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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

IN REPLY REFER TO:

(FWE)

September 22, 1988

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

Dear Ms. Nielson:

Re: Utah Power and Light Company-Cottonwood/ Wilberg Mine-ACT/015/019, Eagle nest 61C

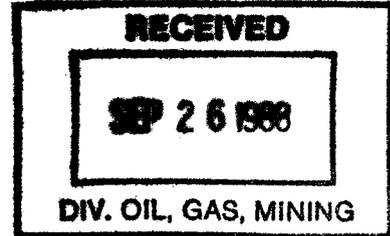
Based upon the present mining schedule of Utah Power and Light Company (August 1989) for longwall panel 8 West, the Fish and Wildlife Service position stated in our August 9 letter to you remains valid. The initiation of longwall mining in August would be when nest 61c is inactive and the longwall operation would then progress westward away from the nest. The majority of resultant subsidence should occur within a 30-60 day period. The nest would still be in an inactive status and any detrimental impacts ("taking") would be covered by Utah Power and Light Company's "taking" permit.

We recognize Utah Power and Light Company's concern about possible mining schedule changes that could bring initiation of the 8 West panel into the 1988 breeding season. However, the Fish and Wildlife Service concern is to maintain the natural integrity of the Newberry Canyon eagle territory while deriving the maximum data from the cooperative study of longwall mining/subsidence/eagle nesting. We advocate that there be no artificial manipulation of this eagle pairs activities. We need to know what these eagles will do, now that nesting habitat on the north wall of Newberry Canyon has been altered by subsidence, and if nest 61c is lost.

Therefore, the Fish and Wildlife Service recommends that Utah Power and Light Company initiate no actions to "take" the inactive 61c nest. Monitoring of activity in this breeding territory will continue.

If mining scheduling changes, placing an active eagle nest 61c in jeopardy in the spring of 1989, the Fish and Wildlife Service will exercise its authority to salvage eggs, young, or adults as appropriate. The costs of the resource

NAFCC: KEMAY
L.P. BRAXTON
orig mine file
TAKE
PRIDE IN
AMERICA



recovery would be the responsibility of Utah Power and Light Company.

If we can be of further assistance contact Clark D. Johnson(524-5649).

Sincerely,

A handwritten signature in black ink that reads "Robert A. Ruesink". The signature is written in a cursive style with a large, prominent initial "R".

Robert Ruesink
State Supervisor

cc: OSM/Denver
DWR/Price
USFS/Price
RO, Law Enforcement/Denver