



0059

## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
ECOLOGICAL SERVICES  
2060 ADMINISTRATION BUILDING  
1745 WEST 1700 SOUTH  
SALT LAKE CITY, UTAH 84104-5110

OGM  
SLC  
Mr. F. V.  
J. Whitehead

IN REPLY REFER TO:

(ES)

August 7, 1985

## MEMORANDUM

ACT 1007/007  
#2

RECEIVED

AUG 09 1985

TO: Administrator  
Office of Surface Mining  
Denver, Colorado  
ATTN: Dwight Kimsey

DIVISION OF OIL  
GAS & MINING

FROM: ~~ACTING~~ Field Supervisor

SUBJECT: Kaiser Coal Corporation's Mining Permit

We have reviewed Kaiser Coal Corporation's application for a coal mining permit for completeness and have the following comments. Our copy of the application was incomplete. However, those areas of particular concern to us appeared to be present and are the basis of our review.

The Company's application states that underground water produced within the B Canyon Mine is expected to be sufficient for mining requirements. Two surface waters, Range Creek and the Price River, are listed as alternate water sources. The Fish and Wildlife Service (FWS) believes that even small water depletions from the Upper Colorado River Basin may be harmful in a cumulative sense to the endangered Colorado squawfish (Ptychocheilus lucius), humpback chub (Gila cypha) and bonytail chub (Gila elegans). To prevent the adverse effects of water depletion, FWS has, in the past, recommended that project sponsors fund certain conservation measures, based on the amount of depletions, to assure the survival of the endangered fish.

FWS suggests that the Colorado squawfish, humpback chub and bonytail chub be included as endangered species considered in the Company's project planning because they occur within the area of influence of water depletions. Also, they should develop detailed information on water requirements and sources to aid in determining if water use "may effect" endangered species.

Specific comments are:

- 3.4.6.1: Paragraphs 1 and 2 appear to be contradictory regarding surface disturbances. Is the Company talking about new surface disturbance in paragraph 1?

Also in paragraph 1, a spring is located just outside the permit area and a fishery exists in Whitmore Canyon. Will fish and wildlife resources be affected off the permit area? This should be addressed.

In paragraph 3, the Company must take appropriate measures to assure that raptor nests are not destroyed due to subsidence and that raptor nesting attempts are not impacted by activities of the Company. Nests and nesting attempts are protected under the "Migratory Bird Treaty Act" and the "Eagle Act".

- 3.4.6.2: Company activities should be conducted to prevent disturbances of nesting raptors. We have not determined if sources of potential disturbance exist that will impact these sites. However, activities such as monitoring springs, subsidence, vegetation, etc. should be avoided in close proximity to active raptor nests.
- 3.4.8; page 16, paragraph 3: Our application did not have Section 3.4.3.1. We interpret this paragraph to state that should seeps and springs on or off the permit area be affected by Company activities, the Company will rectify the situation and that should the water sources not be fully restorable, the Company will assure adequate water is available for existing uses including wildlife. If this is an incorrect interpretation, the paragraph should be rewritten to cover our concerns.
- 10.2; paragraph 2: The area surveyed for raptors should be more clearly stated or referenced on a map.
- 10.3.2.1: One spring is located immediately adjacent to the permit area.
- 10.3.3.2; paragraph 1: Do the proposed mining activities referenced include non-surface-disturbing activities such as, but not limited to, monitoring of springs, subsidence and vegetation? The statement should be clarified.

Questions or additional information needs regarding endangered species should be directed to Field Supervisor, Endangered Species Office, U.S. Fish and Wildlife Service, 2078 Administration Building, 1745 West 1700 South, Salt Lake City, Utah 84104 (telephone 801/524-4430).

Clarification of other comments or questions can be answered by contacting Bruce Waddell (FTS 588-5649).

cc: DWR, Price, Utah  
DWR, Salt Lake City, Utah  
OGM, Salt Lake City, Utah  
RO/HR, Denver, Colorado  
SE, Salt Lake City, Utah

A handwritten signature in black ink, appearing to read "Robert L. Linn". The signature is written in a cursive style with a long horizontal stroke at the end.