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STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dr. G. A. (Jim) Shirazi, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

February 28, 1984

Mr. Allen D. Klein, Administrator  
Western Technical Center  
Office of Surface Mining  
Brooks Towers  
1020 Fifteenth Street  
Denver, Colorado 80202

ATTENTION: Ms. Shirley Lindsay

RE: Division of Wildlife  
Resources Review  
Utah Power & Light Company  
Wilberg Mine  
ACT/015/019, Folder No. 2  
Emery County, Utah

Dear Mr. Klein:

On February 9, 1984, the Division received comments from the Division of Wildlife Resources (DWR) regarding their review of Utah Power & Light Company's (UP&L) revised (November 21, 1983) response to the Apparent Completeness Review (ACR) for the Wilberg Mine. A copy of this DWR review was given to Ms. Shirley Lindsay February 15, 1984. The Division has studied DWR's comments relative to the Wilberg MRP and requests that the Company amend the MRP as detailed below. It appears that the Company may not have coordinated with the DWR in all respects regarding fish and wildlife information, habitat classifications and impacts to these resources and, thus, the MRP contains some erroneous information, or lacks some important information, from the point of view of the State's wildlife agency. It is, therefore, requested by the Division that the applicant address the following items:

1. Wildlife information on pages 2-6 through 2-8 should be deleted as it is somewhat inconsistent with the wildlife information section of the MRP.
2. Though domestic livestock restrict their utilization of the area to high elevations, wildlife do not. Therefore, delete or clarify those portions of statements on page 2-106 that indicate little wildlife use of the steep slopes in the vicinity of the mine.

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3. The DWR supplied the applicant with wildlife information that is all inclusive and comprehensive for the East Mountain area on March 2, 1981. The DWR does not agree that the wildlife information section of the MRP and the March 1981 information are redundant. For example, the MRP utilizes 1977 information regarding mule deer and elk and more current information was contained in DWR's March 1981 report submitted to the applicant. The applicant should include the March 1981 information supplied by DWR in the MRP, perhaps as an addendum to the current wildlife information section or in an appendix.
4. The MRP's narrative relative to Scott's (1977) study is in error (page 2-160) in stating that habitats within the mine plan area are rated as "2" and contradicts information presented in Table II. Scott's ranking in Table II should be defined as "1" = critical and "2" = high priority. Table II comments regarding elk winter range are incorrect and contradict information contained in the Cottonwood Portal Impact Zone Survey (under A. Other Wildlife). This should be corrected.
5. The paragraph on page 2-164 concerning raptors is not clear. It appears that something has been inadvertently omitted since no prior discussion relative to raptors is presented in the MRP. Please clarify.
6. The applicant's assessment of habitats and use areas for the Utah mountain kingsnake and the Utah milksnake on pages 2-165 and 2-166 are contradictory to information supplied by DWR to the applicant (March 1981). Disturbed areas at the Wilberg Mine represent lost habitat for the milksnake and the disturbed area at the Cottonwood Portal represents lost habitat for the kingsnake. Additionally, disturbance at the Cottonwood Portal represents lost habitat for the tiger salamander. The MRP should be adjusted accordingly.
7. Several references have not been cited in the bibliography (e.g., Brown et al., 1958, Dalton 1977, Rawley and Bailey 1972, USDI Bureau of Reclamation 1976).
8. The Mule Deer Habitat Map (2-20) should identify summer as well as winter range. Though this information has been put on the Land-Use Map (2-19), the latter contains copious amounts of information and is very difficult to interpret. Therefore, the applicant should designate all mule deer habitat on the one map.
9. The application should include an elk habitat map delineating high-priority valued summer range as well as high priority and critically valued winter ranges. Again, though this information is depicted on Map 2-19, the latter is difficult, if not impossible, to interpret.

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10. The MRP fails to address mitigation for the sixteen (16) acre waste rock disposal site relative to mule deer. This site is located in high priority winter range. DWR apprised the Company (through its consultant, Dr. Jerry Barker, BioResources, Inc.) on July 19, 1982 of the need for mitigation planning regarding development of this site. The applicant is advised to coordinate appropriate mitigation planning with the DWR.

The Division recognizes that UMC 783.20 has been remanded from the Utah regulations. However, as is stated on page 2-159 of the MRP, the applicant feels that without baseline data a proper wildlife mitigation plan cannot be developed. The applicant is, therefore, requested to correct the inconsistencies as enumerated in Number 1 through 9 above. The item enumerated under Number 10 above is directly related to UMC 817.97(a) and must be addressed in the MRP.

Should you have any questions regarding these comments, please contact the Division at your earliest convenience.

Sincerely,

  
Mary M. Boucek  
Reclamation Biologist/  
Permit Supervisor

MMB/btb

cc: Douglas F. Day, Division of Wildlife Resources  
J. Smith, DOGM  
T. Munson, DOGM

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