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STATE OF UTAH
NATURAL RESOURCES
Wildlife Resources

*009 Mine file
cc L. B. ...
Shaner*

Norman H. Bangerter, Governor
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April 4, 1988

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DIVISION OF
OIL, GAS & MINING

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

Attn: Susan Linner

Dear Dianne:

The Division has evaluated Soldier Creek Coal Company's new permit application for a Mining and Reclamation Plan (MRP) at their Banning loadout facility. The following comments are offered for your consideration.

Page 1-4, Surface Water - Grassy Trail Creek, which is perennial and lies proximal to the loadout facility, does not lie within the permit boundary. Although it evidences high suspended sediment and total dissolved solids, its value to local wildlife as drinking water is considered to be critical. Since the ephemeral wash on the permit area does discharge into Grassy Trail Creek, discharges must meet NPDES standards.

Page 1-5, Wildlife Resources - Before the facility was developed, pronghorn antelope were observed daily at its location and in the environs immediately adjacent there to. Over the years, a concentration of use by antelope proximal to the facility has been identified. As a result, this area is ranked as being of critical value to antelope. The MRP should identify this situation as well as elaborate to the extent that impacts have existed for 12 years and will continue for life of the project.

Page 2-1, Paragraph 1 - The total disturbed area within the 36 acre permit site is 25.6 acres and not 20.9 acres as identified on page 1-5 (vegetation). The applicant does not plan to reclaim 4.7 acres associated with the access road. This should be fully identified on page 1-5. Additional development of the facility by the applicant may cause further loss of the 10.4 acres currently undisturbed within the permit area.

Page 2-11 (2.6), Paragraphs 2-3; and Page 2-14 (2.7.3), Fish and Wildlife Control Plan - The MRP indicates that mitigation for loss of 25.6 acres of critical valued yearlong antelope range will be the mere reclamation at the project's termination. Already this loss has extended over a 12 year period and there is no prediction for just when the project will terminate.

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Reclamation is a project dictate regardless of whether or not any wildlife values would have been lost. Therefore, the applicant must mitigate for the loss of 25.6 acres of critical valued antelope range. If plans exist to damage additional acreage within the 36 acre permit area, mitigation should be planned and implemented.

It is recommended that the applicant fence a 250 foot wide corridor along Grassy Trail Creek beginning at the north end of Section 21 (T 15 S, R 12 E), and extending downstream for one mile. Fences should be an equal distance from the stream and be built to Bureau of Land Management specifications for antelope passage. The intent is to create two riparian pastures that exclude livestock. Two pastures separated by a 50 foot gap will facilitate livestock access at a point mid section to Grassy Trail Creek. This would also allow livestock movement within the already existing allotment. The two riparian pastures should not have gates. About 30 acres of the best quality vegetation in the area would be enhanced. Additionally, the company must install a 1,000 gallon self-contained guzzler in the SWSE Sec. 7, T 15 S, R 12 E. This guzzler must be fenced to BLM specifications to exclude livestock use. Placement of a guzzler would facilitate improved water distribution for antelope.

All of the land associated with this mitigation project is managed by BLM. Also, BLM's Grassy Trail Habitat Management Plan addresses these types of wildlife enhancement, thus no environmental assessment work would be needed. It is estimated that contract cost for the two riparian pastures would total \$9,000, and the guzzler would cost \$2,500.

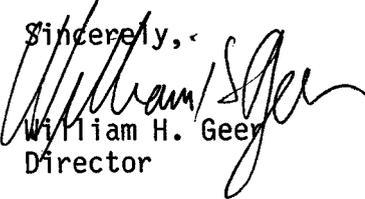
Once installed, the BLM would accept long term operation/maintenance costs. It would be the applicants responsibility to fully coordinate the mitigation with BLM's Price River Resource Area office in Price, Utah. The Division has discussed this mitigation with BLM and they find it to be reasonable and acceptable.

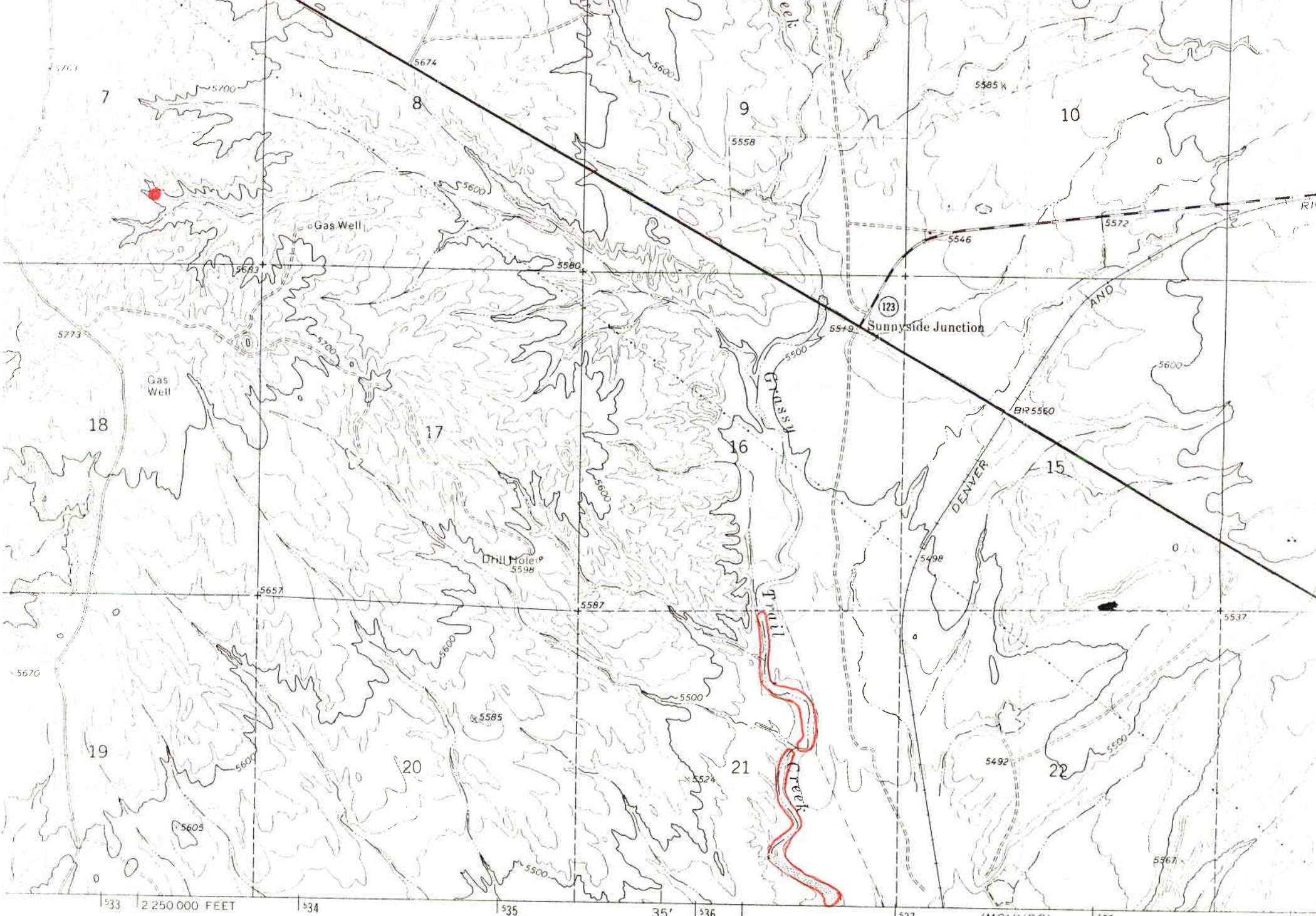
Page 3-6 (3.5), Last Paragraph; and 3-7 - Crimp discing of alfalfa or native grass hay is an excellent technique. However, this procedure may fail if revegetated areas are not protected by fence. Intense use by livestock and wildlife of the local area is well documented.

Page 3-10 (3.6), Revegetation, First Paragraph - The MRP should be modified to indicate that broadcast seed will be covered by a specific technique such as chain dragging or harrowing.

Thank you for an opportunity to review and provide comment.

Sincerely,

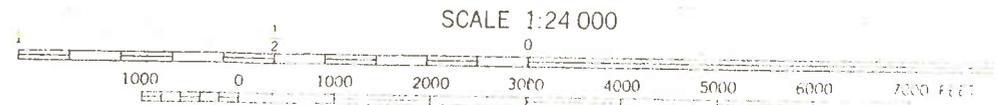
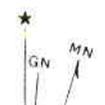

William H. Geer
Director



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