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From: "Carl Johnston" <CJohnston@osmre.gov>
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CC: "Foster Kirby" <FKirby@osmre.gov>
Date: 3/19/2008 8:39 AM
Subject: Andalex Resources, Inc. "Wildcat Loadout" - Application for a Permit Revision, 2008 Modification Plan, Task ID No. 2938

During the review of the Utah Division of Oil, Gas & Mining's (UT-DOG M) March 12, 2008, request for a decision, under 30 CFR 944.30, whether the above subject permit revision constitutes a mining plan modification, I noticed an issue that should be brought to your attention.

As a part of the 2008 Modification Plan, Andalex Resources, Inc. proposes to eliminate sedimentation ponds A, B, and D. These sedimentation ponds will be replaced with new sedimentation ponds G, H, and I. In addition, existing sedimentation ponds E and F will be enlarged. No estimates for the evaporative loss of water for the existing ponds or changes in the evaporative loss as a result of the 2008 Modification Plan was provided.

The U.S. Fish & Wildlife Service has previously determined that any water depletions in the Upper Colorado River System are a major source of impact to the endangered Colorado pikeminnow, (*Ptychocheilus lucius*), razorback sucker (*Xyrauchen texanus*), boneytail (*Gila elegans*), and humpback chub (*Gila cypha*). Continued water withdrawals have restricted the ability of the Colorado River system to produce the flow conditions required by the various life stages of these fish. Consequently, any additional water depletion from the last section 7 consultation is an automatic "may affect / likely to adversely affect" requiring the reinitiation of formal section 7 consultation.

From the desk of...

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