

0017



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE RESOURCES

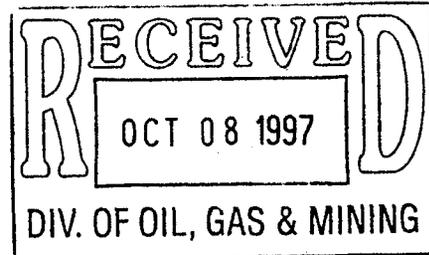
Michael O. Leavitt
Governor
Ted Stewart
Executive Director
John Kimball
Division Director

1594 West North Temple, Suite 2110
PO Box 146301
Salt Lake City, Utah 84114-6301
801-538-4700
801-538-4709 (Fax)
801-538-7458 (TTY)

PROJECT/007/039 #2
Bob, Mike, Susan,
Wayne, Jim, Daron,
Pam

October 1, 1997

Mr. Robert Morgan, State Engineer
Utah Division of Water Rights
1594 West North Temple, Suite 220
Salt Lake City, Utah 84114-6300



Attention: Greg Mladenka

Subject: Stream Channel Alteration No. 97-91-07SA
Dugout Creek
Canyon Fuel Company, LLC

Dear Greg:

The Division of Wildlife Resources (DWR) has reviewed the proposed culverting of 2,400 feet of Dugout Creek in Carbon County. An on-site inspection for this permit was conducted on September 15, 1997 with Ben Morris, DWR, Mike Suflika, Division of Oil, Gas and Mining (DOG M), Mark Page, Casey Ford, Division of Water Rights (DWR), representatives from the mine, and yourself. We would like to make the following comments:

1. We strongly recommend that a detailed reclamation plan needs to be developed for the post-mining state of the site before issuance of this permit. The stream has downcut into the banks. This may be an opportunity to improve the stream. During reclamation the stream needs to be returned to a natural functioning condition. The elevation of the stream with associated contours needs to be outlined in the reclamation plan. The amount, type, and placement of vegetation, especially willows and woody shrubs, need to be specifically outlined in the reclamation plan (DWR personnel would be happy to assist with this portion of the plan).
2. A mitigation plan also needs to be developed and accepted by DOGM for the lost riparian area. HEP analysis has demonstrated that a 3:1 ratio of improved habitat to lost habitat needs to be developed to properly compensate for lost habitat. This mitigation may include removal of grazing from the upper reaches of the stream, or fencing the stream, and/or revegetating timbered slopes above the stream.
3. We prefer to see the culvert installed at low flow (mid-September through November 30), during the fall. The area is in critical deer winter range, so work will need to be completed before December 1 with no further work commencing until the following year during low flow.

Mr. Greg Mladenka

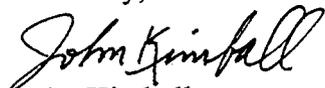
October 1, 1997

Page Two

4. We recommend that BLM be contacted for their input concerning this culvert as they own the property immediately below the mine.
5. The energy dissipators at the end of the culvert will need to be monitored and modified if they cause erosion.
6. Sediment introduced into stream flows during construction should be controlled to prevent increased turbidity downstream.
7. Excavated material and construction debris should not be wasted in the stream channel or placed in flowing waters. This includes material such as grease, oil, joint coating, or any other possible pollutant. Excess materials should be wasted at an upland site well away from any channel. Construction materials, bedding material, excavated material, etc. should not be stockpiled in riparian or channel areas.
8. Any spilled petroleum products such as grease, hydraulic fluid, oil, joint coating or any other pollutants need to be removed immediately with its associated contaminated soil and disposed of at a proper waste disposal site.
9. Adequate spill collection materials need to be readily available at the construction site to contain any toxic or petroleum spills. This should include absorption material to stop or contain any contaminants that may enter the stream.
10. Wet concrete is toxic to aquatic organisms. Wet concrete should not be allowed to enter stream flows. Water should be excluded from areas where concrete or cement is used until it has set. Contaminated water pumped from the construction area should not be discharged in a manner to allow it to enter flows. Equipment used during this type of work should be washed well away from the channel.

We appreciate the opportunity to review this application and provide our input. Please contact Ben Morris at 435-636-0279 or Bill Bates at 435-636-0267 if you have any questions regarding our comments.

Sincerely,



John Kimball
Director