



United States
Department of
Agriculture

Forest
Service

Manti-La Sal
National Forest

Supervisor's Office
599 West Price River Drive
Price, UT 84501
Phone # (435) 637-2817
Fax # (435) 637-4940

File Code: 2820-4

Date: February 11, 2004

Peter Rutledge
Chief Program Support Division, Western Regional
Coordinating Center
Office of Surface Mining
P.O. Box 46667
Denver, CO 80201-6667

Dear Mr. Rutledge:

This letter is in response to your January 28, 2004 letter requesting additional comments regarding the proposed Mine Permit Change for PacifiCorp's North Rilda Canyon portal facilities.

We have reviewed environmental documents previously completed and find that the proposal is not within the scope of prior NEPA documentation or agency decisions, nor is it authorized by the approved Mine Plan or permit. We believe the proposal will involve "significant surface disturbance" as defined in the Mineral Leasing Act of 1920 as amended by the Federal Coal Leasing Amendments Act of 1975 (Section 6), as it will extend completely across the canyon bottom and require piping 1,200 feet of perennial stream. For clarification, the entire 10.2-acre proposed project area is viewed as new disturbance because the 'previously disturbed and reclaimed' area referenced in your letter was associated with pre-SMCRA activities that were successfully restored to resource production over a decade ago.

We completed a preliminary assessment of the proposal relative to the CEQ significance criteria at 40 CFR 1508.27 and believe that there is potential for significant effects (see attached). An environmental analysis should be prepared jointly by OSM and the FS in accordance with agency regulations, Forest Plan direction, and lease stipulations (U-2810, SL-051221 & U-06039). Additionally, the Forest has a connected action associated with Emery County's desire for a public road easement along the rerouted roadway.

We believe that the proposal should be designated as a Mine Plan Modification because of potential for significant effects, and because the action would be beyond the scope of prior mine plan approval/consent pursuant to the Minerals Leasing Act. An environmental analysis should be conducted to explore alternatives and mitigations, and disclose effects to the public. Preparation of an Environmental Assessment or Environmental Impact Statement should commence as soon as possible to avoid delays.

RECEIVED
FEB 17 2004 2/18/04
DIV. OF OIL GAS & MIN.



Peter Rutledge

Page 2

If you have any questions, contact Aaron Howe or Carter Reed at the Forest Supervisor's Office in Price, Utah.

Sincerely,


ALICE B. CARLTON
Forest Supervisor

Enclosure

cc:

Regional Forester, Intermountain Region

Sally Wisely, Utah State Director, Bureau of Land Management

Mary Ann Wright, DOGM

D-2/3

**PRELIMINARY SIGNIFICANCE EVALUATION
PROPOSED RILDA CANYON PORTAL FACILITIES
Manti-La Sal National Forest, 02/09/04**

Significant Effects (CEQ Regulations)

The criteria used to determine significance as defined under NEPA are contained in 40 CFR 1508.27. "Significantly" as used in NEPA requires consideration of both context and intensity.

Context: Significance of an action must be analyzed in several contexts such as society as a whole, the affected region, the affected interests, and the locality. In case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short and long-term effects are relevant.

- For the Rilda Canyon project, the physical effects context would be generally defined as the Huntington Canyon drainage and watershed, including Rilda Creek and other tributaries. Effects to elk and deer herds would be much broader considering the affected herds and range of habitation and use. The affected human environment would involve a larger area consisting of at least the Castle Valley Area communities (recreation, livestock grazing, water use).
- The duration of effects would be 20 to more than 50 years considering both the length of time of facilities will be used plus time needed for reclamation to restore the understory and overstory vegetation, and the aquatic ecosystem to pre-mining conditions.

Intensity: This refers to the severity of impact considering ecologically critical areas, the extent to which the effects could be highly controversial, and whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance cannot be avoided by terming an action temporary or by breaking it down into small components.

- **Controversy** - Among the involved agencies there would most likely be general consensus regarding the magnitude and duration of effects, however affected interests are likely to strongly disagree.
- **Cumulative Effects** - There is little doubt that the analysis must consider the effects of the many actions and uses in the Huntington Canyon area to be defined as the affected environment. The proposed project is likely to cause significant effects to some resources by complete removal of a substantial amount of the aquatic ecosystem in the canyon and habitat for terrestrial wildlife. Cumulative effects to wildlife, water quality, recreation, and wildlife grazing are currently occurring due to the high-intensity human activities occurring in the area. They consist of coalbed methane field development, other mine portal facilities (Deer

Creek and Crandall Canyon), the Huntington Power Plant, subsidence of escarpments, breakout in the South Fork of Rilda Canyon, the mixing of coal, oil and gas, and recreation traffic along the Huntington Canyon Scenic Byway (State Route 31), recreation use, and livestock grazing.

- **Reduced flow in Huntington Creek potentially due to Subsidence at Skyline Mine** -Of specific concern regarding cumulative effects to fish habitat and macroinvertebrates in Huntington Creek is that minimum discharge to Huntington Creek from Electric Lake has been reduced from 12 CFS to 6 CFS to preserve water stored to meet power plant needs. This has affected fish and macroinvertebrate productivity. Only preliminary monitoring results are currently available.
- **Big-Game Winter Range (Forest Management Indicator Species)** -The proposed developments, combined with other activities in the Canyon and adjacent areas, would cumulatively interfere with big-game (elk) wintering and migration.