



United States
Department of
Agriculture

Forest
Service

Manti-La Sal
National Forest

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CC Susan W.
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Boate on Pan file

File Code: 1570-1/2820-4
Date: April 8, 2002

Jacobs
4/007/005

Denise Boggs
Executive Director
Utah Environmental Congress
1817 S. Main Street
Suite 10
Salt Lake City, UT 84115

RECEIVED

APR 15 2002

DIVISION OF
OIL, GAS AND MINING

Dear Ms. Boggs:

This letter modifies our letter of April 1, 2002 regarding resolution of UEC's appeal of the Record of Decision for the Flat Canyon Coal Lease Tract FEIS. The April 1 letter and this modification satisfy the intent of Item 3 of our March 19, 2002 letter by identifying specific monitoring and mitigation measures that the Manti-La Sal National Forest will require as conditions of consent to approval of any future Mining and Reclamation Plans for the Flat Canyon Lease.

For clarification, the lessee/operator would propose monitoring locations and protocols in the Mining and Reclamation Plan (M&RP) in consultation with experts in the specific fields of concern. The authorized agencies and the Forest Service would review the proposals contained in the M&RP, require modifications as needed to meet the intent of the Forest Service commitments in the ROD and for resolution of the appeal, and consent when all conditions are met.

The following modifications are hereby made to the April 1 letter as a result of discussions with Denise Boggs on April 2, 2002:

- Data Collection and Monitoring, Item 7, Page 3

Add the following statement as a new paragraph under this item:

A visual inspection will be conducted at least once annually during the summer by Forest Service personnel. The inspections will start at least one season prior to subsidence and continue each year until subsidence is substantially complete. The purpose of the visual inspections is to supplement other monitoring and determine if there are any obvious effects to wildlife habitat and populations that would require additional monitoring/evaluation or mitigation.

- Data Collection and Monitoring, Item 8, Page 3

Strike the word "approximate" in the first sentence.

Replace the last paragraph in this item with the following:

Representative amphibian, snail, and riparian dependant species populations (other than macroinvertebrates and fish) will be identified and monitored at least annually during the most appropriate times (species dependant) to determine population trends



and whether or not there are effects related to subsidence. The monitoring frequency may be decreased if experts in the field (FS approval required) determine that monitoring protocols would affect populations or if it is determined through monitoring that the protocols are decreasing populations. If the frequency were decreased, monitoring would be done at the greatest frequency determined to not affect populations.

- Mitigations, Item 5, Page 5

Add the following at the beginning of this section:

If monitoring detects effects, additional investigations will be conducted to determine the cause of the effects. If it is determined that the effects are caused by mining and are expected to result in loss of the population at the affected location, appropriate mitigations will be initiated.

- Mitigations, Item 5, Page 5

Add the following sentence as the last sentence in this section:

In this case, a qualified biologist will conduct an evaluation to determine whether there would be any adverse impacts caused by the move, and if so, other alternatives would be evaluated.

If you have any questions or comments contact Carter Reed or Aaron Howe.

Sincerely,


ELAINE J. ZIEROTH
Forest Supervisor

cc:

D-2/3

Sally Wisely, BLM Utah State Office

Mary Ann Wright, UDOGM

Chris Hansen, Canyon Fuel Company, LLC

Louis Berg, UDWR