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United States Department of the Interior

FISH AND WILDLIFE SERVICE  
FISH AND WILDLIFE ENHANCEMENT  
UTAH STATE OFFICE  
2078 ADMINISTRATION BUILDING  
1745 WEST 1700 SOUTH  
SALT LAKE CITY, UTAH 84104-5110

In Reply Refer To

(FWE)

November 12, 1992

RECEIVED

NOV 16 1992

DIVISION OF  
OIL GAS & MINING

MEMORANDUM

TO: Chief, Federal Lands Branch, Office of Surface Mining, Denver, Colorado  
FROM: State Supervisor, Fish and Wildlife Enhancement, Salt Lake City, Utah  
SUBJECT: Species List for the Sunnyside Cogeneration Project, Carbon County, Utah

The U.S. Fish and Wildlife Service (Service) has received a letter dated October 16, 1992 from Alane E. Boyd of Eckhoff, Watson and Preator Engineering, requesting a list of Threatened or Endangered species which may occur in the permit area of the above-referenced project. We understand that the project proponents propose to reprocess federal coal refuse contained in the permit area. Therefore we are addressing this species list to you, as the federal agency permitting or authorizing the project.

It appears that the following listed endangered species may occur in the area of influence of the project site:

- |                    |                                 |
|--------------------|---------------------------------|
| 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>        |

Because the project area is within the watershed of the Colorado River, which contains four listed species of endangered fish, the Service must assess the impacts of the proposed project on these fish. It has been determined that any depletion of water from the Colorado River system creates a "may affect" situation on the endangered fish and requires a formal consultation with the Service under the Endangered Species Act. Therefore, the Office of Surface Mining (OSM) needs to determine if the project will include use of surface waters which otherwise would have reached the Colorado River (via the Price and Green Rivers), for any purpose. If any water depletions are anticipated we will need to know the source and amount of all water being used during all aspects of the project, as well as any return flows projected, to complete a formal consultation on the project. If the project would involve a net water depletion, OSM should provide a copy of the Biological Assessment and any other relevant information used to evaluate project effects to the State Supervisor, at the address given above.

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 irretrievable 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. 55, No. 35, February 21, 1990 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.

**BOB WILLIAMS**

cc: ✓ Pam Grubaugh-Littig, Utah DOGM  
Alane E. Boyd, Eckhoff, Watson and Preator Engineering