

December 4, 2003

Henry Maddux
U. S. Fish and Wildlife Service
2369 West Orton Circle
West Valley City, Utah 84119

Re: Section 7 Consultation on the Crandall Canyon South Lease addition, Genwal Resources Inc., Crandall Canyon Mine, C/015/0032, Task ID #1698, Outgoing File

Dear Mr. Maddux:

The purpose of this letter is to, request your concurrence with our findings on the Crandall Canyon South Lease permit area addition in accordance with the Section 7 requirements of the Endangered Species Act.

Thank you for providing us with the current listing of threatened, endangered and candidate species for Emery County. We have completed the technical analysis of the Crandall Canyon South Lease application and do not anticipate that there will be any adverse effects on threatened, endangered or candidate species. The mine is located in Emery County, and we have evaluated the possibility of the following species occurring in the area of being adversely affected by the proposal:

Barneby Reed-mustard	<i>Schoenocrambe barnebyi</i>	E
Jones Cycladenia	<i>Cycladenia humilis</i> var. <i>jonesii</i>	T
Last Chance Townsendia	<i>Townsendia aprica</i>	T
Maguire Daisy	<i>Erigeron maguirei</i>	T
San Rafael Cactus	<i>Pediocactus despainii</i>	E
Winkler Cactus	<i>Pediocactus winkleri</i>	T
Wright Fishhook Cactus	<i>Sclerocactus wrightiae</i>	E
Bonytail ^{4,10}	<i>Gila elegans</i>	E
Colorado Pikeminnow ^{4,10}	<i>Ptychocheilus lucius</i>	E
Humpback Chub ^{4,10}	<i>Gila cypha</i>	E
Razorback Sucker ^{4,10}	<i>Xyrauchen texanus</i>	E
Bald Eagle ¹	<i>Haliaeetus leucocephalus</i>	T
Mexican Spotted Owl ^{1,4}	<i>Strix occidentalis lucida</i>	T

Western Yellow-billed Cuckoo	<i>Coccyzus americanus occidentalis</i>	C
Black-footed Ferret ⁶	<i>Mustela nigripes</i>	E
Southwestern Willow Flycatcher	<i>Empidonax traillii extimus</i>	E

¹ Nests in this county of Utah.

⁴ Critical habitat designated in this county.

⁶ Historical range.

⁹ Candidate species have no legal protection under the Endangered Species Act. However, these species are under active consideration by the Service for addition to the Federal List of Endangered and Threatened Species and may be proposed or listed during the development of the proposed project.

¹⁰ Water depletions from *any* portion of the occupied drainage basin are considered to adversely affect or adversely modify the critical habitat of the endangered fish species, and must be evaluated with regard to the criteria described in the pertinent fish recovery programs.

There are no threatened or endangered plant species known for the area according to information from Bob Thompson of the Forest Service, and no threatened or endangered plant species were encountered in the vegetation survey. However, at least two sensitive species have been found in the general vicinity. Canyon sweetvetch (*Hedysarum occidentale* var. *canone*) is present in Huntington Canyon near the turnoff to Crandall Canyon. Intermountain bitterweed (*Hymenoxys helenioides*) has been collected in Carbon and Emery Counties in mountain brush, sagebrush, aspen, and meadow communities between 8800 and 10,700 feet elevation. The permit area probably contains suitable habitat for this species, but it is unlikely to be adversely affected.

In addition to the species discussed in the application, there is also a potential to affect the threatened and endangered fish of the upper Colorado River basin through surface water depletions. The mine has the potential, through water depletions, of adversely affecting four listed threatened and endangered fish species of the upper Colorado River drainage. Page 7-12 of the application describes the use of water for mining operations. Approximately 150 gpm, (242 acre/ft/yr), are used in water consumption for mining activities. It is our understanding that your agency requires mitigation when water depletions exceed 100 acre-feet annually. Therefore we have required the applicant to develop and implement a mitigation and protection plan with The U. S. Fish and Wildlife Service.

Page 3
Henry Maddux
December 4, 2003

There have been no confirmed sightings of black-footed ferrets in Emery County in several years, and the proposed lease addition does not contain black-footed ferret habitat.

A 2003 raptor survey has been completed for the new lease addition and is included as appendix 3-16. The survey indicates that there are no active nests within a half of a mile of the proposed lease area.

Bald eagles are common in the area during the winter and could occasionally fly through or roost in the proposed addition to the permit area, but there are no nearby nests. Mining would have negligible effects on these birds.

Please let us know if you concur with our findings on threatened and endangered species and if you have other concerns. If you have any questions about this project, please call Joe Helfrich at (801) 538-5290.

Sincerely,

Daron R. Haddock
Permit Supervisor

an
cc: Gary Gray Genwal Resources, Inc.
Price Field Office
O:\015032.CRA\FINAL\SEC71698.DOC