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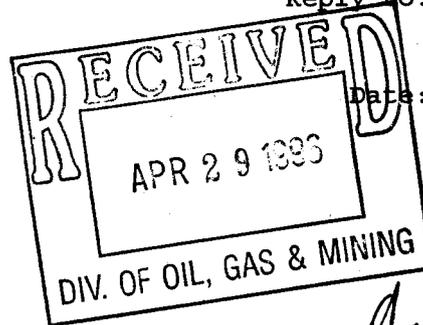
United States
Department of
Agriculture

Forest
Service

Manti-La Sal
National Forest

599 West Price River Dr.
Price, Utah 84501

Reply to: 2820



Date: April 25, 1996

Utah Coal Regulatory Program
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
Attention: Joe Helfrich

Copy Joe 4/28

RE: Facilitate Mining in Accordance with Approved Resource Recovery and Protection Plan (R2P2); Third, Fourth, and Fifth East Development, Fourth East Longwall Panels, PacifiCorp, Trail Mountain Mine, ACT/015/009-96A, Folder #2, Emery County, Utah

File #2

Dear Mr. Helfrich:

The amendment was submitted to the Division by PacifiCorp on April 19, 1996, and was transmitted by letter to Janette Kaiser, Forest Supervisor Manti-La Sal National Forest, on the same date.

We have reviewed the amendment and have the following comments:

1. We have no objection to extending the development sections to the east beyond the Castlegate Sandstone escarpment and 15-degree protection area. The development sections consist of first mining only and are designed to remain stable indefinitely. This is consistent with existing lease stipulations and the BLM has determined that there would be no associated subsidence of the escarpment or mining induced failures.
2. We cannot consent to extending the Fourth and Fifth longwall panels to the east beyond the 15-degree angle-of-draw protection zone. Subsidence of the Castlegate Sandstone escarpment and potential escarpment failure would cause disturbance of National Forest System lands that has not been previously addressed in an environmental analysis. Forest Service consent would require completion of an environmental analysis under the National Environmental Policy Act of 1969 and as well as required public reviews and appeal periods. This analysis is under way as described below.

The Manti-La Sal National Forest and BLM jointly prepared an Environmental Assessment (EA) for PacifiCorp's amendment to the R2P2 and a conceptual amendment to the Mining and Reclamation Plan. This document was completed and released to the public on March 21, 1996, for the required Forest Service 30-day predecision public review. A copy was sent to your office on this date. By law the Forest Service

cannot issue a consent decision until the end of the 30-day period and must address any comments received. Once the Forest Service releases a decision, there is also a mandatory 45-day appeal period with an automatic stay that would delay implementation for a minimum of 50 days following the decision date, even if no appeals are filed.

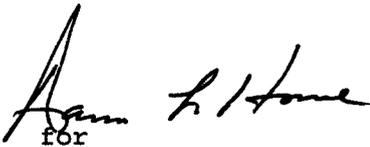
The Biological Assessment, completed in conjunction with the EA, stated that previous surveys of the area found no Threatened or Endangered species but an additional raptor survey would be required prior to any mining that could cause escarpment failure.

The 30-day EA review period ended on April 22, 1996, but the Forest Service is unable to issue a decision document in regard to subsidence of the escarpment because of the recent discovery of the peregrine falcons on the affected escarpment. The discovery triggered the requirement for Section 7 consultation with the Fish and Wildlife Service (FWS). Any Forest Service decision that would authorize escarpment failure must be delayed until formal consultation is completed.

3. As stated in item 1 above, we do not object to full-support mining within and to the east of the 15-degree escarpment protection zone. However, PacifiCorp must be made aware of the risk associated with driving the development workings to the east without prior approval/consent to extend the longwall panels into the protection zone. Due to the peregrine falcon activity and required FWS consultation, any Forest Service decision will be delayed beyond the identified time frames required for uninterrupted mining of the longwall panels.

If you have any questions or would like to discuss this matter further, contact Aaron Howe or Carter Reed at the Forest Supervisor's Office in Price, Utah.

Sincerely,



for
JANETTE S. KAISER
Forest Supervisor

cc:

D-2/3

Mark Bailey - BLM, Price, Utah
Val Payne, Energy West Mining Co.
P.O. Box 310
Huntington, Utah 84528