

Appendix H
U.S. Fish and Wildlife Service Letter



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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



OCT 31 2012

In Reply Refer To:
06E13000/WY13CPA0009

William Vetter, Senior Manager/Wildlife Biologist
ICF International
405 West Boxelder Road, Suite A-5
Gillette, Wyoming 82718

Dear Mr. Vetter:

Thank you for your email of October 3, 2012, regarding the study plan for proposed wildlife baseline surveys at the Rare Element Resources Bull Hill Mine and Upton Plant project sites (Project). The Bull Hill Mine will be located in all or portions of Sections 5, 7-10, 15-18, 20, and 21, T52N, R63W in Crook County, Wyoming. The Upton Plant will be located in all or portions of Sections 20, 28, 29, 32, and 33, T48N, R65W in Weston County, Wyoming.

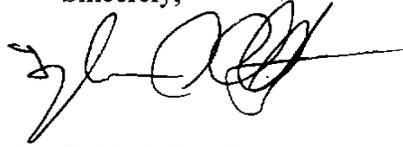
Your letter provided sufficient information for the U.S. Fish and Wildlife Service (Service) to evaluate the effects of this project to federally listed species. Based on the information provided, it is unlikely that the proposed work will adversely affect any threatened or endangered species. You may consider this project, as proposed, to be in compliance with the Endangered Species Act of 1973, as amended (Act), 16 U.S.C. 1531 *et seq.*

Your proposed wildlife baseline studies plan methodology is in accordance with standard biological practices and takes into account the particular species of concern and threatened and endangered species likely to occur within or near the Project area. The Service would appreciate a copy of your Project-specific wildlife baseline report once it becomes available. Additionally, we would appreciate being notified when additional plans are considered for this Project and other similar projects.

This Project should be re-analyzed if new information reveals effects of the action that may affect listed species or designated or proposed critical habitat in a manner or to an extent not considered in this letter; if the action is subsequently modified in a manner that causes an effect to a listed or proposed species or designated or proposed critical habitat that was not considered in this letter; and/or if a new species is listed or critical habitat is designated that may be affected by this project.

We appreciate your efforts to ensure the conservation of endangered, threatened, and candidate species and migratory birds. If you have questions regarding this letter or your responsibilities under the Act and/or other authorities or resources described above, please contact Genevieve Skora of my office at the letterhead address or phone (307) 772-2374, extension 225.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Mark Sattelberg', with a long horizontal line extending to the right.

For R. Mark Sattelberg
Field Supervisor
Wyoming Field Office

cc: USFS, District Ranger, Sundance, WY (S. Kozel)
WDEQ-LQD, District 3 Supervisor, Sheridan, WY (M. Rogaczewski)
WGFD, Non-game Coordinator, Lander, WY (B. Oakleaf)
WGFD, Statewide Habitat Protection Coordinator, Cheyenne, WY (M. Flanderka)

