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file 015/018 #2

orig mine file
Route thru L Braxton



United States Department of the Interior

FISH AND WILDLIFE SERVICE
FISH AND WILDLIFE ENHANCEMENT
UTAH STATE OFFICE

2078 ADMINISTRATION BUILDING
1745 WEST 1700 SOUTH
SALT LAKE CITY, UTAH 84104-5110
August 3, 1988



IN REPLY REFER TO:
(FWE)

U.S. DEPARTMENT OF THE INTERIOR
DIVISION OF OIL, GAS & MINING

8861 5 90V
AUG 5 1988
Cottonwood

Diane Nielson, Director
Utah State Division of Oil, Gas and Mining
3 Triad Center
Salt Lake City, Utah 84108-1203

Dear Ms. Nielson:

This letter addresses your request for review and concurrence in Utah Power and Light Company's (UP&L) proposal to longwall mine the 8th east panel in the Wilberg/Cottonwood Mine provided in your June 21, 1988 correspondence.

Our response is predicated upon information provided by Company representatives at a previous meeting which is as follows:

The proposed mining would take place in longwall panel 8th East which underlies the escarpment where eagle nest 61c is located. The setup crosscut would begin about where the Castlegate sandstone escarpment overlies the mineworkings and traverses south. The escarpment veers off to the southeast from this point. Although the longwall panel workings would be immediately under the escarpment at the beginning, the escarpment turns southeast so that there would be an angle of draw from the longwall face at the nest site of about 20 degrees. The longwall would then advance to the west away from the escarpment.

This mining activity would begin in the fall of 1989.

Their contention is that disturbance to the escarpment would be minimal and that the nest in question would not be impacted. We believe that the successful demonstration of this contention would be invaluable to future determinations of similar actions.

Assuming that this contention is correct, the Fish and Wildlife Service (Service) would accept that the provisions of the "Take Permit" issued for the clinical case study for this nest would apply. Please keep in mind that a "Taking" is approved only when the nest is inactive (January-August). Should the escarpment fail and nest 61c be lost, the integrity of this nesting territory maybe jeopardized. The Service would expect UP&L to immediately initiate mitigative activities, as specified in the permit, to restore the capability of this eagle territory to a productive status.

The Service appreciates the opportunity to provide this input to your permitting process. If you have further questions on this matter, contact Clark D. Johnson at 524-5649.

Sincerely,



Clark D. Johnson
Acting State Supervisor

cc: OSM Denver
DWR SLC
DWR Price
USFWS/Denver Law Enforcement