

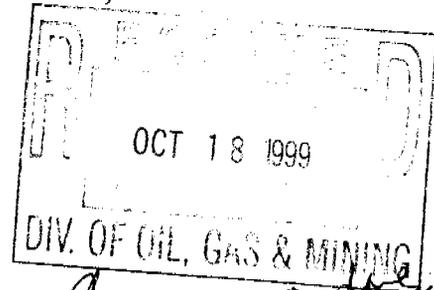


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File Code: 2820-4

Date: October 14, 1999

MaryAnn Wright  
Attention: Daron Haddock  
Utah Department of Natural Resources  
Division of Oil, Gas and Mining  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, Utah 84114-5801



RE: 150 ACRE INCIDENTAL BOUNDARY CHANGE AS REVISED, CANYON FUEL COMPANY, LLC, SUFCO MINE, ACT/041002-98-2, FOLDER #2, SEVIER COUNTY, UTAH

*Copy Daron's Paul*

Dear Lowell:

We reviewed the May 20 and July 16, 1999 revisions of the Incidental Boundary Change (IBC) application.

We consent/concur to approval of the IBC by the Utah Division of Oil, Gas and Mining contingent upon conducting necessary consultations and mitigation regarding the rock shelter (Site 42sv 2492) prior to mining which would subside this site. We have no objection to mining in full-support development workings or full-extraction mining in adjacent areas pending completion of approved mitigation.

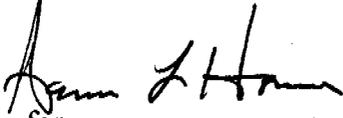
As you are aware, AERC's cultural resource inventory of the 150-acre IBC area identified four archaeological sites. Site 42sv 2492 was evaluated by AERC as potentially eligible for the National Register of Historic Places (NRHP) and is at risk from mining-induced subsidence. We agree with this assessment. The Forest Service will forward these findings to the Utah State Historic Preservation Office (SHPO) and interested tribes for further comment and consideration.

As required by the National Historic Preservation Act and other associated laws and regulations, Canyon Fuel LLC will be required to mitigate potential impacts to the rock shelter and associated cultural resources since it could be affected by subsidence. However, prior to development of detailed mitigation plans, we believe that the site should be test excavated to further evaluate significance of subsurface archaeological deposits. If the site is determined to be significant, alternatives for mitigation will be developed and discussed with SHPO, Advisory Council on Historic Preservation, and interested tribes as required by 36 CFR 800. Canyon Fuel would then be required to develop a data recovery/mitigation plan for review, approval, and implementation. All approved evaluation and mitigation work on the site must be completed prior to authorizing full-extraction mining that would cause subsidence. Considering the timing of the proposed mining and subsidence and the time necessary to obtain concurrence and approval of a mitigation plan, Canyon Fuel should proceed with submittals as soon as possible.



Please contact Jeff DeFreest (Ferron-Price District Geologist) or Stan McDonald (Forest Archaeologist) at the Forest Supervisor's Office in Price, Utah for consultation and information.

Sincerely,



for

JANETTE S. KAISER  
Forest Supervisor

cc:

D-2/3 (Jeff DeFreest)

Wess Sorenson, Canyon Fuel LLC, SUFCO Mine