



United States  
Department of  
Agriculture

Forest  
Service

Manti-La Sal  
National Forest

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File Code: 2820-4/1950

Date: November 10, 1998

Mr. Joseph Helfrich  
Permit Supervisor  
Division of Oil, Gas and Mining  
P O Box 145801  
Salt Lake City, UT 84114

*Exploration  
set/003/005-#2  
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Dear Mr. Helfrich:

Enclosed is a copy of the Decision Notice and Finding of No Significant Impact pertaining to the Canyon Fuels Company Coal Exploration License and Plan in Flat Canyon and Upper Hunting-ton areas.

If you have any questions pertaining to this decision, please contact Jeff DeFreest or me at the above address.

Sincerely,

*J. Jankiewicz*

CHARLES J. JANKIEWICZ  
Ferron-Price District Ranger

Enclosure

cc:

Janette Kaiser, Forest Supervisor



**Canyon Fuels Co. Coal Exploration License And Plan  
Flat Canyon and Upper Huntington Areas**

**Decision Notice And Finding Of No Significant Impact**

(T. 13 & 14 S., R. 6 E., Salt Lake Base & Meridian)

USDA Forest Service, Intermountain Region  
Manti-La Sal National Forest  
Ferron/Price Ranger District  
Sanpete & Emery Counties, Utah

**I. INTRODUCTION**

An environmental assessment that discusses two drilling projects proposed by Canyon Fuels Company, Skyline Mine, on the Manti-La Sal National Forest, has been completed and released for public review. The Forest Service received two proposals from Canyon Fuel Company to conduct drilling on lands where the Manti-La Sal National Forest is the surface management agency (Townships 13-14 South, Range 6 East, SLM). The first proposal is for a 2-Hole Coal Exploration Plan to be conducted on lands already under lease. The second proposal is for an 18-hole Coal Exploration License (CEL) and 4 seismic lines, on lands not yet under lease. The Forest Service considered both of these proposals in the Canyon Fuels Co. Coal Exploration License And Plan, Flat Canyon and Upper Huntington Areas, Environmental Assessment (EA). The project location is shown in Appendix A of the EA.

2-Hole Coal Exploration Plan: In April 1997, Canyon Fuel Company initially submitted a coal exploration plan to the Bureau of Land Management (BLM) to drill 2 holes on their existing leasehold, in the upper Huntington drainage during the 1997 field season. The plan was forwarded to the Forest Service for review and the Forest decided that an environmental assessment would be appropriate due to the scale of the project and complexity of road construction required for the access to the drill holes. At the request of Canyon Fuels Company, processing of the coal exploration plan was halted, pending the submission of their proposal for an 18-hole CEL for a proposed future lease so that both could be considered in a single analysis.

18-Hole Coal Exploration License: In December 1997, Canyon Fuel Company submitted an application for a CEL to the BLM consisting of 18 drill holes and 4 seismic lines for the Flat Canyon vicinity. The proposal was forwarded to the Forest Service and the BLM has assigned the coal exploration license the number UTU-76864.

**II. DECISION**

I have decided to implement Alternative 2 as described in the Environmental Assessment (EA, pp.7-9, Appendix A, and Appendix B) and summarized in this document.

The Forest Service consents to the 18-Hole Coal Exploration License, as proposed with about 2.3 miles of temporary road access on Forest lands; the 2-Hole Coal Exploration Plan, as proposed with access via Trough Springs Ridge including 1.8 miles of temporary road access on Forest (total of 4.1 miles temporary road access). The Forest Service approves the Geophysical Prospecting Permit for 4 seismic lines on Forest lands. Forest Service stipulations will be applied from the Forest Plan, project design features, and monitoring will be applied as necessary to address issues and anticipated environmental effects.

My decision will be implemented through the issuance of this Decision Notice and subsequent issuance of a Geophysical Prospecting Permit which meets the requirements described for Alternative 2 and Forest Service regulations for the seismic investigations. Forest Service regulations require the permittee to secure any additional state or federal permits or authorizations required by law.

### **III. RATIONALE FOR THE DECISION**

This decision was made after careful consideration of the contents of the Environmental Assessment, public involvement, and the entirety of the supporting record. No one fact or single piece of information led to my decision. Rather, a combination of factors contributed to it. I have summarized some of my key considerations in the following sub-parts.

#### **Relationship to the Purpose and Need:**

The general purpose and need for this project is to accomplish the following goal of the Forest Plan: "Provide appropriate opportunities for and manage activities related to locating, leasing, development, and production of mineral and energy resources." (Forest Plan, p. III-4).

The project-specific purpose and need of the proposed action is to permit exploration to evaluate the coal quality, thickness, elevation, extent, and other geologic constraints - prior to mining in the case of the 2-hole plan and for baseline data in the case of the CEL.

My decision wholly meets the project's purpose and need (EA, p. 2). Meeting this purpose and need also allows the BLM to meet their responsibility to guarantee that all recoverable coal reserves are identified to achieve maximum economic recovery (MER) of coal.

#### **Relationship to Other Alternatives Considered:**

I have reviewed the alternatives analyzed in the Environmental Assessment (EA, pp. 7-9).

The Alternative 1 (no action) would not meet Forest Plan direction to "Provide appropriate opportunities for and manage activities related to locating, leasing, development, and production of mineral and energy resources." (Forest Plan, p. III-4), nor would it allow the BLM to meet their responsibility of MER.

Alternative 3 was considered but not selected largely because Alternative 2 could meet the project objectives and adequately protect the resources without the additional requirements of Alternative 3. Additionally, Alternative 3 had an inherent risk of project failure relative to accomplishing the exploration goals due to limitations on helicopter drilling operations.

#### **Relationship to Existing and Potential Resource Conditions:**

I have considered existing resource conditions and potential environmental effects in making this decision (EA, pp. 10-28, Appendix C; Project Record ). The design of Alternative 2 and included stipulations will adequately protect the resources.

#### **Relationship to Public Involvement:**

Public comments were sought and considered throughout the planning process for this project (refer to Section V of this document for a summary of public involvement). I have reviewed and considered the issues and concerns identified during the scoping process. My decision considers all public comments received.

#### **Relationship to Laws and Regulations:**

My decision is consistent with applicable laws, regulations, and policies (refer to Section VII of this document).

### **IV. SUMMARY OF ALTERNATIVES CONSIDERED**

Several alternatives were considered as part of this project. While some alternatives were dropped from consideration (EA, p. 9), three alternatives were considered in detail and analyzed in the Environmental Assessment (EA, pp. 7-9). A summary of the alternatives considered in detail follows.

#### **Alternative 1 - No Action** (EA, p. 7)

The Forest Service does not consent to the approval of the Coal Exploration License, 2-Hole Coal Exploration Plan, nor does the Forest Service approve the Geophysical Prospecting Permit (4 seismic lines). The BLM and UDOGM do not issue permits for the activities where the Forest Service is the surface management agency. The UDOGM could approve activities where private or state surface and mineral estates are involved.

Alternative 2 - Consent/Approval of Projects as Proposed (EA, pp. 7-5;

Canyon Fuel Company proposes to conduct coal exploration activities by drilling 20 drill holes and approximately 10 miles of surface seismic investigations within the Flat Canyon and Upper Huntington Canyon areas. The access to drill holes would be by existing Forest Roads, with some new construction of temporary road.

The special access needs for drilling would require temporary road construction totaling 4.1 miles on forest, and pad sites would require between 1/4 to 1/2 acre each of disturbance.

The drilling would be accomplished with rotary and core drilling methods. Core drilling would be done only on that part of the hole near the projected minable coal horizons. Hole diameters would range from 3-1/4" to 9-5/8" in diameter. Drilling muds would be used in the process that may contain: water, soap, foam, bentonite, and other drilling polymers. Drilling fluids and cuttings would be contained on site in lined mud pits or portable containers. The pit would be fenced as appropriate to prevent wildlife and livestock from entering it. The pit would not be used for trash or other waste disposal.

The exploration and support equipment used in the drilling operation would include truck-mounted rotary and diamond core drilling machines, and support equipment such as a water truck for each drill rig, a pipe truck, D-8 size dozer, track-mounted backhoe, road grader, fuel truck, air compressor(s), electric generators, personnel trailer, electric and mechanical geophysical logging equipment, and four wheel drive pickup trucks for access by personnel.

Drill hole numbers 98-28-1, 98-33-2, 98-4-1, and 98-2-1 may be finished and utilized as water monitoring wells. If these holes prove out, as monitoring wells, they would be plugged and fully reclaimed after monitoring is discontinued. For these wells to remain after completion of the CEL, a special use permit issued by the Forest Service would be needed until they are either incorporated into a mine plan or properly plugged and abandoned. Monitoring well access would be by foot.

The majority of the seismic lines would be done on existing roads using truck mounted ("Thumper-Truck") seismic equipment for an energy source. Portable seismic equipment would be used on those portions of the line not accessible by road. Equipment would be hand carried or packed in on horses for the off-road work.

Seismic lines S-99-1, S-99-2, and half of S-98-1 would be along existing roads; the other half of S-98-1 and all of S-99-3 would utilize conventional shotholes for an energy source. Shotholes would be hand augered on 100 foot centers to a depth of 5-10 feet. One half pound of explosive would be used in each hole.

The Forest Service would consent to the 18-Hole Coal Exploration License, as proposed with about 2.3 miles of temporary road access on Forest lands; the 2-Hole Coal Exploration Plan, as proposed with access via Trough Springs Ridge including 1.8 miles of temporary road access on Forest (total of 4.1 miles temporary road access). The Forest Service would approve the Geophysical Prospecting Permit for 4 seismic lines on Forest lands. Forest Service stipulations would be applied from the Forest Plan, project design features, and monitoring would be applied as necessary to address issues and anticipated environmental effects.

Alternative 3 - Helicopter Access Requirement for 4 of the 20 Holes Proposed (EA, pp. 7-9)

The Forest Service, as the surface management agency, would not allow road access for two of the holes proposed for the CEL (98-33-1, 98-33-2) and the two holes included in the Coal Exploration Plan (97-22-1, 97-27-1). Precluding temporary road construction to access holes 98-33-1 and 98-33-2 would avoid steep slopes where roading could have visual impacts, and would avoid the potential for indirect affects to Boulger Creek. Precluding temporary road construction to access holes 97-22-1 and 97-27-1 would avoid crossing a stream requiring culvert work prior to use and the avoidance by bridging of a wetland/riparian area as seen in Alternative 2. This alternative would avoid the potential for indirect affects to Huntington Creek. The use of a helicopter transportable drill and associated equipment would be required to drill these holes. This alternative would reduce the total temporary new road disturbance on the Forest from approximately 4.1 miles to 1.3 miles.

The consent and approval authorities, as well as the remainder of the proposed drill holes and seismic lines, would otherwise be the same as in Alternative 2.

## V. PUBLIC INVOLVEMENT

External scoping consisted of notice in the Forest's *Schedule of Proposed Actions*, and by letter to a 75-person mailing list. Those individuals to whom letters were mailed included: Federal, State, and local governmental or land management entities; environmental and interest groups or businesses; adjacent landowners; range permittees; and others known to be potentially interested or affected. Seven letters were received in response to external scoping (Project Record). The comments contained in the received letters helped identify the issues to be addressed, alternatives and alternative features, and the scope of analysis.

When the EA was completed, notice of the pre-decision was published in the *Sun Advocate* (Price, Utah) and the *Emery County Progress* on September 22, 1998, and mailed to six interested individuals/agencies on the same date. No comments were received on the pre-decision notice prior to the closing of the comment period on October 22, 1998. One letter was received after the comment period from the Utah Division of Wildlife Resources that reflects the components of my decision.

## VI. FINDING OF NO SIGNIFICANT IMPACT

Based on my review of the EA and supporting record, I have determined that this decision does not constitute a major Federal action significantly affecting the quality of the human environment, as defined in the Code of Federal Regulations title 40 part 1508, section 27 (40 CFR 1508.27) in either context or intensity. Therefore, it is my decision that an Environmental Impact Statement is not necessary, and will not be prepared. My rationale for this determination is summarized below.

### Context

Locality. Implications of this decision are primarily for the Upper Huntington Creek drainage and the Flat Canyon area. The effects on public land use and users would remain consistent with that which is currently occurring. (EA, Project Record)

Affected Interests. Affected interests for this project are primarily recreation enthusiasts, State resource management agencies, and other entities with interests in wildlife and water management. (EA, Project Record)

Affected Region. The decision is a site-specific action with impacts primarily to the local area. The context of this decision is comparable to many projects on the Manti-La Sal National Forest and would not measurably affect the region.

Society. No effects are anticipated to society as a whole.

### Intensity

1. Consideration Of Beneficial And Adverse Impacts. Consideration of beneficial and adverse impacts has been made in the EA (pp.19-28). Impacts of this decision will be similar to that of past drilling projects involving road access. Although both beneficial and adverse effects are disclosed, none are severe enough to be considered significant.

2. Consideration Of Public Health And Safety. No public health or safety issues concerning this decision were raised. Although no health and safety were raised, there are several project stipulations included in this decision to ensure public health and safety (EA, Appendix C).

3. Consideration Of Unique Characteristics Such As Proximity To Historic Or Cultural Resources, Park Lands, Prime Farmlands, Wetlands, Wild And Scenic Rivers, Or Ecologically Critical Areas. Historic and cultural resources are addressed in the following Item 8. There are no prime farmlands, rangeland, or forest land as defined in the Secretary of Agriculture's Memorandum Number 1827, Supplement 1, identified on the Forest (Forest Plan, p. II-57). Wetlands would not be affected as this decision requires avoidance of the wetlands as described in the EA. There are no parklands or wild and scenic rivers identified in the Forest Plan. The area of my decision has not been identified by any source as an ecologically critical area (Project File - Biological Assessment and Evaluation).

4. Consideration Of The Degree To Which The Effects On The Quality Of The Human Environment Are Likely To Be Highly Controversial. This decision is not unique, several other drilling or exploration projects are conducted each year. Effects on the quality of the human environment are understood and are not highly controversial. Scoping on

the proposed action and solicitation of comments on the Environmental Assessment and pre-decision demonstrated that there is not much public controversy over potential effects. No information or data has been presented to demonstrate that the effects are highly controversial.

5. Consideration Of The Degree To Which The Possible Effects On The Human Environment Are Highly Uncertain Or Involve Unique Or Unknown Risks. This decision is not unique, several other drilling or exploration projects are conducted each year. The Forest has experience in implementing and monitoring similar projects, the effects of which have been found to be reasonably predictable. No effects from this decision would be classified as highly uncertain or involving unique or unknown risks.

6. Consideration Of The Degree To Which The Action May Establish A Precedent For Future Actions With Significant Effects Or Represents A Decision In Principle About A Future Consideration. This decision is not precedent setting. The Forest generally considers and analyzes the permitting of several drilling or exploration projects each year. Any future proposals would have to be evaluated on their own merits based on the issues and effects related to the location, timing and intensity of each action.

7. Consideration Of The Action In Relation To Other Actions With Individually Insignificant But Cumulatively Significant Impacts. No reasonably foreseeable future projects have been identified that would in connection with this decision produce cumulative effects beyond those currently occurring. The limited scale of activity creates minimal individual effects, as well as minimal cumulative effects when added to the existing situation and other potential activities. While ultimately this exploration activity could lead to a Federal Lease Tract offering, uncertainty in any final tract configuration would necessitate further environmental analyses.

8. Consideration Of The Degree To Which The Action May Adversely Affect Areas Or Objects Listed In Or Eligible For Listing In The National Register Of Historic Places Or May Cause Loss Or Destruction Of Significant Scientific, Cultural, Or Historical Resources. Record and field reviews support that no cultural or historic sites would be affected by this decision (Project Record). When implementing the decision, any previously unidentified sites inadvertently discovered would be avoided or mitigated so there would be no effect upon them. (EA, p. 5, Appendix C-Stipulation 14)

9. Consideration Of The Degree To Which The Action May Adversely Affect An Endangered Or Threatened Species Or Its Habitat Has Been Determined Not To Be Critical Under The Endangered Species Act. The US Fish and Wildlife Service has been included in the process. A Biological Assessment has been conducted for this decision (Project Record -Biological Assessment and Evaluation). All known endangered or threatened species were considered. The Biological Evaluation concludes that this decision will have "no effect" to listed or proposed species. (EA, pp. 4-5, p. 9)

10. Consideration Of Whether The Action Threatens A Violation Of Law Or Requirement Imposed For The Protection Of The Environment. To the best of my knowledge, this decision does not threaten violation of any laws and regulations imposed for the protection of the environment (refer to Section VII of this document).

## **VII. FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS**

To the best of my knowledge, this decision complies with all applicable laws and regulations. In the following, I have summarized the association of my decision to some pertinent legal requirements.

Federal Land Policy and Management Act of 1976: This Act allows the granting of land use permits on National Forest System lands. The regulations at Code of Federal Regulations Title 36 part 251 (36 CFR 251) guide the issuance of permits under this Act. Land use permits are granted on National Forest System lands when the need for such is consistent with planned uses.

National Forest Management Act of 1976: The Forest Plan was approved November 5, 1986, as required by this Act. This long-range land and resource management plan provides guidance for all resource management activities in the Forest. The National Forest Management Act requires all projects and activities to be consistent with the Forest Plan. The Forest Plan has been reviewed in consideration of this project. This decision will be consistent with the Forest Plan.

Coal Leasing Amendments Act of 1975: Forest Service consent to the conditions of approval is required under this act. This decision document constitutes my consent on behalf of the agency.

Mineral Leasing Act of 1920: The Bureau of Land Management (BLM) is the responsible agency for permitting, under the Mineral Leasing Act of 1920, as amended. The Forest Service, as the surface management agency, must consent to the BLM decisions pertaining to leasing actions or exploration activities. This decision document constitutes my consent on behalf of the agency.

Surface Mining Control and Reclamation Act of 1977 (SMCRA): This act gives the Department of the Interior, Office of Surface Mining (OSM), primary responsibility to administer programs that regulate surface coal mining operations and the surface effects of underground coal mining operations. Pursuant to sections 503 and 523 of SMCRA, under the oversight of the OSM, the Utah Division of Oil, Gas and Mining regulates surface coal mining and the surface effects of underground coal mining on Federal and non-Federal lands within the State of Utah. On National Forest lands, consent must be obtained from the Forest Service, as the surface management agency, prior to approval of mining activities, including exploration drilling. This decision document constitutes my consent on behalf of the agency.

National Historic Preservation Act: Compliance with this Act and the American Indian Religious Freedom Act are addressed in Section VI of this document.

Endangered Species Act: Compliance with this Act is addressed in Section VI of this document.

National Environmental Policy Act: The entirety of documentation for this project supports that the project complies with this Act.

#### **VIII. IMPLEMENTATION DATE AND APPEAL OPPORTUNITY**

Implementation of this decision may occur immediately upon publication of the notice of this decision in the Sun Advocate (Price, Utah).

This decision is not subject to appeal by the public in accordance with the Code of Federal Regulations Title 36 part 215, section 8 (36 CFR 215.8 - Actions for which notice and opportunity to comment have been published and on which no expression of interest has been received during the comment period, and the proposal is not changed).

This decision is subject to appeal by the applicant under Code of Federal Regulations Title 36 part 251.

#### **IX. CONTACT PERSON**

For additional information concerning this decision, please contact Jeff DeFreest at the Ferron/Price Ranger District (address: 599 West Price River Drive, Price, UT 84501; telephone: 435-637-2817).

#### **X. SIGNATURE AND DATE**



JANETTE S. KAISER  
Forest Supervisor (Responsible Official)  
Manti-La Sal National Forest

Date

11-9-98