
STATE AGENCY LETTERS

Letters Included:

Letter #4 - Utah Division of Oil, Gas and Mining

Letter #101 - Utah State Representative, Bradley T. Johnson

Letter #105 - Utah Department of Transportation

Letter #302 - Utah State Senate, Leonard M. Blackham

Letter #390 - State of Utah Office of the Governor, Michael O. Leavitt

Letter #401 - Utah Division of Wildlife Resources



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

1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801
801-538-5340
801-359-3940 (Fax)
801-538-7223 (TDD)

January 22, 2002

Linda L. Jackson, Public Affairs Officer
Fishlake National Forest
115 East 900 North
Richfield, Utah 84701

Kay Erickson, Realty Specialist
Bureau of Land Management
Richfield Field Office
150 East 900 North
Richfield, Utah 84701

RE: Comments on Quitcupah Creek Road, Draft Environmental Impact Statement.

Dear Ms. Jackson and Mr. Erickson:

The Division of Oil, Gas, and Mining received a copy of the Quitcupah Creek Road Draft Environmental Impact Statement on December 7, 2001. We offer the following comment:

The Division of Oil, Gas and Mining is the agency responsible for permitting coal mining and reclamation operations within the State of Utah. Such permitting actions may or may not include public roads or portions of public roads. In order to make such permitting decisions concerning roads or portions of roads, OGM analyzes written information and data. In reading the DEIS, it has been noted that in a number of places throughout the document, the terms "coal hauling route" or "coal haul traffic" are used (Abstract, Executive Summary p. vii, 1-1, 1-13). Since 'coal haulage' is a term often associated with on-site mining activities, the use of this type of terminology has the potential for confusing the reader and may make it difficult to distinguish where mining activities end and public transportation begins. Thus, OGM encourages the writers of this EIS to carefully evaluate its current descriptions of the proposed activities for the road and to consider the use of language or descriptions in the final EIS that 1) is as precise as possible to the exact activities, i.e., the transportation of coal, and 2) that includes descriptions of all proposed activities and uses of the road.

Thank you for the opportunity to comment on this project. Please call if you have questions.

Sincerely,

Lowell P. Braxton
Director

vs
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4

4-1

Response 4-1

Editorial comments addressed. The terminology was changed to "coal transport route" and "coal truck traffic."

Letter
#101

HOUSE OF REPRESENTATIVES
STATE OF UTAH

REPRESENTATIVE BRADLEY T. JOHNSON
70TH DISTRICT
(EMERY, SANPETE AND SEVIER COUNTIES)
30 NORTH MAIN / BOX 122
AURORA, UTAH 84620
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STANDING COMMITTEES: NATURAL RESOURCES,
AGRICULTURE AND ENVIRONMENT, CHAIR; EDUCATION
APPROPRIATIONS: NATURAL RESOURCES; ETHICS

January 30, 2002

Ms. Linda L. Jackson
Public Affairs Officer
Fishlake National Forest
115 East 900 North
Richfield, Utah 84701

Dear Ms. Jackson

I would like to voice my support for the Water Hollow Road Route (Alternative D) of the Quitcupah Creek Road Proposal. Based on my understanding of the project, the Water Hollow Road route (Alternative D) is the option with the least conflict with local private landowners and important cultural resources.

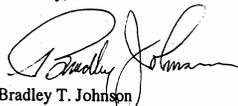
As a representative of this area in the Utah State Legislature, I would like to commend the Sevier County Special Services District and the SUFCO Mine for this innovative public/private partnership. The Special Services District would be responsible for the construction of the road, and the trucks that haul coal would be assessed a toll to pay for and maintain the road. This partnership has resulted in a project that makes both economic and environmental sense.

From a legislative standpoint, a privately funded road reduces the demand for State highway transportation dollars, and in this case eliminates coal truck traffic on about 50 miles (roundtrip) of SR-10 and I-70. The Water Hollow Creek Road option has also been designed to avoid the Native American cultural sites in the area.

It is important to remember that coal contracts have been signed, and that coal will be delivered via the I-70 and SR-10 route, or by use of the Water Hollow Creek Road. With the environmental aspects of this project having been minimized, it makes sense to use this new route as the primary coal haulage route.

Thank you for the opportunity to comment on the Quitcupah Creek Road proposal.

Sincerely,


Bradley T. Johnson
70th District

101

101-1

101-2

Response 101-1

Comments noted. Alternative D is the only alignment that does not directly impact any known cultural resource sites.

Response 101-2

The proposed road, which would be a public highway, would be 100 percent construction and maintenance funded by tolls on the transport of coal by the SUFCO Mine during the life of the mine. After closure of the mine, maintenance of the road would be funded by public transportation funds (i.e. state, county).

Letter
#105



Michael O. Leavitt
Governor
John R. Njord
Executive Director
Carlos M. Braceras
Deputy Director

State of Utah
DEPARTMENT OF TRANSPORTATION

Kleston H. Laws, District Engineer
Price District
940 South Carbon Avenue
Price, UT 84501-4368
435-636-1470
Fax: 435-636-1471
www.dot.state.ut.us

Commission
Glen E. Brown
Chairman
James G. Larkin
Hal M. Clyde
Stephen M. Bodily
Jan C. Wells
Bevan K. Wilson
Kenneth L. Warnick

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FEB 05 2002

Bureau of Land
Management SRRA

February 4, 2002

Kay Erickson
Realty Specialist
Bureau of Land Management
Richfield Field Office
150 East 900 North
Richfield, Utah 84701

Dear Mr. Erickson,

The Price District Office of the Utah Department of Transportation has reviewed the DEIS for the Quitchupah Creek Road. We support Alternative C for the following reasons:

- Meets the purpose and need.
- Is the shortest route for coal hauling, employees, and suppliers, thus providing the greatest fuel savings and the least vehicle emissions.
- Provides the greatest protection to livestock. We have found livestock collisions to be of great concern to local citizens and the highway users.
- Avoids the steep grade up Quitchupah Hill that slows northbound trucks and interferes with regular traffic movement. It avoids the frustration of motorists forced to follow real slow loaded trucks up the hill.
- Eliminates the need to widen or reconstruct the SR-10 bridge over Quitchupah Creek that would be required with alternative B.
- Avoids the landslide on Quitchupah Hill. We believe the weight and vibration of the loads could accelerate the movement of that slide.

We appreciate the opportunity to respond to the DEIS and would like to continue to be included in further discussions regarding this project.

Sincerely,

Kleston H. Laws
Price District Engineer

105

105-1

105-2

Response 105-1

Under Alternatives A and D the coal truck traffic would slow northbound traffic on Quitchupah Hill because there are presently no passing lanes on this steep grade. Under Alternative B, additional lanes, including an acceleration lane up Quitchupah Hill, would be constructed at the junction with SR-10. Under Alternative C the junction with SR-10 would be north of Quitchupah Hill so coal trucks would not be a hindrance to northbound traffic. See Section 3.14 Transportation.

Response 105-2

Liquefaction is a hazard whenever a structure is constructed on unconsolidated sedimentary deposits in an area that has the potential of seismic activity. The engineering design of the road will have to take into account that portions of this road and the SR-10 bridge will be built on these deposits.

There is no mapped landslide feature on Quitchupah Hill (Harty 1993). The known landslide feature is located on Acord Lakes Road. The discussion on page 34 of the DEIS clearly states that the landslide feature is not within the proposed road corridor and that the Acord Lakes Road intersects the toe of the mapped landslide feature. The Acord Lakes Road does not indicate movement or topple on the mapped landslide; thus indicating some stability.

Letter
#302

UTAH STATE SENATE

319 STATE CAPITOL • SALT LAKE CITY, UTAH 84114
(801) 538-1035 • FAX (801) 538-1414

SENATOR
LEONARD M. BLACKHAM

TWENTY-EIGHTH DISTRICT
JUAB, SANPETE, SEVIER, MILLARD,
PIUTE, WAYNE, BEAVER and
GARFIELD COUNTIES



P.O. BOX 337
MORONI, UT 84646
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FAX (435) 436-8600

February 7, 2002

Ms. Linda L. Jackson
Public Affairs Officer
Fishlake National Forest
115 East 900 North
Richfield, UT 84701

Dear Ms. Jackson:

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Thank you for the opportunity to provide comment on the Quitchupah Creek Road Environmental Impact Statement. As a Utah State Senator that represents this area, I support the unique public/private partnership that has developed to address the efficient, safe and environmentally responsible delivery of coal in this region. In particular, I would like to support Alternative D of the Quitchupah Creek Road EIS, which is the Water Hollow Road Route option. I base this recommendation on the fact that it has the support of the only private landowner in this area, and also an important Native American cultural site.

It is important to keep in mind that low-sulfur coal from the SUFCO Mine will be delivered to the Hunter Power Plant, with or without the construction of the Quitch Creek Road. However, if this road project is not constructed, the trucks will travel over approximately 50 miles of I-70 And SR-10 (round trip). By approving the Hollow Creek Road option, construction and maintenance costs will be born by a toll assessed on the trucks hauling the coal. With any private land ownership and cultural resource issues having been mitigated under the Water Hollow Creek Road option, this project simply makes economic and environmental sense.

Thank you for the opportunity to comment on this proposal.

Sincerely,


Leonard M. Blackham
Senator

302

302-1

Response 302-1
Comments noted.

Letter
#390



MICHAEL O. LEAVITT
GOVERNOR

STATE OF UTAH
OFFICE OF THE GOVERNOR
SALT LAKE CITY
84114-0601

OLENE S. WALKER
GOVERNOR

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February 22, 2002

Ms. Linda Jackson
Public Affairs Officer
Fishlake National Forest
115 East 900 North
Richfield, Utah 84701

Dear Ms. Jackson,

The State of Utah would like to go on record in support of the Quitchupah Creek Road proposal, Alternative D (Water Hollow Road) route. This alternative has the support of Castle Valley Ranches, which is the sole private land owner along the route. It has the support of the locally elected officials in the legislature and the county commissioners. It also avoids the cultural resources that are found in that area.

This alternative will reduce truck traffic on I-70 and SR-10 by approximately 50 miles per round trip. The road will be built and maintained through tolls assessed to the large coal haulage trucks. The SUFCO mine that will be the main user of the road, hauling coal from the mine to the Hunter Power Plant, is totally supportive of this solution. This is a very creative and innovative solution by a public/private partnership wherein all parties are to be congratulated and supported.

I enthusiastically lend my support to this effort. Please feel free to contact me if additional information is desired.

Sincerely,

Michael O. Leavitt
Governor

390

390-1

Response 390-1
Comments noted.

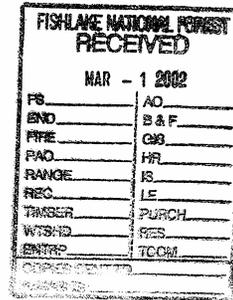
Letter
#401



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE RESOURCES

Michael O. Leavitt
Governor
Kathleen Clarke
Executive Director
John Kimball
Division Director

Southeastern Region
475 West Price River Drive, Suite C
Price, Utah 84501-2860
435-636-0260
435-637-7361 (Fax)



Feb. 26, 2002

Linda L. Jackson
Fishlake National Forest
115 East 900 North
Richfield, Utah 84701

Re: Quitchupah Creek Road Draft Environmental Impact Statement

Dear Ms. Jackson:

After careful review of the Quitchupah Creek Road Draft Environmental Impact Statement (DEIS), Utah Division of Wildlife Resources (UDWR) has many concerns with this document's assessment of wildlife impacts and proposed mitigation. With so much at stake (loss of wildlife and wildlife habitat, impacts to the fishery, water quality, wetlands and riparian, wildlife-vehicle collisions, to name just a few), we request careful consideration of the need for this project.

We are concerned about the potential impacts to fish and wildlife, their habitat, and lost opportunities for their harvest and enjoyment by the public. Each of the proposed routes dissect deer and elk summer and winter ranges and increase the chances for deer/elk vehicle collisions. This results in decreased animal abundance and escalates liability discourse. Demolition of distinctive wetlands and riparian may be the most insidious result of this project, and wasn't satisfactorily addressed in the document.

An issue raised during initial scoping was that "water quality of the stream may be impacted due to disturbance of erosive soils introducing sediments into the creek" (pg ix). Comments stated that "changes may occur to the water quality in Quitchupah Creek and other creeks within the project area due to rerouting the headwaters and eliminating some of the stream-side hydric fringe and wetlands. Water quality may also diminish due to increased sedimentation from disturbed erosive soil sections. The increase in sedimentation in these creeks may increase salinity due to the highly saline soils in the Quitchupah Creek drainage. The increase in salinity may affect the salinity management of the Colorado River system" (pg 1-9). The DEIS responds to these scoping comments by stating that "improvements in roadway design for the Quitchupah Creek Road, specifically improvements in drainage and runoff control, would result in reductions in the amount of total dissolved solids within Quitchupah Creek" (pg xii). The DEIS goes on to state that "salinity in the creek would decrease slightly due to less sedimentation, positively

401

401-1

401-2

Response 401-1

The impact analysis for wildlife has been revised in the FEIS with expanded detail on impacts to big game. The mitigation design for wetlands and riparian zones would replace functions and values of these areas, and wetlands would have at least a 3:1 area replacement ratio.

Response 401-2

Please see responses to 397-5 (EPA) and 400-3 (Castle Valley Ranches). In addition, the quoted sentences on page xii have been rewritten.

The reclaimed areas will be protected either by monitoring, fencing, or by regulating grazing.

**Letter
#401**

401-2
cont.

affecting the 303d category for the lower creek and discharges to the Colorado River" (pg xii). The DEIS notes that Quitchupah Creek downstream of the project area is listed on the State of Utah's 303d list as an impaired water due to high levels of total dissolved solids (pg 3-20).

At first glance, assertions of improved water quality appear to be accurate because the new road would have fewer stream crossings than the existing road, and culvert crossings would replace ford crossings. However, after a close inspection of the DEIS we disagree and believe that water quality would be negatively impacted by selecting any of the action alternatives. The reason the project will decrease water quality as planned is that seeding/revegetation of disturbed and reclaimed areas will not be successful without strict protection from livestock impacts. There are apparently no plans to provide the fencing necessary for suitable revegetation of disturbed, erosive soils. Trailing of livestock along the stream would still be allowed. The DEIS notes that a substantial proportion of the route of the new road under Alternatives B and C would be in erodible soils adjacent to the stream, and admits that "grazing [and] instream cattle watering...are...potential sources of sediment...[which] must also be considered as sources of TDS" (pg 3-23).

401-3

The possibility of water quality impacts as a result of truck accidents and resulting chemical spills is also a concern. Such accidents have resulted in fish kills in other streams. The likelihood of an accident causing such an event along the new road is high because of the proximity of the stream along most of the road's length. The fish species present in Quitchupah Creek, particularly valuable ones on the state sensitive species list, need protection from any toxic chemicals which could enter the stream.

Another issue raised during scoping was that "wetlands associated with upper Quitchupah Creek could be filled during road construction" (pg ix). The DEIS notes that there would be "impacts to jurisdictional wetlands [and] riparian zones" (pg xii). An issue carried forward in the analysis is that "some wetlands associated with Quitchupah Creek would be filled during construction of the road. The filled wetlands would not function to filter sediments or absorb flood flows for the creek flow regime. Most of the proposed filled wetlands are at the head of these creeks where they presently function as a sediment filter to preserve the water quality of the creek and as flood basins to absorb excess waters and regulate the flows in the channel. The filled wetlands would need to be mitigated by constructing wetlands at other sites along the creek" (pg 1-9). Table 2.6-1 notes that one wetland totaling 0.07 acres would be filled (pg 2-24).

A related issue carried forward is that "riparian zones within the project area and those associated with wetlands would be impacted due to construction of the road. The loss of riparian vegetation could impact wildlife and could cause increased sedimentation in the stream...Increased sedimentation and destabilization of Quitchupah Creek and other creeks in the project area could impact fisheries and aquatic macroinvertebrates in the stream. The loss of the hydric fringe and stream-side wetlands could affect the reproductive success of fish species and some macroinvertebrate species that depend on vegetation for cover and prey" (pg 1-10). Table 2.6-1 notes that approximately 1.7 acres of riparian zone would be filled (pg 2-25), whereas another statement in the DEIS indicates that 3.2 acres of riparian habitat would be disturbed (pg 3-53).

401

Response 401-3

The impacts of spills were previously addressed in the Draft EIS in Section 3.8 Fisheries, see page 3-65, 2nd paragraph. To elaborate: truck accidents would be a possibility on the proposed road, as they are on any road or highway where trucks travel. As stated in the EIS, a spill of coal, fuel, or other materials could occur as a result of such an accident and these substances could enter the stream. Standard response and cleanup to this type of spill would occur, but there could be some short term effects on water quality and biotic stream components. However, the potential for such accidents to occur would be slight. According to SUFCO, over the past five years, only two truck accidents have occurred on the steep, winding Acord Lakes road, out of an estimated 50 trucks per hour at peak times. Alt. D would reduce the risk of spills due to reduced length of road in proximity to the creek.

Wetland mitigation is described in the Monitoring Plan and the 404 Mitigation Plan.

**Letter
#401**

401-4

Wetland and riparian losses need to be mitigated to a greater extent than proposed to fix problems associated with this project. The DEIS proposes that 2.75 acres of riparian vegetation be restored. We believe additional wetlands should be created to filter the additional sediments expected when runoff and flood flows increase erosion of streambanks slow to revegetate due to continuing livestock impacts.

401-5

Check dams should be built throughout the fishless portion of Quitchupah Creek to create wetlands and pools to trap sediments. This would help amphibian populations persist and would benefit water quality in the fish-bearing portion of the stream. Additional check dams should be constructed in the north and south forks of Quitchupah Creek above USFS Road 007 as additional mitigation to offset impacts to Quitchupah Creek. Livestock enclosure fences should be installed to protect some of the newly-created wetland areas on each stream.

(401-2)

Livestock-proof fencing should be built and maintained to protect all vegetative planting areas associated with this project. This should include the reclaimed existing road and all disturbed soil around the new road. Without such fencing, suitable restoration of vegetation and protection of streambanks from erosion will not be possible.

401-6

For these reasons, coupled with an unconvincing argument for the necessity of this road, UDWR supports the No Action Alternative (Alternative A) proposed in this DEIS. Mitigation suggestions proposed in this letter may alleviate some impacts to wildlife, however, other impacts cannot be properly mitigated due to the nature and complexity of a wetland ecosystem in an arid climate.

Thanks for the opportunity to review the Quitchupah Creek Road DEIS. If you have any questions, please call Leroy Mead in our Price office at (435) 636-0274.

Sincerely,



Derris Jones
Acting Regional Supervisor

DJ/lm

cc: Kay Erickson, Bureau of Land Management
Diana Whittington, U.S. Fish and Wildlife Service

401

Response 401-4

The mitigation for wetlands and riparian has been better developed to fully compensate for these losses. Chapter 2 of the FEIS contains the applicant committed measures that consist of mitigations as part of the road design. Fencing to exclude livestock on 4.7 miles of riparian corridor would improve riparian habitat.

Response 401-5

In the upper section of Convulsion Canyon and in East Spring Canyon where stream realignment would be required, grade control would be used where appropriate to provide for vertical stability of the channel. Similarly, the two, on-stream wetland mitigation sites include a grade control component through the use of low-head dikes to impound water and stop active headcutting. Further, there is no evidence that Quitchupah Creek's ability to meet aquatic water quality standards would be compromised with proposed project. The State, (via its 303d program) has indicated that Quitchupah Creek meets its beneficial use standards for aquatic habitat; TDS is the only listed parameter of concern, and that is an agricultural standard, not an aquatic one.

Response 401-6

All impacts cannot be mitigated. However, additional mitigation measures have been included in the FEIS with the goal of reducing the extent of impacts and mitigating completely for some impacts. These mitigation measures, discussed in Chapter 2 as applicant-committed measures for road design, apply to wetlands, riparian zones, winter range, sedimentation, rock art, and livestock trailing.