

**From:** <Eric\_Hein@fws.gov>  
**To:** "Ron Linton" <RCL1@nrc.gov>  
**Date:** 07/25/2007 12:10:56 PM  
**Subject:** Re: Request for concurrence on determination of no effects on listed species

Mr. Linton:

Thank you for your July 23, 2007 email and assessment on the proposed evaporation pond #3 Homestake Mining Company, Grants Reclamation Project, Grants, New Mexico. As a result of budget cutbacks, we no longer provide concurrence with project proponent's "no effect" determinations. It has been a service that we have provided in the past, but is not required under the Endangered Species Act, as amended (Act).

Under the Act, it the responsibility of the Federal action agency or it designated representative to determine if a proposed action "may affect" endangered, threatened, or proposed species, or designated critical habitat. If so, consultation with the U.S. Fish and Wildlife Service (Service) is required. Similarly, it the responsibility of the action agency, not the Service to make "no effect" determinations. Because you have determined that the proposed action will have "no effect" on endangered, threatened, or proposed species, or designated critical habitat, consultation with us is not required.

We appreciate your information on the project and concern for endangered and threatened species. If you have questions about the information in this email, please contact me.

Thank you.

Eric

Eric W. Hein  
U.S. Fish and Wildlife Service  
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**From:** <Eric\_Hein@fws.gov>  
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**Recipients**

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