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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE RESOURCES

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Incoming
ACT/007/005

cc. Daron
Mike S
Paul B.
Pom

10 August, 2000

Mr. Paul Baker
Division of Oil, Gas and Mining
1594 W. North Temple #1210
PO Box 145801
Salt Lake City, UT 84114-5801

RE: Proposed undermining of James Canyon Creek by Canyon Fuel-Skyline Mine

Dear Mr. Baker,

We would like to comment on the Canyon Fuel-Skyline Mine proposal for an incidental boundary change which would allow the undermining of James Canyon Creek. We feel that at the present time, James Canyon Creek should not be undermined. It is our opinion that there are insufficient data to show that the undermining of this creek will not effect water flows and impact the aquatic ecosystem. There are insufficient baseline data on James Canyon Creek to determine if an action has significant impacts on flows. James Canyon Creek is an important aquatic system for spawning and rearing of juvenile cutthroat trout, providing year-round fish habitat. The stream also supplies water to electric lake, an important fishery in southeastern Utah.

It has been suggested that the undermining of James Canyon Creek should be allowed because there were no adverse effects shown in the flow data collected during the undermining of Burnout Creek. We believe that these data are inconclusive and should not be used to justify undermining another drainage. These data were inconclusive in the following ways: they were collected too sporadically (not in the same months every year), there were not enough pre and post mining data collected (confidence intervals associated with mean flows are so wide that it is difficult to show a significant effect. Finally, subsidence is not complete, as there are still two panels left to mine under Burnout Creek.

In order to better understand the effects of mining subsidence on this area, and predict the impact of undermining another drainage, we suggest that monitoring be continued on Burnout Creek through completion of mining. In order to determine effects to the overall flow in the creek, it may be useful to correlate flow data with precipitation data on this watershed. We also suggest that flows be monitored every month. Monitoring should be done on the same day during the month.

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DIVISION OF
OIL, GAS AND MINING

We suggest that the following baseline data be collected on James Canyon Creek: Three years or more of flow data should be collected before undermining. These flows should be measured monthly beginning immediately. Flow measurements should be recorded at the lower end of the creek on the same day each month. Fish and macroinvertebrate studies should be performed in fall 2000, spring 2001, fall 2001, and spring 2002. Similar studies should be conducted thereafter every three years, beginning in fall 2004. The spring fish surveys should include visual counts of adult fish ("spawners") in mid-June. The fall surveys should consist of electro-fishing in early September to obtain fish population estimates and determine length-frequency information on the fish population.

Finally, mitigation for loss of flows in James Canyon Creek should be agreed upon before the undermining of this drainage begins. Mitigation for loss of flows could include the purchase of water rights equal to the lost flows in Electric Lake or other nearby water which supports a trout fishery, and dedication of these water rights for fishery purposes. Determination of just how much water is lost can be difficult, therefore we propose careful monitoring of flows for several years before undermining begins.

We appreciate your taking these comments into consideration. We are available to work with you and/or Genwall on this issue. Please contact Chris Colt (Habitat Biologist) or Louis Berg (Aquatic Manager) at 435-636-0260.

Sincerely,



Miles Moretti
Regional Supervisor