

0031



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Kathleen Clarke
Executive Director

Lowell P. Braxton
Division Director

1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801
801-538-5340
801-359-3940 (Fax)
801-538-7223 (TDD)

November 19, 1999

Reed Harris
U. S. Fish and Wildlife Service
Utah Field Office
Lincoln Plaza
145 East 1300 South, Suite 404
Salt Lake City, Utah 84115

Re: Pines Tract Revision, Canyon Fuel Company, LLC, SUFCO Mine, ACT/041/002-SR99D, Folder #2, Sevier County, Utah

Dear Mr. Harris:

The Division of Oil, Gas and Mining has received a proposal from Canyon Fuel Company to add 7171.66 acres to its permit area. The Forest Service is the surface management agency for the area and has prepared an environmental impact statement. We have determined the application administratively complete and solicit your comments. We will need to receive your concurrence before we are able to issue a permit. A copy of the proposal is available in our office for your review.

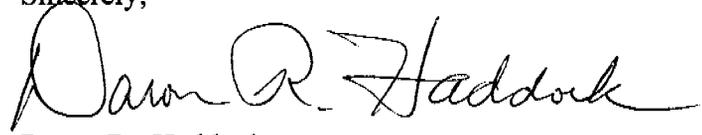
The only surface disturbance other than subsidence would be a 0.017-acre breakout on the south side of Muddy Creek Canyon. A golden eagle nest and a falcon scrape are on the other side of the canyon from this breakout within about 0.75 miles, but the applicant has committed to not disturb the area during the nesting season unless monitoring shows the nests are inactive.

The Forest Service environmental impact statement and the Division have considered potential effects on all threatened, endangered and Forest Service Region 4 sensitive species that might occur in the area, and the only listed species that might be adversely affected by coal mining is the Link Trail columbine (*Aquilegia flavescens* Var. *rubicunda*). This species often grows near seeps and in cracks in the sandstone. Canyon Fuel is closely monitoring a population of this species in the main fork of Box Canyon to determine whether mining will cause any negative effects, and the results of this monitoring can be used to determine if additional protection is needed in the east fork of Box Canyon.

Pines Tract Revision
ACT/041/002-SR99D
November 19, 1999
Page 2

Please let us know what concerns or questions you have about this proposal and we will be glad to work with you, the applicant, and the Forest Service to resolve them. We are currently reviewing the plan and request your concurrence/comments by December 29, 1999. If you have any questions on this plan change, please call me at (801) 538-5325 or Paul Baker at (801) 538-5261.

Sincerely,



Daron R. Haddock
Permit Supervisor