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Incoming
C/007/0034

From: "Carl Johnston" <CJohnston@osmre.gov>
To: <ogmcoal@utah.gov>
Date: 7/3/2008 10:26 AM
Subject: Dugout Canyon Biological Assessment
Attachments: Dugout.BA.doc

See the attached.

From the desk of...

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UT-0041

July 3, 2008

Mr. Larry Crist – Office Supervisor
U.S. Fish & Wildlife Service
Utah Ecological Services Office
2369 West Orton Circle
West Valley City, Utah 84119

RE: Formal section 7 Consultation, Canyon Fuel Company, LLC., "Dugout Canyon" mine, Utah State Permit C/007/0039, 560-Acre Extension, Task ID No. 2958

Dear Mr. Crist:

The Office of Surface Mining Reclamation and Enforcement (OSM) Western Region has been requested by the Utah Division of Oil, Gas and Mining to initiate section 7 consultation for the above subject.

The Dugout Canyon underground coal mine is located in Carbon County, Utah, approximately thirteen (13) miles northeast of the town of Wellington, Utah. The current permit area encompasses approximately 9,471 acres of which approximately 51 acres are disturbed for support facilities located in Dugout Canyon. The mine has been in operation since1998 and produces approximately 4.0 million tons per year using typical longwall mining methods.

The Dugout Canyon mine is located at the base of the northern end of the Book Cliff – Roan Plateau Region. Elevations within the permit area range from 7,000 to 8,900 feet above mean sea level. The permit area is drained by six small basins; Corbula Creek, Dugout Creek, Fish Creek, Pace Creek, and Pine Creek. The dominate vegetation communities within the permit area range from Douglas-fir, mixed conifers, pinyon-juniper, deciduous stream bank, and shrub/grass/juniper.

Specifically, the 540-Acre Extension proposes to extend underground coal recovery operations eastward of the current permit area to recover Federal and State Institutional and Trust Lands Administration coal. The proposed extension would not require any additional surface disturbance. The proposed 540-Acre Extension lands are located on:

Township 13 South, Range 13 East, Salt Lake Base Meridian

Section 16, W½,
Section 17, S½, S½N½.

The above-mentioned tract of land is also shown on USGS 7.5 minute quadrangle map Mt. Bartles.

Mexican spotted Owl

The Mexican spotted owl (*Strix occidentalis lucida*), is medium sized with dark eyes and no ear tufts, brownish in color and heavily spotted with white or beige. This species occupies habitat ranging from mountains with dense, multi-storied forests with moderately closed canopies, to canyon systems with little or no tree cover ranging from 4,900 to 9,000 feet above mean sea level.

Call surveys of the Dugout Canyon permit and adjacent area found no Mexican spotted Owl populations. Due to a lack of a Mexican spotted owl population and no additional surface disturbance, OSM has determined that the 540-Acre Extension at the Dugout Canyon mine will "not effect" the continued existence of the Mexican spotted owl.

Black-footed Ferret

The black-footed ferret, (*Mustela nigripes*), is a fifteen to eighteen inch long, weasel-like with buff coloration, black feet, tail tip, and eye mask, with a blunt, light colored nose. The species occupies grassland plains in close association with prairie dog colonies at elevations of less than 10,500 feet above mean sea level. The black-footed ferret preys on prairie dogs primarily and uses their burrows for shelter and denning.

Surveys of the Dugout Canyon permit and adjacent area found no prairie dog (*Cynomys sp*) colonies. Due to a lack of suitable habitat and no additional disturbance, OSM has determined that the 540-Acre Extension will have "no effect" the continued existence of the black-footed ferret.

Uinta basin hookless cactus

The Uinta basin hookless cactus (*Sclerocactus glaucus*) is a commonly solitary, egg-shaped, three to twelve centimeters long stem that produces pink flowers late from April to late May. The Uinta Basin hookless cactus is known from eight sites in a five county area of eastern Utah and western Colorado and is found on alluvial deposits of the Colorado Plateau overlain with cobbles and pebbles, at elevations ranging from 4,500 to 6,600 feet.

Suitable or potentially suitable habitat for the Unita basin hookless cactus does not exist on the Dugout canyon permit and adjacent area. Due to a lack of suitable habitat and no additional disturbance, OSM has determined that the 540-Acre Extension will have "no effect" the continued existence of the Uinta basin hookless cactus.

Colorado pikeminnow

The Colorado pikeminnow (*Ptychocheilus lucius*) is a torpedo-shaped fish with an olive-green and gold back, silver sides and white belly. The Colorado pikeminnow thrives in swift flowing muddy rivers with quiet, warm backwaters and are primarily piscivorous, but smaller individuals also eat insects and other invertebrates. These fish spawn between late June and early September and when they are 5 to 6 years old and at least 16 inches long. Spawning occurs over riffle areas

with gravel or cobble substrate. The eggs are randomly splayed onto the bottom, and usually hatch in less than one week.

Humpback Chub

The humpback chub (*Gila cypha*) is a streamlined minnow with a concave skull and a prominent nuchal hump at the occiput, the back end of head marked by a line separating scaleless and scaled portions of epidermis with a caudal peduncle thin but not long snout that overhangs upper lip and scales often minute or absent on keel. Adults are dark on top and light below and fins rarely have yellow-orange pigment near base. Adults are usually range from 12-16 inches long and weigh ¾ to 2 pounds. The humpback chub historically ranged in the mainstem Colorado River preferring slower eddies and pools downstream to below the Hoover Dam site, however, present populations are restricted to areas in, and upstream, of the Grand Canyon.

Razorback Sucker

The razorback sucker (*Xyrauchen texanus*) is brownish-green with a yellow to white-colored belly and has an abrupt, bony hump on its back shaped like an upside-down boat keel. Razorback suckers are found in deep, clear to turbid waters of large rivers and some reservoirs over mud, sand or gravel and like most suckers feeds on both plant and animal matter. Razorback suckers can spawn as early as age 3 or 4, when they are 14 or more inches long. Breeding males turn black up to the lateral line, with brilliant orange extending across the belly. Depending on water temperature, spawning can take place as early as November or as late as June. In the upper Colorado River basin, razorbacks typically spawn between mid-April and mid-June.

Bonytail

The bonytail (*Gila elegans*) is a highly streamlined fish, dark on top, light below, often very dark in clear waters and pale in turbid waters. Fins are dusky with yellow pigment near base, prefering eddies and pools, not swift currents. The bonytail has a concave skull arching into a nuchal hump predorsally with a long and slender snout that does not overhang the upper lip. Scales often minute or absent from chest, stomach. Adults of seven years of age can be 14 inches long and weigh more than one pound. Found historically throughout the Colorado River Drainage however, in recent years bonytail have only been taken from the Green River in Utah and lakes Havasu and Mohave.

Candidates

Yellow-billed cuckoo

The Yellow-billed cuckoo, (*Coccyzus americanus*), is a medium sized bird with a slender, long-tailed profile, slightly down-curved bill, which is blue-black with yellow on the lower half of the bill. Plumage is grayish-brown above and white below, with rufous primary flight feathers. This species occupies tall riparian habitat consisting of cottonwood over story and an under story of dense willow or tamarisk at elevations of less than 6,500 feet above sea level.

Suitable or potentially suitable habitat for the yellow-billed cuckoo does not exist on the Dugout canyon permit and adjacent area. Due to a lack of suitable habitat and no additional disturbance, OSM has determined that the 540-Acre Extension will have "no effect" the continued existence of the Yellow-billed cuckoo.

Previous Consultations

In a memorandum dated March 28, 2000, (CO/KS/NE/UT) the U.S. Fish & Wildlife Service concurred with OSM's March 23, 2000, "no effect" determination for the Graham beardtounge, bald eagle, and black-footed ferret. In this same memorandum the U.S. Fish & Wildlife Service waived the depletion fee for the Colorado pikeminnow, razorback sucker, boneytail, and humpback chub for a 46.5 ac/ft water depletion from the Upper Colorado River Basin.

Determinations of Effect

The U.S. Fish & Wildlife Service has previously determined that water depletions in the Upper Colorado River Basin are a major source of impact to the endangered fish species. 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.

Canyon Coal Company, LLC has also revised its estimated annual water depletion for the Dugout Canyon mine upward from 46.5 ac/ft to 131 ac/ft. OSM has determined that this 84.5 ac/ft increase in the estimated annual water depletion from the upper Colorado River Basin "may affect / likely to adversely affect" the continued existence of the Colorado pikeminnow, humpback chub, razorback sucker and bonytail. Therefore, OSM is requesting the initiation of formal section 7 consultation for the net annual water depletion of 131 ac/ft from the Upper Colorado River Basin.

Based on the above information, OSM has determined that the 540-Acre Extension at Canyon Fuel Company, LLC's Dugout Canyon mine will have "no effect" on the Mexican spotted owl, black-footed ferret, Uinta basin hookless cactus, and Yellow-billed cuckoo.

If you have any questions regarding this formal consultation, please give me a call at (303) 293-5038.

Sincerely,

Carl R. Johnston
Natural Resource Specialist

cc: UT-DOGM