



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor
Kathleen Clarke
Executive Director
Lowell P. Braxton
Division Director

1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801
801-538-5340
801-359-3940 (Fax)
801-538-7223 (TDD)

February 1, 2002

Henry R. Maddux, Field Supervisor
U. S. Fish and Wildlife Service
2369 West Orton Circle, Suite 50
West Valley City, Utah 84119

Re: Whitmore Canyon Federal Coal Lease UTU-78562, West Ridge Resources, Inc., West Ridge Mine, C/007/041-PM01H, Outgoing File

Dear Mr. Maddux:

Thank you for your December 31, 2001, letter containing a list of species that may occur in the area of influence of the above-referenced action. This letter is to follow up on our section 7 consultation requirements for this project. The Whitmore Canyon lease extension area is entirely underground with no new surface facilities.

When we originally permitted the West Ridge Mine, we addressed the potential of affecting some of the species in the list, including the Graham beardtongue, bald eagle, and black-footed ferret, and determined there would be no effect on these species. The Graham beardtongue does not grow in the area, and the black-footed ferret has been extirpated from Carbon County. Bald eagles may fly through the area, but there are no known nests that could be affected by the mine.

We also considered the potential effects on the four listed fish species that occur in the Colorado River drainage, the Colorado pikeminnow, humpback chub, razorback sucker, and bonytail. Although the mine could potentially adversely affect these species or their critical habitat through water depletion, it was determined when the mine was originally permitted that existing interagency section 7 agreements adequately address water depletions under 100 acre-feet annually. Water consumption by the mine was estimated at that time to be 67 acre-feet annually. The proposed action would have no effect on water use; therefore, there should be no additional effects on these species. Water use estimates have been confirmed: the current use is about 46 acre-feet annually with an increase to 64 acre-feet expected.

There is no habitat for the Uinta Basin hookless cactus in the proposed addition to the permit area. Habitat for this species is described as "gravelly hills and terraces on Quaternary and Tertiary alluvium soils in cold desert shrub communities between 4,700-6,000 feet elevation" (*Utah Endangered, Threatened and Sensitive Plant Field Guide*). Soils in the area are derived from Cretaceous strata, and the lowest elevation in the proposed addition to the permit area is about 7,600 feet. Vegetation communities are mostly pinyon/juniper, mixed conifer, and mountain brush with some areas of aspen and riparian habitat; the area does not support a cold desert shrub community.

There is potential the Mexican spotted owl could occur in the area, but Chris Colt of the Division of Wildlife Resources surveyed the proposed addition to the permit area and determined it does not contain the required habitat components and that there is no need to conduct surveys for this species. This is documented in a letter included in the mine plan application.

Mr. Colt is familiar with the riparian area near Grassy Trail Creek and indicated verbally that it does not contain habitat for the western yellow-billed cuckoo. He will be documenting this in a letter.

Your letter mentions that there are conservation agreements for the Colorado River cutthroat trout and indicates we should consider whether there would be any effects on this species. The proposed addition to the permit area contains no perennial streams and so has no fisheries (although a nearby area contains a perennial stream where the Division of Wildlife Resources has considered planting this species).

Please let us know if you can concur with our determination that there will be no effects or no additional effects on any of the species included in your list. A response by February 15, 2002 would be appreciated.

Sincerely,



Daron R. Haddock
Permit Supervisor

sm
cc: Mike Glasson, West Ridge
Price Field Office
O:\007041.WR\FINAL\Sec701H(a).doc