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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)

February 18, 1997

Mr. Joseph J. Holonich, Chief  
Uranium Recovery Branch  
Division of Waste Management  
Office of Nuclear Material Safety and Safeguard  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

RE: Formal Section 7 Consultation for the Proposed Reclamation of the Atlas Mill Tailings Site in Moab, Utah

Dear Mr. Holonich:

This acknowledges the U S. Fish and Wildlife Service's (Service) January 31, 1997, receipt of your January 30, 1997 letter transmitting the supplemental biological assessment and requesting formal consultation pursuant to section 7 of the Endangered Species Act of 1973, as amended (Act), for the proposed reclamation of the Atlas mill tailings site in Moab, Utah. We are also in receipt of Atlas's letter of February 6, 1997 regarding the consultation. It is the Service's intent to prepare a biological opinion on the proposed reclamation of the Atlas mill tailings site, including all interdependent and interrelated actions (the relocation of Moab Wash, the Groundwater Corrective Action Plan, and any additional water depletion from the Colorado River, above that which has historically been withdrawn for Atlas operations and dust control). Additionally, the Service will use the best scientific and commercial data available in writing its opinion.

Concerning the southwestern willow flycatcher (*Empidonax traillii extimus*), we may be requesting some additional information at a later date concerning the possible impacts of the proposed action on the species and its habitat.

The section 7 process allows the Service up to 90 days to conclude formal consultation with your agency and an additional 45 days to prepare our biological opinion (unless we mutually agree to an extension). Therefore, we expect to provide you with a biological opinion before June 15, 1997. Your correspondence requested that the Service expedite its review to the extent possible and we will try to accommodate your request.

Your attention is directed to section 7(d) of the Act, which underscores the requirement that the Federal agency or the applicant shall not make any irreversible or irretrievable commitment of

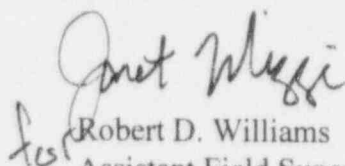
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resources during the consultation period which, in effect, would deny the formulation or implementation of reasonable and prudent alternatives regarding their actions on any endangered or threatened species.

If you have any questions or concerns regarding these comments or the section 7 process, please contact Janet Mizzi at (801)524-5001.

Sincerely,



Robert D. Williams  
Assistant Field Supervisor

cc: Mr. Larry Shanks, Acting Assistant Area Manager-Utah, U.S. Fish and Wildlife Service,  
CO/KA/NE/UT, Denver, Colorado  
Ms. Gina Guy, Office of the Solicitor, Rocky Mountain Region, P.O. Box 25007, Denver  
Federal Complex, Denver, Colorado 80225  
Mr. Richard Blubaugh, Vice President of Environmental and Government Affairs, Atlas  
Corporation, 370 Seventeenth Street, Suite 3150, Denver, Colorado 80202  
Mr. Loren Morton, Division of Radiation Control, Department of Environmental Quality,  
State of Utah, 168 North 1950 West, P.O. Box 144850, Salt Lake City, Utah  
84114-4850  
Mr. Bruce Rodgers, Chief, Division of Resource Management, Canyonlands and Arches  
National Parks, 2282 S. West Resource Blvd., Moab, Utah 84532