

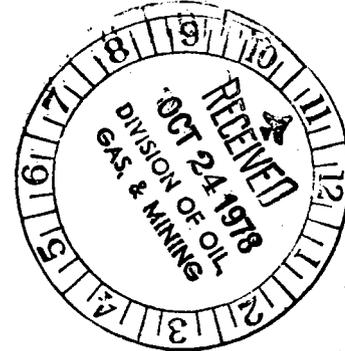
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October 19, 1978



Mr. Don Crane, Regional Director
 Office of Surface Mining
 1823 Stout Street
 Denver, Colorado 80202

Re: Coal Lease No. SL-040151
 Emery County, Utah

Dear Mr. Crane:

This office represents the Crawford family who own the surface and all mineral rights, except coal, of 300 acres located on the top of East Mountain in Emery County, T.17S, R.7E, N1/2 Sec., which is a portion of the acreage lying above the referenced coal lease which is presently part of a coal mining operation of Utah Power & Light Company. We are writing to you regarding your authority over surface mining activities and surface affects of undergrounding mining activities under Public Law 95-87 in this area.

On January 23, 1978, the Area Mining Supervisor (USGS) for Utah authorized approval of the Wilberg Mining Plan in Emery County with the following stipulation:

1. The operator shall comply with all requirements of 95-87.

Approximately six separate studies have been made regarding hydrology and subsidence damage on this lease. All were unanimous to the effect that surface damage will occur. The FINAL ENVIRONMENTAL STATEMENT, EMERY, prepared for the contemplated mining operation by the Department of the Interior, Bureau of Land Management, details several "adverse impacts which cannot be avoided should be the proposal be implemented." (Chapter 5). The unavoidable adverse impacts which would directly affect Mr. Crawford as a private property owner of a portion of the surface estate over the contemplated mining area are as follows:

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"(a) Subsidence could occur on 4,658 acres where the Hiawatha and the Bear Canyon coal seams would be mined. It is not possible to determine exactly how deep the land would subside, however, the depth could be as much as ten feet (Brauner, 1973). A relatively narrow peripheral zone around the leased area would also experience some subsidence, but this would be hardly discernable. There are presently insufficient data to estimate the extent of occurring surface fractures, bulges and sink holes." (page 5-5).

"(b) Subsidence following mining operations could intercept ground water aquifers above the mined areas. Springs, including nine that have been measured, could be affected with the possible loss of over 180 acre-feet per year of surface discharge." (page 5-7).

"(c) Mine accidents cannot be totally eliminated, however, nor can subsidence hazards." (page 5-20).

Also, in Chapter 6 which deals with the relationship between short-term uses and long-term effects, the following statement is made:

"The subsidence effects above the Wilberg Mine must be considered as long-term. Complete restoration of the area to its original condition would be considered unreasonable and impractical. Use of the surface for cabin sites, sewer and water lines, recreational pursuits such as camping, hiking, ORV, and hunting, and use by livestock and wildlife could be foreclosed in part or entirely." (page 6-23).

A supplemental EIS was also requested by the Secretary of the Interior prior to authorizing approval of this plan. There are many inaccurate statements and deletions in this supplemental EIS, compiled by Mr. Jim Travis of the USGS, as follows:

1. A hydrology report was supposedly issued on each individual lease based on a report issued by the operator (Utah Power & Light Company), page 21. This report clearly states that springs within the boundaries of 040151 will be

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adversely affected. 99 acre feet have been measured on or adjacent to this property this summer. The operator attempted to file on this water. The application was, however, denied by the State Engineer. You will note from reading the supplemental EIS that no hydrology report was made on 040151, even though this information was available.

2. Present use is depicted in the supplemental EIS as grazing only. The Crawford property in 040151 has been under recreation and cabin site development for the past six years. No inquiry was made by the author of the report of the Crawfords regarding present land status.

3. The report indicates no conflict of interest to the best of their knowledge. However, public hearings were held on the Emery EIS and the Crawford protest is a matter of record and was known by the USGS prior to their writing of this report.

The report does properly depict subsidence as a serious problem and indicates that it could be up to 70% of the coal removed. In this particular case, it could amount to 14 feet. For the above reasons, we feel the plan violates Public Law 95-87, especially Section 516 (B)(1) which states the objective to: "Prevent subsidence causing material damage and maintain foreseeable long term land use" and (B)(9) "Minimize disturbance of the prevailing hydrologic balance during and after coal mining operations."

The Crawfords cannot carry out their present land use plans on either a short term or long term basis facing this type of surface disturbance.

Since this lease falls within the boundaries of the Manti-LaSal National Forest, the Forest Service has made some comments. Their report, however, applies only to the mine portal and surrounding area. They have since evaluated the same area for a RARE II Roadless Area and have concluded in view of the mine activities, subsidence and hydrology damage would occur.

It is obvious from the foregoing findings of the FINAL EIS quoted above, that if Utah Power & Light Company's mining operation continues, the Crawford property will be subjected to substantial damage, most of which cannot be repaired, which will prevent its development to its highest and best use from an

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economic standpoint. A preliminary evaluation of the Crawford property by Marcellus Palmer and Associates of Salt Lake City, dated November 18, 1977, in part, states:

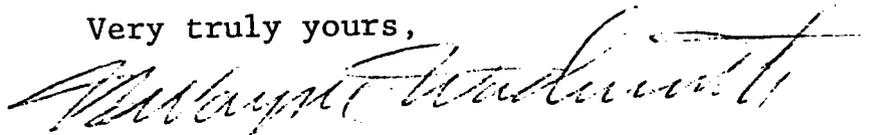
"First of all, the demand and current use in the area leads me to the conclusion that the highest and best use at this time is for mountain home site and recreational development. You have adequate water already owned and used to further expand these developable uses."

Hearings were held last May before the Utah Division of Oil, Gas and Mining regarding the above plan. The operator's reclamation plan was ordered amended to include protection of the surface above the mine, including the hydrolic regime. To this date, no amended reclamation plan has been submitted by the operator, Utah Power & Light Company, to comply with the order of the Board and the Board has taken no further action regarding the matter. It is our judgment that, in fact, no reclamation plan is economically feasible to prevent damage to the high mountain springs, or to replace their flow when damaged.

Should you need anything further from this office, please advise.

Thank you very much.

Very truly yours,



H. WAYNE WADSWORTH

HWW:las

cc: E.S. Crawford
Annette Jensen
Clay Crawford
Division of Oil, Gas and Mining
Utah Power & Light Company
Attn. Ralph L. Jermann, Esq.