0031

ACT/007/006

January 15, 1979

Area Manager, Salt Lake City
U. S. Fish and Wildlife Service
Proposed Access Road, Star Point Mine,
Plateau Mining Company, Carbon County, Utah

RECEIVED
JAN 22 1979
DIVISION OF OIL, GAS, & MINING

Leon Berggren, Area Manager
Price River Resource Area, BLM

On October 26, 1978, you requested informal consultation under Section 7 of the Endangered Species Act of 1973. Your concern was whether a proposed mine access road would adversely affect an endangered species, the bald eagle, or its critical habitat. On December 18, 1978, John Gill and Clark Johnson of this office examined the route of the proposed road. Mr. Gill is Leader of the Section 7 Consultation Team. Mr. Johnson is Coal Coordinator for the State of Utah. Neither bald eagles nor any likely communal roost sites were observed by either Bureau of Land Management's (BLM) wildlife biologist, David Mills, on November 15, 1978 (attachment one) or by Messrs. Gill and Johnson on December 18, 1978. The area to be affected by the road is similar to a large block of habitat nearby. Therefore, if any undetected roost sites occur in the proposed area, eagles may shift to an alternate roost if human disturbances become intolerable. For the above reasons, we do not believe that the proposed road would affect the continued existance of an endangered species.

We understand from BLM that a bald eagle roost site has been identified approximately 5 miles east of the proposed road. Every effort should be made to insure that the identified roost receives stringent protection.

This memorandum terminates the consultation of an informal nature, and there is no need for your agency to request formal consultation. However, if a bald eagle roost site is discovered in the vicinity of the proposed road, Section 7 consultation must be reinitiated with the FWS.

Although the golden eagle is not an endangered species, it is provided protection under the bald eagle act and migratory bird treaty act. This office is concerned that this species may be adversely impacted by the proposed access road. This seemed possible, judging from Mr. Mackiewicz's report describing the nest sightings of Mr. Mills, a BLM wildlife biologist. Ron Joseph, FWS biologist, and Larry Dalton of the Utah Division of Wildlife Resources examined the nests on January 9, 1978. It was their opinion that species determination of

nest "ownership" will not be possible until the site is re-occupied next spring. Regardless, the FWS is of the opinion that the nests located by Mr. Mills will not be adversely impacted by the proposed access road

The preliminary survey of raptor nests by BLM should be expanded in early March when golden eagles will have entered the nesting season. We encourage you to identify and map all active raptor eyries.

In a letter dated August 17, 1978, the Southeast Region of the Utah Division of Wildlife Resources recommended no road construction at lower elevations between November 1 and May 15 in order to mitigate disturbances to wintering deer and bald eagles. We support this recommendation, particularly if active eagle eyries are located within .5 to 1 mile of the road construction activity. In the event that an active eyrie is located and conflicts with construction are evident, this office should be notified so that measures can be taken to solve the problem.

Mr. Clark Johnson (FTS 588-5649) will be your principal contact for this project. Mr. Ronald Joseph, with expertise in raptor biology, will assist Mr. Johnson.

Thank you for your interest in conserving our birds of prey.

GILL/JOSEPH/JOHNSON/lg: 1-15-79

cc: Official file
Reading file
OSM, Denver
DWR, Price
OGM, SLC
Moab District (BLM)
Regional File (SE)