



0002

STATE OF UTAH
NATURAL RESOURCES
Wildlife Resources

ACTOLS-032-102

sig mine file
note that E. B. Gannon
CPR
cc S Linner

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
William H. Geer, Division Director

1596 West North Temple • Salt Lake City, UT 84116-3154 • 801-533-9333

January 26, 1989

Dr. Dianne R. Nielson, Director
Utah Division of Oil, Gas & Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, UT 84180-1203

RECEIVED
JAN 30 1989

DIVISION OF
OIL, GAS & MINING

Attention: Susan Linner

Dear Dianne:

The Division has evaluated the Company's response (11-29-88) to a review for the 5-year Mine and Reclamation Plan (MRP) renewal at Genwal Coal Company's Crandall Canyon Mine. The following is offered for your consideration.

Page 10-8, Stream Buffer Zone - Turbidity in Crandall Creek as measured in Nephelometric Turbidity Units (NTU) must not be allowed to increase beyond 10% of background measurements. Appropriate sediment control (straw filters and instream sediment traps) can accomplish this need. A variance from the Bureau of Water Pollution Control would be protested by DWR due to impacts on natural reproduction of fish from sediment pollution. A temporary exception in turbidity limitations could only be discussed for the period when fish eggs are not present. Such a period lies between September and April.

Chapter 10 (Item 10-3), Page 46 of "Terrestrial Wildlife and Habitat Report" - The Williamson's sapsucker, a species having high federal interest, has been documented to utilize (nest) the environs of the Huntington drainage typical to those found in Crandall Canyon. The applicant must appropriately correct the MRP.

This comment was originally provided in April 20, 1988, and again on October 18, 1988.

Page 12-12 (12.4.3), Subsidence Control and Mitigation Methods - All seeps and springs associated with the mining project are ranked as being of critical value to the local area's wildlife. Impacts resulting in a reduction of daily flow of 50% or more at any seep or spring are considered as being substantial and would likely require mitigation at each site. Guzzlers are an acceptable mitigation for such an impact at this mining project. Such information was provided to the applicant 10-2-85, and again 3-10-86. Concurrence on

Dr. Dianne R. Nielson
Attn: Susan Linner
Page 2
January 26, 1989

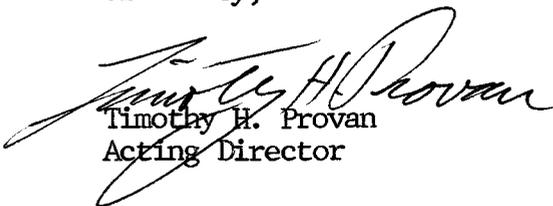
this issue by the Company was established by DOGM in the Company's 4-14-87 submittal of an MRP mid-point review. The MRP again needs to be corrected.

Golden Eagle Nest No. 181.167 (NENW Sec. 5, T 16 S, R 7 E, Emery County, Utah) was tended when first discovered in 1981. It has been inactive when inspected by helicopter in 1982 and 1987. Its condition is typical of an inactive nest, and it is unlikely to deteriorate to irreparable conditions if not tended or active by 1989. The Company has discussed this situation with Larry Dalton, the Division's Southeastern Regional Resource Analyst, on 11-17-88 but must have misunderstood our position concerning the nest. The nest, whether active or inactive, must be protected from subsidence. It is our understanding that the nest will be protected throughout the next 5-year permit period by barrier pillars. At which time that barrier pillars are to be pulled, an assessment of the nest needs to be made and an appropriate mitigation plan established.

An additional eagle nest (No. 187.273) located in Blind Canyon (SWSW Sec. 29, T 15 S, R 7 E, Emery County, Utah) needs to be assessed relative to the 5-year MRP renewal. Its status was tended in 1987 when first discovered during a helicopter survey.

Thank you for an opportunity to review and provide comment.

Sincerely,



Timothy H. Provan
Acting Director