



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: August 23, 2001

Dick Manus
Price Field Office Manager
Bureau of Land Management
Price Field Office
125 South 600 West
Price, UT 84501

Copy Aaron & Mike

Incoming
8/007/005
(2-sided)

Dear Mr. Manus:

Enclosed is a copy of the Forest Service Decision Memo (DM) for Canyon Fuel Company's proposal to drill three boreholes on Federal Coal Lease U-044076 in the Skyline Mine Permit Area to decrease ground water flow to the mine workings.

As stated in the DM, it has been determined that the project qualifies for categorical exclusion from preparation of an Environmental Assessment or Environmental Impact Statement. Forest Service consent to approval of the coal exploration plan by the Bureau of Land Management is subject to the conditions contained in Attachment 2 of the DM. The Forest Service decision is appealable only by the proponent and there is no mandatory stay of operations. The project may begin upon BLM's approval with conditions.

A performance bond of \$46,000 (bond calculation worksheet attached) has been calculated to assure reclamation of the surface disturbance. The bond required by BLM must include this amount in addition to bonding for hole plugging and abandonment.

If you have any questions, contact us at the Forest Supervisor's Office in Price, Utah.

Sincerely,

for Elaine J. Zieroth
ELAINE J. ZIEROTH
Forest Supervisor

Enclosures

cc:

Mary Ann Wright,
Utah Division of Oil, Gas and Mining
P.O. Box 145801
Salt Lake City, Utah 84111-5801

D-2/3

RECEIVED

AUG 27 2001

DIVISION OF
OIL, GAS AND MINING



Decision Memo

CANYON FUEL COMPANY, LLC
SKYLINE MINE
JAMES CANYON DRILLING/WATER DISCHARGE
FEDERAL COAL LEASE U-044076

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 submitted by Canyon Fuel Company, LLC to obtain approval to conduct borehole drilling in James Canyon on Federal Coal Lease U-044076 within the permit area of the Skyline Mine. Approximately 1.25 miles of an existing decommissioned roadway in James Canyon would be reopened/restored from the Monument Peak Road (Forest System Road 50018) on Trough Springs Ridge to a drilling pad to be constructed on the reclaimed roadway in the lower reaches of James Canyon. At least three angled boreholes would be drilled from this single drill pad. The purpose of the drilling is to dewater an underground fracture zone and adjacent underground mine workings in the Skyline Mine No. 3, Level 2. Recent mining into the fault or fracture zone encountered large water inflows that exceed the pumping capacity of the mine (estimated at approximately 5,000 gallons per minute). The water would then be piped to Electric Lake, a distance of approximately 0.5 miles. Plastic pipe would be placed along the old roadway below the pad. No road construction would be needed to place the pipe. Permission from the private landowners would be required prior to laying the pipe. It would be placed by hand crews or 4-wheel ATVs. Any wheel tracks would be raked and seeded. The elevation difference between the pad location and Electric Lake discharge point would be sufficient to provide gravity flow from the pad to the pipe outlet.

Dewatering of the fault at a proposed rate maximum rate of approximately 12,000 gpm would potentially create a cone of depression in the ground water sufficient to allow Canyon Fuel to seal the mine entry at the fault and prevent continued inflow and flooding. It is not known how long dewatering through the boreholes would be needed to accomplish these objectives. Canyon Fuel hopes to complete dewatering operations by the end of October. However, operations could continue though the winter months into the year 2002, and potentially beyond.

The drill pad would be located in James Canyon in the SW1/4, SW1/4 of Section 35, T. 13 S. R. 6 E. SLM, Emery County, Utah. The reclaimed roadway to be reconstructed intersects with the Monument Peak Road in the NW1/4, NW1/4 of Section 36, T. 13 S., R. 6 E. and traverses Section 35, T. 13 S. R. 6 E. to the pad site. The surface pipeline would cross private lands in the NW corner of Section 2, T. 14 S., R. 6 E. and enter Electric Lake on private land in the SE1/4, NE1/4 of Section 3, T. 14 S., R. 6 E. Attachments 1 is a map of the project area showing the location of the James Canyon project road, drill, pad, staging area, and pipe location.

The boreholes would be plugged and abandoned following completion of dewatering operations. The drill pad and access road would be reclaimed and revegetated following hole plugging operations. The surface pipe would be removed. The pad would disturb 0.5 acres (110' x 200' including cut and fill), approximately half of which includes the reclaimed roadway. The project access road in James Canyon would disturb approximately 3.0 acres (6,500' length x 20' width) within the original prism of the old roadway. The surface pipeline would not result in vegetation removal or earthwork but could disturb a length of approximately 3,000 feet and width of less than 10 feet within the old roadway prism. The disturbance would be 0.4 acres (3,000' x 5'). The old road prism averages approximately 30 feet in width. Other than at the pad location, it would not be necessary to redisturb the original road slopes. A main staging area would be used for temporary storage of equipment and water tanks at the intersection of the James Canyon project road and the Monument Peak Road. This area is heavily used for dispersed recreation and parking by the recreating public and livestock permittee. This area is approximately 0.5 acres in size. The total surface disturbance (mostly within the old roadway prism) would total approximately 4.4 acres.

The Forest Supervisor has determined that the project qualifies for categorical exclusion from preparation of an EA or EIS because no extraordinary circumstances have been identified, the total disturbed land surface area is approximately 4.4 acres and the operation clearly falls under FSH 1909.15, Section 31.2 Item 3, "Approval, modification, or continuation of minor special uses of National Forest System lands that require less than 5 contiguous acres of land."

The drill pad and majority of the access road lies within an RNG (Range) Forest Plan Management Unit. Management emphasis is on production of forage and cover for domestic livestock and wildlife. Mineral activities are allowed but must provide appropriate mitigation measures to assure continued livestock access and use. Those authorized to conduct developments will be required to replace losses through appropriate mitigations, where a site-specific development adversely affects long-term production or management.

The access road (decommissioned James Canyon Road) traverses the southern edge of a TBR (Timber) Management Unit. Emphasis is on management for the production and use of wood-fiber for a variety of wood products. There are no specific restrictions on mineral development within this management unit. No trees would be removed within the TBR Management Unit.

The old roadway traverses James Canyon along the north slope of the Canyon. No riparian vegetation would be removed or affected by the project.

The visual quality objective for the area is "partial retention"; the project is consistent with this objective. The Recreation Opportunity Spectrum (ROS) classification for the upper portion of James Canyon is "roaded natural appearing". The lower reaches of James Canyon adjacent to the private land is "semi-primitive motorized". The project is consistent with these classifications.

II. DECISION

I have decided to consent to approval of the proposed project by the Bureau of Land Management and Utah Division of Oil, Gas and Mining. Forest Service consent is subject to the terms and conditions of the permit and provisions of the plan as altered by the attached stipulations (Attachment 2).

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 extraordinary circumstances were identified during scoping, and surface uses would remain essentially the same.

The proposal, with stipulations, would provide adequate protection of Forest resources. The proposal is consistent with all Forest Plan requirements.

My decisions may be implemented immediately.

III. DECISION RATIONALE

This decision was made after careful consideration of the proposal 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 permit Canyon Fuel to dewater the fracture system and flooded portion of the Skyline Mine such that the fracture system can be sealed and mine inflow at this location can be stopped. This would allow this section of the mine to resume coal production.

Discharge water quality is high. No effects to aquatic species or to human uses of the water are expected. Water quality data provided by Utah Fuel Company is contained in the project file.

The decision wholly meets the project's purpose and need and is consistent with Forest Plan direction.

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 area is located on stable lands on the north slope of James Canyon on an old reclaimed roadway.

Threatened and endangered species or their critical habitat. The project will not affect any Threatened or Endangered Species.

Sensitive Species. A goshawk survey of the project area has been conducted (project file). There are no goshawks nests or other sensitive species in the project area that could be adversely affected.

Floodplains, wetlands, or municipal watersheds. The project will not affect floodplains, wetlands, or municipal watersheds.

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 the project area.

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).

Native American religious or cultural sites, archeological sites, or historic properties or areas. A cultural resource survey of the project area was completed by qualified professional archaeologists. The survey report is included in the project file. It has been determined that the project does not have the potential to affect historic properties or cultural sites.

Relationship to Public Involvement: Minimal public scoping was done due to the urgent nature of this project. Representatives of the Emery Water Conservancy District, Huntington-Cleveland Irrigation Company, Price River Water Improvement District, Price River Water Users Association, PacifiCorp (operator/permittee for the Electric Lake Dam/Reservoir), and Utah Division of Wildlife Resources were contacted. None of these representatives voiced any specific concerns or objections regarding the project.

IV. PUBLIC INVOLVEMENT

No legal notices describing the proposal and requesting issues/comments were published in the Sun Advocate (Price, Utah) due to the short time frames associated with this emergency nature of the drilling request. Affected users were contacted by telephone and there were no objections to the project.

V. FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

To the best of my knowledge, the decision complies with all applicable laws and regulations. The consistency of my decision relative to some pertinent legal requirements is summarized below.

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 project is consistent with emphasis for management of RNG and TBR Management Units. The Forest Plan has been reviewed in consideration of this project. The decision will be consistent with the Forest Plan.

National Historic Preservation Act: The proposal would not result in any impacts for cultural or historic resources. Cultural resource survey and clearance documents are contained in the project file.

Endangered Species Act: This project will not result in impacts to threatened or endangered plant or animal species. The Biological Assessment and Biological Evaluation are contained in the project file.

Sensitive Species: A goshawk survey has been conducted (report contained in the project file). There are no goshawk nests or other sensitive species in the project area that could be adversely affected. The Biological Assessment and Biological Evaluation are contained in the project file.

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

Environmental Justice: Based on experience with similar projects on the Ferron-Price Ranger District, it is believed that this project would not have any disparate impacts on individual groups of peoples or communities. Implementation of this project will produce no adverse effects on minorities, low-income individuals, Native Americans or women. No civil liberties will be affected.

VI. IMPLEMENTATION DATE AND APPEAL OPPORTUNITY

Implementation of these decisions may occur upon issuance of the Road-Use Permit and any required approval from the Bureau of Land Management.

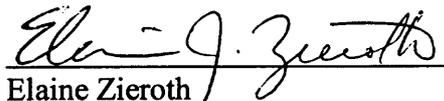
This decision is not subject to appeal by the public in accordance with the Code of Federal Regulations Title 36 part 215.

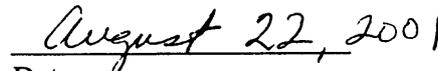
This decision is subject to appeal by the applicant under Code of Federal Regulations Title 36 part 251.

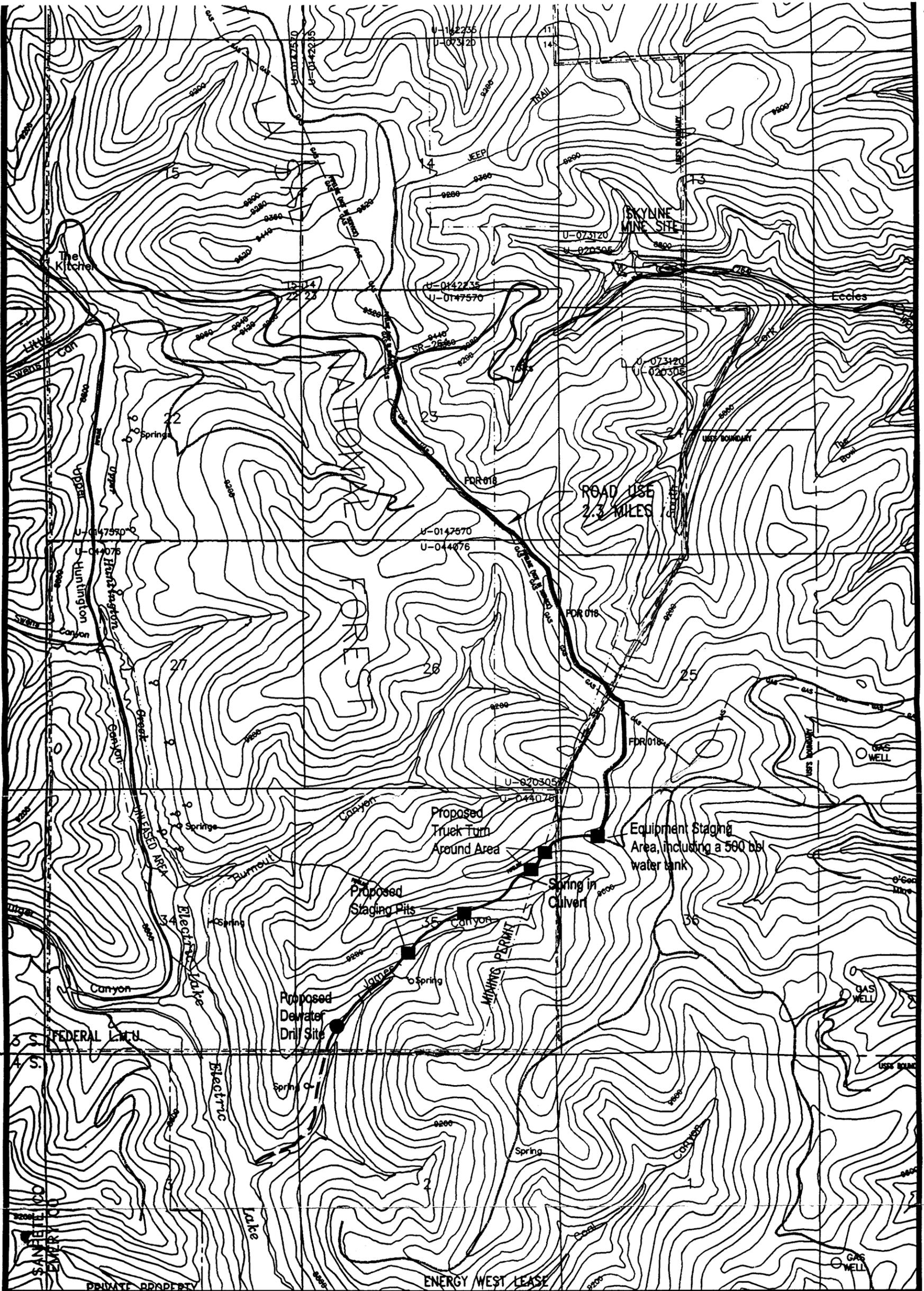
VII. CONTACT PERSON

For additional information concerning the Forest Service decision, please contact Carter Reed 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


Elaine Zieroth
Forest Supervisor
Manti-La Sal National Forest


Date



T.135.
T.14.S.

FEDERAL LAND

SANFELIX CO
EMERY CO

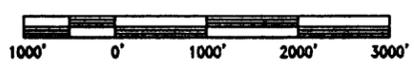
PRIVATE PROPERTY

ENERGY WEST LEASE

R.6.E.

Attachment 1

-  Proposed Road Use
FDR 018 (2.3 miles)
Submitted in Separate Letter
-  James Canyon Road
(opened to 14' width)
-  Dewatering Pipe Along
James Canyon Road



ROAD AND DRILL PAD CONSTRUCTION
JAMES CANYON
SKYLINE MINE DEWATER PROJECT

CF Canyon Fuel Company, LLC
Skyline Mines

P.A. BOX 710 HELPER, UTAH 84302 435-244-5881	DATE: 08/18/01	CK. BY: M. BUNNELL	REVISION:
DWC NO.:	SCALE: 1"=2000'	DR. BY: M. BUNNELL	

ATTACHMENT 2

CONDITIONS OF CONSENT

1. Drill rigs and heavy equipment (not including water trucks) must not be transported in or out of the project area during the opening of the general elk hunt nor during the opening weekend of the general deer hunt and during holiday weekends. The restriction includes the Friday before the weekend. The water truck must be preceded by a pilot vehicle when hauling water for the project during the hunting season.
2. The permittee is responsible for repair of any damages to roads which are caused by his operations.
3. All traffic must maintain safe speeds commensurate with existing conditions.
4. Roads must be watered if dust becomes a problem or if excessive loss of road material occurs.
5. The operator shall take all reasonable/appropriate measures to prevent the introduction and proliferation of exotic plants and/or noxious weeds for all operations on the land surface. Measures must include cleaning vehicles and equipment before entry onto Federal lands, pre-treatment of areas approved for surface disturbing activities, use of weed free materials (straw, fill materials, gravel, etc.), and control and eradication of exotic species and/or noxious weeds in disturbed/reclaimed areas until liability/bond release. Proposed control/eradication measures for surface operations are subject to approval by the surface management agency.
6. The seed mix to be used for reclamation will be proposed by Canyon Fuel and approved by the Forest Service prior to reclamation.
7. Drill sites and the mud pits when they are dry must be reclaimed by selectively backfilling excavated materials, topsoil last, such that the disturbed area is replaced to the approximate original contour. The disturbed area must be seeded with the approved seed mix.
8. Heavy equipment, drilling equipment, and transport vehicles must be cleaned of mud/debris that could potentially transport noxious weed seeds prior to entering the National Forest.
9. All water bearing zones encountered in the process of drilling will be recorded on the drilling logs. Any zone which is producing a large continuous flow will be reported to the Forest Service prior to abandonment procedures taking place. Continuous flow measurements of water pumped and discharged must be made and reported to the

regulatory authorities. Quality monitoring must be conducted consistent with the the Utah Coal Rules and approved in the mine plan.

10. A locked gate built to Forest Service specifications (including object markers and signs) must be constructed at the intersection of the James Canyon and Monument Peak roads to exclude public traffic from using the James Canyon project road. This gate must remain closed/locked except when vehicles are actually passing through.
11. A minimum of 4 inches of crushed aggregate (must meet Forest Service gravel specifications) must be applied to the road and pad after topsoil is removed.
12. Topsoil must be stripped from the road surface and stored as a berm on the outside edge of the road. Excess topsoil will be piled at other approved locations where the soil can be protected from erosion.
13. The James Canyon project road (14 foot width with 1 foot ditch) will be insloped with an inside ditch installed. Drainage dips will be constructed at a minimum of 150 foot intervals to drain rainwater to the slope below the road. Sediment control structures will be constructed at the dip outlets.
14. Culverts will be constructed under the road to FS specifications to drain live water (springs and surface drainage) under the road surface to prevent saturation of the roadway and prevent contamination of the water.
15. The drill pad must be constructed with a berm (two feet high) around the perimeter to contain all rainwater and other fluids on the pad. The pad must be graded to drain at 1% to the mud pit.
16. Silt fences supported with materials approved by the FS must be constructed at the base of any fill slopes on the pad. A ditch must be constructed to drain overland flow from undisturbed areas away from the pad area with sediment control structures to prevent sediment from entering the James Canyon drainage.
17. The operator must post a bond sufficient to cover reclamation and hole plugging costs with the regulatory authority.
18. All fuel tanks must be constructed with berms adequate to contain spills and precipitation to prevent contaminated fluids from leaving the pad site.
19. Self contained sanitary facilities must be provided and maintained on site during operations. Waste materials must be removed from the Forest and disposed of at suitable licensed facilities.
20. An inventory of springs in the James Canyon area must be completed and a monitoring proposal submitted to the regulatory authority for approval.
21. The operator must conform to all state laws and regulations regarding water discharge, and development/abandonment of the water wells.