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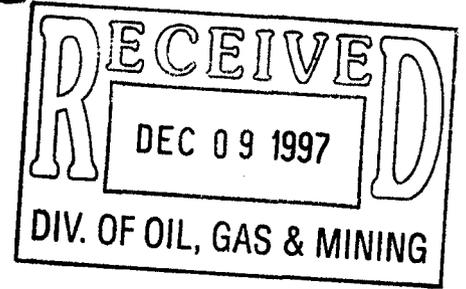


State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE RESOURCES

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December 3, 1997

Coal Regulatory Program
Division of Oil, Gas, and Mining
1594 West North Temple, Suite 1210
Box 145801
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Attn: Pamela Grubaugh-Littig

Copy Aaron Susan

Re: Determination of Administrative Completeness for New Permit, Canyon Fuel Company, LLC, Dugout Canyon Mine, PRO/007/039, Folder #3, Carbon County, Utah

3 #3

Dear Pamela:

We have reviewed the above referenced permit and would like to offer the following comments:

The construction of a new road with the associated mine and coal haul traffic has the potential to significantly impact deer in the area. Much of the area is classified as critical deer winter range and is heavily used by deer and occasionally used by elk and antelope. In order to reduce this impact and increase drivers' safety, we recommend that the mine consult with the appropriate land management agency and remove trees from the side of the road. We recommend that trees are removed up to 150 feet from each side of the road. Removing trees will not only improve the drivers' view, thereby increasing reaction time, but will also keep wildlife away by reducing cover near the road. Areas that are naturally hidden by swales would not need to have trees removed.

Vehicle speed in the area will have a significant impact on deer mortality. We recommend that a speed limit of 40 miles an hour be set for mine personnel and specifically coal haul trucks. If certain areas have higher deer mortality than others, then the speed limit should be further reduced in those areas. Speed limits may need to be reduced even lower during dawn and dusk hours in areas heavily used by deer. Requiring an appropriate speed for the presence of wildlife in the area, will not only reduce the number of deer killed but will lessen the mines' expenses due to truck repairs.

The mine needs to institute training for drivers and employees on the hazards of deer along the haul road. This training should include yearly refreshers that include the number of deer killed and the economic loss of deer and mine equipment. The Division of Wildlife Resources (DWR) has a video and may be able to assist with training.

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Endangered Colorado squawfish are found in the Price River below the mine. The DWR needs to be immediately notified of any toxic spills that enter Dugout Creek. Adequate spill collection materials need to be readily available to contain any toxic or petroleum spills. This should include absorption material to stop or contain any contaminants that may enter the stream.

Any riparian habitat that is lost due to road and/or mine construction needs to be replaced. HEP analysis shows that this usually requires three to four units of mitigation for every one unit lost.

Lost winter range due to mine facilities and road construction will need to be mitigated at the 3:1 ratio. Roads can displace elk up to 800 meters and deer up to 200 meters from the actual road surface. This displacement disturbance will also need to be mitigated.

Mitigation projects to replace lost habitat should be specified in the permit. We have identified several projects to mitigate habitat lost due to the road. A similar project could be developed to mitigate habitat lost due to surface facilities and displacement disturbance.

As stated in the permit, the mine has the potential to impact raptors in the area. The presence of raptors in the mine area needs to be determined yearly through a helicopter survey. This survey should be done in cooperation with the Division of Wildlife Resources.

The permit references guidelines for avoiding raptor impacts from power poles put in for the mine's use. These guidelines need to offer at least as much protection as the guideline found in *Mitigating Bird Collisions with Power Lines: The State of the Art in 1994, Avian Power Line Interaction Committee (APLIC)*. 1994. Edison Electric Institute. Washington, D.C. If there is a more recent version published, it should be used instead.

Page 3-29, mountain mahogany and bitterbrush are shrubs, not trees.

Page 3-11, the deer herd unit is listed as unit 32 and the elk unit is listed as unit 24. These unit numbers have changed and are now both unit 11b.

Page 3-28, ladak or nomad alfalfa should be added to the final seed mix.

Page 3-35, refers to using vegetative species indigenous to the area. Other sections of the permit refer to using vegetative cover that will benefit wildlife. In order to maximize the post mining use for livestock and wildlife, some nonindigenous plants should be used. We especially recommend the use of a dryland alfalfa, either ladak or nomad, as well as yellow sweet clover.

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Recently planted shrub seedlings are susceptible to grazing impacts from wildlife and domestic livestock. Shrub seedlings in the area need to be monitored and if grazing occurs they should be protected by placing wire mesh cones over each individual plant. The area should also be rested from livestock grazing for at least two years following plantings.

We appreciate the opportunity to review this permit and provide our comments. If you have any questions, please call Ben Morris, Habitat Biologist, at (435) 636-0279 or Bill Bates, Regional Habitat Manager, at (435) 636-0267.

Sincerely,



John Kimball
Director