



United States Department of the Interior  
FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE  
2369 WEST ORTON CIRCLE, SUITE 50  
WEST VALLEY CITY, UTAH 84119

In Reply Refer To  
FWS/R6  
ES/UT  
05-0777

October 24, 2005

Mary Erickson  
Forest Supervisor  
Fishlake National Forest  
U.S. Department of Agriculture  
115 East 900 North  
Richfield, Utah 84701

RE: Informal Section 7 Consultation for Quitchupah Creek Road Project

Dear Ms. Erickson:

The U. S. Fish and Wildlife Service (USFWS) has reviewed the Biological Assessment for the Quitchupah Creek Road project. We apologize for the delay in responding to your request for concurrence. The project involves the upgrade in Quitchupah Creek of 9.2 miles of an existing road/trail, which connects Acord Lakes Road with State Road SR-10 in Emery County. The completed road would be a 29-foot wide paved surface, with an operational right-of-way of 66 feet. No facilities would be built in association with this alignment.

Conservation measures committed to in the proposal include:

- An eight (8) feet high fence, complete with big game escape structures and migration underpass, and daily carcass monitoring, would be employed to prevent big game crossing the road and minimize the potential for bald eagle foraging.

Based on the aforementioned conservation measure, on information provided in your letter of April 29, 2005, a revised Biological Assessment of May 25, emails to our office from May 15, June 2, and October 13, 2005, and conversations between our offices on May 19 and October 12, 2005, the USFWS concurs with your "not likely to adversely affect" determination for the Last Chance Townsendia, Winkler cactus, San Rafael cactus, and bald eagle. No critical habitat has been designated for any of these species. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered.

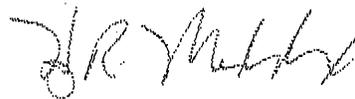
We base our concurrence primarily on the following:

- Human disturbances within 0.25 miles of bald eagle winter roost sites and within 1.0 miles of nest sites are considered a potential impact by the Utah Field Office, depending in part, on activity type, duration, timing, and topography [*Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances* (2002)]. No known bald eagle roost sites occur within, or within one-half mile of the project area. In addition, no bald eagle nest sites are known to occur within one mile of the project area.
- Wintering eagles occur in Utah from November 1 through March 31, and may infrequently travel through or forage in the project area. However, the project area does not contain habitat suitable for winter roost sites within 0.25 miles of project activities. Noise or activities associated with road construction and operation will, therefore, not affect eagle behavior at winter roost sites.
- An eight (8) feet high fence, complete with big game escape structures and migration underpass, and daily carcass monitoring and removal, would be employed to prevent big game crossing the road. This measure would avoid creation of an attractive nuisance for bald eagles and minimize to insignificant the risk of bald eagles foraging on carcasses.

Based upon the lack of nests or winter roost sites in the area; incorporation of fencing and migration underpass measures to significantly minimize big game mortality; and the commitment to daily carcass monitoring and removal, we believe the potential for impact to the bald eagle from the project is remote and insignificant. Therefore, we concur that the proposed action may affect, but is not likely to adversely affect the bald eagle.

We appreciate your interest in conserving endangered species. If further assistance is needed or you have any questions, please contact Diana M. Whittington, Fish and Wildlife Biologist, at (801) 975-3330 extension 128.

Sincerely,



Henry R. Maddux  
Utah Field Supervisor