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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

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DIVISION OF
OIL, GAS AND MINING

In Reply Refer To
FWS/R6
ES/UT

February 13, 2002

Mr. Daron Haddock, Permit Supervisor
Utah Division Oil, Gas, and Mining
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

RE: Section 7 Consultation, Whitmore Canyon Federal Coal Lease UTU-78562, West Ridge Resources, Inc., West Ridge Mine, C/007/041-PM01H

Dear Mr. Haddock:

In response to your letters of February 8, 2002 and February 1, 2002, we concur that your previous project area "no effect" determination for the Graham beardtongue, bald eagle, and black-footed ferret is valid for the Whitmore Canyon lease extension. In addition, we understand that no additional water use will occur beyond the 64-acre feet that we consulted on for the original West Ridge Mine permit. Habitat does not occur in the project area for the Uinta Basin hookless cactus or yellow-billed cuckoo.

We further concur that the project, as proposed, may affect, but is not likely to adversely affect the Mexican spotted owl and is not likely to adversely modify or destroy Mexican spotted owl critical habitat. As you are aware, 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 believe that the permit stipulation included in your February 8, 2002 letter is sufficient to meet the terms and conditions of the 1996 BO: "The permittee must conduct appropriate surveys for Mexican spotted owls on lease tract areas with 40 percent or greater slopes, cliff habitat areas, riparian habitats, and mixed conifer forest habitats, prior to any future surface disturbing activity and/or any mining activity with the potential to interrupt surface spring flows. Inventory work must be conducted by parties approved and permitted for such survey work by the Fish and Wildlife Service and qualified in accordance with R645-301-132. Surveys must be done following current protocols established by the Fish and Wildlife Service."

We appreciate the opportunity to review your project. Should you have any questions or need any further information please contact Laura Romin, Wildlife Biologist at (801)975-3330 ext. 142.

Sincerely,

Henry R. Maddux
Utah Field Supervisor

cc: Ron Sassaman, Office of Surface Mining, 1999 Broadway, Suite 3320, Denver, CO 80202-5733

David Mills, BLM, Price, Utah