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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

In Reply Refer To
FWS/R6
ES/UT
05-0547

May 16, 2005

RECEIVED
MAY 18 2005
DIV. OF OIL, GAS & MINING

Jerriann Ernstsen
Division of Oil, Gas, and Mining
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

Incoming
C/015/0018
Copy Jerriann
cc PAM &
Wayne H.

RE: Informal Section 7 Endangered Species Consultation, Energy West Mining., PacifiCorp, Deer Creek Mine, Rilda Canyon Portal, C/015/0018

Dear Ms. Ernstsen:

The U.S. Fish and Wildlife Service (Service) has reviewed your letter of March 3, 2005 and a Biological Evaluation for the project proposal provided in e-mails of February 25 and March 24, 2005, from Terry Nelson of the Manti-LaSal National Forest. 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 concur with your "no effect" determination for the following candidate, threatened and endangered species and critical habitat included in the species list for Emery County: Barneby Reed-mustard, Jones cycladenia, last chance townsendia, Maguire daisy, San Rafael cactus, Winkler cactus, Wright fishhook cactus, bonytail, Colorado pikeminnow, humpback chub, razorback sucker bald eagle, Mexican spotted owl, western yellow-billed cuckoo, black-footed ferret, southwestern willow flycatcher. No endangered species-specific protective measures are considered necessary for the subject project.

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 Diana Whittington, at (801) 975-3330 extension 128.

Sincerely,

Henry R. Maddux
Utah Field Supervisor

cc: OSM - Denver (Attn: Ranvir Singh)
UDWR - Salt Lake City (Attn: Frank Howe)
USFS – Manti LaSal Supervisor's Office, Price (Attn: Terry Nelson)