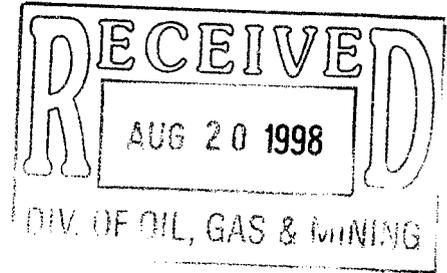




United States Department of the Interior
FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
LINCOLN PLAZA
145 EAST 1300 SOUTH, SUITE 404
SALT LAKE CITY, UTAH 84115



In Reply Refer To

(CO/KS/NE/UT)

August 17, 1998

Ms. Mary Ann Wright
Associate Director of Mining
Utah Division of Oil, Gas, and Mining
1594 West North Temple, Suite 1210
Salt Lake City, UT 84115

RE: Phase II Permit Revision, Canyon Fuel Company, LLC, Dugout Canyon Mine,
ACT/007/039-98-1, Carbon County #2

Copy Aaron Paul

Dear Ms. Wright:

We have reviewed the Phase II Permit Revision for the Dugout Canyon Mine and offer the following comments for your consideration.

1. Page 3-19 states that, "high value habitats in Dugout Canyon include the riparian area and cliff escarpments," and concludes that, "major portions of established habitat will not be disturbed..." We believe that the loss of 2,000 feet of riparian habitat should be considered a "major portion of established habitat," particularly given the high use of riparian areas by wildlife. In addition, more information including the types and percentages of wildlife utilizing important habitat areas should be included in the text. Some of this information is provided in Dalton, L.B., J.S. Price, and L.A. Romin. 1990. Fauna of Southeastern Utah and life requisites regarding their ecosystems. Utah Division Wildlife Resources. Utah Dept. Nat. Res. Pub. No. 90-11. 326pp.
2. Page 3-26; A commitment was made in the permit to coordinate with the Utah Division of Wildlife and Utah Division Oil, Gas, and Mining 6 months prior to the potential subsidence impacts to determine methods for protection of raptor nests. Coordination on migratory bird issues, including raptors, should include the U.S. Fish and Wildlife Service. Also, we are concerned that avoidance and mitigation strategies for raptor nests are not discussed in the permit. At a minimum, there should be a plan to protect nests during the breeding season. For instance, nests could be covered to prevent their use during the breeding season if subsidence is expected to occur. Plans to mitigate for any nests lost to subsidence should also be included in the permit.
3. Page 3-21 should discuss the current condition of the 7500 feet of disturbed stream bank which is proposed as a mitigation site.

4. Page 3-57 states that the Division will be consulted on the best technology to replace and enhance the riparian vegetation to be disturbed. Consultation with the Division should take place prior to approval of this permit. Selected replacement and enhancement measures should be included in the permit.

Thank you for the opportunity to provide comments. If we can be of further assistance, please contact Laura Romin, of this office, at (801) 524-5001, ext. 142.

Sincerely,

A handwritten signature in cursive script that reads "Reed E. Harris".

Reed E. Harris
Utah Field Supervisor

cc: Mr. John Kimball, Director, Utah Division Wildlife Resources, 1594 West North Temple, Suite 2110, P.O. Box 146301, Salt Lake City, UT, 84114-6301.