

Appendix 3-8

UDOGM LETTER



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE RESOURCES

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
Timothy H. Provan
Division Director

Southeastern Region
455 West Railroad Avenue
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801-637-3310
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April 28, 1993

*Cover-Page
Appendix 3-7*

Mr. Mel Coonrod
Environmental Industrial Serv
4855 North Spring Glen Road
Spring Glen, Utah 84526

Dear Mel:

This letter is in response to your request for information regarding the potential for impacts due to subsidence on tree nesting raptors within the permit area for Genwal's Crandall Canyon Mine. We are also presenting a proposal for wildlife habitat enhancement to mitigate the loss of approximately five acres of habitat where Genwal's mine facilities are currently located.

The loss of nest trees as a result of subsidence is only a concern in areas where nest trees are a limited habitat component. While the potential for tree nesting raptors to occur within Genwal's permit boundaries is relatively high, the Crandall Canyon area is well forested and nest trees are not likely to be a limiting factor. If a nest tree were destroyed, raptors would simply select an alternative site the following nesting season. A significant impact would only occur if the tree happens to fall during the nesting season when eggs or young are present. Given the amount of overburden and the size of the coal seam to be mined and, after viewing adjacent areas which have already experienced subsidence, we feel that there is a low probability that a nest tree will be destroyed during the nesting season.

As per our conversation, if annual subsidence monitoring detects an area that is actively subsiding, we recommend that this area be surveyed for tree nesting raptors and that measures be implemented to protect any nest sites from destruction during the nesting season. This stipulation should be included in the MRP. This agreement should satisfy the requirement found on Page 14 of the Technical Completeness Review of Genwal's MRP.

Mr. Mel Coonrod

(2)

April 28, 1993

Ideally, the DWR would like to see some type of on-site enhancement of wildlife habitat which would meet the requirement outlined on Page 20 of the Technical Completeness Review. In order for a wildlife enhancement project to be of value, it must provide some habitat component that is absent or limited. There appears to be no such limitation to important habitat variables at the mine site. Interim reclamation measures have been successful and, other than the proper final reclamation of the site, additional enhancement measures would be of limited value. Therefore, our second priority would be an enhancement project in the same general area which would enhance the same wildlife values found at the mine site, i.e. big game, fisheries, or riparian values.

Big game ranges and riparian areas in the vicinity of Crandall Canyon are in satisfactory condition and the opportunities for enhancement are limited. We propose that Genwal participate in a project to enhance fishery values in the Left Fork of Huntington Creek. The mine facilities at Crandall Canyon have impacted the aquatic resources in that canyon and, ultimately, the fishery in Huntington Creek. Impacts have occurred as a result of increased sedimentation due to the surface disturbance associated with the mine facilities. In order to enhance the value of the fishery in this general vicinity, our proposal is to construct a fish barrier at the mouth of the Left Fork of Huntington Creek in order to prevent the movement of brown trout into this important cutthroat fishery. Such a barrier will prevent competition between cutthroat trout and the more aggressive brown trout. This will help maintain the integrity of this naturally reproducing cutthroat trout population and enhance the quality of this fishery. The proposed barrier is of high interest to both the DWR and the Forest Service.

The project would consist of enhancing an existing concrete structure with natural rock so that a fall of 2 - 3 feet is created. Rock material 3 - 5 feet in diameter would be secured to the existing structure with cement to create the barrier. There should be sufficient existing rock so that additional material would not be needed. The DWR will provide specific design information and coordinate construction. With the majority of materials existing on the site, costs should be minimized, particularly if Genwal would contribute equipment time. Construction will need to take place during low flow. We would like to see construction occur during the fall of 1993, sometime between August and October, depending on flows. The DWR would secure the necessary 404 permit and provide future maintenance.

Mr. Mel Coonrod

(3)

April 28, 1993

After consulting with a general contractor, we feel the cost for the proposed structure should be between \$5,000 and \$7,500. After considering information on the cost of habitat improvements and given the classification of Crandall Canyon as critical wildlife habitat, we feel that construction of the fish barrier for the above figures will adequately mitigate the lost value of the habitat located on the mine site.

We appreciate the opportunity to provide assistance in this matter. If you have any questions regarding our comments, please feel free to contact me.

Sincerely,



Kenneth W. Phippen
Regional Habitat Manager

SR/lcl

Copy: Ralph Miles, DWR
Paul Baker, DOGM
Jay Marshall, Genwal Coal Co.



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September 27, 1993

Mr. Larry Johnson
Genwal Coal Company, Inc.
P.O. Box 1201
195 North 100 West
Huntington, Utah 84528

Dear Larry:

This letter is in regard to the potential wildlife enhancement measures which were discussed at the September 21, 1993 site review of Genwal's facilities attended by DWR and DOGM. We appreciate the opportunity of working with you to develop reclamation practices which will be of benefit to local wildlife. We recommend that the following measures be included in the reclamation section of the MRP as fish and wildlife habitat enhancement.

Wildlife habitat values found at the mine site include big game winter and summer range, fisheries and riparian habitat and non-game mammal and bird habitat. The reclamation procedures currently included in the MRP should enhance big game, fisheries and riparian values. The following measures will enhance the non-game habitat value of the reclaimed site.

As the mine site is regraded during reclamation procedures, we recommend that several rock piles be constructed using the large rocks and boulders that occur at the site. Rock piles provide several benefits to wildlife including perch sites, protection from the elements and predators, nest sites and vegetative enhancement due to improved snow catchment. Boulders used in constructing rock piles should be large enough so that, when piled, there is a maze of spaces within the pile. Rock piles of an irregular configuration are of greater value to wildlife due to an increased edge. We recommend the construction of several small rock piles (10 - 15 ft. on a side and 3 - 5 ft. high), rather than a single large pile.

Nest boxes can benefit a variety of birds, including songbirds, various perching birds, woodpeckers, owls and kestrels. The lack of large-diameter trees at the mine site likely limits the number of nest sites available to these cavity-nesting species. We recommend that the power poles located on the mine site be

Mr. Larry Johnson

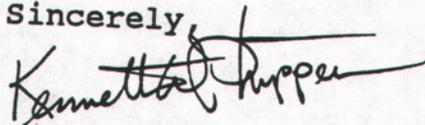
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September 27, 1993

salvaged, replaced following reclamation, and nest boxes attached to provide nest sites for cavity-nesting species. Enclosed is a nest box design which will be suitable for most owl and woodpecker species, as well as kestrels. We recommend that the boxes be placed 10 - 12 feet above the ground. The poles and nest boxes should be placed around the perimeter of the reclaimed area within 15 feet of undisturbed habitat.

We appreciate your willingness to incorporate measures into the reclamation plan which will enhance the area for wildlife. If you have any questions regarding our recommendations or if we can be of additional assistance, please contact me.

Sincerely,



Kenneth W. Phippen
Regional Habitat Manager

SR/lcl

Enclosure

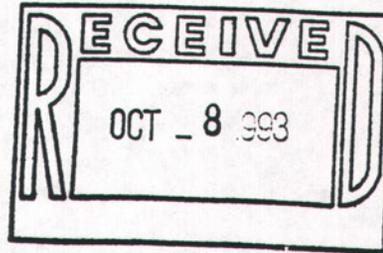
Copy: Ralph Miles, DWR
Paul Baker, DOGM
Charles Jankiewicz, USFS



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October 6, 1993

Mr. Larry Johnson
Genwal Coal Company
P.O. Box 1201
195 North 100 West
Huntington, Utah 84528

Dear Larry:

This letter is in regard to the construction of fish barrier in the Left Fork of Huntington Creek as a mitigation project to be included in Genwal's Mining and Reclamation Plan. A number of problems have become evident as our office worked to develop a design for this project. We present the following comments and recommendation for your information.

Kevin Christopherson, Regional Fisheries Manager, surveyed the Left Fork of Huntington Creek for sites suitable for the construction of a fish barrier. The site we had originally proposed was not suitable. Some potential sites were found but were located some distance upstream which defeats the purpose of the barrier and would result in considerable resource damage during construction. A barrier similar to what we had proposed was found within the drainage, but this structure has been ineffective in blocking the passage of fish. In order to construct a barrier sufficient to block fish passage, extensive stream modification would be required and would result in some ponding within the stream. In addition to being considerably more costly, this would cause a build-up of sediments which is also undesirable. Another potential problem would be the isolation and barrier to spawning that this project could represent to cutthroat trout located downstream in Huntington Creek.

Given this information, we feel that it is in the best interest of the resource to withdraw the proposal to construct this fish barrier as a mitigation project. We realize this presents some problems with regard to Division of Oil, Gas and Mining (DOG M)



Mr. Larry Johnson

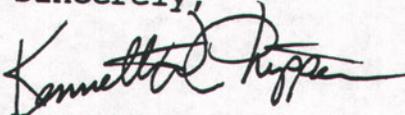
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October 6, 1993

requirements for your Mine Plan. For this reason, we developed the alternative wildlife enhancement measures presented in our letter of September 27, 1993. These enhancement measures should satisfy DOGM's requirements with regard to wildlife habitat enhancement.

We appreciate your efforts with regard to the fish barrier project and regret any inconvenience this may cause. If you have any questions, please contact me.

Sincerely,



Kenneth W. Phippen
Regional Habitat Manager

SR/lcl

Copy: Kevin Christopherson, DWR
Paul Baker, DOGM