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# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE  
LINCOLN PLAZA, SUITE #404  
145 EAST 1300 SOUTH  
SALT LAKE CITY, UTAH 84115

In Reply Refer To

(ES)

July 28, 1994

AUG - 2 1994

Utah Coal Regulatory Program  
Division of Oil, Gas and Mining  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, UT 84180-1203

*Route to Paul / Susan  
file*

Re: **Responses to Exploration Deficiencies (Exploration within the Permit Area),  
Southern Utah Fuel Corporation, Convulsion Canyon Mine, ACT/041/002-93C, #2  
Folder #2, Carbon County, Utah**

Dear Ms. Grubaugh-Littig:

This is in response to your letter of June 28, 1994 concerning the subject action. The Service addressed the impacts of the proposed action to the endangered Colorado River fish in a Biological Opinion dated July 1, 1994 for Manti-La Sal National Forest. It was the Service's opinion that the project would jeopardize the continued existence of the Colorado squawfish, humpback chub, bonytail, and razorback sucker. This conclusion was based on the use of .15 acre-feet of water for the drilling process. The Service also concurred that the proposed project would not affect the bald eagle.

For your information, on July 5, 1994 the Service issued a Biological Opinion determining that the depletion fee for depletions of 100 acre-feet or less are no longer required because the Recovery Program has made sufficient progress to be the reasonable and prudent alternative to avoid the likelihood of jeopardy to the endangered fishes and to avoid destruction or adverse modification of their critical habitat by depletions of 100 acre-feet or less. Therefore, depletion fees for these projects have been waived.

Thank you for the opportunity to comment on this project.

Sincerely,

Robert D. Williams  
Assistant Field Supervisor

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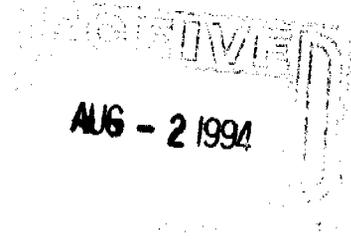
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