

**Application for Modification
of
Federal Coal Lease U-06039**

By

**PacifiCorp, an Oregon Corporation
c/o Interwest Mining Company
One Utah Center, Suite 2000
201 South Main Street
Salt Lake City, Utah 84140-0020**

February 15, 1995

DEE W. JENSE
Vice President

One Utah Center, Suite 2000
Salt Lake City, Utah 84140-0020
(801) 220-4617 • FAX (801) 220-4725

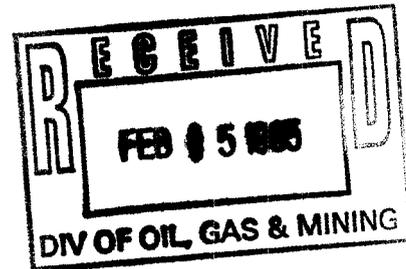


A Subsidiary of PacifiCorp

February 15, 1995

HAND DELIVERED

Mr. Mat Millenbach
State Director
United States Department of the Interior
Bureau of Land Management
Utah State Office
324 South State, Suite 301
Salt Lake City, Utah 84111-2303



***RE: Application to Modify Federal Coal Lease U-06039 - East Mountain
Logical Mining, Deer Creek Coal Mine, Emery County, Utah***

Dear Mr. Millenbach:

On behalf of PacifiCorp, the lessee of federal coal lease U-06039, enclosed in triplicate is an application to modify said lease pursuant to 43 CFR Subpart 3432 to include 42.97 acres of unleased federal coal lands in Emery County, Utah. Also, accompanying this submittal is the required fee of \$250.00 in accordance with 43 CFR 3473.2-1(a)(1).

This modification area is a very small amount of unleased federal coal isolated between existing lease boundaries and a major fault. This area will most likely be bypassed, unless it is mined from our Deer Creek Mine operation. There is no other viable or potential operation that could logically mine this area. It is our position that this modification would be in the best interest of the public and the recovery of this resource.

The Deer Creek Mine's recoverable reserves have been reduced on the east side of its 3rd North B Mains due to unexpected burn areas. Because of this, the mine's operation is now developing westward and quickly approaching the lease modification area. Current mining projections will encounter the lease boundary at the end of March 1995. Therefore, if possible, we would appreciate an expedited review to allow the opportunity to systematically recover the coal in this area and potentially enhance the increased recovery within neighboring leases as shown on the proposed plans included with this application. In addition, we would also appreciate the opportunity to meet with you, your staff and the

Mr. Mat Millenbach
February 15, 1995
Page 2

other agencies to fully discuss any issues associated with this application. Copies of this application are being forwarded to the other agencies to help expedite the review process.

We look forward to meeting with you and the other agencies. Meanwhile, should you have any questions or need additional information, please feel free to contact Scott Child at 220-4612.

Your consideration of this matter is greatly appreciated.

Sincerely,



Dee W. Jense
Vice President

Enclosures

SMC11\UTBLM95.001

cc: IMC w/o copy encl. - D. Baker, J.B. Harvey
IMC w/copy encl. - S. Child, J.R. Key, S. Kochevar, G. Takenaka, B. Webster
EWMC w/copy encl. - J. Boylen, L. LaFrentz, M. Moon, V. Payne
BLM Moab Dist. Price, UT., 1 copy - G. Tetreault
USFS Manti LaSal Nat'l. Forest Price, UT., 2 copies - Deane H. Zeller
DOGM, 3 copies - Pam Grubaugh-Littig
UDWR Price, UT., 1 copy - M. Moretti
Utah State Eng. Price, UT., 1 copy - M. Page

**INTERWEST
MINING COMPANY**

201 South Main, Suite 700
Salt Lake City, Utah 84140-0007

DATE 02/10/95 CHECK NO. 0001283

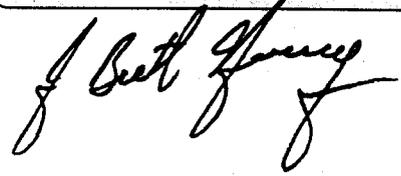
FIRST INTERSTATE BANK OF UTAH
SALT LAKE CITY UT

31-2
1240

PAY TO
THE
ORDER
OF:

**U S DEPARTMENT OF THE INTERIOR
BLM - UTAH STATE OFFICE
324 SOUTH STATE, SUITE 301
SALT LAKE CITY UT 84111-2303**

AMOUNT \$*****250.00**



⑈0001283⑈ ⑆⑆24000025⑆02073500⑈

PAYEE PAYEE NO. DATE CHECK NO.
U S DEPARTMENT OF THE INTE 060961 02/10/95 0001283

INVOICE NUMBER	DATE	PURCHASE DOCUMENT	AMOUNT	DISCOUNT/ADJUSTMENTS	NET AMOUNT
CRSMC95002	02/07/95	0996994	250.00		250.00
APPLICATION FEE FOR LEASE MODIFICATION U-06039, DEER CREEK MINE, EMERY COUNTY, UTAH (42.97 ACRES).					
SCOTT M. CHILD OUC 2000.			CHECK TOTAL	250.00	

**Application for Modification
of
Federal Coal Lease U-06039**

By

**PacifiCorp, an Oregon Corporation
c/o Interwest Mining Company
One Utah Center, Suite 2000
201 South Main Street
Salt Lake City, Utah 84140-0020**

February 15, 1995

Application for Modification of Federal Coal Lease U-06039

Deer Creek Coal Mine, Emery County, Utah

1.0 Introduction

This lease modification application for unleased federal coal is submitted to the authorized officer of the Bureau of Land Management (BLM), Utah State Office, in accordance with the applicable rules and regulations set forth within title 43 CFR Subpart 3432 (1993).

The lease modification applicant is: **PacifiCorp**
c/o Interwest Mining Company
One Utah Center, Suite 2000
201 South Main Street
Salt Lake City, Utah 84140-0020

2.0 Application § 3432.1

(a) The applicant is the current lessee of record for federal coal lease U-06039 and hereby seeks to modify said lease to include contiguous coal lands or coal deposits consisting of 42.97 acres. Federal coal lease U-06039 was originally issued on May 1, 1953 consisting of 1360.00. To the best knowledge of the applicant, this lease has not been previously modified.

(b) The area of lease modification is described as follows and as shown on Figure 1:

T. 16 S., R. 6 E. SLM

Section 25 E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ 20.00 acres

T. 16 S., R. 7 E. SLM

Section 30 Lot 4 22.97 acres

Total lease modification acreage 42.97 acres

Subsurface ownership:
(All Minerals)

U.S. Department of the Interior
Bureau of Land Management
Utah State Office
324 South State Street
Salt Lake City, Utah 84111-2303

Surface ownership:
(All)

U.S. Forest Service
Manti-LaSal National Forest
Price District
599 West Price River Drive
Price, Utah 84501

This modification is necessitated to maximize coal recovery between existing lease boundaries and the Mill Fork Canyon Fault which would otherwise be bypassed. It is planned to develop the 9th West longwall panel entries and 10th West main entries westward until they contact the fault zone. The location and geologic characteristics of the Mill Fork Canyon Fault are not totally known and will not be known until the fault is intersected by mine advancement in 9th and 10th West. Upon reaching this point, mine planning suggests (1) developing the bleeder entries parallel to the fault, (2) repositioning the longwall set up entries into the modified lease area, thus extending the recovery length of the longwall panel, and (3) allowing greater recovery of the coal from the applicants adjacent federal coal leases U-06039 and U-7653 and Utah State coal lease ML-22509, netting approximately an additional 100,000 tons of recoverable reserves. See Figure 1. Otherwise, without the lease modification, (1) development of the bleeder entries would have to be developed adjacent to the current western lease boundaries, (2) thus shortening the longwall panels and leaving approximately 213,000 tons of recoverable reserves. See Figure 2.

This modification would be to the advantage and serves the interest of the United States simply because:

1. The coal could not logically be accessed and recovered by any other operations or means.
2. Maximize utilization of the coal resource, through prudent mine planning the avoidance and by pass of coal reserves is eliminated.
3. Encourages the greatest ultimate recovery of the coal within and adjacent to the modification area.
4. Provides additional revenues to the United States in the form of annual rentals and production royalties.

3.0 Availability § 3432.2

(a)(1) The applicant feels that the lease should be modified based upon its own merits and taking into consideration the items listed above. Furthermore, the criteria set forth under this subsection has been met and serves the best interests of the United States.

(a)(2) There is no logical competitive interest in the lands or deposits because:

1. The applicant is the lessee of record holding the federal leases adjacent to south and east sides of the modification area.
2. The coal is known to thin towards the west and north.
3. The Mill Fork Canyon Fault zone presents a physical adverse geologic and engineering condition which challenges future recovery.
4. There is no other nearby operation which could economically mine this area.
5. The only logical access is from the applicant's Deer Creek Mine and adjacent leases.

(a)(3) Due to the isolation on the east side of the Mill Fork Canyon Fault and the thin unleased federal coal to the north and west, the likelihood of leasing this parcel through competitive solicitation is highly remote and unlikely. This parcel cannot logically be mined or developed as part of another operation or any potential operation. There is no other operation in the area that could economically access this area.

(b) Coal deposits underlying this parcel can only be mined by underground mining techniques due to the depth of the overburden. Any other method would be precluded.

(c) Applicant request the lands applied for lease modification be added to applicant's existing federal lease U-06039 without competitive bidding. Applicant commits compensation to the United States of the fair market value either by cash or through an adjustment of the production royalty. Applicant feels the production royalty of 8%, plus the additional annual rentals of \$3.00 per acre per year (as required in federal lease U-06039) would be just compensation for said lands and coal reserves, which would otherwise be lost or bypassed.

4.0 Terms and Conditions § 3432.3

(a) The terms and conditions of federal lease U-06039, of which the applicant proposes to modify, were readjusted effective May 1, 1993.

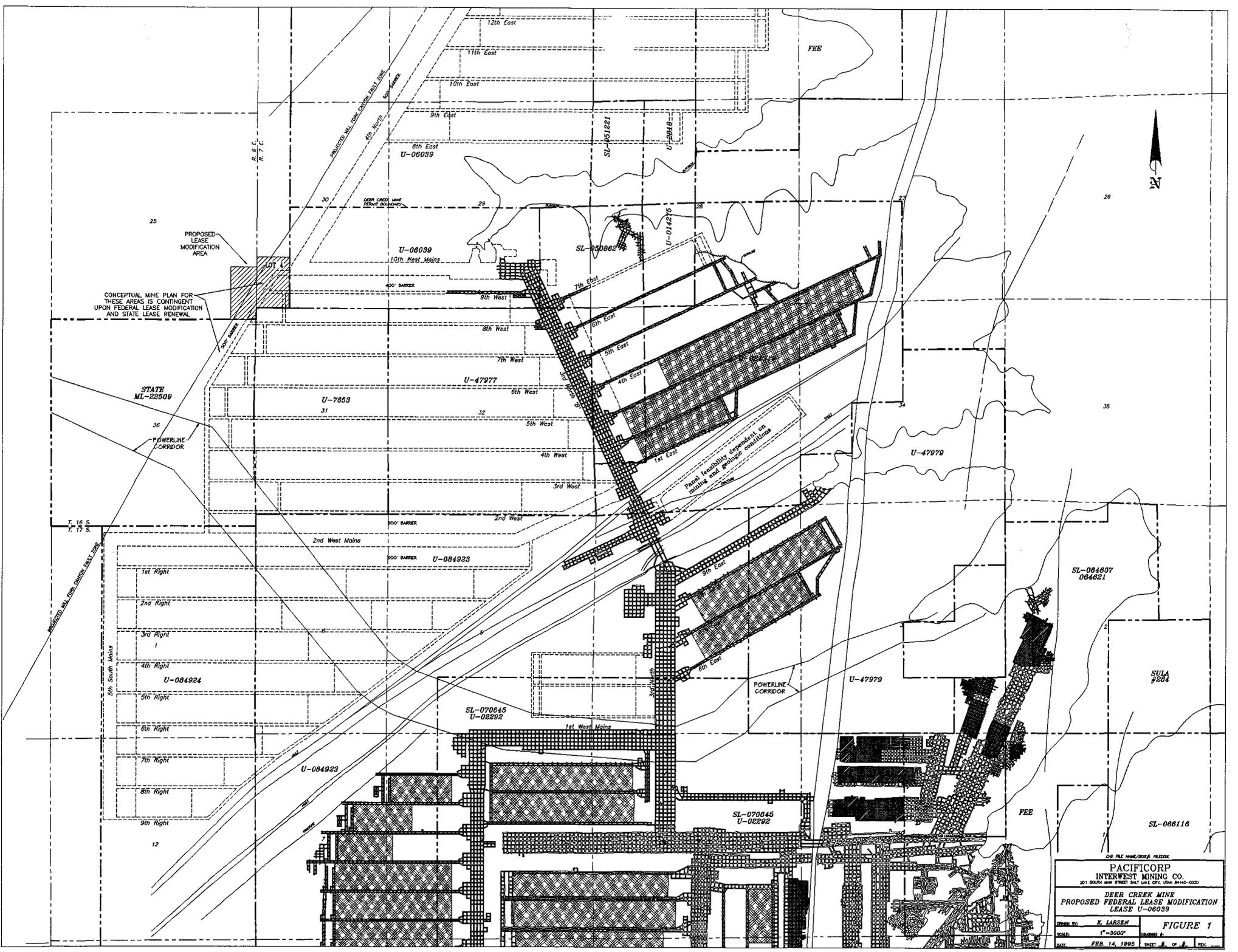
(b) Upon applicant's review and acceptance of the lease terms and conditions of the modified lease, Lessee/Applicant will file written notice of acceptance with the BLM. At such time, it is the intent of the Lessee upon final modification of said lease, to include this modified area into the East Mountain Logical Mining Unit (LMU) and adjust the LMU performance bond accordingly to include the additional lands.

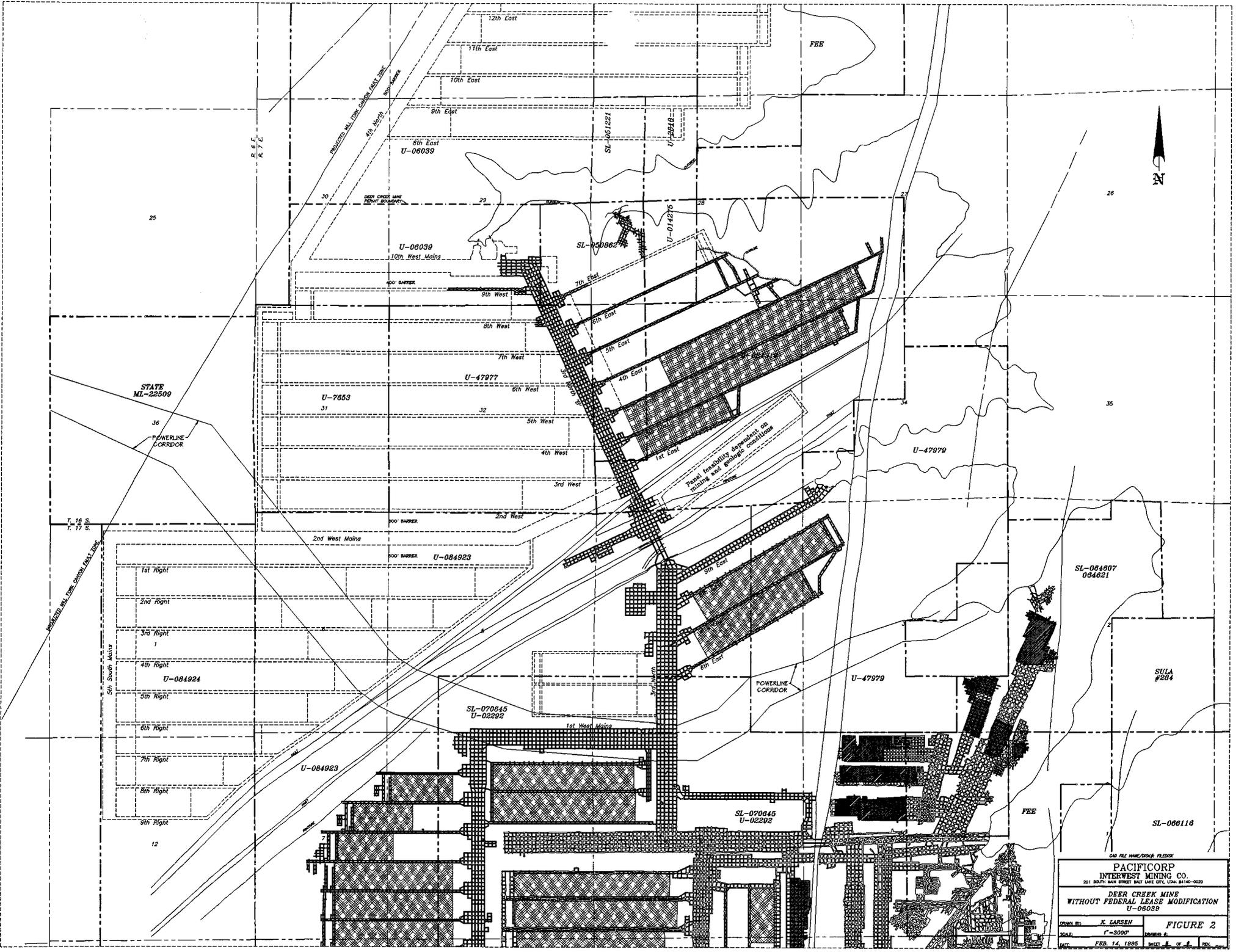
(c) To assist the BLM in addressing compliance with the procedures and standards set

out in 43 CFR § 3425.3, applicant is prepared to provide any and all applicable data from its files to address the environmental assessments in the area including mining suitability, cliff escarpment, surface impact and hydrologic studies. Attached are copies of various environmental and decision documents associated with recent Deer Creek Mine permitting actions involving adjacent federal coal leases U-06039 and U-7653.

List of Attachments

1. USFS Decision Notice / FONSI / Consent to Readjustment of Federal Coal Lease U-06039, Dated 5-21-92.
2. Readjustment of Federal Coal Lease U-06039, Effective 5-1-93.
3. USFS Decision Notice / FONSI / Environmental Assessment for Deer Creek Mine Rilda Canyon Lease Extension, Dated 9-27-94.
4. DOGM Permit # ACT/015/018 Deer Creek Mine to Include Rilda Canyon Lease Extension, Dated 10-27-94.
5. DOI / OSM Deer Creek Mining Plan Approval for Federal Coal Leases U-7653, U-06039, U-47977 and SL-050862, Dated 12-22-94.





60 FILE NAME/ISSUE FLOOR

PACIFICORP
INTERWEST MINING CO.
 201 SOUTH MAIN STREET SUITE 1000, UTAH 84140-0020

DEER CREEK MINE
WITHOUT FEDERAL LEASE MODIFICATION
U-06039

DRAWN BY: K. LARSEN	FIGURE 2
SCALE: 1"=300'	ISSUED BY:
DATE: FEB. 14, 1985	SHEET 1 OF 1

**Application for Modification of
Federal Coal Lease U-06039
By PacifiCorp 2-15-95**

ATTACHMENT 1

**USFS Decision Notice / FONSI / Consent to
Readjustment of Federal Coal Lease U-06039
5-21-92**

United States
Department of
Agriculture

Forest
Service

Manti-La Sal
National Forest

Price Ranger District
533 West Price River Dr.
Price, Utah 84501

Reply to: 2820

Date: May 21, 1992

Scott M. Child
Property Management Administrator
Val E. Payne
Senior Environmental Engineer
PacifiCorp, One Utah Center
201 South Main, Suite 2100
Salt Lake City, Ut 84140-0021

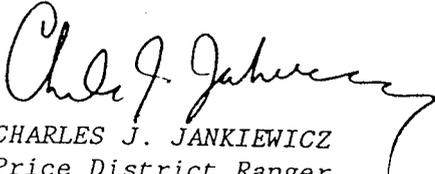


Gentlemen:

The Intermountain Regional Forester has decided to consent to the Bureau of Land Management (BLM) readjusting the terms of Federal Coal Lease U-06039. Enclosed is a copy of the associated Decision Notice/Finding of No Significant Impact with attachments for your information. The Legal Notice documenting this decision was published in the Ogden Standard Examiner on May 19, 1992.

If you have any questions, please don't hesitate to contact me or Walt Nowak of my staff at the above address or by calling 637-2817.

Sincerely,


CHARLES J. JANKIEWICZ
Price District Ranger

enclosure

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

**FOR THE READJUSTMENT OF
FEDERAL COAL LEASE U-06039**

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

The Bureau of Land Management (BLM) has notified the Forest Service that Federal Coal Lease U-06039 is subject to a readjustment of terms and conditions on May 1, 1993. Pursuant to established procedures, the BLM has requested that the Forest Service conduct an environmental analysis that identifies stipulations for application to the lease since the lease lands are within the administrative boundary of the Manti-La Sal National Forest. U-06039 is leased by PacificCorp and is located on East Mountain, at the forks of Rilda Canyon about 11 miles northwest of Huntington in Emery County, Utah (see maps in Attachment A).

Federal Coal Lease U-06039 was previously readjusted on June 1, 1979 based on the October 4, 1976 environmental analysis (EA). On February 20, 1992, a Forest Service Interdisciplinary Team met to evaluate the current proposal and initiate Project Scoping. During evaluation, the Team did not identify any new, unmitigated issues that had not been addressed in previous NEPA documentation. Two alternatives were analyzed by the I. D. Team. Alternative 1 (No Action) corresponds with the readjustment alternative addressed in the 1976 EA. Alternative 2 (Lease Readjustment) involves readjustment of the lease by BLM, incorporating appropriate Forest Service stipulations from the Forest Plan. Copies of the EA and other pertinent documents contained in the case file are available for review at the Price Ranger District and Forest Supervisors offices in Price, Utah.

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

It is my decision to consent to the lease readjustment through adoption of Alternative 2 subject to the application of the 18 Special Stipulations contained in Attachment C. This decision is based on public scoping, authorizing actions, and the 1976 EA which is further described in Attachment B, Environmental Analysis Summary Matrix. The readjusted lease terms will incorporate Forest Plan Special Stipulations (Appendix B, pages B-2 to B-4 and B-8): that clearly inform the lessee of specific measures that will be required; that require replacement of any lost water to maintain premining land uses; and that require repair or replacement of existing surface facilities if loss or damage occurs. Management prescriptions for the lease area emphasize timber and forage production. Mineral activities are allowed with "appropriate mitigation measures to assure continued livestock access and use"; and, where "those being authorized to conduct developments will be required to replace losses where development adversely affects long-term production or management" (Forest Plan, page III-66). Alternative 1 was evaluated and not selected as it does not provide the best protection of Federal surface resources and the stipulations are not consistent with the Forest Plan and FEIS.

This is not a major federal action that would significantly affect the quality of the human environment; therefore, an environmental impact statement is not needed. This determination was based on the consideration of a number of factors that are discussed in detail in the EA and Attachment B. The primary considerations are as follows:

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

Federal Coal Lease U-03069 should be readjusted by the Bureau of Land Management with the application of the Special Stipulations contained in Attachment C. The Forest Service consent decision can be implemented by the Bureau of Land Management after the 45-day appeal period.

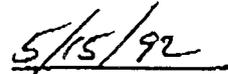
This lease is not presently included in an approved mining and reclamation plan (MRP), therefore, a determination of consistency between the Special Stipulations and a MRP cannot be made. If in the future, this lease is ready for inclusion into a MRP, the Forest Service will conduct an evaluation to ensure that the MRP is consistent with the Special Stipulations.

This decision is subject to administrative review in accordance with 36 CFR 217. Any appeal of this decision must include the information required by 36 CFR 217.9 (Content of Notice of Appeal), including the reasons for appeal. Two (2) copies of the Notice of Appeal must be filed with the Chief, USDA Forest Service, P.O. Box 96090, Washington DC 20090-6090, within 45 days of the date of publication of the Notice of Decision in the Ogden Standard Examiner. This decision is also subject to administrative review in accordance with 36 CFR 251, as is the case of decisions regarding written instruments authorizing occupancy and use of National Forest System lands. Election to appeal under 36 CFR 251 precludes appeal under 36 CFR 217. Any appeal of this decision must include the information required by 36 CFR 251.90 (Content of Notice of Appeal), including the reasons for appeal and must be filed with the Chief, USDA Forest Service, P.O. Box 96090, Washington DC 20090-6090, within 45 days of the date of this decision. A copy of the Notice of Appeal must be filed simultaneously with the Regional Forester, Intermountain Region, Federal Building, 324 25th Street, Ogden, Utah 84401.

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



Gray F. Reynolds
Regional Forester



Date

ATTACHMENT A

MAPS

R.3.E.

R.4.E.

R.5.E.

R.6.E.

R.7.E.

T.10S.

T.10S.

T.11S.

T.11S.

T.12S.

T.12S.

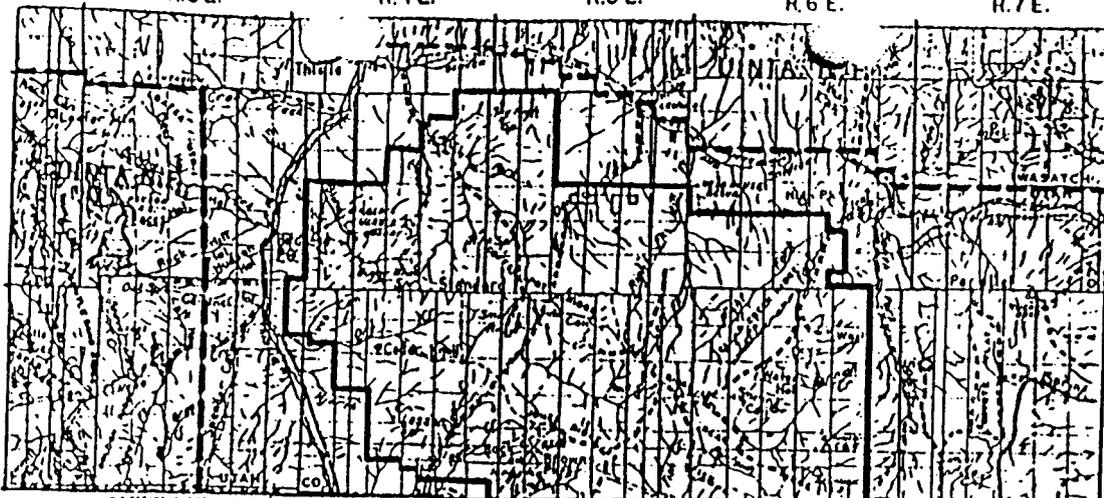
T.13S.

R.8.E.

T.14S.

T.15S.

T.16S.



MANTI-LASAL NATIONAL FOREST
 MANTI DIVISION
 UTAH
 SALT LAKE MERIDIAN

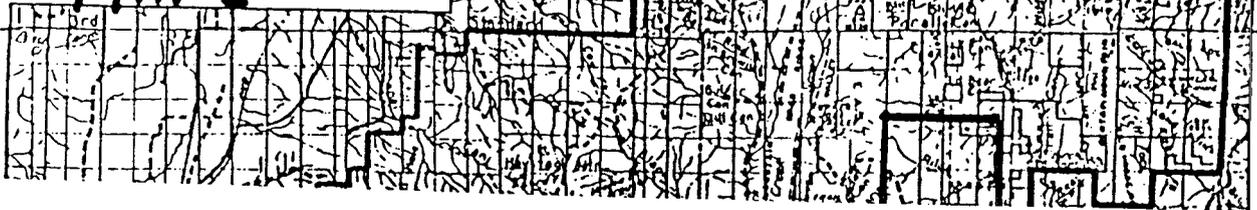


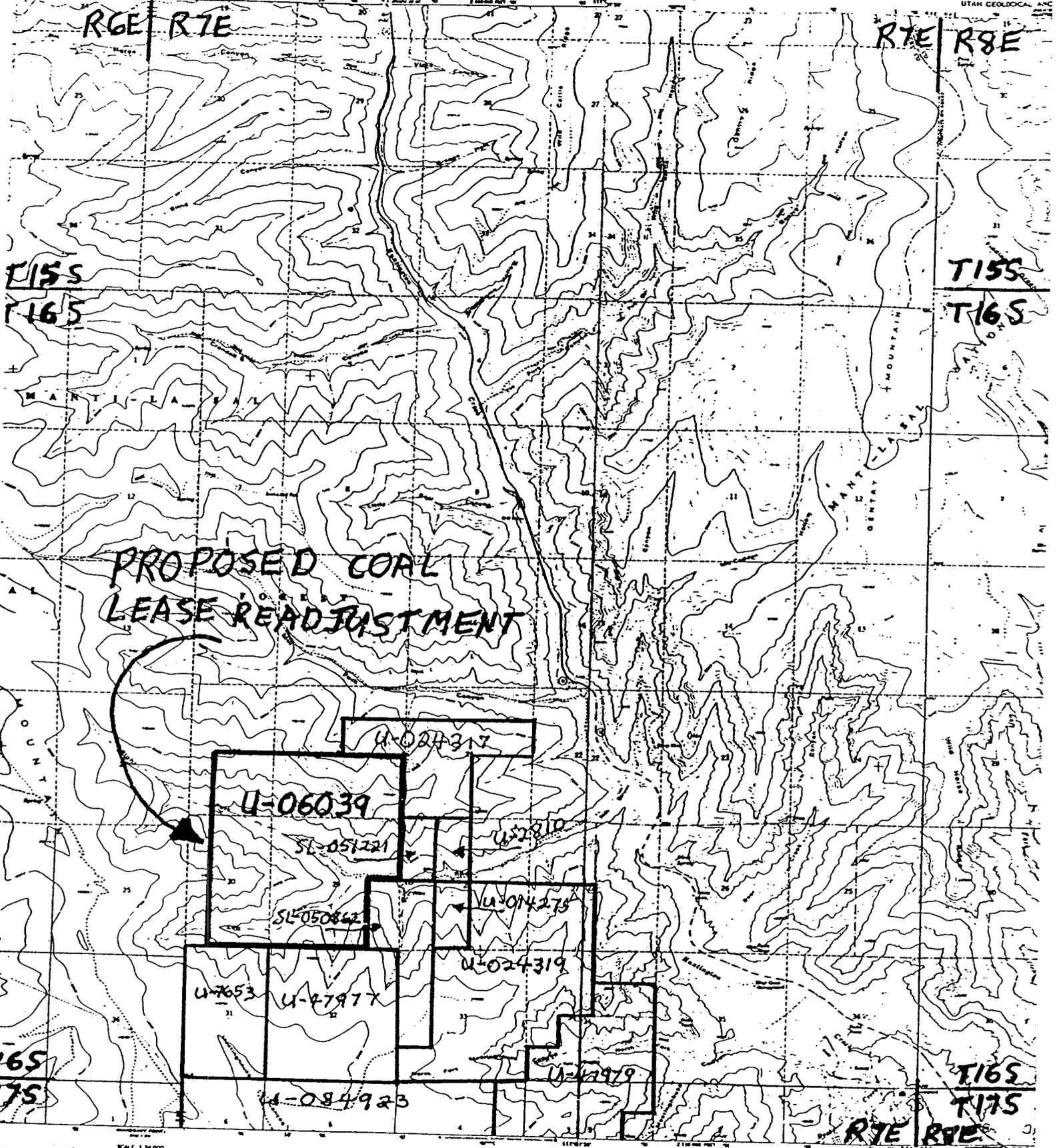
LEGEND

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

**PROPOSED READJUSTMENT
 FEDERAL COAL
 LEASE U-06039**

MAP 1



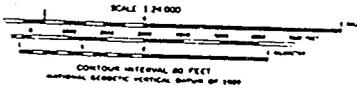


PROPOSED COAL
LEASE READJUSTMENT

T16S
T17S

T16S
T17S

RTE RTE



ROAD CLASSIFICATION
Primary highway
Secondary highway
Light-duty road
Improved surface
Unimproved road
U.S. Route
State Route
1 Scale Route

Shaded, edited, and published by the Geological Survey
Compiled by W.M. HEDGECOCK, and U.S. Forest Service
Topography by photogrammetric methods from aerial photographs
Aerial 1970 Four inch (1:62,500) Map sheet 1075
Photostatic and 10,000-foot grid base, Utah
Contour interval, contour lines (elevation) contour
interval (elevation) 100-foot contour interval
and 1:2, 1:4, 1:8, 1:16, 1:32, 1:64, 1:128, 1:256, 1:512, 1:1024, 1:2048, 1:4096, 1:8192, 1:16384, 1:32768, 1:65536, 1:131072, 1:262144, 1:524288, 1:1048576, 1:2097152, 1:4194304, 1:8388608, 1:16777216, 1:33554432, 1:67108864, 1:134217728, 1:268435456, 1:536870912, 1:1073741824, 1:2147483648, 1:4294967296, 1:8589934592, 1:17179869184, 1:34359738368, 1:68719476736, 1:137438953472, 1:274877906944, 1:549755813888, 1:1099511627776, 1:2199023255552, 1:4398046511104, 1:8796093022208, 1:17592186044416, 1:35184372088832, 1:70368744177664, 1:140737488355328, 1:281474976710656, 1:562949953421312, 1:1125899906842624, 1:2251799813685248, 1:4503599627370496, 1:9007199254740992, 1:18014398509481984, 1:36028797018963968, 1:72057594037927936, 1:144115188075855872, 1:288230376151711744, 1:576460752303423488, 1:1152921504606846976, 1:2305843009213693952, 1:4611686018427387904, 1:9223372036854775808, 1:18446744073709551616, 1:36893488147419103232, 1:73786976294838206464, 1:147573952589676412928, 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ATTACHMENT B

ENVIRONMENTAL ANALYSIS SUMMARY MATRIX

Attachment B
ENVIRONMENTAL ANALYSIS SUMMARY MATRIX

ISSUES	1976 EA REFERENCE	ALTERNATIVE 1 (NO ACTION)		ALTERNATIVE 2 (LEASE READJUSTMENT)	
		MITIGATIONS	IMPACTS	MITIGATIONS	IMPACTS
		Visual impact from potential surface facilities.	Pg. 27, Par. 5.	6/1/79 Lease U-06039, Sec. 30, Special Stips. No. 1,5,6.	Surface facilities could decrease visual quality but would be consistent with visual quality objectives for the area.
Release of materials and sediment production from surface facilities could decrease watershed conditions and surface water quality.	Pg. 19, Par. 5, Pg. 25, Par. 1,3.	6/1/79 Lease U-06039, Sec. 30, Special Stips. No. 4,5,6.	Drainage and sediment control measures required under the Surface Mining Control and Reclamation Act and other regulations would protect water quality.	Forest Service Special Stipulations No. 3,8,10, 15,17.	Same as No Action except that lease stipulations inform the lessee of specific measures that would be required.
Construction of surface facilities could disturb vegetation/soil resulting in removal of some areas from vegetation, timber and range production.	Pg. 15, Par. 6, Pg. 17, Par. 1, Pg. 22, Par. 7, Pg. 26, Par. 1-9,	6/1/79 Lease U-06039, Sec. 30, Special Stips. No. 1,5,6.	Some removal of vegetation could occur but the loss of productivity would be negligible.	Forest Service Special Stipulations No. 3,5,7, 10,11,15,17.	Same as No Action except that lease stipulations inform the lessee of specific measures that would be required.
Human disturbance from surface facilities could affect wildlife populations.	Pg. 22, Par. 5,6.	6/1/79 Lease U-06039, Sec. 30, Special Stip. No. 5,6.	Wildlife could be displaced by activity. Populations within the lease area could be decreased. No impact to threatened, endangered or sensitive species.	Forest Service Special Stipulations No. 2,3,4,5, 10,14,15,17.	Same as No Action except that lease stipulations inform the lessee of specific measures that would be required.
Subsidence from underground mining could:					
*Alter surface and ground water flow. Culinary water springs developments in Rilda Canyon are specifically discussed.	Pg. 13, Par. 4, Pg. 15, Par. 1-4, Pg. 28, Par. 5,6.	6/1/79 Lease U-06039, Sec. 30, Special Stips. No. 2,3,5,6.	Subsidence could change flow patterns. Flow in springs and related drainages could be decreased or increased. Monitoring would track changes. Culinary water springs would be protected unless there are unforeseen effects.	Forest Service Special Stipulations No. 3,7,9, 13,15,17.	Same as No Action except that lease stipulations inform the lessee of specific measures that would be required. Lease stips. prohibit subsidence under perennial drainages unless specifically proposed, evaluated (NEPA), and approved. If mining causes a loss of water needed to maintain water developments and premining

Attachment B
ENVIRONMENTAL ANALYSIS SUMMARY MATRIX

ISSUES	1976 EA REFERENCE	ALTERNATIVE 1 (NO ACTION)		ALTERNATIVE 2 (LEASE READJUSTMENT)	
		MITIGATIONS	IMPACTS	MITIGATIONS	IMPACTS
*Changes in water flow could affect soils, vegetation, wildlife and livestock production.	Pg. 15, Par. 3,6, Pg. 17, Par. 1, Pg. 22, Par. 1.	6/1/79 Lease U-06039, Sec. 30, Special Stips. No. 2,3,4,5,6.	There could be gradual changes but land uses prescribed in the Forest Plan would not be changed.	Forest Service Special Stipulations No. 2,3,7,9, 13,15,17.	land uses, water replacement is required. Same as No Action except that lease stipulations inform the lessee of specific measures that would be required. Water replacement needed to maintain premining land uses is required as discussed above.
*Subsidence could cause slope/escarpment failures and an impact to visual quality and safety.	Pg. 10, Par. 3,4, Pg. 12, Par. 6.	6/1/79 Lease U-06039, Sec. 30, Special Stips. No. 1,3,5,6.	Escarpment failures would be prevented pending site-specific analyses of any proposals to conduct mining that could induce failures. Monitoring would track effects of subsidence.	Forest Service Special Stipulations No. 3,5,6,7, 9,13,15.	Same as No Action except that lease stipulations inform the lessee of specific measures that would be required. Lease stipulations prevent mining that would induce escarpment failures unless such mining is specifically proposed, evaluated (NEPA), and approved.
The 1976 EA discussed that development of the lease could contribute to the growing socioeconomic impacts from a boom in energy mineral development in Carbon and Emery Counties occurring at the time.	Pg. 24, Par. 3.	None	Since 1976 the socioeconomic climate in Carbon and Emery Counties has reversed. New energy mineral developments and the economy have not kept up with predicted increases. Employment has decreased due to advances in mining technology. Development of the lease would have beneficial socioeconomic impacts.	None	Same as No Action
Surface facilities and subsidence could damage roads, rectangular survey monuments and special uses.	Pg. 28, Par. 1-6.	6/1/79 Lease U-06039, Sec. 30, Special Stips. No. 2,3,5,6.	Impacts would not occur unless there are unforeseen circumstances.	Forest Service Special Stipulations No. 3,5,7,8, 13,16,17.	Same as No Action except that repair or replacement would be required if damage or loss occurs.

ATTACHMENT C

SPECIAL STIPULATIONS

SPECIAL STIPULATIONS

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

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

5 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.

6 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.

7 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.

1 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.

2 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.

10 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.

11 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.

12 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.

13 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.

14 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.

15 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.

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

Forest Service Stipulation #13.

17 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.

18 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.

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

Forest Service Stipulation #16.

20 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.

1 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.

22 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

**Application for Modification of
Federal Coal Lease U-06039
By PacifiCorp 2-15-95**

ATTACHMENT 2

**Readjustment of Federal Coal Lease U-06039
Effective 5-1-93**



United States Department of the Interior

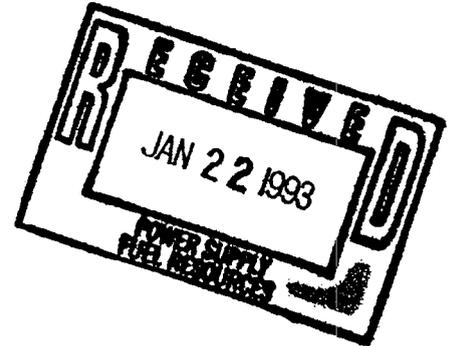


BUREAU OF LAND MANAGEMENT

Utah State Office
324 South State, Suite 301
Salt Lake City, Utah 84111-2303

3451
U-06039
(UT-942)

JAN 19 1993



CERTIFIED MAIL--Return Receipt Requested

DECISION

PacifiCorp	:	
dba PacifiCorp Electric Operations	:	Coal Lease
201 South Main Street	:	U-06039
Salt Lake City, UT 84140-0021	:	

Readjustment of Coal Lease U-06039 Effective May 1, 1993

The regulations under 43 CFR 3451.1(a)(1) and (2) state:

1. All leases issued prior to August 4, 1976 shall be subject to readjustment at the end of the current 20-year period and at the end of each 10-year period thereafter.

Coal lease U-06039 was issued effective May 1, 1953, and readjusted under the Federal Coal Leasing Amendments Act effective June 1, 1979. By notice dated April 30, 1991, PacifiCorp (formerly Utah Power and Light Company) was notified that the terms and conditions of the readjustment of coal lease U-06039 would be provided no later than May 1, 1993.

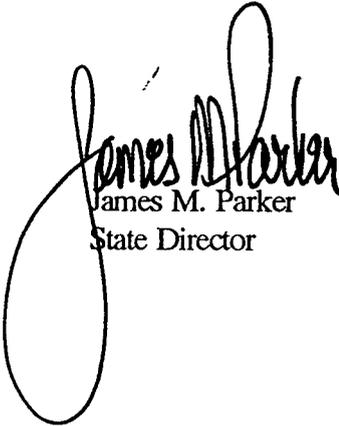
As provided in Sec. 24 of the lease and in accordance with the regulations under 43 CFR 3451.2, enclosed are the terms and conditions of coal lease U-06039 effective May 1, 1993.

A coal lease bond in the amount of \$5,000, conditioned upon compliance with all terms and conditions, is currently on file and is considered adequate bond coverage at the present time.

Information concerning diligent development requirements is enclosed with this decision. This information has been determined to be confidential and will not become a part of the record.

Coal lease U-06039 is hereby readjusted effective May 1, 1993 in accordance with the regulations at 43 CFR 3451.2.

You have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR 4.400. If an appeal is taken, you must follow the procedures outlined in the enclosed Form 1842-1, Information on Taking Appeals to the Board of Land Appeals. The appellant has the burden of showing that the decision appealed from is in error.



James M. Parker
State Director

2 Enclosures
Coal Lease Readjustment
Form 1842-1

DILIGENCE REQUIREMENTS

Section 7 of the Mineral Leasing Act of 1920, as amended, subjects all Federal coal leases to diligence provisions. Diligence provisions include complying with diligent development and continued operation requirements. According to these requirements, Federal coal lease U-06039 became subject to diligence by readjustment on June 1, 1979.

In order for a Federal coal lease to achieve diligent development, it must produce commercial quantities (1 percent of the recoverable reserves) within a 10-year period of the date that it becomes subject to diligence. The diligent development period stops at the end of the royalty reporting period in which production of commercial quantities is achieved or at the end of the 10-year period, whichever comes first.

Once diligent development is achieved, commercial quantities must be produced every year thereafter to maintain continued operation either for the year in question or beginning in the third continued operation year, on the basis of a three year total.

Continued operation can also be satisfied by payment of advance royalty equivalent to the commercial quantities production shortage. This production shortage is based on the year in question or the three-year total, whichever is less. To avoid late payment charges, a lessee must apply to pay advance royalty within 30 days from the beginning of the continued operation year if no production is planned. If production is planned, but falls short of commercial quantities, the lessee must apply to pay advance royalty prior to the end of the continued operation year.

The Bureau of Land Management has determined that Federal coal lease U-06039 contained 13.80 million tons of coal on the date it became subject to diligence on June 1, 1979. Therefore, the commercial quantities requirement is 138,000 tons. According to our records, no production has occurred since the lease became subject to diligence and the diligent development requirement has not been achieved.

On December 23, 1986, coal lease U-06039 was incorporated into the East Mountain Logical Mining Unit (LMU) which has met the diligent development requirement and has satisfied the continued operation requirement from January 1, 1987 to the present. Once a Federal coal lease is included in an LMU, the LMU-specific diligence requirements supersede, but do not eliminate the lease-specific diligent requirements.

If you have any questions, please call Barry Grosely in the Price Coal Office, at (801) 637-4584.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL Within 30 days file a *Notice of Appeal* in the office which issued this decision (see 43 CFR Secs. 4.411 and 4.413). You may state your reasons for appealing, if you desire.

2. WHERE TO FILE
NOTICE OF APPEAL State Director, Utah
Bureau of Land Management
Utah State Office
P. O. Box 45155
Salt Lake City, Utah 84145-0155

SOLICITOR
ALSO COPY TO Regional Solicitor
Department of the Interior
Federal Building, Room 6201
Salt Lake City, Utah 84138

3. STATEMENT OF REASONS Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203 (see 43 CFR Sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary.

SOLICITOR
ALSO COPY TO Regional Solicitor
Department of the Interior
Federal Building, Room 6201
Salt Lake City, Utah 84138

4. ADVERSE PARTIES Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the *Statement of Reasons*, and (c) any other documents filed (see 43 CFR Sec. 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington, D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from decisions of the Director (WO-100).

5. PROOF OF SERVICE Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Sec. 4.401(c)(2)).

Unless these procedures are followed your appeal will be subject to dismissal (see 43 CFR Sec. 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (see 43 CFR Sec. 4.401(a))

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Serial Number U-06039

Lease Date May 1, 1953

COAL LEASE READJUSTMENT

Part I. LEASE RIGHTS GRANTED

This lease, entered into by and between the United States of America, hereinafter called the lessor, through the Bureau of Land Management, and

PacifiCorp
dba PacifiCorp Electric Operations
201 South Main Street
Salt Lake City, Utah 84140-0021

hereinafter called lessee, is readjusted, effective May 1, 1993, for a period of 10 years and for so long thereafter as coal is produced in commercial quantities from the leased lands, subject to readjustment of lease terms at the end of each 10 year lease period.

Sec. 1. This lease readjustment is subject to the terms and provisions of the:

Mineral Lands Leasing Act of 1920, Act of February 25, 1920, as amended, 41 Stat. 437, 30 U.S.C. 181-287, hereinafter referred to as the Act;

Mineral Leasing Act for Acquired Lands, Act of August 7, 1947, 61 Stat. 913, 30 U.S.C. 351-359;

and to the regulations and formal orders of the Secretary of the Interior which are now or hereafter in force, when not inconsistent with the express and specific provisions herein.

Sec. 2. Lessor, in consideration of any rents and royalties to be paid, and the conditions and covenants to be observed as herein set forth, hereby grants to lessee the exclusive right and privilege to drill for, mine, extract, remove or otherwise process and dispose of the coal deposits in, upon, or under the following described lands:

T. 16 S., R. 7 E., SLM, Utah
Sec. 19, SE $\frac{1}{4}$;
Sec. 20, S $\frac{1}{2}$;
Sec. 29, N $\frac{1}{2}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 30, E $\frac{1}{2}$.

containing 1,360.00 acres, more or less, together with the right to construct such works, buildings, plants, structures, equipment and appliances and right to use such on-lease rights-of-way which may be necessary and convenient in the exercise of the rights and privileges granted, subject to the conditions herein provided.

PART II. TERMS AND CONDITIONS

Sec. 1. (a) RENTAL RATE. Lessee shall pay lessor rental annually and in advance for each acre or fraction thereof during the continuance of the lease at the rate of \$3.00 for each lease year.

(b) RENTAL CREDITS. Rental shall not be credited against either production or advance royalties for any year.

Sec. 2. (a) PRODUCTION ROYALTIES. The royalty shall be 12½ percent of the value of coal produced by strip or auger mining methods and 8 percent of the value of coal produced by underground mining methods. Royalties are due to lessor the final day of the months succeeding the calendar month in which the royalty obligation accrues.

(b) ADVANCE ROYALTIES. Upon request by the lessee, the authorized officer may accept for a total of not more than 10 years, the payment of advance royalties in lieu of continued operation, consistent with the regulations. The advance royalty shall be based on a percent of the value of a minimum number of tons determined in the manner established by the advance royalty regulations in effect at the time the lessee requests approval to pay advance royalties in lieu of continued operation.

Sec. 3. BONDS. Lessee shall maintain in the proper office a lease bond in the amount of \$5,000. The authorized officer may require an adjustment in the amount of the bond to reflect changed conditions.

Sec. 4. DILIGENCE. This lease is subject to the conditions of diligent development and continued operation, except that these conditions are excused when operations under the lease are

interrupted by strikes, the elements, or casualties not attributable to the lessee. The lessor, in the public interest, may suspend the condition of continued operation upon payment of advance royalties in accordance with the regulations in existence at the time of the suspension. Lessee's failure to produce coal in commercial quantities at the end of 10 years shall terminate the lease. If not submitted already, lessee shall submit an operation and reclamation plan pursuant to Section 7 of the Act not later than 3 years after the effective date of this lease readjustment.

The lessor reserves the power to assent to or order the suspension of the terms and conditions of this lease in accordance with, inter alia, Section 39 of the Mineral Leasing Act, 30 U.S.C. 209.

Sec. 5. LOGICAL MINING UNIT (LMU). Either upon approval by the lessor of the lessee's application or at the direction of the lessor, this lease shall become an LMU or part of an LMU, subject to the provisions set forth in the regulations.

The stipulations established in an LMU approval in effect at the time of LMU approval will supersede the relevant inconsistent terms of this lease so long as the lease remains committed to the LMU. If the LMU of which this lease is a part is dissolved, the lease shall then be subject to the lease terms which would have been applied if the lease had not been included in an LMU.

Sec. 6. DOCUMENTS, EVIDENCE AND INSPECTION. At such times and in such form as lessor may prescribe, lessee shall furnish detailed statements showing the amounts and quality of all products removed and sold from the lease, the proceeds therefrom, and the amount used for production purposes or unavoidably lost.

Lessee shall keep open at all times for the inspection of any duly authorized officer of lessor, the leased premises and all surface and underground improvements, works, machinery, ore stockpiles, equipment, and all books, accounts, maps, and records relative to operations, surveys, or investigations on or under the leased lands.

Lessee shall allow lessor access to and copying of documents reasonably necessary to verify lessee compliance with terms and conditions of the lease.

While this lease remains in effect, information obtained under this section shall be closed to inspection by the public in accordance with the Freedom of Information Act (5 U.S.C. 552).

Sec. 7. DAMAGES TO PROPERTY AND CONDUCT OF OPERATIONS. Lessee shall comply at its own expense with all reasonable orders of the Secretary, respecting diligent operations, prevention of waste, and protection of other resources.

Lessee shall not conduct exploration operations, other than casual use, without an approved exploration plan. All exploration plans prior to the commencement of mining operations within an approved mining permit area shall be submitted to the authorized officer.

Lessee shall carry on all operations in accordance with approved methods and practices as provided in the operating regulations, having due regard for the prevention of injury to life, health, or property, and prevention of waste, damage or degradation to any land, air, water, cultural, biological, visual, and other resources, including mineral deposits and formations of mineral deposits not leased hereunder, and to other land uses or users. Lessee shall take measures deemed necessary by lessor to accomplish the intent of this lease term. Such measures may

include, but not limited to, modification to proposed siting or design of facilities, timing of operations, and specification of interim and final reclamation procedures. Lessor reserves to itself the right to lease, sell, or otherwise dispose of the surface or other mineral deposits in the lands and the right to continue existing uses and to authorize future uses upon or in the leased lands, including issuing leases for mineral deposits, not covered hereunder and approving easements or rights-of-way. Lessor shall condition such uses to prevent unnecessary or unreasonable interference with rights of lessee as may be consistent with concepts of multiple use and multiple mineral development.

Sec. 8. PROTECTION OF DIVERSE INTERESTS, AND EQUAL OPPORTUNITY.

Lessee shall: pay when due all taxes legally assessed and levied under the laws of the State or the United States; accord all employees complete freedom of purchase; pay all wages at least twice each month in lawful money of the United States; maintain a safe working environment in accordance with standard industry practices; restrict the workday to not more than 8 hours in any one day for underground workers, except in emergencies; and take measures necessary to protect the health and safety of the public. No person under the age of 16 years shall be employed in any mine below the surface. To the extent that laws of the State in which the lands are situated are more restrictive than the provisions in this paragraph, then the State laws apply.

Lessee will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and the rules, regulations, and relevant orders of the Secretary of Labor.

Neither lessee nor lessee's subcontractors shall maintain segregated facilities.

Sec. 9(a) TRANSFERS

This lease may be transferred in whole or in part to any person, association, or corporation qualified to hold such lease interest.

This lease may be transferred in whole or in part to another public body, or to a person who will mine the coal on behalf of, and for the use of, the public body or to a person who for the limited purpose of creating a security interest in favor of a lender agrees to be obligated to mine the coal on behalf of the public body.

This lease may only be transferred in whole or in part to another small business qualified under 13 CFR 121.

Transfers of record title, working or royalty interest must be approved in accordance with the regulations.

(b) **RELINQUISHMENT.** The lessee may relinquish in writing at any time all rights under this lease or any portion thereof as provided in the regulations. Upon lessor's acceptance of the relinquishment, lessee shall be relieved of all future obligations under the lease or the relinquished portion thereof, whichever is applicable.

Sec. 10. DELIVERY OF PREMISES, REMOVAL OF MACHINERY, EQUIPMENT, ETC. At such time as all portions of this lease are returned to lessor, lessee shall deliver up to lessor the land leased, underground timbering, and such other supports and structures necessary for the preservation of the mine workings on the leased premises or deposits and place all workings in condition for suspension or abandonment. Within 180 days thereof, lessee shall remove from the premises all other structures, machinery, equipment, tools, and materials that it elects to or as

required by the authorized officer. Any such structures, machinery, equipment, tools, and materials remaining on the leased lands beyond 180 days, or approved extension thereof, shall become the property of the lessor, but lessee shall either remove any or all such property or shall continue to be liable for the cost of removal and disposal in the amount actually incurred by the lessor. If the surface is owned by third parties, lessor shall waive the requirement for removal, provided the third parties do not object to such waiver. Lessee shall, prior to the termination of bond liability or at any other time when required and in accordance with all applicable laws and regulations, reclaim all lands the surface of which has been disturbed, dispose of all debris or solid waste, repair the offsite and onsite damage caused by lessee's activity or activities incidental thereto, and reclaim access roads or trails.

Sec. 11. PROCEEDINGS IN CASE OF DEFAULT. If lessee fails to comply with applicable laws, existing regulations, or the terms, conditions and stipulations of this lease, and the noncompliance continues for 30 days after written notice thereof, this lease shall be subject to cancellation by the lessor only by judicial proceedings. This provision shall not be construed to prevent the exercise by lessor of any other legal and equitable remedy, including waiver of the default. Any such remedy or waiver shall not prevent later cancellation for the same default occurring at any other time.

Sec. 12. HEIRS AND SUCCESSORS - IN-INTEREST. Each obligation of this lease shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns of the respective parties hereto.

Sec. 13. INDEMNIFICATION. Lessee shall indemnify and hold harmless the United States from any and all claims arising out of the lessee's activities and operations under this lease.

Sec. 14. SPECIAL STATUTES. This lease is subject to the Federal Water Pollution Control Act (33 U.S.C. 1151 - 1175); the Clean Air Act (42 U.S.C. 1857 et seq.), and to all other applicable laws pertaining to exploration activities, mining operations and reclamation, including the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.)

Sec. 15. SPECIAL STIPULATIONS.

1. The Regulatory Authority shall mean the State Regulatory Authority pursuant to a cooperative agreement approved under 30 CFR Part 745 or in the absence of a cooperative agreement, Office of Surface Mining. The authorized officer shall mean the State Director, Bureau of Land Management. The authorized officer of the Surface Management Agency shall mean the Forest Supervisor, Forest Service. Surface Management Agency for private surface is the Bureau of Land Management. For adjoining private lands with Federal minerals and which primarily involve National Forest Service issues, the Forest Service will have the lead for environmental analysis and, when necessary, documentation in an environmental assessment or environmental impact statement.
2. The authorized officers, of the Bureau of Land Management, Office of Surface Mining (Regulatory Authority), and the Surface Management Agency (Forest Service) respectively, shall coordinate, as practical, regulation of mining operations and associated activities on the lease area.
3. In accordance with Sec. 523(b) of the "Surface Mining Control and Reclamation Act of 1977," surface mining and reclamation operations conducted on this lease are to conform with the requirements of this Act and are subject to compliance with Office of Surface Mining Regulations, or as applicable, a Utah program equivalent approved under cooperative agreement in accordance with Sec. 523(c). The United States Government does not warrant that the entire tract will be susceptible to mining.
4. 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-LaSal National Forest.

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

5. 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 authorities. 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.

6. 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.

7. 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 is adequate for the intended purposes. The study shall be adequate to locate, quantify, and demonstrate the inter-relationship 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.

8. 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.

9. 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 the access road, 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 modifications to existing developments to examine alternatives and mitigate conflicts.

10. 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 land forms and vegetative landscape features will be avoided.
11. 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.
12. 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.
13. 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, or (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.
14. 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 specifically approved locations.
15. 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.
16. The coal contained within, and authorized for mining under this lease, shall be extracted only by underground mining methods.
17. 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.
18. In order to protect big game wintering areas, elk calving and deer fawning areas, sagegrouse strutting areas, and other critical wildlife habitat and/or activities, specific surface uses outside the mine development area may be curtailed during specific periods of the year.

19. Support facilities, structures, equipment, and similar developments will be removed from the lease area within 2 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 reestablished, and the areas returned to a premining land use.

20. The lessee at the conclusion of the mining operations, or at other times as surface disturbance related to mining may occur, will replace all damaged, disturbed, or displaced corner monuments (section corners, quarter 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 instruction, U.S. Department of Interior.

21. The lessee at his 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.

22. The 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 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/operation plan approved by the Secretary of the Interior.

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

Forest Supervisor
Manti-LaSal 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.

ATTACHMENT 3

**USFS Decision Notice / FONSI / Environmental Assessment for
Deer Creek Mine Rilda Canyon Lease Extension
9-27-94**

United States
Department of
Agriculture

Forest
Service

Manti-La Sal
National Forest

599 West Price River Dr.
Price, Utah 84501

DRAFT

Reply to: 2820

Date: September 27, 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: Rilda Canyon Lease Extension and Surface Facilities, Deer Creek Mine,
PacifiCorp, ACT/015/018-94A, Folder #2, Emery County, Utah

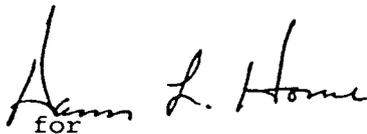
Dear Ms. Littig: /

We hereby consent to addition of the extension area into the permit area for the Deer Creek Mine, construction of surface facilities in Rilda Canyon, and mining under the south canyon escarpment in Rilda Canyon by PacifiCorp. Enclosed are a copy of the Environmental Assessment (EA) and Decision Notice/Finding of No Significant Impact (DN/FONSI) for PacifiCorp's proposed surface facilities and mining under the south canyon escarpment. This approval is contingent upon the mitigations attached to the DN/FONSI.

The decision to consent to addition of the extension area is effective immediately, however, the decision to consent to surface facilities and to subside the escarpment is subject to Forest Service appeal regulations 36 CFR 215 and 271. Any appeals must be filed within 45 days of the date that the Forest Service decision is published in the Sun Advocate, which was September 27, 1994. Depending on the results of the appeal process, the earliest that surface operations may begin would November 21, 1994.

If you have any questions, contact us at the Forest Supervisor's Office in Price, Utah.

Sincerely,


for

GEORGE A. MORRIS
Forest Supervisor

Enclosures

cc:

D-3

Floyd McMullen, Office of Surface Mining
Val Payne, PacifiCorp

DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT

PACIFICORP DEER CREEK MINE SURFACE FACILITIES
AND
MINING UNDER THE CANYON ESCARPMENT
IN RILDA CANYON

USDA FOREST SERVICE, INTERMOUNTAIN REGION
MANTI-LA SAL NATIONAL FOREST
PRICE RANGER DISTRICT
EMERY COUNTY, UTAH

INTRODUCTION

PacifiCorp submitted a permit revision and mining plan to the Utah Division of Oil, Gas and Mining (UDOGM) proposing to construct a breakout with ancillary facilities in Rilda Canyon to provide ventilation of underground workings for the Deer Creek Coal Mine. The proposal would include construction of a facilities pad and new access road on Federal Coal Lease U-06039, reconstruction of the existing road in Rilda Canyon to accommodate project and public use, and installation of an overhead 25 KV power transmission line from the Huntington Power Plant in Huntington Canyon to the facilities pad. The facilities pad would contain 3 mine openings or portals, a fan at the easternmost of the three portals, a substation, water storage tank, and pumphouse.

In addition, the mining plan calls for mining beneath the south slope or escarpment of Rilda Canyon, including the lower reaches of the south slope of the Left Fork of Rilda Canyon on Federal Coal Leases U-06039, U-7653, U-47977, SL-050862, U-014275, and U-024319. The proposed mining (longwall method) would induce subsidence that could cause escarpment failures along the Castlegate Sandstone outcrop. Lease stipulations contain a restriction that prohibits underground mining that could cause the creation of hazardous conditions such as escarpment failures and landslides, unless specifically evaluated and approved. Specific evaluation and approval is required to prevent hazardous conditions and associated impacts.

The Forest Supervisor, Manti-La Sal National Forest, must decide whether or not to consent to construction of the surface facilities and mining under the canyon slope that could cause subsidence and potential escarpment failures. Consent authority is provided under the Federal Coal Leasing Amendment's Act of 1975, Surface Mining Control and Reclamation Act of 1977 and Federal Regulations 30 CFR 700 to end. If consent is given, the Forest Supervisor must identify any measures required for the protection of non-mineral resources. In addition, the Forest Supervisor must decide whether or not to issue the required special-use permit for the powerline on National Forest System lands under the Federal Land Policy and Management Act of 1976,

authorize Emery County to reconstruct Forest Development Road 50246 (Rilda Canyon Road) under a project agreement, and grant an easement to Emery County for operation and maintenance under the Federal Roads and Trails Act of 1964.

An Environmental Assessment (EA) was prepared for this proposal by the Forest Service with participation from the Bureau of Land Management and Office of Surface Management which were identified as cooperating agencies. The EA was tiered to the Final Environmental Impact Statement, Manti-La Sal National Forest (Forest Plan FEIS). The EA evaluated three alternatives which consist of (1) No Action, (2) the proposed action (plan as proposed by PacifiCorp) with required mitigations, and (3) a modified proposed action alternative that would not allow mining which would cause subsidence of the canyon slope/escarpment and potential escarpment failures. The analysis considered cumulative impacts to the ecosystems in Rilda Canyon, socioeconomic impacts, and concerns regarding maximum economic recovery of the coal resources in the area.

DECISION/RATIONALE (DECISION NOTICE)

Based on the analysis, I have decided to consent to the proposal by PacifiCorp with mitigations designed to mitigate the anticipated impacts (Alternative 2, Proposed Action with Mitigations). A copy of the required mitigations are included as Attachment 1. Implementation of this decision would include issuance of a special-use permit to authorize construction of the 25KV overhead powerline, and completion of a project agreement with Emery County for reconstruction of the Rilda Canyon Road (FDR 50246) currently under Forest Service jurisdiction (from the North Emery Water User's Association (NEWUA) springs to the Forks of Rilda Creek). Once this reconstruction is completed in accordance with the project agreement, an easement would be issued to Emery County, transferring jurisdiction of this road.

I feel that this alternative best meets the needs of the general public by providing a balance between recovery of Federal coal reserves in the area and preserving the integrity of the ecosystems in Rilda Canyon consistent with Forest Plan direction. It would provide for recovery of approximately 10.4 million tons of recoverable coal under the escarpment and necessary ventilation to safely mine reserves to the west. It would involve a low risk of causing long-term impacts to water quality and quantity in Rilda Creek and the North Emery Water User's Association culinary springs. It provides for up-front mitigation of possible impacts to the NEWUA culinary water supply (potential net benefit), and requires measures that would improve the condition of riparian vegetation in the RPN (Emphasis on Riparian Area Management) Management Unit to offset the estimated 2.4 acres of long-term loss of riparian vegetation in the RNG (Emphasis on Production of Forage) Management Unit. The potential public safety hazard is considered low because it is not likely that rocks would reach the Rilda Canyon due to distance, topographic factors, and vegetation.

The decisions required by the cooperating agencies in regard to the proposal will be documented in separate decision documents, released to the public, and appealable in accordance with that agency's specific regulations.

PUBLIC INVOLVEMENT

Scoping letters were sent to interested parties on May 5, 1994, that briefly described the proposal and requested public comment. A legal notice informing the public of the proposal and requesting public comment was published in the Sun Advocate (publication of record) on May 5, 1994, and the Emery County Progress (supplemental publication) on May 10, 1994. Two response letters were received during project scoping and a third letter was received during preparation of the environmental analysis. Emery County stated that they support the proposal. The Utah Division of Wildlife Resources expressed concern in regard to potential impacts to wildlife and riparian habitat in Rilda Canyon and suggested that measures be taken to mitigate habitat loss and improve riparian habitat in adjacent areas. In the third letter, Huntington-Cleveland Irrigation Company requested a copy of the EA for review when completed.

A copy of the EA was sent to potentially affected parties, and those who responded during project scoping or specifically requested a copy on August 4, 1994. A legal notice was published in the Sun Advocate and Emery County Progress on August 9, 1994 notifying the general public that the EA was available for public review for 30 days and that Alternative 2 was the Forest Service preferred alternative. Two letters were received as described below.

The Huntington Cattlemans Association stated that they protest construction of a fence at the mouth of Rilda Canyon in Huntington Canyon because this area has been grazed for many years and is spring range that is of vital importance to them. In a telephone conversation between District Ranger Jankiewicz and Lee Lemmon of the Cattle Association, it was explained that the fence would prevent grazing of approximately 7.6 Animal Unit Months (AUM) of approximately 4,512 AUMs provided in the Gentry C&H Allotment which has been determined to be an insignificant amount of use in a non-critical area. Lee stated that he would not object further but wanted to be on record as protesting the decision.

Craig Smith of Nielsen & Senior, representing the Huntington-Cleveland Irrigation Company, responded with a series of comments regarding potential impacts to water in the Huntington drainage. The comments and Forest Service responses are included in this document as Attachment 2. As discussed in the responses, I feel that the EA adequately addresses the concerns. The EA and Cumulative Hydrologic Impact Assessment (CHIA) show that the selected alternative would not have a significant impact to the hydrologic balance in Huntington Creek.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Based on the referenced EA for this project, I have determined that implementation of this project is not a major Federal action that would significantly affect the quality of the human environment. Therefore, the preparation of an Environmental Impact Statement is not required. This determination was made considering the following factors:

My decision and the resulting actions comply with direction of the Land and Resource Management Plan, Manti-La Sal National Forest, 1986, as amended (Forest Plan).

There are no anticipated significant effects on the quality of the human environment, either as an individual action, or as part of the cumulative effects of other past, present, and reasonably foreseeable actions within the Rilda Canyon area.

There would be no unacceptable hazards to public health or safety.

There are no highly uncertain, highly controversial, unique, or unknown risks.

There will be no adverse affects to districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. There will be no loss or destruction of cultural or historical resources.

There will be no adverse affects to endangered, threatened, or sensitive plant or animal species or their habitat, as documented in the Biological Evaluation in the project file.

The decision and resulting actions comply with other Federal, State, and local laws and requirements imposed for the protection of resources.

Mitigation measures specified in this Decision Notice will be monitored to assure that they are carried out as planned.

IMPLEMENTATION DATE AND MONITORING

Implementation of this decision may take place no sooner than November 21, 1994 which is the fifth business day following the end of the 45 day appeal period. See appeal rights discussed in the next section.

Monitoring of subsidence, flow and quality of water in Rilda Creek and the NEWUA springs is the responsibility of PacifiCorp under lease stipulations and requirements of the approved mining permit. Water monitoring information is submitted to the Utah Division of Oil, Gas and Mining on intervals specified in the Mine Plan. Subsidence monitoring results and an annual summary of hydrologic monitoring are submitted on an annual basis.

APPEAL RIGHTS

This decision is subject to appeal pursuant to 36 CFR Part 215.7 and Part 251.

Any written appeal under 36 CFR Part 215.7 must be postmarked or received by the Appeal Deciding Officer, Dale Bosworth, USDA Forest Service, Intermountain Region, 324 25th Street, Ogden, Utah 84401 within 45 days after publication of the Notice of Decision in the Sun Advocate Newspaper of Price, Utah (publication of record). The Notice of Decision will be published on September 27, 1994, therefore, any appeals must be filed on or before November 14, 1994. Appeals must meet the requirements of 36 CFR 215.14.

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 November 14, 1994. Notice of Appeal and statement of reasons must be submitted in writing to Dale Bosworth, USDA Forest Service, Intermountain Region 324 25th Street, Ogden, Utah 84401. Simultaneously send a copy of the Notice of Appeal to George Morris, Forest Supervisor, Manti-La Sal National Forest, 599 West Price River Drive, 84501.

Required decisions of the cooperating agencies would be subject to review and appeal specific to their appropriate regulations and are not appealable to the Forest Service as specified in the above paragraph.

George A. Morris

GEORGE A. MORRIS
Forest Supervisor

9-27-94

Date

DN/FONSI Attachment 1

MITIGATIONS

Operations are subject to adherence to the stipulations attached to the individual coal leases affected by operations and to provisions of the approved mine plan and permit. The mitigations listed below are in addition to those required by the leases or mine permit.

1. The permittee must construct a fence and cattleguard at in Rilda Creek at the east boundary of National Forest System lands to exclude livestock use on National Forest System lands in the canyon. Maintenance of this facility during the life of operations would be the operator's responsibility. This would prevent damage to the riparian vegetation and enhance the area for wildlife to offset the loss of riparian vegetation from facilities pad and road construction. The fence and cattleguard designs and specific location are subject to Forest Service review and approval.
2. The facilities pad must be fenced to provide for public safety safety and prevent access by livestock and big game species.
3. Facilities must be painted with a color that blends naturally with the surrounding environment. The color is subject to approval by the Forest Service.
4. In the event that rocks or other debris from the escarpment reach Rilda Creek and cause blockage or alteration of the natural flows, the operator will be required to remove the materials causing the blockage, take necessary measures to prevent sediment production, replace riparian vegetation through reclamation or other means, and re-establish the the natural flow patterns. The method of conducting these required activities are subject to approval of the regulatory authority with consent from the Forest Service.
5. Any damage to fences, roads, spring developments, etc. caused by escarpment failures or other operations must be repaired or replaced as soon as possible. Methods for repair or replacement of such facilities are subject to approval of the regulatory authority with consent from and Forest Service.
6. The permittee must take necessary measures to prevent raptors from building and occupying nests in the escarpment area during periods that they would be at risk from subsidence. Golden eagle nest 296A must be protected from subsidence unless the operator obtains a take permit from the U.S. Fish and Wildlife Service.
7. The permittee must monitor subsidence and escarpment areas to determine the extent of escarpment failures that occur and to determine when they stabilize. The operator is responsible to ensure public safety in the areas where escarpment failures are likely to occur until it is determined that subsidence is substantially complete

and the escarpments have stabilized. Methods of providing for public safety and for monitoring escarpment failures (including the frequency of monitoring) are subject to approval of the regulatory authority with consent from the Forest Service.

8. Should escarpment failures occur to an extent beyond that predicted and cause functional impairment of surface resources (impacts that are not consistent with management prescriptions in the Forest Plan), additional operations that could cause escarpment failures must be suspended pending evaluation by the regulatory authority in consultation with the Forest Service.
9. The permittee must provide final designs for the facilities pad access road that address stabilization of the cut and fill slopes, protection of the road from stream erosion, and measures to prevent materials from entering stream channels. Forest Service approval of the designs is required prior to implementation.

HUNTINGTON-CLEVELAND IRRIGATION CO. COMMENTS WITH FOREST SERVICE RESPONSES

The specific concerns (comments) in the September 7, 1994 letter are listed below (underlined), followed by the Forest Service response (September 15, 1994 letter to Craig Smith):

1. The EA should contain specific mitigation requirements for water quantity or quality impacts on ground and surface water. The requirements must be keyed and tailored to specific impacts on specific water sources and include how a particular impact will be mitigated.

In the process of conducting the environmental analysis, it was identified that the greatest risk of disrupting flow is from proposed longwall panels in shallow overburden (less than 500 feet) under the Left Fork of Rilda Creek. Due to the high potential for cracks to develop and potentially drain water from the alluvial aquifer, PacifiCorp agreed to drop these longwall panels from their proposal. Additional information would be required to determine how much of the total flow of Rilda Creek is contributed by this segment of the alluvial aquifer before the panels can be further considered for approval.

Our findings show that groundwater recharge is from the north of the canyon, the stream channel would be protected from subsidence, and there are no springs other than the NEWUA springs. Based on these findings, the only remaining concerns in regard to water quality and flow involve (1) sediment production from construction activities, (2) potential spills, and (3) effects to flow at the NEWUA springs. The proposal includes a sediment plan with best management practices for minimizing the production of sediment. Upon approval by UDOGM/OSM, operations would be subject to provisions already included in the approved Mining and Reclamation Plan, such as the spill contingency plan. Hydrologic data indicates that there is only low potential for mining on the south slope of Rilda Canyon to affect flow at the NEWUA springs because recharge is from the alluvial aquifer and the area north of Rilda Creek. Since the flow at the NEWUA springs is being diverted for culinary water, loss of flow in Rilda Creek is not likely. PacifiCorp has taken measures, specified in their agreement with NEWUA, to replace water in quality and quantity in the event that impacts occur. It is most likely that these measures would provide an overall net benefit to water users by providing up-front mitigation before mining occurs. Since this was part of the proposal and PacifiCorp has already committed to replacement of water in concept (pages 4-77, 4-78, and 4-83), there is no need for additional stipulations. These measures are adequately discussed and considered in the EA.

2. The EA fails to address the issue of how and where PacifiCorp intends to dispose of water encountered in its mining operations in the Rilda

Canyon area. Until this issue is addressed, it is difficult to provide comment.

The proposal does not request or provide for water discharge or disposal in Rilda Creek. A UPDES permit would be required by the State of Utah for any water discharge. Discharge of water into Rilda Creek was not raised as an issue by the public or participating agencies.

The EA addresses discharge of water encountered in the mine on page IV-18, paragraph 4. Water encountered during mining would be stored in the mine workings or discharged into Deer Creek under PacifiCorp's existing UPDES discharge permit. The facilities pad is designed to drain precipitation back into the mine workings, preventing the need for a sediment pond in Rilda Canyon that would result in additional surface disturbance. Considering geologic conditions in the area, there is no expectation that water encountered in the mine workings would drain from the Rilda Canyon portals once the workings are abandoned and surface disturbances are reclaimed.

3. A general stipulation prohibiting trans-drainage movement of water is also needed to prevent water encountered in the mine acres within Huntington Canyon being moved.

As discussed in the EA, it was determined that groundwater recharge of the springs and alluvial flow in Rilda Creek is mostly, if not all, from the north because of the southerly dip of the rock layers. Very little water has been encountered in the development workings on the south side of the canyon. Due to the dip of the rock layers and small amount of water encountered in this area thus far, it is not likely that flow in Rilda Creek would be diverted. Any water encountered in the mine workings would be stored in the mine or discharged into Deer Creek that would drain back into Huntington Creek. Under the UPDES permit, water discharged from the mine must meet State water quality standards.

Underground mining would not likely divert a significant amount of surface flow from precipitation/runoff from the south slope of Rilda Canyon into the groundwater regime.

4. It is of particular concern that this EA has been prepared and issued without the benefit of the final approved Probable Hydrologic Consequences (PHC) or the preparation of a Cumulative Hydrologic Impact Analysis (CHIA). It is stated on page III-6 of the EA that the PHC is being analyzed and the CHIA is being prepared. Without these important hydrological documents, the EA is premature. The EA should not be issued until after the public has an opportunity to review the Division of Oil, Gas & Mining's review of the PHC and CHIA. This is not merely a procedural issue, but a substantive one. Huntington-Cleveland believes that the PHC understates the scope and nature of impact that the mining activities of PacifiCorp will have. Specifically, it is believed that mining in Rilda Canyon will disrupt nearby springs in Huntington Canyon as well. This potential impact cannot be seriously discussed without the final CHIA.

There is no requirement that the CHIA be completed prior to conducting an environmental analysis for a project, however, the EA was completed as a parallel and coordinated process with the Division's review of the PHC and preparation of the CHIA. The hydrologist that has the lead for preparation of the CHIA participated as an interdisciplinary (ID) team member for preparation of the EA, representing OSM. The purpose of the statement in the EA (page III-6) was to reference the CHIA and show that the evaluations are consistent. The EA substantively discloses the hydrologic impacts and resulting cumulative effects related to mining south of Rilda Canyon that are contained in the CHIA. Development and review of the PHC has been ongoing for several years.

Forest Service decision regarding consent will be based on the results of the EA. Before the Department of Interior Assistant Secretary, Lands and Minerals Management (ASLMM) can approve the proposal, the Office of Surface Mining must have the EA, the Forest Service consent decision, and CHIA, as well as other required documents.

5. Another area of general concern is the total lack of any required mitigation for surface and groundwater impacts in the EA. A telephone discussion of this issue with Forest Service officials revealed that the Forest Service is relying on general stipulations found in the Forest Plan. We believe that this approach is insufficient to address impacts on ground and surface water.

PacifiCorp has been monitoring the hydrology in the Rilda Canyon area for several years to collect data for the PHC and CHIA. The Mining and Reclamation Plan includes provisions for hydrologic monitoring (Volume 9, Appendix A), and for replacement of water (pages 4-77, 4-78, 4-83, and Volume 9, Appendix G). In addition, the affected Federal Coal leases contain a stipulation that requires replacement of water in quality and quantity in the event that it is lost due to mining. All operations within the leases are subject to these stipulations.

Appendix 3 of the EA contains stipulations. In the first paragraph, it is stated "Operations are subject to adherence to the stipulations attached to the individual coal leases affected by operations and to provisions of the approved mine plan and mine permit". Since these provisions are already in place and PacifiCorp's proposal contains a commitment consistent with this stipulation, there is no need to specify their inclusion again. As stated in our response to your first comment, the proposal for operations in Rilda Canyon contains specific mitigations that have already been initiated to replace water if monitoring detects effects that can be attributed to mining.

The hydrologic monitoring plan includes monthly monitoring of water flow at the Right Fork surface well (RCF1), just below the springs in the main channel of Rilda Creek (RCF3), and the mouth of Rilda Creek (RCW4). The flow at the NEWUA springs is monitored monthly. The

monitoring wells (P1, P3-7) near the springs will also be monitored on a monthly basis. Quality is monitored at these stations quarterly.

6. Finally, a follow-up and enforcement mechanism needs to be implemented whereby impacts, if occurring, will be identified and mitigation required. Currently, there is no such mechanism and impacts beyond those predicted are not addressed.

PacifiCorp has already done extensive detailed monitoring of the hydrology in Rilda Canyon. They have committed to a comprehensive monitoring program to detect impacts to water quality and quantity. The results of monitoring must be submitted to the Utah Division of Oil, Gas and Mining within a certain time frame after it is collected. Enforcement of the mine plan provisions and mining regulations is a responsibility of the Division. The Forest Service does not have funding and personnel available to review all monitoring data. We are, however, notified by the operator and/or the Division if impacts are detected. It is our policy to cooperate with the Division in their enforcement of any applicable stipulations. If you feel that additional monitoring should be accomplished, we would encourage you to enter into an agreement with PacifiCorp to cooperate in their monitoring effort or to conduct independent monitoring. If you wish to do so, please contact Charlie Jankiewicz, District Ranger, to make necessary arrangements to conduct this work.

ENVIRONMENTAL ASSESSMENT

PacifiCorp Deer Creek Mine Surface Facilities
and
Mining Under Canyon Escarpments
in Rilda Canyon

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

August, 1994

Responsible Officials:

GEORGE A. MORRIS
Forest Supervisor
Manti-La Sal National Forest
599 West Price River Drive
Price, Utah 84501

ROGER ZORTMAN
District Manager
Bureau of Land Management
Moab District
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Moab, Utah 84532

Cooperating Agencies:

Bureau of Land Management
Office of Surface Mining

For Further Information
Contact:

Charlie Jankiewicz
District Ranger
Price Ranger District
599 West Price River Drive
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(801) 637-2817

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CHAPTER I
PURPOSE AND NEED FOR ACTION

I. INTRODUCTION

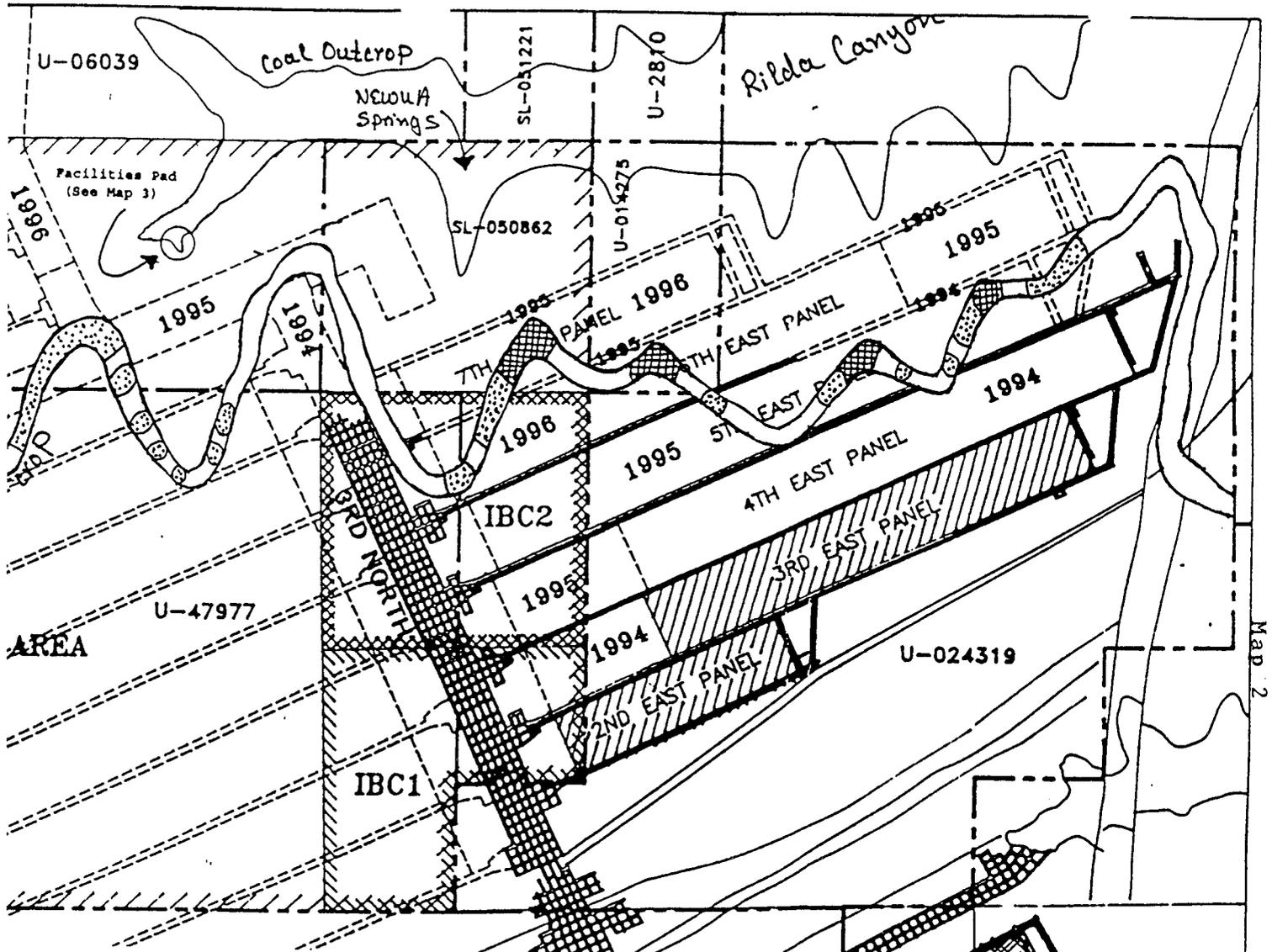
PacifiCorp submitted a permit revision and mining plan to the Utah Division of Oil, Gas and Mining proposing to construct a breakout with ancillary facilities in Rilda Canyon for the Deer Creek Mine. The purpose of the breakout is to provide intake and exhaust portals for ventilation of underground workings. The proposal would include construction of a facilities pad and new access road on Federal Coal Lease U-06039, reconstruction of the existing road in Rilda Canyon to accommodate project and public use, and installation of an overhead power transmission line (Maps 1 and 3).

PacifiCorp has also proposed to mine beneath the south slope (escarpment) of Rilda Canyon (below the forks) and the Left Fork of Rilda Canyon on Federal Coal Leases U-06039, U-7653, U-47977, SL-050862, U-014275, and U-024319 which would cause subsidence of this area (Maps 1 and 2). The purpose is to maximize production of coal resources and extend the life of the Deer Creek Mine. Stipulations contained in the Federal coal leases proposed for mining contain a restriction that prohibits underground mining operations and surface subsidence that could cause the creation of hazardous conditions such as potential escarpment failures and landslides, unless specifically evaluated and approved. Specific evaluation and approval of mining under escarpments is required to prevent hazardous conditions and associated impacts, unless they can be mitigated to be consistent with Forest Plan goals and prescriptions.

The proposed facilities pad would be located on National Forest System lands in the Left Fork of Rilda Canyon administered by the Price Ranger District of the Manti-La Sal National Forest in Section 29, T. 16 S., R. 7 E., SLB&M, Emery County, Utah (Map 1). The new road for access to the facilities pad lies entirely on National Forest System lands in the left fork. Those portions of the existing Rilda Canyon road to be upgraded for this project are located in Rilda Canyon within the administrative boundary of the Manti-La Sal National Forest on Federal and private lands. The proposed powerline traverses National Forest System lands, private lands within and outside of the administrative boundary of the Forest, and public lands administered by the Bureau of Land Management, San Rafael Resource Area.

II. PURPOSE AND NEED FOR ACTION

The purpose of the proposed action is to maximize the recovery of coal reserves and the associated socioeconomic benefits. Mining under the escarpments would maximize recovery of the coal reserves within the associated Federal coal leases. The breakouts and ancillary facilities are needed to provide ventilation of the existing and proposed underground mine workings in the area and provide for the safety of the miners consistent with Mine Safety and Health Administration regulations.



te Sandstone Outcrop

Potential for Failure (>75% Probability)

rate Potential for Failure (25-75%)

Potential for Failure (10-24%)

igible (<10%)

ENERGY WEST MINING COMPANY <small>HUNTINGTON, UTAH 84828</small>	
DEER CREEK MINE RILDA EXTENSION AREA	
DRAWN BY: K. LARSEN	FIGURE A
SCALE: NONE	

MAP 2

The Bureau of Land Management, Office of Surface Mining, and Forest Service must evaluate the proposal and conduct an environmental analysis under the National Environmental Protection Act of 1969 and their specific authorities. The environmental analysis will be used by the agencies as the basis for making their respective decisions in regard to the proposed action and issuing required permits.

This analysis is tiered to the Final Environmental Impact Statement, Manti-La Sal National Forest, 1986 and the Final Environmental Impact Statement, San Rafael Resource Management Plan, 1988.

III. AUTHORITIES

The proposed action falls under the authorities of the Mineral Leasing Act of 1920, as amended (MLA); Surface Mining Control and Reclamation Act of 1977 (SMCRA); Federal Coal Leasing Amendments Act of 1975 (FCLAA); Federal Land Policy and Management Act of 1977 (FLPMA); National Forest Roads and Trails Act of 1964 (FRTA); Federal Regulations 43 CFR 3400 and 30 CFR 700 to end; Land and Resource Management Plan, Manti-La Sal National Forest, 1986; and San Rafael Resource Management Plan, 1988.

IV. PROPOSED ACTION

The facilities pad would contain 3 mine openings or portals, a fan at the easternmost of the three portals, a substation, water storage tank, and pumphouse. To provide the area needed for the facilities pad approximately 140 feet of the Left Fork drainage channel and 140 feet of a small side drainage would be channeled into culverts. Approximately 17,000 cubic yards of fill would be imported to cover the culverts and form the pad. A "Hilficker" type retaining wall would be installed to support a near vertical fill slope adjacent to the drainages to reduce the overall size of the area to be disturbed, protect the pad from erosion, and reduce sediment production. The northeast corner of the pad would be approximately 40 feet in elevation above the road. The facilities pad would disturb 1.2 acres.

The Rilda Canyon road (Forest Development Road 50246), from the North Emery Water Users Association springs (end of Emery County jurisdiction) to the forks of Rilda Canyon, would be reconstructed to a one-lane standard with turnouts and a 14 foot gravel surface. Improvement of the road would provide access adequate for PacifiCorp's operations and public use. A gravel turnaround/parking area would also be constructed at the Forks. The parking/turnaround area would provide parking and a turnaround area for recreational traffic in the canyon, mostly associated with the trails in the North and South Forks. The length of this existing road segment is 3,800 feet with a disturbed area of 2.4 acres. The road would be partially relocated resulting in an overall length of 3,500 feet with a final disturbed area of 4.2 acres. Approximately 1,000 feet of the old road would be contemporaneously reclaimed (0.6 acres). Net new disturbance after reclamation would be 1.8 acres. Emery County has applied for an easement across National Forest System lands to reconstruct

and maintain this road and the parking/turnaround area to meet the needs of PacifiCorp and Emery County. If approved, the work would be authorized under a project agreement between Emery County and the Manti-La Sal National Forest. Once the road is completed, an easement would be granted by the Forest Service to Emery County for operation and maintenance.

A new access road would be constructed along the north slope of the Left Fork from the end of Forest Development Road 50246 and the turnaround/parking area to the facilities pad, a distance of 1,350 feet. The road would follow the general alignment of an existing trail. It would be constructed to a one-lane standard with a 12 foot gravel surface. Access would be restricted to PacifiCorp personnel by construction of a gate. The new road would disturb 1.3 acres.

A new 25KV overhead powerline would be constructed from the Huntington Canyon Power Plant to the facilities pad in Rilda Canyon. The new line would be constructed parallel to the existing Mill Fork powerline in Huntington Canyon. The alignment would deviate from the existing line in Huntington Canyon near the mouth of Rilda Canyon and extend along the Rilda Canyon road on the north (uphill) edge to the facilities pad. The powerline would supply electrical power to the fan and pumphouse. The powerline would physically disturb only the areas where poles would be installed.

The new line would be constructed to a design that would protect raptors from electrocution. The existing line would be upgraded to be raptor safe.

V. SCOPE OF THE ANALYSIS

The scope of the analysis is confined to issues associated with the proposed action. The analysis considers the cumulative effects to specific components of the ecosystems and socioeconomic climate identified as issues.

The analysis is tiered to the Final Environmental Impact Statement, Manti-La Sal National Forest, 1986 (Forest Plan FEIS) and the Final Environmental Impact Statement, San Rafael Resource Management Plan, 1988.

VI. ANALYSIS AND DECISION CRITERIA

The powerline and road reconstruction would be located in MMA (Emphasis on Leasable Minerals Development), RNG (Emphasis on Production of Forage), and RPN (Emphasis on Riparian Area Management) Management Units. The new road and facilities pad would lie within the RNG Management Unit. The decision must be consistent with applicable laws and regulations, as well as Forest Plan forestwide management goals for the affected resources, and management prescriptions for the MMA, RNG, and RPN Management Units. Construction of the powerline across public lands administered by the Bureau of Land Management must comply with direction in the San Rafael Resource Management Plan (RMP).

The mine plan must be in compliance with the Surface Mining Control and Reclamation Act of 1977, Federal Regulations 30 CFR 700 to end, and the Utah Coal Rules, and MSHA (Mine Safety and Health Administration) regulations (30 CFR 1-199) for underground safety.

Surveys have been completed by qualified specialists in conformance with the National Historic Preservation Act and the Endangered Species Act and associated laws and regulations. It has been determined that the proposed action would not cause adverse impacts to cultural resources or Threatened, Endangered, and sensitive plant and animal species. Copies of the Biological Evaluation and Cultural Resources Survey Reports are included in the project file.

VII. DECISIONS TO BE MADE

The Department of the Interior Assistant Secretary, Land and Minerals Management (ASLMM) must decide whether to approve, conditionally approve, or disapprove the mining plan for Federal Coal Leases SL-050862, U-47977, U-7653, and U-06039 under the authority of the Mineral Leasing Act of 1920 (MLA). The Office of Surface Mining (OSM) must prepare a decision document for the ASLMM that recommends approval, conditional approval, or disapproval of the mining plan.

OSM's recommendation on the mining plan is based on (1) the complete permit application package, including the permit application and resource recovery and protection plan, (2) compliance with the National Environmental Policy Act of 1969, (3) documentation assuring compliance with applicable requirements of other Federal laws, regulations, and executive orders, (4) comments and recommendations or concurrence of other Federal agencies, and the public; (5) the findings and recommendations of the Bureau of Land Management with respect to the resource recovery and protection plan and other requirements of the Federal leases and the Mineral Leasing Act, and (6) the findings and recommendations of the Utah Division of Oil, Gas and Mining (DOG M) with respect to the permit application and the Utah State Program. The respective roles of OSM and DOGM are described in Appendix 4.

The Bureau of Land Management (BLM) must decide whether the mining operations proposed in the (changes to the) resource recovery and protection plan will achieve maximum economic recovery of the Federal Coal and whether the proposed operations are in compliance with the terms and conditions of the Federal leases, the Mineral Leasing Act of 1920, as amended, and 43 CFR 3400. The BLM must also decide whether to issue a right-of-way (FLPMA) for those portions of the proposed powerline that cross public lands administered by BLM.

The Forest Supervisor, Manti-La Sal National Forest, must decide whether or not to consent to construction of the surface facilities and mining under the canyon slope that could cause slope/escarpment failures. Consent authority is provided under FCLAA, SMCRA, and requirement for consultation with the surface management agency 30 CFR 700 to end. If consent is given, the Forest Service must identify required measures for the protection of non-mineral resources. In addition, the Forest Service

must decide whether or not to issue the required special-use permit for the powerline on National Forest System lands (FLPMA), and whether or not to authorize Emery County to reconstruct Forest Development Road 50246 under a project agreement and to grant an easement to Emery County for operation and maintenance of the road (FRTA). The Forest Supervisor must decide whether or not to allow new disturbance and use of facilities in the RPN (Riparian) Management Unit adjacent to perennial portions of Rilda Creek in conformance with management direction for RPN Management Units in the Forest Plan.

CHAPTER 2
ALTERNATIVES

I. INTRODUCTION

This chapter describes the issues identified during project scoping by the public and interdisciplinary team and the alternatives considered. A table that compares the alternatives in relation to the issues is presented. This table is a summary of the information on the effects of implementation from Chapter 4. Alternatives that were considered but not evaluated are described with an explanation of why they were not evaluated.

II. ISSUES

Letters were sent to potentially affected parties on May 5, 1994 (Appendix 1). The letters briefly described the proposed action and location, and specifically invited comments and identification of issues. A legal notice was published in the Sun Advocate of Price, Utah (publication of record) on May 5, and the Emery County Progress (supplemental publication) on May 10, that also briefly described the proposal and invited public comment. The letters and legal notices identified the close of the comment period as June 6, 1994.

Two letters were received in response to project scoping. Emery County stated that they support the proposal. The Utah Division of Wildlife Resources expressed concern in regard to potential impacts to wildlife habitat and riparian vegetation in Rilda Canyon, and suggested measures that should be taken to safeguard these values. The Huntington-Cleveland Irrigation Company responded by telephone on July 12, 1994, and requested that they be included on the mailing list to receive information on the proposal.

The interdisciplinary team reviewed the responses and identified the following issues:

- * Mining under the steep canyon slopes/escarpments could result in subsidence that could cause escarpment failures. Slope/escarpment failures could destroy existing vegetation along the slope, change the wildlife habitat, increase erosion along the slopes, and increase sediment in Rilda Creek. (Measured by area of disturbance and relative change in sediment production.)
- * Escarpment failures could present a safety hazard to people using the road in the bottom of the canyon and anyone hiking or hunting along the canyon slope. (Measured by relative safety hazard)
- * If the escarpment fails at the location of golden eagle nest #296A, the nest could be destroyed. It was last active in 1989 and has been inactive to the present. It was tended in 1991. (Measured by % probability of nest failure.)
- * Construction and operation of the new road and facilities and reconstruction of the existing Rilda Canyon Road would remove

approximately 4.3 acres of vegetation that could increase the amount of sediment production in Rilda and Huntington Creeks. Increased sediment could affect downstream water uses and the fishery in Huntington Creek.

- * Construction and use of the facilities would cause human activity that could displace spotted bats and goshawks. After construction is completed, the disturbance caused by vehicle access would be infrequent, however, the disturbance caused by exhaust fan noise would be constant. (Measured by area and duration of potential habitat loss)
- * The new powerline would be visible along the Rilda Canyon road. The pad facility would be visible along the trail in the South Fork of Rilda Creek. The additional powerline to be constructed along an existing powerline in Huntington Canyon could increase the visibility of these facilities. The proposed facilities would be consistent with the visual quality objectives for the area (modification, partial retention) but the visual quality would be decreased. (Measured by consistency with visual quality objectives and relative change in visual quality.) /
- * The Recreation Opportunity Spectrum (ROS) classification for the area is Roaded Natural Appearing. The project could decrease the quality of the recreation experience in Rilda Canyon due to the fan noise and visibility of facilities. (Measured by relative change in recreation use.)
- * Mining in the area and construction of the proposed facilities could affect flow and quality of North Emery Water User's Association's (NEWUA) springs in Rilda Canyon that lie approximately one mile downstream of the proposed facilities pad. (Measured by acres of disturbance and relative duration of sediment production.)
- * Mining and subsidence of escarpments could intercept ground water that contributes to ground and surface water flow in Rilda Creek. (Measured by potential for decreasing flow.)
- * Mining and surface facilities could decrease riparian vegetation and RPN (riparian) management units in Rilda Canyon. (Measured by area and duration of loss.)

III. ALTERNATIVES

A. Alternatives Considered and Evaluated

1. No Action - The No Action alternative must be evaluated for all proposals. Under this alternative the proposal would not be approved.
2. Proposed Action with Mitigations - Allow the surface facilities and mining under the escarpment as proposed with mitigation measures (Appendix 3) to minimize impacts.

3. Modified Proposed Action with Mitigations - Allow the surface facilities with mitigation measures (Appendix 3) to minimize impacts, but do not allow mining under the canyon slope/escarpment that is likely to cause slope/escarpment failures.

B. Alternatives Considered but Eliminated for Evaluation

1. Helicopter and Underground Access Only - Allow construction of the pad but do not allow improvement of the Forest Development Road from the NEWUA springs to the Forks or construction of the new road from the Forks to the facilities pad. The breakouts would be constructed from within the mine and all access to the pad would be provided through the mine workings and/or by helicopter. This would include providing electrical power to the fan and northern mine area by running a 25KV cable through the underground mine workings.

This alternative was eliminated from further evaluation because of the high costs involved for helicopter transport of the transformer, fan, and 17,000 cubic yards of fill material needed to build up the facilities pad and control erosion. In addition, the transformer and fan components are too large to be transported through the mine working, even when dismantled for transportation. According to PacifiCorp installation of a 25KV cable through the mine workings would present safety and economic problems.

2. Breakout at the Outcrop/Pipe Air to Facilities Down Canyon

Under this alternative the breakout would occur from within the mine with no road access. A pipe would be constructed from the breakout down-canyon to a facilities pad on an existing flat open area.

This alternative was eliminated from further evaluation because the pipe would need to carry 600,000 cubic feet per minute of air. This would require a concrete reinforced 8 ft. diameter pipe to prevent collapse under the suction within the pipe. It would also need to be anchored to the ground for stability. This would require the same level of disturbance as the proposed road. It would offer no practical environmental advantages with higher cost.

3. Mining of 4 Additional Longwall Panels in the Blind Canyon Seam (upper seam) and 1 Panel in the Hiawatha Seam (lower seam) Under the Left Fork of Rilda Creek.

PacifiCorp in their Probable Hydrologic Consequences (PHC) and the regulatory agencies have identified the potential for this mining to subside the channel, crack the ground surface, and drain water flowing through the alluvial aquifer into the mine workings or other permeable rock layers. Overburden in the area

ranges from 250 to 500 feet. This could decrease the flow of the NEWUA springs and the flow in Rilda Creek with impacts to other surface resources.

Data collected for the area is not sufficient to quantify the potential water loss downstream at the springs and in the perennial portion of the Rilda Creek. PacifiCorp withdrew their proposal to mine in this area and will initiate a study to collect the necessary data. Depending on the results of the study, PacifiCorp may or may not again propose to mine in this area.

IV. COMPARISON OF ALTERNATIVES

The following table has been generated to display the differences between the evaluated alternatives relative to the identified issues. Each issue is identified by heading with subheadings for the specific resources that could be affected. Comparisons are based on the potential effects to each issue by resource category. Parameters of measure used to compare alternatives are discussed for each issue are identified in the descriptions of the issues in Chapter 2, Item II. Refer to Chapter 4 for a detailed discussion of the environmental effects for resource categories by alternative.

TABLE 1, COMPARISON OF ALTERNATIVES

<u>ISSUE/RESOURCE</u>	<u>ALT. 1 NO ACTION</u>	<u>ALT. 2 PROP. ACTION W/MITIGATIONS</u>	<u>ALT. 3 MOD. PROP. ACTION W/MITIGATIONS</u>
Escarpment Failure			
Vegetation	No Effect	Long-term removal of <10 acres Spruce/Fir Coniferous Forest.	No Effect
Wildlife Habitat	No Effect	Long-term loss of <10 acres of forage and cover.	No Effect
Golden eagle Nest #296A	No Effect	Low potential (<10%) for loss of the nest.	No Effect
Increase Erosion and sediment prod.	No Effect	Temporary increase in erosion on barren slopes with some sediment production. (<10 acres)	No Effect
Surface Water Quality	No Effect	Temporary increase in sediment to Rilda Creek.	No Effect
Public Safety	No Effect	Low risk of rocks reaching the road. Low risk of personal injury due to low usage of the steep canyon slopes.	No Effect
Visual Quality	No Effect	Decrease in visual quality but would be natural appearing. Consistent with visual quality objectives.	No Effect
Mining under escarpments could intercept ground water.			
Flow at NEWUA springs and Rilda Creek could be decreased.	No Change (Low Potential)	Increased potential due to subsidence. (Low Potential)	No Change (Low Potential)

TABLE 1, COMPARISON OF ALTERNATIVES (Cont.)

<u>ISSUE/RESOURCE</u>	<u>ALT. 1 NO ACTION</u>	<u>ALT. 2 PROP. ACTION W/MITIGATIONS</u>	<u>ALT. 3 MOD. PROP. ACTION W/MITIGATIONS</u>
Escarpment Failures (Cont.)			
Riparian Veg./ RPN Management Unit	No Change (Low Potential)	Decreased flow could alter the riparian vegetation community species in Rilda Creek. (Low Potential)	No Change (Low Potential)
Wildlife Habitat	No Change (Low Potential)	Decreased flow could decrease habitat. (Low Potential)	No Change (Low Potential)
Construction and use of surface facilities.			
Wildlife (Terrestrial)	No Change	Human activity and fan noise could displace wildlife into adjacent areas. (1.5 sq. mi. Short-Term) (< 1 sq. mi. Long-Term)	Same as Alt. 2
Ground and Surface Water	No Effect	Any spills of fuel or other substances could pollute the NEWUA springs and Rilda Creek. Increase sediment in Rilda Creek during construction (4.3 acres new dist.).	Same as Alt. 2
Aquatic Wildlife	No Effect	Spills and sediment could affect macroinvertebrate populations/diversity.	Same as Alt. 2
Visual Quality	No Effect	Decrease visual quality in Huntington Canyon (powerline) and Rilda Canyon (road, powerline, facilities pad). (Consistent with visual quality objectives.)	Same as Alt. 2

TABLE 1, COMPARISON OF ALTERNATIVES (Cont.)

<u>ISSUE/RESOURCE</u>	<u>ALT. 1 NO ACTION</u>	<u>ALT. 2 PROP. ACTION W/MITIGATIONS</u>	<u>ALT. 3 MOD. PROP. ACTION W/MITIGATIONS</u>
Construction and use of Surface Facilities (Cont.)			
Recreation	No Effect	Decrease in visual quality and fan noise could decrease dispersed recreation quality in Rilda Canyon. (Potential slight decrease in use).	Same as Alt. 2
Riparian Vegetation/ RPN Management Unit	No Effect (Consistent with Mgt. Direction)	Approx. 4.3 acres of riparian vegetation (Narrow leaf Cottonwood/ dogwood community) would be removed for the life of operations. Temporary loss of an additional 0.6 acres. Condition of riparian vegetation in RPN Mgt. Unit below NEWUA springs could be improved by mitigations. (30 acres) (Consistent with Mgt. Direction)	Same as Alt. 2

CHAPTER 3
AFFECTED ENVIRONMENT

I. INTRODUCTION

This chapter describes the existing environment or conditions which could be affected by the proposed action and the alternatives described in Chapter 2.

II. FOREST PLAN/RESOURCE MANAGEMENT PLAN DIRECTION

This analysis is tiered to the Forest Plan. The surface facilities, road construction and reconstruction, and the upper portion of the power transmission line are located in the RNG Management Unit as designated in the Forest Plan. The lower portion of the powerline is located in an MMA Management Unit. A portion of the proposed reconstruction of the Rilda Canyon Road above the NEWUA springs would be located within an RPN Management Unit (defined as the area within 100 feet from the edge of perennial waters. Management emphasis in RPN units is on management of riparian areas and the component ecosystems. Management emphasis in RNG units is for the production of forage for livestock and wildlife. Management emphasis for MMA unit is production of leasable minerals (coal/oil and gas).

Management prescriptions for mineral operations in RNG units include:

- (01) Provide appropriate mitigation measures to assure continued livestock access and use.
- (02) Those authorized to conduct developments will be required to replace losses through appropriate mitigations, where a site-specific development adversely affects long-term production and management.

Management prescriptions for mineral operations in MMA units include:

- (01) Coordinate the various leasable mineral activities to minimize or eliminate conflicts.
- (02) Upon completion of the planned surface use, restore disturbed sites to their pre-disturbance conditions unless otherwise directed in the document authorizing use.

Management prescriptions for minerals operations in RPN units include:

- (01) Avoid and mitigate detrimental disturbance to the riparian area by mineral activities. Initiate timely and effective rehabilitation of disturbed sites.
- (02) No surface occupancy or use is allowed in riparian units, or within 200 feet of riparian units, unless it can be demonstrated that operations can be conducted without causing unacceptable

impacts, in which case, the restriction can be waived, accepted, or modified on a site-specific basis.

A portion of the powerline route crosses public land under the management of BLM. Analysis of this portion of the powerline route is tiered to the Resource Management Plan (RMP). Management objectives for powerline rights-of-way on BLM lands call for allowance of discretionary rights-of-way only as long as RMP goals can be met. The area in question calls for rights-of-way avoidance due to critical soils. Management prescriptions for areas of critical soils call for surface restrictions. However, the proposed powerline would parallel the existing Mill Fork line, which was granted prior to the RMP. The proposed powerline would meet the objectives of the RMP since the existing powerline has stabilized the critical soils with grading and seeding.

III. DESCRIPTION OF THE AFFECTED ENVIRONMENT

A. General Setting, Topography and Geology

The project area is located in Rilda Canyon and East Mountain. Rilda Canyon is a deeply incised east-west trending canyon that is tributary to Huntington Canyon. It is one of the many canyons that drain the east slope of East Mountain and drain into Huntington Creek. Huntington Canyon is a deeply incised, broad, northwest/southeast trending canyon that dissects and drains the Wasatch Plateau.

Coal seams of the Cretaceous Blackhawk Formation in the Wasatch Plateau Coal Field crop out along the steep canyon slopes in both Huntington and Rilda Canyons. The outcrops provide access to the coal seams that extend throughout the plateau.

Rilda Canyon splits into two forks (Left and Right Forks) approximately 2.5 miles west of its confluence with Huntington Canyon. The slope of the south canyon wall averages approximately 45%. The north canyon wall is considerably steeper, with considerable area of vertical cliffs.

Rock units exposed in the project area include (from oldest to youngest) the Cretaceous Mancos Shale, Starpoint Sandstone, Blackhawk Formation, Price River Formation, and Cretaceous/Tertiary North Horn Formation. The coal bearing Blackhawk Formation is approximately 900 ft. thick and consists of discontinuous interbedded shale and sandstone units. It is a slope forming unit exposed along the middle portion of the canyon wall in the project area. The cliff forming Castlegate Sandstone lies directly above the Blackhawk Formation. This is a massive sandstone unit that is approximately 250 ft. thick. It crops out along the upper 1/3 of the canyon slope/escarpment. In the potentially affected area on the south canyon wall it forms vertical cliff outcrops at prominent points between small side drainages (54% of the outcrop area). Rock falls are common at cliff outcrops where the joint systems are well developed. The remainder of the Castlegate Sandstone outcrop area is

either a vegetated slope consistent with the slope above and below (35%) or rock rubble areas with minor cliff development (11%). The topography along the plateau top flattens forming a series of rounded ridges between canyons.

B. Coal Occurrence, Reserves, and Mining

The Wasatch Plateau (Manti Division, Manti-La Sal National Forest) contains vast reserves of mineable low sulfur bituminous coal in the Cretaceous Blackhawk Formation. Mining has occurred in the area since the late 1800's and is presently the dominant component of the economies in Carbon and Emery Counties. Coal mining is also an important component of the State economy.

PacifiCorp presently operates the Deer Creek Mine that is located in Deer Creek, approximately 4 miles southeast of the proposed new facilities. The approved permit area for the mine encompasses most of the southern and central portions of East Mountain. PacifiCorp also controls the coal leases in the Rilda Canyon area that are being evaluated for inclusion in the permit/mine plan area by the State of Utah Division of Oil, Gas and Mining and the Office of Surface Mining under SMCRA, MLA, Utah Coal Rules and other applicable Federal laws. PacifiCorp also operates the Cottonwood/Wilberg Mine located in Grimes Wash, approximately 6 miles south of the proposed facilities. The permit areas for the two mines overlap in the southern portion of East Mountain with the lower seam being mined through the Cottonwood Mine. In 1993 the Deer Creek Mine produced 3.2 million tons of coal and the Cottonwood/Wilberg Mine produced 2.8 million tons.

The coal produced from the PacifiCorp mines is transported to the Huntington Plant in Huntington Canyon, the Hunter Plant near Castle Dale, and the Price Plant in Price Canyon north of Helper. The coal is used to generate electricity transmitted to locations in Utah, Nevada, and California.

Coal reserves in the south Rilda Canyon area occur in two minable seams, the Blind Canyon (upper) seam and the Hiawatha (lower) seam. Portions of 6 proposed longwall panels in the Blind Canyon seam and 4 proposed longwall panels in the Hiawatha seam lie under the escarpment and the associated 15 degree angle-of-draw subsidence zone. It is estimated that this area contains 10.4 million tons of recoverable coal.

C. Transportation/Special Uses

Approximately 436 acres of the land is in private ownership within the Rilda Canyon drainage. The canyon area is served by two Forest Development Roads, FDR 50246 the Rilda Canyon Road for approximately 2.4 miles, FDR 50247 an unnamed road for approximately 0.4 miles, and one designated trail Forest Development Trail (FDT) 295 for approximately 0.6 miles (inventoried).

The road being considered for reconstruction to provide improved access to the facilities pad is FDR 50246 the Rilda Canyon Road. Only that portion of this road from the NEWUA springs to the Forks of Rilda Canyon would need to be reconstructed because Emery County is already in the process of reconstructing this road from the Huntington-Fairview Highway (State Hwy. 31) to the springs. Approximately the first one mile (from Hwy. 31) is under jurisdiction of Emery County. The remaining 1.4 miles is under Forest Service jurisdiction. Emery County is in the process of replacing the existing one-lane bridge across Huntington Creek on private land with a two-lane bridge and reconditioning the traveled way and shoulder to provide for placement of a gravel running surface. The purpose of reconditioning this portion of road is to provide improved access to the NEWUA springs and to decrease erosion and maintenance costs. Damaged drainage structures and additional drainage features are being placed to remove water from the travelway and prevent ditch and embankment erosion. The travelway is being reconditioned to two 10-foot lanes through the first 2.1 miles (including 1.1 miles of County and 1.0 miles of Forest Service). This work would stay within the roadway limits except for the last 0.25 miles where curve widening and minor realignment is needed. A slight increase in existing traffic volumes could result.

The Road Management Objective for FDR 50246 is to provide a single lane native surface road to provide for high clearance vehicles at traffic service level "D" and operation maintenance level "2". The road is restricted to commercial haul by permit only. The expected intermittent use period is June 1 to October 30. Traffic prior to any mine facilities or timber utilization is expected to remain below 5 vehicles per day, with use by NEWUA averaging 3 to 5 trips per week. The area was identified in the Forest Plan for a coal production portal with potential for removal of 1 to 3 million tons per year.

Special-uses in the canyon include the culinary water springs under permit to NEWUA and water monitoring wells under permit to PacifiCorp (See discussions on ground and surface water below).

D. Surface Hydrology/Watershed

Rilda Creek is one of several east-west trending drainages that drain the east flank of East Mountain into Huntington Creek. Typical of the area, the erosive action of Rilda and Huntington Creeks has gouged deep canyons in the Wasatch Plateau. Huntington Creek is tributary to the San Rafael River. The San Rafael River drains into the Green River which in turn drains into the Colorado River.

The entire Rilda Creek watershed encompasses about 5,139 acres. Approximately two miles up from the confluence with Huntington Creek, Rilda Creek branches into the Left and Right Forks. The Right Fork watershed encompasses approximately 2,110 acres (3.3 square miles). The Left Fork watershed encompasses approximately 1,376 acres (2.2 square miles) which is about 40% of the watershed above the forks.

Rilda Creek has been determined to be perennial from the NEWUA springs to it's confluence with Huntington Creek. It is considered to be ephemeral above this point with water flowing underground in the alluvial system. Hydrologic monitoring and studies conducted by PacifiCorp indicate that ground water flows into the creek through east-west and north-south trending fracture or fault systems and alluvium. Alluvial fill in the drainage has been determined to be as thick as 75 feet in some areas. Only one other spring has been identified within the project area. This spring is located on the ridge between the Right and Left Forks. It is located at the contact between the Starpoint Sandstone and Blackhawk Formation. Water from this spring flows along the surface for only a short distance where it disappears underground into the alluvial material associated with the drainages.

During the monitoring period (1990-1992) there was no measurable flow in the Left Fork during 1990 and 1992. In 1991, the flow was measured from May through August with a peak flow of approximately 65 GPM at the end of May. Monitoring of the main channel above the springs showed that flow occurred during the months of May through June, with peak flow of 300 GPM in May and a base flow of 0.0 GPM during the months of January through April and July through December. Below the NEWUA springs, flow was monitored at two locations. Station RCF3 lies just below the springs. RCW4 lies in Rilda Creek just above it's confluence with Huntington Creek. During 1992 the peak flow occurring in June was 319 GPM for RCF3 and 402 GPM for RCW4. Base flows in 1992 were 9 GPM for RCF3 and 78 GPM for RCW4. Data suggests that the stream loses water to the alluvium above the springs. Flow again emerges to the surface at and below the springs.

Water quality is good and meets State water quality standards for parameters measured (for which standards have been developed). The predominant dissolved chemical constituents in tributaries to Huntington Creek are calcium, magnesium, and bicarbonate. During periods of base flow Danielson, ReMillard, and Fuller (Hydrology of the Coal-Resource Areas in the Upper Drainages of Huntington and Cottonwood Creeks, Central Utah, U.S. Geological Survey Water-Resources Investigations Open File Report 81-539, 1981) found that concentrations of sulfate in water at the mouths of Deer Creek and Rilda Canyon were significantly higher than sulfate concentrations in water in Huntington Creek. Total dissolved solids concentrations in Rilda Creek (1976-1979) ranged from 292 mg/l (July 1979) to 503 mg/l (October 1979). PacifiCorp's monitoring data is consistent with these findings.

E. Ground Water Hydrology

The stream in the upper reaches of Rilda Canyon is limited to sub-surface flow in the alluvial deposits. In the upper reaches surface flow occurs in periods of excess precipitation or heavy snow melt, therefore the stream is considered to be ephemeral. Water

monitoring in Rilda Canyon continues to determine the quality and flow characteristics.

Ground water above the coal seams mostly occurs in discontinuous perched aquifers consisting of permeable fluvial sandstone channels in the North Horn and Blackhawk Formations. Additional water occurs throughout the Wasatch Plateau in the Starpoint Sandstone and lower portions of the Blackhawk Formation. The USGS (Lines, Open File Report 84-067) reports that this is a regional aquifer known as the Blackhawk-Starpoint regional aquifer. PacifiCorp contends that ground water on East Mountain, other than stored water, only exists within this zone in areas of secondary permeability caused by fractures and faults because of the low permeability of the Starpoint sandstones and siltstones. Recharge is in higher elevations of the Wasatch Plateau. Snowmelt runs off as surface water and some enters the ground water regime through fractures in the Flagstaff Limestone, faults and fractures, and other permeable zones. It flows vertically until it becomes perched by impermeable rock layers and continues to flow laterally or becomes trapped as stored water. Since the rock layers in the area dip to the southeast, it is expected that recharge is from the north and west.

The Division (State of Utah Department of Natural Resources, Division of Oil, Gas and Mining) is currently analyzing PacifiCorp's PHC (Probable Hydrologic Consequences) determination for the East Mountain property which includes Rilda Canyon. Of particular interest are the culinary springs located in Rilda Canyon which are used by NEWUA. The East Mountain CHIA (Cumulative Hydrologic Impact Analysis) is being prepared by the Division and is scheduled to be completed in summer 1994.

Springs inventoried within the Rilda Canyon area include a spring that issues along the point of the ridge between the Left and Right Forks of Rilda Creek (PacifiCorp 80-50) and the NEWUA's springs that lie near Side Canyon approximately 1/2 mile downstream of the confluence of the left and right forks.

Spring 80-50 issues from the contact between the Blackhawk Formation and Starpoint Sandstone. It was last monitored in August of 1980 with a flow of 3 gpm.

The NEWUA springs were developed as a culinary water source to provide water to northern Emery County, currently serving 410 connections. They are located at the Starpoint Sandstone and include three distinct groups of springs (Side Canyon Springs, North Springs, and South Spring). The Side Canyon springs are located in Side Canyon and issue from the Blackhawk/Starpoint contact. The North Springs and South Spring are located immediately above the stream channel on the south slope of Rilda Canyon at the the confluence of the South Canyon and Rilda Creek.

Water monitoring wells were installed in the vicinity of the NEWUA springs and pump tests were conducted to determine water sources near these springs and volumes. Hydraulic conductivity of these alluvial

materials was calculated at a low of 6,100 up to 35,900 gallons per day per square foot. An average long-term transmissivity of 20,000 gallons per day was derived from these pump tests by averaging the various drawdown curve methods (See Volume 9A of the PacifiCorp PHC for complete pump tests report).

Resistivity surveys were also conducted along the canyon bottom and along several cross sections to identify geologic structures and other water bearing strata. Fractures in the rock strata provide rapid secondary porosity and serve as conduits for ground water movement. Many water producing fractures or anomalies were identified. These may contribute a portion of the flow to the springs and the stream.

Based on the well tests and the resistivity investigations, the water sources contributing to the NEWUA springs and the stream's base-flow are believed to originate from the alluvial deposits, a north-south trending fault or fracture system just west of the NEWUA springs, and an east-west trending fault or fracture system that lies to the north of the canyon floor.

Monitoring of flows in the NEWUA springs at the collection system meters from September 6, 1990 through April 7, 1992 shows a total maximum flow of 267.5 gpm on July 17, 1991 and a minimum flow of 61.7 gpm on April 7, 1992. Historical data shows a maximum flow in August 1987 to be just above 400 gpm and a minimum flow of 50 gpm in December/January of 1978. This data shows that maximum annual flows occur in July and August and minimum flows occur in November and December. The South Canyon Spring and South Spring contribute only a small proportion of the overall flow.

Ground water quality is good in strata above the highly saline Mancos Shale. The USGS reports a range in TDS (total dissolved solids) from 50 to 750 mg/l for samples from 140 springs in the region issuing from the Starpoint Sandstone and overlying formations (Danielson et. al., 1981). They also identified a regional trend of decreasing water quality from north to south and west to east across the Wasatch Plateau. Waters percolating through the underlying Mancos Shale quickly deteriorate, with TDS concentrations frequently exceeding 3,000 mg/l. PacifiCorp's monitoring confirms this information. The predominant dissolved chemical constituents of ground water from both surface springs and samples collected in the PacifiCorp mines are calcium, bicarbonate, magnesium, and sulfate. Concentrations of magnesium are normally about half the concentration of calcium. Sulfate concentrations are typically higher in water from springs issuing from the Starpoint-Blackhawk aquifer or confined aquifers intersected by mine workings.

Ground water in Rilda Canyon is of excellent quality and meets State water quality standards. PacifiCorp reports in the PHC that there are distinct groupings in regard to TDS concentrations and sulfate concentrations. These groupings indicate differences in the source of the ground water that reaches the surface at the NEWUA springs.

F. Vegetation

An inventory of the vegetation in the project area was conducted by Mt. Nebo Scientific for PacifiCorp in August-September 1990 with the report finalized in March 1994. The report contains a map of the vegetation communities and a description of each community.

According to the report, the vegetation on the north slope of Rilda Canyon is categorized as a Mtn. Brush/Salina Wildrye community. Vegetation along the south slope and along the ridge separating the left and right forks is categorized as a Spruce/Fir Coniferous Forest community. The vegetation along the canyon bottom, including the main channel and Left and Right Forks, is categorized as an Aspen/Fir/Dogwood community.

The Forest Service has categorized the vegetation in the canyon bottom to be a Narrow Leaf Cottonwood/Dogwood community which is considered to be a riparian community. The area within 100 feet of the edge of the perennial portions of Rilda Creek is managed as an RPN Management Unit under the Forest Plan with emphasis on management of the riparian area and component ecosystems. Rilda Creek is considered to be perennial from the NEWUA springs to the confluence with Huntington Creek.

The riparian vegetation diversity and density in the canyon has been altered by many years of man's activities including livestock grazing, diversion of water at the springs, recreation, timber harvest, and mining.

No Threatened, Endangered, or sensitive plant species have been identified in Rilda Canyon. The Biological Evaluation (BE) is contained in the project file.

G. Wildlife

The Rilda Canyon proposed project area is inhabited by a variety of wildlife species. Bear, cougar, deer, elk, birds, reptiles and amphibians are supported by habitats within the project area. The area is used as spring and winter foraging by deer and occasionally elk. Deer may also use this area for fawning. Raptors known to occur within the area include cooper's hawks, red-tails, sharp-shinned hawks, golden eagles, and a number of owl species. Within the Rilda Canyon area there are known cooper's hawk and golden eagle nesting and territory areas. Other terrestrial organisms present include bats, rodents, lagamorphs, upland ground birds, songbirds, coyotes, bobcats, and woodpeckers.

Listed threatened, endangered, and sensitive species that may occur in the area are bald eagles, northern goshawk, peregrine falcon, spotted bats, and northern three-toed woodpeckers. Bald eagles may occasionally pass through the area during winter migration. Northern goshawk and northern three-toed woodpecker are listed as sensitive species that may inhabit the project area. Surveys for the presence

of these species were conducted in June and July of 1994. No sensitive species were identified. A copy of the Biological Evaluation is included in the project file. No other threatened, endangered or sensitive species have been observed in the project area.

Riparian vegetation zones have been identified within the project area. These areas include the Right Fork and Left Fork of Rilda Canyon, and Rilda Creek. They provide important habitat for water dependent and terrestrial species. Even though Rilda Canyon Creek (a tributary to Huntington Creek which supports a number of fish species) is not an important fishery, it does have value for other aquatic resources. Rilda Canyon Creek supports aquatic invertebrates which are important to the fishery resources in Huntington Creek below and to terrestrial species which feed along the creek.

H. Visual Quality

According to the Forest Plan the proposed breakout facility, new access road, and a majority of the powerline and reconstructed road would be located in an area presently managed under the visual quality objective of modification. The term visual quality objective (VQO) may be defined as follows: A desired level of excellence based on physical and sociological characteristics of an area; refers to the degree of acceptable alteration of the Landscape.

Under the VQO of modification, management activities may visually dominate the original characteristic landscape. However, activities of vegetative and landform alteration must borrow from naturally established form, line, color, or texture so completely and at such a scale that its visual characteristics are those of natural occurrences within the surrounding area or character type. Additional parts of these activities such as structures and roads must remain visually subordinate to the proposed composition. Reduction in form, line, color, and texture should be accomplished in the first year or at a minimum should meet regional guidelines. More simply put; this broad objective allows for most forms of development associated with mining activities, however a reasonable attempt should be made to fit within the context of the natural surroundings as soon as is practically possible.

The reconstructed road and the parallel overhead powerline would also pass through a small portion (1/16 section) of Rilda Canyon that is presently managed under the VQO of partial retention.

Under partial retention, activities should remain visually subordinate to the landscape. Activities may repeat form, color, or texture; but changes in qualities of size, amount, intensity, direction, pattern, etc., should be accomplished as soon as possible after reconstruction/installation or within a minimum of the first year. In other words, partial retention objectives will also allow development associated with mining to occur, provided that revegetation, etc. restores disturbed areas to a natural appearing

condition. Mitigative steps to reduce visual contrast to an appropriate level should be accomplished right away or at most within a year of actual construction.

The area where the facilities pad is proposed is densely vegetated. It contains an evergreen screen that in concert with existing topography appears adequate enough to provide camouflage for long views year-round.

The road to be reconstructed on lands managed by the Forest Service in Rilda Canyon is not be visible from State Highway 31 which has been designated as a Scenic Byway.

There is an existing powerline in Huntington Canyon that leads from the Huntington Canyon Coal Fired Powerplant to Mill Fork and beyond over the ridge to Crandall Canyon (next canyon north of Mill Fork) to the Crandall Canyon Mine. The powerline in Huntington Canyon is highly visible from the Fairview-Huntington Highway (State Hwy. 31) which has been designated as a Scenic Byway. The proposed powerline would parallel the existing powerline. It would depart from the existing powerline just south of the Rilda Creek/Huntington Creek confluence where it would cross a small ridge, turn west, and proceed into Rilda Canyon.

I. Recreation

Recreation in this area is primarily limited to big game hunting during the autumn hunting seasons and occasional use by hikers and horseback riders during the summer months. According to the Manti-La Sal National Forest Land and Resource Management Plan the proposed breakout facility and approximately the upper one-half of the new access road would be located in an area designated as semi-primitive motorized. The remainder of National Forest System land through which the lower one-half of the new access road, the reconstructed road, and the overhead powerline pass would be within an area designated as roaded natural appearing.

The project area is located in a portion of Rilda Canyon that is used primarily as a corridor to access lands in the upper Rilda Drainage for big game hunting and to a lesser extent backpacking/hiking. Consequently, this route of access offers unrestricted recreational opportunities to the public and is managed accordingly. Safety would be a concern (although minimal) for those using the canyon near potential escarpment failures.

J. Socioeconomics

PacifiCorp is the lessee of the coal leases that encompass the Rilda Canyon area. Part of the south-east side of Rilda Canyon is in the Deer Creek Mine permit area. The west end of Rilda Canyon is not in the permit area and the proposal being evaluated is part of the process to obtain a permit to mine. However, the whole of the south

side of Rilda Canyon is analyzed in this EA due to the plan to mine under the escarpment of which a portion is permitted and a portion is not permitted. Approximately 10.4 million tons of recoverable coal lie beneath the escarpments on the south side of Rilda Canyon. This represents about 4 years of mine life. Another 16 million tons of recoverable coal in longwall panels and main entry development lie away from the escarpments but within the Rilda Lease Tract Extension area to be added to the Deer Creek Mine permit area. This represents another 6 years of mine life. The proposed ventilation fan would provide the needed ventilation requirements to access and mine the north property where potential reserves to the year 2015 are located. At current production and price of coal, over \$90 million in Federal royalty could be paid over the life of the mine serviced by the fan. These combined reserves could provide direct employment of about 300 miners for the life of the mine (year 2015). For this period, they would supply the coal requirements for the Huntington Power Station which generates 850 megawatts of electricity for the State of Utah. Indirect benefits to the economies of Carbon and Emery County are substantial as the direct economic state of these two counties are heavily dependent on the mining and burning of coal for energy production.

CHAPTER 4
ENVIRONMENTAL CONSEQUENCES

I. INTRODUCTION

Chapter 4 discloses the potential environmental consequences that could result from implementation of the alternatives considered and evaluated. The environmental effects focus on the lands in the decision area and in some cases the surrounding lands.

This chapter discusses potential impacts by resource category in the same order that the resource categories are discussed in Chapter 3. Effects and consequences are described or grouped as follows:

Direct and Indirect (secondary) Effects - Direct effects are caused by the action occurring at the same time and place. Indirect effects are caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable.

Cumulative Effects - Cumulative effects result from the incremental change over time where the action is added to other past, present, and reasonably foreseeable future actions (regardless of what agency or person undertakes such actions).

Consistency with Forest Plan/Resource Management Plan - This refers to the degree to which the implementation of an alternative conforms or conflicts with Forest Plan goals, direction, and goals.

The duration of impacts is often discussed in the following terms:

Long-term Effects - Effects that would be evident for a period of time that exceeds 5 years.

Short-term Effects - Effects that would be evident for a period of time not greater than 5 years.

II. AFFECTS OF IMPLEMENTATION BY RESOURCE/ALTERNATIVE

A. General Setting, Topography, Geology

Alternative 1 (No Action)

Under this alternative the surface facilities and mining as proposed would not be approved. The surface facilities would not be constructed and mining that would cause subsidence of the escarpments would not be allowed. The surface resources in Rilda Canyon would not be affected.

Alternative 2 (Proposed Action)

Under this alternative, the action as proposed would be approved with mitigations designed to minimize impacts. The construction and

operation of the proposed surface facilities would result in surficial changes to the topography (approximately 4.3 acres). The changes would be long-term lasting for the duration of mining in the area. The life of operations is predicted to be approximately 20 years.

Mining under the escarpments would be completed using the longwall mining method. Underground workings would include development entries and longwall panels. Extraction of the longwall panels would induce fracturing and collapse of the rock layers above the workings and subsidence of the ground surface. Mining of two overlapping coal seams is proposed. Approximately 9 feet of coal in each seam would be extracted for a total of approximately 18 vertical feet of extraction. As observed on East Mountain to the south, the amount of surface subsidence could reach 70% of the extracted height (subsidence factor). The maximum subsidence is therefore expected to be 12.6 feet. The longwall method ultimately results in the development of a gradual and even subsidence trough. Subsidence begins almost immediately as longwall mining begins and progresses at the approximate rate of extraction. Cracks in the ground surface could occur at the flanks of individual panels within the zone of extensional forces. The potential for cracks to occur is higher in areas of shallow overburden in the escarpment areas. Due to the steep/uneven topography, the subsidence would not result in a perceptible change in the topography. Cracks that occur where there is unconsolidated colluvial cover are expected to heal after a few years.

Studies conducted by PacifiCorp and the Bureau of Land Management have been completed to determine the potential for escarpment failure to occur. A copy of BLM's report for this EA is available in the project file. Factors considered to contribute to mining induced escarpment failure are:

- * A pronounced escarpment or cliff formed by a thick section of Castlegate Sandstone along the rim of the canyon.
- * Longwall panels oriented parallel to the strike of the cliff.
- * A major set of fractures in the Castlegate Sandstone oriented parallel to the cliff face and longwall panels.
- * Talus slopes below the Castlegate Sandstone which are sparsely vegetated.
- * Convex cliff areas are zones of tension where tension cracks are more likely to occur and thus are more susceptible to escarpment failure. Conversely, concave cliff areas are zones of compression and thus are more stable.

It was determined that the highest potential for mining to cause spalling of the Castlegate Sandstone outcrop along the canyon slope or escarpment is at the prominent points (convex area with thick section of sandstone) between small side drainages that are within

the predicted subsidence (Map 2). The potential for failures has been determined to be moderate in these areas (25-75% probability of failure). Disruption of the already fractured sandstone and new fractures caused by subsidence could cause blocks of the sandstone to break-off from the outcrop and fall down the canyon slope. The BLM has determined that the potential for failure of the outcrop is low (10-25%) or negligible (less than 10%) in the remaining areas. It is not likely (low potential) that rock falls would reach the stream in Rilda Canyon or the Rilda Canyon Road because of the slope (45%), vegetation cover, and most likely travel path toward the side drainages. BLM estimates that less than (<) 10 acres would be disturbed by escarpment failure.

Alternative 3 (Proposed Action with Modifications)

The changes in topography from construction of the surface facilities described under Alternative 2 could occur. Since mining that would cause subsidence of the canyon slope and Left Fork of Rilda Creek would not be approved under this alternative, subsidence and changes to the topography in these areas would not occur.

B. Coal Occurrence, Reserves, and Mining

A discussion of how the alternatives could affect the recoverable coal reserves and life of the Deer Creek Mine is included in Section J, Socioeconomics.

C. Transportation/Special Uses

Alternative 1 (No Action)

Under this alternative the fan portal and new road in the Left Fork would not be constructed. Emery County would probably not reconstruct that portion of the road from the NEWUA springs to the forks and construct the turnaround area. This segment of the road would remain under Forest Service jurisdiction and maintenance.

Emery County is reconditioning and stabilizing the Rilda Canyon Road and realigning portions of roadway to a double lane width below the springs. This project lies within private lands and a road corridor on National Forest System lands under Emery County jurisdiction (Revised Statute 2477). A USDA easement will be granted on Forest Service segments to recognize and record their jurisdiction. They will become the primary operator. Construction of the new bridge and approach will result in new disturbance near Huntington Creek. This disturbance is on private lands and easements held by Emery County. This work will result in safer approaches to the highway and safer crossing of Huntington Creek. The bridge meets highway safety standards for sub-structure, super-structure, and deck. The hardening of the travelway and ditches will reduce sediment from run-off and dusting of the native surface. The armored fill

embankments will be stable during high stream flows. Present erosion rates would be reduced.

Reconditioning will require disturbance of approximately 0.2 acres of National Forest System lands to widen two sections of approximately 250 feet each in order to provide for two 10 foot finished surface lanes. The placement of enzyme stabilized aggregate on the recondition roadway will reduce the production of sediment from dust and run-off. The eroding cut ditch will be stabilized in steep grade section to reduce erosion and embankment within the flood plains will be armored to reduce erosion. The season of use will be extended for the forest user. NEWUA will have more dependable access to their springs. Maintenance costs and user cost will be reduced. Safety will be improved. Forest Service maintenance responsibilities and costs will be reduced.

Alternative 2 (Proposed Action)

The following would occur in addition to reconditioning of a portion of the Rilda Canyon Road discussed under Alternative 1.

The 1,426 feet of new road from the forks to the proposed portal would be constructed along the alignment of the crude trail and remnants of 4 wheel jeep trail in the Left Fork of Rilda Canyon. This trail parallels the drainage course and sets near the base of alluvium or colluvium deposit on the north slope of the canyon. The proposal is to provide a travelway of 12 feet, hardened with 6 inches of aggregate. Natural drainage would be conveyed in culverts and roadway drainage would be collected in ditches and crossed in culverts. The road would be gated and the traffic controlled, so no additional turnouts would be constructed in this restrictive section. The proposal indicates cut slope construction of 3/4:1 in the colluvium or alluvium deposit under the cliff forming sandstone/shales. The fill slope and the flood plain bound one-another along 40% of the proposed construction, from station 0+00 to 3+00, from 6+00 to 7+40, and from 9+50 to 11+00. The proposed grade is in excess of 8% from 0+91 to 6+50. The proposed traffic would be approximately 10 to 20 vehicles per day during the construction and reclamation periods. During the remaining periods the use is predicted to be below 1 vehicle per week. The six inches of aggregate should provide for adequate running surface for the proposed construction and reclamation traffic, if use is restricted to dry season (June 15 to October 1) when sub-grades are not saturated. The proposed cut slopes in colluvium or alluvium deposits would likely continue to ravel or sluff if unsupported and would require constant maintenance in order to assure a open travelway. There is almost no potential to re-establish vegetation on the cut slope of 3/4:1. Required support would mitigate this impact. Over the life of the mine portal, flood flow can be expected that could endanger the fill slopes. Required riprap would protect the fill slopes and prevent excessive sediment production. Less than 1.3 acres would be disturbed by the proposed roadway construction.

Emery County would upgrade the Rilda Canyon Road from the springs to the Left and Right Forks of Rilda Creek. Approximately 3,800 feet of existing 12 foot wide single lane road with natural turnouts and no permanent drainage structures would be improved. The roadway now affects approximately 2.4 acres. Work would consist of re-alignment of approximately one-third of the existing road to improve grades, sight distance, stability, and drainage. The improved road would be 3,500 feet in length with a single lane 14 foot finished travelway width. The travelway would be stabilized with 6 inches of aggregate. Both natural and roadway drainage would be carried across the road in culverts. Embankments and drainage structures within the flood plain would be armored with riprap. Turn-outs would be constructed and stabilized along the travelway at horizontal and vertical curves to improve safety. Approximately 4.2 acres would be within the roadway limits and about 1,000 feet of old roadway would be reclaimed. Approximately 260 feet of riprap armor would be placed along embankments. There would be a short-term increase in erosion/sediment during the construct period and for a short time after, then a long-term decrease in erosion/sediment would result because of the hardening of the travelway with gravel, removal of natural and surface water via culverts, and hardening of embankments with riprap. The proposed increase in traffic could be accommodated with increased safety and reduced sediment yield. The traffic could be supported during the current season of use and the use of light vehicle traffic could be extended earlier and later in the year.

Improvement of the road from the springs to the forks with a single lane travelway with turnouts and stable surface would allow passenger type cars access to the trailheads near the forks. Safety would improve by the construction of stabilized turnouts on vertical and horizontal curves rather than utilizing natural occurring non-stabilized open areas. The present primitive native surface travelway provides poor support for light vehicles during the fall hunting seasons when saturated from fall storms. Rutting from this use can concentrate water and increase sediment movement from the roadway to the drainages. Improvements to surface and ditches would reduce surface and ditch sediments. Additional culverts would reduce concentration of water and energy available to transport sediment. Armoring of the road embankment in the floodplains would reduce erosion during high runoff events. User cost and environmental costs would be reduced. The area of disturbance would increase by 2.4 acres, but 0.6 acres of this area would be reclaimed when road construction is completed for a long-term increase in the disturbed area of 1.8 acres.

Alternative 3 (Proposal with Modifications)

The impacts would be the same as discussed under Alternative 2 above since there would be no differences in the transportation situation.

D. Surface Hydrology/Watershed

Alternative 1 (No Action)

Under the no action alternative, the mining as proposed would not be approved. No underground mine development that could cause subsidence of the escarpment or surface construction would be allowed. Under this alternative surface water resources and the watershed in Rilda Canyon would not be affected beyond the impacts that could occur from already approved mining operations. The potential for development workings to affect the flow of the NEWUA springs and Rilda Creek is low because recharge is from the north and west and workings in this area have not encountered significant amounts of water.

Alternative 2 (Proposed Action)

Under this alternative, the proposal would be approved. This would allow for construction of the surface facilities and mining under the canyon slope/escarpments on the south slopes of Rilda Creek.

The water at the NEWUA springs and the flow in Rilda Creek have been identified for protection. Lease stipulations and provisions of the approved mining plan call for replacement of water in these sources if it is determined that mining adversely affects them.

PacifiCorp has entered into a formal agreement with NEWUA to construct a water treatment facility on land owned by PacifiCorp in Huntington Canyon, approximately two miles southeast and downstream of the Rilda Creek/Huntington Creek confluence, near the Huntington Power Plant. Water in the NEWUA culinary water system collected from the Rilda Canyon springs and other potential sources will be treated at this facility to mitigate any water quality impacts. Deep alluvial wells in this vicinity will be drilled to replace any loss of water at the springs.

Mining into the escarpment area and subsidence of the escarpment area could cause cracks and intercept ground water in fractures that could be contributing water to the NEWUA springs. The potential for affecting the flow is low because the majority of flow is attributed to alluvial water upstream of the springs and rock formations and fracture systems that lie to the north that would not be disturbed. There is, however, a low risk of decreasing the flow in the springs if there is any recharge from the south. This is most likely in the Side Canyon and South Springs that have the lowest flow of the three spring groups. If this occurs, there could be a corresponding decrease in flow in Rilda Creek. The potential for this to occur is also considered to be low. Development workings on the south slope have not encountered significant amounts of water, supporting that there is only a low risk of diverting ground water flow. If flow is diverted, it would remain underground and could be diverted into the mine workings and discharged back to the surface in Deer Creek or could continue to flow southward through the ground water system. It

is unlikely that water would be diverted from the Huntington Creek watershed or from the Colorado River system.

If subsidence results in rock spalling along the Castlegate Sandstone outcrop, there could be some short-term increase in sediment that could reach Rilda Creek. BLM estimates that less than (<) 10 acres would be disturbed.

Construction of the surface facilities would contribute to sediment in Rilda Creek. This would disturb approximately 4.3 acres of previously undisturbed ground. Best management practices required by the regulatory agencies and measures proposed by PacifiCorp would minimize the amount of sediment that would reach the drainage. This impact would be short-term lasting throughout the construction phase of operations. Once the facilities are completed, sediment control measures would be effective in controlling sediment produced and capturing sediment from the disturbed area on site. Sediment reaching the creek would be reduced from the present condition due to surfacing of the road (gravel), protection of the stream banks by riprap, and sediment control structures.

If there are any spills of diesel fuel or other potentially polluting substances during construction or operation of facilities, that are not adequately contained before they reach alluvial or surface water, water quality could be affected. The potential for this to occur is low and the duration of impacts would depend on the location of the spill, the timing and effectiveness of containment/removal actions taken, and the type of material spilled. PacifiCorp would be required to implement their Spill Prevention and Counter Control Plan in the event that a spill occurs.

Alternative 3 (Proposed Action with Modifications)

As discussed above under Alternative 2, there could be a short-term increase in sediment production due to construction of facilities and a long-term decrease in sediment in the creek due to measures for controlling erosion and sediment transport to the creek.

Under this alternative, mining that would cause subsidence of the escarpment areas would not be approved. The potential for mining to decrease the flow to the stream or springs associated would be minimized.

E. Ground Water Hydrology

Alternative 1 (No Action)

Under the no action alternative the mining as proposed would not be approved. Subsidence of the canyon slope/escarpment and construction of the surface facilities would not be approved. Mining in the area that has already been approved could alter the ground water system but the potential would be low. Based on the results of

hydrologic monitoring, impacts to the flow in Rilda Creek and the NEWUA springs should be minimal.

Alternative 2 (Proposed Action)

Under this alternative the mining would be approved as submitted. This would allow construction of the surface facilities and subsidence of the canyon slope/escarpments.

The mining of longwall panels under the canyon slope/escarpment would cause subsidence and cracks in the ground surface. The potential for the development of cracks is highest where the overburden is shallow. Overburden above the area proposed for mining ranges from 2,000 feet at the ridgetop to 250 feet near the coal outcrop on the canyon slope. Some water runoff during snowmelt and rainstorms could be diverted underground until the cracks heal and allow this water to continue downslope. Most cracks heal within a period of just a few years.

Mining under the escarpments and subsidence increases the risk of interception of water bearing fractures associated with the springs. PacifiCorp's studies of the hydrology indicate that alluvial water in the Left and Right Forks of Rilda Creek contribute the majority of flow to the NEWUA springs. Additional water has been attributed to north-south trending and east-west trending fracture systems that intersect near the springs. The geologic structure and dip of the rock layers indicate that recharge is mostly from the area north of Rilda Canyon. Since the proposed mining is on the south slope of the canyon, there is some potential that the flow in the springs could be affected but the potential is low. The potential for decreased flow is greater for the Side Canyon and South Springs. These springs contribute the least amount of flow of the three groups of springs.

Alternative 3 (Proposal with Modifications)

This alternative would allow the construction of the surface facilities with mitigation measures to minimize impacts but not approve mining under the canyon slope/escarpments that could cause subsidence and escarpment failures.

This would reduce the potential for interception of water filled fractures due to subsidence. Assuming that water filled fractures extend into the mountain from the outcrop, mining could still intercept these fractures and the water associated within them. The degree of potential impact would be approximately the same as for Alternative 2 (Proposed Action), which is low.

F. Vegetation

Alternative 1 (No Action)

Under this alternative there would be no changes to vegetation except for the 0.2 acres of disturbance associated with reconstruction of the Rilda Canyon from State Hwy. 31 to the NEWUA springs by Emery County.

The potential for flow in the drainage that could also cause indirect changes in riparian vegetation is low.

Alternative 2 (Proposed Action)

Under this alternative vegetation would be removed for construction of the new road, pad, and turnaround area, as well as for improvement (widening to a 14 foot travel surface) of the existing road. Vegetation would be removed from a 1.2 acre area for the facilities pad and 1.3 acres for the new facilities pad access road. Reconstruction of the Rilda Canyon Road from the NEWUA springs to the forks would disturb approximately 1.8 acres of additional lands. Approximately 0.6 acres of the old road (already disturbed area) would be reclaimed and revegetated. Long-term disturbance would be 4.3 acres. Additional short-term disturbance would be 0.6 acres.

PacifiCorp would be required to fence the canyon near the mouth to prevent livestock grazing in the perennial reaches of Rilda Canyon. This would improve the riparian vegetation condition and diversity in the associated RPN Management Unit to mitigate the loss of riparian vegetation from construction/operations. The RPN Management Unit extends 100 feet on either side of the perennial stream, on National Forest System lands, from the springs to the private lands downstream. This area encompasses a 1.25 mile length of stream and an approximate area of 30 acres.

If mining under the escarpments intersects fractures that provide water to the NEWUA springs, there could be some decrease in flow in the springs and downstream in Rilda Creek. This could result in some decrease in the width and diversity of the riparian community in and adjacent to the stream channel over the long-term. The potential is low because the potential for decreasing the flow is low and the stream receives water from several sources. Flows should continue sufficient to support the riparian vegetation community.

Subsidence induced spalling of the Castlegate Sandstone outcrop could result in sandstone blocks breaking away and tumbling down the slope. There could be some loss of vegetation (Spruce/Fir Coniferous Forest) along the slopes below the outcrop, depending on the area affected. BLM estimates that the affected area would be less than (<) 10 acres. Some large trees could be knocked over and understory vegetation could be covered or destroyed by debris. This is expected to occur only along the prominent cliff outcrops along the points between side drainages.

Alternative 3 (Proposed Action with Modifications)

Since subsidence of the canyon slope would not be approved, only the impacts discussed above under Alternative 2 for construction of the surface facilities are expected to occur.

G. Wildlife

Alternative 1 (No Action)

The proposed actions would not take place and the impacts discussed for the action alternatives below would not occur.

Alternative 2 (Proposed Action)

Activities associated with construction of the facilities pad and construction/reconstruction of the access roads could displace wildlife species into adjacent areas. This activity would be short-term. If species avoid a 1/2 mile area, the short-term habitat loss could be 1.5 square miles. Once construction is completed, there could be a long-term loss of habitat associated with the disturbed area (4.3 acres) due to vegetation removal, increased traffic (operations), and fan noise. Fan noise could continue to displace some species for the life of the mining operation. If a 1/2 mile area is avoided, the area would be less than 1 square mile. Most species, including big game species and birds would become accustomed to the noise and activity and slowly move back into the area. There would be a decrease in use by deer and elk for winter foraging, thermal cover, and security. Foraging, nesting, and cover use could decrease by other species. This impact would be consistent with Forest Plan direction because the activity would not result in a loss of crucial habitat needed to maintain viable populations or meet population goals.

Subsidence of the escarpment on the south slope of Rilda Canyon could cause failures of the Castlegate outcrop along the prominent points between small side drainages (less than 10 acres). This is not likely to alter habitat to any significant degree. Golden eagle Nest 296A could be at risk, however, the BLM has determined that there is negligible potential (less than 10%) for the outcrop to fail at the nest location because only first mining that is not expected to cause subsidence is planned under the nest. PacifiCorp would be required to obtain a permit to take the nest from the U.S. Fish and Wildlife Service. Mitigations would include taking appropriate measures to assure that the nest does not become active during the period that subsidence could take place in the area. There would be a negligible potential for impact to eagles. Raptor nesting habitat could be decreased until the escarpment areas stabilize.

There are no known threatened or endangered species in the area. The Northern Goshawk, Spotted bat, and Northern Three-toed woodpecker (and their habitat) are the most likely Sensitive species to exist within and adjacent to the project area. They were not found in Rilda

Canyon during the surveys conducted in June and July of 1994. Impacts to habitat are expected to be minimal. A copy of the Biological Evaluation is contained in the project file.

Loss of water due to mining could decrease the quality of riparian habitat. The potential for this to occur is expected to be low because the potential for decreasing water flow is low and remaining flows should be sufficient to maintain this habitat and provide adequate watering sources.

The short-term potential increase in sediment in Rilda Creek during construction could decrease the quality of habitat for aquatic invertebrate species in Rilda Creek and decrease populations. This could decrease habitat and food availability for trout in Huntington Creek and other species dependent on macroinvertebrates.

Alternative 3 (Proposed Action with Modifications)

Since subsidence of the canyon escarpment would not be approved under this alternative, only the impacts discussed under Alternative 2 above related to construction and operation of surface facilities would occur. The canyon escarpments would not be subsided and golden eagle Nest 296A would not be at risk.

H. Visual Quality

Alternative 1 (No Action)

The impacts discussed below for the action alternatives would not occur. Reconstruction of the Rilda Canyon County road from the intersection with the Fairview-Huntington Highway (State Hwy. 31) and replacement of the bridge will temporarily decrease visual quality consistent with visual quality objectives for the short-term (1994 summer season). The activity is visible from Huntington Canyon and State Hwy. 31 and from the Rilda Canyon County Road.

Alternative 2 (Proposed Action)

The breakout facility would be located in a densely vegetated area which contains an evergreen screen that in concert with existing topography appears adequate enough to provide camouflage for long views year-round. The new access road would require cutting into the toe of the north slope of the canyon at various points and cursory observation indicates that revegetation of these cuts may prove unsuccessful.

The road to be reconstructed on lands managed by the Forest Service in Rilda Canyon would not be visible from State Highway 31 which has been designated as a Scenic Byway. The section of powerline to be installed parallel to this reconstructed road on the National Forest would also not be visible from Highway 31. However, the powerline would be readily seen from highway 31 as it leaves Rilda canyon and passes through adjacent BLM and private lands. At this location the

powerline crosses a ridge south of the Rilda Creek/Huntington Creek confluence and would be highly visible. This would be a new visual intrusion on the landscape. The powerline would then merge with the existing powerline in Huntington Canyon and parallel it. Since there is already a powerline along this corridor, the decrease in visual quality caused by installing a parallel line would be minimal. The visibility would be increased but the visual intrusion of the existing powerline already exists.

Escarpment failures could visually impact National Forest lands on or near the walls of the canyon. The new or subsequently larger talus slopes associated with these failures would appear to be natural but can be expected to be visible from within Rilda Canyon itself, from higher elevations in other adjacent drainages, and possibly from portions of State Highway 31.

The project would be consistent with visual quality objectives.

Alternative 3 (Proposed Action with Modifications)

Since subsidence of the canyon escarpment would not be approved, only the impacts associated with construction of the surface facilities discussed above under Alternative 2 are expected to occur.

I. Recreation

Alternative 1 (No Action)

Under this alternative there would be no impacts to recreation in the area other than those expected from reconstruction of the Rilda Canyon Road from the intersection with State Hwy. 31 to the NEWUA springs. This would improve recreation access to the springs but not beyond. A negligible increase in recreation use in the canyon could occur due to the increased accessibility for passenger car traffic.

Alternative 2 (Proposed Action)

In addition to reconstruction of the road from the intersection with State Hwy. 31, Emery County would improve the Rilda Canyon Road from the springs to the forks and construct a turnaround area at the forks. This would improve access to the trails in the Left and Right Forks of Rilda Canyon and provide a parking area suitable for parking and turning large vehicles such as RVs. The improved access could increase motorized sight-seeing in the canyon during the summer season for two to three years until people become familiar with the road and facilities in the canyon.

The change in visual quality in the canyon, noise from the exhaust fan, and the musty mine odor that may be present during certain weather conditions could detract from the recreation experience in the canyon, depending on the sensitivity of individuals toward mining activities and the type of recreation experience sought after.

It is expected that hunting in the upper reaches of Rilda Canyon could decrease due to the perception by hunters that fan noise would decrease use of the area by big game species. This could be offset somewhat by the improvement of access to the area. Other recreational use of the trails, such as hiking and horseback riding, would probably slightly decrease or remain the same.

The decrease in visual quality in Huntington Canyon due to construction of the powerline is not expected to affect recreation because there is already one powerline along the proposed alignment. The presence of the powerline in Rilda Canyon would probably not affect use of the canyon by hunters.

Overall, recreation use in the canyon would probably decrease by a negligible amount in the long-term.

Failures of the Castlegate Sandstone outcrop on the south slope of Rilda Canyon is not expected to affect recreation because the failures would appear to be natural considering that this type of failure is common throughout the cliffs in Huntington Canyon. It is not likely that rocks would reach the road in the canyon bottom considering the distance, slope, and tree buffer. Monitoring would be done by the operator to assess the potential safety hazard. If the hazard becomes a concern appropriate measures would be taken to warn the public and control use in the areas where the hazard exists.

Alternative 3 (Proposed Action with Modifications)

The impacts would be the same as discussed under Alternative 2 resulting in some decrease in recreation use in Rilda Canyon. However, there would be no subsidence of the canyon escarpment and related safety concerns.

J. Socioeconomics

Alternative 1 (No Action)

Under this alternative, the surface facilities and the mining plan as proposed would not be approved. Approximately 10.4 million tons of recoverable coal would not be mined from the longwall panels that are under the escarpments. No other mining methods are feasible for these areas as some sort of non-subsidence mining would require total reinvestment by PacifiCorp for an extra continuous mining machine and support equipment to produce enough coal to supply the Huntington Power Plant. This would force the company to possibly mine Federal coal at a loss contrary to the Mineral Leasing Act of 1920, as amended. Consequently, these reserves could be lost. At current coal prices, this represents an estimated loss of the value of the coal of \$260 million to PacifiCorp and a loss of \$20 million in Federal coal royalties of which half would not be returned to the State of Utah. This loss would prevent increasing the mine life by 4 years. This would equate to 300 jobs for 4 years or roughly \$42 million in direct wages and another \$20 million in indirect wages.

PacifiCorp would need to begin developing longwall panels in other areas of the mine. The current longwall panel could be mined-out long before new panels are developed in other mine areas and longwall production could cease until new panels are developed. Since roughly 3/4 of the mine's production capacity comes from the longwall section, PacifiCorp might be forced to obtain coal reserves from alternate supplies. In addition, without the proposed ventilation fan and portals in Rilda Canyon, much of the northern and western reserves could not be mined at rates to meet demand and still meet minimum ventilation requirements. This could jeopardize the reserves for an estimated 20 years of mine life. As the mine currently has about 300 employees, employment could decrease as the mine closes. This could have a multiplier effect on the economies of Carbon and Emery County as many of the service and support industries in these counties could have to curtail business.

Alternative 2 (Proposed Action)

Under this alternative, PacifiCorp would be allowed to continue developing and mining longwall panels north towards Rilda Canyon. The ventilation fan and portals would be constructed and additional air requirements for future mining areas would be met. With additional air from the Rilda Canyon ventilation fan and portals, PacifiCorp's future reserves to the west and north can be accessed and mined and the mine life would extend to the year 2015. Approximately 10.4 million tons of coal could be recovered under the escarpments on the south side of Rilda Canyon. Employment and associated socioeconomic benefits could continue.

Alternative 3 (Proposed Action with Modifications)

Under this alternative, longwall mining under the escarpments would not be allowed but the ventilation fan and intake portals would be allowed in Rilda Canyon. Approximately 10.4 million tons of recoverable coal under the escarpments could be lost to mining. This could result in a loss of \$20 million in Federal royalty. The opportunity to extend the mine life by 4 years and employment and associated socioeconomic benefits could be reduced. The installation of the fan would allow access and future mining of PacifiCorp's leased reserves to the west and north.

K. Short-term Use of Man's Environment vs. Long-term Productivity

Alternative 1 (No Action)

There would be no change from the current situation.

Alternative 2 (Proposed Action)

Mining of coal as proposed would extend the life of the Deer Creek Mine by approximately 20 years and provide 10.4 million tons of coal for the production of electricity. This would be a one-time short-term benefit since coal is a nonrenewable resource.

The long-term productivity of resources could be affected but not to a significant degree. Vegetation, wildlife habitat, and visual quality related to construction and operation of the surface facilities would be restored once reclamation is accomplished and determined to be successful. There could be some decrease in the flow of the NEWUA springs Rilda Creek if subsidence causes diversion of ground water. This could decrease the productivity of riparian vegetation and macroinvertebrate populations in Rilda Creek. Construction of the water treatment facility by PacifiCorp would replace any water loss to the NEWUA culinary springs and could result in an overall increase in the availability of the culinary water supply. The condition and diversity of riparian vegetation in the perennial section of Rilda Creek, at and below the springs, could be enhanced as a mitigation intended to offset the potential loss of riparian vegetation from construction of the facilities.

Alternative 3 (Proposal with Modifications)

The affects would be the same as discussed under Alternative 2 above, except that the potential for affecting the springs and flow in Rilda Canyon would be reduced by not allowing subsidence of the canyon slope (escarpment).

L. Irreversible and Irretrievable Commitments of Resources

Alternative 1 (No Action)

The minable coal reserves not mined under this alternative would be irreversibly lost considering present mining technology. It would be bypassed. The associated loss of energy and economic benefits would be irreversible.

Alternative 2 (Proposed Action)

The loss of vegetation and associated wildlife habitat and impacts to visual quality from the surface facilities would be irretrievable but not irreversible. Once operations are completed (approximately 20 years), the disturbed area would be recontoured and reclaimed. It would take approximately 3-5 years to re-establish vegetation on the disturbed sites and 5-10 years for tree species to become established and vegetation to blend in with the surrounding areas.

Damage to vegetation from escarpment failure would be irretrievable and would take longer to naturally recover because of the steep slopes. Efforts to reclaim these sites are not planned because of the steep slopes, small extent of area expected disrupted, distance from the creek, and rocky nature of the slopes.

Any loss of flow in the springs, alluvial aquifer, and in Rilda Creek due to mining in the escarpment areas and along the ridge tops would be irretrievable and potentially irreversible. Various methods could be used to replace some flow and expanding clays are expected to seal

cracks and replace some flow paths but the change to the ground water system would probably be permanent.

Coal is not a renewable resource. Mining and burning of the coal to produce electricity would be an irreversible commitment of the coal itself and other energy resources used in the mining process.

Alternative 3 (Proposed Action with Modifications)

Irretrievable and irreversible impacts would be the same as discussed above under Alternative 2 except that there would be no irretrievable impacts to vegetation and wildlife habitat on the escarpment and the potential for irretrievable and irreversible impacts to the NEWUA springs and flow in Rilda Creek would be reduced from the already low potential under Alternative 2.

M. Cumulative Impacts

Alternative 1 (No Action)

Under this alternative, there would be no changes to the current situation.

The Rilda Canyon area and ecosystem has been continuously altered by natural flooding, erosion, glacial activity, fires, insect infestations, and other natural processes prior to encroachment by man. There is some evidence of long-term habitation by Formative (Fremont) Stage (AD 400 to AD 1300) peoples. Temporary occupation on a seasonal basis is suspected by Archaic and later populations. European settlement resulted in hunting/trapping of game, timber harvest, livestock grazing, and coal mining. Livestock grazing on the Wasatch Plateau was extensive in the late 1800s resulting in extensive watershed damage and erosion. Management of grazing by the Forest Service since 1906 has resulted in significant improvement of resource conditions. Rilda Canyon has not been as severely altered by grazing as many other areas on the plateau. Vegetation density is high and the range conditions are generally good.

Rilda Canyon is included within the Gentry Canyon (forks of Rilda Creek to Huntington Creek) and the Trail Mountain (Left Fork of Rilda Creek) Cattle and Horse Grazing Allotments). These allotments are grazed in early spring. Grazing has resulted in the decrease in native understory species and the introduction of non-native species and potentially the overall reduction of understory plant diversity. The present level of grazing will continue with some potential decreases in numbers in the future.

Coal prospecting and some limited mining probably occurred in Rilda Canyon in the late 1800s. Four coal mines have operated on and off between 1936 and 1969. The mines resulted in improvement of any prior existing access in the canyon and changes in the topography related to access to the portals and development of portals. Trees were harvested for mine support timbers. The old coal storage areas,

portals, and portal access roads were reclaimed in 1990 by the Utah Division of Oil, Gas and Mining under the abandoned coal mine reclamation program. Development of facilities and the human activity in the canyon undoubtedly caused increased erosion and sediment production, disturbance of wildlife, and decrease in water quality. Reclamation and revegetation have been monitored and have proven to be very successful. The springs later developed by NEWUA were probably developed to provide water for mining operations. The reclaimed mines were not producing water.

NEWUA developed the springs at the Side Canyon drainage in Rilda Canyon in 1972. The development includes the water collection systems and a 6 inch pipeline buried under the road. Water is diverted from the creek to serve approximately 421 families in northern Emery County with culinary water. This diversion decreases the surface flow in Rilda Creek by as much as 400 gpm, but flow continues to be perennial below the springs in amounts sufficient to sustain the stream integrity, riparian vegetation, and the overall health of the ecosystem.

The Rilda Canyon road (jurisdiction of Emery County from Hwy. 31 to the NEWUA springs under R.S. 2477) is a native surface road which is in poor condition resulting in severe erosion of the road surface and associated ditch during spring runoff and rainstorms. Sediment contributions to Rilda Creek and Huntington Creek is high during these periods. Reconstruction of the road by Emery County to a 20 foot travel width with designed drainage will decrease erosion and sediment production in the long-term, once construction is completed. The inside road ditch and culvert outlets will be armored with rock riprap to control water velocities and erosion. Existing ground and surface water quality and flow is described in Chapter 3, Items D and E.

Approximately 2,000 acres of vegetation burned on East Mountain in the Fall of 1993. The fire included the upper portion of the Right Fork of Rilda Canyon but did not encroach into the Left Fork. The fire burned mostly understory vegetation and conifer stands. The estimated burn within the fire perimeter is 50-60%. Water monitoring in Rilda Creek by PacifiCorp has shown that there is no measurable difference in water quality in Rilda Creek with the possible exception of sediment production during runoff from snowmelt and rainstorms. Ash from the burned vegetation has been observed in the creek during rainstorm runoff. A significant recovery of understory vegetation and aspen has been observed in the 1994 spring/summer season. Near complete recovery of understory vegetation is expected during the 1995 spring/summer season. Sediment increases have been negligible since the fire and are not expected to continue beyond the 1994.

A short-term increase in motorized sight seeing in Rilda Canyon is expected due to the road improvement.

No other management activities are planned for the canyon.

Alternative 2 (Proposed Action)

The anticipated impacts to the existing environment (referred to as the affected environment in Chapter 3) were described throughout Chapter 4 by resource category. They would be cumulative, adding to changes that man's activities have already caused in Rilda Canyon.

Surface facilities are expected to cause some but an insignificant amount of vegetation removal and loss of wildlife habitat. The loss of habitat would contribute to cumulative losses but wildlife species have sufficient areas available to maintain populations.

It is unlikely that the cumulative impacts would cause significant impacts to flow, stream channel morphology, riparian vegetation, and wildlife species in the canyon, even though some changes could occur. Any potential loss of culinary water would be offset by development of the reservoir, deep water wells, and the water treatment facility near Deer Creek. Exclusion of livestock use in Rilda Canyon as a mitigation, should result in improved diversity and health of the riparian ecosystem from the springs downstream to private lands at the canyon mouth. Short-term increased sediment levels from road reconstruction and construction of the facilities could be offset by a long-term decrease in sediment production. Sediment production from the existing low standard road has been high.

Water intercepted during mining could enter the mine workings and be discharged into Deer Creek or could continue to flow down-dip to the south in the ground water system. It is not likely that water would be depleted from the Huntington Canyon watershed or the Colorado River system.

A decrease in the use of the trails in the Left and Right Forks is expected due to the fan noise, decrease in visual quality from the surface facilities pad, and increased human presence from mining related activities. Hunting in the canyon is also expected to decrease.

No additional disturbance for surface facilities is reasonably foreseeable at this time. PacifiCorp evaluated the potential for loading and hauling coal at the proposed breakouts for trucking to the Huntington Power Plant. This scenario would have involved parking areas for the miners, a bathhouse, coal storage and loading facilities, equipment storage, and paving the Rilda Canyon Road for hauling. This scenario was replaced with the current proposal due to Forest Service concerns and available mineable reserves. It was determined that the proposed facilities would provide for the reasonably foreseeable needs of the operator for mining.

Alternative 3 (Proposed Action with Modifications)

The impacts would be the same as discussed under Alternative 2 except that there would be no mining induced failures of the canyon slope/escarpment and associated loss of vegetation. The potential

for mining to cause a decrease in flow at the NEWUA springs and in Rilda Creek would be decreased.

CHAPTER 5
LIST OF PREPARERS

The following is a list of interdisciplinary team members who directly participated in conducting the environmental analysis and preparing the environmental assessment. The title resource area represented and role on the team is indicated for each person. Other employees of the Forest Service, Bureau of Land Management, and Office of Surface Mining provided comments.

<u>Name</u>	<u>Analysis Skills/Specialty</u>	<u>Role</u>
Carter Reed	Geology/Minerals	Team Leader
Brent Barney	Engineering/Transportation	Core Team Member
Dennis Kelly	Surface Water Hydrology	Core Team Member
Steve Romero	Wildlife	Core Team Member
Paul Burns	Wildlife (Aquatic)	Extended Team Member
Kevin Draper	Visual Quality/Recreation	Core Team Member
Bob Thompson	Vegetation/Reclamation /	Extended Team Member
Steve Falk	Mining Engineer/BLM Rep.	Core Team Member
Ken Wyatt	Ground Water Hydrology	Core Team Member
Floyd McMullen	OSMRE Rep.	Extended Team Member

CHAPTER 6
REFERENCES

The following is a list of tiering and reference documents:

Danielson, Terence W., et. al., 1981, Hydrology of the Coal-Resource Areas in the Upper Drainages of Huntington and Cottonwood Creeks, Central Utah, U.S.G.S. Water-Resources Investigations Open-File Report 81-539.

Lines, G.C., 1985, The Ground-Water System and Possible Effects of Underground Coal Mining in the Trail Mountain Area, Central Utah, U.S.G.S. Water-Supply Paper 2259

PacifiCorp, 1993, Deer Creek Coal Mine Permit Application, Deer Creek (ACT/015/018)/Cottonwood (ACT/015/019), Des-Bee-Dove (ACT/015/017), Hydrologic Section, Volume 9, Revised March 41, 1993.

USDA, Forest Service, 1986, Final Environmental Impact Statement and Land and Resource Management Plan, Manti-La Sal National Forest, Price, Utah (Forest Plan).

USDI, Bureau of Land Management, 1988, Final Environmental Impact Statement, San Rafael Resource Management Plan, 1988 (RMP).

USDA, Forest Service, 1986, Environmental Assessment for Readjustment of Consolidated Federal Coal Lease SL-050862/U-24069/U-24070, Price Ranger District, Manti-La Sal National Forest, Emery County, Utah, December, 1986

USDA, Forest Service, 1976, Environmental Analysis Report/Part 23 Technical Examination, Peabody Coal Company, Federal Leases U-06039, SL-051221, and U-014275, Lease Readjustment, October 4, 1976.

USDA, Forest Service, 1992, Decision Notice and Finding of No Significant Impact for the Readjustment of Federal Coal Lease U-06039, Price Ranger District, Manti-La Sal National Forest, Emery County, Utah, May 15, 1992 (See Attachment B, Environmental Analysis Summary Matrix).

USDA, Forest Service, 1990, Environmental Assessment for the Readjustment of Federal Coal Lease U-7653, Price Ranger District, Manti-La Sal National Forest, Emery County, Utah, January, 1990.

USDA, Forest Service, 1980, Environmental Assessment, 40 CFR 1500, 43 CFR 3521, 1-4, Proposed Coal Lease Tract, Section 32, T. 16 S., R. 7 E., SLM, Emery County, Utah, October 8, 1980 (This lease was officially assigned No. U-47977 when it was leased in 1982).

USDA, Forest Service, 1989, Environmental Assessment for the Readjustment of Federal Coal Lease U-024319, Price Ranger District, Manti-La Sal National Forest, Emery County, Utah, July, 1989.

APPENDICES

APPENDIX 1 - Public Scoping Letter with Mailing List

APPENDIX 2 - Public Notices

APPENDIX 3 - Mitigations

APPENDIX 4 - Role of Office of Surface Mining Reclamation and Enforcement in
the Regulation of Coal Mining

Appendix 1

United States
Department of
Agriculture

Forest
Service

Manti-La Sal
National Forest

Price Ranger District
599 West Price River Dr.
Price, Utah 84501

Reply to: 2820

Date: May 5, 1994

m01n

m02n

PacifiCorp has submitted a mine plan amendment to the Utah Division of Oil, Gas and Mining proposing to construct a breakout on the south slope of the Left Fork of Rilda Canyon and to mine and subside the south slope of Rilda Canyon and the upper reaches of the Left Fork drainage channel on their existing coal leases. The breakout would provide air ventilation for the Deer Creek Mine. The 1.2 acre facilities pad would contain three portals, a ventilation fan on the easternmost portal, an electric substation, water storage tank, and pumphouse. The existing Rilda Canyon road (Forest Development Road 50246) would be improved to a 14 foot gravelled travel width from the intersection with the county road at the North Emery Water Users Association springs to the forks (0.5 mile). A turnaround area would be constructed at the forks. A new (gravelled, restricted access) road would be constructed from the forks to the facilities pad, a distance of 1,350 feet (1.3 acres). A new 25KV overhead power line would be constructed along the Rilda Canyon road to the substation on the facilities pad.

As the surface management agency for the majority of the lands involved, the Forest Service will take the lead on conducting the environmental analysis of the proposal under the National Environmental Policy Act of 1969 (NEPA). The Bureau of Land Management, and Office of Surface Mining Reclamation and Enforcement will cooperate in conducting the analysis.

You are invited to provide comments and identify issues. Please send any comments to Charlie Jankiewicz, District Ranger, Price Ranger District, Manti-La Sal National Forest, 599 West Price River Drive, Price, Utah 84501. To obtain additional information or comment on the proposed action by telephone, contact Carter Reed or Jeff DeFreest at 801-637-2817. Comments must be received by the close of business on June 3, 1994.

Sincerely,

/s/ Charlie J. Jankiewicz

CHARLIE JANKIEWICZ
District Ranger

J.Defreest:dm

m01nKen Phippen
Division of Wildlife Resources
455 W. Railroad Avenue
Price, UT 84501
m02nDear Ken:

m01nEmery County Commissioners
c/o Dixie Thompson
P.O. Box 629
Castle Dale, Utah 84513
m02nDear Dixie:

m01nDick Carter
Utah Wilderness Association
455 E. 400 S.
Salt Lake City, Utah 84111
m02nDear Dick:

m01nHuntington Cleveland Irrigation
c/o J. Craig Smith
P.O. Box 11808
Salt Lake City, Utah 84147
m02nDear Craig:

m01nEmery County Water Conservancy District
c/o Jay Mark Humphrey
P.O. Box 998
Castle Dale, Utah 84513
m02nDear Jay:

m01nPacifiCorp
c/o Interwest Mining Co.
ATTN: Property Administration
One Utah Center, Suite 2000
201 South Main Street
Salt Lake City, Utah 84140
m02nDear Sir:

m01nHuntington Cleveland Irrigation
c/o Varden Willson
P.O. Box 327
Huntington, Utah 84528
m02nDear Varden:

m01nNorth Emery Water Users Association
c/o Jack Stoyanoff
P.O. Box 160
Elmo, Utah 84521
m02nDear Jack:

m01nCrandall Ridge S&G Allotment
c/o John Larsen
1665 E. 1280 N. #84
Mt. Pleasant, Utah 84647
m02nDear John:

m01nLee Lemmon
Huntington Cattlemen's Association
P.O. Box 193
Huntington, UT 84528
m02nDear Lee:

Appendix 2

For publication in the Sun Advocate on Thursday, May 5 and
the Emery County Progress on Tuesday, May 10.
For further information contact: Carter Reed at 637-2817.

LEGAL NOTICE

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

The Price Ranger District of the Manti-La Sal National Forest is evaluating a proposal by PacifiCorp to construct a breakout on the south slope of the Left Fork of Rilda Canyon and to mine and subside the south slope of Rilda Canyon and the drainage channel in the upper reaches of the left fork. The breakout would provide air ventilation for the Deer Creek Mine. The 1.2 acre facilities pad would contain 3 portals, a ventilation fan on the easternmost portal, a substation, water storage tank, and pumphouse. The existing Rilda Canyon road (Forest Development Road 50246) would be improved to a 14 foot gravelled travel width from the intersection with the county road at the North Emery Water Users Association springs to the forks (0.5 mile). A turnaround area would be constructed at the forks. A new low standard gravelled restricted access road would be constructed from the forks to the facilities pad, a distance of 1,350 feet (1.3 acres). A new 25KV overhead power line would be constructed along the Rilda Canyon road to the substation on the facilities pad.

The Forest Service, Bureau of Land Management, and Office of Surface Mining Reclamation and Enforcement will cooperate in conducting an environmental analysis for the proposal.

The public is invited to provide comments and identify issues. To obtain additional information or comment on the proposed action, contact Carter Reed or Jeff DeFreest at the Manti-La Sal National Forest Supervisor's Office, 599 West Price River Drive, Price, Utah 84501, (Phone 801-637-2817). Comments must be received by the close of business on June 3, 1994.

APPENDIX 3

MITIGATIONS FOR ALTERNATIVES 2 AND 3

Mitigations that will be required for operations if one of the two action alternatives (Alternatives 2 and 3) is selected are discussed in this appendix. The mitigations common to both alternatives are discussed as well as those specific to Alternative 2 are discussed under separate headings. Operations are subject to adherence to the stipulations attached to the individual coal leases affected by operations and to provisions of the approved mine plan and mine permit.

A. Mitigations Common to Alternatives 2 and 3

1. The operator must construct a fence and cattleguard at the mouth of Rilda Creek to exclude livestock use in the canyon. Maintenance of this facility during the life of operations would be the operator's responsibility. This would prevent damage to the riparian vegetation and enhance the area for wildlife, to offset the loss of riparian vegetation from facilities pad and road construction. The fence and cattleguard designs and specific location are subject to Forest Service review and approval.
2. The facilities pad must be fenced to provide for public safety and prevent access by livestock and big game species.
3. Facilities must be painted with a color that blends naturally with the surrounding environment. The color is subject to approval by the Forest Service.

B. Mitigations Specific to Alternative 2

1. In the event that rocks or other debris from the escarpment reach Rilda Creek and cause blockage or alteration of the natural flows, the operator will be required to remove the materials causing the blockage, take necessary measures to prevent sediment production, replace riparian vegetation through reclamation of other means, and replace the the natural flow patterns. The method of conducting these required activities are subject to approval of the regulatory authority with consent from the Forest Service.
2. Any damage to fences, roads, spring developments, etc. caused by escarpment failures or other operations must be repaired or replaced as soon as possible. Methods for repair or replacement of such facilities are subject to approval of the regulatory authority with consent from and Forest Service.
3. The operator must take necessary measures to prevent raptors from building and occupying nests in the escarpment area during periods that they would be at risk from subsidence. Golden eagle nest 296A must be protected from subsidence unless the operator obtains a take permit from the U.S. Fish and Wildlife Service.

4. The operator must monitor subsidence and escarpment areas to determine the extent of escarpment failures that occur and to determine when they stabilize. The operator is responsible to ensure public safety in the areas where escarpment failures are likely to occur until it is determined that subsidence is substantially complete and the escarpments have stabilized. Methods of providing for public safety and for monitoring escarpment failures (including the frequency of monitoring) are subject to approval of the regulatory authority with consent from the Forest Service.
5. Should escarpment failures occur to an extent beyond that predicted and cause functional impairment of surface resources (impacts that are not consistent with management prescriptions in the Forest Plan), additional operations that could cause escarpment failures must be suspended pending evaluation by the regulatory authority in consultation with the Forest Service.

Appendix 4 - Role of Office of Surface Mining Reclamation and Enforcement
in the Regulation of Coal Mining

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) gives the Office of Surface Mining Reclamation and Enforcement (OSM) primary responsibility to administer programs that regulate surface coal mining operations and the surface effects of underground coal mining operations. In January 1981, pursuant to Section 503 of SMCRA, the Utah Division of Oil, Gas, and Mining (DOG M) developed, and the Secretary of the Interior approved, a permanent program authorizing Utah DOGM to regulate surface coal mining operations and surface effects of underground mining on non-Federal lands within the State of Utah. In March 1987, pursuant to Section 523 (c) of SMCRA, Utah DOGM entered into a cooperative agreement with the Secretary of the Interior authorizing Utah DOGM to regulate surface coal mining operations and surface effects of underground mining on Federal lands within the State.

Pursuant to the cooperative agreement, Federal coal lease holders in Utah must submit permit application packages (PAP's) to OSM and Utah DOGM for proposed mining and reclamation operations on Federal lands in the State. Utah DOGM reviews the PAP to ensure that the permit application complies with the permitting requirements and that the coal mining operation will meet the performance standards of the approved permanent program. If it does comply, Utah DOGM issues the applicant a permit to conduct coal mining operations. OSM, the Bureau of Land Management (BLM), the Forest Service (FS), and other Federal agencies review the PAP to ensure that it complies with the terms of the coal lease, the Mineral Leasing Act of 1920, the National Environmental Policy Act of 1969, and other Federal laws and their attendant regulations. OSM recommends approval, approval with conditions, or disapproval of the mining plan to the Assistant Secretary—Land and Minerals Management. Before the mining plan can be approved, BLM and the surface-managing agency (in this case FS) must concur with this recommendation.

Utah DOGM enforces the performance standards and permit requirements during the mine's operation and has primary authority in environmental emergencies. OSM retains oversight responsibility for this enforcement. BLM and FS have authority in those emergency situations where Utah DOGM or OSM inspectors cannot act before significant environmental harm or damage occurs.

ATTACHMENT 4

**DOG M Permit # ACT/015/018
Deer Creek Mine to Include Rilda Canyon Lease Extension
10-27-94**

FEDERAL

PERMIT
Permit Number ACT/015/018

OCTOBER 27, 1994

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
(801) 538-5340

This permit, ACT/015/018, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (Division) to:

PacifiCorp
324 South State Street
P.O. Box 26128
Salt Lake City, Utah 84126-0128

for the Deer Creek Mine. A Surety Bond is filed with the Division in the amount of \$2,000,000, payable to the State of Utah, Division of Oil, Gas and Mining and the Office of Surface Mining Reclamation and Enforcement (OSM). The Division must receive a copy of this permit signed and dated by the permittee.

Sec. 1 STATUTES AND REGULATIONS - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act.

Sec. 2 PERMIT AREA - The permittee is authorized to conduct underground coal mining activities on the following described lands within the permit area at the Deer Creek Mine, situated in the state of Utah, Emery County:

The area to be mined is contained on the USGS 7.5-minute "Red Point", "Rilda" and "Mahogany Point" quadrangle maps. The areas contained in the permit area, approximately 17,000 acres, involve all or part of the following federal, state, and fee coal leases:

Lease No. SL-064607-064621

Issued to Clara Howard Miller 10/4/46

Township 17 South, Range 7 East, SLM, Utah

Containing 613.92 acres

Section 2: Lots 2, 5, 6, 7, 10, 11 and 12 and SW1/4

Section 3: SE1/4 SE1/4

Section 10: NE1/4

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Lease No. SL-064900
Issued to Cyrus Wilberg 2/3/45
Township 17 South, Range 7 East, SLM, Utah
Containing 160 acres
Section 22: SE1/4 SW1/4, SW1/4 SE1/4, NE1/4 SW1/4, NW1/4 SE1/4

Lease No. U-1358
Issued to Castle Valley Mining Co. 8/1/67
Township 17 South, Range 7 East, SLM, Utah
Containing 320 acres
Section 22: S1/2 NW1/4, W1/2 SW1/4, E1/2 SE1/4
Section 27: E1/2 NE1/4

Lease No. SL-070645, U-02292
Issued to Clara Howard Miller 4/1/52
Township 17 South, Range 7 East, SLM, Utah
Containing 2560 acres
Section 4: SW1/4 SE1/4, S1/2 SW1/4
Section 5: SE1/4 SW1/4, S1/2 SE1/4
Section 8: E1/2, E1/2 W1/2
Section 9: All
Section 10: W1/2
Section 15: N1/2
Section 16: N1/2
Section 17: NE1/4, E1/2 NW1/4

Lease No. U-084923
Issued to Malcolm N. McKinnon 8/1/64
Township 17 South, Range 7 East, SLM, Utah
Containing 2252.42 acres
Section 4: Lots 2, 3, 4, 5, 6, 7, 10, 11, 12, NW1/4 SE1/4, N1/2 SW1/4
Section 5: Lots 1 thru 12, N1/2 S1/2, SW1/4 SW1/4
Section 6: Lots 1 thru 11, SE1/4
Section 7: Lots 1 thru 4, E1/2
Section 8: W1/2 W1/2
Section 17: W1/2 NW1/4
Section 18: Lots 1 and 2, N1/2

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Lease No. U-084924

Issued to Malcolm N. McKinnon 8/1/64

Township 17 South, Range 6 East, SLM, Utah

Containing 1211.48 acres

Section 1: Lots 1, 2, 3, S1/2 NE1/4, SE1/4 NW1/4, E1/2 SW1/4, SE1/4

Section 12: E1/2, E1/2 W1/2

Section 13: NE1/4, E1/2 NW1/4

Lease No. U-083066

Issued to Cooperative Security Corp. 3/1/62

Township 17 South, Range 6 East, SLM, Utah

Containing 2485 acres

Section 13: E1/2 SW1/4, SE1/4

Section 24: E1/2 W1/2, E1/2

Section 25: N1/2 NE1/4

Township 17 South, Range 7 East, SLM, Utah

Section 17: SW1/4, W1/2 SE1/4

Section 18: Lots 3 and 4, SE1/4

Section 19: Lots 1, 2, 3, 4, E1/2

Section 20: W1/2, W1/2 E1/2

Section 29: NW1/4 NE1/4, N1/2 NW1/4

Section 30: Lots 1, 2, 3, N1/2 NE1/4, SW1/4 NE1/4, NW1/4 SE1/4

Lease No. U-040151

Issued to Cooperative Security Corp. 3/1/62

Township 17 South, Range 7 East, SLM, Utah

Containing 1720 acres

Section 15: SW1/4

Section 16: S1/2

Section 17: E1/2 SE1/4

Section 20: E1/2 E1/2

Section 21: All

Section 22: N1/2 NW1/4

Section 27: N1/2 NW1/4

Section 28: N1/2 N1/2

Section 29: NE1/4 NE1/4

Lease No. U-044025

Issued to Cooperative Security Corp. 8/1/60

Township 17 South, Range 7 East, SLM, Utah

Containing 40 acres

Section 27: NW1/4 NE1/4

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Page 4

Lease No. U-024319
Issued to Huntington Corp. 5/1/60
Township 16 South, Range 7 East, SLM, Utah
Containing 1040 acres
Section 27: SW1/4
Section 28: SE1/4
Section 33: E1/2, E1/2 NW1/4, NE1/4 SW1/4, S1/2 SW1/4
Section 34: NW1/4, NW1/4 SW1/4

Lease No. U-014275
Issued to John Helco 10/1/55
Township 16 South, Range 7 East, SLM, Utah
Containing 80 acres
Section 28: E1/2 SW1/4

Lease No. U-47979
Issued to Utah Power & Light Co. 10/1/81
Township 16 South, Range 7 East, SLM, Utah
Containing 1,063.38 acres, more or less
Section 34: S1/2 NE1/4, NE1/4 SW1/4, S1/2 SW1/4, SE1/4
Township 17 South, Range 7 East, SLM, Utah
Section 3: Lots 1 thru 8, 10 thru 12, SW1/4, SW1/4 SE1/4
Section 4: Lots 1, 8, 9, E1/2 SE1/4

Lease No. U-47977
Township 16 South, Range 7 East, SLBM
Containing 640 acres
Section 32: All

Lease No. SL-050862 (consolidated to include U-24069 and U-24070)
Township 16 South, Range 7 East, SLBM
Containing 280 acres
Section 28: W1/2 SW1/4
Section 29: E1/2 SE1/4
Section 33: W1/2 NW1/4, NW1/4 SW1/4

Lease No. U-06039
Township 16 South, Range 7 East, SLBM
Containing 400 acres
Section 29: SW1/4, W1/2 SE1/4
Section 30: SE1/4

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Lease No. U-7653
Township 16 South, Range 7 East, SLBM
Containing 411.6 acres
Section 31: All

OWNERS OF COAL TO BE MINED OTHER THAN THE UNITED STATES

State Lease ML-22509
Township 16 South, Range 6 East, SLBM
Containing 640 acres
Section 36: All

The Estate of Malcolm McKinnon
Zions First National Bank, Trustee, Salt Lake City, Utah 84111
Township 17 South, Range 7 East, SLM, Utah
Section 10: SE1/4
Section 11: W1/2 W1/2, NE1/4 NW1/4
Section 14: W1/2 NW1/4

Cooperative Security Corp.
115 East South Temple, Salt Lake City, Utah 84111
Township 17 South, Range 7 East, SLM, Utah
Section 15: SE1/4
Section 22: NE1/4

Also:

Beginning at the SE corner of NE1/4 SE1/4 Section 25, T17S, R6E, SLM,
thence North 160 rods, West 116 rods to center line of Cottonwood Creek;
thence southerly along center line of said creek to a point 84 rods West of
the beginning; thence East 84 rods to the beginning.

The above listed surface rights and coal owned or leased by PacifiCorp,
successor in interest to Utah Power & Light Company.

PacifiCorp
324 South State, PO Box 26128, Salt Lake City, Utah 84126-0128
Township 17 South, Range 7 East, SLM, Utah
Section 14: SW1/4 (West of the Deer Creek Fault)

ADDITIONAL LANDS TO BE AFFECTED BY MINING

Township 17 South, Range 7 East, SLM, Utah

State of Utah Special Use Lease Agreement No. 284 utilized for conveyor and power line right-of-ways located in the southeast quarter of Section 2

Township 17 South, Range 8 East, SLM, Utah

PacifiCorp fee land (successor to Utah Power & Light Company) utilized for a Waste Rock Disposal Site located within Lots 4 and 5 of Section 5 and Lot 1 and the Southeast quarter of the Northeast quarter of Section 6

This legal description is for the permit area of the Deer Creek Mine. The permittee is authorized to conduct underground coal mining activities and related surface activities on the foregoing described property subject to the conditions of all applicable conditions, laws and regulations.

- Sec. 3 COMPLIANCE** - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.
- Sec. 4 PERMIT TERM** - This permit expires on February 15, 1996.
- Sec. 5 ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the approval of the Director, Division. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13{e} and R645-303-300.
- Sec. 6 RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the Division, including but not limited to inspectors, and representatives of the Office of Surface Mining Reclamation and Enforcement (OSM), without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:
- (a) have the rights of entry provided for in 30 CFR 840.12, R645-400-220, 30 CFR 842.13 and R645-400-110;
 - (b) be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-100 and R645-400-200 when the inspection is in response to an alleged violation reported to the Division by the private person.
- Sec. 7 SCOPE OF OPERATIONS** - The permittee shall conduct underground coal mining activities only on those lands specifically designated as within the

permit area on the maps submitted in the approved plan and approved for the term of the permit and which are subject to the performance bond.

Sec. 8 ENVIRONMENTAL IMPACTS - The permittee shall take all possible steps to minimize any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of the permit, including, but not limited to:

- (a) Any accelerated or additional monitoring necessary to determine the nature and extent of noncompliance and the results of the noncompliance;
- (b) immediate implementation of measures necessary to comply; and
- (c) warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

Sec. 9 DISPOSAL OF POLLUTANTS - The permittee shall dispose of solids, sludge, filter backwash or pollutants in the course of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program and the Federal Lands Program which prevents violation of any applicable state or federal law.

Sec. 10 CONDUCT OF OPERATIONS - The permittee shall conduct its operations:

- (a) in accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and
- (b) utilizing methods specified as conditions of the permit by the Division in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.

Sec. 11 EXISTING STRUCTURES - As applicable, the permittee will comply with R645-301 and R645-302 for compliance, modification, or abandonment of existing structures.

Sec. 12 RECLAMATION FEE PAYMENTS - The operator shall pay all reclamation fees required by 30 CFR Part 870 for coal produced under the permit, for sale, transfer or use.

- Sec. 13 AUTHORIZED AGENT** - The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.
- Sec. 14 COMPLIANCE WITH OTHER LAWS** - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq,) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.
- Sec. 15 PERMIT RENEWAL** - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act, the approved Utah State Program and the Federal Lands Program.
- Sec. 16 CULTURAL RESOURCES** - If during the course of mining operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify the Division. The Division, after coordination with OSM, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by Division within the time frame specified by Division.
- Sec. 17 APPEALS** - The permittee shall have the right to appeal as provided for under R645-300-200.
- Sec. 18 SPECIAL CONDITIONS** - There are special conditions associated with this permitting action as described in attachment A.

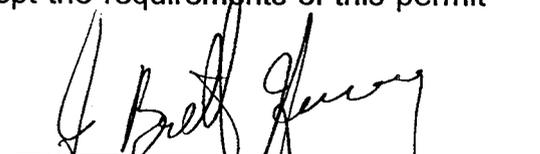
The above conditions (Secs. 1-18) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease. The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of the Division and the permittee at any time to adjust to changed conditions or to correct an oversight. The Division may amend these conditions at any time without the consent of the permittee in order to make them consistent with any federal or state statutes and any regulations.

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Permit
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Page 9

THE STATE OF UTAH

By: 
Date: November 2, 1994

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.


Authorized Representative of
the Permittee
Date: November 18, 1994

Attachment A

SPECIAL CONDITIONS

1. If during entry development, sustained quantities of groundwater are encountered which are greater than 5 gpm from a single source in an individual entry, and which continue after operational activities progress beyond the area of groundwater production, PacifiCorp must monitor these flows for quality and quantity under the approved baseline parameters.

PacifiCorp will notify the Division within 24 hours prior to initiation of said monitoring.

2. This permit becomes effective for mining in the Rilda Canyon Lease Extension when the mining plan is approved by the Secretary of the Interior, except for mining under the south canyon escarpment which will be allowed when the Forest Service is satisfied that the appeals process is finalized and that any appeal has been satisfactorily resolved.
3. PacifiCorp must notify the Division within 14 days of the decision on the appeal of outstanding federal violation 93-020-190-05, 1 of 1.
4. PacifiCorp must notify the Division within 14 days of the decision on the appeal of outstanding cessation order 94-020-370-002, 1 of 1.

ATTACHMENT 5

**DOI/OSM Deer Creek Mining Plan Approval
for Federal Coal Leases U-7653, U-06039, U-47977 and SL-050862
12-22-94**



United States Department of the Interior

OFFICE OF SURFACE MINING

Reclamation and Enforcement
1999 Broadway, Suite 3320
Denver, Colorado 80202-5733

December 22, 1994

Mr. Val Payne
PacifiCorp
201 South Main, Suite 2100
Salt Lake City, Utah 84140-0021

Dear Mr. Payne:

The Assistant Secretary, Land and Minerals Management, Department of the Interior, approved on December 13, 1994, the Deer Creek Mine mining plan for Federal leases U-7653, U-06039, U-47977, SL-050862. The mining plan approval authorized mining of about 38 million tons of Federal coal in 1412 acres of Federal leases U-7653, U-06039, U-47977, SL-050862. This mining plan approval supplements the Deer Creek mining plan for Federal leases SL-064607-064621, SL-064900, SL-070645, U-1358, U-02292, U-084923, U-084924, U-083066, U-040151, U-044025, U-014275, U-024319, U-47979, U-47977, and SL-050862 approved on October 11, 1985, the mining plan for Federal leases U-47977 and SL-050862 approved on January 6, 1993, and modified on July 16, 1993 and July 29, 1994, and the mining plan for U-06039 approved on July 29, 1994.

Mining operations must be conducted in accordance with both the Utah State permit and the approved mining plan. I have enclosed a copy of the mining plan approval document. Please read the terms and conditions of the mining plan approval document carefully. If you have any questions, please contact Richard Holbrook or me at (303) 672-5597.

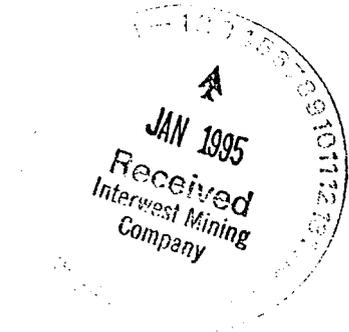
Sincerely,

Ranvir Singh
Ranvir Singh, Chief
Federal Lands Branch

Attached

cc: BLM Price Resource Area
Utah Division of Oil, Gas and Mining
OSM Albuquerque Field Office

ORIGINAL: V. PAYNE
cc: S. CHILD
B. WEBSTER



UNITED STATES

DEPARTMENT OF THE INTERIOR

This mining plan approval document is issued by the United States of America to:

PacifiCorp
201 South Main, Suite 2100
Salt Lake City, Utah 84140-0021

for the Deer Creek Mine mining plan for Federal leases U-7653, U-06039, U-47977, SL-050862 subject to the following conditions. PacifiCorp is hereinafter referred to as the operator.

1. Statutes and Regulations.--This mining plan approval is issued pursuant to Federal leases U-7653, U-06039, U-47977, SL-050862; the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.); and in the case of acquired lands, the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351 et seq.). This mining plan approval is subject to all applicable regulations of the Secretary of the Interior which are now or hereafter in force; and all such regulations are made a part hereof. The operator shall comply with the provisions of the Water Pollution Control Act (33 U.S.C. 1151 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and other applicable Federal laws.
2. This document approves the Deer Creek Mine mining plan for Federal leases U-7653, U-06039, U-47977, SL-050862, and authorizes coal development or mining operations on the Federal leases within the area of mining plan approval. This authorization is not valid beyond

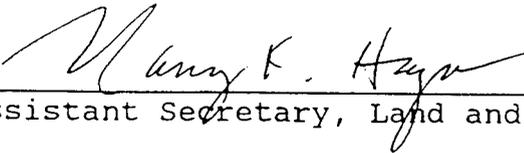
T. 16 S., R. 7 E., Salt Lake Baseline and Meridian

Sec. 28 W1/2 SW1/4
Sec. 29 E1/2 SE1/4, SW1/4, W1/2 SE1/4
Sec. 30 SE1/4
Sec. 31 All
Sec. 32 All
Sec. 33 W1/2 NW1/4, NW1/4 SW 1/4

as shown on the map appended hereto as Attachment A.

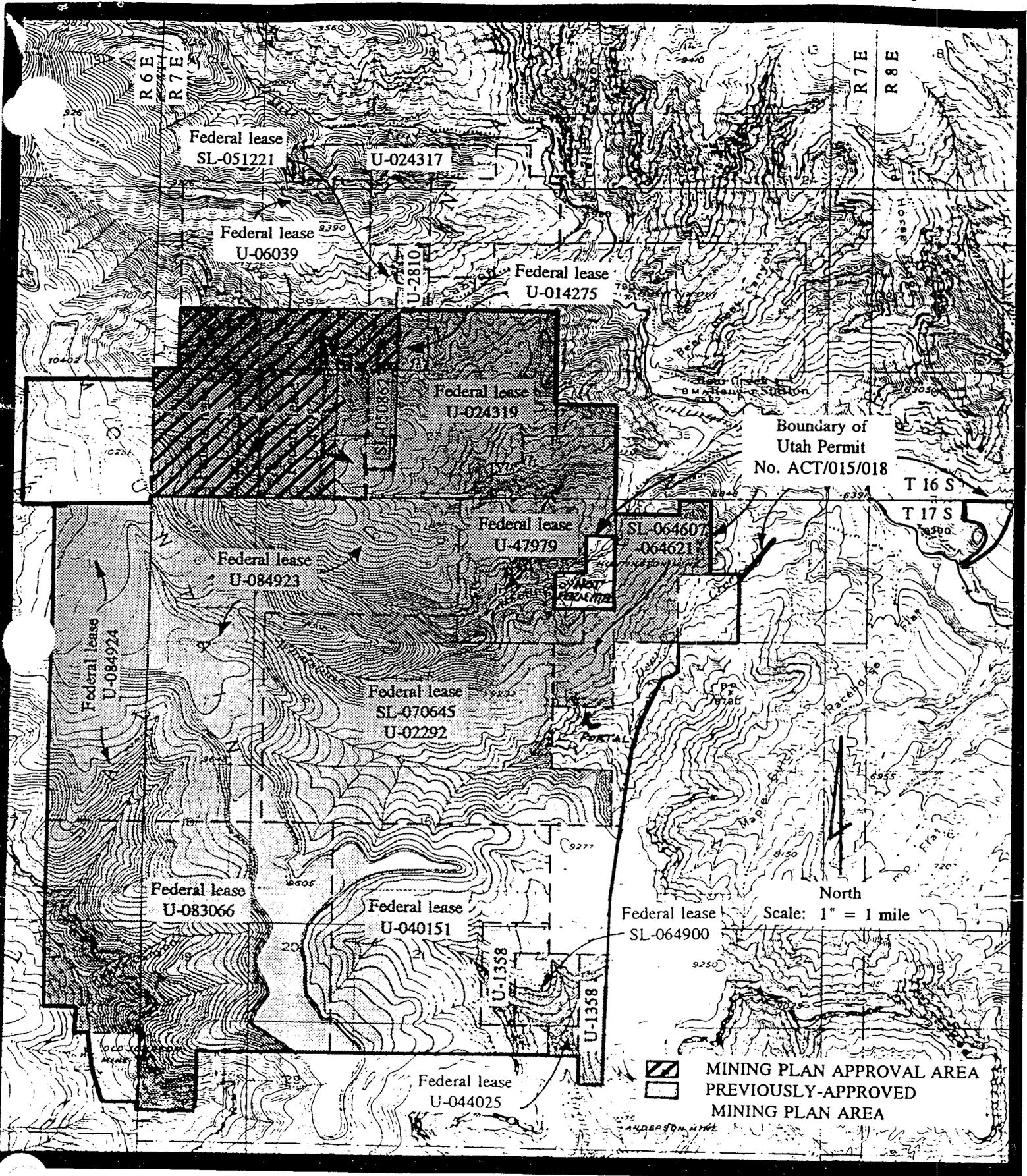
3. The operator shall conduct coal development and mining operations only as described in the complete permit application package, and approved by the Utah Division of Oil, Gas and Mining, except as otherwise directed in the conditions of this mining plan approval.

4. The operator shall comply with the terms and conditions of the leases, this mining plan approval, the special conditions appended hereto as Attachment B, and the requirements of the Utah Permit No. ACT/015/018 issued under the Utah State program, approved pursuant to the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).
5. This mining plan approval shall be binding on any person conducting coal development or mining operations under the approved mining plan and shall remain in effect until superseded, cancelled, or withdrawn.
6. If during mining operations unidentified prehistoric or historic resources are discovered, the operator shall ensure that the resources are not disturbed and shall notify Utah Division of Oil, Gas and Mining and the Office of Surface Mining Reclamation and Enforcement (OSM). The operator shall take such actions as are required by Utah Division of Oil, Gas and Mining in coordination with OSM.



acting Deputy Assistant Secretary, Land and Minerals Management

12-13-84
Date



Attachment A
 Mining Plan Approval Area
 Deer Creek Mine
 Emery County, Utah

ATTACHMENT B

Special Conditions

1. In the event that rocks or other debris from the escarpment above Rilda Creek reach Rilda Creek and cause blockage or alteration of the natural flows, the operator will be required to remove the materials causing the blockage, take necessary measures to prevent sediment production, replace riparian vegetation through reclamation or other means, and re-establish the natural flow patterns. The method of conducting these required activities must be approved in advance by the regulatory authority with consent from the Forest Service.
2. Any damage to fences, roads, spring developments, or other structures caused by escarpment failures or other operations must be repaired or replaced as soon as possible. Methods for repair or replacement of such facilities must be approved in advance by the regulatory authority with consent from the Forest Service.
3. The operator must take necessary measures to prevent raptors from building and occupying nests in the escarpment area during periods that they would be at risk from subsidence. Golden eagle nest 296A must be protected from subsidence unless the operator obtains a take permit from the U.S. Fish and Wildlife Service.
4. The operator must monitor subsidence and escarpment areas to determine the extent of escarpment failures that occur and to determine when they stabilize. The operator is responsible to ensure public safety in the areas where escarpment failures are likely to occur until it is determined that subsidence is substantially complete and the escarpments have stabilized. Methods of providing for public safety and for monitoring escarpment failures, including the frequency of monitoring, must be approved in advance by the regulatory authority with consent from the Forest Service.
5. Should escarpment failures occur to an extent beyond that predicted in the Forest Service's August 1994 environmental assessment or cause functional impairment of surface resources (impacts that are not consistent with management prescriptions in the Forest Plan), additional operations that could cause escarpment failures must be suspended until subsidence effects are re-evaluated by the regulatory authority in consultation with the Forest Service.



United States Department of the Interior

OFFICE OF THE SOLICITOR

*Rocky Mountain Region
P.O. Box 25007, D-105
Denver Federal Center
Denver, CO 80225*

TELE. (303) 231-5353

FAX (303) 231-5363

December 2, 1994

OSM.DV.P093

94-12-08-01

Memorandum

To: Chief, Federal Lands Branch, Western Support Center,
Office of Surface Mining Reclamation and Enforcement

From: Jennifer E. Rigg, Office of the Regional Solicitor, Rocky
Mountain Region

Subject: Deer Creek Mine; Mining Plan Decision Package;
PacifiCorp; Emery County, Utah; Federal Lease Nos.
U-7653, U-06039, U-47977, and SL-050862

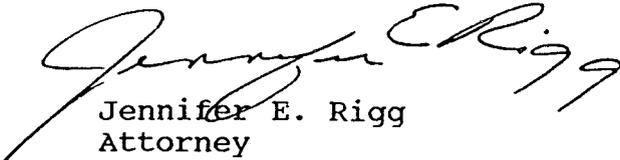
This office has reviewed the decision package for PacifiCorp's Deer Creek Mine for Federal Leases Nos. U-7653, U-06039, U-47977, and SL-050862 in Emery County, Utah. This mining plan supplements the Deer Creek Mine mining plan for Federal Lease Nos. SL-064607-064621, SL-064900, SL-070645, U-1358, U-02292, U-084923, U-084924, U-083066, U-040151, U-044025, U-014275, U-024319, U-47979, U-47977, and SL-050862 approved on October 11, 1985; the mining plan for Federal Lease Nos. U-47977 and SL-050862 approved on January 6, 1993 and modified on July 16, 1993 and July 29, 1994 and the mining plan for U-06039 approved on July 29, 1994. Approval of this mining plan will authorize mining of about 38 million tons of Federal coal within 1412 acres within Federal Lease Nos. U-7653, U-06039, U-47977, and SL-050862.

The Secretary of the Interior and the State of Utah have entered into a cooperative agreement which delegates to the State permitting responsibility for operations on Federal lands pursuant to § 523 of SMCRA. Pursuant to the Utah State Program and the cooperative agreement, the State made findings for approval of the permit amendment application package on October 27, 1994.

The decision package includes proposed memoranda from the Assistant Director, Western Support Center, Office of Surface Mining Reclamation and Enforcement (OSM), to the Director of OSM, and from the Director to the Assistant Secretary, Land and Minerals Management, which recommend approval of the mining plan.

We find that any issues raised during review of the decision

package have been resolved and that approval of the mining plan is consistent with applicable law.


Jennifer E. Rigg
Attorney



United States Department of the Interior

OFFICE OF SURFACE MINING

Reclamation and Enforcement
1999 Broadway, Suite 3320
Denver, Colorado 80202-5733

November 21, 1994

MEMORANDUM

TO: Gina Guy, Regional Solicitor
Rocky Mountain Region

FROM: Ranvir Singh, Chief
Federal Lands Branch

Richard Holbrook
ACTING

SUBJECT: Deer Creek Mine Mining Plan Decision Document

I have attached the draft Decision Document for the Deer Creek Mine Mining Plan for Federal Leases U-7653, U-06039, U-47977, SL-050862. Please review the document and provide me your comments on or before November 30, 1994.

PacifiCorp has informed us that they recently have encountered unforeseen adverse mining conditions (burned coal) that has resulted in a shortage of minable coal under the approved mining plan. They have indicated that they will have mined out the "currently-approved" coal by the first part of December, thus an expeditious review is warranted.

If you have any questions, please contact Richard Holbrook at 672-5599 or me.

Attachment

CONTENTS

Deer Creek Mine
Federal Leases U-7653, U-06039, U-47977, SL-050862
Mining Plan Decision Document

1. Memoranda
 - a. Memorandum from the Director to the Assistant Secretary, Land and Minerals Management
 - b. Memorandum from the Assistant Director, Western Support Center, through the Deputy Director, to the Director
2. Location Maps
3. Chronology
4. National Environmental Policy Act Compliance Documents
5. Documentation of Consultation, Concurrence and Compliance:
 - a. Bureau of Land Management
 - b. U.S. Fish and Wildlife Service
 - c. State Historic Preservation Office
 - d. U.S.D.A. Forest Service, Manti-La Sal National Forest
6. Mining Plan Approval Document
7. Utah Division of Oil, Gas and Mining's State Decision Document



United States Department of the Interior

OFFICE OF SURFACE MINING

Reclamation and Enforcement

Washington, D.C. 20240

DEC 8 1994

MEMORANDUM

To: Assistant Secretary, Land and Minerals Management

From: Robert J. Uram
Director, Office of Surface Mining Reclamation and Enforcement

Subject: Recommendation for Approval of the PacifiCorp's Deer Creek Mine Mining Plan for Federal Leases U-7653, U-06039, U-47977, SL-050862, Emery County, Utah

I recommend approval with conditions of the PacifiCorp's Deer Creek Mine mining plan for Federal leases U-7653, U-06039, U-47977, SL-050862 pursuant to the Mineral Leasing Act of 1920, as amended. This mining plan supplements the Deer Creek mining plan for Federal leases SL-064607-064621, SL-064900, SL-070645, U-1358, U-02292, U-084923, U-084924, U-083066, U-040151, U-044025, U-014275, U-024319, U-47979, U-47977, and SL-050862 approved on October 11, 1985, the mining plan for Federal leases U-47977 and SL-050862 approved on January 6, 1993, and modified on July 16, 1993 and July 29, 1994, and the mining plan for U-06039 approved on July 29, 1994. My recommendation to approve the Deer Creek Mine mining plan is based on: (1) PacifiCorp's complete permit application package (PAP), (2) compliance with the National Environmental Policy Act of 1969, (3) documentation assuring compliance with applicable requirements of other Federal laws, regulations, and executive orders, (4) comments and recommendations or concurrence of other Federal agencies, and the public, (5) the findings and recommendations of the Bureau of Land Management with respect to the resource recovery and protection plan and other requirements of the Federal leases and the Mineral Leasing Act, and (6) the findings and recommendations of the Utah Division of Oil, Gas and Mining with respect to the PAP and the Utah State program.

The Secretary may approve a mining plan for Federal leases under 30 U.S.C. §§ 207(c) and 1273(c). Pursuant to 30 CFR Chapter VII, Subchapter D, I find that the proposed mining plan will be in compliance with all applicable laws and regulations. The decision document for the proposed mining plan action is attached.

Attachment



United States Department of the Interior

OFFICE OF SURFACE MINING
Reclamation and Enforcement
Washington, D.C. 20240

DEC 8 1994

MEMORANDUM

To: Assistant Secretary, Land and Minerals Management

From: Robert J. Uram
Director, Office of Surface Mining Reclamation and Enforcement

Subject: Recommendation for Approval of the PacifiCorp's Deer Creek Mine Mining Plan for Federal Leases U-7653, U-06039, U-47977, SL-050862, Emery County, Utah

I recommend approval with conditions of the PacifiCorp's Deer Creek Mine mining plan for Federal leases U-7653, U-06039, U-47977, SL-050862 pursuant to the Mineral Leasing Act of 1920, as amended. This mining plan supplements the Deer Creek mining plan for Federal leases SL-064607-064621, SL-064900, SL-070645, U-1358, U-02292, U-084923, U-084924, U-083066, U-040151, U-044025, U-014275, U-024319, U-47979, U-47977, and SL-050862 approved on October 11, 1985, the mining plan for Federal leases U-47977 and SL-050862 approved on January 6, 1993, and modified on July 16, 1993 and July 29, 1994, and the mining plan for U-06039 approved on July 29, 1994. My recommendation to approve the Deer Creek Mine mining plan is based on: (1) PacifiCorp's complete permit application package (PAP), (2) compliance with the National Environmental Policy Act of 1969, (3) documentation assuring compliance with applicable requirements of other Federal laws, regulations, and executive orders, (4) comments and recommendations or concurrence of other Federal agencies, and the public, (5) the findings and recommendations of the Bureau of Land Management with respect to the resource recovery and protection plan and other requirements of the Federal leases and the Mineral Leasing Act, and (6) the findings and recommendations of the Utah Division of Oil, Gas and Mining with respect to the PAP and the Utah State program.

The Secretary may approve a mining plan for Federal leases under 30 U.S.C. §§ 207(c) and 1273(c). Pursuant to 30 CFR Chapter VII, Subchapter D, I find that the proposed mining plan will be in compliance with all applicable laws and regulations. The decision document for the proposed mining plan action is attached.

Attachment

OPTIONAL FORM 96 (7-93)

FAX TRANSMITTAL

To: Rick Holbrooke
Dept. Activity: OSM-WSC
Fax #: 202 208 2904

From: R. Uram
Fax #: 202 219 3100

Number of pages: 2

NGA 7540 01-317-7360 5099 GENERAL SERVICES ADMINISTRATION



United States Department of the Interior

OFFICE OF SURFACE MINING

Reclamation and Enforcement
1999 Broadway, Suite 3320
Denver, Colorado 80202-5733

DEC 6 1994

MEMORANDUM

TO: Director

THROUGH: Deputy Director

FROM: Acting Assistant Director, Western Support Center

SUBJECT: Recommendation for Approval with Conditions of the PacifiCorp's Deer Creek Mine Mining Plan for Federal Leases U-7653, U-06039, U-47977, SL-050862, Emery County, Utah

I. Recommendation

I recommend approval with conditions of the Deer Creek Mine mining plan for Federal leases U-7653, U-06039, U-47977, SL-050862. This mining plan supplements the Deer Creek mining plan for Federal leases SL-064607-064621, SL-064900, SL-070645, U-1358, U-02292, U-084923, U-084924, U-083066, U-040151, U-044025, U-014275, U-024319, U-47979, U-47977, and SL-050862 approved on October 11, 1985, the mining plan for Federal leases U-47977 and SL-050862 approved on January 6, 1993, and modified on July 16, 1993 and July 29, 1994, and the mining plan for U-06039 approved on July 29, 1994. My recommendation is based on: (1) PacifiCorp's complete permit application package (PAP), (2) compliance with the National Environmental Policy Act of 1969, (3) documentation assuring compliance with applicable requirements of other Federal laws, regulations, and executive orders, (4) comments and recommendations or concurrence of other Federal agencies, and the public, (5) the findings and recommendations of the Bureau of Land Management with respect to the resource recovery and protection plan and other requirements of the Federal leases and the Mineral Leasing Act, and (6) the findings and recommendations of the Utah Division of Oil, Gas and Mining with respect to the PAP and the Utah State program.

Approval of this mining plan will authorize mining of approximately 38 million tons of Federal coal within the approved mining plan area covering 1412 acres within Federal leases U-7653, U-06039, U-47977, SL-050862, as shown on the maps included with this decision document. The U.S.D.A. Forest Service identified, in its September 27, 1994,

Decision Notice and Finding of No Significant Impact for approval of this mining plan action, certain elements of PacifiCorp's proposal that require special conditions to comply with Federal laws. Those special conditions relating to the underground mining activities are incorporated into the mining plan approval document. The Forest Service conditions will mitigate the adverse environmental and health and safety effects of potential escarpment failures in the vicinity of Rilda Creek.

Utah Division of Oil, Gas and Mining (DOGM) reviewed the PAP under the Utah State program, the Federal lands program (30 CFR Chapter VII, Subchapter D), and the Utah cooperative agreement (30 CFR § 944.30). Pursuant to the Utah State program and the cooperative agreement, Utah DOGM approved the PAP and issued the revised permit on November 2, 1994.

The Office of Surface Mining Reclamation and Enforcement (OSM) has consulted with other Federal agencies for compliance with the requirements of applicable Federal laws, and their comments and concurrences are included in the decision document. The resource recovery and protection plan was reviewed by the Bureau of Land Management (BLM) for compliance with the Mineral Leasing Act of 1920, as amended, and 43 CFR Part 3480, and BLM recommended approval of the mining plan in memorandums dated February 23, 1991 and December 6, 1994. The U.S. Fish and Wildlife Service provided its final consultation comments under Section 7 of the Endangered Species Act in a memorandum dated November 4, 1994. The State Historic Preservation Officer determined in letters dated July 13, 1994, and February 22, 1990, that no additional protection of cultural resources was required. The U.S.D.A. Forest Service, Manti-La Sal National Forest, conditionally concurred with the proposed mining plan action in a letter dated September 27, 1994.

I have determined that the proposed area of mining plan approval is not unsuitable for mining in accordance with section 522(b) of SMCRA. The proposed area of mining plan approval is not near any area proposed for wilderness designation in the H.R. 1500 bill.

The permit revision area is located on Federal lands within the boundaries of the Manti-La Sal National Forest National Forest. However, based on OSM's analysis and on the concurrence of the U.S.D.A. Forest Service, the surface operations and impacts of the Deer Creek Mine are incident to an underground coal mine and will not be incompatible with significant recreational, timber, economic, or other values of the Manti-La Sal National Forest National Forest.

OSM has determined that approval of this mining plan will not have a significant impact on the quality of the human environment. The impacts of approval of this mining plan

and alternatives are described in the environmental assessment attached to the Finding of No Significant Impact (FONSI) included with the decision document.

The mining plan approval document included in the decision document is in conformance with the Mineral Leasing Act of 1920, as amended, and applicable Federal regulations. I recommend that you advise the Assistant Secretary, Land and Minerals Management, under 30 CFR Part 746, that the PacifiCorp's Deer Creek Mine mining plan for Federal leases U-7653, U-06039, U-47977, SL-050862 is ready for approval.

II. Background

The Deer Creek underground coal mine is located in Emery County, Utah, 8 miles west of Huntington. The mine has been in operation since 1969. About 93 acres have been affected by surface disturbance to date. Including the 2372-acre permit revision area, the total permitted area of the Deer Creek Mine contains about 17,000 acres. Mining is expected to continue for 35 years under Utah Permit No. ACT/015/018 and the approved mining plan.

The original mining plan for the Deer Creek Mine was approved under the Federal lands program on October 11, 1985, for Federal leases SL-064607-064621, SL-064900, SL-070645, U-1358, U-02292, U-084923, U-084924, U-083066, U-040151, U-044025, U-014275, U-024319, and U-47979.

PacifiCorp submitted in February 1990, a permit revision application for the 2372-acre Rilda Lease Extension (1732 acres in Federal leases U-7653, U-06039, U-47977, SL-050862 and 640 acres in a State lease). Concerns about subsidence effects on water resources and escarpments in Rilda Canyon resulted in an extended review of the application. In 1993, PacifiCorp encountered unforeseen adverse mining conditions and needed to extend mining operations (the 3rd North Main) into two of the Rilda Lease Extension Federal leases to determine if the proposed mining plan for the Rilda Lease Extension area was feasible. To allow this "exploration" mining, the 120-acre mining plan for Federal leases U-47977 and SL-050862 was approved on January 6, 1993 in conjunction with Utah DOGM's approval of an incidental boundary change IBC-1.

Adverse mining conditions continued to be encountered resulting in two more incidental boundary changes. The mining plan for Federal leases U-47977 and SL-050862 was modified on July 16, 1993 and July 29, 1994 in conjunction with incidental boundary changes IBC-2 (160 acres) and IBC-3 (40 acres). The mining plan for Federal lease U-06039 (20 acres) was approved on July 29, 1994 in conjunction with Utah DOGM's approval of incidental boundary change IBC-3. With this mining plan action for the remainder of the Rilda

Lease Extension, the approved mining plan area for the Deer Creek Mine will contain a total of 15,278 acres.

The underground mining operations utilize longwall mining methods. The Blind Canyon and Hiawatha coal seams are mined at an average production rate of about 3 million tons per year. No additional surface disturbance except that related to mining-induced subsidence will result from this action.

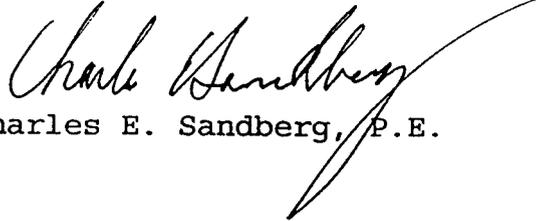
A chronology of events related to the processing of the PAP is included with the decision document. The information in the PAP, as well as other information identified in the decision document, has been reviewed by Utah DOGM staff in coordination with the OSM Project Leader.

During the review of the PAP, the Forest Service identified concerns about construction of a surface facility for a ventilation fan in Rilda Canyon, and the proposed subsidence of escarpments in Rilda Canyon. The North Emery County Water Users Association expressed concerns about mining effects on its springs in Rilda Canyon. PacifiCorp removed the proposal for the surface facilities from the PAP and submitted it in a separate application that is currently under review. The Forest Service and BLM conducted an extensive analysis of the subsidence effects on the Rilda Canyon escarpments (discussed in the environmental assessment) and the Forest Service developed conditions to mitigate those effects. The conditions are included in the mining plan approval document. PacifiCorp negotiated a settlement with the North Emery County Water Users Association that satisfied its concerns about adverse effects on its springs.

The public was notified of the availability of the PAP for review by publication of newspaper notices for four consecutive weeks, with a last publication date of May 10, 1994. No public comments on the PAP were received after the public notice was published.

Utah DOGM determined that a bond in the amount of \$2,000,000.00 is adequate for the Utah Permit No. ACT/015/018 associated with this mining plan action. The bond is payable to the State and the United States.

The PAP submitted by PacifiCorp and updated through February 18, 1994, Utah DOGM's State Decision Document provided to OSM under the cooperative agreement, the environmental assessment and FONSI of the proposed action and alternatives prepared by OSM, other documents prepared by Utah DOGM, and correspondence developed during the review of the PAP are part of OSM's administrative record.



Charles E. Sandberg, P.E.

Date DEC 6 1994

Attachments



United States Department of the Interior
OFFICE OF SURFACE MINING
Reclamation and Enforcement
WASHINGTON, D.C. 20240



MEMORANDUM

To: Assistant Secretary, Land and Minerals Management

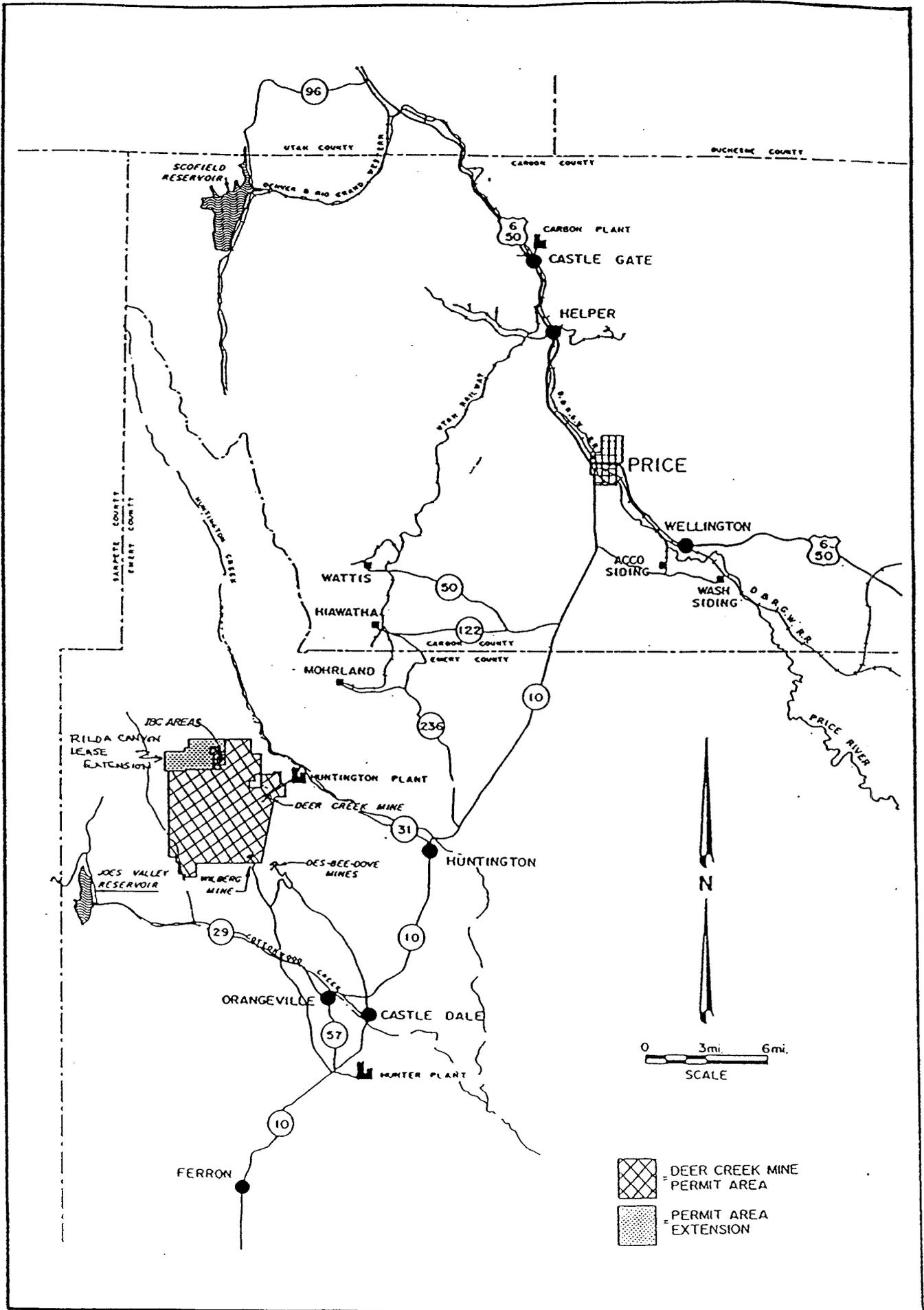
From: Robert J. Uram
Director, Office of Surface Mining Reclamation and Enforcement

Subject: Recommendation for Approval of the PacifiCorp's Deer Creek Mine Mining Plan for Federal Leases U-7653, U-06039, U-47977, SL-050862, Emery County, Utah

I recommend approval with conditions of the PacifiCorp's Deer Creek Mine mining plan for Federal leases U-7653, U-06039, U-47977, SL-050862 pursuant to the Mineral Leasing Act of 1920, as amended. This mining plan supplements the Deer Creek mining plan for Federal leases SL-064607-064621, SL-064900, SL-070645, U-1358, U-02292, U-084923, U-084924, U-083066, U-040151, U-044025, U-014275, U-024319, U-47979, U-47977, and SL-050862 approved on October 11, 1985, the mining plan for Federal leases U-47977 and SL-050862 approved on January 6, 1993, and modified on July 16, 1993 and July 29, 1994, and the mining plan for U-06039 approved on July 29, 1994. My recommendation to approve the Deer Creek Mine mining plan is based on: (1) PacifiCorp's complete permit application package (PAP), (2) compliance with the National Environmental Policy Act of 1969, (3) documentation assuring compliance with applicable requirements of other Federal laws, regulations, and executive orders, (4) comments and recommendations or concurrence of other Federal agencies, and the public, (5) the findings and recommendations of the Bureau of Land Management with respect to the resource recovery and protection plan and other requirements of the Federal leases and the Mineral Leasing Act, and (6) the findings and recommendations of the Utah Division of Oil, Gas and Mining with respect to the PAP and the Utah State program.

The Secretary may approve a mining plan for Federal leases under 30 U.S.C. §§ 207(c) and 1273(c). Pursuant to 30 CFR Chapter VII, Subchapter D, I find that the proposed mining plan will be in compliance with all applicable laws and regulations. The decision document for the proposed mining plan action is attached.

Attachment



TBC AREAS
 RILDA CANYON
 LEASE
 EXTENSION

JOES VALLEY
 RESERVOIR

WILBERG
 MINE

DES-BEE-DOVE
 MINES

ORANGEVILLE

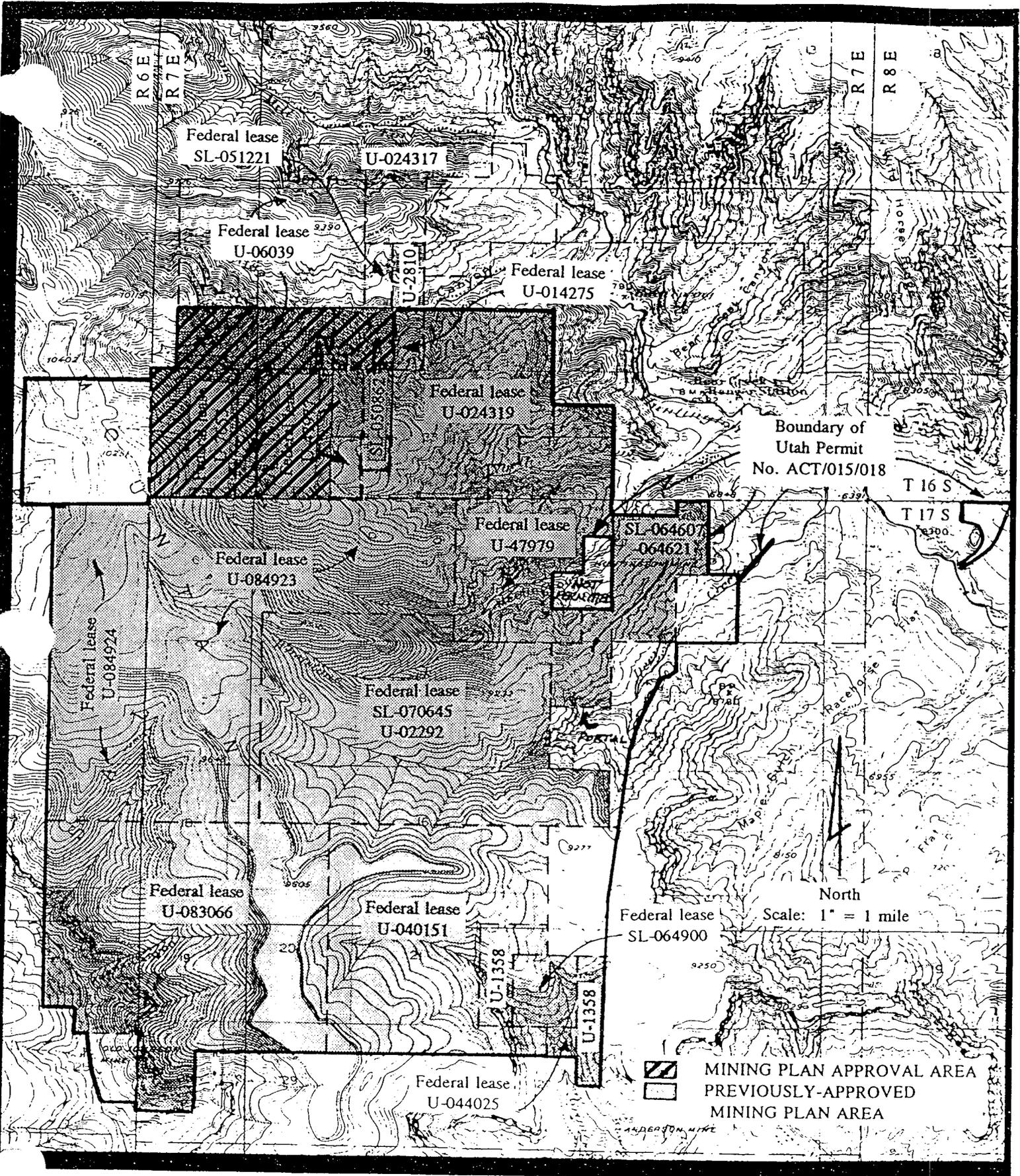
CASTLE DALE

FERRON

-  DEER CREEK MINE PERMIT AREA
-  PERMIT AREA EXTENSION

0 3mi 6mi
 SCALE

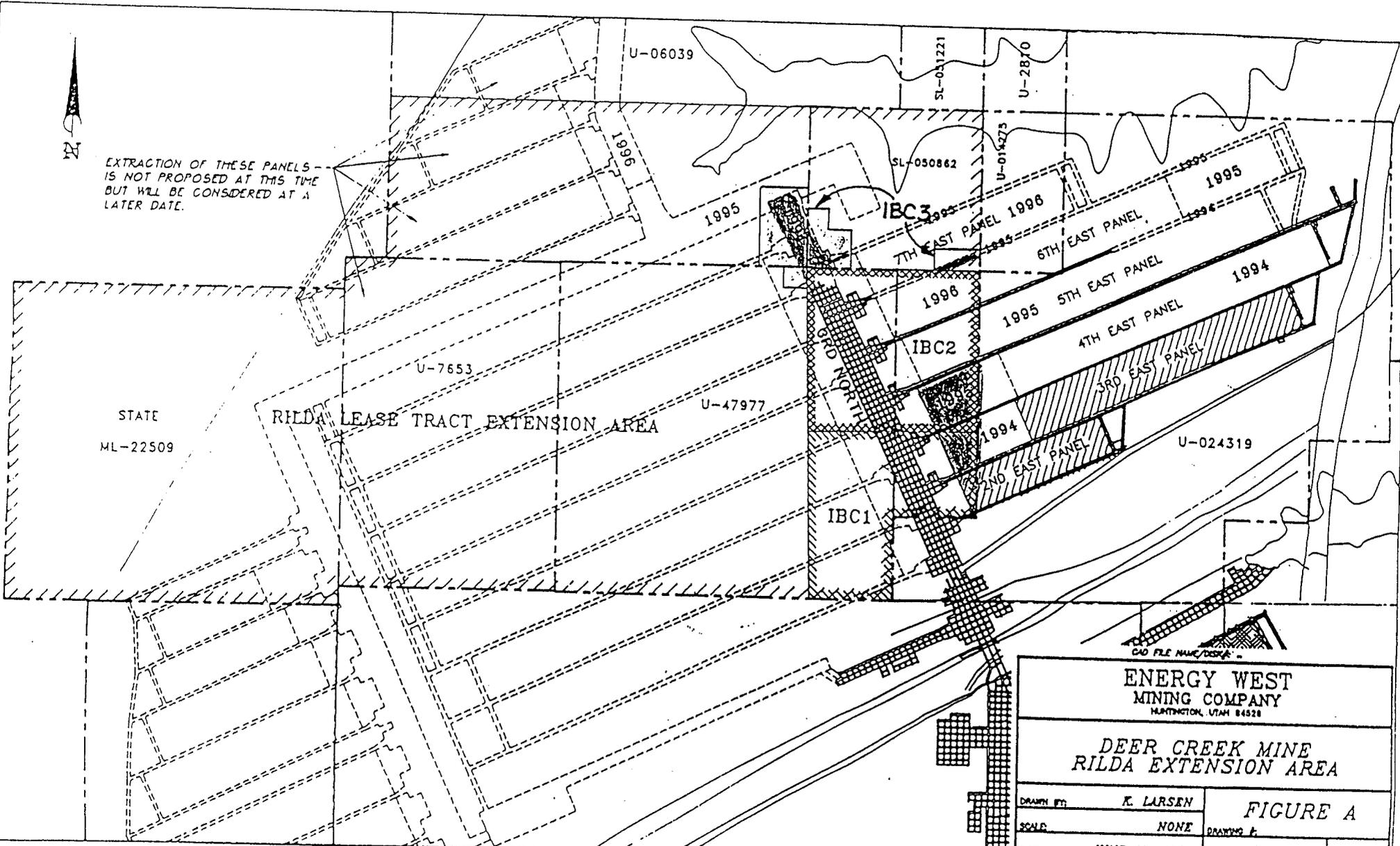




Mining Plan Approval Area
 Deer Creek Mine
 Emery County, Utah



EXTRACTION OF THESE PANELS IS NOT PROPOSED AT THIS TIME BUT WILL BE CONSIDERED AT A LATER DATE.



ENERGY WEST MINING COMPANY <small>HARRINGTON, UTAH 84528</small>	
DEER CREEK MINE RILDA EXTENSION AREA	
DRAWN BY: K. LARSEN	FIGURE A
SCALE: NONE	DRAWING #
DATE: JUNE 17, 1994	SHEET 1 OF 1 REV.

CHRONOLOGY
 Deer Creek Mine
 Federal Leases U-7653, U-06039, U-47977, SL-050862
 Mining Plan Decision Document

DATE	EVENT
February 12, 1990	PacifiCorp submitted the permit application package (PAP) under the approved Utah State Program to the Utah Division of Oil, Gas and Mining (DOGM) for a permit revision for the Deer Creek Mine.
February 18, 1990	The Office of Surface Mining Reclamation and Enforcement (OSM) received the PAP.
February 23, 1991 December 6, 1994	The Bureau of Land Management provided its findings and recommendations on the approval of the mining plan.
February 8, 1994	PacifiCorp resubmitted to Utah DOGM a reformatted PAP to replace the 1990 PAP.
February 18, 1994	The Office of Surface Mining Reclamation and Enforcement (OSM) received the resubmitted, reformatted PAP.
April 14, 1994	Utah DOGM determined that the PAP was administratively complete for public review and comment.
May 10, 1994	PacifiCorp published in the Emery County Progress the fourth consecutive weekly notice that its complete PAP was filed with Utah DOGM.
July 13, 1994	The State Historic Preservation Office provided its comments on the mining plan.
September 27, 1994	The U.S.D.A. Forest Service, Manti-La Sal National Forest provided its final concurrence with the approval of the mining plan.
November 2, 1994	Utah DOGM approved the PAP.
November 4, 1994	The U.S. Fish and Wildlife Service provided its final consultation comments on the mining plan.

CHRONOLOGY
Deer Creek Mine
Federal Leases U-7653, U-06039, U-47977, SL-050862
Mining Plan Decision Document
(continued)

DATE	EVENT
November 8, 1994	OSM received Utah DOGM's final State Decision Document.
December 1994	OSM's Western Support Center recommended that the mining plan be approved.

U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
FINDING OF NO SIGNIFICANT IMPACT
FOR
Deer Creek Mine
Federal Leases U-7653, U-06039, U-47977, SL-050862
Mining Plan Decision Document

A. Introduction

PacifiCorp submitted a permit application package (PAP) for a permit revision for the Deer Creek Mine to the Utah Division of Oil, Gas and Mining (DOG M) under the Utah State program (30 CFR Part 944). The PAP proposes extending underground mining operations into about 2372 acres, including 1412 acres of Federal leases U-7653, U-06039, U-47977, SL-050862. The proposed mining plan would cause no new surface disturbance except that which results from mining-induced subsidence.

Under the Mineral Leasing Act of 1920, the Assistant Secretary, Land and Minerals Management, must approve, approve with conditions, or disapprove the mining plan for Federal leases U-7653, U-06039, U-47977, SL-050862. Pursuant to 30 CFR Part 746, the Office of Surface Mining Reclamation and Enforcement (OSM) is recommending approval of this mining plan with conditions.

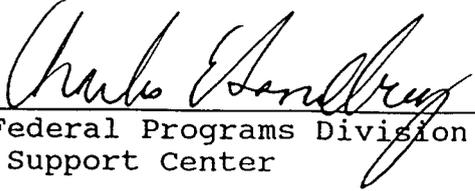
B. Statement of Environmental Significance of the Proposed Action

The undersigned person has determined that the above-named proposed action would not have a significant impact on the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4332(2)(C), and therefore, an environmental impact statement is not required.

This finding of no significant impact is based on the attached environmental assessment (EA) prepared August 1994, by the U.S.D.A. Forest Service in cooperation with the Bureau of Land Management and OSM. The EA addresses the environmental impacts resulting from the approval of PacifiCorp's proposed mining plan for Federal leases U-7653, U-06039, U-47977, SL-050862, including construction of surface facilities and mining under Rilda Canyon escarpments. The mining plan recommended for approval with conditions by OSM is for underground mining activities only and does not include construction of any surface facilities. The approval conditions, developed by the Forest Service, will mitigate the adverse environmental and health and safety effects of potential escarpment failures in the vicinity of Rilda Creek. A proposed mining plan modification to construct the surface facilities is

currently being reviewed by Utah DOGM, the Forest Service,
and OSM.

OSM independently evaluated the EA as of the date specified
below and determined that it adequately and accurately
assesses the environmental impacts of the proposed action
and provides sufficient evidence and analysis for this
finding of no significant impact. OSM takes full
responsibility for the accuracy, scope, and content of the
attached EA.

 Acting

Chief, Federal Programs Division
Western Support Center

12-6-94
Date

UNITED STATES

DEPARTMENT OF THE INTERIOR

This mining plan approval document is issued by the United States of America to:

PacifiCorp
201 South Main, Suite 2100
Salt Lake City, Utah 84140-0021

for the Deer Creek Mine mining plan for Federal leases U-7653, U-06039, U-47977, SL-050862 subject to the following conditions. PacifiCorp is hereinafter referred to as the operator.

1. Statutes and Regulations.--This mining plan approval is issued pursuant to Federal leases U-7653, U-06039, U-47977, SL-050862; the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.); and in the case of acquired lands, the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351 et seq.). This mining plan approval is subject to all applicable regulations of the Secretary of the Interior which are now or hereafter in force; and all such regulations are made a part hereof. The operator shall comply with the provisions of the Water Pollution Control Act (33 U.S.C. 1151 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and other applicable Federal laws.
2. This document approves the Deer Creek Mine mining plan for Federal leases U-7653, U-06039, U-47977, SL-050862, and authorizes coal development or mining operations on the Federal leases within the area of mining plan approval. This authorization is not valid beyond

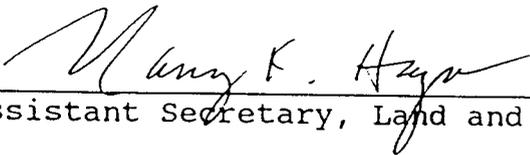
T. 16 S., R. 7 E., Salt Lake Baseline and Meridian

Sec. 28 W1/2 SW1/4
Sec. 29 E1/2 SE1/4, SW1/4, W1/2 SE1/4
Sec. 30 SE1/4
Sec. 31 All
Sec. 32 All
Sec. 33 W1/2 NW1/4; NW1/4 SW 1/4

as shown on the map appended hereto as Attachment A.

3. The operator shall conduct coal development and mining operations only as described in the complete permit application package, and approved by the Utah Division of Oil, Gas and Mining, except as otherwise directed in the conditions of this mining plan approval.

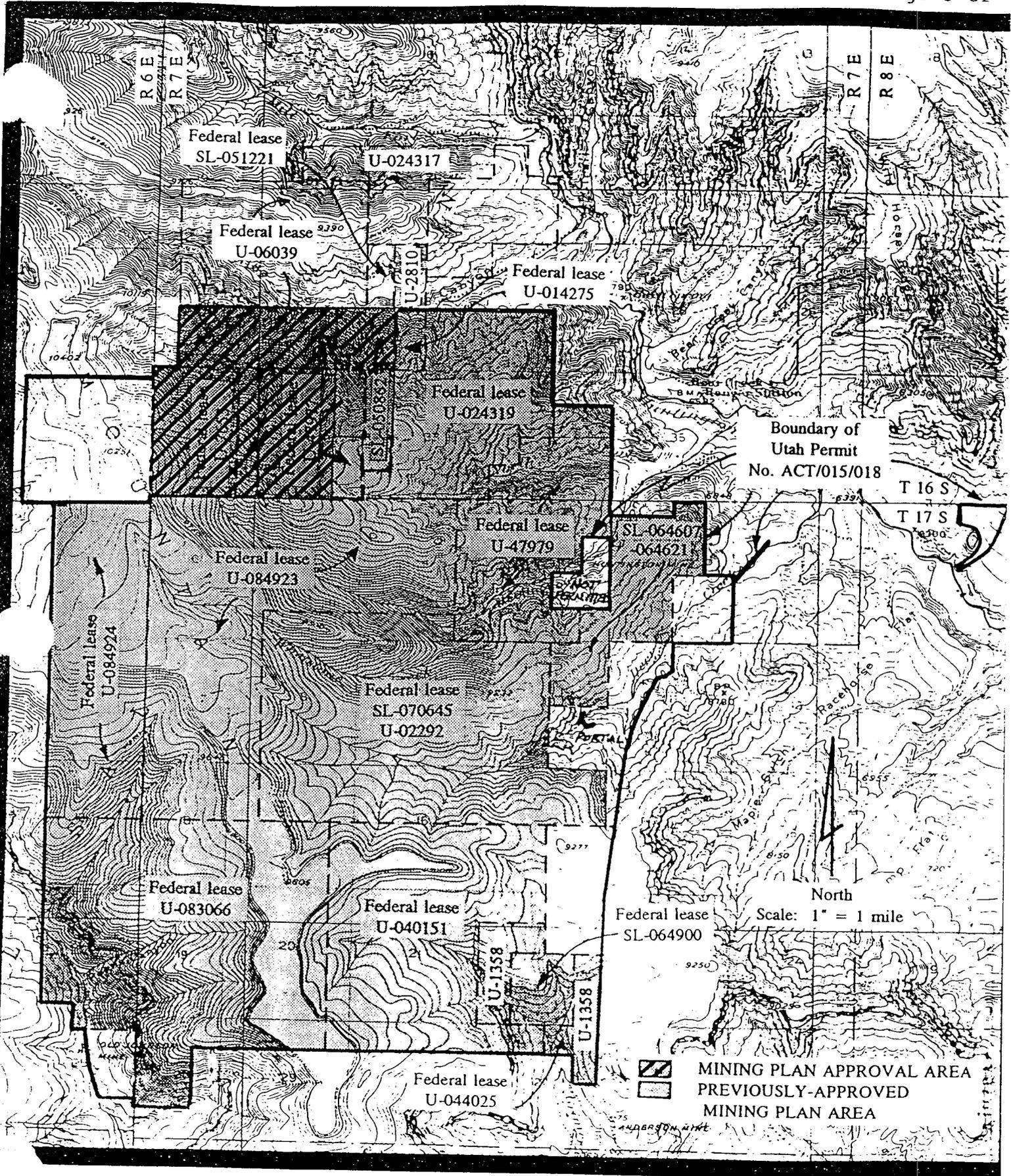
4. The operator shall comply with the terms and conditions of the leases, this mining plan approval, the special conditions appended hereto as Attachment B, and the requirements of the Utah Permit No. ACT/015/018 issued under the Utah State program, approved pursuant to the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).
5. This mining plan approval shall be binding on any person conducting coal development or mining operations under the approved mining plan and shall remain in effect until superseded, cancelled, or withdrawn.
6. If during mining operations unidentified prehistoric or historic resources are discovered, the operator shall ensure that the resources are not disturbed and shall notify Utah Division of Oil, Gas and Mining and the Office of Surface Mining Reclamation and Enforcement (OSM). The operator shall take such actions as are required by Utah Division of Oil, Gas and Mining in coordination with OSM.


Murray F. Hays

12-13-84

Assistant Secretary, Land and Minerals Management

Date



Attachment A
Mining Plan Approval Area
Deer Creek Mine
Emery County, Utah

ATTACHMENT B

Special Conditions

1. In the event that rocks or other debris from the escarpment above Rilda Creek reach Rilda Creek and cause blockage or alteration of the natural flows, the operator will be required to remove the materials causing the blockage, take necessary measures to prevent sediment production, replace riparian vegetation through reclamation or other means, and re-establish the natural flow patterns. The method of conducting these required activities must be approved in advance by the regulatory authority with consent from the Forest Service.
2. Any damage to fences, roads, spring developments, or other structures caused by escarpment failures or other operations must be repaired or replaced as soon as possible. Methods for repair or replacement of such facilities must be approved in advance by the regulatory authority with consent from the Forest Service.
3. The operator must take necessary measures to prevent raptors from building and occupying nests in the escarpment area during periods that they would be at risk from subsidence. Golden eagle nest 296A must be protected from subsidence unless the operator obtains a take permit from the U.S. Fish and Wildlife Service.
4. The operator must monitor subsidence and escarpment areas to determine the extent of escarpment failures that occur and to determine when they stabilize. The operator is responsible to ensure public safety in the areas where escarpment failures are likely to occur until it is determined that subsidence is substantially complete and the escarpments have stabilized. Methods of providing for public safety and for monitoring escarpment failures, including the frequency of monitoring, must be approved in advance by the regulatory authority with consent from the Forest Service.
5. Should escarpment failures occur to an extent beyond that predicted in the Forest Service's August 1994 environmental assessment or cause functional impairment of surface resources (impacts that are not consistent with management prescriptions in the Forest Plan), additional operations that could cause escarpment failures must be suspended until subsidence effects are re-evaluated by the regulatory authority in consultation with the Forest Service.