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United States Department of the Interior
FISH AND WILDLIFE SERVICE

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



In Reply Refer To
(CO/KS/NE/UT)

June 22, 1999

Mark S. Delligatti, Senior Project Manager
Spent Fuel Licensing Section
Licensing and Inspection Directorate
Spent Fuel Project Office
Office of Nuclear Material Safety and Safeguards
Nuclear Regulatory Commission
Washington, D.C. 20555-0001

RE: Private Fuel Storage Facility

Dear Mr. Delligatti:

We have received your request for a list of endangered and threatened species that may occur in the area of influence of your proposed action. Below is a list of threatened, endangered, and conservation agreement species that may occur within the area of influence of your proposed action. While conservation agreement species have no legal protection under the Endangered Species Act, we ask that you try to avoid them if they are found in the area.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status*</u>
Bald Eagle ³	<i>Haliaeetus leucocephalus</i>	T
Least Chub	<i>Notropis pleurothorax</i>	PE
Peregrine Falcon ¹	<i>Falco peregrinus</i>	E
Ute Ladies'-tresses	<i>Spiranthes diluvialis</i>	T
Spotted Frog	<i>Rana luteiventris</i>	CA

- T = threatened
- E = endangered
- PE = proposed endangered
- CA = conservation agreement species
- 1 = Nests in this county of Utah
- 3 = Wintering populations (only four known nesting pairs in Utah)

Only a Federal agency can enter into formal Endangered Species Act section 7 consultation with the Service. A Federal agency may designate a non-Federal representative to conduct informal consultation or prepare a biological assessment by giving written notice to the Service of such a designation. The ultimate responsibility for compliance with ESA section 7, however, remains with the Federal agency.

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The proposed action should be reviewed and a determination made if the action would affect any listed species or their critical habitat. A determination should also be made as whether or not the action is likely to jeopardize the continued existence of proposed species or result in the destruction or an adverse modification of any critical habitat proposed for such species. If the determination is "may affect" for listed species, you must request in writing formal consultation from the Field Supervisor, at the address given above. In addition, if you determine that the proposed action is likely to jeopardize the continued existence of proposed species or result in the destruction or adverse modification of proposed critical habitat, you must confer with this office. At that time, you should provide this office a copy of the biological assessment and any other relevant information that assisted you in reaching your conclusion.

Your attention is also directed to Section 7(d) of the Endangered Species Act, as amended, which underscores the requirement that the Federal agency or the applicant shall not make any irreversible or irretrievable commitment of resources during the consultation period which, in effect, would deny the formulation or implementation of reasonable and prudent alternatives regarding their actions on any endangered or threatened species.

If we can be of further assistance or if you have any questions, please feel free to contact Ted Owens of our office at (801)524-5001 extension 144.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Harris", with a stylized flourish at the end.

for Reed E. Harris
Utah Field Supervisor