



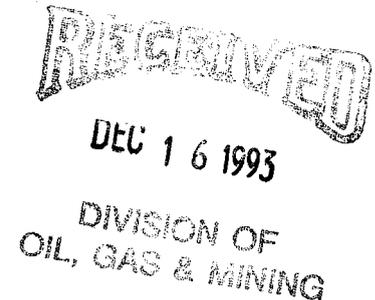
United States Department of the Interior

FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
2060 ADMINISTRATION BUILDING
1745 WEST 1700 SOUTH
SALT LAKE CITY, UTAH 84104-5110

December 14, 1993

Todd Welty, Environmental Ecologist
Environmental Industrial Services
4855 N. Spring Glen Road
Spring Glen, UT 84526



Dear Mr. Welty:

We have reviewed your letter of November 16, 1993, requesting a list of threatened, endangered and candidate species which could occur in the general area of the Banning Loadout near Sunnyside Junction, Utah. We have also received a letter from David Steed of Environmental Industrial Services requesting comments on a proposed sediment pond at the same location. We have no specific comments on the sediment pond proposal.

The U.S. Fish and Wildlife Service (Service) advises that the following listed threatened or endangered species could occur in the area of influence of the Banning loadout:

Bald eagle	<u>Haliaeetus leucocephalus</u>
Humpback chub	<u>Gila cypha</u>
Bonytail chub	<u>Gila elegans</u>
Colorado squawfish	<u>Ptychocheilus lucius</u>
Razorback sucker	<u>Xyrauchen texanus</u>

The federal agency permitting or otherwise authorizing your project should review their proposed action and determine if the action would affect any listed species or their critical habitat. If the determination is "may affect" for listed species, a request, in writing, for formal consultation must be made to the Assistant Field Supervisor, at the address given above. At that time, a copy of the biological assessment and any other relevant information that assisted in reaching that conclusion should be supplied to this office.

Because the project area is within the watershed of the Colorado River, which contains the four listed species of endangered fish, the impacts of the project on these fish must be assessed. It has been determined by the Service that any depletion of water from the Colorado River system creates a "may effect" situation on the endangered fish and thus requires a formal consultation. If the operation of the Banning Loadout includes use of surface waters which otherwise would have reached the Colorado River (via the Price and Green Rivers), for any purpose, including dust suppression, then a formal consultation must be initiated.

The Service can enter into formal Section 7 consultation only with another Federal agency. State, county, or any other governmental or private organizations can participate in the consultation process, help prepare information such as the biological assessment, participate in meetings, etc.

Your attention is also directed to Section 7(d) of the Endangered Species Act, as amended, which underscores the requirement that the Federal agency or the applicant shall not make any irreversible or ir retrievable commitment of resources during the consultation period which, in effect, would deny the formulation or implementation of reasonable and prudent alternatives regarding their actions on any endangered or threatened species.

We would also like to bring to your attention species which are candidates for official listing as either threatened or endangered species (Federal Register Vol. 58, No. 188, September 30, 1993 and Federal Register Vol. 56, No. 225, November 21, 1991). While these species have no legal protection, at present, under the Endangered Species Act, we would ask that you take care to avoid them if they are found in the area of your project. These species are:

Canyon sweet-vetch

Hedysarum occidentale v. canone

If you have any questions you can contact Susan Linner, Fish and Wildlife Biologist at (801) 975-3630.

Sincerely,

BOB WILLIAMS

Robert D. Williams
Assistant Field Supervisor

cc: ✓ Daron Haddock
Division of Oil, Gas & Mining
3 Triad Center, Suite 350
Salt Lake City, UT 84180-1203