



United States Department of the Interior

FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
2369 WEST ORTON CIRCLE, SUITE 50
WEST VALLEY CITY, UTAH 84119

In Reply Refer To

FWS/R6
ES/UT
04-1251

September 1, 2004

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DIV. OF OIL, GAS & MINING

Incoming
C/007/0019

Pamela Grubaugh-Littig
Utah Division of Oil, Gas & Mining
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

RE: Informal Section 7 Endangered Species Consultation, Mathis/Summit Creek IBC,
Andalex Resources Inc., Centennial Mine, C/007/0019, Carbon County

Dear Ms. Grubaugh-Littig:

The U.S. Fish and Wildlife Service (Service) has reviewed your letter of August 2, 2004 requesting informal section 7 consultation for the Mathis/Summit Creek IBC Andalex Resources Inc Centennial Mine. 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.

Bald eagles are common in the area during the winter and could occasionally fly or roost in the proposed addition to the permit area. However, underground mining would have un-discernible or negligible effects upon wintering bald eagles. Based upon the information presented in your letter, we concur with your "not likely to adversely affect" determination for the bald eagle.

Calculations of water consumption by mining operations show that the total is estimated to be a net gain of 47.61 acre-feet. The net gain is derived from extracting and using water that is encountered during the mining operations. Before water can be discharged into the stream, water must be initially sampled and then monitored monthly to ensure water quality meets criteria as set forth by DOGM and EPA. To ensure the extraction of sub-surface water does not lead to subsistence, the operator is required to sample and monitor the springs above the mine. Based on the information that this project will not result in depletion to the Colorado River system, we concur with your "not likely to adversely affect" determination for the Colorado pikeminnow, humpback chub, bonytail, and razorback sucker. Therefore, no endangered species-specific protective measures for these fish are considered necessary for the subject project.

Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered.

Only a Federal agency can enter into formal Endangered Species Act section 7 consultation with the Service. A Federal agency may designate a non-Federal representative to conduct informal consultation or prepare a biological assessment by giving written notice to the Service of such a designation. The ultimate responsibility for compliance with ESA section 7, however, remains with the Federal agency.

We appreciate your interest in conserving endangered species. If further assistance is needed or you have any questions, please contact Diana Whittington, at (801) 975-3330 extension 128.

Sincerely,



Henry R. Maddux
Utah Field Supervisor

cc: OSM - Denver (Attn: Ranvir Singh)
BLM - Price Field Office
FS - Manti LaSal, Price
Andalex Resources, Inc. (Attn: Mike Glasson), 6750 Airport Road, P.O. Box 902, Price,
Utah, 84501