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JIM

AUG 19 1981

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DIVISION OF
OIL, GAS & MINING

August 13, 1981

MEMORANDUM

TO: Regional Director, Office of Surface Mining
Denver, Colorado

FROM: Acting Area Manager, Fish and Wildlife Service
Salt Lake City, Utah

SUBJECT: Review of the Sage Point-Dugout Canyon Mining and Reclamation Plan for Completeness (U-0041)

The plan was reviewed for completeness. The addendum anticipated to be completed on wildlife has not been reviewed by this office at this time.

Since the writing of this plan, a raptor survey for cliff nesting species was completed. A total of 22 golden eagles nests, falcon scrapes or suspected scrapes were identified within the permit area or within 1 km of the permit boundary. A scrape is a place on a ledge or in a cave where loose gravel or soil has been tampered with by falcons for egg laying. See attached map for nest locations. Seven of these nests are within 1 km of major proposed developments (secs. 16, 20, 21; T. 13 S., R. 12 E.). A field review of these sites is required to evaluate the probability of nests being impacted. Based on an examination of topographic maps and the nature and location of the proposed development, the nests in sections 16 and 22 have a high potential to be impacted.

Raptors, particularly those of high federal interest, are very sensitive to disturbances during the nesting season. For this reason, the following recommendations should be implemented to reduce negative impacts of mine related activities on golden eagles, prairie falcons, and Cooper's hawk populations in the mining area. Specific dates regarding no construction and blasting depends on the nesting phenology of the birds in question and the type of disturbance. For golden eagles, blasting and other surface disturbance should not be permitted within 1 km of a nest. The period most critical is February 15 to May 1 which coincides with nest construction (or re-construction), courtship, and egg laying. Mining activities not allowed between these dates will provide birds with the opportunity to lay eggs and raise young without human interference. In general, young are old enough in early May to withstand a brief absence of adults during cold weather. A wet downy chick does not survive very long in a cold rainstorm without parental brooding. The dates and buffer zones selected to protect prairie falcon eyries differs from the recommendations for golden eagles. No blasting or other surface disturbance should be permitted within .50 km of any prairie falcon eyrie. The

.50 km buffer zone figure was selected because prairie falcon eyries are generally much higher on the cliff and are more secluded than those of a golden eagle. Courtship, egg laying, and hatching are the most critical stages of the breeding cycle. Consequently, construction activities should not be permitted near prairie falcon eyries between March 15 and June 15.

Similarly, the MRP identified two active Cooper's hawk nest sites in Dugout Canyon. The first nest is located approximately 50 meters from the haul road in Dugout Canyon. Construction near the nest if timed during breeding seasons, and mine related activities individually or combined, could easily cause abandonment of this site. New disturbances would include haul truck traffic in addition to high levels of vehicular traffic, conveyor noise, conveyor lights and probable reduction of prey base and degradation of the hunting territory through mine related conflicts. The location of the second Cooper's hawk nest and its situation is inadequately described. Both nests require additional review.

Major construction activities and blasting should be avoided within 1 km of active nest sites. The critical nesting period of the Cooper's hawk is April, May and June. In all instances, Fish and Wildlife Service is willing to work with the coal developers in examining the status of each nest in the spring to determine nest activity. We are committed to resolving conflicts between resource development and raptor populations.

We examined the drawing for the power pole design (fig. UB-51553). The design is unsafe for large raptors. The distance between the two energized conductors on the crossarm is too close to prevent eagles from making simultaneous wing contact during flight. We suggest that the inner line be attached 38 inches above the crossarm so that eagles and other raptors may perch on the crossarm without becoming electrocuted.

We are concerned that steep escarpments be protected from subsidence. We did not find an indication of what actions would be taken to protect these cliffs. The attached map showing nests is a suitable data source to start identifying the locations of these important escarpments. As escarpment failure is known to be a problem in this area, we need to be assured that these cliffs are protected, or else a suitable area supporting them should be withdrawn from coal mining.

The review for threatened or endangered plants as presented in the plan was inadequate for a proper evaluation by us. We suggest that the study be appended, or that the narrative be more descriptive so that an evaluation of the techniques used and results obtained can be made. A species of plant, Hedysarum occidentale var. canone occurs in Soldier Creek Canyon and could possibly occur on the sites proposed for disturbance.

The following are more general comments:

- Fence only areas absolutely necessary (VII-411).

- Maintain and/or construct a minimum number of roads and allow public access to public lands wherever a bona fide hazard to safety does not exist. (VI-95, 106; VII-412).

- A demonstrated need for lighting of the conveyor system was not shown. It appears that it would be more cost effective to turn the lights on when needed for repairs and then only for the portion needing maintenance. Will the conveyor be run 24 hours per day? We understand that no maintenance road will be involved along the entire route so continuous lighting does not appear needed (VI-88).

- Should some of the sedmentation ponds become sources of good water, why not leave them after mining for livestock and wildlife use. (I-284.

  Construction of the two reservoirs could be designed to provide fish and waterfowl habitat.

- Offsite enhancement techniques could help mitigate some of the long term habitat losses for mule deer. In particular, there are opportunities to enhance forage production to compensate for habitat lost due to the various mine related impacts such as surface disturbance, vehicular collisions, vehicle and conveyor noise, etc.

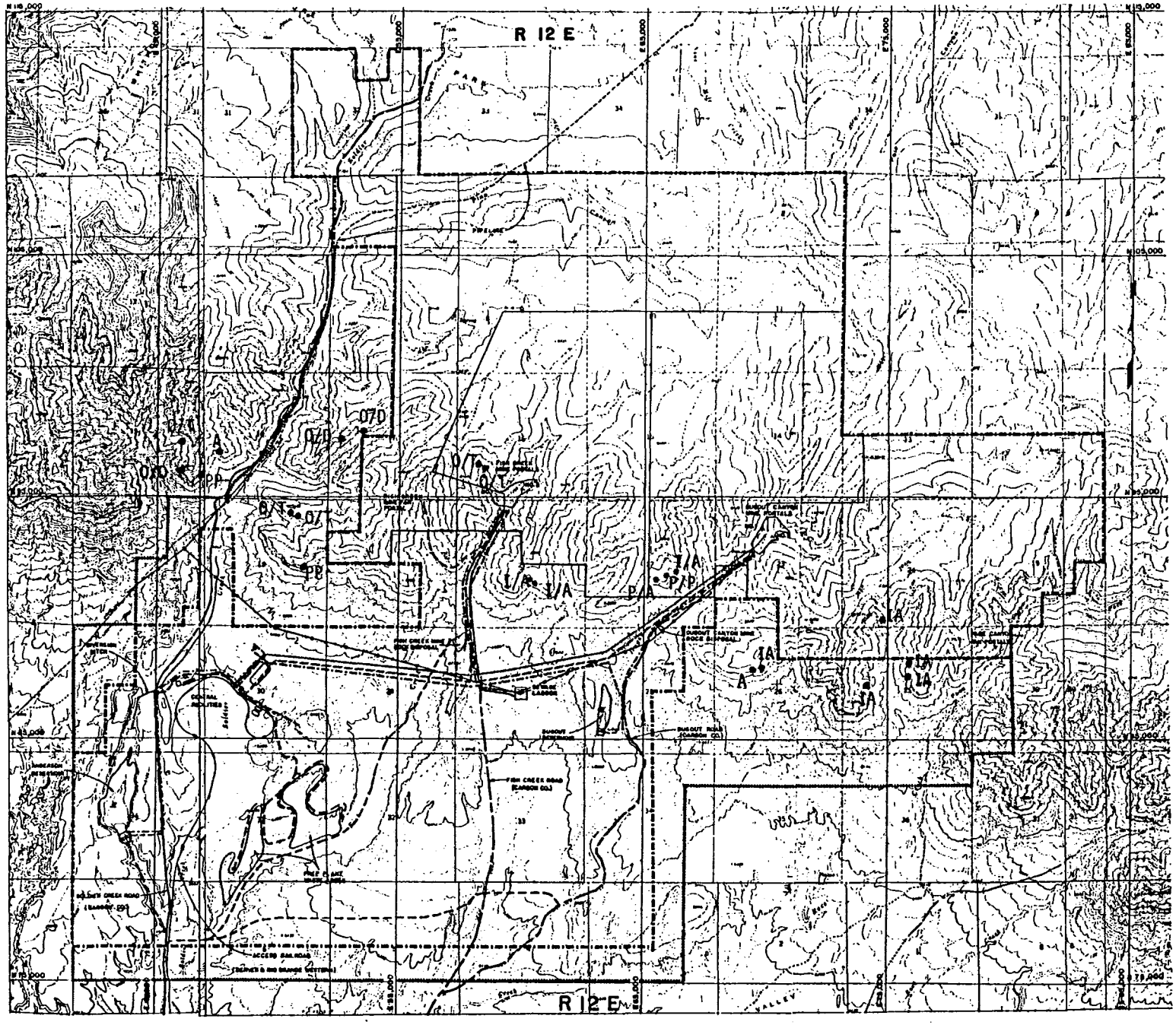
- Should habitat for western bluebirds be impacted, mitigation in the form of enhancement of nearby areas should be implemented. We wish to be consulted if previously unidentified habitat is located or the occurrence of species of federal interest or endangered or threatened species is documented.

This completes our review of portions of the MRP that relates to impacts on wildlife or plants. We feel the plan is basically complete but requires some additional work as noted above. We intend to attempt to more clearly define the necessary buffer zones for raptors that appear to be in danger of being impacted by the proposed action. We will forward this data to you when completed.

JIMMIE L. TISDALE

Attachment

cc: DWR, Price
BLM, Price
✓DGM, SLC
AE/RO
Reading File
Official File
BWaddell:wls



Nest Sites (22) .

Golden Eagle

- A - 1981 Nest Attempt
- O/T - Occupied/ Tended
- O/D - Old/Delapidated
- IA - Inactive

Prairie Falcon

- PA - Active Prairie Falcon
- PP - Possible Scrape

Proposed Permit Area
Proposed Adjacent Area
Sewage Line
Water Line
Overland Conveyor
County Roads
Improved/New Roads
Railroad
Existing Power Lines

NOTES

Construction Approval

REVISIONS

No	Date	Description	Dwn	Chk	Supv	Apvd By
1	10-80	ISSUED FOR USE	MDS	JAD	JAD	
01	7-80	ISSUED FOR INFORMATION	MDS	JAD	JAD	

Professional Seal

Scale 0 2000 4000

Designed By
Drawn By M SEAMANS 7-11-80
Checked By J. A. DAVID
Approved By
Approved By

PROPOSED PERMIT AREA

EUREKA ENERGY CO

NORTH CARBON DI
Carbon County, U

Drawing No. 003-0002