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DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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February 4, 2000

TO: Internal File

THRU: David Darby, Project Team Lead

FROM: Paul Baker, Reclamation Biologist

RE: Lila Canyon Significant Revision to the Horse Canyon Mining and Reclamation Plan, UtahAmerican Energy, Inc., Horse Canyon Mine, ACT/007/013-SR98(1)-3

SUMMARY:

UtahAmerican Energy, Inc., has submitted a significant revision to the plan for the Horse Canyon Mine. A new mine would be built in Lila Canyon to access coal reserves to the south of the current Horse Canyon permit area.

TECHNICAL ANALYSIS:

ADMINISTRATIVE INFORMATION

OWNERSHIP AND CONTROL INFORMATION

Regulatory Reference: R645-301-112

Analysis:

The applicant is UtahAmerican Energy, Inc., a Utah corporation. The application gives the name, address and telephone number of the applicant and its resident agent and includes the employer identification number for the applicant. UtahAmerican will pay the abandoned mine reclamation fee.

Section 112.300 of the application says ownership and control information is in Appendix 1-1, and Appendix 1-1 references Appendix 1-7 of Part "A" of the Horse Canyon mining and reclamation plan for ownership and control information. Section 112.340 says identifying information about affiliated coal mining and reclamation operations is in Appendix 1-2, and this appendix references Appendix 1-9 of Part "A" of the Horse Canyon plan for this information. The applicant has added the employer identification number for Coal Resources, Inc., UtahAmerican Energy, Inc., and has changed one of the officers for UtahAmerican.

Most of this ownership and control information has been previously approved as part of the Horse Canyon mining and reclamation plan. Some of it is hard to follow, but it is possible to determine the corporate structure.

The application is required to include the names, addresses, permit numbers, regulatory authorities, employer identification numbers, and MSHA numbers together with dates of issuance for coal mining and reclamation operations owned or controlled by the applicant or by any person that owns or controls the applicant, and this information is in Appendix 1-9 of the Horse Canyon plan and Section 112.340 of the current application. No permitted operations are shown for Coal Resources, Inc.; PennAmerican Coal, Inc.; AmCoal Holdings, Inc.; Mill Creek Mining Company; Pinski Corporation; American Coal Sales Company; West Virginia Resources, Inc.; Pennsylvania Transloading, Inc.; Sunburst Resources, Inc.; Ohio Valley Resources, Inc.; and Spring Church Coal Company. It is assumed these companies do not have associated coal mining and reclamation operations.

Section 112.500 of the text and Plates 4-1, 5-3, and 5-4 show surface and coal ownership in and contiguous to both the existing permit area and the proposed addition.

The application shows MSHA identification numbers for both the Horse Canyon and Lila Canyon Mines, but it says the refuse pile identification number has yet to be issued. The applicant will need to obtain an MSHA identification number for the refuse pile.

According to this section of the application, there are no lands, interests in lands, options, or pending bids on interests held or made by the applicant for lands contiguous to the proposed addition to the permit area. Plates 4-1 and 5-3 shows federal leases to the south of the proposed addition to the permit area that are labeled "area of future mining."

Findings:

Information provided in the application is adequate to meet the requirements of this section of the regulations.

VIOLATION INFORMATION

Regulatory Reference: R645-301-113

Analysis:

According to the application, neither UtahAmerican Energy nor any subsidiary, affiliate, or persons controlled by or under common control with them has had a federal or state permit suspended or revoked in the past five years, and these same entities have not forfeited a performance bond or similar security. The application says Appendix 1-3 contains a list of violations received by affiliated companies for the past three years, but Appendix 1-3 says these violations are listed in Appendix 1-8 of the Horse Canyon mining and reclamation plan.. It appears from this information there is one violation that has yet to be terminated and that administrative proceedings are ongoing.

Information in this and the ownership and control section will need to be checked in the applicant violator system, but it appears the application contains the required information to comply with R645-301-113.

Findings:

Information provided in the application is considered adequate to satisfy the requirements of this section of the regulations.

RIGHT OF ENTRY

Regulatory Reference: R645-301-114

Analysis:

According to the application, UtahAmerican Energy has subleased 5544.01 acres of federal coal from Intermountain Power Agency (IPA). This was executed on August 24, 1998, and UtahAmerican Energy bases its right to enter on language contained in the leases and quoted in the application. The Bureau of Land Management approved the subleases on February 16, 1999. Table 1-1 shows the legal descriptions and acreages for the federal leases. The total permit area, including both permit area "A" and permit area "B," would be 6461.79 acres.

Parts of Sections 33 and 34, Township 15 South, Range 14 East, are in the current Horse Canyon permit area, and, according to Plate 5-4, they contain unleased federal coal. Therefore,

while they may be considered part of the current permit area, the applicant has no right to mine these areas.

According to Plate 5-4 and other plates, the surface facilities would be built in Section 15 of Township 16 South, Range 14 East. The land is managed by the Bureau of Land Management, but it is not in the federal coal leases. The application includes a letter from the Bureau of Land Management indicating applications for rights of way for certain facilities have been received, but the application does not include required right of entry information for these areas.

The School and Institutional Trust Lands Administration (SITLA) commented that they administer lands in the current permit area (not the Lila Canyon Tract), including coal resources. However, the existing Horse Canyon plan is for reclamation only.

SITLA also commented that UtahAmerican Energy presently has no applications, leases, permits, rights of way, or rights of entry to conduct any activities on or within these lands. SITLA does not manage the coal resources within the proposed addition to the permit area, only the surface of some areas, so right of entry is not needed unless UtahAmerican needs surface access which is not proposed at this time.

Findings:

Information provided in the application is not considered adequate to meet the requirements of this section of the regulations. Prior to final approval, the applicant must provide the following in accordance with:

R645-301-114, The application needs to include right of entry information for the portions of the proposed revised permit area in the E½ SE¼ and SW¼ of Section 15 of Township 16 South, Range 14 East, the proposed facilities area.

UNSUITABILITY CLAIMS

Regulatory Reference: R645-301-115

Analysis:

According to the application, the proposed addition to the permit area is not in an area designated as unsuitable for mining, and the applicant is not aware of petitions to designate the

area as unsuitable. Mining operations will not be conducted within 300 feet of an occupied dwelling, but they would be within 100 feet of an Emery County road.

The application says UtahAmerican Energy has received permission from Emery County to construct mining facilities and conduct mining operations within 100 feet of the road and refers to an agreement letter in Appendix 1-4. The agreement in this appendix is for construction of the road and requires UtahAmerican to acquire an encroachment permit from the county. It also gives certain conditions with which UtahAmerican will need to comply when they receive the encroachment permit. Therefore, although the applicant has begun the process of obtaining permission to mine within 100 feet of a public road, the agreement in Appendix 1-4 is not an encroachment permit.

Findings:

Information provided in the application is not considered adequate to meet the requirements of this section of the regulations. Prior to final approval, the applicant must provide the following in accordance with:

R645-301-115, The application needs to contain approval from the public road authority authorizing mining and reclamation operations within 100 feet of a public road.

PERMIT TERM, INSURANCE, PROOF OF PUBLICATION, AND FACILITIES USED IN COMMON

Regulatory Reference: R645-301-116 and -117

Analysis:

The permit term for which the applicant is applying is five years. The beginning of construction is planned for 1999 with mining operations ending in 2023. This assumes adjacent federal leases can be acquired. The timetable in this section is obviously no longer realistic, so it should be updated.

A certificate of liability insurance meeting Division requirements is in Appendix 8-2 & 8-3.

Appendix 1-5 contains copies of the newspaper advertisement and proof of publication.

No facilities or structures would be used in common with another coal mining and reclamation operation.

Findings:

Information provided in the application is not considered adequate to meet the requirements of this section of the regulations. Prior to approval , the applicant must supply the following in accordance with:

R645-301-116, The timetable in Section 116 is no longer realistic, so it should be updated.

ENVIRONMENTAL RESOURCE INFORMATION

HISTORIC AND ARCHAEOLOGICAL RESOURCE INFORMATION

Regulatory Reference: R645-301-411.140

Analysis:

Appendix 4-1 of the application contains information from three cultural resource surveys, including one done specifically for the proposed facilities area. There are several cultural resource sites in the vicinity, but only an isolated artifact was found in the proposed disturbed area. One site is listed on the National Register of Historic Places. It is a tree in Horse Canyon inscribed by Sam Gilson, a prominent rancher and promoter of the uses of gilsonite.

The information in the application is considered adequate; however, the maps and any other information that would allow a person to locate any of the sites should be kept confidential.

There are no cemeteries in or within 100 feet of the proposed addition to the permit area, and it contains no units of the National System of Trails or Wild and Scenic Rivers system.

Findings:

Information provided in the application is considered adequate to meet the requirements of this section of the regulations. Any information that would enable a person to locate any of the cultural resource sites must be made confidential.

VEGETATION INFORMATION

Regulatory Reference: R645-301-321

Analysis:

Appendices 3-1 and 3-2 contain vegetation information about the Horse Canyon and "South Lease" areas. Additional information is in the existing Horse Canyon plan. These studies were done in 1981, 1982, 1983, 1985, 1998, and 1999. With the exceptions of a study by Patrick Collins in Appendix VIII-1 in the current Horse Canyon plan and 1998 and 1999 vegetation inventories in Appendix 3-2 of the application, the application does not show who conducted the studies as required in R645-301-120.

The 1998 and 1999 vegetation inventories were site-specific to the proposed disturbed area and nearby proposed reference area, and the following discussion concerns these reports. Figure 1 in the 1998 study shows sampling locations in two vegetation communities, pinyon/juniper and shrub/grass. The 1999 study includes a map showing the vegetation communities in relation to the proposed disturbance, but it does not show sample locations.

Neither the 1998 nor the 1999 study alone provides adequate vegetation information, but together and with some corrections and compilation, they would provide enough vegetative cover information. Problems with the 1998 study are discussed in the technical analyses sent May 26 and October 18, 1999. The application does not provide enough information about woody plant density or productivity.

The vegetation inventory done in 1999 is for the grass/shrub community and a corresponding reference area to the west of the proposed disturbed area. Predominant species in both areas were cheatgrass, Salina wild rye, snakeweed, blue grama, needle and thread grass, Indian ricegrass, galleta, and purple three awn. Total vegetative cover in the proposed disturbed area was 39.7%, and it was 44.8% in the reference area.

In the 1999 study, medusahead rye was identified as being in the reference area, and it was included in the list of desirable species. Medusahead rye is a noxious weed and should not be classified as a desirable species, but it is unlikely this species actually occurs in the area. A Division representative has identified a similar species, bottlebrush squirreltail, in the area, and the plants identified as medusahead are probably actually squirreltail. The applicant should confirm the identification. Medusahead is an extremely serious problem on certain rangelands, and if the plants really are medusahead, the Division and Bureau of Land Management would have grave concerns about spreading this weed through disturbance.

According to information in the 1998 study, vegetative cover in the proposed disturbed pinyon /juniper area was 19.7% (excluding lichens). Dominant species were Salina wild rye, Utah juniper, two-needle pinyon, and green rabbitbrush. The plants identified as green rabbitbrush were probably, instead, snakeweed. No green rabbitbrush was identified in the area in the 1999 survey, and a Division representative did not find green rabbitbrush in the area.

The applicant should be able to correct and reassemble some of the data from the 1998 study. The Division needs to have certain vegetation information about the pinyon/juniper area, and it appears this information is available from the 1998 study. First, the applicant could rewrite the methods section and not include any discussion about statistical methods or about the grass/shrub community. Information about the grass/shrub area is in the 1999 report. Second, the applicant could confirm the identification of *Ferocactus* sp. (most likely *Echinocereus triglochidiatus*) and snakeweed or green rabbitbrush and change the species shown in the report according to what actually occurs in the area. Next, the data for the proposed disturbed pinyon/juniper area only, not the reference area, could be presented as percentages of cover rather than as numbers of hits. Information about statistical analyses should be deleted, and it will be impossible to do statistical analyses on this data without information from individual transects.

Although the Division would normally compare vegetation cover in the reference area statistically with cover in the proposed disturbed area, this is impossible with the data the Division anticipates is available. Nevertheless, since the applicant proposes using a reference area from a different community as a success standard for the entire site, and since vegetative cover in the proposed disturbed pinyon/juniper community was so much lower than in the grass/shrub reference area, the cover data from the pinyon/juniper area should be adequate.

The information presented on woody plant densities is either incomplete, does not have units, or was apparently not calculated correctly. Woody plant densities shown in the 1998 study do not include units although it is assumed they are numbers per acre. If this is correct, the proposed disturbed pinyon/juniper area had 1800 woody plants per acre of which 1390 were green rabbitbrush (or snakeweed). After confirming the units and one plant identification, the applicant should be able to include woody plant density information for the pinyon/juniper area in the application.

Tables 1 and 2 of the 1999 study show woody plant densities in the reference area and the proposed disturbed grass/shrub community. The methods section of the report indicates woody plants were measured in 0.01-acre plots, so the numbers of woody plants in each plot should be listed as occurring at a rate of a multiple of 100 per acre. Instead, they are in multiples of about 59 per acre. According to verbal information from the applicant, the report needs to be changed.

Using the correct conversion for the numbers of shrubs in the plots, the data indicates

there are 120 woody plants per acre in the proposed disturbed area and 147 per acre in the reference area. This is surprisingly few. The consultant that did the report indicated verbally to the Division that they decided not to include snakeweed in their measurements of the woody plants since snakeweed is an undesirable species. Assuming the "green rabbitbrush" of the 1998 study was actually snakeweed, there should be about 1200-1390 snakeweed plants per acre in the grass/shrub community.

The applicant needs to supply complete information on woody plant density. No species should be excluded because it is undesirable. The applicant should take and report data by species and analyze and allow the Division to analyze the data for what it shows.

The application is required to contain productivity estimates for the area proposed to be disturbed and associated reference area (if that is the method to be used to determine revegetation success). Appendix 3-7 contains a letter from George Cook of the Natural Resources Conservation Service with productivity estimates for two shadscale/grass and for two grass/shrub communities. It is unclear from the letter where these estimates were done. Most of the proposed facilities area has a pinyon/juniper community, but there is no productivity estimate for a pinyon/juniper community.

The Division has received a letter from Mr. Cook, now retired from the NRCS, giving production estimates for the grass/shrub reference area, the pinyon juniper proposed disturbed area, and the pinyon/juniper reference area. It does not show productivity information for the grass/shrub proposed disturbed area. All of this productivity information needs to be included in the application. The application also needs to contain copies of the data sheets for the productivity estimates and site ratings.

Mr. Cook rated the three areas as being in good range condition, but it is unusual for an area with 28% relative cover from cheatgrass to be considered in good range condition. It is possible that although cover from cheatgrass was high, production may have been low, and production is the parameter used in range condition assessments.

Findings:

Information provided in the application is not considered adequate to meet the requirements of this section of the regulations. Prior to final approval, the applicant must provide the following in accordance with:

R645-301-131, All technical data submitted in the permit application must be accompanied by the names of persons or organizations that collected and analyzed the data, dates of the collection and analysis of the data, and

descriptions of the methodology used to collect and analyze the data. This information is not complete for some studies in Appendices 3-1 and 3-2.

R645-301-321, The applicant needs to provide vegetation productivity information for the areas proposed to be disturbed and for the reference area.

R645-301-321, The applicant has not proposed to remove the 1998 vegetation report in Appendix 3-2 from the application. This report has several problems as discussed in previous technical analyses, but with some corrections, deletions, and reorganization, it would probably be possible to use some of the information.

R645-301-321, The 1999 vegetation study identifies medusahead rye as occurring in the grass/shrub reference area, and the report lists it as a desirable species. Medusahead rye is a noxious weed, so it should not be listed as a desirable species. The applicant needs to confirm the identification as it is not likely this species grows in the area.

R645-301-321, It appears woody plant densities in the 1999 vegetation study were not calculated properly, and this needs to be corrected.

R645-301-321, The applicant needs to include complete woody plant density information.

FISH AND WILDLIFE RESOURCE INFORMATION

Regulatory Reference: R645-301-322

Analysis:

Wildlife Information

Wildlife habitat is discussed in Section 322.220, and Plate 3-1 shows habitat areas for elk, mule deer, Rocky Mountain bighorn sheep, pronghorns, and raptors. According to Plate 3-1, the proposed disturbed area contains habitat for Rocky Mountain bighorn sheep and mule deer, and pronghorns and raptors are nearby.

Section 322.220 of the text discusses the types of habitats where these species occur and

certain aspects of their life histories. It says the actual disturbed area contains critical deer and elk winter range in addition to habitat for Rocky Mountain bighorn sheep. The statements about deer and elk habitat conflict with the information on Plate 3-1, and this needs to be resolved.

Raptor surveys were conducted in the area in 1990, 1998, and 1999. Plate 3-2 shows locations of six nests in or near Lila Canyon, and Appendix 3-5 contains further information, including two maps showing nest locations. Wildlife Resources commented that the 1998 raptor survey documented three nests at the mouth of Lila Canyon.

The text says results of the 1998 and 1999 raptor surveys are in Appendix 3-5, but Appendix 3-5 does not contain results for the 1999 survey. Plate 3-1 may have these results, but it is not certain. Section 323.300 says an active nest was found in the 1999 survey in the left fork of Lila Canyon within the one mile buffer zone. Plate 3-1 shows three tended nests near the proposed disturbed area, but it does not show any of these as being active. It appears Plate 3-1 is the best compilation of raptor nesting data in the application although two other reports in Appendix 3-5 include some information. The baseline information is considered adequate to plan wildlife protection measures.

Plate 5-3 now shows raptor nests and subsidence limits. According to this map, one golden eagle nest would be in the subsidence area.

The text mentions a prairie falcon scrape found in the east half of section 9, but it is not shown on any of the maps. This scrape is outside the area of proposed mining activities.

According to Section 322.220, the entire permit area plus an area within 1 mile of the proposed surface facilities were surveyed for raptor nests.

The applicant commits to conduct raptor surveys one year prior to all purposed (assume proposed) new construction or potentially disruptive mining activity. This should be done in all suitable habitat within a one mile radius of these activities.

The application indicates the applicant has consulted with the Fish and Wildlife Service, the Division of Wildlife Resources, and the Bureau of Land Management concerning raptor nests in the vicinity of the mine. They determined there is a high probability golden eagle nests near the surface facilities would be abandoned.

Information about other wildlife species includes a statement that many birds of high federal interest would not inhabit the area because the intermittent stream channels lack riparian vegetation. The application also references a Division of Wildlife Resources publication entitled "Fauna of Southeastern Utah and Life Requisites Regrading their Ecosystems." This publication

is available to the Division, and it contains general information about species in the area.

Threatened and Endangered Species

Table 3-1 lists eight threatened or endangered species the application says may occur in Emery county or that could be affected by the mine. This list should be updated since peregrine falcons are no longer listed as threatened or endangered. Also, the Lahontan cutthroat trout would not be expected in Emery county, but the razorback sucker (*Xyrauchen texanus*) would. Appendix 3-3 contains a letter from the Fish and Wildlife Service listing threatened and endangered species that occur in Emery county.

The proposed addition to the permit area contains habitat for some species on the list of threatened or endangered species in Emery county, but these species have not been found. Each species occurring in Emery county is discussed below.

The Fish and Wildlife Service commented that the applicant needs to assess vegetation in the proposed addition to the permit area to determine whether southwestern willow flycatcher habitat exists. According to their letter, breeding habitat is typified by areas of dense willow or willow mixed with a variety of riparian shrubs and small trees.

The application documents that the proposed addition to the permit area does not contain habitat for southwestern willow flycatchers. There are no perennial water sources or riparian areas in either the current permit area or the proposed addition, and according to verbal information from the applicant's consultant, there are few, if any, willows or similar riparian-type vegetation associated with the seeps and springs in the proposed addition to the permit area. There may have been a few willows or shrubs, but there were no dense patches as would be required by southwestern willow flycatchers.

Bald eagles are fairly common winter residents of Utah, and they could visit the area. However, they generally like to roost in large trees that do not exist in the proposed disturbed area. Therefore, it is unlikely they will be adversely affected.

Four fish species of the Upper Colorado River drainage are listed as threatened or endangered, and although the mine would not affect them directly, water usage has been determined to adversely affect these species. As discussed in the fish and wildlife protection part of this review, the mine is expected to use about 21.3 acre-feet of water annually, including water lost through mine ventilation. Mitigation is required when the annual depletion exceeds 100 acre-feet.

Black-footed ferrets have historically been found in eastern Utah, but, with the exception

of the population recently reintroduced to the Uintah Basin, there have been no confirmed sightings in recent years. If any were in the area, it is most likely they would be affected by road construction.

(Information in the following discussion on the distribution of plants is from *A Utah Flora* or is verbal information from Bob Thompson, a botanist with the Forest Service.)

Barneby reed-mustard (*Schoencrambe barnebyi*) grows at elevations of about 5600 to 5700 feet on the Chinle formation. The proposed disturbed area is at a higher elevation, and it does not contain the Chinle formation. Therefore, the area is not considered habitat for this species.

The reported elevation range for Jones cycladenia (*Cycladenia humilis* Var. *jonesii*) overlaps the proposed disturbed area, but it grows in sandy gypsiferous soils derived from the Cutler, Summerville, and Chinle formations, and these are not found in the proposed addition to the permit area.

Last chance Townsendia (*Townsendia aprica*) grows in salt desert shrub and pinyon-juniper communities on clay or clay-silt exposures of the Mancos Shale. It has been found mainly in the Fremont Junction area and not on the east side of the San Rafael Swell.

The Maguire daisy (*Erigeron maguirei*) has only been found in a few places in the San Rafael Swell and in Capitol Reef National Park in canyon bottoms in the Wingate and Navajo Sandstone formations. There is essentially no possibility this species could occur in the proposed addition to the permit area.

Three cactus species are included on the Fish and Wildlife Service list. The San Rafael cactus or Despain footcactus (*Pediocactus despainii*) is very difficult to find and grows in open pinyon/juniper communities in and on the edges of the San Rafael Swell. This is the type of habitat in the proposed disturbed area, and, according to Bob Thompson of the Forest Service, there is potential this species could occur in the area.

According to Mr. Thompson, the Wright fishhook cactus (*Sclerocactus wrightiae*) also has potential of occurring in the area. It grows in salt desert shrub and shrub/grass to juniper communities in soil derived from Mancos Shale and other formations.

The applicant's consultant searched for the Despain footcactus and Wright fishhook cactus and did not find them. This is documented in a report in Appendix 3-4.

The Winkler cactus (*Pediocactus winkleri*) is a tiny plant that grows in salt desert shrub

communities at lower elevations than those in the proposed disturbed area. Its distribution is more to the west, and it is unlikely it occurs in the proposed addition to the permit area.

The Division received comments from the Fish and Wildlife Service dated April 14, 1999, and further comments dated October 14, 1999. They felt the Division had adequately responded to their concerns and did not disagree with the Division's findings concerning threatened or endangered species.

Findings:

Information provided in the application is not considered adequate to meet the requirements of this section of the regulations. Prior to final approval, the applicant must supply the following in accordance with:

R645-301-322, Section 322.220 of the text indicates the proposed disturbed area contains critical elk and deer winter range, but this is not reflected on Plate 3-1. Either the text or the map needs to be corrected.

R645-301-322, The list of threatened or endangered species in Table 3-1 should be updated; peregrine falcons are no longer listed. Also, the Lahontan cutthroat trout would not be expected in Emery county but the razorback sucker would.

LAND USE RESOURCE INFORMATION

Regulatory Reference: R645-301-411

Analysis:

Premining land uses of the proposed addition to the permit area include grazing, wildlife habitat, coal mining, and limited recreation. Grazing allotment boundaries are show on Plate 4-2, and wildlife habitat is show on Plate 3-1. Production in the grazing allotments in terms of animal unit months is shown in Table 4-3.

Boundaries of the Turtle Canyon Wilderness Study area and the areas identified in the 1999 wilderness inventory as having wilderness characteristics, both discussed below, should be shown on a land use map, such as Plate 4-2.

According to the application, Lila Canyon is within an area identified by the Bureau of

Land Management as the Range Valley Mountain Habitat Management Plan Area. A habitat management plan was adopted in 1991 to provide management for various wildlife and for access management.

In Section 411.110, the application refers to Figure 1 for information on big game and raptor habitat, but this figure could not be found. Information on big game and raptors is in Chapter 3 and on Plate 3-1.

The proposed addition to the permit area does not support a wide variety of land uses because of the limited access and remote location, rugged topography, limited soils, and lack of rainfall and surface water. Water rights are discussed in Chapter 7, and water uses include stock watering and various uses for coal mining.

The land is zoned by Emery County for mining and grazing. A small portion of the proposed permit area addition overlaps with the Turtle Canyon Wilderness Study Area. The application contains a copy of the 1993 environmental assessment prepared for management of the Turtle Canyon Wilderness Study Area, and it says underground mining would be acceptable in this area.

The Bureau of Land Management's 1999 Utah Wilderness Inventory identifies areas with wilderness character in addition to the previously-identified wilderness study areas. One of these areas overlaps the proposed addition to the permit area and is very close to, and may even overlap, the proposed disturbed area. The application includes copies of two memoranda from the Bureau of Land Management. One of these says, "While the planning process is being completed on lands found to have wilderness characteristics in the 1999 Wilderness Inventory, the management prescriptions of existing land management plans do not change." Therefore, it appears the Bureau of Land Management will be managing these lands as in the past until further assessment has been completed.

There has been some previous mining activity in Lila Canyon, but it is unknown how much coal was mined. The road on the bottom of Lila Canyon was built in the 1950's to provide access for coal exploration. There is a sealed portal in the left fork of the canyon where the Sunnyside Seam was exposed and coal mined, and the coal was probably transported back through the Horse Canyon Mine. It is believed mining occurred during the 1970's or early 1980's. If mining occurred during this time period, it should have been regulated under Title V of SMCRA.

Findings:

Information provided in the application is not considered adequate to meet the