



United States
Department of
Agriculture

Forest
Service

Manti-La Sal
National Forest

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File Code: 2820-4

Date: May 10, 2002

Sally Wisely
Utah State Office
Bureau of Land Management
324 South State Street
P.O. Box 45155
Salt Lake City, UT 84145-0155

*Incoming
C/007/005
Copy from: Mike S.
Fax PFD*

Dear Ms. Wisely:

This letter is in response to an e-mail from the Solid Leasable Minerals Group concerning the authorization of a proposed modification of the Resource Protection and Recovery Plan (R2P2) for the Canyon Fuel Company, LLC Skyline Mine. Specifically this approval would allow Canyon Fuel to conduct full-extraction mining in a proposed longwall panel under Burnout Canyon that would result in subsidence of the associated perennial creek contrary to a decision document issued by the Manti-La Sal National Forest.

Our letter to you, dated March 20, 2001, consenting to modification of Federal Coal Lease UTU-044076 to add the old "Lawrence Reservoir" Bureau of Reclamation withdrawal to the lease specifically limited activities to full-support mining that would not cause subsidence. The associated Manti-La Sal National Forest Decision Memo, dated March 14, 2001, documented our consent to the lease modification and full-support mining, but specifically precluded mining that would cause subsidence without further environmental analysis. This was reiterated in the March 20 letter as follows: "This decision does not approve mining that would cause subsidence or surface disturbance".

Longwall mining and subsequent subsidence in the lease modification area, without further Forest Service environmental documentation, would conflict with the present Forest Service decision, and BLM's responsibility to obtain concurrence of the Surface Management Agency for R2P2 modifications that could result in significant disturbance to the environment (Federal Coal Leasing Amendments Act of 1975, Section 6(c)). Subsidence of a perennial stream and associated riparian ecosystem would certainly be construed as significant disturbance, as intended by this Act. The requirements for consultation under this Act and implementing regulations would extend to R2P2 modifications that cause significant disturbance, as well as to the regulatory agency's (Utah Division of Oil, Gas and Mining) responsibility to obtain consent of the Surface Management Agency with respect to post-mining land use and any special requirements necessary to protect non-coal resources (30 CFR 740.4(c)(2) and 740.13(d)(3)).

Forest Service concurrence/consent decisions regarding operations that would cause disturbance to National Forest System non-coal resources are subject to the National Forest Management Act (NFMA) and National Environmental Policy Act (NEPA) and would be subject to Forest Service public involvement requirements and appeals.

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We feel it is inappropriate and inconsistent with Federal legislation for the BLM to approve mining that would disturb National Forest System resources, without formal consent/concurrence from the Surface Management Agency.

Full-extraction mining within the lease modification area necessitates additional environmental analysis as the resulting surface impacts are beyond the scope of the effects determination in our March 14, 2001 Decision Memo. We are prepared to begin the environmental analysis upon receipt of a formal proposal to conduct longwall mining in the subject area.

Sincerely,



ELAINE J. ZIEROTH
Forest Supervisor

cc:

Mary Ann Wright, UDOGM
Regional Forester, Intermountain Region
D-2/3