

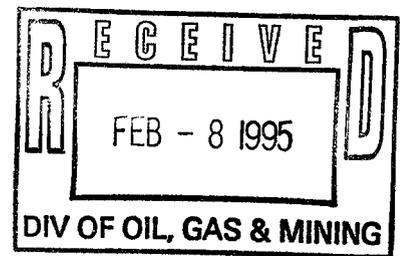
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State of Utah
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF WILDLIFE RESOURCES

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February 6, 1995

Robert D. Williams, Assistant Field Supervisor
 U.S. Fish and Wildlife Service
 Utah Field Office
 Lincoln Plaza
 145 East 1300 South
 Salt Lake City, Utah 84115

Copy to ACT/007/019

Dear Bob:

Copy Paul

#2

On January 27 and 28, 1995, personnel from our office attempted to cover three golden eagle nests in an area where Andalex Resources, Inc. in Carbon County, Utah, will soon undermine with a longwall miner. This action was conducted in accordance with a 'take permit' issued by the U.S. Fish and Wildlife Service Enforcement Branch in Denver, Colorado.

High winds on the 27th prevented the helicopter from landing in an area where the nests could be accessed. However, we were able to get a look at the nest on the pinnacle just north of the mine surface facilities in Deadman Canyon. This observation indicated it would be very difficult to get above this nest in order to access it for covering or hanging ropes as a deterrent as planned. As a result, Bill Bates discussed the situation with Susan Linnear of the U.S. Fish and Wildlife Service, and Paul Baker from the Utah Division of Oil, Gas and Mining.

Efforts were resumed on the 28th, as winds were much calmer. The cliff wall in Straight Canyon where the other two nests were located was surveyed and an additional nest was located. Two of the nests were old and appeared to be dismantled. The other appeared to be recently rebuilt. This nest was covered with plastic mine fencing hung from the sandstone with expansion bolts. Deep snows made access to the other nests difficult and a decision was made not to cover them as they were in disrepair.

A flight over the pinnacle nest confirmed our observations on Friday. Access to a point above the nest appeared near impossible except by a professional rock climber and dangerous given snow and ice conditions. Also, as the nest is located about 150 feet below the top of the pinnacle and underneath several overhanging cliffs, we felt it would be very difficult to accurately position the ropes to effectively deter eagles from using the nest.

We would like to make the following recommendations in regard to the possibility of mining activities impacting nesting golden eagles. Andalex should be required to monitor the pinnacle nest at least twice a week beginning February 15, to determine if it is going to be used this year.



If eagles begin to tend the nest, actions could be taken to discourage them. This could include using propane canyons to scare the birds, but we doubt it would have much affect as mining activity is already going on beneath the nest and if the eagles use this nest they probably have habituated to human activities. If the pair is successful and nestlings are observed in the nest, a professional climber could be contracted by Andalex to enter the nest from below and remove the nestlings **before** subsidence occurs. The nestlings could be taken to a permitted rehabilitator, such as Marilyn Bicking in Moab, and later released in the area.

The nests in Straight Canyon should be monitored again in May to determine activity of this territory. It would also be a good idea for Andalex to monitor subsidence in both areas to determine the impacts of longwall mining and to help plan future projects.

We feel that Andalex has made a good faith effort to protect these nests. They did everything we asked to help this project succeed. We would have liked to cover all the nests, but it was not possible given weather conditions and timing. Andalex will begin mining under the Straight Canyon nests in the next several weeks. They will not mine under the pinnacle nest until later this spring.

We appreciate the opportunity to be involved in this project. If you have questions, please contact Bill Bates, Habitat Manager.

Sincerely,



Miles Moretti
Regional Supervisor

copy: Michael W. Glasson, Andalex Resources, Inc.
Paul Baker, DOGM
Ralph Miles, Habitat, DWR