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United States Department of the Interior
FISH AND WILDLIFE SERVICE

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

INCOMING,
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C. W. H. H.

In Reply Refer To
FWS/R6
ES/UT
04-1483

April 19, 2005

D. Wayne Hedberg
Permit Supervisor
Division of Oil, Gas, and Mining
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

RE: Informal section 7 Endangered Species Consultation, Permit Boundary Expansion,
Hidden Splendor Resources, Inc., Horizon Mine, C/007/0020

Dear Mr. Hedberg:

The U.S. Fish and Wildlife Service (Service) has reviewed your letter of September 21, 2004 and e-mails of April 15 & 18, 2005, from Joe Helfrich of your office. 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.

We concur with your "no effect" determination for the following candidate, threatened and endangered species and critical habitat included in the species list for Carbon County: Graham beardtongue, Uintah Basin hookless cactus, bald eagle, Mexican spotted owl, Western yellow-billed cuckoo, Black-footed ferret, bonytail, humpback chub, Colorado pikeminnow, and razorback sucker. No endangered species-specific protective measures for these species 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.

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DEPT. OF OIL, GAS & MINING

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,

A handwritten signature in black ink, appearing to read "H.R. Maddux".

Henry R. Maddux
Utah Field Supervisor

cc: OSM - Denver (Attn: Ranvir Singh)