



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

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April 3, 2000

Reed Harris, Assistant Field Supervisor  
U. S. Fish and Wildlife Service  
Lincoln Plaza  
145 East 1300 South, Suite 404  
Salt Lake City, Utah 84115

Re: Section 7 Consultation on The Pines Tract Revision, Canyon Fuel Company, LLC,  
SUFCO Mine, ACT/041/002-SR99D, Folder #2, Sevier County, Utah *Outgoing file*

Dear Mr. Harris:

The Division of Oil, Gas and Mining has received a proposal from Canyon Fuel Company to add 7171.66 acres to its permit area. The Forest Service is the surface management agency for the area and has prepared an environmental impact statement. We have determined the application administratively complete and will need your concurrence in accordance with Section 7 of the Endangered Species Act before we are able to issue a permit.

The Forest Service environmental impact statement listed 18 listed and proposed threatened or endangered species that could occur in the project area. These species are:

- |                        |                      |                                |
|------------------------|----------------------|--------------------------------|
| Jones Cycladenia       | Maguire Daisy        | Last Chance Townsendia         |
| Barneby Reed-Mustard   | San Rafael Cactus    | Winkler Cactus                 |
| Wright Fishhook Cactus | Heliotrope Milkvetch | Humpback Chub                  |
| Bonytail Chub          | Colorado Squawfish   | Razorback Sucker               |
| Bald Eagle             | Peregrine Falcon     | Southwestern Willow Flycatcher |
| Mountain Plover        | Black-footed Ferret  | Utah Prairie Dog               |

Table 3.4, pages 3-141 and 3-142 of the environmental impact statement lists potential effects on these species. The only species that might be affected are the southwestern willow flycatcher and the four threatened and endangered fish of the upper Colorado River basin.

The mine is not expected to use additional water because of the increase in the size of the permit area, but there could potentially be some disruption of groundwater flows. The amount of loss is expected to be nonexistent or minor, and the environmental impact statement concludes "the effects of the proposed small water withdrawals are so limited in scope and intensity and are

so far-removed from the remaining populations of [the listed fish] species that they are negligible.”

On page 3-145 of the environmental impact statement, the Forest service said that riparian habitats in the project area are not considered suitable for southwestern willow flycatchers. Even if these habitats were suitable, mining would cause very limited effects, if any, on the riparian vegetation.

When we received your correspondence dated December 16, 1999 indicating concurrence we proceeded with our review and are nearly ready to issue a permit. In order to do this we need to ensure that the Section 7 requirements have been met and request your concurrence.

If you have any questions, please call me at 538-5325 or Paul Baker at 538-5261.

Sincerely,



Daron R. Haddock  
Permit Supervisor