



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

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March 16, 1999

TO: File

THRU: Daron Haddock, Permit Supervisor *DH*

FROM: Paul Baker, Reclamation Biologist *PB*

RE: 444-Acre Incidental Boundary Change, Genwal Resources, Inc., Crandall Canyon Mine, ACT/015/032-IBC98-1, Folder #2, Emery County, Utah

SUMMARY:

Genwal has proposed adding 444 acres to its permit area. In this proposal, there are no plans for second mining or for developing additional portals in Crandall Canyon; the area would be used in preparation for developing the portals and adding the entire Mill Fork Lease. Genwal does not yet have right of entry for the area.

Because the proposal is for first-mining only and no surface disturbance is proposed, there is little likelihood of adversely affecting wildlife or vegetation. Reclamation issues are not addressed in this memorandum.

TECHNICAL ANALYSIS:

ADMINISTRATIVE INFORMATION

IDENTIFICATION OF INTERESTS

Regulatory Reference: R645-301-112

Analysis:

Some changes have been made to the ownership and control section of the mining and reclamation plan. The applicant is Genwal Resources, Inc., which is jointly owned by Intermountain Power Agency (IPA) and Andalex Resources, Inc. The current plan says Genwal is owned by IPA and Genwal Resources. The amendment says the abandoned mine reclamation fee will be paid by Gary Gray representing Genwal Resources. There are a few changes to the officers and directors.

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Land ownership information for the permit area, the proposed addition, and contiguous areas is in the text of the application and in Plate 1-1. In the future, the applicant intends to submit an amendment for the Mill Fork Lease Tract.

Findings:

Information provided in the proposed amendment is considered adequate to meet the requirements of this section of the regulations.

VIOLATION INFORMATION

Regulatory Reference: R645-301-113

Analysis:

The application says neither the applicant nor any subsidiary, affiliate, or persons controlled by or under common control with the applicant has had a federal or state mining permit suspended or revoked in the last five years. They have not forfeited a mining bond or similar security deposited in lieu of bond. There are no unabated cessation orders or air and water quality violation notices received prior to the date of the application by any coal mining and reclamation operation owned or controlled by Genwal or by any person who owns or controls Genwal.

Findings:

Information provided in the proposal is considered adequate to meet the requirements of this section of the regulations.

RIGHT OF ENTRY

Regulatory Reference: R645-301-114

Analysis:

The plan and application contain right of entry information for the current permit area. The application does not show right of entry for the Mill Fork Lease of which the current proposal is a part. Before the Division approves the application, Genwal will need to submit right of entry information for this area.

Findings:

Information provided in the proposal is not considered adequate to meet the requirements of this section of the regulations. Prior to final approval, the applicant must supply the following in accordance with:

R645-301-114, The applicant needs to provide right of entry information for the proposed incidental boundary change.

UNSUITABILITY

Regulatory Reference: R645-301-115

Analysis:

According to the application, the IBC area was evaluated for unsuitability criteria in the Environmental Assessment for the Mill Fork Tract. None of the area that would be included in the lease was considered unsuitable for mining.

It appears there are no man-made features in the area, including roads, buildings, and gas wells. No threatened or endangered species or other wildlife or plant species of special interest are known to inhabit the area, and there is little likelihood of adversely affecting other species since the area will only be first-mined.

Findings:

Information provided in the application is considered adequate to meet the requirements of this section of the regulations.

ENVIRONMENTAL RESOURCE INFORMATION

VEGETATION RESOURCE INFORMATION

Regulatory Reference: R645-301-321

Analysis:

The applicant has updated Plate 3-2, the regional vegetation map. This map shows vegetation types of the entire permit area and the incidental boundary change area. In addition,

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the applicant has proposed to delete some maps from the current plan. The maps proposed to be deleted overlap, and the updated Plate 3-2 has consolidated information that will make the plan more concise.

The surface of most of the IBC area is a north-facing slope with a conifer vegetation community. Other communities in the area are sagebrush/grass and aspen/conifer.

Findings:

Information provided in the proposal is considered adequate to meet the requirements of this section of the regulations.

FISH AND WILDLIFE INFORMATION

Regulatory Reference: R645-301-322

Analysis:

The application includes a wildlife map, Plate 3-1. This map only shows moose habitat in the area. The text of the application says no raptor nests have been found in the proposed addition to the permit area. While the area may contain a few cliffs, it is not good habitat for any cliff-nesting raptors. Tree-nesting birds generally inhabit areas closer to streams although the area could contain some tree nests that have not been found.

There are no additional details needed for the application; the existing mining and reclamation plan contains the required wildlife information.

Findings:

Information provided in the application is considered adequate to meet the requirements of this section of the regulations.

OPERATION PLAN

PROTECTION OF FISH, WILDLIFE, AND RELATED ENVIRONMENTAL VALUES

Regulatory Reference: R645-301-333

Analysis:

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Since the proposal is for first mining only, there should be no subsidence that would affect any wildlife. Even if subsidence did occur, there are no known raptors or other species of high interest that would be affected.

The Forest Service commented that the information concerning the mitigation that was done for Colorado cutthroat trout needs to be included in the plan. The plan should discuss the mitigation work that was actually done, such as the stream improvements above the mine and transplanting fish into that section of stream.

Findings:

Information provided in the proposal is not considered adequate to meet the requirements of this section of the regulations. Prior to final approval, the applicant must supply the following in accordance with:

R645-301-333, Information concerning mitigation for the culvert installation should be updated to show what work was actually performed. This needs to include a discussion of the stream modifications above the mine and of transplanting the fish back into Crandall Creek.

RECOMMENDATIONS:

The application should not be approved until the deficiencies discussed in this memorandum have been adequately addressed.