

JOINT BUREAU OF LAND MANAGEMENT/FOREST SERVICE
FINDING OF NO SIGNIFICANT IMPACT/DECISION NOTICE/RATIONALE

COAL LEASE APPLICATION UTU-67939
WINTER QUARTERS TRACT

USDA-FOREST SERVICE, INTERMOUNTAIN REGION
MANTI-LA SAL NATIONAL FOREST
FERRON-PRICE RANGER DISTRICT

USDI-BUREAU OF LAND MANAGEMENT, MOAB DISTRICT
UTAH STATE OFFICE

CARBON COUNTY, UTAH

An Environmental Assessment (EA) which discusses the effects of leasing the Winter Quarters Tract (Lease Application UTU-67939) was prepared jointly by the Forest Service and the Bureau of Land Management (BLM). The Office of Surface Mining Reclamation and Enforcement participated as a cooperating agency. The decisions recorded in this document are based on the environmental analyses documented in the Environmental Assessment for the tract; the Final Environmental Impact Statement, Manti-La Sal National Forest (Forest Plan FEIS), 1986; and Final Environmental Impact Statement for the San Rafael Proposed Resource Management Plan, 1989. The Environmental Assessment for Coal Lease Application UTU-67939, Winter Quarters Tract, is available through the Forest Supervisor's Office of the Manti-La Sal National Forest in Price, Utah, and the Bureau of Land Management, Utah State Office in Salt Lake City, Utah.

On January 10, 1991, Coastal States Energy Company applied to the Bureau of Land Management for leasing of 2,020.02 acres under the Lease-on-Application process contained in Federal Regulations 43 CFR 3425 to extend the life of their Skyline Mine. In response to the application an interagency team delineated the Winter Quarters Tract to be considered for leasing. The delineated tract encompasses 3,351 acres of Federal coal underlying lands administered by the Manti-La Sal National Forest and private lands. It lies directly adjacent to the approved permit area for Coastal's Skyline Mine. If Coastal States Energy Company obtains the tract through competitive bid, it would be accessed from underground workings in the adjacent Mine.

The proposed action is subject to the following authorities: Mineral Leasing Act of 1920, as amended; Federal Coal Leasing Amendments Act of 1976 (FCLAA), as amended; Multiple-Use Sustained Yield Act of 1960; National Forest Management Act of 1976 (NFMA); National Environmental Policy Act of 1969 (NEPA); and Federal Regulations 43 CFR 3400. Development of the lease, which is a separate permitting action, would be subject to these actions and the following: Federal Land Policy and Management Act of 1976 (FLPMA); Surface Mining Control and Reclamation Act of 1977 (SMCRA); Federal Regulations 30 CFR 700 to End (SMCRA Regulations), and the State of Utah Coal Mining and Reclamation Regulatory Program.

The BLM lease decision and Forest Service consent decision are to offer the tract for leasing and subsequent mining as discussed under Alternative C described in the EA prepared for the tract. The tract to be offered for leasing and subsequent mining under this alternative is described as follows:

T. 12 S., R. 6 E., SLM,
Section 26, S1/2 SE1/4, SE1/4 SW1/4;
Section 34, lots 1-4, S1/2 NE1/4, SE1/4 NW1/4, E1/2 SW1/4 NW1/4,
N1/2 S1/2;
Section 35, all.

T. 13 S., R. 6 E., SLM,
Section 2, all;
Section 3, all;
Section 10, lots 1-2, NE1/4, E1/2 NW1/4;
Section 11, N1/2, N1/2 S1/2.

Containing 3,291 acres, more or less.

Alternative C best meets the management objectives of the Forest Service as outlined in the Forest Plan and the needs of the general public. It would make additional Federal coal reserves available for competitive leasing, provide an opportunity to extend the life of the Skyline Mine, and be consistent with Forest Service management goals and prescriptions for the area. Any lease issued would include the 18 Forest Service Special Stipulations, including the Stipulation for Lands of the National Forest System Under Jurisdiction of the Department of Agriculture, in addition to standard lease terms (BLM Lease Form 3400-12). The Forest Service Special Stipulations are attached. The private land owners have also elected to apply the Forest Service stipulations to their lands within the delineated tract.

This alternative would involve offering the delineated tract for lease, with the exception of 60 acres which lie within the Fish Creek Semiprimitive Recreation Area. That portion of the delineated tract which lies within the Fish Creek Semiprimitive Recreation Area was excluded based on public comments that the area should be protected from the impacts of mining and the probability that recoverable reserves in that area do not exist and/or can not be accessed.

The EA for the tract and the Proposed Finding of No Significant Impact (PFONSI) were released on August 1, 1995, with the 30-day comment period ending on August 31, 1995. The PFONSI identified Alternative C as the Forest Service preferred alternative. Three letters were received. The first response, from Wendell Koontz of Springville, Utah, had the following comments:

1. Coal resource recovery should be maximized wherever possible and still protect the environmental quality of the forest.

The Forest Service and the BLM worked together to present a coal lease tract for lease which would satisfy the applicant's needs and also provide appropriate environmental protection. The Resource Recovery and Protection Plan and the Permit Application Package are reviewed

to ensure maximum coal recovery and environmental resource protection before it would be approved.

2. Continue the study of subsidence effects in Burnout Canyon.

The Forest Service has committed to continue the study on the subsidence effects in Burnout Canyon until it is completed.

3. Disallowing mining under Woods Canyon and Winter Quarters Creeks could make the tract uneconomic, creating a substantial economic loss to the surrounding communities and state and federal governments. Significant coal resources could be isolated and never recovered.

The BLM has determined that the tract could be economically mined, although conditions might not be as favorable as the applicant would prefer. Stipulation #9 does not preclude future mining under perennial streams if it can be demonstrated that the mining can be done without negatively impacting the streams and adjacent forest resources. Results of the Burnout Canyon study (which are anticipated in 1998), site-specific stream assessments, and any other available data, would be used to quantify the impacts. Granting an exception to Stipulation #9 would require another environmental analysis to disclose the supplemental information obtained.

4. There are not sufficient data to show the Fish Creek Semiprimitive Recreation Area would be degraded by mining impacts.

The thick overburden and the lack of perennial streams within the 60 acres of the delineated tract which lie within the Fish Creek Semiprimitive Recreation Area would probably allow mining with minimal surface impacts. However, Coastal States Energy Company and the BLM have indicated that the coal is too thin to mine or may not be accessible with the longwall method. It is not in the interest of the lessee to require them to pay lease rental fees on lands that they can not mine.

The other two responses were from George and Helen Liodakis and Phil Allred. They requested that the Forest Service Special Stipulations be applied to their private lands located within the lease tract.

We have determined that the proposal is not a major Federal action that would significantly affect the quality of the human environment; therefore, an Environmental Impact Statement is not needed. This determination was made based on the following considerations:

1. Management and public issues were identified during project scoping. Project scoping involved public notices of the proposal with a comment period as well as Interdisciplinary Team reviews and meetings. The preferred alternative would adequately address all issues identified through project scoping, and provides for protection of resources and mitigation of impacts consistent with the Forest Plan.

2. The unsuitability criteria for coal mining contained in Federal Regulations 43 CFR 3461 were addressed in the Forest Plan, Forest Plan FEIS, and the EA for the tract. No areas within the tract were determined to be unsuitable for mining based on the criteria.

3. The potential adverse effects of the proposal can be effectively mitigated by the included special lease stipulations and implementation of the SMCRA Regulations (30 CFR 700 to End) and State of Utah Federal Coal Mining and Reclamation Regulatory Program.

4. The leasing action and anticipated lease development should have no significant adverse affect to cultural and paleontological resources, or floodplains.

5. There will be no adverse impacts to prime or unique rangelands, farmlands, or timberlands; alluvial valley floors; or wetlands.

6. There will be no adverse effects to listed or proposed Threatened, Endangered, and Sensitive plant or animal species. The Biological Evaluation that documents this conclusion and consultation with the U.S. Fish and Wildlife Service is included in the project file.

7. The preferred alternative is consistent with objectives and direction of the Manti-La Sal National Forest Land and Resource Management Plan, 1986, and the San Rafael Proposed Resource Management Plan, 1991. Cumulative impacts would be consistent with projected Forest Plan outputs and thresholds.

8. Coal Mining has been a common and important element of the local economy and culture since the late 1800s. The impacts of underground mining have been observed and monitored for many years. No new or unique methods of mining are likely. The effects of the proposed activity are not likely to be highly controversial.

9. The activity is consistent with identified laws and regulations and would not adversely affect public health and safety.

Compliance with the terms and conditions of the lease and other administrative actions associated with the lease, in accordance with Federal Regulations 43 CFR 3400, are the responsibility of the Bureau of Land Management. The review, approval, and enforcement of mining operations within the lease are the responsibility of the Department of Interior, Office of Surface Mining Reclamation and Enforcement under Federal Regulations 30 CFR 700 to End. As required under the Federal Coal Leasing Amendments Act of 1975 and the above regulations, future actions related to the lease which could affect surface resources require consultation and consent of the Forest Service.

The Bureau of Land Management leasing decision is subject to appeal to the Interior Board of Land Appeals. The Forest Service consent decision is subject to administrative review pursuant to 36 CFR Part 215. Any written appeal must

be postmarked or received by the Appeal Deciding Officer, Dale Bosworth, Regional Forester, Intermountain Region, 324 25th Street, Ogden, Utah 84401, within 45 days from the day after publication of the legal notice in the Price Sun Advocate newspaper. Appeals must meet the content requirements of 36 CFR 215.14.

Implementation of this decision may take place no sooner than 50 calendar days following publication of this decision in the Price Sun Advocate, the newspaper of record for the Manti-La Sal National Forest, published in Price, Utah.

Consent by: *Janette S. Kaiser* Date: 10-23-95
JANETTE S. KAISER, Forest Supervisor
USDA Forest Service, Manti-La Sal National Forest

Approved by: *G. William Lamb* Date: 1/23/96
G. WILLIAM LAMB, ~~Assistant~~ State Director
USDI Bureau of Land Management, Utah