

0009



ACT/007/004

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DEPARTMENT OF NATURAL RESOURCES

DIVISION OF OIL, GAS, AND MINING

CLEON B. FEIGHT
Director

1588 West North Temple
Salt Lake City, Utah 84116
(801) 533-5771

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C. RAY JUVELIN
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EDWARD T. BECK
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October 27, 1980

Mr. Douglas F. Day, Director
Division of Wildlife Resources
1596 West North Temple
Salt Lake City, Utah 84116

RE: American Electric Power
Price River Coal
Crandall Canyon Project
ACT/007/004
Carbon County, Utah

Dear Mr. Day:

This Division is in receipt of two letters from your Division concerning the above-noted mine, which appear to be in conflict with each other. Both are enclosed.

The first letter, dated October 17, 1980, to Mr. Feight, provides an answer to our request for immediate review for approval of an outlined construction program at this mine. The second, dated October 15, 1980, to Mr. Hutchinson, details further requirements for fish and wildlife information required for the plan.

As you will recall, the MOU between our Divisions calls for review to be sent to this Division, not to the company. We ask that the letter to Mr. Hutchinson be withdrawn and directed to this Division instead, as required in the MOU, and as is stated to be forthcoming in the October 17, 1980, letter to Mr. Feight.

By way of this letter, we are advising the Company that such procedures are out of keeping with the MOU signed by both of our Divisions.

Sincerely,

JAMES W. SMITH, JR.
COORDINATOR OF MINED
LAND DEVELOPMENT

cc: Shirley Lindsay, OSM
Ken Hutchinson, PRC
Joe Davidson, AEP

Enclosures

JWS/btm



DIVISION OF WILDLIFE RESOURCES
DOUGLAS F. DAY
Director
EQUAL OPPORTUNITY EMPLOYER
1596 West North Temple/Salt Lake City, Utah 84116/801-533-9333

October 17, 1980

Reply To **SOUTHEASTERN REGIONAL OFFICE**
455 West Railroad Avenue, Box 840, Price, Utah 84501
(801) 637-3310

[Handwritten initials]

OCT 23 1980

Mr. Cleon B. Feight, Director
Division of Oil, Gas and Mining
1588 West North Temple
Salt Lake City, Utah 84116

DIVISION OF
OIL, GAS & MINING

Attention: Jim Smith

Dear Mr. Feight:

As per your request the Division has made an immediate cursory review of the preliminary plan for modification of Price River Coal Company's operation in Crandall Canyon (ACT/007/004). We have no immediate concern and recommend that the Company be allowed to proceed with the outlined construction program.

The Division will make a detailed review and provide appropriate comments on the proposal as per our memorandum of understanding.

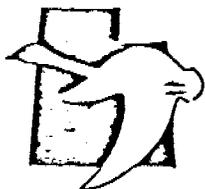
Thank you for an opportunity to review this proposal.

Sincerely,

Larry D. Wilson, Supervisor
Southeastern Region

LJW:LBD:gp

cc: Darrell Nish



DIVISION OF WILDLIFE RESOURCES
DOUGLAS F. DAY
Director

EQUAL OPPORTUNITY EMPLOYER

1596 West North Temple/Salt Lake City, Utah 84116/801-533-9333

October 15, 1980

Reply To SOUTHEASTERN REGIONAL OFFICE

RECEIVED

455 West Railroad Avenue, Box 840, Price, Utah 84501
(801) 637-3310

OCT 23 1980

DIVISION OF
OIL, GAS & MINING

Kenneth B. Hutchinson
Price River Coal Company
76 South Main
P.O. Box 629
Helper, Utah 84526

Dear Mr. Hutchinson:

The Division has reviewed the report from a raptor study that was prepared by Janet Young concerning development activities planned for the Crandal Canyon area. Since non-raptorial birds are also discussed it seems that the report was intended to satisfy inventory needs for all species of migratory birds having high federal interest--43 CFR 3461.1 (N-1). The Division has several questions and recommendations concerning the report.

The report indicates that surveys were conducted only in association with the shaft site and corridor for a power line. The surveys should have also considered surface disturbance that will be needed to adequately develop the access road. Since a poor quality access road already exist to the area, a survey need only address the presence or non-presence of raptor nests and other "high priority" habitats for high interest avian species in locations that would physically be impacted by road development. There is no need for such a survey associated with the road to extend out beyond just the zone that will be physically impacted.

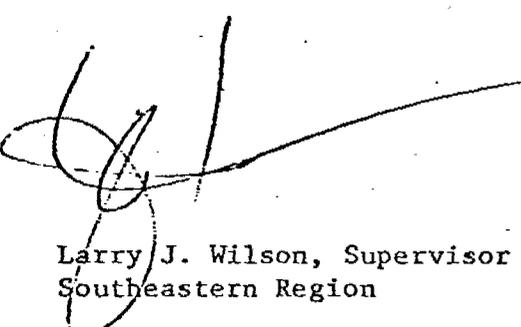
Although the report indicates that no raptor nests were located, it should be made clear whether or not this observation includes active nests as well as inactive nests. In addition the report should identify the extent to which "high priority" habitat for bird species having high federal interest exists proximal (within a one kilometer radius) to each planned surface disturbance area (shaft site, power line corridor and access road).

Raptor surveys should be conducted throughout the period of time (March through June) in which the birds are actively nesting. Such an effort would require at least four separate field inspections (late March, mid April, mid May and early June), since each species has a specific period during which they nest. Normally active nests are most easily located when the adults are feeding their young. Surveys for other "high priority" habitats can be conducted whenever weather conditions are suitable.

Once a raptor nest or other "high priority" habitat for species of migratory Avifauna has been determined to exist within a one kilometer radius of planned surface disturbed areas the wildlife plan of the mining permit application must address those habitats.

Thank you for the Price River Coal Company's interest and concern for management of the local Wildlife Resource.

Sincerely,



Larry J. Wilson, Supervisor
Southeastern Region

LJW:LBD:gp

cc: Darrell Nish
✓ Mary Ann Wright
Clark Johnson