



United States Department of the Interior
FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
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WEST VALLEY CITY, UTAH 84119

In Reply Refer To

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04-1301

September 10, 2004

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DIV. OF OIL, GAS & MINING

Pamela Grubaugh-Littig
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

RE: Informal Section 7 Endangered Species Consultation, South Crandall Lease Tract,
Genwal Resources Inc., Crandall Canyon Mine C/015/0032, Emery County

Dear Ms. Grubaugh-Littig:

The U.S. Fish and Wildlife Service (Service) has reviewed your letter e-mailed to our office on August 16, 2004. Potential impacts to proposed or listed species from mining activities have been previously addressed in the Service's September 24, 1996 Biological Opinion and Conference Report on Surface Coal Mining and Reclamation Operations under the Surface Coal Mining and Reclamation Act of 1977. As part of the terms and conditions of this BO, the regulatory authority must implement and require compliance with any species-specific protective measures developed by the Service field office and the regulatory authority.

Bald eagles are common in the area during the winter and could occasionally fly or roost in the proposed addition to the permit area. However, underground mining would have un-discernible or negligible effects upon wintering bald eagle. Based upon the information presented in your letter, we concur with your "not likely to adversely affect" determination for the bald eagle.

Calculations of water consumption by mining operations and gain show that the net total is estimated to be a net gain of 729.6 acre-feet. Your information confirms this project will not result in depletion to the Colorado River system. Also, our review of the Water quality data for the Crandall Canyon Coal Mine (Genwal) Water Discharge confirms the water release will not affect water quality in downstream habitats for the listed species. Therefore, we concur with your "not likely to adversely affect" determination for the Colorado pikeminnow, humpback chub, bonytail, and razorback sucker. Therefore, no endangered species-specific protective measures for these fish are considered necessary for the subject project.

However, Crandall Creek contains populations of Colorado cutthroat trout, a Conservation Agreement species. Although recent information indicates the fish in Crandall Creek may not be pure strains (Leroy Mead, UDWR, personal communication, September 7, 2004), existing

conditions are demonstrated sufficient to support a fishery. We recommend you coordinate closely with UDWR to ensure that the timing and volumes of released mining water do not impair the fishery capability of Crandall Creek.

Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered.

Only a Federal agency can enter into formal Endangered Species Act section 7 consultation with the Service. A Federal agency may designate a non-Federal representative to conduct informal consultation or prepare a biological assessment by giving written notice to the Service of such a designation. The ultimate responsibility for compliance with ESA section 7, however, remains with the Federal agency.

We appreciate your interest in conserving endangered species. If further assistance is needed or you have any questions, please contact Diana Whittington, at (801) 975-3330 extension 128.

Sincerely,



Henry R. Maddux
Utah Field Supervisor

cc: OSM - Denver (Attn: Ranvir Singh)
BLM - Price Field Office
FS - Manti LaSal, Price
Genwal Resources (Attn: Gary Gray), P.O. Box 1077, Price, Utah, 84501