

C641/002 Incoming  
CC: April  
Joe  
#3950

**USDA** United States  
Department of  
Agriculture

Forest  
Service

Fishlake National Forest  
115 East 900 North  
Richfield, UT 84701  
(435) 896-9233

Manti-LaSal National Forest  
599 West Price River Drive  
Price, UT 84501  
(435) 637-2817

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File Code: 2820

Date: December 6, 2011

State of Utah - Department of Natural Resources  
Division of Oil, Gas and Mining  
Attn: Daron R. Haddock, Coal Program Manager  
PO Box 145801  
1594 West North Temple, Suite 1210  
Salt Lake City, UT 84114-5801

**RECEIVED**

**DEC 07 2011**

**DIV. OF OIL, GAS & MINING**

Dear Mr. Haddock:

Thank you for the opportunity to comment on Canyon Fuel Company's South Fork Quitcupah 2R2S Amendment. We have reviewed the proposed amendment and the potential effects to surface resources. The South Fork Quitcupah area is a unique area with a perennial stream, several springs and other resources. Mining induced subsidence could adversely impact these resources. The proposed Amendment is on Federal Coal Lease UTU-63214, which has lease stipulations designed to protect non-coal resources. Proposed mining and mitigation measures must be done so the lease stipulations and other laws are adhered to. The Forest Land and Resource Management Plan (LRMP) designates use in the area for emphasis on livestock grazing and management indicator species habitat. Protection of riparian habitat is also a priority.

Before you permit the amendment there are several items that should be resolved.

The proposed amendment may impact an archeological site. Therefore, the Utah State Historic Preservation Office (SHPO) needs to be consulted, and we have begun that process. Consistent with Stipulation 1 of the coal lease, Canyon Fuel Company has an archeologist that will complete the surveys, determination of significance and effect, and mitigation measures if the effect will be adverse. We expect the archeologist to determine that the proposal will have an adverse effect and that SHPO will concur with the finding. In cases like this a mitigation plan is typically required from SHPO; we recommend that the company begin preparing such a plan and sharing the site inventory and plan with us to complete the consultation. As required, we have consulted with the Native American Tribes concerned about this area.

The proposed amendment may have significant impacts to aquatic resources. The Forest Service initially consulted with the US Fish and Wildlife Service in 1988. The December 8, 1988, concurrence letter from the US Fish and Wildlife Service (FWS) to the Manti-LaSal National Forest on this coal lease states that "the Service has taken the position that any depletion of water from the upper Colorado River basin constitutes a "may affect" situation for the endangered Colorado squawfish, humpback chub, and bonytail chub, requiring formal consultation according to Section 7 of the Endangered Species Act of 1973, as amended. The final EA for this lease application concluded that no depletion of water would result from issuing and developing this coal lease. Therefore, no further Section 7 consultation is required." With a possibility that the proposed plan modification to allow longwall mining would alter the flow of South Fork of



Quitcupah Creek, we feel the US Fish and Wildlife Service needs to be consulted for this proposal and we have also begun that process.

Consistent with Stipulations 9 and 17, we believe a detailed inventory and monitoring plan of the known springs, seeps, and associated riparian habitats, along with monitoring flow of the perennial stream, is necessary. We suggest monitoring once per quarter is not sufficient. The monitoring plan should include the measurement of stream and spring flow, elevations, photos, GPS locations, etc. Frequent monitoring of water sources as mining approaches and undermining occurs is warranted to adequately assess impacts to water resources.

The Company's proposed mining and reclamation plan states, "If mitigation measures by Canyon Fuel Company personnel, and their consultants and contractors, are not successful in restoring flows after two spring runoff periods, Canyon Fuel Company will initiate additional analysis and planning with the Forest Service." Resolution of the potential issues and acceptable mitigation for loss of water in quantity and quality must be defined prior to their loss. With your agency's technical expertise and help, perhaps we can suggest changes to the contingency plans and description of level of water loss restoration Canyon Fuel Company should identify. We would like to work with your staff on specific ideas for consideration in your permitting process.

Thank you for your suggestion to contact the cattlemen who hold grazing permits in the area. We will see if they have any input on the proposal.

If you have questions on our comments and concerns, please contact either one of us, Tom Lloyd at our office in Price, or Rob Hamilton at our office in Richfield.

Sincerely,



ALLEN ROWLEY  
Forest Supervisor  
Fishlake National Forest



LIZ CLOSE  
Acting Forest Supervisor  
Manti-LaSal National Forest