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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

RECEIVED

JUN 26 2002

DIVISION OF
OIL, GAS AND MINING

In Reply Refer To
FWS/R6
ES/UT

June 25, 2002

Daron R. Haddock
Permit Supervisor
State of Utah
Division of Oil, gas and Mining
Box 145801
Salt Lake City, Utah 84114-5801

*Incoming
6/15/02
Copy Daron*

RE: Section 7 Consultation 4th East Portal Development, Consolidation Coal Company, Emery Deep Mine, C/015/015-D002C, Outgoing File

Dear Mr. Haddock:

In response to your letter of May 30, 2002, we concur with your "no effect" determination for threatened and endangered species and critical habitat. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered.

Only a Federal agency can enter into formal Endangered Species Act section 7 consultation with the Service. A Federal agency may designate a non-Federal representative to conduct informal consultation or prepare a biological assessment by giving written notice to the Service of such a designation. The ultimate responsibility for compliance with ESA section 7, however, remains with the Federal agency.

We appreciate your interest in conserving endangered species. If further assistance is needed or you have any questions, please contact Laura Romin, at (801) 975-3330 extension 142.

Sincerely,

Henry R. Maddux
Utah Field Supervisor