

0004



UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

Manti-LaSal National Forest  
350 East Main Street  
Price, Utah 84501

*Swisher  
Humblyton Coy #4  
Rt to Tom  
Then file  
2820*

November 20, 1979



┌ Ron Daniels  
Division of Oil, Gas, and Mining  
Department of Natural Resources  
State of Utah  
1588 West North Temple  
└ Salt Lake City, Utah 84116

Dear Ron:

Enclosed please find one (1) copy of the Special Use Permit for Swisher Coal Company's proposed sediment ponds. An Environmental Assessment with stipulations is attached to and part of this permit. These documents contain the requirements of the Forest Service for construction of these ponds.

REED C. CHRISTENSEN  
Forest Supervisor

Enclosures

cc: Office of Surface Mining  
Swisher Coal Company

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

Manti-LaSal National Forest  
350 East Main Street  
Price, Utah 84501

2820

November 20, 1979



Max A. Robb, President  
Swisher Coal Company  
90 West First North  
Price, Utah 84501

Dear Max:

Enclosed please find one (1) copy of the Special Use Permit, which includes as part of the permit the Environmental Assessment, for the proposed sediment ponds. These documents contain the requirements of the Forest Service.

Specific required modifications are summarized below.

1. A culvert, minimum diameter 24", will be installed below the lower pond to carry overflow water from the drainage ditch to Mill Fork Creek.
2. The freeboard of the upper pond will be increased to 3 feet. The freeboard of the lower pond increased to 2 feet.
3. The berm top width of the lower pond will be increased to 8 feet.

Please refer questions to Ira Hatch, Price District Ranger.

**Reed C. Christensen**

REED C. CHRISTENSEN  
Forest Supervisor

Enclosures

cc: Utah Division of Oil, Gas, and Mining  
Office of Surface Mining

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

Manti-LaSal National Forest  
350 East Main Street  
Price, Utah 84501

2820

November 20, 1979



United States Department of the Interior  
Office of Surface Mining  
Reclamation and Enforcement  
Post Office Bldg Rm 270  
1823 Stout Street  
Denver, Colorado 80202

Attention: Donald Crane

Dear Don:

Enclosed please find two (2) copies of the Special Use Permit for Swisher Coal Company's proposed sediment ponds. An Environmental Assessment with stipulations is attached to and a part of this permit. These documents contain the requirements of the Forest Service for construction of these ponds.

Reed C. Christensen

REED C. CHRISTENSEN  
Forest Supervisor

Enclosures

cc: Utah Division of Oil, Gas, and Mining  
Swisher Coal Company

a. Record no. (1-2) <u>70</u>	b. Re. (3-4) <u>04</u>	c. Forest (5-6) <u>10</u>
d. District (7-8) <u>03</u>	e. User number (9-12) <u>4068</u>	f. Kind of use (13-15) <u>912</u>
g. State (16-17) <u>49</u>	h. County (18-20) <u>015</u>	k. Cord no. (21) <u>1</u>

**SPECIAL USE PERMIT**  
Act of June 4, 1897  
This permit is revocable and nontransferable  
(Ref. FSM 2710)

Permission is hereby granted to Swisher Coal Company

of 1109 South Carbon Avenue - Price, Utah 84501,  
hereinafter called the permittee, to use subject to the conditions set out below, the following described lands or improvements:

NE 1/4 NW 1/4 Section 21, T16S., R7E., SLBM

This permit covers 0.225 acres and/or - - miles and is issued for the purpose of:

Construction of two (2) sediment ponds for the Swisher #4 Mine

1. Construction or occupancy and use under this permit shall begin within 1 months, and construction, if any, shall be completed within 2 months, from the date of the permit. This use shall be actually exercised at least 365 days each year, unless otherwise authorized in writing.

2. In consideration for this use, the permittee shall pay to the Forest Service, U.S. Department of Agriculture, the sum of Ten Dollars (\$ 10.00 ) for the period from November 15 19 79, to December 31, 19 79, and thereafter annually on January 1.

Ten Dollars (\$ 10.00 ):  
Provided, however, Charges for this use may be made or readjusted whenever necessary to place the charges on a basis commensurate with the value of use authorized by this permit.

3. This permit is accepted subject to the conditions set forth herein, and to conditions 18 to 36 attached hereto and made a part of this permit.

PERMITTEE	NAME OF PERMITTEE <u>SWISHER COAL COMPANY</u>	SIGNATURE OF AUTHORIZED OFFICER <i>Don W. King</i>	DATE <u>11/21/79</u>
ISSUING OFFICER	NAME AND SIGNATURE <i>Reed C. Chubbuck</i>	TITLE <u>Forest Supervisor</u>	DATE <u>11/21/79</u>

4. Development plans, layout plans; construction, reconstruction, or alteration of improvements; or revision of layout or construction plans for this area must be approved in advance and in writing by the forest supervisor. Trees or shrubbery on the permitted area may be removed or destroyed only after the forest officer in charge has approved, and has marked or otherwise designated that which may be removed or destroyed. Timber cut or destroyed will be paid for by the permittee as follows: Merchantable timber at appraised value; young-growth timber below merchantable size at current damage appraisal value; *provided* that the Forest Service reserves the right to dispose of the merchantable timber to others than the permittee at no stumpage cost to the permittee. Trees, shrubs, and other plants may be planted in such manner and in such places about the premises as may be approved by the forest officer in charge.

5. The permittee shall maintain the improvements and premises to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the forest officer in charge.

6. This permit is subject to all valid claims.

7. The permittee, in exercising the privileges granted by this permit, shall comply with the regulations of the Department of Agriculture and all Federal, State, county, and municipal laws, ordinances, or regulations which are applicable to the area or operations covered by this permit.

8. The permittee shall take all reasonable precautions to prevent and suppress forest fires. No material shall be disposed of by burning in open fires during the closed season established by law or regulation without a written permit from the forest officer in charge or his authorized agent.

9. The permittee shall exercise diligence in protecting from damage the land and property of the United States covered by and used in connection with this permit, and shall pay the United States for any damage resulting from negligence or from the violation of the terms of this permit or of any law or regulation applicable to the National Forests by the permittee, or by any agents or employees of the permittee acting within the scope of their agency or employment.

10. The permittee shall fully repair all damage, other than ordinary wear and tear, to national forest roads and trails caused by the permittee in the exercise of the privilege granted by this permit.

11. No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this agreement or to any benefit that may arise herefrom unless it is made with a corporation for its general benefit.

12. Upon abandonment, termination, revocation, or cancellation of this permit, the permittee shall remove within a reasonable time all structures and improvements except those owned by the United States, and shall restore the site, unless otherwise agreed upon in writing or in this permit. If the permittee fails to remove all such structures or improvements within a reasonable period, they shall become the property of the United States, but that will not relieve the permittee of liability for the cost of their removal and restoration of the site.

13. This permit is not transferable. If the permittee through voluntary sale or transfer, or through enforcement of contract, foreclosure, tax sale, or other valid legal proceeding shall cease to be the owner of the physical improvements other than those owned by the United States situated on the land described in this permit and is unable to furnish adequate proof of ability to redeem or otherwise reestablish title to said improvements, this permit shall be subject to cancellation. But if the person to whom title to said improvements shall have been transferred in either manner provided is qualified as a permittee and is willing that his future occupancy of the premises shall be subject to such new conditions and stipulations as existing or prospective circumstances may warrant, his continued occupancy of the premises may be authorized by permit to him if, in the opinion of the issuing officer or his successor, issuance of a permit is desirable and in the public interest.

14. In case of change of address, the permittee shall immediately notify the forest supervisor.

15. The temporary use and occupancy of the premises and improvements herein described may be sublet by the permittee to third parties only with the prior written approval of the forest supervisor but the permittee shall continue to be responsible for compliance with all conditions of this permit by persons to whom such premises may be sublet.

16. This permit may be terminated upon breach of any of the conditions herein or at the discretion of the regional forester or the Chief, Forest Service.

17. In the event of any conflict between any of the preceding printed clauses or any provisions thereof and any of the following clauses or any provisions thereof, the following clauses will control.

18. (A-13) - A service charge in addition to the regular fees shall be made for failure to meet the fee payment due date or any of the dates specified for submission of statements required for fee calculation. The service charge shall be one (1.0) percent per month of the fee from the date statement and fees were due or \$15, whichever is greater. If a due date falls on a nonworkday, the service charge will not apply until the end of the next workday.
19. (B-8) - The permittee shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of National Forest lands under this permit.
20. (C-9) - No storage or transportation of water on the National Forest lands covered by this permit shall be made until the facilities have been constructed in accordance with the approved plans and specifications, the permittee has submitted certification thereof by a registered professional engineer, and the permittee has received written approval from the Forest Service.
21. (C-12) - The Environmental Assessment is attached to and made a part of the permit.
22. (D-3) - The permittee shall protect the scenic esthetic values of the area under this permit, and the adjacent land, as far as possible with the authorized use, during construction, operation, and maintenance of the improvements.
23. (D-4) - The permittee shall take reasonable precautions to protect, in place, all public land survey monuments, private property corners, and Forest boundary markers. In the event that any such land markers or monuments are destroyed in the exercise of the privileges authorized by this permit, depending on the type of monument destroyed, the permittee shall see that they are reestablished or referenced in accordance with (1) the procedures outlined in the "Manual of Instructions for the Survey of the Public Land of the United States," (2) the specifications of the county surveyor, or (3) the specifications of the Forest Service.  
  
Further, the permittee shall cause such official survey records as are affected to be amended as provided by law.
24. (D-7) - The permittee shall be responsible for the prevention and control of soil erosion and gulying on the area covered by this permit and lands adjacent thereto, and shall provide preventive measures as required by the Forest Service.
25. "Unless sooner terminated or revoked in accordance with the provisions of the permit, this permit shall expire and become void upon issuance of a new authorization or one year after publication of regulations by the Secretary of Agriculture under the provisions of Title V, P.L. 94-579, whichever comes first, but a new authorization to occupy and use

the same National Forest land will be issued provided the permittee will comply with the then-existing rules and regulations governing the occupancy and use of National Forest lands."

26. (X-4) - This permit is issued on the condition that the permittee has secured, or will secure, the consent of any person having valid claim to the land.
27. (X-5) - The land herein described is subject to certain rights reserved by or outstanding in parties other than the United States, and nothing herein shall abridge said rights or authorize prevention or obstruction of the reasonable exercise thereof.
28. (X-6) - This permit is subject to the rights and privileges granted in mineral, oil, or gas leases covering this land which have been issued by an authorized agency of the United States, and this permit does not authorize the prevention or obstruction of the reasonable exercise of the rights and privileges granted by said mineral, oil, or gas leases.
29. (X-17) - If, during excavation work, items of substantial archeological or paleontological value are discovered, or a known deposit of such items is disturbed, the permittee will cease excavation in the area so affected. He will then notify the Forest Service and will not resume excavation until written approval is given.
30. (X-19) - The permittee agrees to permit the free and unrestricted access to and upon the premises at all times for all lawful and proper purposes not inconsistent with the intent of the permit or with the reasonable exercise and enjoyment by the permittee of the privileges thereof.
31. (X-27) - This permit covers use of land only for flooding. It is specifically understood that the shoreline touching the National Forest land and the land above the shoreline and above the normal spillway-crest water level shall remain under the jurisdiction of the Forest Service. The Forest Service reserves the right to use and permit use of the land under permit: Provided, That such use does not interfere with the purpose for which this permit is granted.
32. (X-67) - The permittee further agrees that the Forest Service representative may inspect the structures at any time and if not satisfied with the then-existing protection to control soil erosion on the dams and in and below the spillways to streambed, upon written notice thereof, the permittee shall take action to provide protection to control soil erosion. If the Forest Service is not satisfied with any safety, operation, maintenance, or other feature or physical condition of the structures and appurtenances, upon written notice thereof, the permittee shall comply with a request to correct, adjust, or change same.

33. (X-68) - Rental equipment shall not be placed on National Forest land prior to actual use or be allowed to remain on National Forest land subsequent to actual use, but shall be stored at or removed to private land: Provided, That this will not preclude storage on National Forest land under permit for equipment storage.
34. (X-81) - This permit confers no right to the use of water by the permittee.
35. By accepting this permit, the permittee hereby agrees to comply with title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to the regulation of the United States Department of Agriculture (7 CFR, part 15) issued pursuant to that Act, and hereby assures that in the operation and performance of this permit to take immediately any measures necessary to effectuate this requirement. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to a permittee by the United States Department of Agriculture, this assurance shall obligate the permittee, or in the case of any transfer, of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the permittee for the period during which he retains ownership or possession of the property. In all other cases, this assurance shall obligate the permittee for the period during which the Federal financial assistance is extended to him by this permit.

The assurance is given in consideration of the Federal financial assistance extended in this permit to the permittee by the United States Department of Agriculture.

The permittee recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance. The permittee further agrees that the United States in addition to any other rights and remedies provided by this assurance, the Civil Rights Act of 1964, or the regulations issued thereunder, shall have the right to enforce this agreement by suit for specific performance or by any other available remedy under the laws of the United States or the State in which the breach or violation occurs.

36. Approval is also subject to the list of conditions shown under item 7 of the application.

**PART II - REPORT ON APPLICATION (To be completed by Forest Officer)**

1. General description of the area and adaptability for the proposed use. Outline area on separate Map Sheet if needed to clarify proposed use. (Use Field Map Sheet Form 5400-20, if needed) Map 1 shows the location of the mine and ponds.

The complex involves two ponds. The primary pond is on fee property and the overflow, secondary pond straddles fee and National Forest property. Both ponds are located in an ephemeral drainage of Mill Fork Creek. The portion on National Forest land is 0.255 acres. The site is suitable for the ponds provided they are constructed with proper materials to approved engineering standards. The proposed ponds are in the Huntington Canyon Management Unit of the Ferron - Price Land Management Plan and the construction is consistent with the management directions and decisions of the Land Management Plan.

2. If previously under permit indicate:

a. N/A (Name of Permittee) b. \_\_\_\_\_ (Date of Permit) c. \_\_\_\_\_ (Date Closed)

3. Describe any encumbrances on the land, such as withdrawals, power projects, easements, rights-of-way, mining claims, leases, etc. Show on map provided or on Form 5400-20. The land is under lease to Swisher Coal. Leases SL-064903 and U-33545.

4. State approximate amount and kinds of timber to be cut, recommended stumpage prices, method of scaling; include recommendation on disposal of merchantable timber (a) to permittee at current damage appraisal or (b) to others than permittee under regular timber sale procedure.

5. Is the proposed use in conformity with the Multiple Use Plan?  
 Environmental Analysis prepared?  Yes  No  
 Environmental Impact statement prepared? (P.L. 91-190)  Yes (Attach)  No  
 Does it conform with the District Land Adjustment Plan?  Yes (Attach)  No  
 Yes  No  
 (NOTE: If "NO" is checked in answer to any of the above questions, explain under No. 6 below)

6. Recommendations, including any factors which might affect the granting of the permit or future use of the land.

5c - The EA/TE concluded that there are no significant impacts to warrant the writing of an EIS. The approval of this permit will not affect the future use of the land when the usefulness of the ponds is finished, the area will be reclaimed and revegetated.

7. List conditions which should be made a part of this permit (See FSM 2780) The ponds will be constructed to approved engineering standards for a 25 year, 6 hour event. These standards will include the following modifications in the submitted plans. 1) The freeboard on the upper pond will be increased to 3 feet; the freeboard on the lower pond will be increased to 2 feet 2) The berm top width of the lower pond will be increased to 8 feet. (a) The ponds will be dredged at regular intervals to prevent overflowing. (b) The ponds will not be filled over their capacity (c) Upon completion of use, the ponds will be destroyed, the site contoured and revegetated. (d) The Forest Service will be notified immediately upon any failure of either pond. (e) A corrugated metal pipe, minimum inside diameter of 24", will be installed below the lower pond to carry water from the drainage ditch to Mill Fork Creek.

8. Fee recommendation (Describe here or on computation sheet attached)  
 9. Name and Address of Permittee exactly as it should be shown on the permit:  
 \_\_\_\_\_  
 (Zip Code)

RECOMMEND: <del>Approval*</del> <input checked="" type="checkbox"/> <del>Disapproval</del>	DATE 11/13/79	SIGNATURE <i>[Signature]</i>	TITLE <i>[Title]</i>
Approved* <input checked="" type="checkbox"/> <del>Disapproval</del>	DATE 11/20/79	SIGNATURE <i>[Signature]</i>	TITLE <i>[Title]</i>

\*Delete One

**SPECIAL USE APPLICATION AND REPORT**  
*(Reference FSM 2712)*

This report is authorized by the Organic Act of June 4, 1897 for the purpose of evaluating the proposed use and no permit may be issued unless this form is completed or the information it requires has been made a part of the record in some other manner.

FOREST SERVICE USE ONLY	a. Record no. (1-2)	Region (3-4)	c. Forest (5-6)
	d. District (7-8)	e. User number (9-12)	f. Kind of use (13-15)
	g. State (16-17)	h. County (18-20)	k. Cord No. (21)

**PART I - APPLICATION** *(To be completed by applicant)*

Application is hereby made for a permit to use National Forest land as indicated below:

1. Description of land: *(Attach MAP or PLAT)*

Begin @ a pt. 60' East of the North 1/4 corner of Sec. 21, T.16 S., R.7E, S.L.B.&M.; thence South 90' to edge of road; thence North 70° West 263.14' along road, thence East 247.27' to the point of beginning, containing .255 acres.  
(See attached map)

2. Purpose of use.

To construct the lower portion of 2 sedimentation ponds below the Huntington Canyon #4 Mine.

3. Land Area applied for *(For Rights-of-Way show length and width and convert to acres; for other uses show acres)*

Length in:  $\frac{245'}{\text{(Feet)}} \times \text{Width } \frac{45'}{\text{(Feet)}} = \frac{0.255}{\text{(Acres)}}$

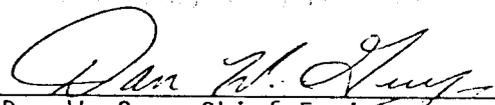
4. Improvements

a. Description

A primary sedimentation pond will be built upstream, and the overflow (if any), will run to a shallow pond to be constructed on this land. The shallow pond dam will be keyed into the sandstone ledge located on the north side. Topsoil will be removed and stored, and the berms and dams will be seeded.

b. Plans attached  Yes  No. If "NO" show date plans will be furnished \_\_\_\_\_

c. Estimated cost \$ <u>5,000.00</u>	d. Construction will begin within <u>1 month</u> (Months)	e. Construction will be completed within <u>2 months</u> (Months)
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Date of Application <u>10-05-79</u>	Applicants name and signature  Dan W. Guy, Chief Engineer	Applicant's address Swisher Coal Company 1109 South Carbon Avenue Price, Utah <u>84501</u> (ZIP Code)
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Swisher  
Huntington Cmt # 4



SECOND ADDENDUM TO THE  
ENVIRONMENTAL ANALYSIS/TECHNICAL ANALYSIS  
SWISHER LAND COMPANY LESSEE  
HUNTINGTON CANYON NO. 4 MINE  
FEDERAL COAL LEASES SL - 064403 U-33454  
EMERY COUNTY, UTAH

RESPONSIBLE AGENCY:

USDA Forest Service  
Manti-LaSal National Forest  
Price, Utah

RESPONSIBLE OFFICIAL:

Reed C. Christensen  
Forest Supervisor

FOR INFORMATION CONTACT:

Ira W. Hatch  
District Ranger  
Price, Utah 84501

Prepared by *Paul H. Odell* Date *13 March 1979*  
District Geologist

Recommend Approved *Ira W. Hatch* Date *11-13-79*  
District Forest Ranger

Recommend Approved *W. B. Baly* Date *11/19/79*  
Forest Engineer

APPROVED BY *W. B. Baly* Date *11/19/79*  
*atg* Forest Supervisor

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## I. INTRODUCTION

Swisher Coal Company desires to construct two settling ponds on their lease. These ponds are required by the Office of Surface Mining (OSM) to collect sediment from mine water and runoff from their mine before the water enters the Huntington Canyon drainage.

The area proposed for the ponds straddles fee and National Forest property. The drainage is entirely within the National Forest boundary.

The purpose of this assessment is to determine the effects of construction and subsequent use of the sediment ponds. The scope includes an analysis of possible effects to surface resources from the ponds construction and use, their mitigation and eventual reclamation. Swisher has applied for a Special Use Permit to the Forest Service to construct the ponds and this report will consider the suitability of granting the permit and specify the conditions of the permit.

### A. Location

The ponds would be located in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 21, T16S, R7E, SLBM. The position on National Forest land would occupy 0.255 acres (see map 1).

The mine and proposed ponds are within the Huntington Canyon Management Unit (A-3) of the Ferron - Price Land Management Plan approved by the Forest Supervisor in May, 1979. The physiographic location is on the west side of Mill Fork Creek Canyon.

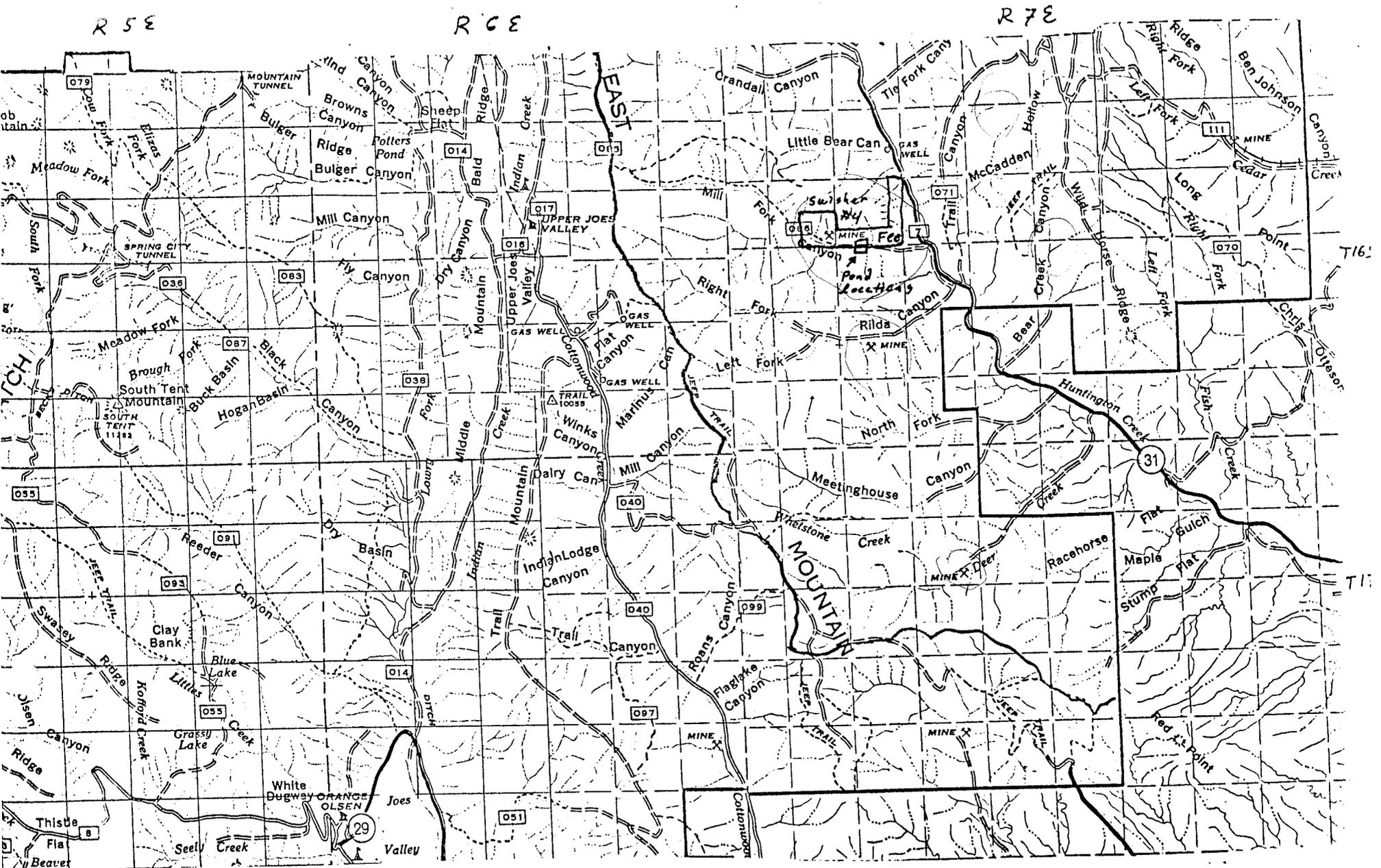
### B. Proposed Action

The ponds would be constructed as shown in Figure 1 and 2 according to approved Forest Service engineer's specifications. The materials used for construction would be obtained on site.

### C. Issues and Concerns

Identified issues and concerns associated with the construction of the ponds are as follows:

1. Public Safety - The structures must be constructed so that they will impound water without failure.
2. Pollution of Mill Fork Creek - The ponds must be adequate to assure that contaminating particulates settle before the water is discharged into Mill Fork Creek.
3. Serviceable Design - The structure must be constructed to approved engineering specifications to minimize surface disturbance.



Map 1 - Location of Swisher #4 Mine and Proposed Settling Ponds Area in outline is see Dand

4. Erosion of Soils - Portions of the ponds exposed to water movement, such as spillways, must be riprapped or armored to prevent soil loss and pond deterioration.

## II. AFFECTED ENVIRONMENT

The environment that would be affected is encompassed in the original Environmental Assessment Technical Examination, dated August 18, 1976, the lease readjustment EA/TE dated September 16, 1977, and the short term lease adjustment EA/TE dated August 3, 1978.

## III. EVALUATION CRITERIA

- A. Technical. Can the alternative be carried out on the current technology to protect public safety and prevent pollution of Mill Fork Creek?
- B. Legal. Can the alternative be implemented within the constraints of current laws, rules and regulations?
- C. Political. Will the alternative be supported by the State and local governments?
- D. Land Capability. Can the alternative be implemented within the constraints and capabilities of the land without altering present and future use?
- E. Can the alternative be implemented within the management directives and decisions of the Ferron - Price Land Management Plan?

The Ferron - Price Land Management Plan provides the basic guidance in terms of management directions and decisions upon which the alternatives are evaluated. The alternatives are rated HIGH (H), MODERATE (M), and LOW (L), as to how well each meets the stated criteria and management directions and decisions of the Land Management Plan.

HIGH (H) The alternative clearly exceeds the stated criteria and is clearly consistent with the management directions and decisions of the Land Management Plan.

MODERATE (M) The alternative meets or exceeds the stated criteria and is consistent with the management directions and decisions of the Land Management Plan.

LOW (L) The alternative does not meet the criteria or is not consistent with the management directions and decisions of the Land Management Plan.

#### EVALUATION CRITERIA

<u>CRITERIA</u>	<u>ALTERNATIVE</u>	
	<u>A</u>	<u>B</u>
1. Technical	H	H
2. Legal	L	H
3. Political	L	H
4. Land Capability		
Land Use	H	H
Consistent with the Land Management Plan	L	H

#### IV. ALTERNATIVES CONSIDERED

Alternative A - do not approve the pond construction. This alternative would force Swisher to find a new site for their settling ponds. The purpose of the ponds are to comply with Utah and Federal water quality discharge regulations. Swisher cannot mine until these ponds are constructed.

This is the "no action" alternative.

Alternative B - allow the construction of the ponds subject to specific requirements and constraints. This alternative would result in the disturbance of approximately 1/4 acre. The land that would be used is already disturbed from road construction and other mining activity.

A benefit of this alternative is that it would require the Forest Service to approve the engineering requirements for both ponds. This would assure that the ponds are constructed to specifications that would minimize failure, protect public safety and prevent sedimentation into Mill Fork Creek.

The following management requirements and constraints would be part of the selection of this alternative.

1. The ponds must be constructed to approved Forest Service engineering specifications and materials.
2. The ponds will be dredged at proper intervals.
3. Water flow from the mine will be controlled so that the design capacity of the ponds will not be exceeded.
4. The Forest Service will be promptly notified of any failure. The ponds must be inspected prior to reuse.
5. When the ponds are no longer needed, the sediment will be dredged, the ponds destroyed and the area contoured and seeded.

The plans submitted by Swisher Coal Company will be modified as follows:

1. A culvert, minimum diameter 24", will be installed below the lower pond to carry overflow water from the drainage ditch to Mill Fork Creek.
2. The freeboard of the upper pond will be increased to 3 feet; the freeboard of the lower pond increased to 2 feet.
3. The berm top width of the lower pond will be increased to 8 feet.

#### V. EFFECTS OF IMPLEMENTATION

- A. Alternative A - Do not allow the ponds to be constructed. This alternative would deprive Swisher from opening their mine until new pond sites were approved. The proposed site is in a natural drainage at the bottom of the mine. The ponds can be gravity fed. A new site could require pumping of the water. Swisher must have the ponds constructed before the Office of Surface Mining will let them mine.
- B. Alternative B - Allow the ponds to be constructed subject to management requirements and constraints.

This alternative would allow Swisher to construct the ponds. The construction and materials would have to conform to approved Forest Service specifications. Such specifications assure the protection of public safety and minimize an unpredicted failure if the ponds are used at their designed capacity.

The surface disturbance is only temporary. Upon completion of the ponds useful life, they will be destroyed, the area contoured and revegetated.

#### VI. FOREST SERVICE PREFERRED ALTERNATIVE

Alternative B is the preferred alternative. This alternative would allow Swisher to complete the last requirement of the Office of Surface Mining for water quality protection. The ponds would be constructed of approved materials to approved specifications.

Only 1/4 of an acre of land is affected, although construction and material standards would be required for the entire 1 acre disturbance.

#### VII. CONSULTATION WITH OTHERS

The following personnel have been consulted in the preparation of this Environmental Analysis and Technical Examination:

Brent B. Barney	Civil Engineer	S.O.
Fred Thompson	Forest Geologist	S.O.
N. J. Carlile	Geologist	S.O.
Daniel M. Larson	Soil Scientist	S.O.
Ira W. Hatch	District Ranger	Price R.D.
Dwain McGarry	Geologist	Price R.D.
Dan Guy	Civil Engineer	Swisher Coal Co.
Max A. Robb	President	Swisher Coal Co.

IX.

FINDING OF NO SIGNIFICANT IMPACT  
SWISHER COAL COMPANY  
#4 MINE

USDA FOREST SERVICE  
MANTI-LASAL NATIONAL FOREST

An Environmental Analysis that discusses the proposed sediment ponds for Swisher Coal Company is available for review in the Supervisor's Office and Price Ranger District's Office, both in Price, Utah.

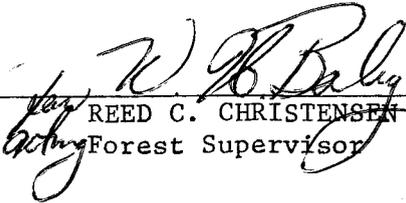
This project will involve about 1/4 acre of surface disturbance and the Environmental Assessment does not indicate that there will be any significant effects upon the quality of the human environment nor will there be any significant, irreversible or irretrievable recreational, timber, range, wildlife, water, or other resource damage. Therefore, it has been determined that an Environmental Statement will not be prepared.

This determination was based upon consideration of the following factors, all of which are discussed in detail in the original Environmental Analysis and first addendum:

- a. Both ponds will be constructed to approved engineering standards with proper materials.
- b. Overflow channel will be designed for the 10 year, 24 hour event.
- c. The ponds will be designed for the 25 year, 6 hour event.
- d. The design capacity will not be exceeded by controlled input from the mine.
- e. The ponds are subject to inspection, during and after construction.
- f. The ponds will be dredged at proper intervals.
- g. When the ponds are no longer needed, they will be destroyed, the area contoured and seeded.
- h. There are no threatened or endangered flora or fauna species present.
- i. There are no cultural or historic values which could be destroyed.

No comments have been received or expressed about this plan.

No action will be taken prior to the acceptance of the terms, conditions, management requirements and constraints by the Swisher Coal Company.

  
\_\_\_\_\_  
REED C. CHRISTENSEN  
Acting Forest Supervisor

  
\_\_\_\_\_  
Date

Swisher #4 Mine

0.2 AC Ft

4.35G Sq Ft Area and 2 Foot Depth

$$W = \frac{H + 35}{5} = \frac{5 + 35}{5} = \frac{40}{5} = 8 \text{ Ft Use (10 min)}$$

$$V_o = 5 \text{ ft/sec}$$

$$Q_{10-24} = 8.4 \text{ cfs} \quad h = 0.92 \text{ ft}$$

$$Q_{25-6} = 4 \text{ cfs} \quad h = 0.55 \text{ ft}$$

$$Q_{10-24} = 10.44 \text{ cfs} \quad h = 1.08 \text{ ft}$$

Use 2 Ft Above  
Crest

or  $F = D$  When  $D < 3$

D = Depth of Pond

F = Freeboard Required

H = Height of Dam or Berm

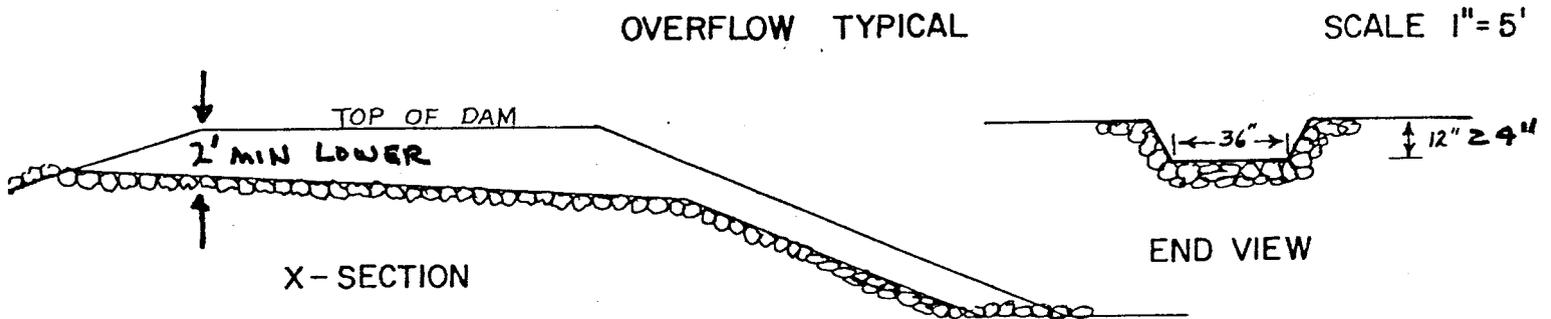
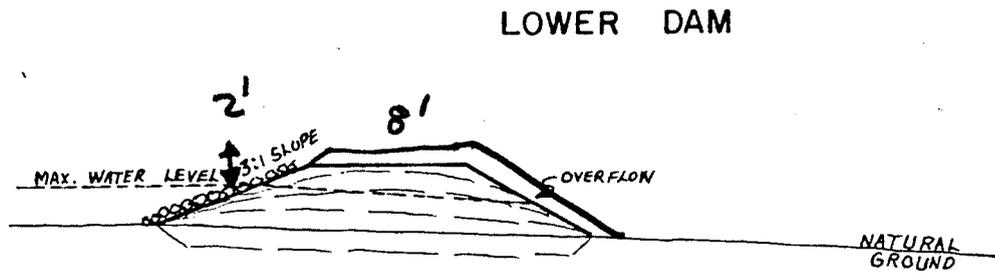
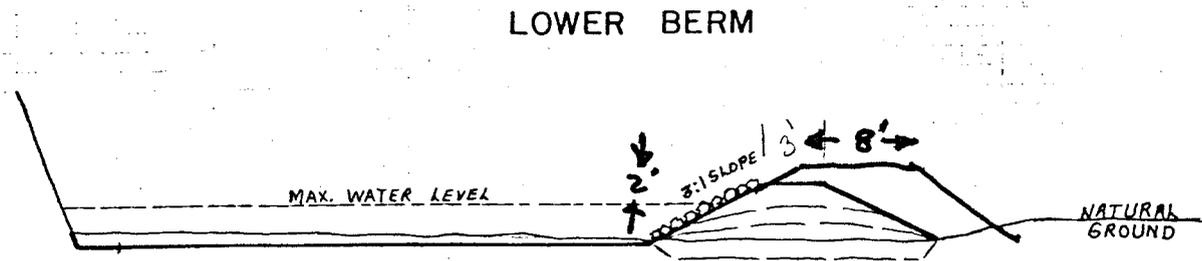
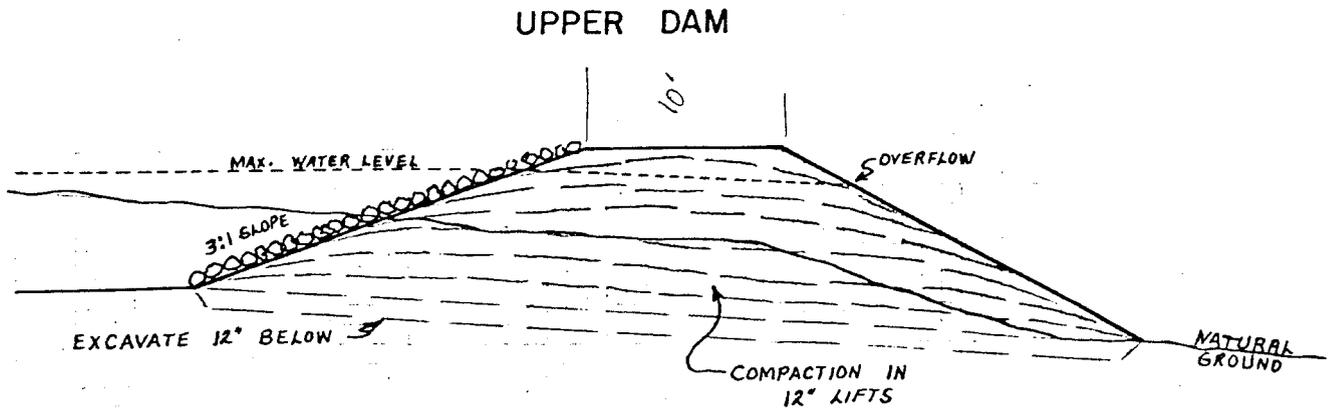


Figure 2.