



United States Department of the Interior

FISH AND WILDLIFE SERVICE

EASTERN IDAHO FIELD OFFICE – ES

4425 BURLEY DR., SUITE A

CHUBBUCK, IDAHO 83202

Telephone (208) 237-6975

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DEC 21 2004

Mary A. Baldwin
Administrative Assistant
State of Idaho
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

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DEC 23 2004

Department of Water Resources
Southern Region

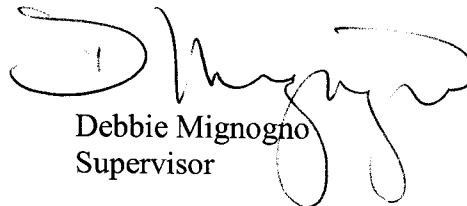
Application for Transfer No. 71264 (Thompson Creek Mining Company)
File # 1005.2000 OALS # 1-4-04-I-0238

Dear Ms. Baldwin:

We are enclosing our letter on the above referenced project that was sent to the Bureau of Land Management on October 22, 2004. The Service reviewed this project and we are in agreement with their finding of "may effect but is not likely to adversely affect" for bull trout. The application for transfer of water right is as was described in the Biological Assessment for this project, and we have no further comments on this project.

If you have any further questions you can contact Carol Evans, at (208) 237-6975 extension 33.

Sincerely,



Debbie Mignogno
Supervisor

Enclosure



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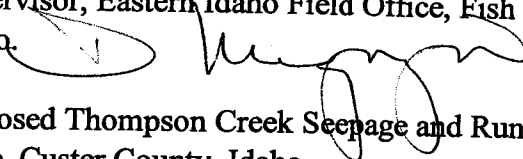
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Department of Water Resources
Southern Region

Memorandum

OCT 22 2004

To: Field Manager, Challis Field Office, Bureau of Land Management, Challis, Idaho.

From: Supervisor, Eastern Idaho Field Office, Fish and Wildlife Service, Chubbuck, Idaho. 

Subject: Proposed Thompson Creek Seepage and Runoff Pipeline at the Thompson Creek Mine, Custer County, Idaho.
File # 1005.2000 OALS # 1-4-04-I-0238

This letter acknowledges the U.S. Fish and Wildlife Service's (Service) October 15, 2004 receipt of the Bureau of Land Management's (BLM) October 14, 2004 letter and Biological Assessment (BA) for the Proposed Thompson Creek Pipeline requesting Service review of the BA and concurrence with its findings. The consultation with the Service concerns the possible effects of the Thompson Creek Mining Company's (TCMC) proposed project on bull trout (*Salvelinus confluentus*). The Service's comments are provided in accordance with the provisions of section 7 of the Endangered Species Act of 1973 (Act) as amended.

As outlined in the BA, TCMC proposes to reduce the selenium loading to Thompson Creek that originates in drainage from waste rock dumps in the headwaters of Buckskin Creek and Pat Hughes Creek. TCMC plans to install structures to capture the drainage water at the base of the waste rock dumps. This water will be routed into new pipelines that will connect with an existing pipeline and pumping station. The water will be pumped uphill to the Thompson Creek Mine (Mine) mill, where it will be used as process water. Additional information was provided on the project in the feasibility study for reducing selenium discharge (Lorax 2004), the storm water pollution prevention plan (TCMC 2004), and the engineering drawings prepared for TCMC by Water Engineering Technologies, Inc.

There is a local population of bull trout in Thompson Creek (Service 2003). As discussed in the BA, fish populations have been monitored periodically since 1980 above and below mine

discharges as part of the mine operations monitoring plan. This monitoring, as well as Idaho Fish and Game's monitoring, indicate that bull trout occur in Thompson Creek above and below the mine. No bull trout have been observed in Pat Hughes Creek or Buckskin Creek. Both creeks have intermittent flows and there is an existing culvert which is a barrier to fish passage near the mouth of Pat Hughes Creek. There are no data indicating that migratory bull trout occur in the Thompson Creek drainage; this may be due to irrigation diversions at the mouth of Thompson Creek which may dewater the creek during peak summer irrigation periods.

As outlined in the BA, the type of construction activities that have the potential to introduce sediment into Thompson Creek include clearing, grubbing, excavation, bedding and backfilling of the pipeline trench, construction of the pipeline and springs inlet structures, re-routing of runoff during pipe construction, and culvert installation. However, given the management controls and Best Management Practices that will be implemented during project construction, and the distance of construction activities from Thompson Creek, the Service believes that any sediment input to Thompson Creek from these activities will be minimal and will not result in adverse impacts to bull trout.

Buckskin and Pat Hughes Creeks are both seasonally intermittent, and flows can drop to zero during September to March. It is anticipated in the BA that, with the proposed diversion of the two creeks' flows, during periods of high flows in Thompson Creek, flows in Thompson Creek will be decreased by less than 20 percent; during periods of low flows, flows in Thompson Creek will be decreased by less than 10 percent. It is not expected that this anticipated reduction in flow will adversely impact bull trout in Thompson Creek.

Finally, this project is expected to improve water quality and bull trout habitat quality by reducing selenium input into Thompson Creek.

Based on the findings of the Level 1 Team, a field visit, and information provided in and with the BA, the Service concurs that the proposed Thompson Creek Pipeline Project "may affect but is not likely to adversely affect" bull trout.

In your request for consultation for this action, you considered effects to proposed critical habitat. On October 6, 2004 the final rule designating of bull trout critical habitat was published in the Federal Register. A number of areas included in the original proposal were excluded from designation. Briefly, streams and lakes excluded included: unoccupied habitat, stream reaches lacking sufficient Primary Constituent Elements to support normal activities of the species, and areas deemed to not need legal protection because of conservation measures already in place (e.g. approved habitat conservation plans, Federal lands with plans amended by PACFISH/INFISH, among others). Because the action area considered in the Biological Assessment for the Proposed Thompson Creek Seepage and Runoff Pipeline at the Thompson Creek Mine project has been excluded from the critical habitat designation, no further coordination is needed under section 7 of the Act.

This concludes informal consultation under section 7 of the Endangered Species Act of 1973, as amended, for the proposed Thompson Creek Pipeline project. If an action other than described in the BA is implemented, the mitigation measures are changed significantly, or new information reveals effects of the action to a listed species in a manner or to an extent not considered in this consultation, please contact the Service to verify the above determination and concurrences are still valid.

If we can be of further assistance, please contact Carol Evans at (208) 237-6975 extension 33.

cc: NOAA Fisheries Salmon
IDFG Salmon

Literature provided by TCMC:

Lorax. 2004. Reduction of selenium in mine-site discharges: a feasibility study. Prepared for Thompson Creek Mining Company, Clayton, ID, Lorax Environmental Services Ltd, Vancouver, BC Canada.

MHW. 2004. Thompson Creek Wetland Delineation Report. Thompson Creek Mining Company, Clayton, ID. 29 pp.

Stantec. 2004. Biological Assessment of the Thompson Creek pipeline project (July 22, 2004-draft). Prepared for the Bureau of Land Management, Challis ID, Stantec Inc. 21 pp.

TCMC. 2004. Storm water pollution prevention plan for the Thompson Creek pipeline, Custer County, Idaho. Thompson Creek Mining Company, Clayton, ID. 18 pp.

U.S. Fish and Wildlife Service. 2003. Bull Trout Draft Recovery Plan.