



United States
Department of
Agriculture

Forest
Service

Grand Mesa,
Uncompahgre and
Gunnison
National Forests

2250 Highway 50
Delta, CO 81416
Voice: 970-874-6600
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File Code: 2820-4

Date: August 17, 2007

Dear Interested Party:

Enclosed is the Grand Mesa, Uncompahgre and Gunnison National Forests (GMUG) Record of Decision (ROD) on Mountain Coal Company's (MCC) Deer Creek Shaft (and Escapeway) project. The ROD identifies that the GMUG will concur with an Office of Surface Mining Reclamation and Enforcement Mining Plan Modification that will approve the construction, operation and maintenance of the Deer Creek Shaft (and Escapeway) for MCC's West Elk Mine in Gunnison County.

The GMUG ROD brings forward the post-mining land uses (desired conditions of the area), and environmental protections for the surface resources. The environmental effects of the shaft/escapeway were disclosed in the *Deer Creek Shaft and E Seam Methane Drainage Wells Project Final Environmental Impact Statement* (FEIS), which you should have received recently under separate cover. The Notice of Availability of the FEIS appeared in the *Federal Register* on Friday, August 17, 2007. The GMUG is not deciding on the E Seam Methane Drainage Wells at this time.

This decision is subject to administrative review pursuant to Federal Regulations at 36 CFR 215.11. Appeals (including attachments) must be in writing and filed (regular mail, fax, e-mail, hand-delivery, express delivery, or messenger service) with the Appeal Deciding Officer (§ 215.8) within 45 days following the date of publication of the legal notice. The publication date of the legal notice in the *Grand Junction Daily Sentinel* is the exclusive means for calculating the time to file an appeal (§ 215.15 (a)). Those wishing to appeal should not rely upon dates or timeframe information provided by any other source. Pursuant to 36 CFR 215.13 (b), only those individuals or organizations who submitted substantive comments during the comment period may file an appeal.

The address for filing appeals is:

USDA, Forest Service, Region 2
Attn: Appeal Deciding Officer
740 Simms Street
Golden, CO, 80401.

Fax: 303-275-5134 to the attention of Appeals;

Email: appeals-rocky-mountain-regional-office@fs.fed.us;

It is an appellant's responsibility to provide sufficient activity-specific evidence and rationale, focusing on the decision, to show why the Responsible Official's decision should be reversed. At a minimum, an appeal must include the following (§215.14(b)): (1) Appellant's name and address, with a telephone number, if available; (2) Signature or other verification of authorship



upon request (a scanned signature for electronic mail may be filed with the appeal); (3) When multiple names are listed on an appeal, identification of the lead appellant (§ 215.2) and verification of the identity of the lead appellant upon request; (4) The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision; (5) The regulation under which the appeal is being filed, when there is an option to appeal under either this part (§ 215.11(d)); (6) Any specific change(s) in the decision that the appellant seeks and rationale for those changes; (7) Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement; (8) Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and (9) How the appellant believes the decision specifically violates law, regulation, or policy. Notices of Appeal that do not meet the requirements of 36 CFR 215.14 will be dismissed.

Pursuant to 36 CFR 215.9(a), if no appeal is filed, implementation of this decision may occur on, but not before, the fifth day from the close of the appeal period.

Copies of this FEIS and decision may be downloaded from the internet at:

<http://www.fs.fed.us/r2/gmug/policy/>

For further information or to obtain copies of the FEIS/ROD, please contact Niccole Mortenson, Engineering and Minerals NEPA Project Specialist, at 970-874-6616 or nmortenson@fs.fed.us.

Sincerely,

/s/ Charles S. Richmond
CHARLES S. RICHMOND
Forest Supervisor