

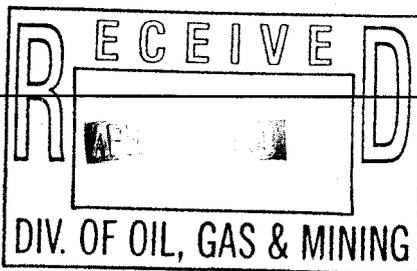


United States  
Department of  
Agriculture

Forest  
Service

Manti- La Sal  
National Forest

Supervisor's Office  
599 West Price River Drive  
Price UT 84501  
Phone # (435) 637-2817  
Fax # (435) 637-4940



File Code: 2820-4

Date: April 14, 1999

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

*Copy Daron (letter only)*

RE: Parshall Flume Placement Amendment, Canyon Fuel Company, LLC, Skyline Mine,  
ACT/007/005-98E, File #2, Carbon County, Utah

Dear Daron:

The Forest Service has evaluated Canyon Fuel Company's proposal to install Parshall flumes in Swens Canyon and Little Swens Canyon creeks within the permit boundary of the Skyline Mine. I consent to the installation of the flumes and the associated mine permit amendment. A Decision Memo documenting my decision is enclosed for your reference.

Please contact Dale Harber at the address listed above if you have any questions.

Sincerely,

*Janette S. Kaiser*  
for

JANETTE S. KAISER  
Forest Supervisor

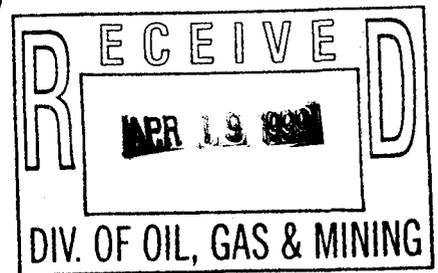
Enclosure

cc:  
BLM, Price Field Office



# Decision Memo

CANYON FUEL COMPANY, LLC  
PARSHALL FLUME PLACEMENT  
SKYLINE MINE



USDA Forest Service, Intermountain Region  
Manti-La Sal National Forest  
Ferron-Price Ranger District  
Emery County, Utah

## I. INTRODUCTION

The Manti-La Sal National Forest has evaluated a proposal by Canyon Fuel Company, LLC, Skyline Mine to install two Parshall flumes for the purpose of water monitoring, one each in Swens Canyon and Little Swens Canyon creeks, at their confluences with Huntington Creek. The area of the proposed action lies on National Forest System lands administered by the Ferron-Price Ranger District of the Manti-La Sal National Forest. The sites are located in Sections 22 and 27, Township 13 South, Range 6 East, Salt Lake Meridian, in Emery County, Utah, within Federal Coal Leases U-044076 and U-0147570, within the approved permit boundary of the Skyline Mine.

The proposal involves installing one Parshall flume in the stream channel at each site which is approximately 5 feet long by 2.5 feet wide by 1 foot deep. The stream flow is directed through the flume, which is calibrated to show the volume of the stream flow. Stream flow rates will be measured, but no water will be used, depleted, or diverted. Fish passage should not be impeded.

## II. DECISION

I have decided to consent to installation of the Parshall flumes and consent to the approval of an associated mine permit amendment by the Utah Division of Oil, Gas and Mining under the Mineral Leasing Act of 1920, as amended; Surface Mining Control and Reclamation Act of 1977; and Federal Regulations contained in 30 CFR 700 to end.

It is my determination that this decision may be categorically excluded from preparation of an Environmental Assessment (EA) or Environmental Impact Statement (EIS) under Forest Service Handbook 1909.15, Chapter 30, Section 31.2(3): "Approval, modification, or continuation of minor special uses of National Forest System lands that require less than five contiguous acres of land." This category was determined appropriate because the area affected by this decision is less than 5 acres, no impacts to surface resources or hydrology are anticipated, and surface uses would remain essentially the same.

The proposal, as submitted, would provide adequate protection of Forest resources. There is no need for additional terms and conditions for the protection of Forest resources. The proposal is consistent with all Forest Plan requirements.

My decisions will be implemented via transmittal of this Decision Memo and consent letters that will be sent to the BLM Utah State Director and the Director, Utah Division of Oil, Gas and Mining.

## III. DECISION RATIONALE

This decision was made after careful consideration of the proposal, public involvement, and the entirety of the supporting record. No one fact or single piece of information led to the decisions. Rather, a combination of factors contributed to it. The key considerations are discussed in the following sub-parts.

### Attainment of Agency Goals:

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). Another related goal of the Forest Plan is: "Manage geologic resources, common variety minerals, ground water, and underground spaces (surficial deposits, bedrocks, structures, and processes) to meet resource needs and minimize adverse effects."

The project-specific purpose and need of the proposed action is to provide for monitoring of surface water resources, and the relationship of water resources to development of the coal resource, while protecting natural resources of the National Forest consistent with Forest Service policy and Forest Plan direction.

The decision wholly meets the project's purpose and need.

### Absence of Extraordinary Circumstances:

Existing resource conditions and potential extraordinary circumstances have been considered in making the decisions.

Steep slopes or highly erosive slopes. The proposed project areas are located in the bottoms of canyons away from steep slopes and highly erosive slopes.

Threatened and endangered species or their critical habitat. The project will involve only water flow monitoring. No water will be used, depleted, or diverted. There should be no impact to any species. Fish passage should not be affected.

Floodplains, wetlands, or municipal watersheds. The proposal is to install the flumes in the stream channel. There will be no use, depletion, or diversion of the water. There should be no effect on the floodplain or wetland.

Congressionally designated areas, such as wilderness, wilderness study areas, or National Recreation Areas. There are no wilderness, wilderness study areas, or National Recreation Areas in or around the project area. The nearest wilderness area is the Nebo Wilderness located on the Uintah National Forest approximately 30 miles to the northwest.

Inventoried roadless areas. The project area is not within an inventoried roadless area or an unroaded area contiguous to an inventoried roadless area.

Research Natural Areas. The project area is not located within any Research Natural Areas (RNAs). The nearest RNAs are Nelson Mountain, west of Ferron, Utah, and Elk Knoll in Manti Canyon. The Mont Lewis Botanical Area is located approximately 10 miles to the south of the project area.

Native American religious or cultural sites, archeological sites, or historic properties or areas. Because the extremely limited ground disturbance will be confined to the active stream channel, professional archaeological staff have determined that the project does not have the potential to affect historic properties. Consultation with Native American groups has disclosed no religious or cultural sites.

### Relationship to Public Involvement:

Public comments were sought and considered throughout the planning process for this project. The only response was a telephone call from the Utah Division of Wildlife Resources asking how the flumes would affect fish access to the stream sections above the flumes. After hearing a description of the flumes, they were satisfied that there would be no negative impacts on the fisheries resource.

## **IV. PUBLIC INVOLVEMENT**

Legal notices describing the proposal and requesting issues/comments were published in the Sun Advocate (Price, Utah) and the Emery County Progress (Castle Dale, Utah) on January 12, 1999. Letters describing the proposal and requesting issues/comments were mailed to 4 interested individuals/agencies on January 8, 1999. One question was received, and is described the Decision Rationale section above.

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

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

**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. The decision will be consistent with the Forest Plan.

**Coal Leasing Amendments Act of 1975:** Forest Service consent to approval of mining operations by the Utah Division of Oil, Gas and Mining (including conditions for protection of non-coal resources) is required under this act. Approval of this decision memo constitutes my consent to UDOGM.

**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 System lands, consent must be obtained from the Forest Service, as the surface management agency, prior to approval of mining activities, including exploration drilling. Approval of this decision document constitutes my consent for approval of the mine permit amendment.

**National Historic Preservation Act:** The proposal would not result in any impacts for cultural or historic resources.

**Endangered Species Act:** The Biological Assessment/Biological Evaluation has disclosed that this project will not result in impacts to threatened, endangered, or sensitive plant or animal species. Therefore the Forest Biologist determined there is no need to further evaluate threatened, endangered, or sensitive plant or animal species.

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

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

Implementation of the these decisions may occur immediately upon my signature of this document.

This decision is not subject to appeal by the public in accordance with the Code of Federal Regulations Title 36 part 215.

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

## **VII. CONTACT PERSON**

For additional information concerning the Forest Service decision, please contact Dale Harber at the USDA Forest Service, Manti-La Sal National Forest (address: 599 West Price River Drive, Price, UT 84501; telephone: 435-637-2817).

## **VIII. SIGNATURE AND DATE**

  
for JANETTE S. KAISER  
Forest Supervisor  
Manti-La Sal National Forest

April 14, 1999  
Date