



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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January 4, 1994

Robert D. Williams, State Supervisor  
United States Fish and Wildlife Service  
2060 Administration Building  
1745 West 1700 South  
Salt Lake City, Utah 84104-5110

RE: Fish and Wildlife Service Permit Renewal Comments, Soldier Creek Coal Company,  
Banning Loadout, Folder #2, ACT/007/034, Carbon County, Utah

Dear Mr. Williams:

We appreciate your response to our August 13, 1993, letter requesting a list of threatened, endangered or candidate species that could occur in the general area of the Banning Loadout. Your letter identified five threatened or endangered species and one candidate species that could occur in the area of influence of the loadout.

You also said that there was no record in the Service's files that the issue of surface water depletion was ever addressed in the original permitting of the Banning Loadout. Any depletion of water from the Colorado River system creates a "may affect" situation on endangered fish of the Colorado River system. You stated that it needs to be determined whether the operation of the Banning Loadout includes use of surface waters that otherwise would have reached the Colorado River.

Tom Paluso of Soldier Creek Coal Company, operator of the Banning Loadout, has informed us that all of the water used at the loadout comes from a sump at the truck dump. Some of this water drains from the coal, and some of it is ground water that seeps into the sump. There is no use of surface water; therefore, there should be no effect on the endangered fish of the Colorado River system.

Please let us know if you need further information.

Sincerely,

A handwritten signature in cursive script that reads "Daron R. Haddock".  
Daron R. Haddock  
Permit Supervisor

cc: Tom Paluso

