

HAY CREEK II ROD

APPENDIX 3

CONCURRENCE LETTER FROM THE
U.S. FISH AND WILDLIFE SERVICE



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
5353 Yellowstone Road, Suite 308A
Cheyenne, Wyoming 82009

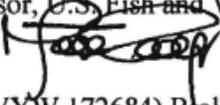
BLM
SEP 02 2010
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AUG 30 2010

In Reply Refer To:
ES-61411/WY1010365

Memorandum

To: Assistant Field Manager Resources, Bureau of Land Management, Buffalo Field Office, Buffalo, Wyoming,

From: Acting Field Supervisor, U.S. Fish and Wildlife Service, Wyoming Field Office, Cheyenne, Wyoming 

Subject: Hay Creek II LBA (WYW 172684) Biological Assessment and Request for Informal Consultation

Thank you for your letter dated August 2, 2010, received in our office on August 9, regarding the biological assessment for the Buckskin Mine Hay Creek II Coal Lease Application (Project) in northern Campbell County, Wyoming. This tract is located northwest and immediately adjacent to the existing Buckskin Mine. Your letter requested initiation of section 7 informal consultation and concurrence pursuant to section 7(a)(2) of the Endangered Species Act of 1973 (Act), as amended, 50 CFR 402.13 for potential effects to listed species within the Project Area.

The Bureau of Land Management (Bureau) has made "no effect" determinations for Ute ladies'-tresses (*Spiranthes diluvialis*) and blowout penstemon (*Penstemon haydenii*). When the Bureau makes a "no effect" determination, concurrence from the Service is not required. However, we appreciate receiving the information.

The project should be re-analyzed if new information reveals effects of the action that may affect listed species or designated or proposed critical habitat (1) in a manner or to an extent not considered in this memo, (2) if the action is subsequently modified in a manner that causes an effect to a listed species or designated or proposed critical habitat that was not considered in this memo, and/or (3) if a new species is listed or critical habitat is designated that may be affected by this project.

Thank you for your efforts to ensure the conservation of threatened and endangered species in Wyoming. If you have questions regarding this memo, please contact our office at the letterhead address or phone Pauline Schuette at (307) 684-1069.

cc: BLM, Threatened and Endangered Species Coordinator, Cheyenne, WY (T. Abbott)
WGFD, Statewide Habitat Protection Coordinator, Cheyenne, WY (M. Flanderka)
WGFD, Non-Game Coordinator, Lander, WY (B. Oakleaf)