

May 24, 1993

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MAY 26 1993

Mr. Ira Hatch
District Ranger
Manti-LaSal National Forest
Ferron Ranger District
Ferron, Utah 84523

DIVISION OF
COAL & MINING

Dear Ranger Hatch:

Pursuant to your letter of May 3 asking for public comments on PacifiCorp's proposal to drill seven holes on Trail Mountain to evaluate coal quantity and quality, I respectfully submit the following concerns and comments. I do so assuming that the coal drilling on Trail Mountain precedes probable leasing and/or production from the federal coal located thereon.

I am a cattle permittee on the Trail Mountain grazing allotment which encompasses the surface over the coal seams proposed to be evaluated by test drilling. I have a direct interest in any activity on or under Trail Mountain that may have any adverse impact on that grazing allotment. I am also the owner of ranch property located at the mouth of Cottonwood Canyon in Sections 7, 8 and 9, Township 18 South, Range 7 East, SLB&M, consisting of approximately 350 acres. One of this ranch's irrigation water rights is the stream flowing down Cottonwood Canyon, known as the "Little Cottonwood Creek". That stream rises almost exclusively from a large spring near Roans Canyon, known as "Cottonwood Spring". This spring has continuously flowed from .5 to 2.0 second feet of water for nearly 100 years. It has been used beneficially as irrigation water through this century for the ranch property I currently own and operate. About 1989 Cottonwood Spring stopped flowing and entirely dried up leaving my ranch and all of Cottonwood Canyon without a water source. This spring's water flow diminished and stopped at about the same time longwall coal mining operations under East Mountain penetrated the Roans Canyon Fault, believed to be the aquifer that supplied the Cottonwood Spring. That occurrence reportedly produced a large discharge of water from the Deer Creek Mine into the Huntington Creek drainage. It was reported the water discharge from Deer Creek Mine increased from 1-2 second feet to 8-10 second feet. This occurred in the approximate same time frame that Cottonwood Spring dried up. The Cottonwood Spring has flowed uninterruptedly through all previous droughts. It now is dry.

The drying up of Cottonwood Spring, believed by many to be attributable to longwall coal mining operations, is the reason I am writing this letter of concern relative to coal drilling and probable future longwall mining under Trail Mountain. In addition to the drilling of seven test holes, my concern also extends to the recent application and notice of Utah Power & Light/PacifiCorp for a right-of-way for an underground connection between Cottonwood and Trail Mountain mines, crossing under Cottonwood Canyon. Both of these proposals give evidence that the mining operation will extend under Trail Mountain. I want to be on the record as a party of concern for

these proposed actions. My comments apply to both the proposed test drilling and the proposed right-of-way under Cottonwood Canyon.

I am concerned that springs and surface water on the Trail Mountain grazing allotment could be adversely impacted or destroyed by longwall coal mining under Trail Mountain that will undoubtedly follow. The Trail Mountain grazing allotment has extremely limited surface water. Should one or more of the existing springs be interrupted or destroyed it would severely impact livestock grazing and big game habitat. Such an eventuality should be a concern to permittees, sportsmen, and the Forest Service.

I am aware that mining plans and permits contain provisions that any surface water diminished or destroyed by the mining operation must be replaced by the mining company. That may seem like adequate guarantee and protection, however proof that the mining operation caused a surface water interruption is extremely difficult, if not impossible, to establish. If the burden of proof is upon the surface interests to conclusively show the mining operation caused the interrupted surface flow, it is probable that no responsibility or liability will be established. It is for this reason that I am filing this letter of concern and protest. I do not want the surface water springs and streams on Trail Mountain to be interrupted or destroyed and then have the legal expense and hassle of trying to "prove" to a legal authority that it was caused by a mining operation.

Having witnessed the largest single spring in the Cottonwood Canyon drainage (Cottonwood Spring) dry up at the same time a mining operation broke through the fault line that served as the springs aquifer, and then being told the burden of proof is upon the complainant or plaintiff, I absolutely do not want that to happen again on the Trail Mountain allotment. The Cottonwood Spring is located on the Trail Mountain unit.

I am fully aware of the value to Emery County's economy of the coal mining operations under the Forest Service allotments. While it is certainly desirable to encourage economic activity, it must be done with adequate and meaningful safeguards to long-established surface use and economic activity. There are nearly 1000 head of cattle permitted to graze on the Trail Mountain unit. These permits are owned by some twenty livestock operators. They must be safeguarded against loss of essential surface water for their livestock. Also there are hundreds, if not thousands, of deer and elk on the Trail Mountain unit. All are dependent on the limited surface water. Sportsmen, big game managers and forest range managers should all be vitally concerned about the potential for surface water loss due to underground mining operations.

It is my intent, as a party of interest, to recommend to the Utah Division of Oil, Gas and Mining and to the Federal agencies involved with coal leasing and surface management the following: (1) That before Trail Mountain is leased and permitted for longwall coal mining that every surface water source be identified and measured, both currently and historically (from first hand observers if necessary), and (2) that an iron-clad guarantee/provision be written into the mining permit and mining plan that any

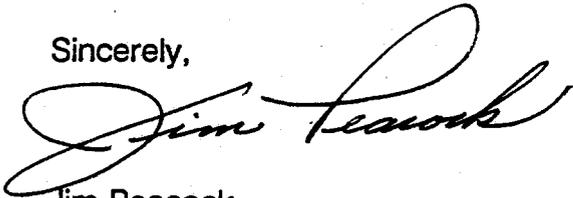
diminished or destroyed surface water will be replaced without having to prove cause other than the presence of the mining operation. Once a spring dries up there is no way to prove its source, or the cause of its interruption.

In as much as all surface waters rising on the Trail Mountain Unit are tributary to the Cottonwood Creek Irrigation Company, as a stock holder in that organization, I individually express my concern about any potential interruption or diminished flow in that watershed. I speak for myself only.

I urge the Forest Service to act in behalf of all surface multiple use users having interest in the Trail Mountain area to ensure that springs and surface water be absolutely safeguarded as these proposed mining activities and operations proceed.

I would appreciate being appraised of all ongoing activities associated with these mining operation proposals.

Sincerely,

A handwritten signature in black ink that reads "Jim Peacock". The signature is written in a cursive style with a large, looping initial "J".

Jim Peacock
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