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LINCOLN PLAZA
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SALT LAKE CITY, UTAH 84115

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JAN '9 2001

DIVISION OF
OIL, GAS AND MINING

In Reply Refer To

(CO/KS/NE/UT)

January 18, 2001

Elaine J. Zieroth
Forest Supervisor
Manti-La Sal National Forest
599 West Price River Drive
Price, Utah 84501

For PFO
Copy Karen Paul,
9/07/05 - I300B
[Signature]

RE: Federal Coal Lease U-044076, Proposal to Modify, Canyon Fuel Company, LLC, Emery County

Dear Ms. Zieroth:

After receiving more complete information concerning the project on the January 10, 2001 interagency meeting in Price, Utah, we are amending our comments concerning the referenced Federal Coal Lease modification. The applicant proposes to add 121.5 acres excluded from the lease when it was issued in 1965. The lease modification area lies within the riparian corridor of the headwaters of Huntington Creek, upstream from the Electric Lake Reservoir. The Forest Service (FS) and Bureaus of Land Management (BLM) are proposing to add the area to the current lease and to approve full-support mining to allow recovery of Federal coal reserves and increase recovery of coal in adjacent lease areas. As the headwaters of Huntington Creek are considered an important fish spawning area for the Yellowstone cutthroat trout population of Electric Lake, and mining under other streams in the watershed is either occurring or planned, we originally recommended delaying the permit, pending studies. We are providing the ensuing amendments for your records.

Our original concerns and factors in their allayment as a consequence of January 10 can be summed as follows:

- We were concerned that subsidence similar to that under Burnout Creek would occur under Huntington Creek if it were to be undermined. We now know that the FS and BLM have stipulated that the mining practices employed under Huntington Creek would be non-subsidence extraction. We also understand that this undermining of Huntington Creek is, initially, to allow access to an already permitted area that has been discovered to be inaccessible due to dangerous faults in the geologic strata.

- We were concerned that issuance of the coal lease modification would constitute permission to engage in longwall mining (a technique that produces subsidence) under lower James Creek, another tributary to Electric Lake. Our current understanding is that undermining this small section of the lease will be addressed in an Environmental Assessment (EA).
- We had recommended implementation, completion and assessment of the monitoring and surveying program on Burnout Creek and James Creek, proposed by the Utah Division of Wildlife Resources (DWR) and Utah Division of Oil, Gas and Mining (DOG M), prior to making a decision on the coal lease modification proposal. We now understand that the study of Burnout Creek is complete, so no comparison information will be available. And with our current comprehension of the proposal, we no longer believe completion of the study on James Creek is necessary before modification of the lease.

There is, however, still potential to answer our request for studies on streams not being undermined. Information presented at the January 10 meeting included discussion of a proposal to undermine an area west of Huntington Creek that would include portions of Little Swens Canyon, Swens Canyon, Flat Canyon and Boulger Canyon. This proposal is currently being addressed in an Environmental Impact Study (EIS). The FS indicated concerns about impacts to the streams in Flat Canyon and Boulger Canyon, both of which are relatively flat, glacially-carved areas more prone to hydrologic disturbance if subsided. Additionally, Boulger Canyon is the site of the fish ladder, currently being used, installed as mitigation for undermining James Creek. Discussion took place on the possibility for studies under these two streams prior to any mining. Given the potentially high value of this area for the Yellowstone cutthroat trout population, we urge development of a study, in coordination with DWR and DOGM.

At this time, we concur with the opinion of FS and BLM that the coal lease modification can be achieved with a Categorical Exclusion (CATEX) level of NEPA review. We recommend the CATEX mention the ongoing proposals for other mining in the area, and that those proposals will be addressed by more stringent NEPA reviews.

Thank you for the opportunity to review and comment on this application. If you have any questions or need further information please contact Diana Whittington, Ecologist, at (801) 524-5001 ext. 128.

Sincerely,

Betty J. Grizzle

 Henry R. Maddux
Utah Field Supervisor

cc: UDWR, SLC

UDWR, SERO (Attn: Chris Colt)

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Salt Lake City, UT 84114-5801

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West Price River Drive, Price, Utah 84501