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ACT/007/007 #2

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

February 17, 1987

Mr. Martin P. Holmes
Permits & Regulatory Compliance
Kaiser Coal Corporation
102 South Tejon Street, Suite 800
Colorado Springs, Colorado 80901-2679

Dear Mr. Holmes:

Re: Division of Wildlife Resources Comments, Kaiser Coal Corporation, Sunnyside No. 5 Permit Application, ACT/007/007, Folder #2, Carbon County, Utah

Attached are copies of the Utah Division of Wildlife Resources comments on their review of the Sunnyside No. 5 permit application. Please incorporate responses to these items in Kaiser's revised application for the Sunnyside No. 5 permit application when it is filed with this office.

Sincerely,

John J. Whitehead

John J. Whitehead
Permit Supervisor/
Reclamation Hydrologist

JJW:djh
Attachments
cc: J. Fricke
0800R/52

Orig [illegible]
cc J. Whitehead
L. Braxton

STATE OF UTAH
NATURAL RESOURCES
Wildlife Resources

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
William H. Geer, Division Director

1596 West North Temple • Salt Lake City, UT 84116-3154 • 801-533-9333

January 26, 1987

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DIVISION OF
OIL, GAS & MINING

Dr. Dianne R. Nielson, Director
Utah Division of Oil, Gas & Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, UT 84180-1203

Attn: John Whitehead

Ref: Sunnyside No. 5 MRP

Dear Dianne:

The Division has reviewed the initial application by Kaiser Coal Corporation for a Mining and Reclamation Permit to develop a Sunnyside No. 5 Mine in C Canyon. Since their initial application, the company has made known substantial modification to their plans (5.3 mile long overland coal conveyor system for A Canyon to the existing central facilities in Whitmore Canyon, along with a parallel access road). Note that our page specific comments only reflect the initial plan as submitted, although substantial impacts to wildlife are anticipated from the overland conveyor and the second access road.

The Division has serious concern for development of two major roads serving the same project facilities. As you know, the original access road proposed for C Canyon was acceptable, providing that appropriate mitigation resulted. However, a second all weather road to parallel the conveyor and access A canyon now changes our position. It is understandable that the company needs to make daily inspections of the conveyor and the associated A Canyon facility. A conservation of financial resources and a lessening of environmental impacts would result if the conveyor road were designed to serve as the only access route to C Canyon as well as A Canyon and conveyor inspections.

The enclosed attachment identifies the Division's concerns and comments on the initial plan. However, we await Kaiser's amendment to the Plan concerning the conveyor and second access road. In summary, however, the

MRP lacks sufficiently in the arenas of complete and accurate wildlife resource information as well as an adequate wildlife mitigation plan. Larry Dalton, Resource Analyst, is available to assist the company in these endeavors.

Sincerely,

William H. Geer
Director

Utah Division of Wildlife Resources Review Comments on Kaiser Steel Corporation's Mining and Reclamation Plan (August, 1986) as proposed for their Sunnyside No. 5 Mine.

Page 783.19-3 -- The plan fails to identify the riparian resource associated with the No. 5 permit area. All of the canyon floors and areas immediately proximal to seeps and springs support this type, which is of critical value to wildlife. Note that none of the canyons have perennial waters. Thus, the riparian is only represented by enhanced growth of upland vegetation due to periodic concentration of water along the canyon bottoms and the cooler zone caused by this shading.

Pages 783.19-13 and 783.19-27 -- The brief discussion of "wash vegetation" is not considered adequate for riparian. Also, "wash vegetation" is not the popularly accepted term; riparian is the accepted term.

Page 783.20-1 -- Riparian is a critical valued wildlife habitat present on the Mine Plan area. It should be identified and discussed, especially since construction impacts will occur in this type.

Page 783.20-1 -- Elk are present on the Mine Plan area and are specifically identified by the applicant as not being there in the MRP. As a matter of interest, six elk were observed in B Canyon during October 1986, indicating summer use. Detailed wildlife resource information has been provided to the applicant (September 29, 1986) concerning the occurrence of wildlife on the project area. It needs to be incorporated into the MRP.

Page 783.20-5 -- Big game distribution maps depicting relative ranked values (critical, high-priority, substantial and limited) of seasonal use areas are available to the applicant and should be included in the MRP.

Page 783.20-4 -- The applicants wildlife studies conducted as 1 Km long line transects are cursory at best and serve no practical purpose. Studies to determine wildlife species occurrence, relative abundance and population trend have been completed for this general area by Utah Division of Wildlife Resources and provided to the applicant on 9-29-86. They should be included in the MRP. This data will modify most of the pages in Section 783.20.

Page 783.20-8 (Table 17) -- The applicant has utilized data that is nearly 20 years old (1967). More current and substantially different data is available and should be included.

Page 784.21-3 -- The MRP failed to identify the ranked value of the acreage (26 acres) to be lost to wildlife. Riparian habitat and big game winter range are known to be involved.

Page 784.21-5 -- The mitigation plan fails to identify a need to replace (create) critical valued habitats such as riparian areas that will be lost. Also, loss of a seep or spring, if it were to occur, will require mitigation; guzzlers are recommended. These considerations must be included in the MRP.

The road to be developed as the primary access from State Highway 123 to the permit boundary is for the sole purpose of accessing Kaiser's proposed new

facility in C Canyon. It is our understanding that Kaiser will pay Carbon County for construction of such. Therefore, the road should be considered as an off-site facility and be addressed by the Mine Plan. This road will result in substantial loss to valuable wildlife habitat.

Page 784.21-6 (Subsidence) -- The MRP indicates that "many of the more important raptor nesting areas" would be protected by their subsidence barrier pillars. All raptor nests are protected by State and Federal law. The MRP must fully explain anticipated impacts to raptors and mitigation.

Page 817.21 -- Relative abundance of cliff nesting raptors associated with the project is considered to be common. Nesting is correlated with prey base and 1984 and 1985 were low population years in a typical cycle for rabbits in the project area. The resident breeding population of raptors is not known to have been reduced, nor would the expected natural cycle conditions of prey be expected to have significant impacts on the stability of the raptor population.

Page 817.22 and 784.21-7 -- The pumping of mine water is for the convenience of mining operations and is not considered as a mitigation. It certainly would qualify as an enhancement of wildlife habitats associated with the project. Note that enhancement where practicable is a requirement of performance standards 817.97(a).