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United States Department of the Interior
OFFICE OF SURFACE MINING
Reclamation and Enforcement
BROOKS TOWERS
1020 15TH STREET
DENVER, COLORADO 80202

JIM
NOV 21 1983

November 17, 1983

ACT/015/015

Mr. James W. Smith, Jr.
Coordinator, Mined Land Development
Division of Oil, Gas and Mining
4241 State Office Building
Salt Lake City, Utah 84114

Dear Mr. Smith:

Enclosed are copies of comments from other Federal agencies received since our last mailing of such material on September 15, 1983. These comments concern the Huntington No. 4, Convulsion Canyon, Gordon Creek No. 2, Sunnyside, Emery Deep, and Trail Mountain mines.

As always, if you have any questions on this material, please contact either Louis Hamm or Walter Swain at (303) 837-3806.

Sincerely,

Stephen F. Manger

Stephen F. Manger
Task Force Leader

Enclosures

cc: Bob Hagen, OSM - Albuquerque Field Office
Sue Linner, UDOGM
Tom Munson, UDOGM
Steve Cox, UDOGM
Lynn Kunzler, UDOGM
Pam Grubaugh-Littig, UDOGM

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DIVISION OF
OIL, GAS & MINING

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United States Department of the Interior
FISH AND WILDLIFE SERVICE
AREA OFFICE COLORADO—UTAH
1311 FEDERAL BUILDING
125 SOUTH STATE STREET
SALT LAKE CITY, UTAH 84138-1197

IN REPLY REFER TO:

21 October 1983

OSM-WTC
1983 OCT 27 AM 11:11
WESTERN TECHNICAL CENTER

MEMORANDUM

TO: Chief, Technical Support Branch
Office of Surface Mining, Denver, Colorado

FROM: Field Supervisor, Endangered Species Office
U. S. Fish and Wildlife Service, Salt Lake City, Utah

SUBJECT: Threatened and Endangered Species in underground mines in Carbon and Emery Counties, Utah.

We have reviewed your memorandum of 23 September 1983 requesting lists of threatened and endagered species for various existing underground mines in Carbon and Emery counties in Utah. It appears that listed endangered species may occur in the area of influence of this action.

To comply with Section 7(c) of the Endangered Species Act of 1973, as amended, Federal agencies or their designees are required to obtain from the Fish and Wildlife Service (FWS) information concerning any species, listed or proposed to be listed, which may be present in the area of a proposed construction project. Therefore, we are furnishing you the following list of species which may be present in the concerned area:

Mine	Species	
Emery Deep	Wright fishhook cactus	*Sclerocactus wrightae*

In addition to the above listed species we would like to bring to your attention the following plant species which is under review by the Fish and Wildlife Service for possible listing in the future. While this species is not currently protected under the endangered species act, we encourage you that it be given consideration in environmental plans.

Mine	Species	
Trail Mountain, Sunnyside, Huntington No. 4 Gordon Creek No. 2	Canyon sweet-vetch	*Hedysarum occidentale* var. *canone*

Section 7 (c) also requires the Federal agency proposing a major Federal action significantly affecting the quality of the human environment to conduct and submit to the FWS a biological assessment to determine the effects of the

proposal on listed and proposed species. The biological assessment shall be completed within 180 days after the date on which initiated or a time mutually agreed upon between the agency and the FWS. Before physical modification/alteration of a major Federal action is begun the assessment must be completed. If the biological assessment is not begun within 90 days, you should verify this list with us prior to initiation of your assessment. We do not feel that we can adequately assess the effects of the proposed action on listed and proposed species or critical habitat and proposed critical habitat without a complete assessment. When conducting a biological assessment, you shall, at a minimum:

1. conduct a scientifically sound on-site inspection of the area affected by the action, which must, unless otherwise directed by the FWS, include a detailed survey of the area to determine if listed or proposed species are present or occur seasonally and whether suitable habitat exists within the area for either expanding the existing population or potential reintroduction of populations;

2. interview recognized experts on the species at issue, including those within the Fish and Wildlife Service, state conservation agencies, universities, and others who may have data not yet found in scientific literature;

3. review literature and other scientific data to determine the species' distribution, habitat needs, and other biological requirements;

4. review and analyze the effects of the action on the species, in terms of individuals and populations, including consideration of the cumulative effects of the action on the species and habitat;

5. analyze alternative actions that may provide conservation measures;

6. conduct any studies necessary to fulfill the requirements of (1) through (5) above;

7. review any other relevant information.

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

After your agency has completed and reviewed the assessment, it is your responsibility to determine if the proposed action "may affect" any of the listed species or critical habitats. You should also determine if the action is likely to jeopardize the continued existence of proposed species or result

in the destruction or an adverse modification of any critical habitat proposed for such species. If the determination is "may affect" for listed species you must request in writing formal consultation from the Field Supervisor, Endangered Species Office, U.S. Fish and Wildlife Service at the address given above. In addition, if you determine that the proposed action is likely to jeopardize the continued existence of proposed species or result in the destruction or adverse modification of proposed critical habitat, you must confer with the FWS. At this time you should provide this office a copy of the biological assessment and any other relevant information that assisted you in reaching your conclusion.

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 are prepared to assist you whenever you have questions which we may be able to answer. If we can be of further assistance, please advise us.

The FWS representative who will provide you with technical assistance is Larry England (FTS) 588-4430.

John L England

Acting Field Supervisor