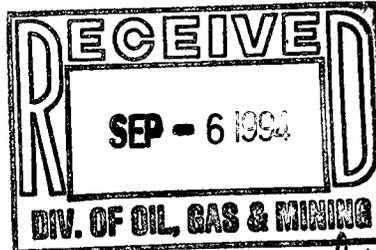


0006



September 1, 1994

Utah Coal Regulatory Program  
Division of Oil, Gas and Mining  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203



Attention Pamela Grubaugh-Littig

**RE: RESPONSE TO INITIAL COMPLETENESS OF SIGNIFICANT REVISION, 1994 TRAIL MOUNTAIN DRILLING, PACIFICORP, TRAIL MOUNTAIN MINE, ACT/015/009, EMERY COUNTY, UTAH. AND CONVERSION OF APPLICATION TO A NOTICE OF INTENTION TO CONDUCT MINOR COAL EXPLORATION**

*Letter only  
Copy (all)  
Tom, Henry, Susan,  
Jesse, Dawn  
#2 file*

PacifiCorp requests that, due to the recent rule making changes with regard to the exploration regulations, this letter serves now as a Notice of Intention and that the evaluation of this proposal as a Significant Revision be terminated. Therefore this information in response to the listed deficiencies is enclosed for your review only.

In the Division letter dated March 10, 1994 it was determined that the 1994 Trail Mountain drilling was to be a significant revision. Items were listed that needed to be addressed to deem this revision complete. Following are the items listed with PacifiCorp's response in italics.

R645-301-200 - Soils

For the portions of the permit area affected by surface operations incident to underground mining and reclamation activities, the permittee must present an Order I Soil Survey (see R645-301-222 et seq., R645-301-223, and the Division Guidelines for the Management of Topsoil and Overburden), which meets the standards for the National Cooperative Soil Survey as incorporated by reference in R645-302-314.100. The survey must encompass the disturbance associated with the exploration drilling proposal (i.e. roads and drill pads).

In attachment 9 of the 1994 drilling proposal, the permittee states that a soil survey has been done and will be the basis for the topsoil removal plan. This soil survey and the topsoil removal plan must be submitted to the Division, for review, upon receipt.

*Please find enclosed thirteen (13) copies of the soil survey and the topsoil removal plan to be inserted in attachment 9.*

**R645-301-300 - Biology**

The permittee states that a vegetation survey has been completed. This survey must be submitted with the permit proposal.

*Please find enclosed thirteen (13) copies of the vegetation survey to be inserted in attachment 1.*

**R645-301-500 - Engineering**

The maps have not been certified by a qualified, registered, professional engineer (see R645-301-521.160)

*R645-301-521.160 is improperly referenced and does not refer to the certification requirements. R645-301-512.100 refers to the certification requirements. The certification requirements do not apply to location or disturbance maps. These are the only maps contained within the drilling plan. PacifiCorp discussed this item with Mr. Jess Kelley with the Division on March 21, 1994. Mr. Kelley agreed that his request was not substantiated. Therefore the maps contained within the drilling plan will not be certified.*

The proposal contains no description of how the access roads are to be reclaimed (see R645-301-534.140). The submittal is ambiguous in that parts of it seem to indicate that the access roads will not be regraded, while the reclamation costs implies that the roads will be at least partially regraded.

*Page 12 of the drilling plan has been revised to indicate that roads along with drill pads will be reclaimed as soon as possible after drilling is completed. Page 6 of the drilling plan refers to installation of water bars to roads not totally obliterated. This references roads that the USFS may request that PacifiCorp leave in place until future exploration that will utilize the same roads has been completed, usually the following year, to avoid re-disturbing the same road several times.*

**R645-301-800 - Hydrology**

There is no discussion other than drill hole plugging, and the cursory discussion of using silt fences if necessary around drill site areas. There are no specifics regarding the actual location of treatment areas. All applicable hydrology regulations must be addressed, as were done in the 1993 drilling report.

*The location of siltation structures will be dictated by site conditions during road and pad construction. Per conversations with Tom Munson, Tom requested that Soil Erosion Potential for a worse case scenario be calculated. This has been done and thirteen (13) copies are enclosed as an addition to Attachment 9.*

## R645-301-800 - Bonding

The reclamation cost estimate does not contain adequate information (see R645-301-830). The text gives no source for the stated hourly equipment and labor rates. There is no demonstration of how the road and pad reclamation times and costs were calculated.

*Page 12 of the drilling plan has been revised to indicate that the reclamation costs are derived from historic reclamation costs on East and Trail Mountain exploration projects.*

## Preliminary Technical Deficiencies

On page six of the drilling proposal, the following statement is made: "Reclamation work requires all roads **not obliterated** to have water bars installed...." Does this statement infer that some roads will not be regraded and/or remain as permanent features? Please clarify.

*Page 6 of the drilling plan refers to installation of water bars to roads not totally obliterated. This references roads that the USFS may request that PacifiCorp leave in place until future exploration that will utilize the same roads has been completed, usually the following year, to avoid re-disturbing the same road several times. All roads used for exploration that are not existing roads will be regraded upon completion of exploration activities utilizing that road.*

On page five of the drilling proposal, the permittee makes a contradictory statement with regard to topsoil removal from the drill pads. Since drill pad area soils are more susceptible to impacts related to drilling equipment (i.e. oil, grease and drilling mud contamination and excessive compaction), topsoil must be removed from all drill pads. A variance from the requirement of R645-301-232 may be granted by the Division where the permittee can demonstrate that the criteria set forth under R645-301-232.710 apply.

*Page 5 , 12 and 13 of the drilling plan have been revised removing any discussion of leaving topsoil in place on drill pads. All drilling pads will have the topsoil stripped and stockpiled before drilling begins.*

Wildlife protection and enhancement measures that will be used during the operation and reclamation phases of the proposed project must be stated.

*Page 21 of the drilling plan states " ...however, prior to initiating drilling activities the area will be surveyed as necessary in cooperation with the appropriate agencies." This statement refers to the protection of wildlife in coordination with the appropriate agencies responsible for wildlife protection. In addition access is not granted by the USFS until after the calving season for the elk is completed and operations are to be completed before the elk return to their winter range.*

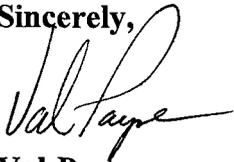
A mistake was pointed out by the USFS on page 8 where the road distance on TMTN-16 of 1850' for new road construction did not match the distance listed in the letter of 1190'. The distance has been checked and is the same as listed in the letter; therefore, page 8 has been revised to reflect 1190' of new road construction, making it consistent with the letter.

Please find enclosed thirteen (13) copies of pages 5, 6, 8, 12 and 13 for replacement in the drilling plan.

I have also enclosed a copy of the US Forest Service's Decision Notice and Finding of No Significant Impact (FONSI) for the Environmental Assessment (EA) conducted for the Trail Mountain Drilling Proposal and the EA Appendix A, Conditions of Consent and Implementation. This information provides documentation (EA page 3, Public Participation) which seems to indicate that the requirements of R645-200-230 have been met.

If you have any questions or concerns please feel free to contact Karl Houskeeper at 653- 2312 ext. 15 or me at 653-2312 ext. 16.

Sincerely,



**Val Payne**  
**Senior Environmental Engineer**

KRH/krh

Enclosure(s)

cc: **Morgan Moon, (w/o enclosures)**  
**J. Blake Webster, (w/o enclosures)**

United States  
Department of  
Agriculture

Forest  
Service

Manti-La Sal  
National Forest

599 West Price River Dr.  
Price, Utah 84501  
(801) 637-2817

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Reply to: 2820/1950

Date: June 30, 1994

PacifiCorp, Energy West  
ATTN: Val E. Payne  
P.O. Box 1005  
Huntington, Utah 84528

Dear Mr. Payne:

In early June 1994 we completed our environmental analysis process for PacifiCorp, Energy West's 1994-1995 Trail Mountain coal exploration drilling proposal in Emery County, Utah. I believe the analysis discloses the potential environmental effects of the drilling proposal. Thank you for taking the time to send in your comments and participate in the decision making process.

After careful review of the proposal, public comments, and the analysis disclosed in the environmental assessment I have decided to select Alternative 3. Implementation of Alternative 3 gives the State of Utah, Division of Oil, Gas, and Mining consent to issue a permit to PacifiCorp, Energy West approving the occupancy and use of Forest Service lands for coal exploration drilling. The permit would be subject to Forest Service conditions of approval found in Appendix A of the environmental assessment. If no appeals of this decision are filed, my decision may be implemented by Utah Division of Oil, Gas, and Mining on or after August 20, 1994.

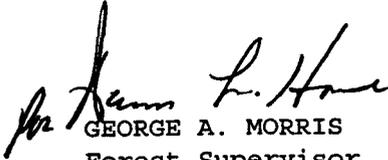
I am willing to meet, listen, and discuss any concerns or issues related to this decision. PacifiCorp may appeal this decision under 36 CFR 251, Subpart C or 36 CFR 215.7, but not both.

As the holder of a written instrument to occupy and use National Forest System lands, PacifiCorp, Energy West may appeal this decision under 36 CFR 251, Subpart C. Any written notice of appeal must be fully consistent with 36 CFR 251.90 including the reasons for the appeal and must be postmarked by August 15, 1994. Notice of Appeal and statement of reasons must be submitted in writing to: ATTN: Appeal Deciding Officer, USDA Forest Service, 324 25th Street, Ogden, UT 84401. Simultaneously send a copy of the Notice of Appeal to: ATTN: Forest Supervisor, Manti-La Sal National Forest, 599 West Price River Drive, Price, UT 84501.

PacifiCorp may appeal this decision under 36 CFR 215.7. Any written notice of appeal to the Appeal Deciding Officer must be fully consistent with 36 CFR 215.14 including the reasons for the appeal and must be postmarked by August 15, 1994. Notice of Appeal and statement of reasons must be submitted in writing to: ATTN: Appeal Deciding Officer, USDA Forest Service, 324 25th Street, Ogden, UT 84401.

The decision, finding of no significant impact (FONSI), and environmental assessment (EA) are available for review at the Ferron Ranger District and the Forest Supervisor's office in Price. Any persons with questions related to this decision or project may contact David Hatfield at the Ferron Ranger District, PO Box 310, Ferron, UT 84523 or call (801) 384-2372.

Sincerely,

  
GEORGE A. MORRIS  
Forest Supervisor

cc:  
Ferron District Ranger

**DECISION NOTICE**  
**and**  
**FINDING OF NO SIGNIFICANT IMPACT**  
**for an**  
**ENVIRONMENTAL ASSESSMENT**  
**PACIFICORP, ENERGY WEST**  
**1994-1995 TRAIL MOUNTAIN**  
**COAL EXPLORATION DRILLING PROPOSAL**

**June, 1994**

**USDA, Forest Service, Region 4**  
**Manti-La Sal National Forest**  
**Ferron Ranger District**  
**Emery County, Utah**

**Responsible Official:**

**George A. Morris - Forest Supervisor**  
**Manti-La Sal National Forest**  
**599 W. Price River Drive**  
**Price, Utah 84501**  
**(801) 637-2817**

**For Further Information Contact:**

**David M. Hatfield - Team Leader**  
**Ferron Ranger District**  
**P.O. Box 310**  
**Ferron, Utah 84523**  
**(801) 384-2372**

## DECISION NOTICE and FONSI

### Introduction

On December 18, 1993 PacifiCorp, Energy West submitted a coal mine plan amendment to the Utah Department of Natural Resources, Division of Oil, Gas, and Mining to build new access road, reopen previously used and reclaimed access roads, and drill thirteen (13) exploration holes in the Trail Mountain Mine permit area. The purpose and need of the proposed actions are to evaluate coal elevation, thickness, quality, and identify surrounding strata in support of future mining operations at the Trail Mountain Mine, Cottonwood Canyon. The proposed actions are located north of Straight Canyon, between 8,000 and 9,000 feet in elevation within T17S R6E, Section 27 and 34 and T18S R6E, Section 2.

The Trail Mountain permit area is completely within the Ferron Ranger District, Manti-La Sal National Forest, Emery County, Utah. Approval authority for this action; on an existing lease UTU-64375, within an existing mine operating permit area, falls under the jurisdiction of the Utah Department of Natural Resources, Division of Oil, Gas, and Mining. Consent and terms of occupancy must be granted by the Forest Service prior to approval by the State.

### Decision and Reasons for the Decision

After careful review of the proposal, public comments, and the analysis disclosed in the environmental assessment and project file I have decided to select Alternative 3. Implementation of Alternative 3 gives Utah Department of Natural Resources, Division of Oil, Gas, and Mining my consent to approve occupancy and use of currently permitted and leased National Forest system lands. The mitigation measures listed in Appendix A of the environmental assessment are hereby incorporated into my decision as conditions of consent.

This decision is made within the authority of the following authorizing leasing and development laws and regulations: The Mineral Leasing Act of February 25, 1920, as amended; the National Forest Roads and Trails Act of 1964, as amended; the National Environmental Policy Act (NEPA) of 1969; the Federal Land Policy and Management Act (FLPMA) of 1976; the Federal Coal Leasing Amendments Act of 1976, as amended; the Surface Mining Control and Reclamation Act (SMCRA) of 1977; Federal Regulations 30 CFR 700, 40 CFR 1500, 43 CFR 3400; and the Manti-La Sal National Forest Land and Resource Management Plan, EIS, and Record of Decision (1986), as amended.

My decision responds to the issues and anticipated effects disclosed in the EA as described below, issue by issue. What will be the effects of exploration drilling and construction of drill pads and roads on:

#### **Elk and deer habitat and seasonal use?**

This issue addresses concerns raised by the Trail Mountain Cattle Association, Utah Division of Wildlife Resources, and the Forest Service. Effects of the drilling proposal will not negatively effect the long-term habitat of the elk and deer nor will the population objectives of the State be affected. My decision includes a mitigation measure in Appendix A that will increase the available productive key winter range by 2 acres. This is not a great amount compared to the total 3,200 acre range, nevertheless it is an improvement and a secondary benefit addresses the road access issue in that 3 miles of unneeded, user created roads will be reclaimed. Since the project falls

## DECISION NOTICE and FONSI

within the key winter range management area I felt it appropriate to improve the habitat in the long-term.

### **Water quality, quantity, and downstream beneficial uses of Cottonwood and Straight Creeks?**

This issue addresses concerns raised by the Emery Water Conservancy District, the Trail Mountain Cattle Association, and the Forest Service. Long-term, negative effects to water quality are not anticipated. Effects predicted in the short-term appear to be minimal and low risk based on the EA. Water quantity would not be negatively affected. Mitigation addressing the possible effects include standards from the Forest Plan, Appendix B to reduce sedimentation from road and drill pad construction and the risk of accidental spills of drilling fluids.

### **Roaded recreation opportunities on Forest Development Road 50040 (Cottonwood Canyon), 50034 (Trail Mountain), 52175, and 52182 weekends and opening days of hunting seasons and holidays?**

This issue addresses concerns raised by the Emery Water Conservancy District, the Trail Mountain Cattle Association, Utah Division of Wildlife Resources, and the Forest Service. The mitigation measures reduce the risk of vehicle accidents, spread of noxious weeds, and conflicts with existing permit holders. Hunters will be alerted to the presence of drilling activities by the use of warning signs. Possible impacts to Forest roads are addressed in the road use permit which must be obtained prior to project implementation.

### **Threatened, Endangered, or Sensitive wildlife and plant species (FSM 2670)**

This issue addresses concerns raised by the Utah Division of Wildlife Resources and the Forest Service. Drilling would require approximately (445,714 gallons) 1.37 acre feet of water which would be diverted from the Colorado River System and may affect endangered fish species. I believe the mitigation listed in Appendix A of the EA will compensate for the anticipated effects as discussed in the Forest Service biological evaluation and US Fish and Wildlife Service biological opinion.

### **Heritage resources (FSM 2360)**

This issue addresses concerns raised by the Forest Service. Implementation of Alternative 3 will not impact existing or eligible National Historic Register sites. This conclusion was reviewed and approved by the Forest Archaeologist and the Utah State Historic Preservation Officer.

## **Alternatives Considered in Detail**

Based on public input and IDT recommendation, I approved the following three alternatives for analysis (EA page 2-5,6). I believe each alternative sharply defined the issues and provided me with a full range of alternatives. Alternatives include mitigation and monitoring to address the issues and anticipated environmental effects.

**Alternative 1:** Forest Service deny consent. Utah Department of Oil, Gas, and Mining would not approve PacifiCorp's exploration proposal to build access roads, drill pads, and drill 13 exploration holes over a two year period. Site-specific project development would not be approved at this time. The operator would have to propose alternate coal exploration plans to meet their needs

## DECISION NOTICE and FONSI

to determine coal quantity and quality for this area. Alternative 1 addresses the need to provide a "No Action" alternative (40 CFR 1502.14). No mitigation measures or monitoring would be required as part of this alternative.

**Alternative 2:** Forest Service consent as proposed by PacifiCorp. Utah Department of Oil, Gas, and Mining would approve PacifiCorp's exploration proposal to build access roads, drill pads, and drill 13 exploration holes over a two year period. All proposed site-specific project development would be approved. No requirements, constraints, or mitigations would be added to those already committed to in the drilling proposal other than the standard provisions for hole plugging operations required under the Utah Coal Rules. No monitoring would be required as part of this alternative.

**Alternative 3:** Forest Service consent subject to conditions of approval that modify the types, locations, or scheduling of development components (Selected Alternative). Utah Department of Oil, Gas, and Mining would approve PacifiCorp's exploration proposal to build access roads, drill pads, and drill 13 exploration holes over a two year period as modified by Forest Service consent decision. Site-specific project development would be approved and implementation would proceed subject to meeting conditions.

The issues and potential effects to elk and deer, water quality and quantity, recreation, noxious weeds, and cattle improvements are highlighted in Alternative 3. Mitigation measures designed to address the issues and lessen potential adverse environmental effects were included in Alternative 3. Alternative 2 does not provide the additional measures.

Measures included in Alternative 3 to address the issues and mitigate anticipated environmental effects are found in Appendix A. Many of these mitigation measures are standard coal drilling stipulations listed in the Manti-La Sal National Forest Land and Resources Management Plan (Appendix B), except for those stipulations which are already covered by commitments in PacifiCorp's exploration proposal. Implementation effectiveness monitoring would be performed to determine if the mitigation measures are effective and assure the desired results are achieved.

### Public Participation

November 1993 PacifiCorp invited the Forest Service, along with representatives of the Utah Division of Oil, Gas, and Mining (UDOGM), and the Bureau of Land Management (BLM) to visit the proposed drilling project area. The project initiation letter was signed by the Forest Supervisor February 3, 1994 and scoping initiated February 25, 1994 with the mailing of scoping packages to 28 people, organizations, or agencies on the District mailing list (Project File). A news article requesting public input was printed in the March 1 issue of The Sun Advocate, the paper of record for this decision. Five scoping responses were received from potentially affected interests. A predecisional copy of the environmental assessment was sent to the individuals and agencies interested in continued participation in this decision making process. Additional copies were also available for a 30 day period ending June 6, 1994, to encourage and provide for public review and comment. One comment was received during the 30 day review period.

## DECISION NOTICE and FONSI

### Finding of No Significant Impact

Based on the following discussion and the direct, indirect, and cumulative effects disclosed in the EA I made a finding regarding "significance". Implementation of Alternative 3 will not result in significant impacts to the human environment, therefore an environmental impact statement will not be prepared.

"Significance" as used in NEPA requires consideration of both "context" and "intensity". Context means the significance of the action must be evaluated in several contexts such as society as a whole, the human scale, and local and regional interests. Intensity refers to the severity of the impacts (environmental effects) disclosed in the analysis document.

**Context:** Context for this action includes residents of Emery and Carbon Counties, affected interests within the Castle Valley area, and our cooperating agencies (Utah State DOGM, DWL, SHIPO, and USFWS). Coal mining operations have occurred in this region for over 100 years and both County governments, City governments, and residents are accustomed to these activities and their environmental, social, and economic effects. The proposed action involves exploring for coal reserves within an existing lease and mine permit area. The decision to lease was made using an EA and significant effects were not disclosed at that broader, decision stage. This proposal and its anticipated effects are not national in scope. Effects to the surface resources are local in scope, that is, the effects are felt only on Trail Mountain with the exception of water which continues downstream. This decision is local in effect, short-term compared to the 100 year history of coal mining, and will not negatively effect City and County governments. Therefore, in context, this decision is not significant.

**Intensity:** Intensity is evaluated by comparing and contrasting the ten criteria from 40 CFR 1508.27 (in bold) with the issues and effects disclosed in the analysis and project file.

- 1 **"Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial".**

Mining operations have an important economic and social effect to the Governments and residents of Carbon and Emery Counties. Exploration drilling, such as the proposed action, does contribute to this larger effort but, in and of itself, does not provide extraordinary beneficial or adverse outcomes. No extraordinary adverse direct, indirect, or cumulative effects are anticipated to Forest Service surface resource issues tracked in the EA (EA Chapter 4).

- 2 **"The degree to which the proposed action affects public health or safety".**

Significant impacts to public health and safety from the proposed drilling operations are not anticipated (EA page 4 - 4-5). Mitigation addressing safety of Forest visitors driving on Trail Mountain is found in the EA, Appendix page A - 2-3, 5.

- 3 **"Unique characteristics of the geographic area such as proximity to historical or cultural resources, park lands, or prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas".**

Heritage resources on Trail Mountain were surveyed, identified, and will not be negatively impacted (EA page 4 - 6, criteria 8 below). Trail Mountain does not contain prime farmland, rangeland, timberland, wetlands, floodplains, and eligible or designated wild or scenic rivers (EA page 2 - 5). The key winter range is ecologically critical to the winter population of elk

## DECISION NOTICE and FONSI

and deer however the documented direct, indirect, or cumulative effects to the habitat are not critical or significant in the long-term nor to sustaining the State population objectives (EA 4 - 1-2, criteria 7 below).

- 4 **"The degree to which the effects on the quality of the human environment are likely to be highly controversial".**

Information received during scoping (EA page 2 - 1-2) and the predecisional review period for the EA gave no indication of controversy among resource professionals addressing the anticipated direct, indirect, or cumulative effects or the effectiveness of the proposed mitigation measures designed to address the resource issues.

- 5 **"The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks".**

Exploration drilling on Trail Mountain does not present highly uncertain, unique, or unknown risks to Forest Service resources. Comparing the predicted effects of past drilling operations to what actually occurred provides insight into this determination. Reclamation of past drilling operations on Trail Mountain and other sites on the Price and Ferron Ranger Districts has been very successful. Effects to wildlife, water, and other resources have not had serious long-term negative impacts. For example, the key winter range on Trail Mountain has been improving over time and no known downstream water users have had interruptions to their water supply from surface drilling operations.

- 6 **"The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration".**

Consent to permit occupancy of Forest lands to explore for coal on an existing lease, within an existing permit area, will not set precedent or effect future considerations or decisions. For example, this decision does not commit the Forest Service to consent to leasing additional lands for coal development, nor does it consent to any additional exploration drilling. This action is fully consistent with the Manti-La Sal Land and Resources Management Plan (EA page 3 - 1, 4 - 1-6).

- 7 **"Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts".**

The analysis in the EA addressing elk and deer issues (EA page 4 - 1-2) was conservative, or overestimated effects because several assumptions were spatially or temporally conservative. For example, the analysis assumed all drilling and furrow disturbances will be within the 3,200 acre key elk winter range. Actually all the existing "treatable" key winter range has been treated with furrows and the project would probably fall within general winter range in and around Reynolds Point. In addition, new information gathered from PacifiCorp indicates the reasonably foreseeable future drilling activities are projected further north toward Flat Canyon. Therefore, the reasonably foreseeable spatial effects to the key winter range would not be additive or cumulative.

The reasonably foreseeable furrow project may be implemented within the next ten years. It is not included in our current out-year budgeting process which includes the next three years.

## DECISION NOTICE and FONSI

Therefore, I believe anticipated temporal effects of this project will not have a significant cumulative effect because reclamation will be completed by the time a furrow project is planned, funded, and implemented.

Cumulative adverse effects to the water quality, quantity, and downstream users, Heritage Resources and endangered fish species are not anticipated (EA page 4 - 3-6).

- 8 **"The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources".**

Direct, indirect, or cumulative "adverse effects" to heritage resources are not foreseeable, therefore no significant effects are anticipated because proposed roads and drill pads avoid identified resources (EA, page 4 - 6).

- 9 **"The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973".**

Direct, indirect, or cumulative "adverse effects" to endangered fish species are not foreseeable. Alternative 2 and 3 both would have a "may effect" on the fish species. This is not a significant effect because there are no adverse effects and water diversion fees will be paid to US Fish and Wildlife service (EA, page 4 - 5) as mitigation.

- 10 **"Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment".**

The analysis did not identify any adverse effects that threaten a violation of Federal or State laws designed to protect the environment (EA page 1 - 2, 2 - 4-5, 4 - 3-6).

### Findings Required by other Laws and Regulations

The analysis tiered to the Manti-La Sal National Forest Land and Resources Management Plan, EIS, and Record of Decision (1986), as amended. Twelve of the thirteen drill pads and associated roads fell within Management Area KWR, Key Winter Range (pages III 58-60) and drill pad TMTN-27 fell within WPE, Watershed Protection and Improvement (pages III 77-79). This analysis also incorporates by reference the analysis disclosed in the Trail Mountain Mining and Reclamation Plan, environmental assessment for Beaver Creek Coal Company, Coal lease Application UTU-64375, Trail Mountain Tract, and the cumulative hydrological impact assessment (CHIA) for the Trail Mountain Mine. The analysis considered potential amendments and their effects on Forest Plan direction and standards.

My decision is consistent with the Forest Plan and will not require amendments (EA 4 - 1-6). I considered and find the decision consistent with the National Forest Management Act requirements as expressed in 36 CFR 219.27. The decision complies with the Endangered Species Act of 1973 and Section 106 of the National Historic Preservation Act of 1966 (EA page 4 - 5-6, Project File).

In this decision the Forests Service will give consent to occupy Federal lands to the State of Utah. Issues of consumers, civil rights, minority groups, and women are not within the scope of the consent decision. The project area does not contain prime farmland, rangeland, timberland, flood plains, and/or wetlands (EA page 2 - 5).

## DECISION NOTICE and FONSI

### Implementation Date

If no appeals of this decision are filed, my decision may be implemented by Utah Division of Oil, Gas, and Mining on or after August 20, 1994.

### Administrative Review or Appeal Opportunities

I am willing to meet, listen, and discuss any concerns or issues related to this decision. The decision is not subject to appeal under 36 CFR 217.

This decision is subject to appeal under 36 CFR 215.7. Any written notice of appeal must be fully consistent with 36 CFR 215.14 including the reasons for the appeal and must be filed on or before August 15, 1994. Notice of Appeal and statement of reasons must be submitted in writing to: ATTN: Appeal Deciding Officer, USDA Forest Service, 324 25th Street, Ogden, UT 84401.

This decision is subject to appeal under 36 CFR 251, Subpart C. Any written notice of appeal submitted by the holder of a written instrument to occupy and use National Forest System lands must be fully consistent with 36 CFR 251.90 including the reasons for the appeal and must be filed on or before August 15, 1994. Notice of Appeal and statement of reasons must be submitted in writing to: ATTN: Appeal Deciding Officer, USDA Forest Service, 324 25th Street, Ogden, UT 84401. Simultaneously send a copy of the Notice of Appeal to: ATTN: Forest Supervisor, Manti-La Sal National Forest, 599 West Price River Drive, Price, UT 84501.

### Contact Person

The decision, FONSI, and environmental assessment (EA) are available for review at the Ferron Ranger District and the Forest Supervisor's office in Price. Any persons with questions related to this decision or project may contact David Hatfield at the Ferron Ranger District, PO Box 310, Ferron, UT 84523 or call (801) 384-2372.

### Signature and Date

*for*   
GEORGE A. MORRIS  
Forest Supervisor

Date

6/30/94

## APPENDIX A

### CONDITIONS OF CONCENT AND IMPLEMENTATION

The following mitigation measures will be required and incorporated into the permit approval process by UDOGM as conditions of approval to mitigate potential adverse impacts associated with implementation of the selected alternative. The mitigation measures address the issues (A-E) and implementation standards in Appendix B of the Forest Plan.

#### **A Elk and deer habitat and their seasonal use.**

- 1 Operator will reclaim and revegetate two acres (three miles) of not needed, user developed roads on Trail Mountain to compensate for the potential loss of soil and winter range productivity stemming from reopening and reusing one mile of previously reclaimed road. User developed roads disturb about 0.66 acres per mile so about three miles of treatment would be needed to compensate for the one mile (two acres) of projected disturbance. Specific user developed roads to receive reclamation treatment will be given to the operator at the pre-work meeting.

#### **B Water quality, quantity, and downstream beneficial uses of Straight and Cottonwood Creeks.**

##### Water Quality

- 1 All vehicle traffic will stay on existing roads and new access routes. Unauthorized off-road vehicular travel is prohibited.
- 2 Roads and access routes must not be used when they are wet, muddy, and susceptible to damage. Vegetation shall not be cleared for more than the width necessary to serve traffic needs (generally not to exceed 16 feet). The permittee is responsible for repair of any damages which are caused by his/her operations.
- 3 Water must be applied to roadways to control dust if excessive loss of road surface material occurs or visibility creates unsafe driving conditions. Other methods of dust control require specific approval by the Forest Service.
- 4 Drill pads will be designed to prevent or diminish overland flow from entering the site during precipitation events. Pad sites will be sloped to drain all spills and on-site precipitation into the mud pits. If necessary, pits will be pumped out to reduce their content and insure that overflow does not occur. Fluids will be disposed off Forest at a Utah State approved disposal site.
- 5 Establishment of campsites and staging areas on National Forest System lands in support of this project is subject to Forest Service approval.
- 6 Contaminated soil and gravel must be stripped and hauled to a site approved by the Forest Service prior to site reclamation. All garbage and other refuse must be properly contained on the project site prior to disposal off Forest. All trash, garbage, flagging, vehicles, and other such materials must be removed from National Forest System lands immediately following drilling operations.

## APPENDIX A

- 7 Mud pits must be enclosed by a 4-strand barbed wire fence while they are left to dry to keep out humans, livestock, and wildlife.
- 8 The project, including initial reclamation is to be completed by November 30, 1995. Reclamation recontouring and reseeding of vacated drill pads and temporary roads will be performed as soon as practicable (within the same drilling season). Roads to be used in both field seasons will need to be winterized to minimize soil erosion.
- 9 All surface disturbing activities including reclamation must be supervised by a responsible representative of the permittee/licensee who is aware of the terms and conditions of the projects permits/licenses.
- 10 The seed mix on page 14 of PacifiCorp's proposal is approved except the following species will be deleted from the proposed seed mix. The approved mix contains 3 browse species (Mountain Mahogany, Utah Serviceberry, and Mountain Big Sagebrush).

Species	Pounds/Acre
Smooth Brome - Bromus inermis	3

- 11 Revegetation will be considered successful when 90% of the pre-disturbance ground cover is re-established over the entire disturbed area. Adjacent undisturbed areas will be used as a base for comparison. Of the vegetative ground cover, at least 90% must consist of seeded or other desirable species. 90% ground cover must be maintained for three years.
- 12 Operator will assure sufficient portable, self contained toilets are available for crew use.

### Water Quantity

- 1 Water needed in support of operations must be properly and legally obtained according to Utah State water laws.
- 2 All significant water encountered during drilling must be reported to the Forest Service, including the depth and formation at which it was encountered, and an estimate of the flow.
- 3 If any of the drill holes encounter artesian groundwater flow, the District Ranger must be notified prior to plugging the hole to determine whether or not the Forest Service would elect to establish a permanent water development at the site.

### **C Roaded recreation opportunities and access to Forest Development Road 50034, 50040, 52175, and 52182 during hunting season and summer weekends**

#### Recreationists

- 1 Warning signs must be placed on the roads at both ends of the project area to alert hunters and other Forest users to the presence of working crews.

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- 2 Drill rigs and heavy equipment shall not be transported in or out of Trail Mountain on FDR 50040 during the opening 5 days of the general elk hunt, opening weekend of the general deer hunt, or during Federal and State holiday weekends.

### Cattle Permittees

- 3 Drilling operations shall be coordinated with grazing permittees.
- 4 Gates must be closed after entry unless otherwise specified.
- 5 The permittee/licensee will be held responsible for all damage to fences, cattleguards, resource improvements, roads, and other structures on National Forest System lands which result from their operations. The Forest Service must be notified of damages as soon as possible.

### Noxious Weeds

- 6 The operator will assure (certify) all drilling equipment and vehicles are free of noxious weeds and seeds prior to entering upon Forest Service lands. The operator will be held responsible for control of noxious weed infestations within areas disturbed by drilling activities.

### D US Fish and Wildlife Service listed Threatened and Endangered fish species

- 1 PacifiCorp, Energy West will pay US Fish and Wildlife Service for water depletion to the Colorado Basin System as per USFWS calculations.

### E Heritage resources

- 1 If cultural or paleontological resources are found during implementation of the project, operations will immediately cease at that location and the District Ranger will be notified. Unauthorized excavation, removal, or damage of archaeological resources is subject fines and other penalties under authority of the Archaeological Resources Protection Act (AR-PA) of 1979 (as amended).

## OPERATING STIPULATIONS

### General

- 1 A pre-work meeting including the responsible company representative(s), contractors, and the Forest Service must be conducted at the project location prior to commencement of operations. Site-specific Forest Service requirements will be discussed at this time.
- 2 The Forest must be notified 48 hours in advance that heavy equipment will be moved onto National Forest System lands and that surface disturbing activities will commence.

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- 3 The Forest Service must be notified of any proposed alterations to the plan of operations. Any changes to the existing plan are subject to Forest Service review and approval.
- 4 Section corners or other survey markers, including claim corners, in the project area must be located and flagged for preservation prior to commencement of surface disturbing activities. The removal, displacement, or disturbance of markers must be approved by the proper authority. Replacement will be done by the proper authority at the expense of the permittee/licensee.
- 5 Timber removed during the project that meets sawlog utilization standards (minimum 8 inch diameter, 8 feet long, and 33 1/3 % sound) will be removed from the area by the permittee. Timber not meeting sawlog utilization standards but which is suitable for fuelwood will be cut into four foot lengths and decked at a location that is accessible to the public.
- 6 A road use permit must be obtained from the Forest Service before equipment is transported onto National Forest System lands. The location of new roads is subject to Forest Service review and approval. No construction may begin prior to approval. Any modifications or changes to approved locations are also subject to review and approval.
- 7 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 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 the 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 the Interior, and (3) use and occupancy of the NFS not authorized by a permit/operating plan approved by the Secretary of the Interior.

### Fire

- 1 Fire suppression equipment must be available to all personnel working at the project site. Equipment must include at least one hand tool per crew member consisting of shovels and pulaskis and one properly rated fire extinguisher per vehicle and/or internal combustion engine.
- 2 All gasoline, diesel, and steam-powered equipment must be equipped with effective spark arrestors or mufflers. Spark arrestors must meet Forest Service specifications discussed in the "General Purpose and Locomotive (GP/L) Spark Arrestor Guide, Volume 1, April, 1988"; and "Multi-position Small Engine (MSE) Spark Arrestor Guide, April, 1989". In addition, all electrical equipment must be properly insulated to prevent sparks.
- 3 The permittee/licensee will be held responsible for damage and suppression costs for fires started as a result of operations. Fires must be reported to the Forest Service as soon as possible.
- 4 The Forest Service reserves the right to suspend operations during periods of high fire potential.

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### Road Use Permit

- 1 All vehicle traffic will stay on existing roads and new access routes. Unauthorized off-road vehicular travel is prohibited.
- 2 Roads and access routes must not be used when they are wet, muddy, and susceptible to damage. Vegetation shall not be cleared for more than the width necessary to serve traffic needs (generally not to exceed 16 feet). The permittee is responsible for repair of any damages which are caused by his/her operations.
- 3 All traffic must maintain safe speeds commensurate with existing conditions.
- 4 Water must be applied to roadways to control dust if excessive loss of road surface material occurs or visibility creates unsafe driving conditions. Other methods of dust control require specific approval by the Forest Service.