0032

Orig file
cc 2-21-96 LPB
JWC
UB

Horizon Coal Corporation

P.O. Box 2560
Wise, VA 24273

RECEIVED
FEB 20 1996
DIV OF OIL, GAS & MINING

February 14, 1996

Robert G. Valentine
Department of Natural Resources
Division of Wildlife Resources
1596 West North Temple
Salt Lake City, Utah 84116-3195

Re: Answer to October 31, 1996 Letter to Division of Oil, Gas and Mining
Horizon Coal Corporation Proposed Mining and Reclamation Plan
PRO/007/020 #2

Dear Mr. Valentine:

This letter is Horizon Coal Corporation's (HCC) response to the Division of Wildlife Resources concerns expressed in the letter referenced above.

Dated Material

HCC will update the mine permit document with the most current information concerning wildlife from DWR.

Narrow Focus of the Plan

The plan is prepared in accordance with DOGM guidelines and regulations. The plan is focused on the permit area and adjacent areas, however considerations for impacts in the region have been evaluated:

No impacts associated with trucking coal are addressed because Horizon's plans are consistent with historical use and public policy regarding zoning and use of county roads.

The impacts of mining on water quantity (flows) and quality are addressed at length in the mine permit application (updated information will be included in February 1996 permit application revision). Potential impacts on quantity (flow) to springs, seeps and streams is addressed in the Probable Hydrologic Consequences (PHC) discussion contained in Chapter 7. It is supported by baseline data collected since April 1989. Potential impacts to ground water quality are addressed in the PHC. Surface waters within the disturbed area are contained by a sediment control system of ditches and ponds. All waters captured within this system are monitored for quality and must meet quality specifications before being discharged. Chemical spills would be captured in this system.

Reference to Gordon Creek Wildlife Management Area

HCC will update Plates 4-1 & 10-1 to show the location of the Gordon Creek Wildlife Management Area.

Mitigation for Truck Traffic on County Road Through Gordon Creek Wildlife Management Area

No mitigation is applicable for the use of the county road through the Gordon Creek Wildlife Management Area. Horizon Coal Corporation will truck coal on this road in a manner consistent with public policy and the historic use of the road. Carbon County has zoned lands in the county for their respective multiple uses. The lands within the mine permit boundary are zoned "mining and grazing". The present county road has existed since the late 1800's serving more than 10 different mines in the Gordon Creek area. Even today, heavy truck traffic for logging operations is using the road with no significant adverse impacts to the Gordon Creek Wildlife Management Area. Before establishing the Gordon Creek Wildlife Management Area, DWR must have evaluated the impacts of locating a wildlife management area straddling a road for planning enhancement efforts.

Removal of Road-Killed Deer and Elk

HCC is sensitive to the hazard that road-killed deer and elk would pose to eagles feeding on carcasses or other motorists. HCC agrees to remove road killed deer and elk on the county road from Wildcat Coal Loadout to the Horizon Mine site when the coal mine is operating. Occurrences of road kill will be reported to DWR.

Streams in the Permit Area and Baseline Data

HCC will clarify the names of streams and springs in the permit area on maps and documents in the permit application (February 1996). The permit boundary will not include the North Fork of Gordon Creek. The tributary stream previously called the North Fork of Gordon Creek in theHorizon Permit will be called Jewkes Creek. By definition, DOGM Regulations, Jewkes Creek is an intermittent stream. Baseline data collected since April 1989 will reflect high water years of 1995-1996 as well as drought years of 1990-1992.

Fugitive Coal Dust

As part of the mine permit, HCC will secure an air quality permit from the Utah Division of Air Quality. Compliance with terms of this permit will provide protection to Gordon Creek/North Fork of Gordon Creek (USGS).

Cutthroat Trout in Gordon Creek

No portion of North Fork of Gordon Creek lies within the mine permit boundary (February 1996 modification). The drainage plan for the disturbed area provides containment and control of all waters discharged from the mine as a protection to downstream ecologies.

As a point of information, it is no surprise that Cutthroat Trout have been observed in the North Fork of Gordon Creek. Dan Guy told us the Division of Wildlife Resources planted fingerlings in the stream over a three year period (1984-1986) in response to suggestions by the employees of the Gordon Creek Coal Company. Several of those people provided volunteer labor to DWR during planting. It is a surprise to us that DWR does not maintain records or conduct surveys to evaluate the performance of its projects.

The survival of these cutthroat trout is positive evidence that previous mining operations had no adverse impact on the water quality in the North Fork of Gordon Creek.

It would be inappropriate to require HCC to conduct trout studies outside the permit boundary. Measures to protect downstream waters are included in the mine permit application.

A Small Wetland

HCC acknowledges a small wetland along Jewkes Creek in the mine permit application. A Section 404 Permit from the Corp of Engineers for the .42 acre site will be obtained. Appropriate mitigation will be established in that permit.

Seed Mix

HCC will add Wyoming Big Sagebrush to the shrub component, if compatible with DOGM requirements.

Access Roads to Core Hole/ Monitoring Roads

The reclamation of access roads to these drill sites is under the jurisdiction of BLM. Reclamation bonds are in place.

Mitigate Displaced Habitat of Surface Facilities

The site of HCC's surface facilities will be located at the site of old mine facilities. DWR in the October 31, 1996 letter acknowledges:

> "We recognize that the area where the old mine facilities have been located has been in a disturbed state for many years. Local habitat will be greatly enhanced if this area is reclaimed well."

In time HCC will reclaim the surface facilities that it builds, enhancing this habitat. HCC's activities will provide a net gain in habitat. Additional off site mitigation is inappropriate.

Access to County Road that Bisects Permit Area

HCC will maintain public access to the county road through National over Beaver Creek.

Please feel free to contact Vicky Bailey, EarthFax Engineering (801) 561-1555 or myself at (303) 989-4242 to answer any questions that you may have.

Sincerely,

Bradley J. Bourquin

Bradley J. Bourquin, P.E.
Project Manager

copy:
James W. Carter, DOGM, SLC UT
Pamela Grubaugh-Littig, DOGM, SLC UT
Vicky Bailey, EarthFax Engineering, Midvale UT
Oliver Gushee, Pruitt Gushee & Bachtell, SLC
Richard Gilliam, Horizon Coal Corporation, Wise VA