

STATE OF
COLORADO

Reilley - DNR, Robin <robin.reilley@state.co.us>

RE: FW: [EXTERNAL] Section 7 Consultation

1 message

Clayton, Creed <creed_clayton@fws.gov>
To: "Reilley - DNR, Robin" <robin.reilley@state.co.us>
Cc: "Broderdorp, Kurt" <kurt_broderdorp@fws.gov>

Mon, Dec 19, 2022 at 11:49 AM

Robin,

Thank you for the documentation you sent for the new ESA consultation/coordination process between CDRMS and the Service pursuant to the 2020 programmatic biological opinion between OSMRE and the Service. I am attaching the latest biological opinion (BO) that we issued to OSMRE in 2016 regarding the approval of a mining plan at the Trapper Mine.

On page 2 of the 2016 BO there is a brief consultation history addressing water depletions from the mine. We issued to OSMRE streamlined consultations for water depletions from the Trapper Mine in 2009 and 2013. There were no additional water depletions planned in the 2016 BO. My question now is: are there new water depletions planned as a part of this new mine expansion above and beyond the 160.1 acre-feet that was involved in the 2013 consultation? If not, then further consultation/coordination on water depletions would not be necessary. If so, then, yes, we recommend renewed consultation/coordination to account for the additional depletions. A water depletion is the consumption of water that would have ended up in the Yampa River (in this case) in the absence of the project, but because of its use in the project it does not end up in the river. This includes the diversion and consumption of surface water or the use and consumption of ground water. The pumping and use of deep water trapped and separated from surface waters by rock is not considered in the calculation of water depletions (e.g., 10,000' deep water produced by oil and gas wells).

As mentioned in Appendix A, which you sent, we also recommend that you obtain an official species list from our website for the project area: <https://ecos.fws.gov/ipac/>. This will include a list of threatened or endangered species that should be considered. Some of the species on the list may not be affected by the project; possibly none of the species will be affected. The initial determination of effects to these species is the responsibility of the action agency.

Let me know if you want further clarification. The most obvious question to answer (and quantify) is in regards to water depletions. More information is needed beyond your statements about water use below to answer how much water would be depleted (if any). The species list may generate additional questions. We can always talk via Teams if that would be helpful, just let me know.

J. Creed Clayton

Deputy Supervisor

Colorado Field Office – Western Team

U.S. Fish and Wildlife Service