

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

PERMITTEE

Allen Childs
Genwal Coal Company
P. O. Box 1201
1975 North 1st West
Huntington, Utah 84528

Permit Number ACT/015/032
Division Order #DO 91-B

DIVISION ORDER AND FINDINGS
of
PERMIT DEFICIENCY

PURSUANT to R614-303-212, the DIVISION hereby ORDERS the PERMITTEE, Genwal Coal Company, to make the permit changes enumerated in the FINDINGS OF PERMIT DEFICIENCY in order to be in compliance with the State Coal Program. These Findings of Permit Deficiency are to be remedied in accordance with the requirements of R614-303-220.

FINDINGS OF PERMIT DEFICIENCY

The Division of Wildlife Resources has identified various wildlife concerns that have not been adequately addressed in the mine plan as required by R614-301-330. These are listed in a letter to Dianne Nielson, dated March 20, 1991. (Attachment A) The concerns in this letter must be adequately addressed through mine plan amendment.

ORDER

Genwal Coal Company is ORDERED to make the requisite permit changes in accordance with R614-303-220, as set forth above, and to submit a complete application for permit change addressing each FINDING OF PERMIT DEFICIENCY within 30

PS Form 3811, Feb. 1986

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery.

3. Article Addressed to:
 ALLEN CHILDS
 GENWAL COAL COMPANY
 P O BOX 1201
 1975 NORTH 1ST WEST
 HUNTINGTON UT 84528

4. Article Number
 P 755 090 784

Type of Service:
 Registered Insured
 Certified COD
 Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
 X

6. Signature — Agent
 X *Brandi Douglas*

7. Date of Delivery
 APR 19 1991

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

P 755 090 784

RECEIPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
 (See Reverse)

DOG M MBM ACT/015/032 FLDR #2

Sent to	ALLEN CHILDS GENWAL COAL CO
Street and No.	PO BOX 1201 1975 N 1ST WEST
P.O., State and ZIP Code	HUNTINGTON UT 84528
Postage	\$ 29
Certified Fee	1 00
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 229
Postmark or Date	

Form 3800, June 1985

LAKE CITY, UT MAIL OFFICE
 APR 19 1991

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- SENDER INSTRUCTIONS**
Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, 3, and 4 on the reverse.
 - Attach to front of article if space permits, otherwise affix to back of article.
 - Endorse article "Return Receipt Requested" adjacent to number.



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Print Sender's name, address, and ZIP Code in the space below.

APR 22 1991
DIVISION OF
OIL GAS & MINING

STATE OF UTAH
NATURAL RESOURCES
OIL, GAS, & MINING
3 TRIAD CENTER, SUITE 350
SALT LAKE CITY, UTAH 84180-1203

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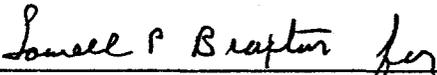
1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

Present this receipt and present it if you make inquiry.

days of receipt of this Order. Approval by the Division must be obtained within 60 days of receipt of this Order. All approvals not obtained within 60 days of receipt of this Order shall result in an ORDER TO SHOW CAUSE being issued to appear before the Board of Oil, Gas and Mining unless a request for extension has been obtained by the Director.

So ORDERED, this 18th day of April, 1991 by the Division of Oil, Gas and Mining.



Dianne R. Nielson, Director
Division of Oil, Gas and Mining

cc: Tom Mitchell
Joe Helfrich
A:\GENWAL.ORD

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE RESOURCESNorman H. Bangerter
Governor
Dee C. Hansen
Executive Director
Timothy H. Provan
Division Director1596 West North Temple
Salt Lake City, Utah 84116-3195
801-533-9333
801-533-7073 Fax

RECEIVED

MAR 28 1991

DIVISION OF
OIL GAS & MINING

March 20, 1991

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

Dear Dianne:

The Division has reviewed the updated plans for Genwal Coal Company's Crandall Canyon Mine. Contents of these recent changes have not addressed the Division's concerns outlined in a letter dated December 6, 1990. We would like to see a mine plan amendment that addresses the concerns as listed below.

The mine plan accurately identifies the presence of a golden eagle nest (nest No. 181.167) in Crandall Canyon. As stated, the nest was inactive from 1982 through 1987 after producing one young in 1980. Continued observations of golden eagles in the area leave open the distinct possibility that nesting may occur in the future. The mine plan states that monitoring and mitigation measures will be implemented when eagles are observed at the nesting site (Section 10.3.3, page 10-3, and Section 12.4.3, page 12-15). This position needs to be modified. Regardless of whether or not the birds are present in a given year, the nest is considered of critical value. Potential impacts to the nest itself must be considered. When eagles are present, the crucial breeding season (February 1 - July 15) is also of importance.

The "Vegetation and Terrestrial Wildlife Report" included in Section 10-3 should be corrected as follows: The Williamson's sapsucker (page 46), a species having high federal interest, has been documented to utilize (nest) the environs of the Huntington drainage typical to those found in the Crandall Canyon. This use needs to be identified.

State protected species of Crandall and Huntington Canyons are listed on page 49. All amphibian and reptilian species are protected in Utah. This list identifies the tiger salamander as the only protected amphibian species present. The entire list from Table 5 (page 55) should occur here. In addition, there are protected reptilian species that may inhabit the area. Note: Snake dens, if found, should be protected and reported to DWR.

Crandall Creek is classified as a Class III B trout fishery. As

Dr. Dianne R. Nielson, Director
March 20, 1991
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such, water quality is important for the maintenance of healthy, naturally-reproducing populations. Turbidity, as measured in Nephelometric Turbidity Units (NTU), must not be allowed to increase beyond 10% of background measurements. This requirement should be indicated in Section 10.6

With reference to the proposed seed mix (Appendix 3-15), we recommend the addition of the following species: hard sheep fescue (Festuca ovina), Indian ricegrass (Oryzopsis hymenoides), Palmer penstemon (Penstemon palmeri), Rocky Mountain penstemon (Penstemon strictus), Porter licoriceroot (Ligusticum porteri), and mountain big sagebrush (Artemesia tridentata vaseyana). The sagebrush species should not be covered. It should be hydrosprayed in the seed mix slurry or broadcast over the surface before drilling or mulching. Application rates of broadcasted seed should be doubled.

Thank you for the opportunity to provide comment.

Sincerely,


Timothy H. Provan
Director

cc: Daron Haddock