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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

In Reply Refer To

FWS/R6
ES/UT

July 18, 2001

Mr. Daron Haddock, Permit Supervisor
Utah Division of Oil, Gas, and Mining
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801

RE: Additional Section 7 Consultation on the Utah American Energy, Inc., Lila Canyon Mine
Application, C/007/013-SR98-1

Dear Mr. Haddock:

The U.S. Fish and Wildlife Service (Service) appreciates the Utah Division of Oil, Gas, and Mining's (UDOGM) continued review of the potential for occurrence and impacts to threatened and endangered species within the influence of proposed actions. As you indicated in your July 16, 2001 letter to our office, previous section 7 consultation did not identify the potential for the Mexican spotted owl to occur within the Lila Canyon mine project area. In an April 28, 2000 letter to your office, the Service concurred that the proposed project was not likely to adversely affect" the southwestern willow flycatcher, bald eagle, and listed plant species.

Following issuance of our April 28, 2000 concurrence, we updated our species list (February 2001) to include the Mexican spotted owl as potentially occurring in Emery and Carbon counties. In 1998, a Mexican spotted owl nest site was documented in Desolation Canyon. The remainder of Carbon and Emery counties include suitable habitat for the Mexican spotted owl and we believe they should be evaluated further for owl occupancy. Designation of critical habitat for the species (66 FR 8530, February 1, 2001) also includes portions of Emery and Carbon counties.

Ms. Laura Romin of this office discussed the potential for Mexican spotted owls to occur within the Lila Canyon mine project area with Ms. Susan White and Mr. Paul Baker of your office on July 16, 2001. It is our understanding that recent discussions between your office and Mr. Frank Howe of the Utah Division Wildlife Resources concluded that the Lila Canyon project area provides potentially suitable habitat for the Mexican spotted owl and should be further evaluated in the field.

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We recommend that UDOGM conduct a field evaluation with qualified experts to determine if further analysis and/or surveys for Mexican spotted owls is appropriate in the Lila Canyon project area. Following the field evaluation, the proposed action should be reviewed and a determination made if the action will affect the Mexican spotted owl or its critical habitat. If it is determined by the Federal agency, with the written concurrence of the Service, that the action is not likely to adversely affect listed species or critical habitat, the consultation process is complete, and no further action is necessary. Formal consultation (50 CFR 402.14) is required if the Federal agency determines that an action is "likely to adversely affect" a listed species or will result in jeopardy or adverse modification of critical habitat (50 CFR 402.02).

We appreciate your interest in conserving endangered species. Should you have any questions or need any further information please contact Laura Romin, Wildlife Biologist at (801)524-5001 ext. 142.

Sincerely,



for Henry R. Maddux
Utah Field Supervisor

cc: UDWR, Southeastern Regional Office, Attn: Derris Jones

UDWR, Salt Lake City, Attn: Frank Howe, Alan Clark

Sandy Vana-Miller, Office of Surface Mining, 1999 Broadway, Suite 3320, Denver, CO
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