

0018

Document Information Form

Mine Number: C/015/018

File Name: Incoming

To: DOGM

From:

Person N/A

Company N/A

Date Sent: August 26, 1996

Explanation:

Decision Memo

cc:

File in: C/015, 018, Incoming

Refer to:

- Confidential
- Shelf
- Expandable

Date _____ For additional information

DECISION MEMO

for

**PACIFICORP 1996 COAL EXPLORATION PLAN
6-HOLE HELICOPTER SUPPORTED ON RILDA RIDGE
Deer Creek Mine
Federal Coal Leases: U-024317, U-06039, U-2810, SL-05122**

File in:

- Confidential
- Shelf
- Expandable

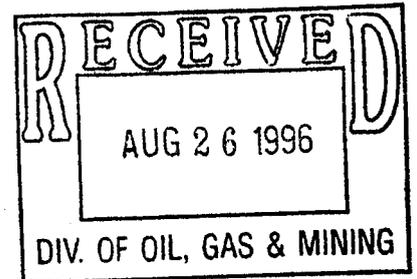
Refer to Record No 0018 Date 8-26-96

In C/ 015, 018, Incoming

For additional information

August 1996

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



Proposed Action and Purpose and Need

On June 7, 1996 the Forest Service received a preliminary proposal for a coal exploration plan from PacifiCorp. An official copy was later received from the USDI Bureau of Land Management (BLM) on July 23, 1996. The request was for the drilling of six helicopter supported holes on National Forest System lands. No new road construction was proposed, so the disturbance was to be limited to six drill pads on the ridge between Mill Fork and Rilda Canyons.

The proposed exploration drill holes are located on the ridge between Rilda and Mill Fork Canyons in the Huntington drainage, T 16S R 7E, Sections 20, 21, 28, & 29. The pad sites to be occupied are proposed to be 40'x40', no mechanized earth work should be required.

Coal exploration holes are needed by the mining company to delineate the extent of mineable coal. The Forest Service, as the surface management agency, was requested by the BLM to conduct an environmental analysis and prescribe any additional stipulations to be added as conditions of consent to the coal exploration plan. The BLM is the responsible agency for permitting under the Mineral Leasing Act of 1920, as amended. Forest Service consent to BLM approval of the exploration plan is required under authority of the Coal Leasing Amendments Act of 1975 and subsequent regulations.

Decision

After careful review of the proposal, public comments, and the environmental analysis disclosed in the project file, I have decided to consent to the approval by the BLM of the proposal subject to Forest Service stipulations.

Appendix A contains stipulations applied from the Manti-La Sal Forest Plan and additional mitigation measures that address the Forest Service management concerns normally associated with this type of project. All measures will be required and incorporated into the approval process by BLM as

Conditions of Approval to mitigate potential adverse impacts associated with the drilling project. I believe the mitigation measures listed in Appendix A adequately address the anticipated impacts to the resource issues and are hereby incorporated into my decision as conditions of consent.

PacifiCorp presently holds a road use permit covering commercial operations in this and other project areas.

Reasons for Categorically Excluding the Proposed Action

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

Finding no extraordinary circumstances, I determined the proposed action may be categorically excluded under FSH 1909.15, Chapter 31.2, category 3 (Approval, modification or continuation of minor special uses of National Forest System Lands that require less than five contiguous acres of land) and category 8 (Short-term mineral, energy or geophysical investigations...).

Public Involvement

A news release was submitted to the Sun Advocate and Emery County Progress on July 15, 1996 and a scoping letter sent July 16, 1996 to interested publics and agencies inviting comments on the proposal (project file). No comments were received.

Findings Required by other Laws

The analysis tiered to the Manti-La Sal National Forest Land and Resources Management Plan, EIS, and Record of Decision (1986), as amended. The proposed drill pads fall within the RNG & GWR Management Units, which emphasize the production of forage and cover for domestic livestock and wildlife (page III-64).

My decision is consistent with the Forest Plan and will not require amendments. I considered and find the decision consistent with the National Forest Management Act requirements as expressed in 36 CFR 219.27. A biological evaluation & assessment was prepared and is contained in the project file. The decision complies with the Endangered Species Act of 1973 and Section 106 of the National Historic Preservation Act of 1966 (project file).

Implementation Date

My decision may be implemented by the USDI Bureau of Land Management on or after the date of signature. The BLM is responsible for project administration and monitoring, including hole plugging. The Forest Service will work with the BLM with respect to surface operations and site reclamation.

Administrative Review or Appeal Opportunities

I am willing to meet with the holder of a written instrument and hear any concerns or issues related to this decision. PacifiCorp may appeal this decision under 36 CFR 251, Subpart C. Any written notice of appeal must be fully consistent with 36 CFR 251.90, including the reasons for the appeal, and must be filed on or before September 23, 1996. The decision is not subject to appeal under 36 CFR 215 and 217.

Notice of Appeal and statement of reasons must be submitted in writing to ATTN: Appeal Deciding Officer, USDA Forest Service, 324 25th Street, Ogden, UT 84401. Simultaneously send a copy of the Notice of Appeal to: ATTN: Forest Supervisor, Manti-La Sal National Forest, 599 West Price River Drive, Price, UT 84501.

Contact Person

Persons with questions related to this decision or project may contact Jeff DeFrest at the Price Work Center, Ferron-Price Ranger District, 599 West Price River Drive, Price, Utah, 84501 or call (801) 637-2817.


JANETTE S. KAISER
Forest Supervisor

Date 8-22-96

APPENDIX A

STIPULATIONS

Stipulations to be included in the Coal Drilling Permit/License

1. A pre-work meeting including the responsible company representative(s), contractors, and the Forest Service must be conducted at the project location prior to commencement of operations. Site-specific Forest Service requirements will be discussed at this time.
2. A Road Use Permit has already been issued. The operation must adhere to the conditions of the road use permit, as well as the approved exploration plan. Any modifications or changes to approved locations are also subject to review and approval.
3. All surface disturbing activities including reclamation must be supervised by a responsible representative of the permittee/licensee who is aware of the terms and conditions of the projects permits/licenses. A copy of the appropriate permits/licenses must be available for review at the project site and presented upon demand to any Forest Service official.
4. The Forest must be notified 48 hours in advance that heavy equipment and aircraft will be moved onto National Forest System lands and that surface disturbing activities will commence.
5. Establishment of campsites and staging areas on National Forest System lands in support of this project is subject to Forest Service approval.
6. The Forest Service must be notified of any proposed alterations to the plan of operations. Any changes to the existing plan are subject to Forest Service review and approval.
7. Fire suppression equipment must be available to all personnel working at the project site. Equipment must include at least one hand tool per crew member consisting of shovels and pulaskis and one properly rated fire extinguisher per vehicle and/or internal combustion engine.
8. All gasoline, diesel, and steam-powered equipment must be equipped with effective spark arrestors or mufflers. Spark arrestors must meet Forest Service specifications discussed in the "General Purpose and Locomotive (GP/L) Spark Arrester Guide, Volume 1, April, 1988"; and "Multi-position Small Engine (MSE) Spark Arrester Guide, April, 1989". In addition, all electrical equipment must be properly insulated to prevent sparks.
9. The permittee/licensee will be held responsible for damage and suppression costs for fires started as a result of operations. Fires must be reported to the Forest Service as soon as possible.
10. The Forest Service reserves the right to suspend operations during periods of high fire potential.

11. Water needed in support of operations must be properly and legally obtained according to Utah State water laws. The location of diversions, if on National Forest System lands, are subject to Forest Service review and approval. Water diversion structures, if needed, must be constructed as specified by the Forest Service.
12. Unauthorized off-road vehicular travel is prohibited.
13. Section corners or other survey markers, including claim corners, in the project area must be located and flagged for preservation prior to commencement of surface disturbing activities. The removal, displacement, or disturbance of markers must be approved by the proper authority. Replacement will be done by the proper authority at the expense of the permittee/licensee.
14. If cultural or paleontological resources are discovered during operations, all operations which may result in disturbance to the resources must cease and the Forest Service must be notified of the discovery.
15. Gates must be closed after entry unless otherwise specified.
16. The permittee/licensee will be held responsible for all damage to fences, cattleguards, resource improvements, roads, and other structures on National Forest System lands which result from their operations. The Forest Service must be notified of damages as soon as possible.
17. Operations must be coordinated with grazing permittees to prevent conflicts.
18. Harrassment of wildlife and livestock is prohibited.
19. Not Applicable
20. Not Applicable
21. All drilling fluids, mud and cuttings must be contained on the project site in mud pits or portable containers. The pit must not be used for disposal of garbage, trash or other refuse. Unattended pits will be fenced to keep out livestock and wildlife.
22. During the drilling operations all trash, garbage and other refuse must be properly contained on the project site prior to disposal at authorized sites.
23. All significant water encountered during drilling must be reported to the Forest Service, including the depth and formation at which it was encountered, and an estimate of the flow.
24. If any of the drill holes encounter artesian groundwater flow, the District Ranger must be notified prior to plugging the hole to determine whether or not the Forest Service would elect to establish a permanent water development at the site.
25. All drill holes must be plugged in accordance with Federal and State regulations.
26. The operator must clean up and remove all drilling equipment, trash, garbage, flagging, vehicles and other such materials from National Forest System lands.

27. Disturbed areas must be reclaimed by the end of the field season. Exceptions require Forest Service approval.
28. The project, including reclamation is to be completed during the 1996 field season. If additional time is needed the Forest Service should be advised so the permit can be amended. Additionally, if the project is not completed during the 1996 field season, based upon follow up surveys, project implementation will be allowed only after August 1st of each year to protect potential habitation of peregrine falcons in Mill Fork and Rilda canyons.
29. Drill rigs and heavy equipment (not including water trucks) must not be transported in or out of the Rilda/Mill Fork Canyon area nor airlifted during the opening of the general elk hunt nor during the opening weekend of the general deer hunt and during holiday weekends. If required, the water truck must be preceded by a pilot vehicle when hauling water for the project during the hunting season.
30. Contaminated soil and gravel must be stripped and hauled off Forest prior to site reclamation.
31. Mud pits must be allowed to dry or pumped before they are backfilled and reclaimed. If pumped, fluids will be disposed off Forest, at a Utah State approved site. They must be enclosed by a 4-strand barbed wire fence while they are left to dry.
32. Drill sites, roads to be obliterated, and mud pits when they are dry, must be reclaimed by selectively backfilling excavated materials, topsoil last, such that the disturbed area is replaced to approximate original contour. The disturbed area must be seeded with the seed mix specified in the proposal.
33. Upon completion of the project, compacted soils must be raked or scarified and seeded with the specified seed mix.
34. All disturbed drainages must be replaced to their approximate original configuration when the project area is reclaimed.
35. Any reclaimed roads must be signed and blocked off to discourage vehicle access by the public.
36. Reclamation efforts will be diligently pursued to insure that a minimum ground cover is established on all disturbed areas. Revegetation will be considered successful when 90% of the predisturbance ground cover is re-established over the entire disturbed area, with no noxious weeds. Adjacent undisturbed areas will be used as a basis for comparison of ground cover. Of the vegetative ground cover, at least 90% must consist of seeded or other desirable species. The 90% of pre-disturbance ground cover must be maintained for three years.
37. Seeding will be done with the following certified seed mix (as specified in the proposal):

Species	pounds/acre
Intermediate Wheatgrass - <i>Agropyron intermedium</i>	3
Crested Wheatgrass - <i>Agropyron cristatum</i>	1

Orchard Grass - <i>Dactylis glomerata</i>	2
Slender Wheatgrass - <i>Agropyron trachycaulum</i>	3
Smooth Brome - <i>Bromus inermus</i>	1
Western Wheatgrass - <i>Agropyron smithii</i>	2
Ladak Alfalfa - <i>Medicago sativa ladak</i>	1
Yellow Sweet Clover - <i>Melilotus officinalis</i>	1
Small Burnett - <i>Sanguisorba minor</i>	1
Perennial Ryegrass - <i>Lolium perenne</i>	1

This seed mixture must be 99 percent pure live seed containing a maximum of 1% weeds none of which are noxious.

38. The operator will be held responsible for control of noxious weed infestations found to be a result of this drilling operation.
39. No timber will be removed.
40. Outside berms will not be constructed on any roads.
41. STIPULATION FOR LANDS OF THE NATIONAL FOREST SYSTEM UNDER JURISDICTION OF 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 the Secretary of Interior in the license/prospecting 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 the Interior, (2) uses of all existing improvements, such as Forest Development Roads, within and outside the area licensed, permitted or leased by the Secretary of the Interior, and (3) use and occupancy of the NFS not authorized by a permit/operating plan approved by the Secretary of the Interior.

All matters related to this stipulation are to be addressed

to: Forest Supervisor
at: 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.

42. Warning signs indicating "HELICOPTER OPERATIONS" (24"x24" minimum size) must be posted 500 feet each side of the landing/work zone area. Signs are to be covered whenever work is not in progress, and removed upon completion of the project.