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United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Moab District
P. O. Box 970
Moab, Utah 84532

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Memorandum

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

From: ^{ACTING} District Manager, Moab

Subject: Mine Plan Review - Eureka Energy

The following stipulations were prepared through consultation with the U. S. Fish and Wildlife Service (FWS), the Utah Division of Wildlife Resources (UDWR), and Eureka Energy Company representatives to mitigate impacts to raptor nesting activities on the project area. These stipulations are provided to replace tentative stipulations numbers 1 & 2, identified in a previous memorandum dated October 23, 1981.

1. Three golden eagle nest sites were documented by the FWS and the UDWR as active by definition given in Washington Office Instruction Memorandum 80-346. A buffer zone, shown on map 1, has been established for protection of these nest sites. The area within this buffer zone is considered unsuitable for underground mining, according to Criterion 11 in the Unsuitability Criteria. Under this designation, surface occupancy or surface disturbance would not be allowed. However, an exception can be applied based on the following mitigating measures.

A. Prohibit all surface construction activity in Fish Creek Canyon within the established buffer zone during the critical nesting period, February 1 to May 15. Surface construction may be initiated on May 1 if a nesting attempt has not been documented by the authorized officer in consultation with the FWS. Surface construction may also be initiated on May 1 if a determination by the authorized officer, in consultation with the FWS, shows the nesting attempt to be nonproductive. This determination may be ascertained by observed behaviors of the nesting pair or by presence or absence of eggs.

B. Coordinate all nest visitation through the FWS and/or the authorized officer to minimize disturbances to nesting activity.

C. Reseed and control access to the exploration road constructed in 1979, which passes below the nest sites. Prohibit use of this road, vehicular or pedestrian, during the nesting period, February 1 to May 15.

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D. Construct surface facilities in Fish Creek Canyon as shown on the attached drawing (figure 1). Place topsoil and revegetate the retaining wall (shaded in on figure 1) with trees, shrubs and understory species. Where possible, use fullsize native trees and shrubs which are in areas to be disturbed. This will act as a visual block for activity in the parking area and for traffic along the portal road. Specific requirements for this revegetation will be provided to the company at the time of development.

2. One active prairie falcon eyrie, one suspected prairie falcon eyrie and one golden eagle nest site (old) was documented by the FWS and the UDWR. A buffer zone delineated on map 2 identifies the area considered unsuitable according to Criteria 11 and 13 of the Unsuitability Criteria. An exception can be applied to allow limited surface activity based on the following stipulations.

A. Allow construction of conveyor belt alignment (Alternative 6) as shown in figure 2, in Dugout Canyon.

B. Shield all lighting of the conveyor belt within the buffer zones in Dugout Canyon to minimize visibility of these lights from golden eagle and prairie falcon nest sites.

C. Prohibit all surface construction activities within the buffer zone (map 2) during the critical nesting period, March 15 to June 15. Surface construction may be initiated on June 1 if a nesting attempt has not been documented by the authorized officer in consultation with the FWS. Surface construction may also be initiated on June 1 if a determination by the authorized officer, in consultation with the FWS, shows the nesting attempt to be nonproductive. This determination may be ascertained by observed behaviors of the nesting pair or by presence or absence of eggs.

D. Coordinate all nest site visitations through the FWS and/or the authorized officer to minimize disturbance to nesting activity.

E. Use the minimum required number of sound warning devices on the conveyor belt within the buffer zone.

3. Two Cooper's hawk nests have been documented as active by the BLM and the UDWR. A buffer zone established for the protection of these nest sites is outlined on map 3 and is unsuitable under Criterion 13. An exception can be applied with the following stipulations.

A. Coordinate all nest visitations with the FWS and/or the authorized officer to minimize disturbance to nesting birds.

B. Prohibit all surface construction activities within the buffer zone during the critical nesting period, April 15 to July 15. Surface construction may be initiated on July 1 if a nesting attempt has not been documented by the authorized officer in consultation with the FWS. Surface construction may also be initiated on July 1 if a determination by the authorized officer in consultation with the FWS, shows the nesting attempt to be nonproductive. This determination may be ascertained by observed behaviors of the nesting pair or by presence or absence of eggs.

C. Protect all shrubs, trees or other vegetation along the existing road shoulder (closest to the nest site) within the buffer zone.

Mitigating measures stipulated in this memorandum for protection of nesting raptors are a compromise of mitigating measures believed necessary for 100% mitigation. The compromise involved moving mine portals and facilities closest to nest sites while at the same time allowing some facilities to remain within the proposed nesting buffer zones. Monitoring of the success of this mitigation will be conducted by the authorized officer and the FWS.

If you have any questions regarding these requirements, please feel free to contact Dave Mills of my staff.

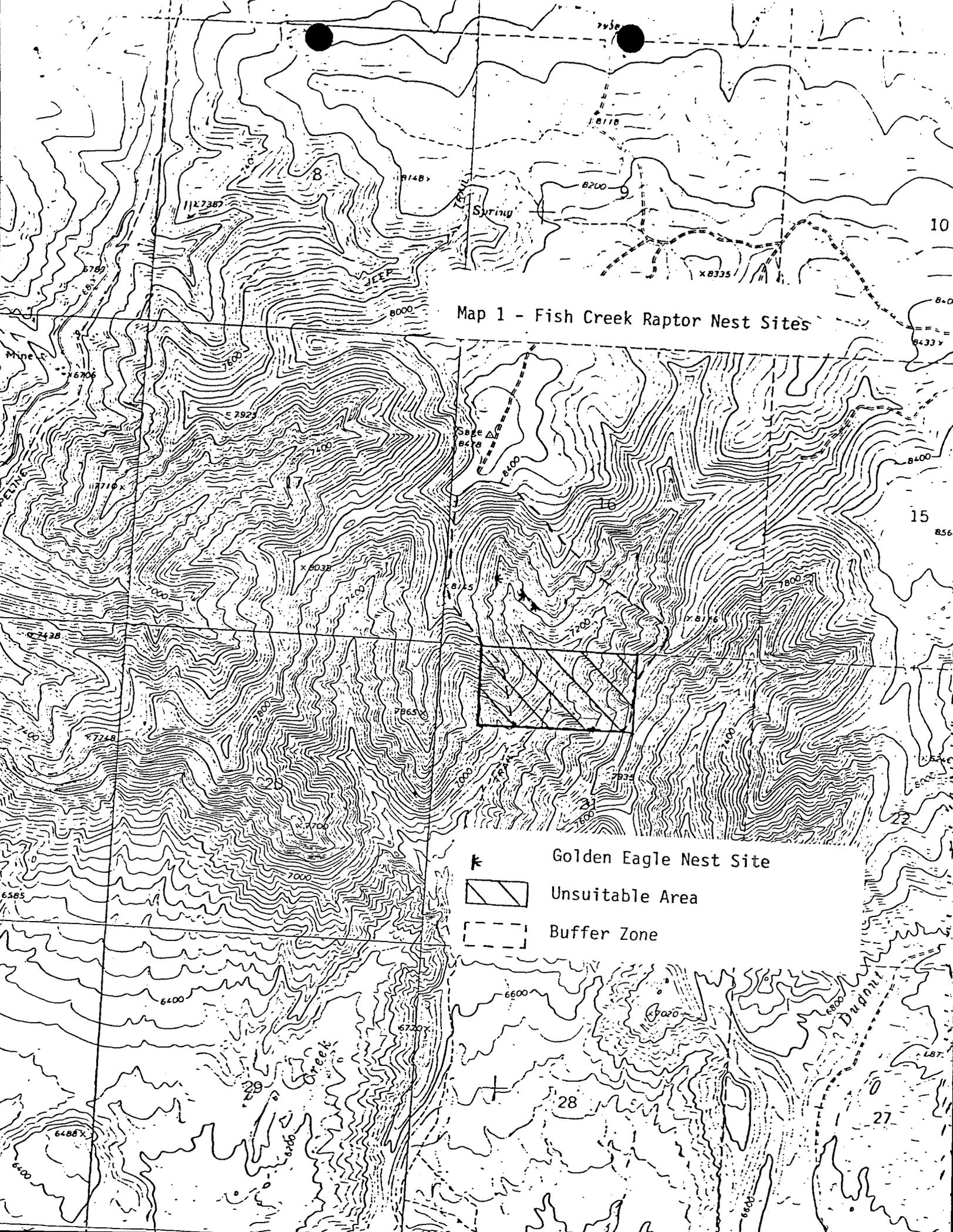
Enclosures (2)
1-Maps (3)
2-Figures (2)

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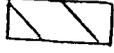
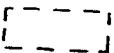
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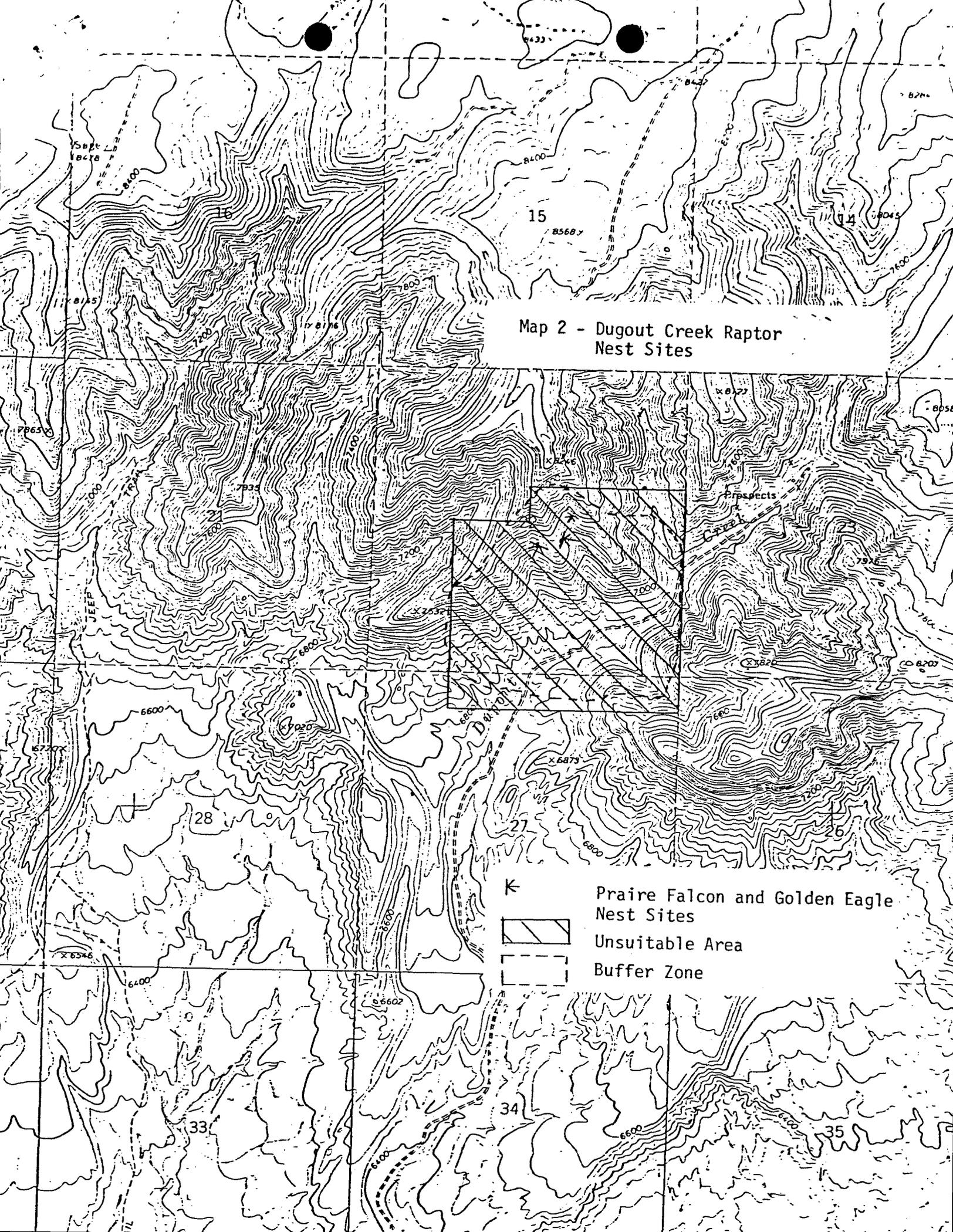
Is/ Kenneth V. Rhea



Map 1 - Fish Creek Raptor Nest Sites

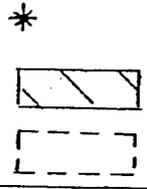
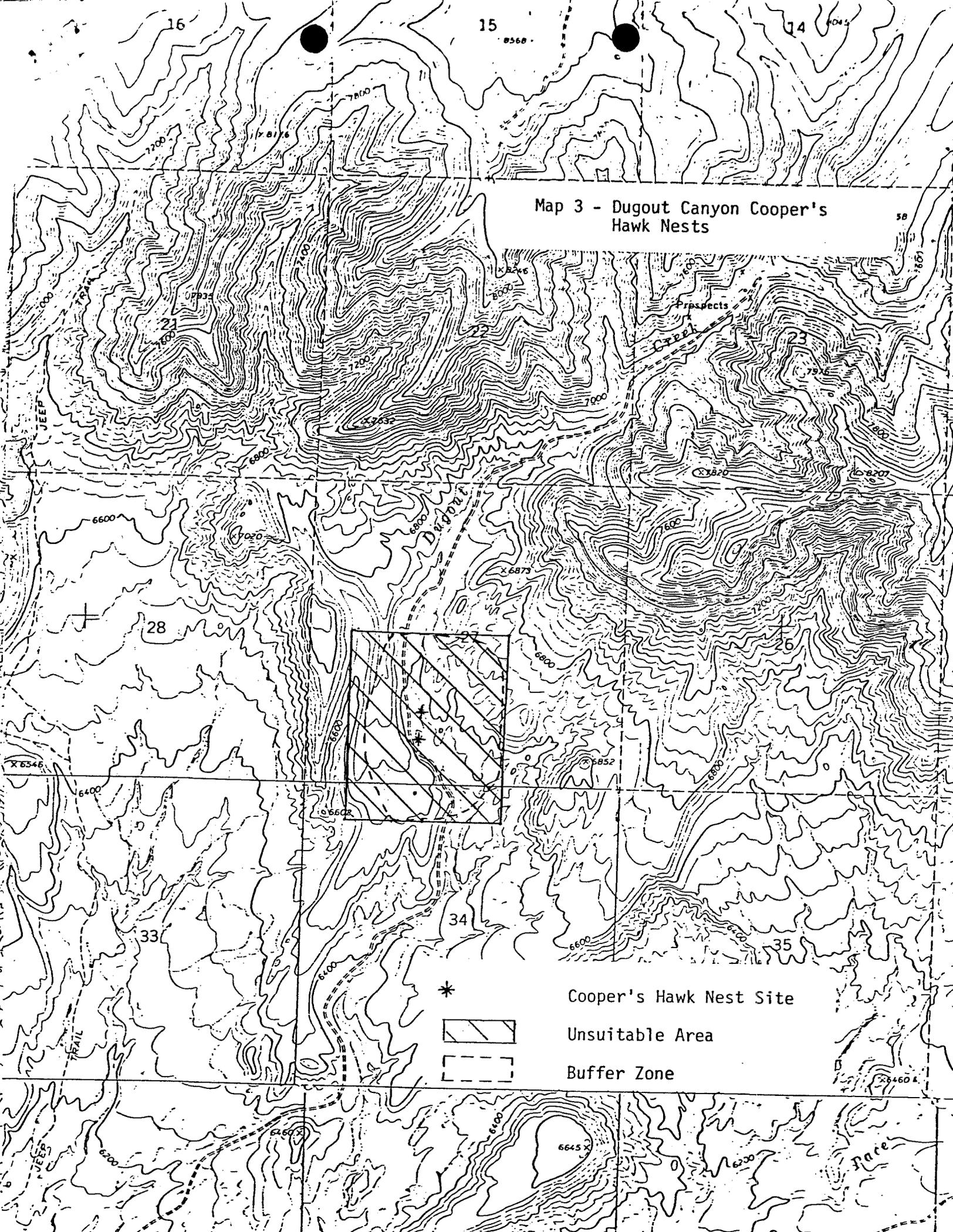
-  Golden Eagle Nest Site
-  Unsuitable Area
-  Buffer Zone

Map 2 - Dugout Creek Raptor Nest Sites



- ← Prairie Falcon and Golden Eagle Nest Sites
- ▨ Unsuitable Area
- - - Buffer Zone

Map 3 - Dugout Canyon Cooper's Hawk Nests



* Cooper's Hawk Nest Site
Unsuitable Area
Buffer Zone