

From: <James_Kohler@ut.blm.gov>
To: <daronhaddock@utah.gov>, <pamgrubaughlittig@utah.gov>
Date: 8/7/03 2:46PM
Subject: Wildlife Issues for SUFCO Permit Revision

Folks,

I received the attached letter from DWR in Price expressing their concerns with the impacts associated with undermining the East Fork of Box Canyon. I have responded to them to let them know we do not believe that the impacts they fear are going to happen. I also let them know that DOGM will be addressing their concerns while the permit revision is processed, and I would forward their letter to you. I am also enclosing the reports on the 2-yr Mexican Spotted Owl Survey funded by the Forest Service. No Mexican Spotted Owls have been identified in the area.

Jim

(See attached file: Pines DWR Letter.pdf)(See attached file: Pines MSO.pdf)

CC: <maryannwright@utah.gov>, <Kent_Hoffman@ut.blm.gov>



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155

IN REPLY REFER TO:
3400
UTU-76195
(UT-923)

JUN 07 2003

Mr. Derris Jones
Regional Supervisor
Utah Division of Wildlife Resources
475 West Price River Drive, Suite C
Price, Utah 84501-2860

Dear Mr. Jones:

Thank you for your letter dated July 29, 2003 expressing your concerns that undermining Box Canyon could cause a loss of surface and subsurface flows in the area. An ephemeral portion of Box Canyon was undermined in May and June of 1999. Post-mining inspections of this area indicate that the small cracks that formed in the stream channel have closed and water flow in the drainage has not been impacted. Cracks along the unconfined canyon rim are wider, as expected, and they will continue to remain open for a longer period along with the natural fractures. Field observations indicate that these cracks are shallow and end above the canyon bottom, so any water intercepted by these cracks should discharge in the canyon. No further mining is projected for Box Canyon.

The mine has received approval from BLM to undermine a portion of the East Fork of Box Canyon, part of which contains a perennial stream. We have granted this approval based in part on hydrologic assessments that indicate the effects on the surface and subsurface water flows will not cause the dessication of the area as you expressed in your letter. The effects on the hydric soils in the East Fork of Box Canyon were characterized as follows in the Final Environmental Impact Statement (FEIS) prepared before the lands were leased:

The loss of hydrologic function of hydric soils (18.6 acres) due to alteration of the surface and shallow groundwater flows by subsidence-induced fractures would be short termed. Most of the fractures would be filled by natural sedimentation and/or swelling for the clays in the rock stratas, thus restoring the natural hydrologic function. The short-term loss would be quickly restored naturally and should not irreversibly affect riparian or wetland vegetation communities (FEIS page 3-89).

Based on monitoring of several miles of stream reaches that have been subsided in the Wasatch Plateau, we have concluded that there is a low likelihood that the impacts you envision will occur. If any impacts occur, the FEIS indicates that they can be mitigated.

The surface effects of the proposal to undermine the East Fork of Box Canyon are presently being assessed by the Utah Division of Oil, Gas, and Mining as part of their responsibilities under the Surface Mining Control and Reclamation Act (SMCRA). I am forwarding your concerns to them for their consideration in their approval of the revision to the SMCRA permit.

Sincerely,

James F. Kohler
Chief, Branch of Solid Minerals

cc: Mary Ann Wright, DOGM



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE RESOURCES

Michael O. Leavitt
Governor
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29 July 2003

Jim Kohler
BLM – Utah State Office
PO Box 45155
324 S. State St.
Salt Lake City, UT 84145-0155

RE: UDWR concerns with undermining of Box Canyon

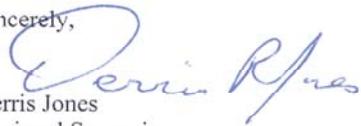
Dear Jim,

On July 17th, 2003 we toured Box Canyon to look at the potential impacts to wildlife and habitat from the undermining of this reach. UDWR has the following concerns with the undermining of Box Canyon:

We are concerned that subsidence may fracture subsurface bed materials and cause the loss of surface and subsurface flows, causing a desiccation of the area. This drying of the area will alter the community structure by decreasing or eliminating ephemeral pools (impacting amphibian habitat and free drinking water for terrestrial vertebrates), and lower the total biomass of invertebrates (reducing forage for many species of passerine birds and bats).

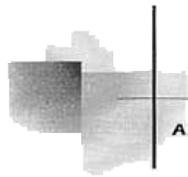
We suggest that a survey of avian, amphibian, and mammalian species abundance and density be conducted pre and post mining to determine the extent of the impacts to the ecological community in Box Canyon. Thank you for considering our comments. If you would like to discuss this issue, please call Craig Walker (Aquatic Biologist) or Leroy Mead (Habitat Biologist) at 435-636-0260.

Sincerely,


Derris Jones
Regional Supervisor

CJC/cw

Utah!
Where ideas connect



ARIZONA BIOLOGICAL SURVEYS



Dale Harber
 USDA -Forest Service
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 Price, UT 84501
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August 6, 2002

Interim Report MSO Survey 2002 Season

Approximately 9,200 acres were surveyed for the Mexican Spotted Owl on the Manti-Lasal National Forest. Surveys were conducted in accordance with the USFWS Mexican Spotted Owl Protocol, last revised 1994. The survey included the geographic locations of Clay Banks, Rock Canyon, Muddy Creek, Quitchupah Creek, and Link Canyon.

Four complete surveys were conducted. Survey #1 began May 31 and ended June 2, 2002. Survey #2 began June 22 and ended June 26, 2002. Survey #3 began July 13 and ended July 16, 2002. Survey #4 began August 1 and ended August 4, 2002.

There were no responses from Mexican Spotted Owls. A summary of other raptor responses is found in the table below:

Date of Response	Species Name	Species Code	Type of Response	UTM
7-14-02	Great-Horned Owl	Buvi	Pair/Audio	120466720E 4312990N
8-3-02	Great-Horned Owl	Buvi	Single/Visual	120469255E 4314835N

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June 7, 2002

Coal Lease MSO Survey #1

Survey #1 was conducted beginning May 31, 2002, and ended the morning of June 3, 2002. The survey area is found on the Ferron RD and includes the geographic locations of Clay Banks Swale, Rock Canyon, Muddy Creek, Quitchupah Creek, and Link Canyon. The area was surveyed in accordance with MSO protocol and was covered using call points and continuous calling routes. Maps and survey forms are attached. There are minor changes in the calling routes since the first survey.

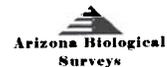
There were no Mexican Spotted Owl responses. There were no other raptor responses. No follow-up visits were conducted.

Approximately half a dozen turkey hens were observed near the bottom of the Muddy Creek canyon. The location was T21S, R6E, Section 16, near an old farm.

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June 28, 2002

Coal Lease MSO Survey #2

Survey #2 was conducted beginning June 22, 2002, and ended the morning of June 26, 2002. The survey area is found on the Ferron RD and includes the geographic locations of Clay Banks Swale, Rock Canyon, Muddy Creek, Quitchupah Creek, and Link Canyon. The area was surveyed in accordance with MSO protocol and was covered using call points and continuous calling routes. Maps and survey forms are attached. There are minor changes in the calling routes since the first survey.

There were no Mexican Spotted Owl responses. There were no other raptor responses. No follow-up visits were conducted. A Great-horned Owl feather was found near call point 10, in section 29, outside of the survey area.

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July 22, 2002

Coal Lease MSO Survey #3

Survey #3 was conducted beginning July 13, 2002, and ending July 16, 2002. The survey area is found on the Ferron RD and includes the geographic locations of Clay Banks Swale, Rock Canyon, Muddy Creek, Quitchupah Creek, and Link Canyon. The area was surveyed in accordance with MSO protocol and was covered using call points and continuous calling routes. Maps and survey forms are attached.

There were no Mexican Spotted Owl responses. There was a vocal response from a pair of Great-horned owls. The location is near call point 8, in section 29, SW 1/4 of the NE 1/4. No follow-up visits were conducted.

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August 6, 2002

Coal Lease MSO Survey #4

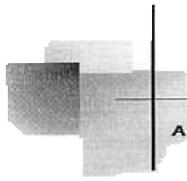
Survey #4 was conducted beginning August 1, 2002, and ending the morning of August 4, 2002. The survey area is found on the Ferron RD and includes the geographic locations of Clay Banks Swale, Rock Canyon, Muddy Creek, Quitchupah Creek, and Link Canyon. The area was surveyed in accordance with MSO protocol and was covered using call points and continuous calling routes. Maps and survey forms are attached.

There were no Mexican Spotted Owl responses. There were no other raptor responses. A single Great-horned Owl was observed sitting on a fence post near the survey area. The UTM location is 120469255E 4314835N.

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ARIZONA BIOLOGICAL SURVEYS

 Arizona Biological
Surveys

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June 3, 2003

Coal Lease MSO Survey #1

Survey #1 was conducted beginning May 30, 2003, and ended the morning of June 2, 2003. The survey area is found on the Ferron RD and includes the geographic locations of Clay Banks Swale, Rock Canyon, Muddy Creek, Quitchupah Creek, and Link Canyon. The area was surveyed in accordance with MSO protocol (1994) and was covered using call points and continuous calling routes. Maps and survey forms are attached.

There were no Mexican Spotted Owl responses. There were three other raptor responses. There are two, possibly three Saw-whet owls. Locations are listed below.

120468712E	4320307N	Northern Saw-whet owl	Aegolius acadicus
120468419E	4319498N	Northern Saw-whet owl	Aegolius acadicus
120466132E	4313502N	Northern Saw-whet owl	Aegolius acadicus

No follow-up visits were conducted.

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June 26, 2003

Coal Lease MSO Survey #2 2003

Survey #2 was conducted beginning June 21, 2003, and ended the morning of June 24, 2003. The survey area is found on the Ferron RD and includes the geographic locations of Clay Banks Swale, Rock Canyon, Muddy Creek, Quitchupah Creek, and Link Canyon. The area was surveyed in accordance with MSO protocol (1994) and was covered using call points and continuous calling routes. Maps and survey forms are attached.

There were no Mexican Spotted Owl responses. There were no other raptor responses.

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July 23, 2003

Coal Lease MSO Survey #3 2003

Survey #3 was conducted beginning July 11, 2003, and ended the morning of July 15, 2003. The survey area is found on the Ferron RD and includes the geographic locations of Clay Banks Swale, Rock Canyon, Muddy Creek, Quitcupah Creek, and Link Canyon. The area was surveyed in accordance with MSO protocol (1994) and was covered using call points and continuous calling routes. Maps and survey forms are attached.

There were no Mexican Spotted Owl responses. There was one Saw-whet owl response. The location is identified below and on the form and map attached.

120468691E 4320120N Northern Saw-whet owl *Aegolius acadicus*

No follow-up visits were conducted.

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August 6, 2003

Coal Lease MSO Survey #4

Survey #4 was conducted beginning August 1, 2003, and ended the morning of August 5, 2003. The survey area is found on the Ferron RD and includes the geographic locations of Clay Banks Swale, Rock Canyon, Muddy Creek, Quitchupah Creek, and Link Canyon. The area was surveyed in accordance with MSO protocol (1994) and was covered using call points and continuous calling routes. Maps and survey forms are attached.

There were no Mexican Spotted Owl responses. There were three other raptor responses. There was one Saw-whet owl, and two Great-horned owls. Locations are listed below.

120468366E	4319621N	Great-horned owl	Bubo virginianus
120466519E	4313764N	Northern Saw-whet owl	Aegolius acadicus
120466278E	4313643N	Great-horned owl	Bubo virginianus

No follow-up visits were conducted.

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