



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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AUG 27 2001

DIVISION OF
OIL, GAS AND MINING

In Reply Refer To

FWS/R6
ES/UT

August 24, 2001

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

Copy Darron: Susan

Incoming
8/2007/013

RE: Section 7 Consultation for Lila Canyon, Utah American Energy, Inc., Horse Canyon Mine, C/007/013-SR98

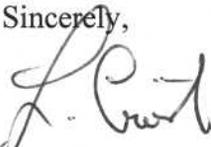
Dear Mr. Haddock:

The U.S. Fish and Wildlife Service (Service) has reviewed your letter of August 15, 2001. Potential impacts to proposed or listed species from mining activities have been previously addressed in the Service's September 24, 1996 Biological Opinion and Conference Report on Surface Coal Mining and Reclamation Operations under the Surface Coal Mining and Reclamation Act of 1977. As part of the terms and conditions of this BO, the regulatory authority must implement and require compliance with any species-specific protective measures developed by the Service field office and the regulatory authority.

In a letter dated July 18, 2001, we recommended that your agency conduct a field evaluation with qualified experts to determine if further analysis and/or surveys for Mexican spotted owls was appropriate in the Lila Canyon project area. It is our understanding that this field review was conducted on August 6, 2001 with Dr. Frank Howe, Utah Division Wildlife Resources; Mr. Mel Coonrod, Environmental Industrial Services; and Ms. Susan White of your office. Dr. Howe's conclusion was that no suitable breeding/roosting owl habitat occurred within the proposed mine's footprint or within at least 1.0 mile up the canyon. Based on this field review, spotted owl surveys are not considered necessary for the Lila Canyon Mine Site. No species-specific protective measures are considered necessary for the subject project.

We concur with your "not likely to adversely affect" determination for the Mexican spotted owl and we further concur that the proposed project will not adversely modify or destroy Mexican spotted owl critical habitat. We appreciate your office's continued interest and efforts to ensure that potential impacts to threatened, endangered, and sensitive species are properly evaluated for proposed project activities. If we can be of further assistance, please contact Laura Romin, at (801) 524-5001 extension 142.

Sincerely,



Henry R. Maddux
Utah Field Supervisor

cc: Joe Willcox, Office of Surface Mining, 1999 Broadway, Suite 3320, Denver, CO 80202

Frank Howe, UDWR, Salt Lake City

Chris Colt, UDWR, Price