

APPENDIX 3-12

CRANDALL CREEK/COLORADO CUTTHROAT TROUT MITIGATION PLANS

United States
Department of
Agriculture

Forest Service
Manti-La Sal
National Forest

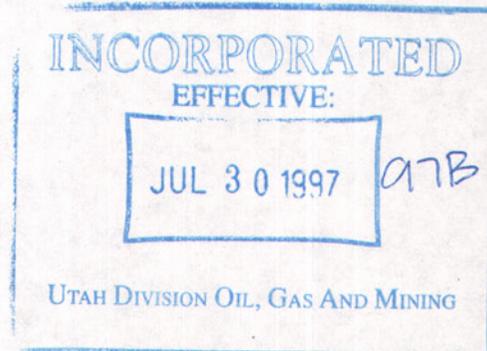
599 West Price River Dr.
Price, Utah 84501
Phone # (801) 637-2817
Fax # (801) 637-4940



File Code: 2820-4

Date: May 21, 1997

Utah Division of Oil, Gas and Mining
ATTN: Daron Haddock
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City UT 84114-5801



Subject: Installation of Culvert in Crandall Creek to Expand Surface
Facilities, Crandall Canyon Mine, Genwal Resources, Inc., ACT/014/032,
Folder #2, Emery County, Utah.

Dear Daron:

On April 8, 1997 representatives of the U.S. Forest Service, Manti-La Sal National Forest (Forest Service); Utah Division of Wildlife Resources (DWR); Bureau of Land Management (BLM); Utah Division of Oil, Gas and Mining (DOG M); and Genwal Resources, Inc. (Genwal) met to discuss the impacts of a proposed culvert on aquatic resources in Crandall Creek. Recent genetics testing has shown that trout found in the stream reach to be culverted are possibly a remnant population of Colorado River cutthroat trout (CCT), a Forest Service and State sensitive species. Currently, the DWR and the Forest Service, along with other agencies, are in the process of finalizing a Conservation Plan aimed at recovering this subspecies, once found throughout the Colorado River drainage, to avoid any future need for Federal listing.

Genwal has proposed to culvert approximately 1,450 feet of Crandall Creek, within a privately held parcel of land, to allow adequate operating room for expanded facilities at the mine. Two factors complicate this proposal. First, the fish in this portion of Crandall Creek are the only known, potentially pure, strain of CCT on the Wasatch Plateau of the Manti-La Sal National Forest and the DWR and the Forest Service are obligated to ensure that no actions are taken that will increase the potential need for listing. Second, these fish have only been found within a relatively small segment of the stream, about 1,500 feet long, that is exactly in the same location as the proposed culvert installation. Unfortunately, Crandall Canyon is steep and narrow, and Genwal has few, if any, options of reducing the length of the culvert and size of the impacted area while also meeting their expanded facilities needs.

All parties involved in this project have worked together to find an appropriate solution to this situation. Agreement was reached at the April 8th meeting to a number of mitigation measures that would enhance recovery of CCT on the Manti-La Sal National Forest and enhance stream habitat elsewhere for habitat lost under

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the culvert while allowing Genwal to proceed with their expansion plans. These proposed mitigation measures are as follows:

UTAH DIVISION OIL, GAS AND MINING

Mitigation for impacts to the suspected CCT population:

1. Require Genwal to delay construction until after cutthroat can be moved to a secure and suitable, temporary location. All fish will be removed from the reach of Crandall Creek with the suspected CCT population. Adult fish moved will be individually marked and tested so that only pure CCT can be used as brood stock for reintroductions. Genwal will fund the DWR to do this work at a cost of \$5,000.
2. Necessary NEPA and work to enhance stream habitat above the Forest boundary on Crandall Creek will be completed to increase pools and resting habitat. This work is expected to allow continued existence of a small population of cutthroat in this area. Genwal will fund the Forest Service to do this work at a cost of \$25,000. After enhancement work and genetics testing are completed, it is anticipated that adults or their offspring, or CCT from another source, will be released in the creek above the culvert.
3. The DWR will complete genetic analysis, surveying other populations, and implement other items in the CCT Conservation Agreement with \$15,000 in funds provided to them by Genwal.
4. The Forest Service and the DWR will work to identify and agree on another site appropriate for permanent CCT establishment on the Forest. Once a site is agreed upon, site preparation work and eventual release will follow. This work may include fish population surveys and habitat suitability analyses, construction of a barrier to prevent other fish species from entry into the drainage, multiple rotenone treatments to remove resident fish populations, habitat enhancement and protection measures (e.g., fencing, riparian planting, bank stabilization, etc.), and any necessary NEPA work. Genwal will fund the DWR and the Forest Service to complete this work at a cost of \$105,000. Payment will be made to the DWR for deposit into an account requiring approval by both the DWR and the Forest Service for any payment.
5. The Forest Service will conduct analysis of high sediment loads apparently originating from headwater portions of Crandall Canyon and develop remedial measures as appropriate. Genwal will fund the Forest Service to do this work as a cost of \$5,000.
6. The DWR will contact the State Institutional Trust Lands Administration to discuss analysis of their lands in headwater portions of Crandall Canyon to determine sources of apparent sedimentation to the creek, conduct analysis as requested, and discuss appropriate remedial measures. Genwal will fund DWR to do this at a cost of \$5,000.

Mitigation for the loss of stream and spawning habitat and potential effects of the mine on water quality:

7. Stream and rangeland improvements will be made in Upper Scad Valley to improve stream habitat conditions and reduce impacts on Scad Valley Creek.

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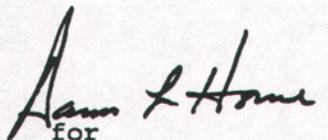
Utah Division of Oil, Gas and Mining

These include: eliminating a sheep corral located in a wet meadow along the stream and replacing it with two or three new corrals built on upland locations to improve livestock distribution, relocation of the shepherd's camp and obliteration of the road and ford, develop and gravel roads to access new facilities, and institution of additional livestock management techniques to protect the riparian area. A toilet will be constructed in Huntington Canyon to enhance water quality in Huntington Creek. Genwall will fund the Forest Service to do this work at a cost of \$55,000. Monitoring for effectiveness of this work will be conducted by the DWR and the Forest Service.

We appreciate the opportunity to comment on this project. If these proposed mitigation measures are imposed, we feel that both coal production and fisheries protection goals can be reasonably expected to be achieved.

Our comments on the revised Mining and Reclamation Plan for the Crandall Canyon Mine are attached. We are unable to consent to the revision until our comments have been addressed and we have reviewed Genwal's revised proposal.

Sincerely,



for

JANETTE S. KAISER
Forest Supervisor

Attachment

cc:

Genwal Resources, Inc.

USDI-BLM, Price River Resource Area (George Tetrault)

USDI-BLM, Utah State Office (Alan Rabinoff)



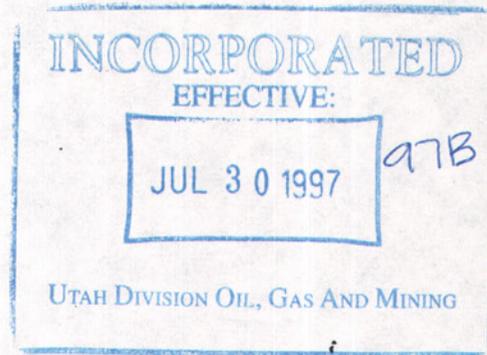
State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE RESOURCES

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

Robert G. Valentine
Division Director

1596 West North Temple
Salt Lake City, Utah 84116-3195
801-538-4700
801-538-4709 (Fax)



May 16, 1997

James W. Carter, Director
Division of Oil, Gas and Mining
1594 West North Temple, Ste. 1210
Salt Lake City, Utah 84114-5801

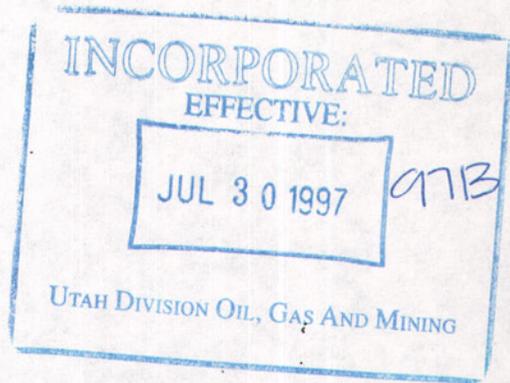
Dear Jim:

On April 8, 1997, representatives of the Manti-La Sal National Forest Service (Forest Service), Division of Wildlife Resources (DWR), Bureau of Land Management (BLM), Division of Oil, Gas and Mining (DOG M), and Genwall Coal Company (Genwall) met to discuss the impacts of a proposed culvert on aquatic resources in Crandall Creek. Recent genetics testing has shown that trout, found in the stream reach to be culverted, are possibly a remnant population of Colorado River cutthroat trout (CCT), a Forest Service and State sensitive species. Currently, the DWR and the Forest Service, along with other agencies, are in the process of finalizing a Conservation Plan aimed at recovering this subspecies, once found throughout the Colorado River drainage, to avoid any future need for Federal listing.

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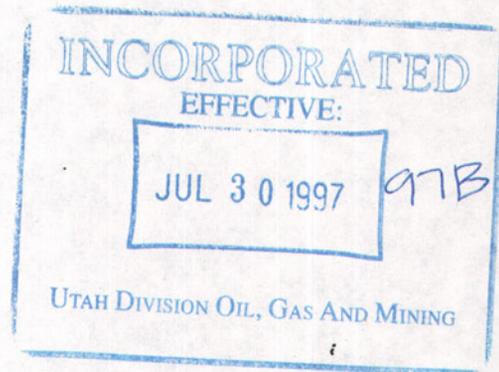




Mitigation for impacts to the suspected CCT population:

1. Require Genwall to delay construction until after cutthroat can be moved to a secure and suitable, temporary location. All fish will be removed from the reach of Crandall Creek with the suspected CCT population. Adult fish moved will be individually marked and tested so that only pure CCT can be used as brood stock for reintroduction. Genwall will fund DWR to do this work at a cost of \$5,000.
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James W. Carter
May 16, 1997
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Mitigation for the loss of stream and spawning habitat and potential effects of the mine on water quality:

7. Stream and rangeland improvements will be made in Upper Scad Valley to improve stream habitat conditions and reduce impacts on Scad Valley Creek. These include: eliminating a sheep corral located in a wet meadow along the stream and replacing it with two or three new corrals built on upland locations to improve livestock distribution, relocation of the sheepherder's camp and obliteration of the road and ford, develop and gravel roads to access new facilities, and institution of additional livestock management techniques to protect the riparian area. A toilet will be constructed in Huntington Canyon to enhance water quality in Huntington Creek. Genwall will fund the Forest Service to do this work at a cost of \$55,000. Monitoring for effectiveness of this work will be conducted by the DWR and the Forest Service.

We appreciate the opportunity to comment on this project. If these proposed mitigation measures are imposed, we feel that both coal production and fisheries protection goals can be reasonably expected to be achieved.

Sincerely,

John Kimball
Director

cc: Genwall
Manti-LaSal National Forest
Greg Mladenka, Division of Water Rights
DWR Habitat, SLO
USFWS, Salt Lake Office

crandfin.wpd



GENWAL
RESOURCES, INC.

P.O. Box 1420 • 195 North 100 West • Huntington, Utah 84528
Telephone (801) 687-9813 • Fax (801) 687-9784

May 30, 1997



Jim Carter
Director
Utah Division of Oil, Gas & Mining
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, Utah 84180-1203

Dear Mr. Carter,

Genwal Resources has recently received copies of letters from the US Forest Service (5/21/97) and the Utah Division of Wildlife Resources (5/16/97) addressed to your office. These letters discuss the mitigation requirements associated with Genwal's proposed surface expansion project in Crandall Canyon, and specifically, the mitigation measures which have been agreed upon regarding the possible remnant population of Colorado River cutthroat trout in nearby Crandall Creek. Copies of these letters are attached and are part of this correspondence thru reference.

The purpose of this letter is to acknowledge that Genwal fully concurs with the mitigation plan as outlined in these letters. Genwal commits to work cooperatively with the Forest Service and DWR in the spirit and letter of these mitigation agreements. We will participate with Forest Service and DWR in signing a memorandum of agreement to accomplish this agreed-upon mitigation in a manner acceptable to both agencies as outlined in the above referenced letters.

As part of our Crandall Canyon mine Mining and Reclamation Plan (Act 015/032) we hereby agree to comply with the conditions and funding stipulations as stated in these letters and agree that these conditions/stipulations constitute the mitigation plan that Genwal has agreed upon with the agencies.

We, at Genwal, very much appreciate the cooperation shown by both the Forest Service and DWR in working with us to reach an agreement that provides the necessary mitigation for this sensitive population of fish and still allows us to pursue the necessary expansion of our mining operation in Crandall Canyon.

If you have any questions or comments regarding this matter please feel free to call me.

Sincerely,

Dave Shaver
Manager of Technical Services

cc Ted Stewart, DNR
Jeanette Kaiser, FS
Bill Bates, DWR