0040

cont file ACT/007/009

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

IN REPLY REFER TO:

July 21, 1981

RECEIVED
JUL 23 1981
DIVISION OF
OIL, GAS & MINING

Cleon Feight, Director
Division of Oil, Gas and Mining
Attention: Mary Ann Wright
1588 West North Temple
Salt Lake City, Utah 84116

Dear Mr. Feight:

This letter responds to your request for an evaluation of golden eagle activity, specifically "Nest #2", in the proximity of the Eureka Energy Co. (ACT/007/009) permit area. Clarification of the terminology used to describe the status of the nest is in order.

The nest in question was classified as "active/failed" on the basis of physical evidence of recent use (an abundance of green twigs and boughs as lining materials) and because it was determined to be "active" at an earlier date by a staff member of Utah Division of Wildlife Resources (UDWR). At the time of our survey, June 11, however, there was no evidence of young or eggs in the Fish Creek eyrie. From this information, the status of "Nest #2" has been reclassified as a "tended/occupied" nest.

The UDWR field notes of March 31, 1981 do suggest a possible breeding attempt. Golden eagles do not, however, successfully breed nor even necessarily attempt to breed every year. It is our opinion that the Fish Creek Nest #2, if represented by a pair other than those in Silver Creek Canyon and the Dugout Canyon vicinity, should be considered viable and given full protective consideration under Criteria 14.

We are of the opinion that the Fish Creek nests (there are actually two nests less than 50 m apart) are not alternative nests for eagles nesting elsewhere. Our intensive survey of the Sage Creek/Dugout mine vicinity revealed nine eagles nests in addition to the five identified by UDWR. Nest distribution over the mine area, particularly active and tended nests (two and four nests respectively) is consistent with what would be expected given the mutually exclusive territorial behavior of golden eagles. Spatial and visual separation between Soldier Creek, Fish Creek and Dugout Canyon nests is more than adequate for three pairs of eagles.

Without conclusive evidence to the contrary, we suggest a 1 km buffer zone be established around the Fish Creek Nest #2 with a high potential for future use. Buffer zones may be relocated after further field examination of the nest site.

I hope this will help clarify the situation. If we can be of further assistance, please feel free to call.

Sincerely yours,

Jim Tisdale

Jim Tisdale
Acting Area Manager

cc: OSM, SLC, Atten: Shirley Lindsay
DWR, SLC
DWR, Price