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To: File

Through:  Dana Dean, P. E., Associate Director of Mining

From: Paul Baker, Minerals Program Manager 

Subject: Comments from the Division of Wildlife Resources, Red Leaf Resources, Southwest #1 Mine, M/047/0103, Uintah County, Utah

On November 29, 2011, the Division of Oil, Gas and Mining (Division or DOGM) received comments through the Resource Development Coordinating Committee (RDCC) from the Utah Division of Wildlife Resources (UDWR) concerning the reference mine. The comments are summarized below together with the Division's response.

1. Timing Restrictions

UDWR Comment: In an effort to reduce impacts to wintering wildlife, UDWR recommends seasonal timing stipulations prohibiting construction and other surface-disturbing activities from December 1st through April 15th within big game crucial winter ranges.

DOGM Response: Restricting the mining operation to a particular time period would involve shutting down the mine for a five-month period which, considering the nature of the operations and the extraction process, is not feasible. It would be outside the Division's authority to require the operator to restrict mining operations in this way. The operator may be willing to begin operations outside this time period which may allow big game to become accustomed to the mine during a season when they are less stressed than during the winter.

2. Habitat Enhancement

UDWR Comment: UDWR recommends compensatory mitigation for any direct loss of [big game] crucial habitat at a ratio of 1:4 (for each acre of direct surface disturbance, four acres are targeted for restoration efforts).

DOGM Response: The administrative rules require that an operator identify the potential impacts to state and federal threatened and endangered species and their critical habitats and the actions proposed to mitigate these impacts. Big game are not threatened or endangered species, so the recommendation is outside the scope of the Division's



regulatory authority. The Division will ensure the operator is aware of the recommendation.

3. Impacts from Increased Traffic

UDWR Comment: Traffic-related impacts should be considered in the overall evaluation of the project. Possible mitigation could include partnering in the installation and maintenance of wildlife crossing structures and associated fencing along portions of Seep Ridge Road that provide access to the project.

DOGM Response: As discussed above, it is outside the Division's regulatory authority to make this requirement. In addition, Uintah County commented that the roads "... are clearly within the domain of county jurisdiction and not related to the matter on which Red Leaf has an obligation nor a right to negotiate."

4. Reclamation Plan

UDWR Comment: The proponent should develop a reclamation plan outlining the methods and measure to be taken for interim and final reclamation. The reclamation plan should specifically address all aspects of successful reestablishment of vegetation crucial to the survival of mule deer, including seed storage, proper timing and planting methods, etc. The reclamation plan should outline appropriate reclamation objectives, especially for browse plant cover.

DOGM Response: The plan includes details of topsoil salvage and replacement, surface preparation, seed mixes, and seeding methods. The seed mixes in the plan contain a diverse mix of grass, forb, and shrub species which are compatible with a wildlife habitat postmining land use. Browse species in the seed mixes include, shadscale, black sage, skunkbush sumac, bitterbrush, big sage, fourwing saltbush, and winterfat. Details of proper seed storage, planting depth (for drill seeding), timing of planting, and reclamation objectives are not included in the plan but easily could be. The postmining land use is identified as wildlife habitat and grazing.

The revegetation requirements in R647-4-111.13 are, 1. that revegetation shall be considered accomplished when the revegetation has achieved 70 percent of the premining vegetative ground cover and that it has survived three growing seasons since the last seeding, fertilization, or watering, or 2. revegetation can be considered successful when the Division determines it has been satisfactorily completed within practical limits. The Division normally requires that established species, not just those seeded, have utility for the postmining land use.

5. Two Waters Wildlife Management Area Fence

UDWR Comment: The allotment fence for this wildlife management area must be kept functional if relocated.

DOGM Response: The Division understands the allotment fence was mistakenly put on SITLA property within the area to be mined and is not in the wildlife management area. Red Leaf has a lease to mine on SITLA property where the fence was placed, but the Division understands Red Leaf has agreed to voluntarily relocate the fence to UDWR property.

6. Klondike Canyon Road

UDWR Comment: The Klondike Canyon Road should remain open for public and administrative access to the wildlife management area.

DOGM Response: The operator is required to identify roads within 500 feet of the proposed mining operations and has done so. Disturbances to public roads need to be coordinated with the entity with jurisdiction. A letter from Uintah County says, "Any disturbance to the Klondike Canyon Road (Class D) will be subject to approval by Uintah County . . . and subject to a maintenance agreement between the County and Red Leaf. Presently, Red Leaf has a maintenance agreement with the county for the upkeep of the Reservoir Canyon Road (Class D). The Commission fully anticipates that Red Leaf will secure future maintenance agreements as required by mine activities and by Uintah County rules."