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EUREKA ENERGY COMPANY
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August 20, 1981

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DIVISION OF
OIL, GAS & MINING

Ms. Susan Linner
Reclamation Biologist
Utah Division of Oil Gas and Mining
1588 West North Temple
Salt Lake City, Utah 84116

Dear Susan:

I would like to bring to your attention that the Bureau of Land Management has applied the coal unsuitability criteria to unleased Federal coal lands in portion of the Books Cliffs. A draft brochure which summarizes the preliminary unsuitability recommendation's was released on July 24, 1981.

According to this document the following golden eagle nest areas have been found (with input from US Fish and Wildlife Service) within or just outside the permit area for the proposed Sage Point-Dugout Canyon project:

T. 13 S., R 12 E., SLM

Section 21:	E½SW¼NW¼, SE¼NW¼, NE¼SW¼, N½SE¼
Section 23:	S½SW¼
Section 25:	S½NE¼, SW¼NW¼
Section 26:	W½W½SE¼NE¼, N½NW¼

The legal descriptions noted are based on 10-acre subdivisions and provide a 0.50 mile buffer zone around nest sites. A lease would be conditioned, in manner or period of operation, so that eagles would not be disturbed during their breeding season. Any lease issued would be conditioned on the following stipulation as recommended by the UDWR and concurred with by F&WS:

"Areas identified as golden eagle aerie territories will be closed to surface occupancy with the exception of activities related to exploration and ventilation. Exploration activities will not be allowed during the period between February 15 and July 15. Surface construction for ventilation shafts and related access roads will not be accomplished during the

aforementioned time period. Additional mitigating measures will be developed, as needed, upon review of exploration and mine plans. The lands identified above are found acceptable for further consideration for leasing."

A prairie falcon nest area has been observed by the USFWS near the Dugout Canyon rock disposal site (T13S, R12E, SLM, Section 23: W½SW¼SW¼). The legal subdivision provides a 0.50 mile buffer zone around this active nest. A lease would be conditioned, in manner or period of operation, so that falcons would not be disturbed during their breeding season. Any lease issued would be conditioned on the following stipulation as recommended by the BLM and concurred with by F&WS:

"Areas identified as falcon nest areas will be closed to surface occupancy with the exception of activities related to exploration and ventilation. Exploration activities will not be allowed during the period between February 15 and July 15. Surface construction for ventilation shafts and related access roads will not be accomplished during the aforementioned time period.

Additional mitigating measures will be developed, as needed upon review of exploration and mine plans. The lands identified are found acceptable for further consideration for leasing."

I have already sent you maps showing the location of the proposed surface facilities and the approximate location of the golden eagle nests in the Fish Creek portal area. In addition, we have promised to provide The Division with the results of an in-house assessment of the potential effect, if any, of these facilities upon Fish Creek Nest #2. I will also provide you soon with a map showing the location of the prairie falcon nest and the proposed surface facilities in the Dugout Canyon area.

If I can be of further assistance, please contact me.

Sincerely,

Nicolas Temnikov

NICOLAS K. TEMNIKOV
Regulatory Coordinator

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