

APPENDIX C:
BLM DETERMINATION LETTER TO USFWS

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United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Rock Springs Field Office
240 Highway 101 North
Rock Springs, Wyoming 82901-0117

3162/6840 (040)
Ten Mile Rim LBA project

February 5, 2004

Ms. Kathleen Erwin
U.S. Fish and Wildlife Service
Ecological Services
4000 Airport Parkway
Cheyenne, Wyoming 82001

RECEIVED

FEB 11 2004

US FISH AND WILDLIFE SERV
CHEYENNE, WY

Dear Ms. Erwin:

We have received notification from Bridger Coal Company, that they are requesting a coal Lease by Application for underground mining, located in Townships 21 and 22 North and Ranges 100 and 101 West. They currently have adjacent sections under lease and are actively mining within those sections.

Our biologist has conducted a considerable number of field reviews within the project area for core hole drilling, access roads, power lines and associated facilities. Within the project area, habitat for listed and candidate plant and wildlife species has not been identified.

This letter represents consultation in compliance with 50 CFR 402.11 and 402.12(c), for which we request your concurrence. The Bureau of Land Management (BLM) received a list of candidate, proposed and listed wildlife and plants from your office on January 20, 2004. Attached for your reference is a map of the Ten Mile LBA lease area. Following is a narrative for each species of concern.

Bald Eagle

Nesting and roost habitat does *not* occur in the area of proposed activity. The nearest Bald eagle feeding and winter roosting habitat to this project is about 47 miles to the northwest, on the Green River.

Determination: There would be "no effect" to bald eagles or their habitat as a result of the proposed coal lease project.

Minimization Measures: None needed.

Black Footed Ferret

A small prairie dog colony is known to occur one-half mile southwest of the west lease area boundary and a larger colony is located about five miles south of the south boundary. These colonies are separated by five and one-half miles of sagebrush and greasewood which has no prairie dog activity.

Determination: The implementation of the proposed action would result in a "no effect" determination for the black-footed ferret.

Minimization Measures: Continue to monitor prairie dog colonies near the lease area and prescribe avoidance.

Ute Ladies'-tresses

Ute Ladies'-tresses habitat is not present in the analysis area. The Ten Mile Lease by Application area has no riparian habitat, nor perennial streams providing habitat for this plant species.

Determination: The implementation of the proposed lease will result in a "no effect" determination.

Minimization Measures: None required.

Colorado River water depletions

With this letter we wish to initiate formal consultation for Colorado River water depletions. Water depletion from the Colorado River and its tributaries has been determined to be jeopardizing the continued existence of four endangered fish downstream from the project area and outside of Wyoming. The US Fish and Wildlife Service has determined that progress made under the "Recovery and Implementation Program for Endangered Fish Species in the Upper Colorado River Basin has been sufficient to merit a waiver of the mitigation fee for depletions of 100 acre-feet or less.

Water use for the entire project is based on the amount of water it requires for underground long-wall wetting and any dust abatement. The lease proponent informs the BLM that they plan to use 327 acre-feet of water per year for the project. The water would come from existing wells drilled into the Erickson Formation. Our geologist has determined that the Erickson Formation is not known to surface or provide surface water which would affect downstream augmentation to the Green River drainage.

Determination: The implementation of proposed Lease by Application will result in a "No Effect" determination.

Minimization Measures: Determination by USFWS as to whether or not a mitigation fee is required.

Candidate Species:**Yellow-billed cuckoo**

The yellow-billed cuckoo is a candidate for listing as threatened or endangered and may occur in riparian areas west of the Continental Divide in Wyoming. The Ten Mile LBA area contains no habitat which would be suitable for this species.

Determination: The lease and pursuant activities would result in a "no effect determination" for the proposed yellow-billed cuckoo.

Minimization Measures: None required.

Sensitive Species:**Mountain Plover**

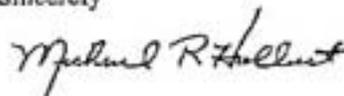
Small islands of mountain plover habitat are present in the lease area. This habitat follows the edge of plateaus and some north slopes of drainages within the lease boundary. Suitable mountain plover habitat will be avoided by surface disturbance activities during the period of April 10 through July 10 annually.

Greater Sage Grouse

Two sage grouse strutting grounds (leks) are known to occur within the proposed lease area. Although present attendance at these leks is low, nesting is known to occur in most suitable habitat within the Ten Mile LBA. A "controlled surface use" stipulation will be applied from February 1 through May 15, within ¼ mile radius of active strutting grounds from 6 p.m. to 9 a.m. daily. The actual timing of this stipulation can be modified by weather conditions such as fog and cloudy conditions, or clear, bright moonlit nights. Seasonal restrictions would be applied through July 31, within an additional 1.75 mile radius from leks to protect sage grouse nesting habitat. Areas within that radius ~~not used~~ for nesting can be excepted provided actual nesting areas are not affected.

Should you require additional information for clarification of Section 7 related issues, please contact Jim Dunder at jim-dunder@blm.gov, or call 307-352-0315.

Sincerely



Michael R. Holbert
Field Manager

Attachments: Project area map for the Ten Mile LBA lease area.