

Wayland, Joshua

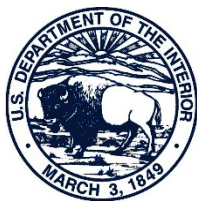
From: Wayland, Joshua
Sent: Tuesday, January 18, 2022 2:29 PM
To: Floyd, Kathryn K.
Subject: Water Depletion Fee for Uinta Basin Railway
Attachments: 2020-F-0871_STB Uinta Basin Railway depletion payment letter_01112022.pdf

Kathryn,

I hope you are well. OEA has received the attached letter from the U.S. Fish and Wildlife Service regarding the water depletion fee that is a required measure contained in the Biological Opinion for the Uinta Basin Railway project. Please let me know if you have any questions or would like me to follow up with Fish and Wildlife.

Best,
Josh

Joshua Wayland, PhD
Environmental Protection Specialist
Office of Environmental Analysis
Surface Transportation Board
202.245.0330



United States Department of the Interior

FISH AND WILDLIFE SERVICE

2369 W Orton Circle, #50

West Valley City, Utah 84119



In Reply Refer to:
FWS/IR05/IR07
06E23000-2020-F-0871

Ms. Danielle Gosselin
Acting Director
Surface Transportation Board
Washington, DC 20423

Dear Ms. Gosselin,

The U.S. Fish and Wildlife Service's Utah Ecological Services (ES) Field Office finalized the Biological Opinion for your office's Uinta Basin Railway project on September 20, 2021. This project depletes water from the Colorado River basin, which is an adverse effect to endangered fish. As described in the Biological Opinion, the Upper Colorado River Endangered Fish Recovery Program (Recovery Program) serves as the conservation measure to minimize adverse effects to endangered fish and their habitat caused by water depletions. For average annual depletions greater than 100 acre-feet, water users are required to pay a one-time fee into an account that the Recovery Program uses to enact recovery actions for the fish. We are providing this letter as guidance for paying the depletion fee. The FWS does not produce invoices for these projects, but rather relies on the Biological Opinion as the invoice.

Your office consulted on a 875 acre-foot depletion for the Uinta Basin Railway project. The fiscal year 2022 fee for water depletion projects is \$22.84 per acre-foot. Therefore, for the Uinta Basin Railway project, the applicant owes \$19,985.00. As a reminder, ten percent of the total is due upon issuance of approvals from the Surface Transportation Board. The remainder is due when construction of the project commences. However, full payment of the fee is acceptable prior to project initiation if that is easier for the project applicant.

Please note that the fee rate changes each September 1st based on inflation and your office is responsible for paying the rate in place at time of the writing of the check. Therefore, the rate may change subsequent to the writing of this letter, and the rate may change between the initial 10% payment and the payment of the remaining fee. Please check with George Weekley at the Utah Field Office to ensure the applicant pays the correct amount.

INTERIOR REGION 5 MISSOURI BASIN

KANSAS, MONTANA*, NEBRASKA, NORTH DAKOTA,
SOUTH DAKOTA

*PARTIAL

INTERIOR REGION 7 UPPER COLORADO RIVER BASIN

COLORADO, NEW MEXICO, UTAH, WYOMING

Funds are not received by the U.S. Fish and Wildlife Service but are deposited into an account held by our partners at the National Fish and Wildlife Foundation (NFWF). Courtney Kwiatkowski is the account manager and can be reached at Courtney.Kwiatkowski@nfwf.org or (202) 857-0166. The Tax ID for NFWF is 52 1384139. To correctly submit the payments to NFWF please follow the directions below.

Payments can be made via check or secure Electronic Fund Transfer (EFT), although the preferred option of payment is EFT. Please contact NFWF to receive instructions for secure EFT payment. Payments made by check should be mailed to the address below. The check should include the following notation: "Upper Colorado Fish Recovery Program (IM.A131)."

National Fish and Wildlife Foundation
Attn: Chief Financial Officer
1133 15th Street, NW
Suite 1000
Washington, DC 20005

All payments should be accompanied by a cover letter (either mailed or emailed) that identifies the project title noted above, the amount of the payment, the check number (if applicable), the name and address of the payor, the name and address of the Federal Agency responsible for authorizing the project (Surface Transportation Board), the Service office issuing the biological opinion (Utah ES office), and a note that the payment pertains to the "Upper Colorado Fish Recovery Program." This information will be used by NFWF to notify the Recovery Program within 5 working days that payment was received.

If you have any questions about payment submission, please contact George Weekley at our office at 801-554-7660. Thank you for your attention to this matter and your conservation of endangered species.

Sincerely,

YVETTE CONVERSE

Digitally signed by YVETTE
CONVERSE
Date: 2022.01.11 14:04:19 -07'00'

Utah Field Office Supervisor

Cc: Kevin McAbee, Upper Colorado River Endangered Fish Recovery Program