

January 13, 2003

Henry Maddux, Field Supervisor
U. S. Fish and Wildlife Service
2369 West Orton Circle
West Valley City, Utah 84119

Re: 1996 Biological Opinion Coordinated Review Link Canyon Portal, Canyon Fuel Company, LLC, SUFCO Mine, C041/002-AM02E, Outgoing File

Dear Mr. Harris:

This letter is sent to replace and correct errors made in our January 9, 2003 letter. The Division of Oil, Gas and Mining received an amendment from the SUFCO Mine proposing to re-open an old portal in the abandoned Link Canyon mine. This portal will allow access to the existing SUFCO mine. The portal is needed to provide intake ventilation, an emergency escapeway, and for access to the electrical power substation located just opposite the road from the proposed portal. It is planned that the Link Canyon Portal will be used over the next 8 to 10 years. The proposed new disturbed area is 0.23 acre in size, with an estimated 0.14 acre actually to be disturbed. The entire area is contained within the present approved Permit Area. The new disturbance will include a 120-foot road and a power line to the Link Canyon substation.

The project has been reviewed and a determination made that this action will not likely adversely effect any listed species and/or their critical habitat. Also, we made an in house determination of no effect on the Canada lynx. I have extracted from our Technical Analysis the portion concerning T & E species and included it with this letter (Attachment A). Also attached are location maps and the 2000 Willey-Spotskey model for the Link Canyon area. Please provide any comments you may have on our determination.

If you have any questions or disagree with our determination about this project, please call me at (801) 538-5325 or Susan White (801) 484-4217.

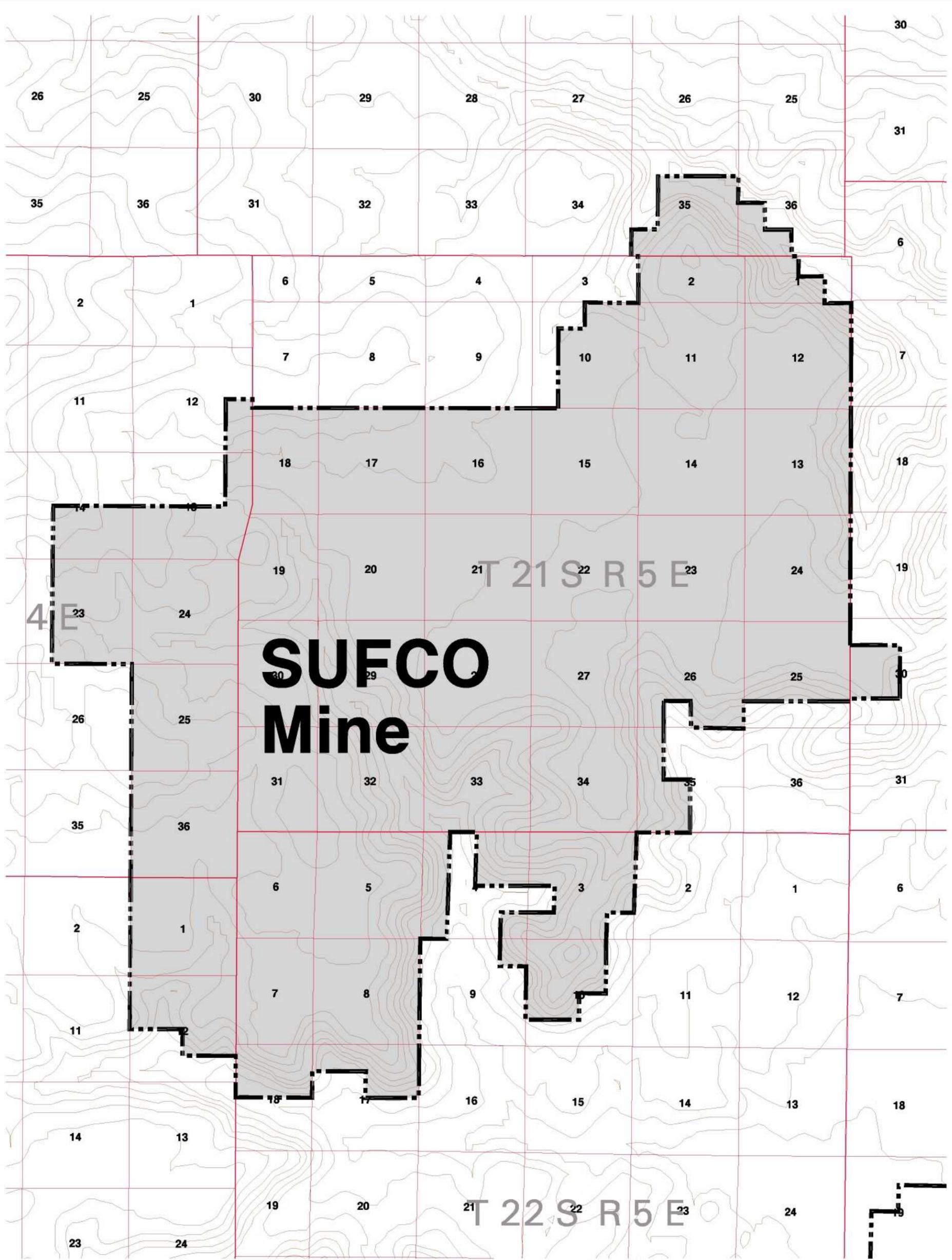
Sincerely,

Daron R. Haddock
Permit Supervisor

Enclosures

cc: Price Field Office

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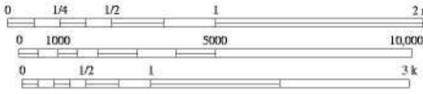
--- Permit Area

General Area Map
SUFCO Mine

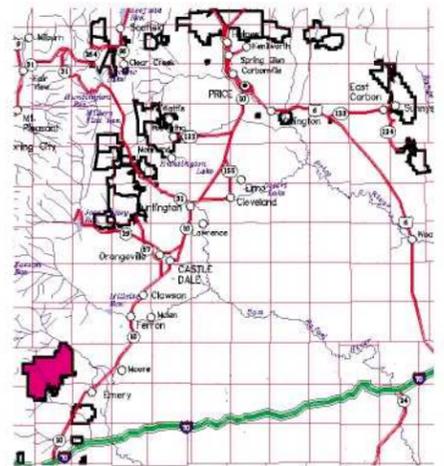
PERMIT AREA MAP

File: n:/gis/coal/coalareamaps/C041002-area.pdf

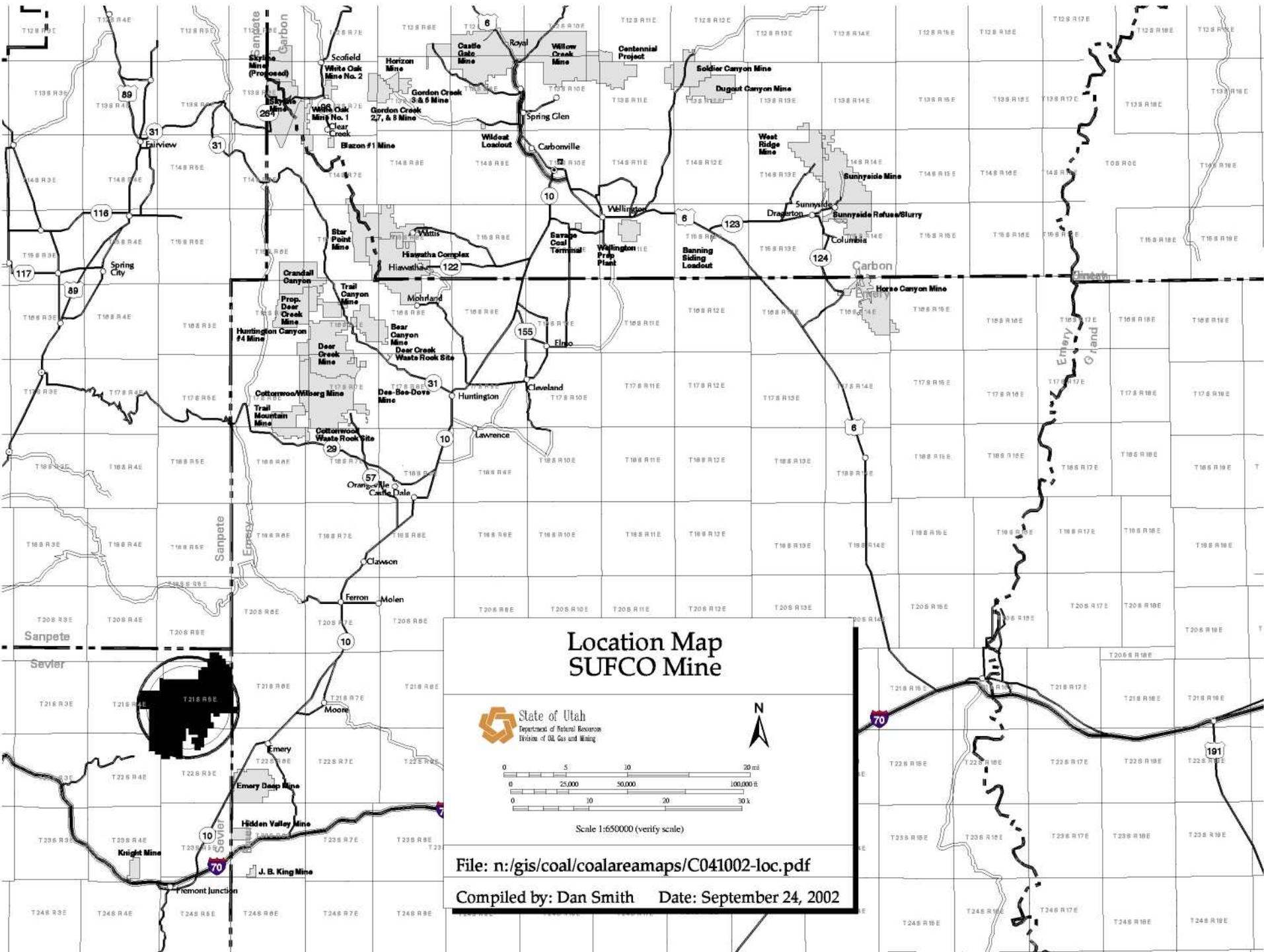
Compiled by: Dan Smith Date: September 24, 2002



Scale 1:55888 (verify scale)



Area Map



File: n:/gis/coal/coalareamaps/C041002-loc.pdf

Compiled by: Dan Smith Date: September 24, 2002

ATTACHMENT A

FISH AND WILDLIFE RESOURCE INFORMATION

Regulatory Reference: 30 CFR 784.21; R645-301-322.

Analysis:

The Quitchupah Creek Road DEIS (2001) states that the Quitchupah Drainage is not likely to contain Mexican spotted owls and surveys are not necessary (page 3-8A). Link Canyon is a tributary to Quitchupah Drainage. The Link Canyon area is identified on the 1997 Willey model as potential breeding habitat. The Mexican spotted owl recovery team is in the process of revising the survey requirements for breeding habitat to include the 2000 model plus any canyons less than 1.2 miles wide and more than 1.2 miles long (2x2 rule) associated with the pixels (letter dated November 21, 2002 from USFWS). The model shows breeding habitat in the NW ¼ section below section 26 where the portals are located. The canyon meets the width and length criteria (2x2 rule) for survey. Additionally, during the Divisions and DWR's initial scoping of this project, Dr. Frank Howe (DWR and a member of the Mexican spotted owl recovery team) asked for this area to be surveyed.

The first of a two year Mexican spotted owl survey was conducted in 2002 for the Muddy Creek EIS Data Adequacy study. No Mexican spotted owls were found in this drought year. The Forest reported that a calling point for the survey was located at the Link Canyon portal. The application states that planned construction activities will not be conducted during critical nesting and rearing times, February 1 to August 31 for eagles. The breeding season begins for the Mexican spotted owl March 1.

The Link Canyon portals should not affect the Mexican Spotted Owl because once constructed these facilities will primarily be accessed through the mine. Building the portal will allow SUFCO employees to check the existing substation through the mine instead of driving the road; this will also cause fewer disturbances. No mining materials will be brought into the mine or removed from the mine via this portal. The existing seep at the portal will be maintained in the drainage and reclaimed in eight to ten years. On December 16, 2002 a meeting was held with USFWS to discuss this issue and verbal concurrence was provided. The Division will seek written concurrence from USFWS.

Table 1. Habitat requirements of threatened and endangered species for Sevier County and potential occurrence in the project area.

Common Name		Habitat	Potential Occurance
Last Chance Townsendia	T	Salt desert shrub and PJ on clay or clay silt soils of Arapien and Mancos Shale.	No Arapien or Mancos derived soils.
Wright Fishhook Cactus	E	Salt desert shrub to Juniper on the Mancos Shale.	No habitat, project elevation to high.

Heliotrope Milkvetch	T	Alpine mixed grass-forb communities	No habitat, project elevation to low.
Bald Eagle	T	Nests in tall trees such as Cottonwoods.	No nests in project, may occasionally fly through project area.
Mexican Spotted Owl	T	Nests in areas with >40% slope. 1997 and 2000 models by D. Willey.	Project within ½ mile of prime canyon breeding habitat (2000 model). 1 st year of 2 year survey completed, no owls identified. Project completed prior to breeding times.
Western Yellow-billed Cuckoo	C	Occurs in riparian areas at least 30 feet wide.	Riparian area at project is isolated and does not continue down canyon. Not 30 feet wide on each side of the seep.
Southwestern Willow Flycatcher	E	Occurs in riparian areas at least 30 feet wide.	Riparian area at project is isolated and does not continue down canyon. Not 30 feet wide on each side of the seep.
Utah Prairie Dog	T	Open sagebrush/grass, salt desert shrub, grasslands	No habitat, steep slopes in project area.
Brown (Grizzly) Bear	T	Montane forest	Project in P-J, Extirpated from Utah
Canada Lynx	T	Montane forest, snowshoe hare prey base.	Project in P-J, Lynx could possibly pass through project area.

A survey was conducted in June 2002 at the portal for aquatic fauna, specifically Forest sensitive spotted frog and boreal toad and other mollusks and amphibians. A report, Survey Report Aquatic Fauna Link Canyon Portal Area, found no sensitive aquatic fauna. No amphibian or mollusks or their sign were observed (Appendix 2-9). Several species of macroinvertebrates were identified.

Golden eagle nests occur outside the half mile radius of the Link Canyon portals. Raptor surveys are conducted each spring. The application states that planned construction activities will not be conducted during critical nesting and rearing times, February 1 to August 31.

Findings:

The information provided meets the minimum Fish and Wildlife Resource Information requirements of the regulations if construction occurs outside of critical nesting and rearing times, March 1 to August 31.