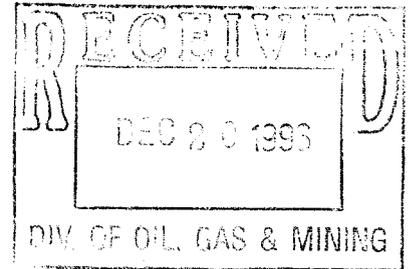




United States Department of the Interior
FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
LINCOLN PLAZA
145 EAST 1300 SOUTH, SUITE 404
SALT LAKE CITY, UTAH 84115



In Reply Refer To
(CO/KS/NE/UT)

December 18, 1996

James W. Carter, Director
Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, UT 84114-5801

RE: ACT/007/018-961, Soldier Canyon Mine, Soldier Creek Coal Company, Carbon County,
Utah

#2

Cory Aaron: PBA

Dear Mr. Carter:

We have received your letter of November 7, 1996. The U.S. Fish and Wildlife Service (Service) offers no comment at this time. The Service received a letter dated October 23, 1996 requesting section 7 consultation for the remaining portion of the Alkali Creek Tract of the Soldier Canyon Mine. Our consultation correspondence was dated November 6, 1996. We concurred with the Office of Surface Mining's determination that the mining operation will not effect the peregrine falcon, black-footed ferret, or the bald eagle, but may affect the Colorado squawfish and humpback chub. The letter also stated that the depletion fee for the project is waived because the average annual depletion is under 100 acre-feet. The proposed action will cause an average annual depletion of 89.5 acre-feet to the Price River in the Upper Colorado River. Should additional issues of concern arise, we may provide comments at a later date.

Sincerely,

Robert D. Williams
Assistant Field Supervisor