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

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December 23, 1998

TO: File

THRU: Daron Haddock, Permit Supervisor 

FROM: Paul Baker, Reclamation Biologist 

RE: Response to Wildlife Concerns, Sunnyside Cogeneration Associates, Sunnyside Refuse and Slurry, ACT/007/035-98A, Folder #2, Carbon County, Utah

**SUMMARY:**

On September 17, 1998, the Division received a proposal from Sunnyside Cogeneration Associates to revise wildlife information in its mining and reclamation plan. This was in response to permit renewal comments from the Division of Wildlife Resources and the Fish and Wildlife Service. A revised submittal was received December 18, 1998.

**TECHNICAL ANALYSIS:**

**FISH AND WILDLIFE RESOURCES INFORMATION**

Regulatory Reference: R645-301-322

**Analysis:**

The Division of Wildlife Resources (DWR) commented that bighorn sheep and moose have been found adjacent to the permit area and that elk are transient residents of the area. They said this information should be included in the plan, and the applicant has proposed to add basic biological information about these species and their status in the area to the plan. This response satisfies the comments from DWR.

Both DWR and the Fish and Wildlife Service felt raptor surveys should be conducted by the company to determine nest site locations near the permit area. In a letter dated February 25, 1998, the applicant said they feel it is highly unlikely that its mining and reclamation activities would negatively affect raptor nesting sites. Therefore, they did not feel the recommendations to conduct raptor surveys were justified, and a comment to this effect has been added to the application.

Considering the location of the site and the ongoing nature of activities to remine the refuse disposal area, the Division agrees that raptor studies would have little value. If new areas are to be disturbed, it could still be necessary to survey for raptor nests.

DWR and the Fish and Wildlife Service commented that the plan says bald eagles are endangered and that peregrine falcons are not discussed in the plan. Bald eagles are now listed as threatened, and peregrine falcons have been found in the Book Cliffs area a few miles from the permit area. The application now includes some basic status information about these species and mentions that peregrine falcons have been found in the Book Cliffs a few miles from the site. (Actually, the closest place where they have been found is about 20 miles from the Sunnyside Cogeneration facility.)

The Fish and Wildlife Service said measures should be taken to ensure that unauthorized discharges into Grassy Trail Creek do not occur, and both DWR and the Fish and Wildlife Service mentioned the importance of maintaining water flow in the creek. Unauthorized discharges would be subject to notices of violation, and the Division conducts monthly inspections to ensure that sediment control measures work properly. The Division is not aware of a need for additional requirements.

The applicant does not withdraw water from Grassy Trail Creek for its coal mining and reclamation operation. The only water uses over which the Division has jurisdiction are evaporation from sediment control structures and watering roads for dust control. Since this water does not come from Grassy Trail Creek, there is no way for the applicant to reduce withdrawals to maintain flow in the creek.

DWR said the applicant should include a dryland alfalfa, such as Ladak or Nomad, in the seed mixture. They also said the applicant should specify the variety *graveolens* of rubber rabbitbrush (*Chrysothamnus nauseosus* Var. *graveolens*) in the seed mixture. (*A Utah Flora* indicates this is a synonym for *C. n.* Var. *glabratus*.) Ladak alfalfa and *C. n.* Var. *graveolens* have now been included in the seed mixture, and yellow sweet clover has been removed.

**Findings:**

Information provided in the proposal is considered adequate to meet the requirements of this section of the regulations.

**RECOMMENDATIONS:**

The proposed amendment meets regulatory requirements and can be approved.