

0030
United States
Department of
Agriculture

Forest
Service

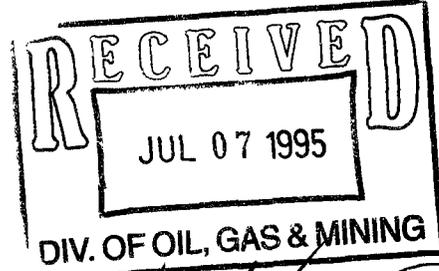
Manti-La Sal
National Forest

^{Pam}
Fert Price Ranger District
Price Work Center
599 West Price River Drive
Price, Utah 84501

File Code: 2820

Date: July 5, 1995

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

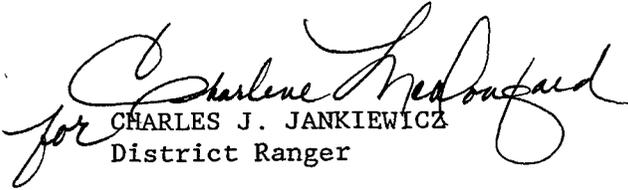


Dear Lowell:

Enclosed is the Decision Memo that was signed regarding the readjustment of Federal Coal Lease U-014275. A copy of this document is being sent to you because you responded to the project scoping in December 1994.

Thank you for your interest.

Sincerely,

for 
CHARLES J. JANKIEWICZ
District Ranger

Enclosures

Route to Susan, Aaron, Joe

*men file
Deer Creek*

ACT/015/018

3

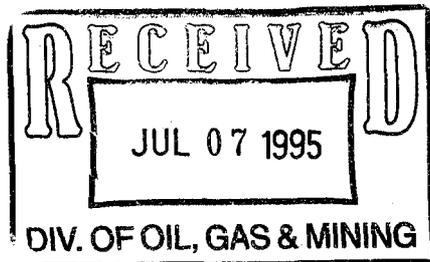
DECISION MEMO

for

Readjustment of Federal Coal Lease U-014275

June, 1995

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



Purpose and Need and Proposed Action

The Bureau of Land Management (BLM) has notified the Forest Service that Federal Coal Lease U-014275 is subject to readjustment of terms and conditions on October 1, 1995. The BLM regulations at 43 CFR 3451 require that all coal leases issued prior to August 4, 1976 be subjected to readjustment at the end of the first 20-year period and at the end of each 10-year period thereafter. Lease terms and conditions can be updated or changed by the BLM during readjustment.

U-014275 is leased by PacifiCorp and is located 9 miles northwest of Huntington, in Emery County, Utah. This parcel was originally leased on October 1, 1955 and has been previously readjusted in 1979 (Environmental Analysis Report/Part 23 Technical Examination, Peabody Coal Company Federal Leases U-06039, SL-051221, and U-014275 Lease Readjustment, 10/76). The lease is currently included in the approved mining permit area.

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. Pursuant to established procedure, the BLM has requested that the Forest Service conduct an environmental analysis that identifies stipulations for application to the lease since the leased lands are within the administrative boundary of the Manti-La Sal National Forest.

The Forest Service proposes to include following stipulations in the lease readjustment.

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. This provision shall apply unless the requirement of Section 10 of the lease form is applicable. 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

Decision and Rationale

After careful review of the proposal, public comments, and the environmental analysis disclosed in the project file, I have decided to consent to readjustment of the lease, subject to the addition of the terms and conditions found in Appendix A of this decision memo (18 Special Stipulations applied from the Manti-La Sal Forest Plan). All stipulations are designed to mitigate potential adverse impacts to the resources. I believe the terms and conditions listed in the Forest Plan adequately address and mitigate the anticipated impacts to the resource issues and are hereby incorporated into my decision as conditions of approval.

The Huntington-Cleveland Irrigation Co. and the Emery Water Conservancy District were concerned about potential water loss due to mining activity. I believe stipulation numbers 7 and 17 directly address their concerns and adequately mitigate the anticipated impacts.

The Utah Division of Wildlife Resources was concerned about the calving and fawning habitat as well as the Golden Eagle and Cooper's Hawks nests. I believe that stipulation numbers 14 and 4 address their concerns and adequately mitigate the anticipated impacts.

If new surface-disturbing operations or facilities are proposed in the future, a site-specific environmental analysis will be prepared and additional mitigation measures may be specified as needed to protect the environment and resource uses.

Coal leasing and development are implemented 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, and Title 30 CFR Group 700; and the Manti-La Sal National Forest Land and Resource Management Plan, Final Environmental Impact Statement, and Record of Decision, 1986.

The current approved Deer Creek Mine Mining and Reclamation Plan (MRP) is consistent with all special stipulation requirements being incorporated with this readjustment.

Reasons for Categorically Excluding the Proposed Action

Based on the environmental analysis disclosed in the project file, I found no extraordinary circumstances or effects (FSH 1909.15, 30.3 and 30.5) to exist that might cause this action to have significant effects on the quality of the human environment (40 CFR 1508.27).

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 in the project file, developed for this action, contain "no effect" determinations.

Finding no extraordinary circumstances, I determined the proposed action may be categorically excluded under FSH 1909.15, Chapter 31.1b, category 2d; proposing changes of contract terms and conditions and conditions of special use authorizations.

Public Involvement

Scoping was initiated December 1, 1994. Issues raised by the Huntington-Cleveland Irrigation Co. and the Emery Water Conservancy District included the potential for water loss due to mining activity. 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). Stipulation #17 clearly informs and requires the lessee to replace any lost water to maintain other land uses, and require repair or replacement of existing surface resources if loss or damage occurs.

The Utah Division of Wildlife Resources raised the concern that calving and fawning habitat as well as the Golden Eagle and Cooper's Hawk nests be protected, stipulations #14 and #4 address these concerns.

Findings Required by other Laws

The analysis is tiered to the Manti-La Sal National Forest Land and Resources Management Plan, EIS, and Record of Decision (1986), as amended. Referenced are the Environmental Analysis Report/Part 23 Technical Examination, Peabody Coal Company Federal Leases U-06039, SL-051221, and U-014275 Lease Readjustment, 10/76; Environmental Assessment, PacifiCorp Deer Creek Mine Surface Facilities and Mining Under Escarpments in Rilda Canyon, 8/94 and the Deer Creek Coal Mine, Mining and Reclamation Plan. Additionally, the environmental analyses for the readjustments of surrounding Federal Coal Leases are referenced: Environmental Assessment for the Readjustment of Federal Coal Lease U-024319, 1989; Environmental Assessment for the Readjustment of Federal Coal Lease SL-051221, 1994; Environmental Assessment for the Readjustment of Federal Coal Lease U-2810 and the Decision Notice/ Finding of No Significant Impact for the Readjustment of Federal Coal Lease U-06039, 5/92.

Management prescriptions contained in the Forest Plan for the lease area emphasize forage production, riparian area management, and leaseable mineral development. Mineral activities are allowed with "appropriate mitigation measures to assure continued livestock access and use"; mitigate detrimental disturbance to riparian areas. "Those being authorized to conduct developments will be required to replace losses where development adversely affects long-term production or management" of range land (Forest Plan, page III-66). 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. I have 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 (Project File).

Implementation Date

My decision may be implemented on or after the date of signature.

Administrative Review or Appeal Opportunities

I am willing to meet with the holder of a written instrument and hear any concerns or issues related to this decision. PacifiCorp 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 filed by August 14, 1995. The decision is not subject to appeal under 36 CFR 215 and 217.

Notice of Appeal and statement of reasons must be submitted in writing to ATTN: Regional Forester, Reviewing 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 Sai National Forest, 599 West Price River Drive, Price, UT 84501.

Contact Person

Persons with questions related to this decision may contact Jeff DeFrest at the Price Ranger District, 599 West Price River Drive, Price, Utah 84523 or call (801) 637-2817.


JANETTE S. KAISER
Forest Supervisor

6-30-95
Date

APPENDIX A

CONDITIONS OF CONSENT AND IMPLEMENTATION

The following stipulations will be required and incorporated into the lease readjustment process by BLM as conditions of approval to mitigate potential adverse impacts associated with implementation. The stipulations address the issues and implementation standards in Appendix B of the Forest Plan (B 18-19).

A Wildlife habitat and their seasonal use

There is potential to disturb Golden Eagle and Coopers Hawk nests and elk and deer calving and fawning habitat during surface operations within the lease area related to mining. Golden Eagle nests 296 A,B, and C are within 1/2 mile of the lease area (Environmental Assessment, PacifiCorp Deer Creek Mine Surface Facilities and Mining Under Escarpments in Rilda Canyon, 8/94, page IV-10; and Deer Creek Mine, Mining and Reclamation Plan, Drawing 2-18B). Human disturbance from surface facilities could affect wildlife populations (Environmental Analysis Report/Part 23 Technical Examination, Peabody Coal Company Federal Leases U-06039, SL-051221, and U-014275 Lease Readjustment, 10/76, page 22).

Mitigation Measures:

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 #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.

B Water quality, quantity, and downstream beneficial uses

There is potential for mining activities and subsequent subsidence to impact water quality/quantity (Environmental Analysis Report/Part 23 Technical Examination, Peabody Coal Company Federal Leases U-06039, SL-051221, and U-014275 Lease Readjustment, 10/76, page Pages 13, 15, & 28).

Mitigation Measures:

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.

APPENDIX A

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.

C Subsidence

Subsidence is a probable impact of underground mining activity. It could impact perennial stream reaches, cause escarpment failure and impact visual quality and safety (Environmental Analysis Report/Part 23 Technical Examination, Peabody Coal Company Federal Leases U-06039, SL-051221, and U-014275 Lease Readjustment, 10/76, pages 10 & 12; and Environmental Assessment, PacifiCorp Deer Creek Mine Surface Facilities and Mining Under Escarpments in Rilda Canyon, 8/94, pages III-5 & IV-11).

Mitigation Measures:

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 #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.

D Access and maintenance to forest development roads and facilities

There is potential to disturb Forest Service facilities, roads, or affect user access during surface operations and due to subsidence related to mining. (Environmental Analysis Report/Part 23 Technical Examination, Peabody Coal Company Federal Leases U-06039, SL-051221, and U-014275 Lease Readjustment, 10/76, pages 19, 25 & 28.)

Mitigation Measures:

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.

APPENDIX A

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 #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.

E Visuals

There is potential to disturb existing visual condition during surface operations related to mining (Environmental Analysis Report/Part 23 Technical Examination, Peabody Coal Company Federal Leases U-06039, SL-051221, and U-014275 Lease Readjustment, 10/76, page 27.

Mitigation Measures:

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.

F Threatened, endangered, or sensitive wildlife and plant species

There is potential to disturb undiscovered threatened, endangered, or sensitive wildlife and plant species or their habitat during surface operations related to mining. (Environmental Analysis Report/Part 23 Technical Examination, Peabody Coal Company Federal Leases U-06039, SL-051221, and U-014275 Lease Readjustment, 10/76, page 22.

Mitigation Measures:

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.

APPENDIX A

G Heritage resources

There is potential to disturb undiscovered cultural resources during surface operations related to mining.

Mitigation Measures:

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.

H General mining operations and reclamation

There is potential to disturb the environment, including vegetation, surface water, soils, and wildlife during surface operations related to mining. (Environmental Analysis Report/Part 23 Technical Examination, Peabody Coal Company Federal Leases U-06039, SL-051221, and U-014275 Lease Readjustment, 10/76, pages 10, 12, 15, 17, 22, & 28).

Mitigation Measures:

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 #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.

APPENDIX A

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 #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. This provision shall apply unless the requirement of Section 10 of the lease form is applicable. 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.

I Adherence to Forest Plan and Federal Regulations

It is Forest Service policy to include the Department of Agriculture Stipulation on all leases that encompass National Forest System lands.

Mitigation Measures:

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.

APPENDIX A

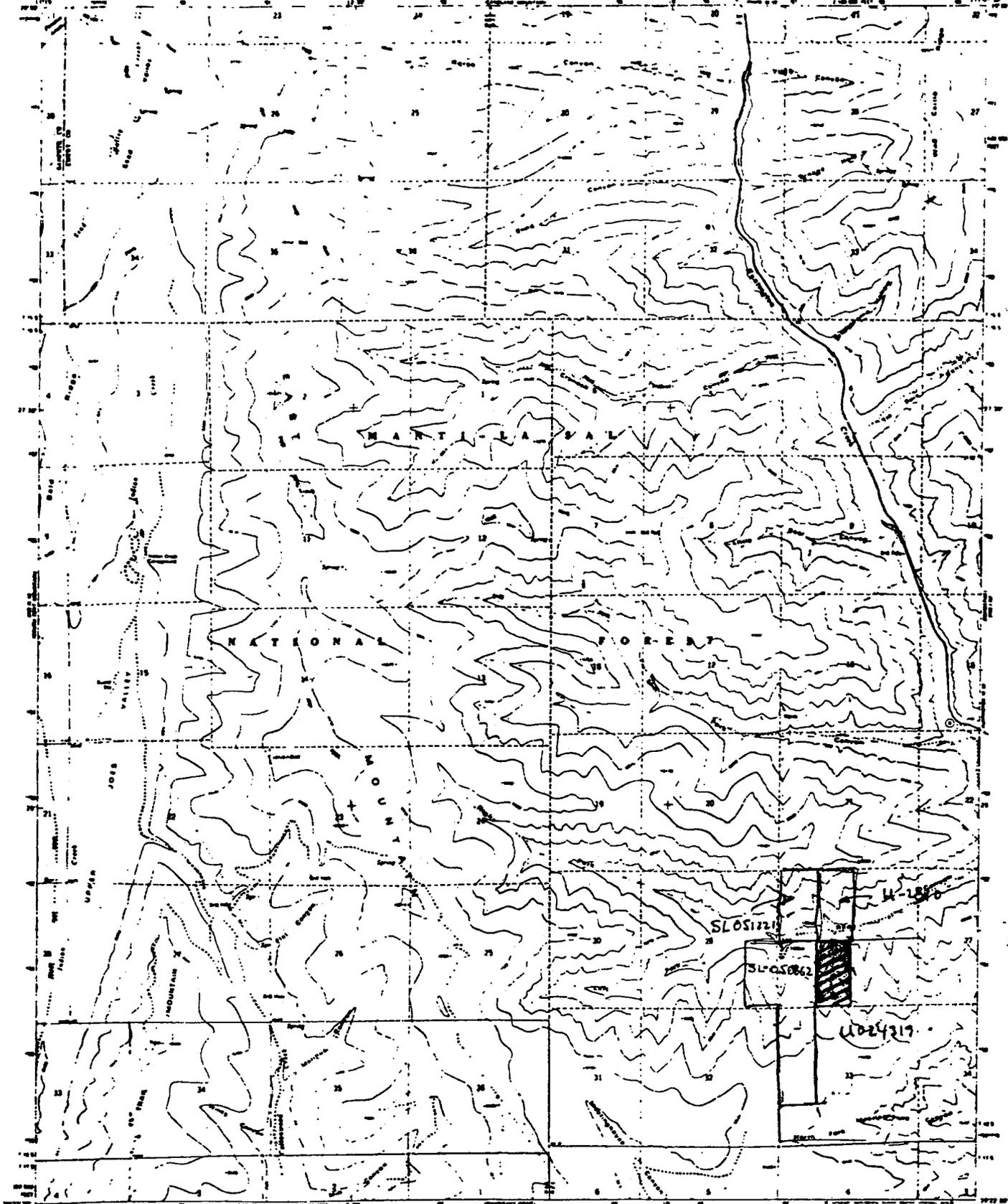
All matters related to this stipulation are to be addressed to:

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



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Scale 1:24,000
Projection and 20 000 feet per inch
Contour interval 20 feet
Elevation above mean sea level in feet
1957 Edition
This map shows only general features and does not show
the details of the terrain or the location of the
features in the quadrangle shown on this map

SCALE 1:24,000
CONTOUR INTERVAL 20 FEET
ELEVATION ABOVE MEAN SEA LEVEL IN FEET

ROAD CLASSIFICATION
Primary Highway
Secondary Highway
Tertiary Highway
Other Road
Light Rail Road
Heavy Rail Road
U.S. Road
State Road



FOR SALE BY U.S. GEOLOGICAL SURVEY, BENTLEY BUILDING, WASHINGTON, D.C.
A POLAR PROJECTION, TRANSVERSE MERCATOR MAP PROJECTION IS EMPLOYED ON THIS MAP

HILDA CANYON, UTAH
7.5 MINUTE SERIES (TOPOGRAPHIC)
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FEDERAL COAL LEASE U-014275 W