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United States
Department of
Agriculture

Forest
Service

Hanti-La Sal
National Forest

Plan - needs to be
Price Ranger District
599 West Price River Dr.
Price, Utah 84501

Reply to: 2820

Date: June 30, 1993

Lowell Braxton
Utah Department of Natural Resources
Division of Oil, Gas, and Mining
355 West Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

ACT/007/006 #2

Dear Lowell:

On June 10, 1993, Regional Forester, Gray Reynolds decided to consent to the readjustment of Federal Coal Lease U-13097. I have attached a copy of the DN/FONSI for your information.

If you have any questions don't hesitate to contact me or my staff geologist at the above address or call (801) 637-2817.

Sincerely,

Charles J. Jankiewicz
CHARLES J. JANKIEWICZ
Price District Ranger

Enclosure

RECEIVED

JUL 06 1993

DIVISION OF
OIL GAS & MINING

*Being consistent
with forest plan*

Readjusted every 10 years.

**DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT**

**FOR THE READJUSTMENT OF
FEDERAL COAL LEASE U-13097**

**PRICE RANGER DISTRICT
MANTI-LA SAL NATIONAL FOREST
EMERY COUNTY UTAH**

The Bureau of Land Management (BLM) has notified the Forest Service that Federal Coal Lease U-13097 is subject to readjustment of terms and conditions on May 1, 1994. Pursuant to established procedures, the BLM has requested that the Forest Service conduct an environmental analysis that identifies stipulations for application to the lease since the lease lands are within the administrative boundary of the Manti-La Sal National Forest. U-13097 is leased by Cyprus Western Coal Company and is located on Gentry Mountain, 17 air miles southwest of Price, in Emery County, Utah (see attached location maps). This lease has been permitted for mining under the "Starpoint Mines, Mining and Reclamation Plan".

Coal leasing and development are done under the authority of the following actions: the Mineral Leasing Act of 1920, as amended; the Federal Land Policy and Management Act (FLPMA) of 1976; the Surface Mining Control and Reclamation Act (SMCRA) OF 1977; the National Environmental Policy Act of 1969 (NEPA); the Federal Coal Leasing Amendments Act of 1976, as amended; regulations: Title 43 CFR Group 3400, Title 36 CFR Group 2800, and Title 30 CFR Group 700; and the Manti-La Sal National Forest Land and Resource Management Plan and Final Environmental Impact Statement (Forest Plan and FEIS), 1986.

An EA was initially prepared for the lease in 1972, and a second EA was prepared for a lease modification in 1983. On January 25, 1993 a Forest Service Interdisciplinary Team met to evaluate the current proposal and initiate Project Scoping. During evaluation, the Team and the public did not identify any new, unmitigated issues that had not been addressed in the referenced EA's. Two alternatives were analyzed by the I. D. Team. Alternative 1 (No Action) corresponds with the readjustment alternative addressed in the 1983 EA. Alternative 2 (Lease Readjustment) involves readjustment of the lease by the BLM. The wording of existing special lease stipulations would be revised and four additional stipulations would be added to provide consistency with the Forest Plan. Copies of the EA and other pertinent documents contained in the case file are available for review at the Price Ranger District and Forest Supervisor's offices, both located in Price, Utah.

It is my decision to consent to the lease readjustment through adoption of Alternative 2 subject to the application of the attached 18 Special Coal Lease Stipulations. This provides the best mitigation of anticipated impacts and protection of Federal surface resources under existing legislation and Forest Service policy, management decisions, and direction. This decision is based on public scoping, the previous environmental analyses, the authorizing actions. The readjusted lease terms will incorporate Forest Service Special Coal Lease Stipulations (Forest Plan, Appendix B, pages B-2 to B-4 and B-8) that: clearly inform the lessee of specific measures that will be required, require replacement of any lost water to maintain other land uses, and require repair or replacement of existing surface resources if loss or damage occurs. Management prescriptions contained in the Forest Plan for the lease area emphasize forage production. Mineral activities are allowed with "appropriate mitigation measures to assure continued livestock access and use"; and those being authorized to conduct developments will be required to replace losses where development adversely affects long-term production or management (Forest Plan, page III-66). Alternative 1 was evaluated and not selected as it does not provide

the best protection of Federal surface resources and the stipulations are not entirely consistent with the Forest Plan and FEIS.

The stipulations specified in the Forest Plan are virtually the same as those incorporated in the lease. The wording has been changed to maintain consistency with the Forest Plan. Four stipulations have, however, been added as follows:

Forest Service Special Coal Lease Stipulation #6 addressing visual impacts has been added due to the Modification Visual Quality Objective defined in the Forest Plan.

Forest Service Special Coal Lease Stipulation #11 was added to inform the lease holder that they will be held financially accountable for any merchantable timber cut on the lease as a result of their activities.

Forest Service Special Coal Lease Stipulation #17 was added to require mitigation of potential effects to the water resources discussed in the Environmental Assessment for modification of the lease completed in 1983.

The Department of Agriculture Stipulation #18 is required on all leases which encompass National Forest System lands.

This 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 based on the consideration of a number of factors that are discussed in detail in the referenced EA's. The primary considerations are as follows:

1. If new surface-disturbing operations or facilities are proposed in the future, a site-specific environmental analysis will be prepared at that time. Additional stipulations may be specified as needed to protect the environment and resource uses.
2. The identified impacts from mining of the lease can be effectively mitigated to an acceptable level. The cumulative impacts are expected to be within the threshold levels established by the Forest Plan and FEIS.
3. No known prime or unique farmlands, wetlands, timber lands, or rangelands; floodplains; alluvial valley floors; cultural or significant paleontological resources; nor Threatened, Endangered, or Sensitive floral or faunal species will be impacted by readjustment of this lease. Biological Evaluations developed for this action, contain "no effect" determinations.
4. Readjustment of this lease is consistent with the directions and decisions of the Forest Plan/FEIS.
5. Coal leasing, exploration, and development are and have historically been a part of the local economy and lifestyle.
6. Star Point Mine's current Mining and Reclamation Plan is consistent with the readjustment.

Federal Coal Lease U-13097 should be readjusted by the Bureau of Land Management with the application of the attached Special Stipulations. The Forest Service consent decision can be implemented by the Bureau of Land Management after the 45-day appeal period.

This decision is subject to administrative review in accordance with 36 CFR 217. Any appeal of this decision must include the information required by 36 CFR 217.9 (Content of Notice of Appeal), including the reasons for appeal. Two (2) copies of the Notice of Appeal must be filed with the Chief, USDA Forest

Service, P.O. Box 96090, Washington DC 20090-6090, within 45 days of the date of publication of the Notice of Decision in the Ogden Standard Examiner. This decision is also subject to administrative review in accordance with 36 CFR 251, as is the case of decisions regarding written instruments authorizing occupancy and use of National Forest System lands. Election to appeal under 36 CFR 251 precludes appeal under 36 CFR 217. Any appeal of this decision taken under 36 CFR 251 must include the information required by 36 CFR 251.90 (Content of Notice of Appeal), including the reasons for appeal and must be filed with the Chief, USDA Forest Service, P.O. Box 96090, Washington D.C.20090-6090, within 45 days of the date of this decision. A copy of the Notice of Appeal must be filed simultaneously with the Regional Forester, Intermountain Region, Federal Building, 324 25th Street, Ogden, Utah 84401.

The responsible official is the Regional Forester. If you would like further information concerning this decision, contact the District Ranger, Price Ranger District, 599 West Price River Drive, Price, Utah 84501 (phone 801-637-2817).

Gray F. Reynolds
Regional Forester

Date

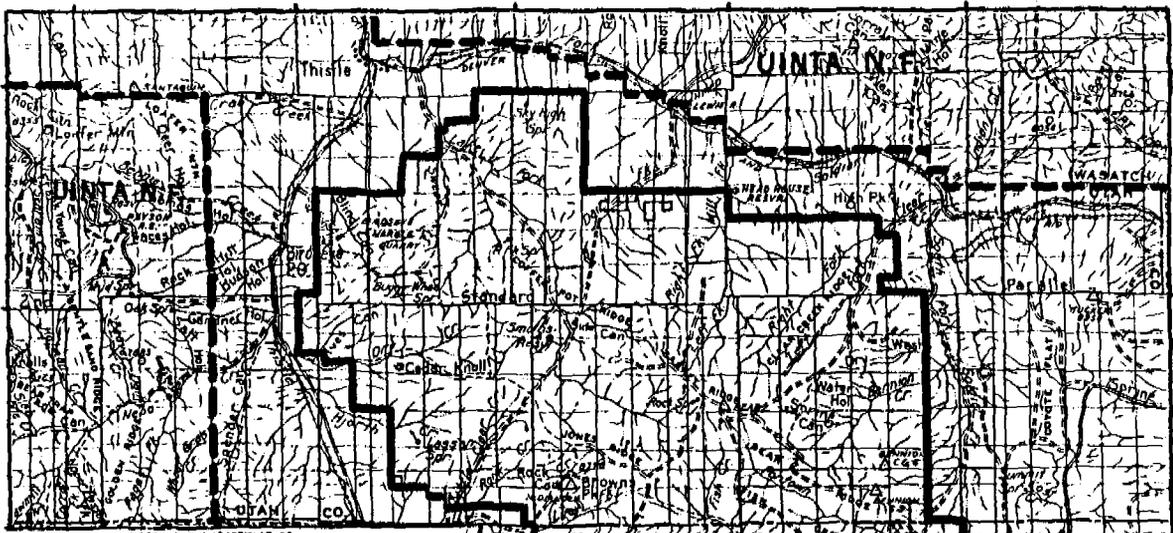
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T.10S.

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T.11S.



U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

MANTI-LASAL NATIONAL FOREST MANTI DIVISION UTAH

SALT LAKE MERIDIAN
1959'
SCALE



LEGEND

- NATIONAL FOREST BOUNDARY
- ADJACENT NATIONAL FOREST BOUNDARY
- MAIN MOTOR HIGHWAY
- GOOD MOTOR ROAD
- POOR MOTOR ROAD
- TRAIL
- RAILROAD
- TELEPHONE LINE
- SUPERVISOR'S HEADQUARTERS
- DISTRICT RANGER STATION
- GUARD OR RANGER STATION NOT PERMANENTLY OCCUPIED
- TRIANGULATION STATION
- FOREST SERVICE MONUMENT
- HOUSE, CABIN OR OTHER BUILDING
- MINE OR QUARRY
- ELECTRIC POWER STATION

T.12S.

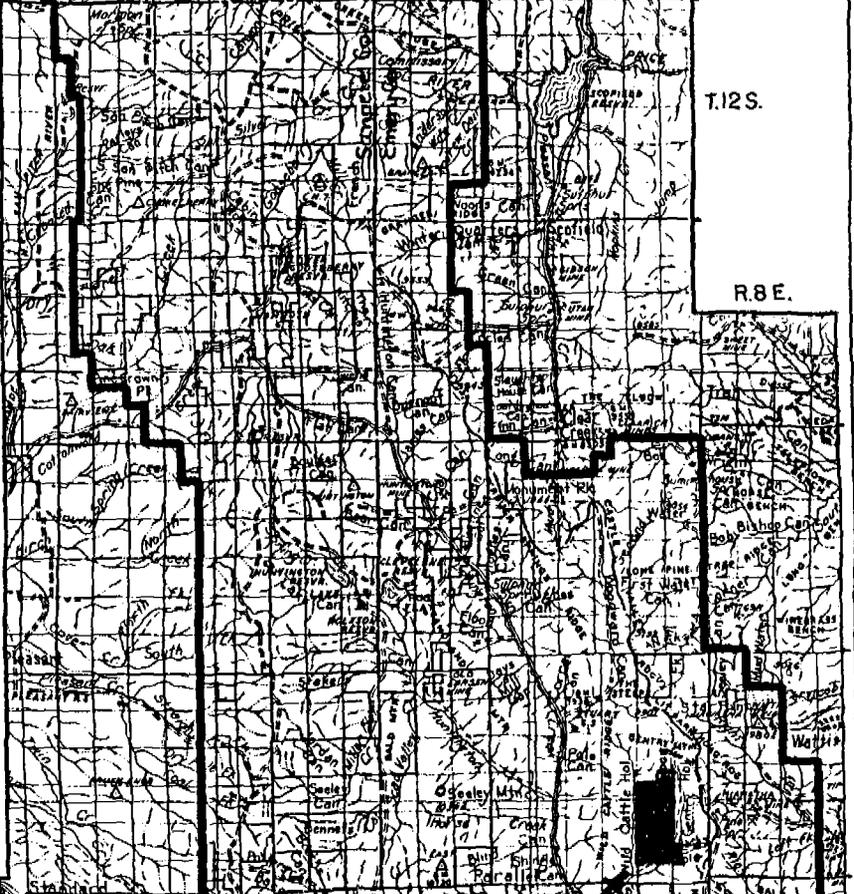
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Location of Federal Coal Lease U-13097

T.16S.

T.17S.

T.18S.

T.19S.

T.20S.

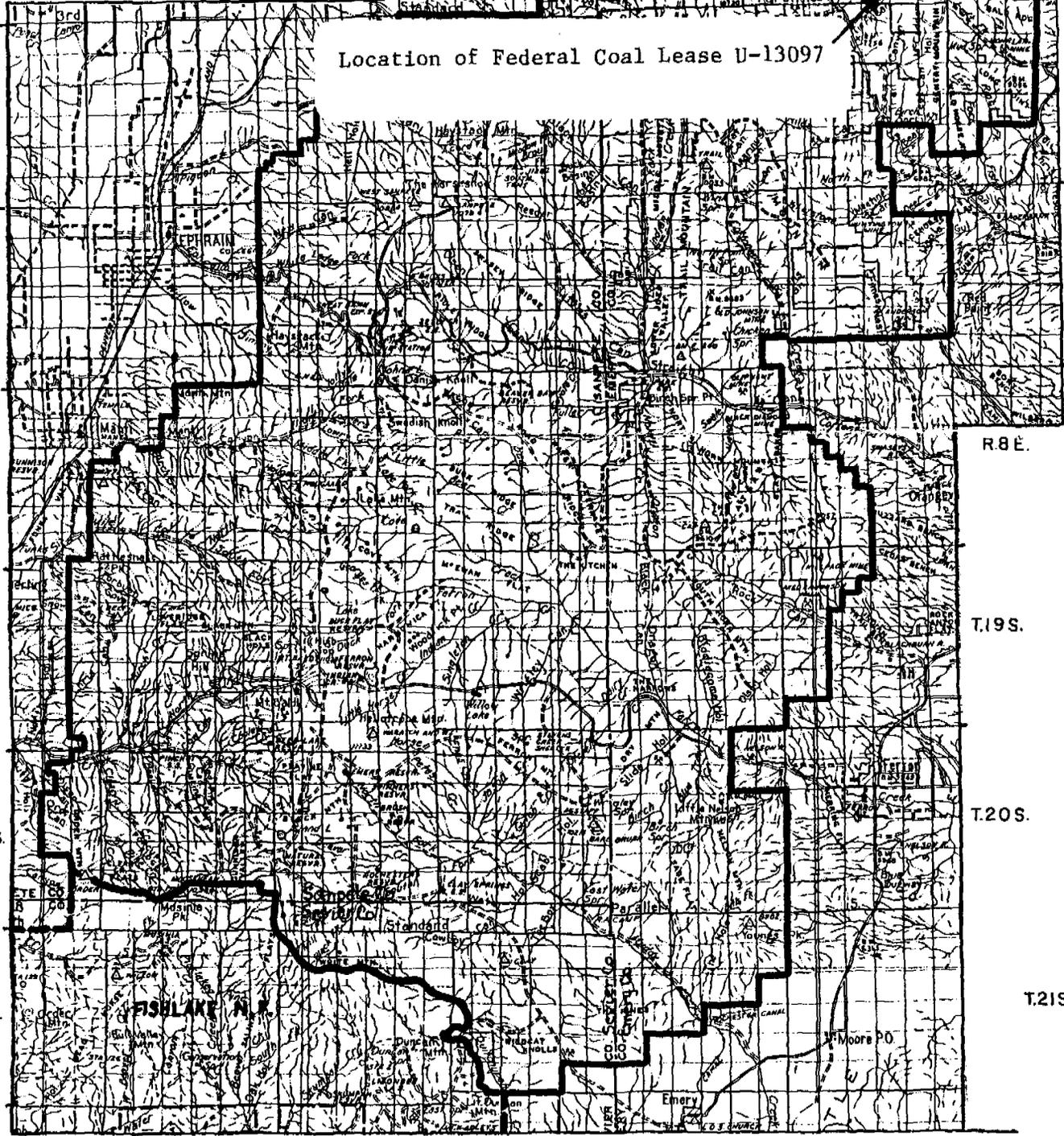
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R.8E.

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R.3E. R.4E. R.5E. R.6E. R.7E.

SPECIAL STIPULATIONS

Federal Regulations 43 CFR 3400 pertaining to Coal Management make provisions for the Surface Management Agency, the surface of which is under the jurisdiction of any Federal agency other than the Department of Interior, to consent to leasing and to prescribe conditions to insure the use and protection of the lands. All or part of this lease contain lands the surface of which are managed by the United States Department of Agriculture, Forest Service - Manti-La Sal National Forest.

The following stipulations pertain to the Lessee responsibility for mining operations on the lease area and on adjacent areas as may be specifically designated on National Forest System lands.

Forest Service Stipulation #1.

Before undertaking activities that may disturb the surface of previously undisturbed leased lands, the Lessee may be required to conduct a cultural resource inventory and a paleontological appraisal of the areas to be disturbed. These studies shall be conducted by qualified professional cultural resource specialists or qualified paleontologists, as appropriate, and a report prepared itemizing the findings. A plan will then be submitted making recommendations for the protection of, or measures to be taken to mitigate impacts for identified cultural or paleontological resources.

If cultural resources or paleontological remains (fossils) of significant scientific interest are discovered during operations under this lease, the Lessee prior to disturbance shall immediately bring them to the attention of the appropriate authority. Paleontological remains of significant scientific interest do not include leaves, ferns or dinosaur tracks commonly encountered during underground mining operations.

The cost of conducting the inventory, preparing reports, and carrying out mitigating measures shall be borne by the Lessee.

Forest Service Stipulation #2.

If there is reason to believe that Threatened or Endangered (T&E) species of plants or animals, or migratory bird species of high Federal interest occur in the area, the Lessee shall be required to conduct an intensive field inventory of the area to be disturbed and/or impacted. The inventory shall be conducted by a qualified specialist and a report of findings will be prepared. A plan will be prepared making recommendations for the protection of these species or action necessary to mitigate the disturbance.

The cost of conducting the inventory, preparing reports and carrying out mitigating measures shall be borne by the Lessee.

Forest Service Stipulation #3.

The Lessee shall be required to perform a study to secure adequate baseline data to quantify the existing surface resources on and adjacent to the lease area. Existing data may be used if such data are adequate for the intended purposes. The study shall be adequate to locate, quantify, and demonstrate the interrelationship of the geology, topography, surface hydrology, vegetation and wildlife. Baseline data will be established so that future programs of observation can be incorporated at regular intervals for comparison.

Forest Service Stipulation #4.

Powerlines used in conjunction with the mining of coal from this lease shall be constructed so as to provide adequate protection for raptors and other large birds. When feasible, powerlines will be located at least 100 yards from public roads.

Forest Service Stipulation #5.

The limited area available for mine facilities at the coal outcrop, steep topography, adverse winter weather, and physical limitations on the size and design of access roads, are factors which will determine the ultimate size of the surface area utilized for the mine. A site-specific environmental analysis will be prepared for each new mine site development and for major improvements to existing developments to examine alternatives and mitigate conflicts.

Forest Service Stipulation #6.

Consideration will be given to site selection to reduce adverse visual impacts. Where alternative sites are available, and each alternative is technically feasible, the alternative involving the least damage to the scenery and other resources shall be selected. Permanent structures and facilities will be designed, and screening techniques employed to reduce visual impacts and, where possible, achieve a final landscape compatible with the natural surroundings. The creation of unusual, objectionable, or unnatural landforms and vegetative landscape features will be avoided.

Forest Service Stipulation #7.

The Lessee shall be required to establish a monitoring system to locate, measure and quantify the progressive and final effects of underground mining activities on the topographic surface, underground and surface hydrology and vegetation. The monitoring system shall utilize techniques which will provide a continuing record of change over time and an analytical method for location and measurement of a number of points over the lease area. The monitoring shall incorporate and be an extension of the baseline data.

Forest Service Stipulation #8.

The Lessee shall provide for the suppression and control of fugitive dust on haul roads and at coal handling and storage facilities. On Forest Development Roads (FDR), Lessees may perform their share of road maintenance by a commensurate share agreement if a significant degree of traffic is generated that is not related to their activities.

Forest Service Stipulation #9.

Except at specifically approved locations, underground mining operations shall be conducted in such a manner so as to prevent surface subsidence that would: (1) cause the creation of hazardous conditions such as potential escarpment failure and landslides, (2) cause damage to existing surface structures, and (3) damage or alter the flow of perennial streams. The Lessee shall provide specific measures for the protection of escarpments, and determine corrective measures to assure that hazardous conditions are not created.

Forest Service Stipulation #10.

In order to avoid surface disturbance on steep canyon slopes and to preclude the need for surface access, all surface breakouts for ventilation tunnels shall be constructed from inside the mine, except at specific approved locations.

Forest Service Stipulation #11.

If removal of timber is required for clearing of construction sites, etc., such timber shall be removed in accordance with the regulations of the surface management agency.

Forest Service Stipulation #12.

The coal contained within, and authorized for mining under this lease shall be extracted only by underground mining methods.

Forest Service Stipulation #13.

Existing Forest Service owned or permitted surface improvements will need to be protected, restored, or replaced to provide for the continuance of current land uses.

Forest Service Stipulation #14.

In order to protect big-game wintering areas, elk calving and deer fawning areas, sagegrouse strutting areas, and other key wildlife habitat and/or activities, specific surface uses outside the mine development area may be curtailed during specified periods of the year.

Forest Service Stipulation #15.

Support facilities, structures, equipment, and similar developments will be removed from the lease area within two years after the final termination of use of such facilities. Disturbed areas and those areas previously occupied by such facilities will be stabilized and rehabilitated, drainages re-established, and the areas returned to a premining land use.

Forest Service Stipulation #16.

The Lessee, at the conclusion of the mining operation, or at other times as surface disturbance related to mining may occur, will replace all damaged, disturbed or displaced corner monuments (section corners, 1/4 corners, etc.), their accessories and appendages (witness trees, bearing trees, etc.), or restore them to their original condition and location, or at other locations that meet the requirements of the rectangular surveying system. This work shall be conducted at the expense of the Lessee, by a professional land surveyor registered in the State of Utah, and to the standards and guidelines found in the Manual of Surveying Instructions, United States Department of the Interior.

Forest Service Stipulation #17.

The Lessees, at their expense, will be responsible to replace any surface water identified for protection, that may be lost or adversely affected by mining operations, with water from an alternate source in sufficient quantity and quality to maintain existing riparian habitat, fishery habitat, livestock and wildlife use, or other land uses.

Forest Service Stipulation #18.

STIPULATION FOR LANDS OF THE NATIONAL FOREST SYSTEM
UNDER JURISDICTION OF
THE DEPARTMENT OF AGRICULTURE

The licensee/permittee/lessee must comply with all the rules and regulations of the Secretary of Agriculture set forth at Title 36, Chapter II, of the Code of Federal Regulations governing the use and management of the National Forest System (NFS) when not inconsistent with the rights granted by the Secretary of the Interior in the license/permit/lease. The Secretary of Agriculture's rules and regulations must be complied with for (1) all use and occupancy of the NFS prior to approval of a permit/operation plan by the Secretary of Interior, (2) uses of all existing improvements, such as Forest Development Roads, within and outside the area licensed, permitted or leased by the Secretary of Interior, and (3) use and occupancy of the NFS not authorized by a permit/operating plan approved by the Secretary of the Interior.

All matters related to this stipulation are to be addressed to:

Forest Supervisor
Manti-La Sal National Forest
599 West Price River Drive
Price, Utah 84501

Telephone No.: 801-637-2817

who is the authorized representative of the Secretary of Agriculture.

Signature of Licensee/Permittee/Lessee