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state of utah

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ACT/007/009



DIVISION OF WILDLIFE RESOURCES

EQUAL OPPORTUNITY EMPLOYER

DOUGLAS F. DAY  
Director

1596 West North Temple/Salt Lake City, Utah 84116/801-533-9333

December 1, 1981

RECEIVED  
DEC 1 1981

Mr. Cleon B. Feight, Director  
Division of Oil, Gas and Mining  
1588 West North Temple  
Salt Lake City, Utah 84116

DIVISION OF  
OIL, GAS & MINING

Attention: Susan Linner

Dear Jack:

The Utah Division of Wildlife Resources has the following comments concerning the field review on November 12, 1981, of raptor nests located on Eureka Energy Company's Sage Point-Dugout Canyon coal mining project.

Fish Creek Canyon golden eagle aeries:

Due to the presence of the two occupied/tended golden eagle nests, the Left Fork of Fish Creek Canyon should be considered for classification as unsuitable under Unsuitability Criterion 14. Surface facilities should be disallowed in the left fork buffer zones; however, underground mining activity could occur if proper precautions are taken for subsidence to protect the cliff face. Any disturbance within the critical valued golden eagle nest buffer zone (one kilometer radius of the nest) should be restricted during the crucial nesting period (February 15 to June 15).

Dugout Canyon prairie falcon aeries:

Due to the presence of the active prairie falcon scrape and the possibility of yet another prairie falcon scrape, a critical valued prairie falcon buffer zone (one kilometer radius of the nests) should be considered for classification as unsuitable under Unsuitability Criterion 14. Surface facilities should be disallowed in the falcon buffer zones. Any disturbance within the critical valued buffer zone should be restricted during the prairie falcon's nesting period which extends from mid-April through the end of June.

The conveyor belt alignment should be adjusted to the southeast side of Dugout Canyon. It is important to note that the Division has previously recommended this alignment (documented as the control alignment on the Conveyor Engineering, Inc. map titled, Overland Conveyor Study Final Alignments Plan, Coord's and Control, CEI Job No. 7941) concerning the placement and design of the conveyor belt in relation to mule deer crossings. The number and position of lights and safety horns should be restricted to the limit that safety regulations will permit. Construction of the conveyor within the buffer zone should be restricted during the critical nesting period (April 15 to June 30).

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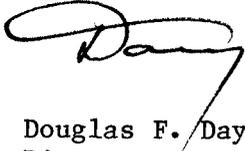
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Dugout Road Cooper's hawk aerie:

All construction within the buffer zone (one kilometer radius) should be restricted during the critical nesting period (May 1 through August 15), and all road construction should be limited to the west side of the presently existing county road within the buffer zone.

It is the opinion of the Division that if Eureka Energy Company will comply to the aforementioned stipulations, impacts on these raptor nests would likely be avoided. As a part of the ongoing study to determine the "Effects of Coal Development on Wildlife in Southeastern Utah," the Division will continue to monitor raptor nests located on the project area.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas F. Day". The signature is stylized with a large, sweeping initial "D" and a long, thin tail extending downwards and to the right.

Douglas F. Day  
Director