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File AG/0071007

**U.S. FISH AND WILDLIFE SERVICE
1311 FEDERAL BUILDING
125 SOUTH STATE STREET
SALT LAKE CITY, UTAH 84138**

April 14, 1982

MEMORANDUM

TO: Area Manager, Bureau of Land Management
Price, Utah

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

SUBJECT: Mine Plan Review, Bureka Energy, UT-0041

We have reviewed your revised stipulations for the portal facility in Fish Creek Canyon, and are generally satisfied with the process involved in arriving at these stipulations as well as the results. We do have some reservations that full mitigation has been received, but we also realize that significant mitigation in terms of modifying the portal facilities has been offered by the Company. We offer the following comments.

- a. We support the written stipulations as stated and we recognize that you were successful in modifying the developmental design of the portal facility significantly. However, our concern is that it be understood that:
 1. Development of the portal facility as amended may still be a deterrent to imminent nesting by golden eagles.
 2. Due to the lateness of the planning effort when this nest site was found, historical predevelopment data on nest attendance and use is lacking.
 3. Further efforts to modify the portal site may only result in an application by the leasee to the Fish and Wildlife Service (FWS) to "take" the nest.
 4. The pair of eagles occupying this territory, unless particularly intolerant of human intrusions, may adapt to the mining disturbances over several years and return to the site to breed.

- b. We suggest that as a part of the revised portal development plan that the nest site be monitored in the years before development and for at least 3 years after development to evaluate the success of the proposed modifications.

Don't hesitate to contact us if we can be of further assistance.

JIMMIE L. TISDALE

cc: DWR, SLC
DWR, Moab
✓ OGM, SLC
OSM, Denver