m/027/006

SRK
Steffen Robertson and Kirsten
Consulting Engineers and Scientists

1755 East Plumb Lane
Suite 241
Reno, Nevada 89502
(702) 786-3225
FAX (702) 786-4435

FAX TRANSMITTAL

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Project Number: 57205

From: Steve Hanson

Date: 4/18/97

Subject: Cricket Mtn -- CLE

4/11/97 BLM letter -- per your request

Regards,

Steve

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United States Department of the Interior

BUREAU OF LAND MANAGEMENT
HOUSE RANGE/WARM SPRINGS RESOURCE AREA
35 East 500 North
Fillmore, UT 84631

IN REPLY REFER TO:
6840
(U-054)

April 11, 1997

ROBERT WILLIAMS
US FISH AND WILDLIFE SERVICE
UTAH FIELD OFFICE
145 E 1300 S SUITE 404
SALT LAKE CITY UT 84115

Dear Mr. Williams:

The purpose of this letter is to document consultation that has occurred regarding the proposed "Modifications to Plan of Operations: Cricket Mountain Project, Utah". The Bureau of Land Management also wishes to inform you of our conclusions regarding special status species in the area and ask for concurrence from the U. S. Fish and Wildlife Service (FWS).

INTRODUCTION

Continental Lime Inc., held a meeting with the BLM on April 2, 1996 to discuss new Plans of Operation for two proposed quarry areas in the vicinity of the Poison Mountain Quarry. It was agreed that the staff of the BLM Fillmore Office would review the Plans of Operation and that an Environmental Assessment (EA) would be necessary for the new quarries. Continental Lime contracted with Steffen Robertson and Kirsten (SRK) in Reno, Nevada to prepare the necessary EA.

ISSUES

A copy of the draft EA was received by the Fillmore Office on December 18, 1996. The EA was reviewed and SRK was provided with comments in a letter dated January 28, 1997. The two most important issues identified by the wildlife staff included the potential presence of Utah prairie dogs, a federally threatened species, and raptors. Raptors, including nests, eggs, and young, are protected under the Migratory Bird Treaty Act, the Bald Eagle Protection Act, and by FWS regulation (50-CFR 22.25). SRK was asked to contact Ken McDonald and Frank Howe (Utah Division of Wildlife Resources (UDWR)), and Marilet Zablan (FWS) to discuss potential impacts to Utah prairie dogs and raptors.

UTAH PRAIRIE DOG

On February 25, 1997, Christine Gordon (BLM Wildlife Biologist) and Bruce Bonebrake (UDWR) met with representatives from Continental Lime Inc. and SRK to discuss steps which should be taken to complete the wildlife section of the EA. The need for informal consultation with FWS regarding prairie dogs was discussed. A population of Utah prairie dogs was newly discovered during 1996 in the general area. Mr. Bonebrake, on February 25, 1997 and again in a letter dated March 7, 1997 recommended that a survey for Utah prairie dogs be completed (letter attached). Ms. Gordon indicated that a survey should not be initiated until FWS was consulted. Ms. Gordon wrote a letter to FWS requesting consultation to discuss the project and potential impacts. Phone calls were made to FWS by Steve Herron and Ms. Gordon in an attempt to discuss this issue in an expeditious manner. The first telephone contact with the FWS was on March 31, 1997.

Ms. Gordon contacted Ted Owens of the FWS on March 31, 1997 and described the current situation with regards to the Utah prairie dogs, Continental Lime, and SRK. Although no official survey had been completed, she felt that the prairie dogs would not be affected by the proposed Continental Lime project and wanted to know how to proceed. Mr. Owens said he would discuss the situation with Marilet Zablan and return Ms. Gordon's call within several work days.

On April 1, 1997, Ms. Gordon was contacted by you (Robert Williams, FWS). You indicated that you would see Ken McDonald later in the day and would discuss the prairie dog issues with him and call again later in the week.

Ken McDonald was contacted on April 3, 1997 by Ms. Gordon to see what was discussed. Mr. McDonald said it was his opinion that the prairie dogs would not be affected and that the BLM should submit a letter to the FWS stating this conclusion.

Ted Owens phoned Ms. Gordon on April 3, 1997 and concurred with Mr. McDonald's recommendation that the BLM submit a letter to FWS stating the professional opinions of the wildlife biologist regarding potential impacts to the Utah prairie dog. FWS also suggested that SRK provide more information in the EA about the prairie dog colony and include maps showing the location of the colony with respect to the proposed mine site.

RAPTORS

On February 25, 1997, Mr. Bonebrake told Continental Lime Inc. and SRK that a raptor survey would need to be conducted on all proposed project areas, including the half mile buffer zone recognized by the FWS and UDWR. Mr. Mark Stackhouse (resume enclosed) of Westwings was contracted to conduct the necessary surveys.

UDWR reviewed the Draft EA for the Cricket Mountain Continental Lime Project during March and responded to SRK with a letter dated March 7, 1997 (attached). In this letter, the UDWR recommended that raptor surveys be conducted between April 1 and May 31. The letter also stated that "If surveys are done sooner to document historic nest locations and use, then we recommend a later survey be conducted to ensure the locations of returning migratory raptors are not within the project area."

The Warm Springs Resource Area (WSRA) Resource Management Plan (RMP) states that nesting sites should be protected from significant disturbance between March 1 and June 30. Although it was recommended that a raptor survey not be conducted until April, Mr. Stackhouse completed field surveys on March 12 and 13, 1997.

Mr. Stackhouse was contacted by Ms. Gordon on April 3, 1997. She asked him about the findings of the survey. He had completed a final report which has been sent to SRK (copy enclosed). In his conclusions, he states that, "this study found no potential impacts from the proposed quarry expansion upon either current raptor nesting activity or overall raptor populations. There is a potential temporary impact upon future raptor nesting activity." Furthermore, he states that there were no currently occupied nests in the project area, including the one-half mile buffer zone with the exception of one golden eagle nest. According to the report, "this nest is so well sheltered, and so completely out of sight from the project area that it is unlikely that the proposed project will have an impact upon the nest occupants, especially considering that the current quarry operations are in virtually the same position relative to the nest as the proposed operations." Ms. Gordon asked Mr. Stackhouse whether he felt a second survey in April would be necessary. Mr. Stackhouse felt that no new information would be gained by another survey since no nests (historical or active) were found within the

proposed project areas and buffer zones with the exception of the aforementioned golden eagle nest.

After reviewing Mr. Stackhouse's report and based upon what was said during the phone conversation, Ms. Gordon recommended that no further raptor surveys should be required of Continental Lime. She felt that the information presented was sufficient for the decision making process.

SUMMARY - UTAH PRAIRIE DOGS

Based upon the data obtained, it is the opinion of this office that the Utah prairie dog will not be affected by the Cricket Mountain Project. Mining activities would occur no closer than 4 miles to the newly discovered prairie dog colony. Additionally, much of the project would occur in pinyon-juniper woodlands with sloping hills and sharp cliffs, which would be unsuitable prairie dog habitat. Although historic habitat appears to be quite extensive, historical habitat was not included for protection under the Utah prairie dog listing package.

Based on an evaluation of available studies and conversations with recognized Utah prairie dog experts, we conclude that implementation of the Continental Lime proposed project would likely not affect any threatened or endangered species, including the Utah prairie dog, or their habitat. Therefore, formal consultation with FWS is not required.

SUMMARY - RAPTORS

It is also the opinion of this office that mining activities would have only minor impacts upon species of raptors. A ferruginous hawk nest was identified as "active" during the 1996 raptor surveys; however, this nest is approximately one mile from the proposed project site. However, it is located less than a mile from existing public roads which are maintained by the BLM or Millard County. Although there is one golden eagle nest barely within the half mile buffer zone, Mr. Stackhouse felt that the nest would be not be affected because the aspect of the cliff face in which it is located faces away from the project area.

According to the WSRA RMP, a 0.25 mile radius around all active and inactive nests is designated as crucial nesting habitat.
Whereas FWS policy states that it is prohibited to allow permanent and temporary surface disturbance and occupancy within 0.5 to 1 mile buffer zone of golden eagle nests, however, buffer zones would be determined on a case by case basis. Based upon Mr. Stackhouse's final report and a late June to early July start of project activities by Continental Lime Inc., it would be appropriate for FWS to accept a buffer zone of slightly less than one half mile for the protection of the golden eagle nest.

CONCLUSIONS

It is the opinion of the Fillmore Office of the BLM that Continental Lime Inc., has provided sufficient information to substantiate that there would be no negative impacts to any threatened, endangered, sensitive species, or species protected under migratory bird laws. SRK will be notified to include

maps in the final EA of raptor nest locations and the prairie dog colony in relation to the proposed project.

Please contact Christine Gordon or myself if further information is needed (801-743-3100). The Cricket Mountain Project EA will not be signed by the BLM until a response is received from FWS.

Sincerely,

Rex Rowley
Area Manager

Enclosures:
1. FWS letter dated March 7, 1997
2. Final Report - Raptor Nest Survey and Resume for Mark Stackhouse

cc:
SRK Consulting Engineers and Scientists
1755 East Plumb Lane, Suite 241
Reno NV 89502

Michael Brown
Continental Lime Inc.
3950 South 700 East, Suite 301
Salt Lake City UT 84107

Bruce Bonebrake
Utah Division of Wildlife Resources
Southern Region
622 North Main Street
PO Box 606
Cedar City UT 84721-0606

Mark Stackhouse
1432 Downington Ave.
Salt Lake City UT 84105