued)

discussion regarding baseline data under 783.20 of the ACR has no bearing on the issue.

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 developed a slide program discussing coal mining and wildlife interactions. This is available to coal companies as an educational tool.