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United States Department of the Interior  
FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE  
LINCOLN PLAZA  
145 EAST 1300 SOUTH, SUITE 404  
SALT LAKE CITY, UTAH 84115

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FEB 21 2001

DIVISION OF  
OIL, GAS AND MINING

In Reply Refer To

(CO/KS/NE/UT)

February 15, 2001

Mr. Daren Rasmussen, Stream Alteration Specialist  
Utah Division of Water Rights  
1594 West North Temple, Suite 220  
Box 146300  
Salt Lake City, Utah 84114-6300

RE: Stream Channel Alteration Application No. 00-91-24SA, Lodestar Energy, Inc., Whiskey  
Creek, Carbon County

Dear Mr. Rasmussen:

This is in reference to our February 6, 2001 meeting regarding the referenced Stream Channel Alteration Application. In our meeting, we discussed the proposed surface coal mine under a portion of Whiskey Creek with the Division of Wildlife Resources (UDWR), Division of Water Rights, Division of Water Quality, Division of Oil, Gas, and Mining (UDOGM), and the Bureau of Land Management. The project as proposed would require the temporary movement of a section of the stream to allow mining operations under the streambed.

As we understand it, Whiskey Creek currently has considerable impacts from an ongoing mining operation in-place just below the proposed location for the subject project. The banks suffer from considerable physical disturbance due to mining activities. In addition, while naturally intermittent, Whiskey Creek now flows perennially due to mining discharge. These activities have considerably altered the ecological function of Whiskey Creek and we have significant concerns regarding any further impacts to the stream and downstream waterways.

The Colorado cutthroat trout (CCT) is known to inhabit Clear Creek just downstream of Whiskey Creek. The Service was recently petitioned by the Center for Biological Diversity to list the CCT under the Endangered Species Act (ESA). Due to declines throughout its range, the CCT is considered a sensitive species by the State of Utah and federal agencies. The CCT is managed under a Conservation Agreement which is a voluntary cooperative plan between state and federal resource agencies that identify threats to a species in decline and provides for conservation measures to pro-actively conserve and protect the species. Threats that may warrant listing under ESA should be significantly reduced or eliminated through implementation of the Conservation Agreement. Projects that would cause degradation or loss of CCT habitats would be contrary to the spirit and intent of this Conservation Agreement. Maintaining and expanding strong populations of CCT with protection of habitat through the Conservation Agreement is critical to preventing listing of this species.

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*Incoming*

To minimize detrimental effects on Whiskey Creek, we believe it is critical that a comprehensive restoration plan is developed in consultation with all interested parties before any mining activities take place. In our last meeting, we discussed the content of a restoration plan for this project. Please consider the following comments regarding minimization of potential impacts and restoration of Whiskey Creek and important downstream fish and wildlife resources.

1. Water quality control measures should take place during all mining and restoration activities. These measures should include monitoring and control of both sediment and water quality (ie. acidity, conductivity, metals) upstream and downstream of the project area.
2. All project activities should occur during low flow periods to minimize sedimentation into the stream. Mining activities should be completed as quickly as possible during this period of time. As we understand it, Whiskey Creek mining and restoration activities are scheduled to be completed by spring of 2002.
3. We do not recommend the use of riprap, concrete or other human-made materials where natural materials can be used. Boulders, root-wads, large woody debris, and other natural materials found locally should be used as necessary in the restoration of Whiskey Creek.
4. Restoration of Whiskey Creek, including placement of instream stabilization and other necessary structures, should closely approximate the natural channel form and function (sinuosity, gradient, hydrology and sediment transport). The disturbed portion of the stream bed should also be restored to its original level.
5. Disturbed areas (work sites, ingress, egress, stockpile site/s, pit) should be revegetated when appropriate after construction with native plants or certified weed-free native seed. The planting should be monitored for success and should be reseeded/planted if unsuccessful.
6. Disturbed areas should be monitored for noxious and undesirable plant species and control actions should be implemented if necessary.

We understand the restoration plans for the existing and proposed mine operations will be amended and supervised by UDOGM and UDWR. We request the opportunity to review a revised restoration plan to provide additional recommendations, if needed, for the protection of fish and wildlife resources.

This response has been prepared under the authority of and in accordance with the provisions of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) and the Endangered Species Act (16 U.S.C. 1531 et seq.) and represents Department of Interior comments on this application.

Thank you for the opportunity to review and comment on this application. If you have any questions or need further information please contact Jessica Gourley, Fish and Wildlife Biologist, at (801) 524-5009 ext. 133.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry R. Maddux". The signature is written in a cursive style with a large initial "H".

Henry R. Maddux  
Utah Field Supervisor

cc: EPA-Denver  
UDWR-SLC  
COE-Bountiful  
UDOGM-SLC  
David Miller, Lodestar Energy, HC 35 Box 370, Helper, Utah, 84526