



United States Department of the Interior

FISH AND WILDLIFE SERVICE  
 AREA OFFICE COLORADO-UTAH  
 1311 FEDERAL BUILDING  
 125 SOUTH STATE STREET  
 SALT LAKE CITY, UTAH 84138

December 3, 1981

File  
 ACT/007/009  
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DIVISION  
 OIL, GAS & MINING  
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IN REPLY REFER TO:

MEMORANDUM

- To: Area Manager, Bureau of Land Management  
 Price River Resource Area  
 Price, Utah
- FROM: Acting Area Manager, Fish and Wildlife Service  
 Salt Lake City, Utah
- SUBJECT: Unsuitability Criteria at Fish Creek and Dugout Canyons -  
 Proposals for Mitigating Eagle and Falcon Conflicts
1. The Fish and Wildlife Service (FWS) believes that the golden eagle nest site in Fish Creek Canyon is active using the definition specified in IM 80-346. The (a) presence of eagles and observed behavior, (b) documentation of tending the nest sites and (c) condition of the nests at this site were the basis for over determination that this site was active. A buffer zone as shown on Map 1 should be established and be determined to be unsuitable for surface disturbance. Implementation of the following conditions could allow application of exception at this time.
    - a. No activity should be allowed in Fish Creek Canyon within 1 km of the eagle nest sites during the 1982 breeding season. The Fish Creek access road should be closed by February 1, 1982 to prevent vehicles from disturbing any nesting attempt by eagles.
    - b. No visitation to the nest site should be made without concurrence by the FWS.
    - c. The exploration road built in 1979 immediately below the eagle nests should be recontoured, seeded and permanently blocked as soon as it no longer serves a required function for mine development.
    - d. The company should modify their mine plan proposal pursuing development of the Fish Creek Portals in areas of the canyon less likely to impact eagles. We believe most of the facilities can be located south of the proposed site and outside of the buffer zone. Use of existing vegetation and contours may allow development of the portals and access routes as planned. A possible option would be to locate the portal used for personnel and

equipment access to a point outside of the zone of line of sight from the nests. A generalized proposal is shown on Map 1. Transplanting of large evergreen trees adjacent to roads and conveyors in line of sight areas would assist in reducing line of sight intrusions.

2. A buffer zone in Dugout Canyon, as shown on Map 2 should be established and the area within determined to be unsuitable under Criteria 11 and 13. Incorporation of the following developmental techniques and time frames would allow application of the exception:
  - a. Locate the access road, conveyor belt, pipelines and powerline east of the creek and adjacent to the riparian vegetation.
  - b. Allow no stoppage of vehicles, surveying, or construction activities within the buffer zone during the period the nest sites are active. The breeding season would be March 15 to June 15.
  - c. We suggest that the FWS act as the lead agency in determining the nest status in 1982 and that all interested parties be provided the opportunity in assessing the nesting attempt. No other visitations to the nest sites should be permitted without concurrence by the FWS.
  - d. We suggest that no warning sound systems or lighting should be used on the conveyor system within the buffer zone during the breeding season.
3. A buffer zone should be established along the main access road to the Dugout Canyon facilities near the two Cooper's hawk nests. Along the road, the perimeter of the buffer zone should extend  $\frac{1}{4}$  mile both directions from the nest sites. No stoppage of vehicles, construction of roads or other activities should occur within this zone while a nesting attempt is in progress. The critical part of the breeding seasons for these birds occurs from April 15 to June 15. We suggest that the FWS act as the lead agency in determining the nest status in 1982 and that all interested parties be provided the opportunity to assist in assessing the nesting attempt. No other visitations to the nest sites should be permitted without concurrence by the FWS.

No removal of shrubs or trees or other vegetation should be permitted beyond the existing road shoulder especially within the buffer zone.
4. We are concerned that "spin-off" human activities could be as detrimental to eagle nesting attempts as mining operations. Consequently, the company should provide an information/education program at initiation of developmental activities to prevent intrusions by workers into the established buffer zones. This should be made a permanent part of their mine plan and would help eliminate inadvertent disturbance. Violations of these buffer zones would be viewed seriously.

We will expeditiously review your proposals for buffer zones and exceptions if different, to complete our joint determinations.

Sincerely yours,

  
Acting Area Manager

cc: BLM, SLC  
DWR, SLC  
DWR, Price  
✓OGM, SLC

Attachment



NEST SITES  
BUFFER ZONE

MINIMIZE FACILITIES  
AT PORTALS

APPROX. AREA OF  
LINE OF SIGHT  
FROM NEST SITES

ACCESS CONVEYOR  
UTILITIES

POSSIBLE SITE FOR  
DISPLACED PORTAL  
FACILITIES

FIGURE 1

