



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Utah State Office  
P.O. Box 45155  
Salt Lake City, UT 84145-0155  
<http://www.blm.gov>

IN REPLY REFER TO:  
3482  
SL-051221, U-2810  
(UT-923)

APR 02 2004

RECEIVED

APR 07 2004

PacifiCorp  
c/o Interwest Mining Company  
One Utah Center, Suite 2000  
201 South Man Street  
Salt Lake City, Utah 84140-0020

DIV. OF OIL, GAS & MINING

*C/015/0018 OK*  
*Copy Letter - Mary Ann, Daron, Susan, Juci*

Re: Approval of Minor Coal Exploration, Geotechnical Investigation; Federal Coal Leases SL-051221 and U-2810, in Rilda Canyon, Emery County, Utah

On December 12, 2003, BLM received a Notice of Intent to conduct Minor Coal Exploration, Geotechnical Investigation on Federal Coal Leases SL-051221 and U-2810 in Rilda Canyon. PacifiCorp, through its subsidiary Energy West Mining Company, would excavate up to fifteen test pits to evaluate the geotechnical conditions of previously disturbed lands near the abandoned Leroy and Rominger mines. The geotechnical data, and recommendations derived, would be used to plan future site earthwork, design and construction activities.

An Environmental Analyses (EA) was prepared and it was determined that no significant impacts should be expected from the proposed action. A Finding Of No Significant Impact (FONSI) / Decision Record (DR) was completed, identifying the terms and stipulations for approval (attached)

As provided in 43 CFR 3482.2 (a)(1), BLM approves the requested exploration plan, in accordance to the lease terms and the stipulations set forth in the FONSI/DR.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4, and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

*James F. Heller*

Chief, Branch of Solid Minerals

Mine # C/015/0018  
File Incoming  
Record # 0045  
Doc. Date 4-2-04  
Recd. Date 4-7-04

Enclosure

1. BLM FONSI/DR for EA-UT-923-01-04
2. Form 1842-1

cc: District Ranger, Ferron/Price Ranger District, Manti-La Sal National Forest  
Forest Supervisor, Manti-La Sal National Forest  
Director of Mining, Utah Division of Oil Gas and Mining  
Field Office Manager, Price Field Office

**FINDING OF NO SIGNIFICANT IMPACT  
AND  
DECISION RECORD  
Minor Coal Exploration: Geotechnical Investigation, Federal Coal Leases SL-  
051221 and U-2810**

**EA- UT-923-01-04**

**FONSI:** Based on the analysis of potential environmental impacts contained in the attached environmental assessment (EA), I have determined that the action will not have a significant effect on the human environment and an environmental impact statement is therefore not required.

**DECISION:** It is my decision to grant approval to PacifiCorp to conduct minor coal exploration in Rilda Canyon as described in the Proposed Action (Alternative A) of EA-UT-923-01-04. PacifiCorp proposed to excavate up to 15 test pits to gather geotechnical data to characterize and evaluate subsurface soil, bedrock, and groundwater conditions, and to evaluate the site geoseismic setting. The geotechnical data, and recommendations derived, will be used to plan future site earthwork, design and construction activities. I have determined that granting approval to conduct this exploration is in the public interest. This decision is contingent upon meeting all stipulations and monitoring requirements listed below.

Stipulations / Monitoring: Operations conducted under the authority of the coal lease are approved by BLM. The USFS is responsible for any approvals not authorized by the coal lease. In emergency situations where the operator's activity within the leasehold is likely to imminently endanger public health or safety, life, or property, or to cause irreparable damage to resources, the USFS may issue an emergency order to correct the situation. If this should happen, the USFS will immediately notify the appropriate BLM office, at which time the BLM will exercise its jurisdiction over the operator's activities within the leasehold. If any emergency, both agencies will coordinate the implementation of corrective actions. The following stipulations and monitoring requirements apply to this project only:

- (1) A pre-work meeting including the responsible company, contractor, BLM and USFS representatives must be conducted at the project location prior to commencement of operations. The purpose of this meeting will be to apprise the operator of USFS concerns.
- (2) The operator must notify BLM 5 days prior to commencing surface disturbing activities, to allow a survey for the presence of elk to be conducted within the project area. Operations will be delayed temporarily if elk are concentrated around the project site. This same survey would identify any Golden Eagle or Goshawk activity

occurring within a half mile of the project area. Operations may be modified to reduce potential for impact to these wildlife species.

(3) The BLM and USFS must be notified 48 hours in advance that heavy equipment will be moved onto National Forest System lands and that surface disturbing activities will commence.

(4) The BLM must be notified of any proposed changes to the plan of operations. BLM will consult with the USFS prior to approval/denial.

(5) A representative of the North Emery County Water Users Special Services District will be onsite during excavation near their water line to ensure that there is no impact to existing water systems in the canyon.

(6) 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 project's permits/licenses. A copy of the appropriate permits/licenses must be available for review at the project site.

(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 arresters must meet USFS 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 USFS immediately.

(10) Operations are subject to USFS fire restrictions and the USFS reserves the right to temporarily suspend operations during periods of high fire potential. Any temporary suspension of operations will be directed by BLM.

(11) Unauthorized off-road vehicular travel is prohibited.

(12) If cultural or paleontological resources are discovered during operations, all operations which may result in disturbance to the resources must cease and the BLM and the USFS must be notified of the discovery.

(13) The permittee/licensee will be held responsible for all damage to fences, cattle guards, resource improvements, roads, and other structures on National Forest System Lands which result from their operations. BLM and the USFS must be notified as soon as possible if any damage occurs.

(14) The USFS will ensure that operations are coordinated with grazing permittees to prevent conflicts.

(15) Harassment of wildlife and livestock is prohibited. Operations will be conducted during daylight hours, between 9:00 a.m. and 5:30 p.m..

(16) During operations all trash, garbage, and other refuse must be contained on the project site, and properly disposed of at an off-site authorized location.

(17) The operator must remove all equipment, trash, garbage, flagging, vehicles, and other materials from the National Forest System Lands.

(18) Any significant water encountered during operations must be reported BLM and the USFS.

(19) The trenches must be backfilled and compacted using soil material excavated from the trenches. The surface must be scarified and reseeded with a seed mix prescribed by the USFS.

(20) Reclamation must meet the USFS prescribed standards. Revegetation shall be considered successful when 70% of the vegetative and ground cover is re-established over the entire disturbed area, at least 90% of the vegetative cover is desirable native plants and seeded species, ground cover is at least 60%, there are no signs of active erosion, and the area is consistently free of noxious weeds. Adjacent undisturbed areas will be used as a baseline. Only certified noxious weed free mulches will be used.

(21) The operator shall be held responsible for control of noxious weed infestations found to be a result of the operations. Vehicles and equipment must be cleaned prior to entering the project National Forest System Lands.

(22) The success of the reseeding and reclamation activities would be monitored by BLM per standards established by the USFS. A reclamation bond is required. It is estimated that reclamation costs for this project will not exceed \$10,000. This reclamation will be guaranteed by the current LMU bond. Final determination of reclamation and bond release shall require USFS concurrence.

(23) No disturbance would be allowed within 25 feet of identified Riparian vegetation, or within Riparian vegetation itself. A review would be conducted at each site within the USFS RPN management unit defined as the area within 100' of the high water line of perennial waters in Rilda Creek prior to excavation.

(24) Stipulation for Lands of the National Forest System under Jurisdiction of the Department of Agriculture.

The permittee/licensee/lessee must comply with all rules and regulations of the Secretary of Agriculture set forth in Title 36, Chapter II, of the Code of Federal Regulations governing the use and management of National Forest System (NFS) when not inconsistent with the rights and regulations must be complied with for (1) all use and occupancy of the NFS prior to approval of a permit/operations plan by the Secretary of the Interior, (2) uses of all existing improvements, such as USFS 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:               Mesia Nyman  
                      Ferron/Price Ranger District

at:                Manti-La Sal National Forest  
                      115 West Cany Road,  
                      Box 310  
                      Ferron, Utah 84523

who is the authorized representative of the Secretary of Agriculture.

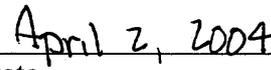
**RATIONALE:** The decision to approve the exploration plan has been made in consideration of the environmental impacts of the proposed action. The proposed action is regulated under 43 CFR 3480, Coal Exploration and Mining Operations Rules; General. The action is in conformance with the management guidance of the San Rafael Resource Management Plan (RMP), which allows coal exploration and leasing on public lands in side the Wasatch and Emery Known Recoverable Coal Resource Areas (KRCRAs). It also conforms to the Minerals Management Area (MMA) management unit direction under the U.S. Forest Service Land and Resource Management Plan (LRMP), Manti-La Sal National Forest Plan. It is consistent with the Emery County Master Plan that recognizes production of mineral resources as an important use of lands within the County.

The No Action Alternative (Alternative B) was not selected because it would not allow exploration to occur, and would limit PacifiCorp's ability to adequately design facilities to enhance their ongoing mine operations. It was determined that exploration could be conducted with minimal impacts to the environment. No other alternatives were analyzed in detail. Drilling was considered but eliminated from further consideration because more time and equipment would be required, and it would not provide the applicant the detailed information they require.

Potential conflicts with Riparian Zones, wintering Rocky Mountain Elk, Golden Eagle nesting, and Goshawk nesting and foraging habitat, were adequately addressed in the EA and resolved through the mitigation and monitoring stipulations above. Issues brought forth during public scoping by the USFS, and other substantive comments are addressed in the EA. The bond required to ensure reclamation is attained is covered under the East Mountain Logical Mining Unit (LMU) \$3,253,000 bond; LMU Lease Bond No. 700819849 (BLM Bond No. UT0946).

This NEPA action was posted on the BLM website on February 20, 2004 and this decision was announced to the public on April 2, 2004.

  
\_\_\_\_\_  
Chief, Branch of Solid Minerals

  
\_\_\_\_\_  
Date

Seeding will be done with the following certified seed mix:

<u>Basic Mix:</u>	<u>lbs./Acre</u>
<b>Dry Sites (P.J. Mtn Brush, Sagebrush)</b>	
Wester Wheat Grass (Agropyron smith)	3.0
Bluebunch Wheat Grass (Agropyron Spicatum)	2.0
Intermediat Wheat Grass (Agropyron intermedium)	2.0
Button Bue Grass (poa fendleriana	1.0
Salina Wild Rye Grass (Elymus salinus)	1.0
Perennial Rye Grass (lolium perenne	1.0
<u>Total</u>	10.0

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 ..... Bureau of Land Management  
NOTICE OF APPEAL ..... Utah State Office  
324 So. State St., Suite 301  
Salt Lake City, Utah 84111-2303

SOLICITOR  
ALSO COPY TO ..... Regional Solicitor  
Room 6201  
125 So. State Street  
Salt Lake City, Utah 84111

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, 801 N. Quincy St., Suite 300, 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 .....

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 the 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, 801 N. Quincy St., Suite 300, 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))

**SUBPART 1821.2—OFFICE HOURS; TIME AND PLACE FOR FILING**

**Sec. 1821.2-1 *Office hours of State Offices.*** (a) State Offices and the Washington Office of the Bureau of Land Management are open to the public for the filing of documents and inspection of records during the hours specified in this paragraph on Monday through Friday of each week, with the exception of those days where the office may be closed because of a national holiday or Presidential or other administrative order. The hours during which the State Offices and the Washington Office are open to the public for the filing of documents and inspection of records are from 10:00 a.m. to 4:00 p.m., standard time or daylight savings time, whichever is in effect at the city in which each office is located.

**Sec. 1821.2-2(d)** Any document required or permitted to be filed under the regulations of this chapter, which is received in the State Office or the Washington Office, either in the mail or by personal delivery when the office is not open to the public shall be deemed to be filed as of the day and hour the office next opens to the public.

(e) Any document required by law, regulation, or decision to be filed within a stated period, the last day of which falls on a day the State Office or the Washington Office is officially closed, shall be deemed to be timely filed if it is received in the appropriate office on the next day the office is open to the public.

\* \* \* \* \*

See 43 CFR 4.21 for appeal general provisions.



**United States Department of the Interior  
Bureau of Land Management**

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**March 26, 2004**



**Environmental Assessment UT-923-01-04**

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**Minor Coal Exploration: Geotechnical Investigation, Federal  
Coal Leases SL-051221 and U-2810**

*Location: Rilda Canyon, Emery County, Utah*

*Applicant/Address: PacifiCorp, One Utah Center, 201 South Main Street, Suite 2100,  
Salt Lake City, Utah 84140-0021*

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U.S. Department of the Interior  
Bureau of Land Management  
Utah State Office  
P.O. Box 45155  
Salt Lake City, Utah 84145-0155  
Phone: 801-539-4001  
FAX: 801-539-4200

**Minor Coal Exploration: Geotechnical Investigation, Federal Coal  
Leases SL-051221 and U-2810  
UT-923-01-04**

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**Minor Coal Exploration: Geotechnical Investigation, Federal Coal  
Leases SL-051221 and U-2810  
UT-923-01-04**

**1.0 PURPOSE OF AND NEED FOR:**

**1.1 Introduction:**

This Environmental Assessment (EA) has been prepared to analyze PacifiCorp's plan to excavate up to 15 shallow test pits in Rilda Canyon in early 2004 (Figure 1). The EA is a site-specific analysis of potential impacts that could result with the implementation of the proposed action or alternatives to the proposed action. The EA assists the Bureau of Land Management (BLM) in project planning and ensuring compliance with the National Environmental Policy Act (NEPA), and in making a determination as to whether any "significant" impacts could result from the analyzed actions. "Significance" is defined by NEPA and is found in regulation 40 CFR 1508.27. An EA provides evidence for determining whether to prepare an Environmental Impact Statement (EIS) or a statement of "Finding of No Significant Impact" (FONSI). A Decision Record (DR), which includes a FONSI statement, is a document that briefly presents the reasons why implementation of the proposed action would not result in "significant" environmental impacts (effects) beyond those already addressed in the Land and Resource Management Plan (LRMP), Manti-La Sal National Forest Plan, 1986. If the decision maker determines that the proposed project would result in "significant" impacts following the analysis in the EA, then an EIS would be prepared for the project. If not, a Decision Record (DR) may be signed for the EA approving the alternative selected.

**1.2 Background:**

The proposed project is located in Rilda Canyon, in Section 28, Township 16 South, Range 7 East, Salt Lake Base and Meridian, Emery County, Utah within coal leases SL-051221 and U-2810 (Figure 1). The surface of the project area is administered by the U.S.D.A. Forest Service (USFS) Manti-La Sal National Forest; the coal leases are administered by BLM. The test pits are proposed to be excavated in an area previously disturbed by historical mining activities that occurred in the 1940's through mid 1950's. The project area is within the vicinity of the abandoned Leroy and Rominger mines, and near Rilda Creek. Access to the project area would be Emery County Road 306, within the canyon.

Each pit would be analyzed in order to characterize and evaluate subsurface soil, bedrock, and groundwater conditions, and to evaluate the site geoseismic setting. The geotechnical data, and recommendations derived, would be used to plan future site earthwork, design and construction activities. This project would facilitate possible future site work; however, it would not initiate or give consent to such action in the future. This is a project with independent utility that is not a "connected action" to any future activities for purposes of NEPA compliance.

### **1.3 Purpose of the Proposed Action:**

The purpose of this action is to allow minor coal exploration activities to proceed under an exploration plan submitted in accordance with 43 CFR 3482, consistent with the lease terms and conditions of Federal Coal Leases SL-051221 and U-2810.

### **1.4 Need for the Proposed Action:**

The proposed exploration would enable PacifiCorp to obtain information on the geotechnical characteristics of the soils in the Rilda Canyon area to design potential future facilities in the area in an effort to meet ventilation, water, and electrical needs for their ongoing Deer Creek mine.

### **1.5 Conformance with BLM and Forest Service Land Use Plan(s):**

This conforms to the management guidance of the San Rafael Resource Management Plan (RMP), which allows coal exploration and leasing on public lands in side the Wasatch and Emery Known Recoverable Coal Resource Areas (KRCRAs). (Final Resource Management Plan, San Rafael Resource Area, May 1991, p.17). The lands affected by the proposal are within an area designated by the Manti-La Sal Land and Resource Management Plan as a Minerals Management Area (MMA), Figure 2, and adjacent to an unmapped riparian area (RPN) and a Big Game Winter Range area. The proposal conforms to the management prescriptions assigned to these areas with stipulations.

### **1.6 Relationship to Statutes, Regulations, or other Plans:**

The proposed action is regulated under 43 CFR 3480, Coal Exploration and Mining Operations Rules; General. It is consistent with the Emery County Master Plan that recognizes production of mineral resources as an important use of lands within the County.

### **1.7 Identification of Issues:**

A review of the resources present in the project area was performed by the USFS; and an Interdisciplinary Team Analysis Record was generated (Appendix A). This review determined whether a resource was not present (NP), present but not impacted (NI), or potentially impacted (PI). The resources listed as PI and their issues are briefly discussed below, and are described and analyzed in detail in Chapters 3 and 4 of this EA.

#### **1.7.1 Resource/Issue 1: Wetlands/Riparian Zones**

Issue 1: Excavation would occur within an RPN management unit defined as the area within 100' of the high water line of perennial waters in Rilda Creek.

### **1.7.2 Resource/Issue 2: Fish and Wildlife Management Indicator Species (MIS)**

Issue 1: The project has the potential to impact Rocky Mountain Elk within the “General Big Game Winter Range” Management Area as defined by the USFS and within Critical Winter Range for elk as defined by the Utah Division of Wildlife Resources (UDWR). Golden Eagle and Goshawk activities are being surveyed.

#### **1.8 Summary:**

This chapter has presented the purpose of and need for the proposed project, as well as the relevant issues, i.e., those elements that could be affected by the implementation of the proposed project. The proposed and no action alternatives are described in Chapter 2. The potential environmental impacts or consequences resulting from the implementation of each alternative are analyzed in Chapter 4 for each of the identified issues.

## **2.0 DESCRIPTION OF ALTERNATIVES, INCLUDING PROPOSED ACTION:**

### **2.1 Introduction:**

BLM has reviewed the proposed action to determine what impacts, if any, would occur, and if alternatives could be developed to mitigate potential impacts.

### **2.2 Alternative A – Proposed Action:**

PacifiCorp, through its subsidiary Energy West Mining Company, would excavate 6 to 15 test pits between March 15 and April 15, 2004 within the proposed project area (Figure 3). Operations would occur only during daylight hours. The pits would be excavated using a CAT 225 trackhoe or equivalent, at locations identified thereon. Trenches would not exceed 10-15 feet in length, 3-4 feet in width, and 20 feet in depth, though most would not exceed 10 feet. A temporary fence would be placed around any pit that would remain open during the duration of the project. Immediately upon completion of tests, each pit would be promptly backfilled and compacted as much as possible utilizing excavated materials. The surface will be scarified and reseeded with a seed mix prescribed by the USFS. Other equipment to be brought in includes one Company pickup and a consultant's pickup, AMEC Earth and Environmental, Inc. Representatives from USFS, BLM, and/or North Emery Water Users Special Services District may also be present during the course of this project. As many as six people could be on site during the project. Outside of the initial ingress and final egress from the project area, it is anticipated that as many as three vehicles could travel the county road each day. The proposed project area is approximately 10 acres, with a total proposed cumulative disturbance of less than 1 acre. The duration of the project, including reclamation activities is anticipated to be five days.

### **2.3 Alternative B – No Action:**

The "no action" alternative provides the conceptual baseline for impacts. It would not allow exploration to occur, and would limit PacifiCorp's ability to adequately design facilities to enhance their ongoing mine operations. Site conditions would remain as they currently exist, with no potential for impacts.

### **2.4 Other Action Alternatives:**

No other alternatives are analyzed in detail in this EA. Because Alternative A provides the most effective method for gathering the needed data, and presents no environmental consequences that cannot be mitigated. Other locations would not meet PacifiCorp's need as it relates to the Deer Creek Mine because other sites would require disturbing previously undisturbed lands, new road construction, and/or more time to execute the data gathering.

## **2.5 Alternatives Considered, but Eliminated from Further Analysis:**

Drilling could possibly be considered an alternative to gather some of the needed information, but would not be as effective. Many drill holes would have to be drilled to accomplish what a few small trenches can provide. More time would be required to gather the necessary geotechnical data to account for moving, staging of equipment, and the site preparation prior to and reclamation actions following drilling. The proposed action would require less time, which would mitigate the potential for impacting wintering elk. It would also create a more defined and more easily controlled area of impact within the buffer to the riparian zone. Drilling was not proposed by PacifiCorp.

## **2.6 Summary Comparison of Environmental Impacts:**

Excavation of test pits would allow PacifiCorp to adequately characterize subsurface soils, bedrock, and groundwater conditions, and to evaluate the geoseismic setting. Alternative A could impact resources identified as issues within the project area. Although the potential impacts of the proposed action would be minor and short-term, the No Action Alternative would not affect the environment in Rilda Canyon, but the information needed to facilitate mining authorized by the coal lease would not be obtained.

## **3.0 AFFECTED ENVIRONMENT**

### **3.1 Introduction:**

This chapter presents the potentially affected existing environment of the impact area as identified in the Interdisciplinary Team Analysis Record (Appendix A) and presented in Chapter 1 of this EA. This chapter provides the baseline for comparison of environmental impacts described in Chapter 4.

### **3.2 General Setting:**

Rilda Canyon is an east-west trending canyon, with very steep walls and narrow, rounded ridge tops. Elevations range from 7,400 feet to over 9,600 feet. Vegetation is diversified, with distinguishable plant communities consisting of Pinyon/Juniper, Mountain Brush, Mixed Conifer (upper elevations), and a narrow band of riparian vegetation along Rilda Creek and Rilda Canyon Springs. Ecosystems contain habitats that are mostly influenced by steep and broken slopes and their orientations. Water resources include Rilda Creek and Rilda Canyon Springs.

### **3.3 Resources/Issues Brought Forward for Analysis:**

#### **3.3.1 Critical Elements of the Human Environment:**

Critical Elements of the Human Environment are defined in BLM Handbook 1790-1, Appendix 5 as resources or values subject to requirements specified in statute, regulation, or executive order and must be considered in all EAs. Two resources were identified in Chapter 1 as "PI" or having a potential for impact by this project. The only critical element of the human environment that could be potentially impacted by the proposed project is Wetlands/Riparian Zones. The only other issue is potential impacts on Fish and Wildlife (MIS).

##### **3.3.1.1 Resource/Issue 1: Wetlands/Riparian Zones**

Riparian vegetation occurs along Rilda Creek and associated springs within the canyon. As many as six test pits would be excavated within the USFS RPN management unit, however, none would directly impact the riparian vegetation zone and associated aquatic ecosystem. The Manti-LaSal Forest Plan provides the following direction for mineral activities in riparian zones:

1. Avoid and mitigate detrimental disturbance to the riparian area by mineral activities. Initiate timely and effective rehabilitation of disturbed sites.
2. Where possible, locate mineral activities outside the riparian unit.

### **3.3.1.2 Resource/Issue 2: Fish and Wildlife (MIS)**

The proposed project area, on the north slope of Rilda Canyon, is designated as a "General Big Game Winter Range" Management Unit as defined by the USFS in the Forest Plan. It is considered to be Rocky Mountain Elk Critical Winter Range by the Utah Division of Wildlife Resources (UDWR). Elk are generally present in the management area during winter months. The project area is a very small part (less than 10 acres) of the approximately 10,000 acre area defined by UDWR in Huntington Canyon and its side canyons. The present road in Rilda Canyon provides public access to the winter range. It is generally closed by snow during the winter and spring seasons. Snow plowing and maintenance would still be conducted as needed to provide access to the North Emery Water Users Special Services District (NEWUSSD) water collection system.

One Golden Eagle nest has been identified just over a half mile from the proposed project area. The nearest suitable Goshawk nest or forage habitat is approximately a half mile west. The USFS is conducting ongoing surveys to determine the presence of either. No Golden Eagles or Goshawks were observed within the area on February 24, 2004.

## **4.0 ENVIRONMENTAL IMPACTS**

### **4.1 Introduction:**

This Chapter provides an analysis of potential environmental impacts of the Proposed Action and No Action alternatives. It is assumed that the proposed action would be carried as described in Chapter 2 and during the time period proposed by the applicant.

### **4.2 Direct/Indirect Impacts:**

#### **4.2.1 Alternative A – Proposed Action:**

##### **4.2.1.1 Resource 1: Wetlands/Riparian Zones**

Though as many as six test pits could be excavated within 100 feet of the riparian zone in Rilda Canyon, no test pits would be located within the zone. No impacts are expected to Riparian vegetation. A “no disturbance” stipulation would be included in the plan approval.

###### **4.2.1.1.1 Mitigation Measures:**

No disturbance would be allowed within 25 feet of identified Riparian vegetation, or within Riparian vegetation itself. A review would be conducted at each site within the RPN management unit defined as the area within 100’ of the high water line of perennial waters in Rilda Creek prior to excavation.

###### **4.2.1.1.2 Residual Impacts:**

No residual impacts are expected.

##### **4.2.1.2 Resource 2: Fish and Wildlife (MIS)**

The proposed action could temporarily disrupt the wintering habits of the elk during the anticipated five day period. Given the short-term nature of the proposed project, and the operational stipulations, behavioral modifications in the herd, which cause stress that could lead to increased mortality or permanently alter their habits, should not be expected.

No Golden Eagle Nesting is occurring within a half mile of the proposed project area. No Goshawk nesting or foraging is occurring within a half mile. No impacts should be expected on either.

#### **4.2.1.2.1 Mitigation Measures:**

All operations would be conducted during daylight hours to minimize impacts on big game species in the area. The USFS wildlife biologist suggests that an appropriate operating period would be from 9:00 a.m. to 5:30 p.m. The operator must notify BLM 5 days prior to commencing, to allow a survey for the presence of elk to be conducted within the project area. Operations would cease temporarily if elk are concentrated around the project site. This same survey would identify any Golden Eagle or Goshawk activity occurring within a half mile of the project area. Operations may be modified to reduce potential for impact.

#### **4.2.1.2.2 Residual Impacts:**

No residual impacts are expected.

#### **4.2.1.3 Monitoring and/or Compliance:**

The success of the reseeded and reclamation activities would be monitored by BLM per standards established by the USFS. Reclamation would be ensured by requiring the company to post an adequate bond. Final determination of reclamation and bond release shall require USFS concurrence. A representative of the North Emery County Water Users Special Services District would be onsite during excavation near their water line to ensure that there is no impact to existing water systems in the canyon. The issue of impacts on water system facilities is considered in Appendix A.

#### **4.2.2. Alternative B – No Action:**

Alternative B is a “no action” alternative. Because no activities would take place, there would be no environmental impacts.

#### **4.3 Cumulative Impacts:**

”Cumulative impacts” are those impacts resulting from the incremental impact of an action when added to other past, present, or reasonably foreseeable actions regardless of what agency or person undertakes such other actions.

#### **4.3.1 Reasonably Foreseeable Action Scenario (RFAS):**

This project is taking place independent of any other action. The data gathered from this project would facilitate future activities, but no future activities would be authorized by approval of the proposed action. Any future projects in this area would require further NEPA analysis including analysis of cumulative impacts.

#### **4.3.2 Cumulative Impacts:**

Ventilation fans located in the south fork of Rilda Canyon (associated with the ongoing PacifiCorp Deer Creek Mine), operations and maintenance activities at the NEWUSSD water developments, county road plowing and maintenance, and occasional hunting are the primary activities that occur with the canyon, and could potentially occur during this operation. Given the short duration of the proposed action, and given the proposed stipulations, cumulative environmental impacts should not be expected. Also, because there are no reasonably foreseeable future activities in the project area, there would be no cumulative impacts as a result.

## 5.0 CONSULTATION AND COORDINATION

### 5.1 Introduction:

The issue identification section of Chapter 1 identifies those issues analyzed in detail in Chapter 4. Appendix A provides the rationale for issues that were considered but not analyzed further. The issues were identified through the public and agency involvement process described in sections 5.2 and 5.3 below.

### 5.2 Persons, Groups, and Agencies Consulted:

**Table 5-1: List of all Persons, Agencies and Organizations Consulted for Purposes of this EA.**

<b>Name</b>	<b>Purpose &amp; Authorities for Consultation or Coordination</b>	<b>Findings &amp; Conclusions</b>
Utah Environmental Congress (UEC)	Public Notification for interested parties	The UEC was opposed to the proposal. Their comments are responded to in the comment analysis provided below.
North Emery Water Users Special Service District (NEWUSSD)	Consulted on potential impacts to existing spring developments in Rilda Canyon	The Water District is satisfied that with monitoring there would be no effect on their water system
USFWS	Endangered Species Act	The USFS was not contacted directly regarding this project. Per MOU between the USFS and USFWS, it was not necessary as no T&E or candidate species would be affected.
Ute Mountain Ute, Northern Ute and Paiute Tribes	Native American Concerns	Consultation was conducted by William Ellis, USFS, March 2004, with these three tribes regarding any concerns they may have with the proposed project. No concerns were identified.
State Historic Preservation Officer (SHPO)	Cultural Resources	An archeological survey was conducted in September of 2003. SHPO concurred with the project.

### 5.3 Summary of Public Participation:

During preparation of the EA, the public was notified of the proposed action by posting on the Utah Internet Homepage on February 20, 2004. A public comment period was not offered by BLM because the proposed action would result only minor and temporary impacts. The USFS conducted scoping. The process used to involve the public included contact with the Utah Environmental Congress (UEC), the North Emery County Water Users Special Services District, and the Gentry Mountain Cattlemen's Association..

### **5.3.1 Commenters and Comment Analysis:**

Early in the consideration of approval of the proposed project, the USFS contacted the Utah Environmental Congress (UEC). The UEC provided scoping comments on the proposed project, expressing concerns that additional analysis be done and identifying potential impacts on wildlife, water resources, and an inventoried roadless area (IRA). The UEC also stated that the exploration activities should be analyzed as part of the larger project that it is intended to support. The UEC comments are responded to below. No other comments regarding the proposed action have been submitted to the BLM.

### **5.3.2 Response to Public Comment:**

**Comment 1.** "... My understanding is that they (the applicant) want to do the exploration next week. There is simply no way the Forest Service can do an adequate analysis or public notification in that timeframe."

**Comment Response 1:** The UEC letter was received on January 22, 2004. BLM and the USFS have analyzed the potential environmental consequences of the proposed action in an Environmental Assessment prepared according to BLM NEPA requirements. Public notification of the proposed action was posted on the Utah State Office web site on February 20, 2004. No other comments have been received in response to the notice.

**Comment 2.** "You said you called me because you were doing "focused" scoping. Focused scoping is not recognized under NEPA and indeed violates NEPA for failing to include all of the public in the comment period. It also violates the Bush Administration's policy to involve more of the public, upfront, and early on before decisions are made."

**Comment Response 2:** The USFS called UEC to notify them of the proposed project, and the comment was in response to the context of the call. BLM posted-notice of the project prior to completion of the EA. No other comments or concerns have been expressed or offered by the public. Other agencies and groups were contacted or consulted, as noted in the Consultation and Coordination section of the EA.

**Comment 3:** "It is not a distinct, separate action, rather it is a connected action directly related to Energy West's proposal to build a facility in Rilda Canyon. Therefore, the exploration should go through the NEPA process and an EA should be conducted. It would be even more advisable to include the exploration in the EIS for the facility construction." It is clear that this project "is directly connected to the proposal to build a facility in Rilda Canyon, and there are multiple resource concerns that require an environmental analysis that includes full NEPA disclosure." "It is impossible ... to claim this exploration is not related to the construction of the facility, and therefore full NEPA disclosure is mandated."

**Comment Response 3:** The need for the proposed trenching action is to gather information to assist in the design of potential future structures. Therefore, it has independent utility and is not connected to any future activities for purposes of NEPA analysis. According to the Council on Environmental Quality (CEQ) actions are connected and should be discussed in the same NEPA document if they:

- (i) Automatically trigger other actions which may require environmental impact statements.
- (ii) Cannot or will not proceed unless other actions are taken previously or simultaneously.
- (iii) Are interdependent parts of a larger action and depend on the larger action for their justification. (40 CFR 1508.25(a)).

In this case, approval of the exploration trenching would not automatically approve or automatically trigger future actions, and has the independent utility of providing information for designing and determining the feasibility of future proposals.

CEQ recognizes the need for and independent utility of work necessary to support applications for Federal and other permits even if the larger project is being considered (see 40 CFR 1506.1(d), Limitations on actions During NEPA process).

**Comment 4:** “The proposed area is winter range for deer and elk, and is used by bald eagles during the winter beginning February. In addition, it is a documented Goshawk nesting area. An analysis of potential impacts to these species should be conducted. The analysis should not only look at the exploration but the connected action of the proposed facility, which will require development of an EIS.”

**Comment Response 4:** The EA analyzes the potential impacts of the proposed exploration activities on wildlife. As explained in the response to comment 3, the proper focus of the analysis is exploration, rather than future facilities.

**Comment 5:** “It is my understanding the proposed area is above N. Emery County’s Water Works and there is a concern for possible impacts to ground water. Posting employees on the site during the exploration will do little to protect water lines – it will simply provide a witness if something goes wrong.”

**Comment Response 5:** The North Emery Water Users Special Service District has been consulted and their concerns have been addressed. The project area is below any springs that charge North Emery Water User’s water supply. The company has been diligent in assuring there are no impacts to springs. North Emery Water Users know where pipelines are located, their knowledge, working in cooperation with the company will be effective in avoiding any potential problem. The Rilda Canyon water supply is only part of the NEWU system, water is derived from other sources

in the Huntington Creek drainage. If any thing were to go wrong it would be temporary, while necessary repairs are made.

**Comment 6:** “According to one of the maps you sent, two of the proposed test pit sites appear to be in an IRA (Inventoried roadless area). One is the site south and west of the Leroy Mine, and the other is south of the Rominger Mine.”

**Comment Response 6:** The locations of the proposed activities have been checked and determined not to be located in an IRA. See the discussion of IRA’s in Appendix A of the EA.

**5.4 List of Reviewers and Preparers:**

**Table 5-2: List of Reviewers and Preparers**

**U.S. Forest Service:**

<b>Name</b>	<b>Title</b>	<b>Responsible for the Following Section(s) of this Document</b>
Tom Lloyd	District Geologist	ITAR elements in Appendix A
William B. Ellis	Heritage Program Manager	Same
Robert M. Thompson	Botanist	Same
Terry Nelson	Wildlife Biologist	Same

**BLM:**

<b>Name</b>	<b>Title</b>	<b>Responsible for the Following Section(s) of this Document</b>
Gregg S. Hudson	Geologist, P.G.	Organizing and preparing the EA based on USFS data and analysis.
Greg Thayn	Environmental Coord.	Review and editing.

**APPENDICES:**

**APPENDIX A – Interdisciplinary Team Analysis Record**

## INTERDISCIPLINARY TEAM ANALYSIS RECORD

**Project Title:** Rilda Canyon Excavation

**NEPA Log Number:**

**File/Serial Number:**

**Project Leader:** Gregg Hudson, Geologist, BLM Utah State Office assisted by Tom Lloyd, District Geologist, Ferron/Price District, Manti-La Sal National Forest

**FOR EAs:** NP: not present; NI: resource/use present but not impacted; PI: potentially impacted  
**FOR DNAs only:** NC: no change (anticipated resource impacts not changed from those analyzed in the NEPA document on which the DNA is based)

### STAFF REVIEW OF PROPOSAL:

NP/NI/PI NC	Resource	Date Reviewed	Signature	Review Comments (required for all NIs and PIs. PIs require further analysis.)
<b>CRITICAL ELEMENTS</b>				
	Air Quality	3/12/04	Tom Lloyd	NI. The only equipment to be used includes trucks for access and a trackhoe. Air quality effects would be negligible.
	Areas of Critical Environmental Concern			N/A
	Cultural Resources	3/8/04	Walter Belli	NI. An archaeological inventory was conducted in the proposed project area by John Senulis of Senco-Phenix Archaeological Consultants in September 2003. SHPO has concurred with the Rilda Canyon Project.
	Environmental Justice	3/12/04	Tom Lloyd	NI. This project would not have any disparate impacts on individual groups of peoples or communities. Implementation of this project will produce no adverse effects on minorities, low-income individuals, Native Americans or women. No civil liberties will be affected.
	Farmlands (Prime or Unique)	3/8/04	Robert Johnson Rm 2	NP.
	Floodplains	3/12/04	Tom Lloyd	NI. Trenches are located outside of riparian vegetation/habitat areas. Digging will have little or no effects to floodplains.
	Invasive, Non-native Species	3/8/04	Rm 4	NI. Disturbed areas to be reseeded with FS recommended seed mix. Stipulation for weed monitoring and control is included in the FS Decision stipulations.
	Native American Religious Concerns	2/10/04	Walter Belli	NI. Practice of religious ceremonies are not known to occur in the area. No Traditional Cultural Properties or sacred sites were identified.
	Threatened, Endangered or Candidate Plant and Animal Species	3/8/04	Rm 4	NI. BE/BA and a Wildlife Report have been completed for the Project (See Report). Effects would be negligible.
	Wastes (hazardous or solid)	3/12/04	Tom Lloyd	NI. No wastes will be disposed of or left on the project site. Concerns are addressed in the FS Decision stipulations
	Water Quality (drinking/ground)	3/12/04	Tom Lloyd	NI. Company has contacted NEWUA, (Jack Stoyoff) and Jack has no concerns. Representative would be present to protect infrastructure per project plan. Trenching would not affect water quality. See item below.
	Wetlands/Riparian Zones	3/8/04	Rm 7	PI. Six of the test pits will be dug within 100 feet of the stream, which is considered to be within the RPN (riparian) Forest Plan Management Unit. One of the test pits is shown on the map as

NP/NL/PI NC	Resource	Date Reviewed	Signature	Review Comments (required for all NIs and PIs. PIs require further analysis.)
				being within 25 feet of the stream. None of the wells will affect riparian vegetation or associated ecosystems.
	Wild and Scenic Rivers	3/8/04	Ann King	NP. There are no designated wild and scenic rivers in the project area that could be affected by operations.
	Wilderness	3/8/04	Wilbur Ellis	NP. There are no wilderness, wilderness study areas, or National Recreation Areas in or around the project area. The nearest wilderness area is the Nebo Wilderness located on the Uinta National Forest approximately 50 miles to the northwest.
<b>OTHER RESOURCES / CONCERNS*</b>				
	Rangeland Health Standards and Guidelines	3/8/04	Rmt	NI. Vegetation (production, composition, density) soil stability will be affected temporarily due to soil disturbance and compaction from equipment until seeding is completed and vegetation is reestablished but effects would be negligible.
	Livestock Grazing	3/8/04	Rmt	NI. Livestock will not be present during the planned operations or affected by the excavations.
	Woodland / Forestry	3/8/04	Rmt	NI. No overstory vegetation will be affected, including timber and woodlands.
	Vegetation	3/8/04	Rmt	NL. Disturbance to vegetation is negligible due to the small areas tested. Trenches will be reclaimed and seeded immediately upon closure. Revegetation should be successful within one growing season.
	Fish and Wildlife (MIS)	3/8/2004	<i>[Signature]</i> This section is reworded see attached page.	PI. <del>This project has potential impacts to Rocky Mountain elk. The proposed project is near a "General Big Game Winter Range" Management Area and is considered to be Critical Elk Winter Range by the DWR. Elk use the area during the winter. The elk could be disturbed and displaced within the vicinity of the proposed project for 5 days while the project activity occurs. A survey will be conducted <del>before</del> prior to proposed operations. Operations will be postponed if elk are using the area. No effects to macroinvertebrates since trenches outside of stream channel and riparian vegetation. Ongoing Golden eagle/goshawk surveys being conducted. Operations will be delayed if a nest becomes active within 1/2 mile of project area. Marginal goshawk habitat. No effects anticipated. See Wildlife Resources Report, 2004.</del>
	Fish and Wildlife (Sensitive)	3/8/2004	<i>[Signature]</i>	NI. There is suitable habitat for a variety of Sensitive Species, however, this project is not likely to directly or indirectly affect those species. See BE/BA.
	Soils	3/8/04	Tom Lloyd	NI. Digging will cause loss of compaction of the soils. Topsoil and subsoil will be segregated during digging a replaced back to its original horizon. Establishment of vegetation by reseeding will stabilize disturbed areas per operational plan.
	Recreation	3/8/04	Wilbur Ellis	NI. There is very little recreational use of the canyon during winter months. Operations will not interfere with recreation access in the canyon.
	Visual Resources	3/8/04	Wilbur Ellis	NL. The Forest Plan Visual Quality Objective (VQO) is Modification (BLM IV). Man's activities may dominate the characteristic landscape. The area is unseen from major travel routes and areas of public concentration. Project is consistent with the VQO.
	Geology / Mineral Resources	3/12/04	Tom Lloyd	NI. Trenching will provide information regarding soil conditions. Digging will not affect the area geology, as the area is stable. Operations will not affect mineral resources.
	Paleontology	3/12/04	Tom Lloyd	NP. No known resources are present. If vertebrate resources are discovered during excavation, operations will cease pending a determination of significance.

NP/NI/PI NC	Resource	Date Reviewed	Signature	Review Comments (required for all NIs and PIs. PIs require further analysis.)
	Lands / Access	3/12	Tom Lloyd	NI. Road is County maintained, Equipment would tram overland to pit site. Personnel would access pits by foot. Operations will not interfere with access nor will they damage the roadway.
	Fuels / Fire Management	3/28/04	Jeff Jenkins	NI. Fire precautions and firefighting capabilities are stipulated.
	Socio-economics	3/12	Tom Lloyd	NI. There are no long-term impacts resulting in this project. Effects would be negligible.
	<u>Research Natural Area-</u>	3/8/04	Rmt	NP. The project area is not located within any Research Natural Areas (RNAs). The nearest RNAs are Nelson Mountain, west of Ferron, Utah, and Elk Knoll in Manti Canyon. The Mont Lewis Botanical Area is located approximately 18 miles to the north of the project area
	Wild Horses and Burros	3/28/03	Jeff Jenkins	NP
	<u>Inventoried Roadless</u>	3/12/	Tom Lloyd	NI. Project is adjacent to but outside of the IRA.

#### FINAL REVIEW

Reviewer Title	Date	Signature	Comments
Environmental Coordinator			
Manager	3/1/04	Tom Lloyd for Mesia Nymau	

**NOTE:** Review Comments should include information explaining how the specialist came to their conclusion - how does he/she know the element/resource is not present (site visit and date of visit, familiarity with location, etc.). For all 'NIs' give a brief explanation as to why that element/resource would not be impacted.

\* The list of Other Resources / Concerns to be considered may vary by individual field office. Note: Native American Trust Responsibilities should be considered for FO's with Indian Mineral interest

	Fish and Wildlife (MIS)		<p><i>Jeff Janko</i> J.J.</p> <p>3/28/04</p>	<p>PI. This project has potential impacts to Rocky Mountain elk. Part of the proposed project is in a "General Big Game Winter Range" Management Area and is considered to be Critical Elk Winter Range by the DWR. Elk use the area during the winter. The elk could be disturbed and displaced within the vicinity of the proposed project for 5 days while the project activity occurs. The operator must notify BLM 5 days prior to commencing surface disturbing activities to allow for a survey for the presence of elk along with a final golden eagle/goshawk survey. Operations will be postponed if elk are using the area or if it is determined eagles or goshawks could be affected within 1/2 mile of project area. No effects to macroinvertebrates since trenches outside of stream channel and riparian vegetation. See Wildlife Resources Report, 2004. Operations shall be conducted during 0900 - 1730 hrs. These operating restrictions bring the project into compliance with Forest Plan Standards and Lease stipulations.</p>
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Figure 1

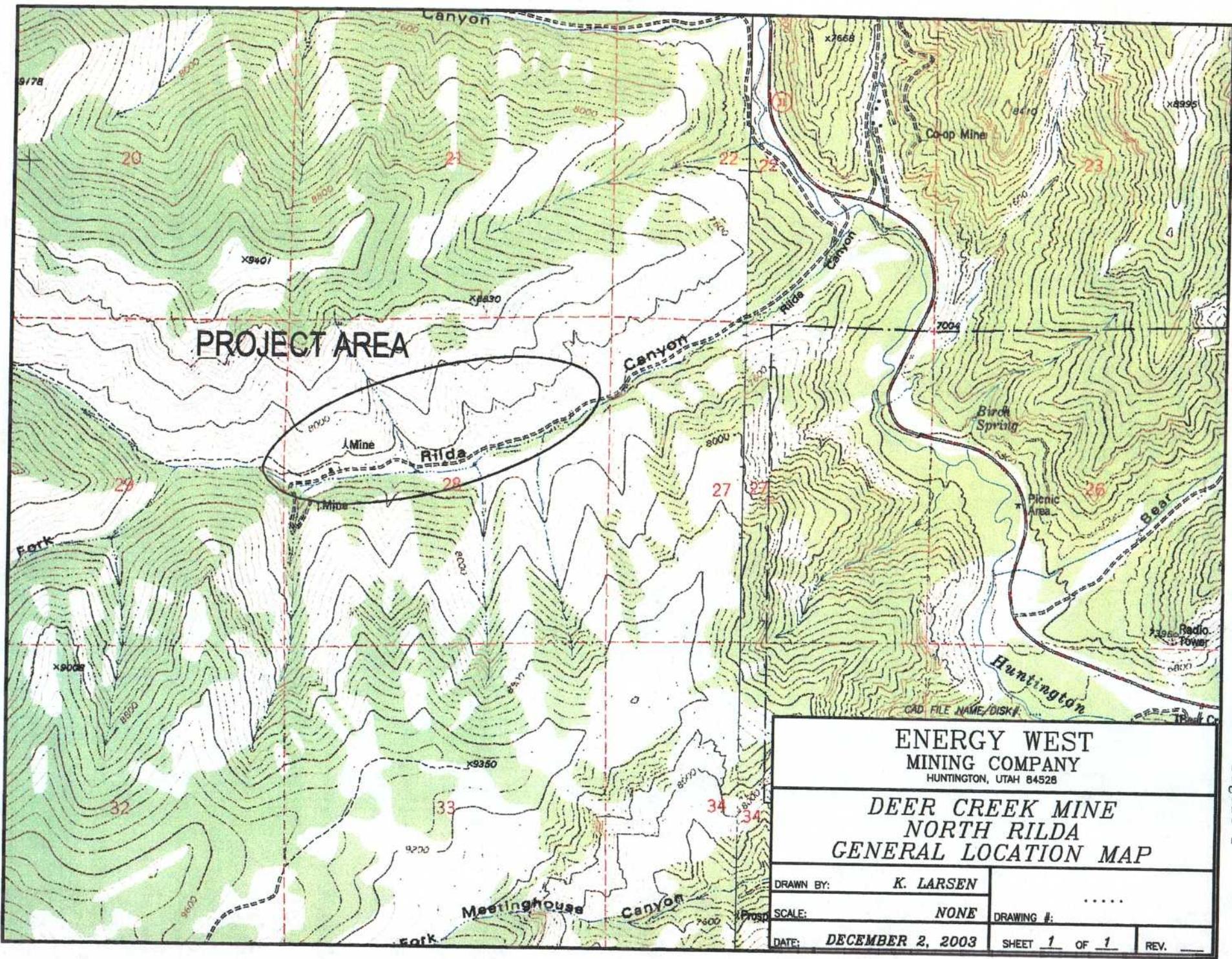
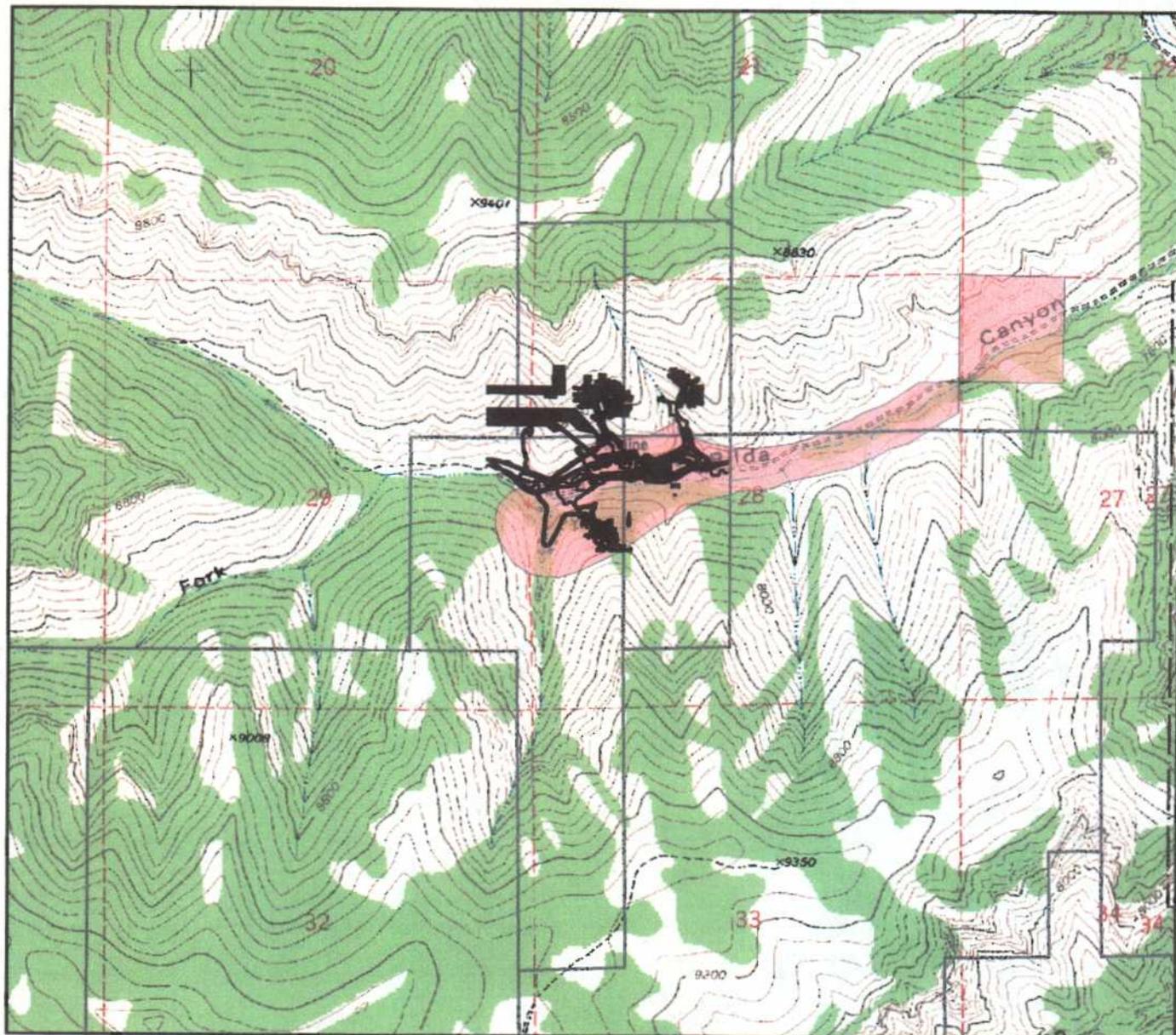


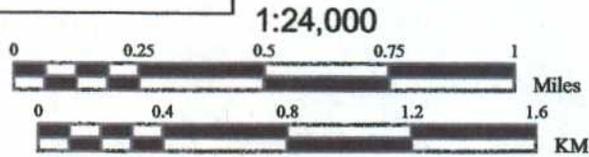
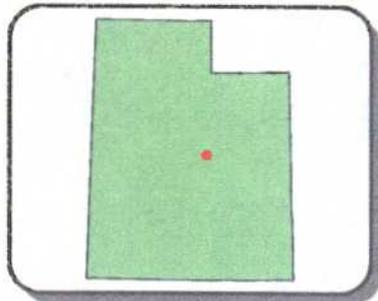
Figure 1

Figure 2: Forest Plan Areas



**Legend**

-  rilda exploration
-  Coal Leases
-  Leasable Mineral Area



United States Department of the Interior  
Bureau of Land Management  
Utah BLM Office  
Map created on Mar 03, 2004

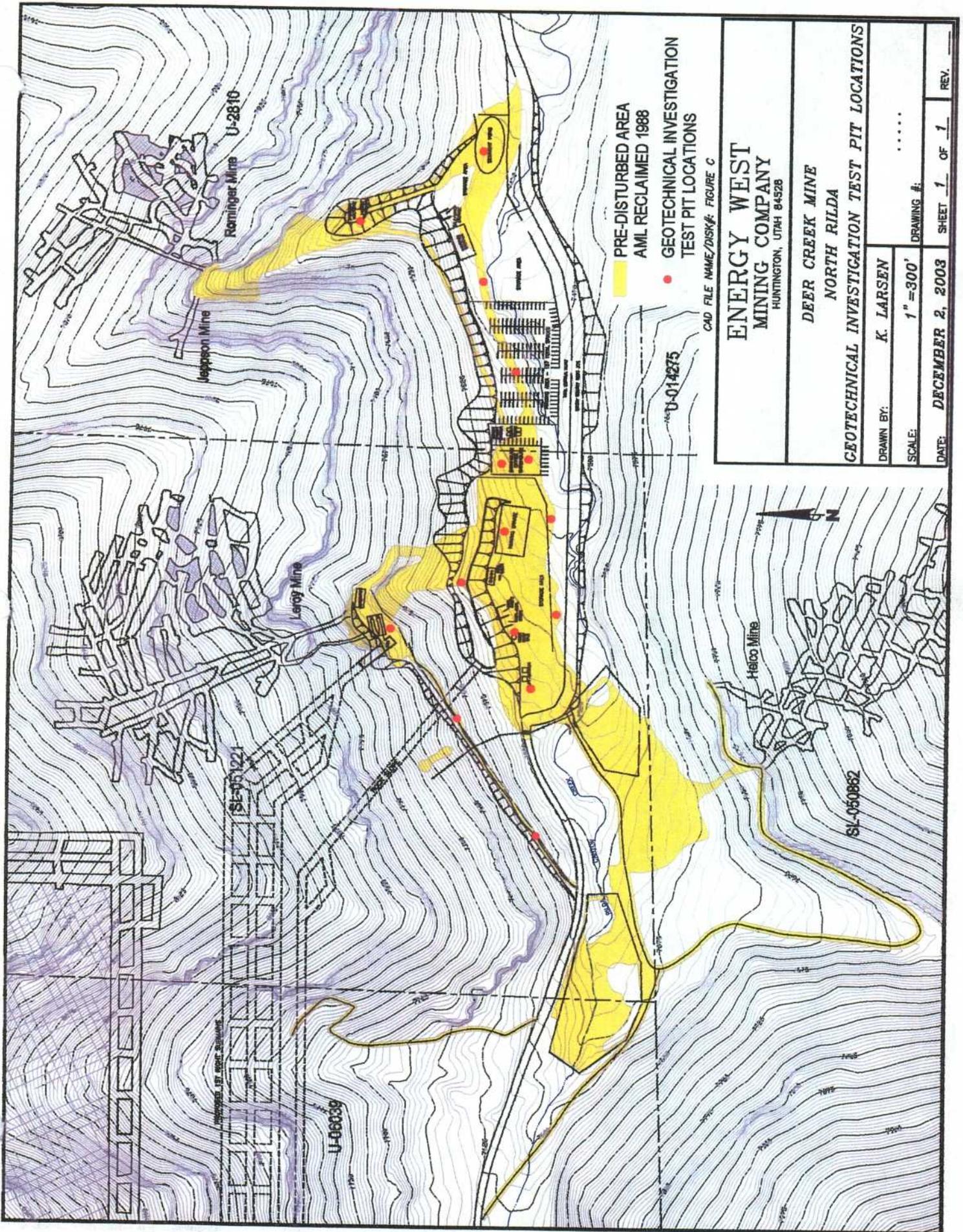


**CAUTION:**  
Land ownership data is derived from less accurate data than the 1:24000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres, and land ownership lines may have plotting errors due to source data.

No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

Figure 3

Figure 3





United States  
Department of  
Agriculture

Forest  
Service

Manti-La Sal  
National Forest

Ferron/Price Ranger District  
Ferron Work Center  
115 West Canyon Road  
P.O. Box 310  
Ferron, UT 84523  
Phone # (435) 384-2372  
Fax # (435) 384-3296

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File Code: 2820-4

Date: March 31, 2004

Sally Wisely  
Utah State Director  
Bureau of Land Management  
324 South State Street  
P.O. Box 45155  
Salt Lake City, UT 84145-0155

Dear Ms. Wisely:

I reviewed the Bureau of Land Management's (BLM's) Environmental Assessment and Decision Document for the Rilda Canyon Coal Exploration Plan. I concur with approval terms of the Exploration Plan.

Review and approval of Coal Exploration Plans requires concurrence of the surface management agency under in accordance with 43 CFR 3482.2(a)(1). My decision to concur was based on the Environmental Analysis prepared by the BLM with cooperation of the Forest, the attached Forest Service Decision Memo, and a review of the proposal for Forest Plan consistency. My decision is not appealable under Forest Service administrative appeal regulations.

The Forest has determined that a reclamation bond of \$7,000 is needed to ensure project reclamation.

If you have any questions, contact Tom Lloyd or me at the Ferron/Price Ranger District Office in Ferron, Utah.

Sincerely,

/s/ Mesia Nyman  
Mesia Nyman  
District Ranger

Enclosures

cc:  
SO



# Decision Memo

**PacifiCorp-Energy West Mining Company  
Rilda Canyon Exploration/Geotechnical Investigation 2004  
Federal Leases SL-051221 and U-2810**

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

## **I. INTRODUCTION**

The Forest Service has evaluated a Notice of Intent submitted by the proponent Energy West Mining Company, a subsidiary of PacifiCorp, to conduct minor coal exploration on Federal Coal Leases SL-051221 and U-2810. Energy West proposes to dig 6 to 20 shallow test pits in Rilda Canyon to evaluate geologic and geotechnical characteristics. This project would be on lands in which the surface is administered by the USDA Forest Service, Manti-La Sal National Forest, and the subsurface coal estate by the Bureau of Land Management (BLM).

The proposed excavation will be in an area previously disturbed by historical coal mining activities. Small mining operations were located in several of the side canyons within the immediate area. A majority of the operations commenced in the early 1940's and terminated in the 1950's. Four abandoned mines are located in Section 28, Township 16 South, Range 7 East, Salt Lake Base and Meridian, in the North Rilda area (see maps). These mines are the Leroy (or Comfort) Mine, Jeppson, Rominger (Ferrell) Mine, and Helco Mine. The previously disturbed lands associated with the abandoned mines have been successfully reclaimed and returned to resource production.

The geotechnical investigation area is located in Rilda Canyon, which is an east-west trending canyon with steep canyon walls bounded by narrow ridges with rounded tops. Contour elevations range from approximately 7,400 feet to over 9,600 feet. Distinguishable plant communities are Pinyon/Juniper, Mountain Brush, mixed conifer at higher elevations, and riparian.

The anticipated time frame for implementation during March, 2004. It is anticipated that all necessary geotechnical investigations and reclamation activities associated with this project will be completed within five days following the date of implementation. No drilling will occur during the geotechnical investigation.

The purpose of the study is to define the characteristics of the surface and subsurface material in the area of Energy West's proposed new facilities, such as the subsurface soil, bedrock, groundwater conditions at the site, and seismic setting. This analysis will include structure and foundation recommendations for proposed facilities located on the cut and fill area of the pads. Also included in the recommendations are methods used during construction to handle foundations on area of native soil, native fill, and fill from the excavated underground access slope. The road embankments will be analyzed to maintain a minimum safety factor of 1:3. Approval of the trenching will not set any precedents or approval obligations regarding future facilities in the canyon. The project is being conducted strictly to determine ground conditions for design considerations.

Below is a basic outline of the proposed project:

- Excavations, which may range up to 20 feet deep, will be conducted using a track-mounted hoe. The test/pit trenches will be monitored and logged by an engineering geologist from AMEC Earth & Environmental Inc. and Energy West Mining Company. In areas of water development (Rilda Canyon spring collection and pipelines) personnel from North Emery Water Users Special Service District will be on site to monitor excavation activities. The areas of investigation include the fan access road, fan pad area, Leroy Mine area, a section between the Leroy and Rominger Mines, and an area south of the road between the road and Rilda Creek. Testing will occur below the lowest coal seam outcrop. As a result, no coal will be removed during the project.
- During the excavation process, the available topsoil will be segregated and redistributed upon completion/compaction of each individual test pit. If spills occur, all affected materials will be removed from the site and disposed of at an approved location.
- Fire suppression equipment will be available to all personnel working at the site. Gasoline and diesel-powered equipment will be equipped with effective mufflers or spark arresters meeting FS specifications. Fuel and/or lubricating containers not stored in a truck will be placed on brattice or other acceptable ground cover at a site located away from drainage channels and will be surrounded by brattice, earthen berm, or other acceptable containment structure.
- Immediately upon completion of the testing, the pit/trenches will be backfilled and compacted utilizing the bucket of the trackhoe. If the test pits/trenches happen to remain open for some reason, a temporary fence will be erected around the site. All materials, tools, trash, and equipment will be removed immediately upon completion of geotechnical testing and reclamation activities. Duration of the project is estimated to be 5 days.
- Disturbed area such as flat area or embankments that are created during the test process will be promptly returned to the original approximate contour as soon as the evaluation is complete. All areas will be recontoured. The disturbed areas will each be reseeded with approved seed mixtures.
- Access by personnel to the test site will be via Emery County Road #306 and by foot. The Forest Service will be notified 48 hours in advance that heavy equipment will be moved onto National Forest System lands and that surface disturbing activities will commence. No road construction will be necessary for the proposed project.

An archeological survey has been conducted on the proposed Rilda Canyon mine site in September of 2003 by John Senulis of SENCO-PHENIX. This survey report is included in Deer Creek Mine permit volume 11, R645-301-400 Appendix A. The report concludes with the statement of "no effect is appropriate and archeological clearance without stipulations is recommended." SHPO gave tacit concurrence by not commenting within 30-day comment period.

Surveys for Threatened, Endangered, Candidate, and Sensitive (TES) plant and animal species have been conducted in connection with various projects in this area of Rilda Canyon (surface facilities, permit extension, and powerline) and for the coal leasing process. Results of the surveys have been provided to the various

regulatory agencies related to these projects. No TES plant and animals have been found in the area of the proposed test pits. The area is presently classified by the UDWR as High Priority Summer Range for mule deer and elk, as well as a Critical Winter Range for elk. A Wildlife Resources Report and Biological Evaluation and Biological Assessment was prepared is contained in the project file.

## **DECISIONS**

The District Ranger, Ferron/Price District, Manti-La Sal National Forest, must decide what terms and/or conditions need to be incorporated into BLM's approval of the Exploration Plan for the protection of non-coal resources and can require mitigations to minimize the effects to these resources. Authorizations are made under authority of the Mineral Leasing Act of 1920, as amended and BLM's regulations for review and approval of coal exploration plans contained in 43 CFR 3482.2.

## **FOREST PLAN**

The Forest Plan identifies the project area as being managed for leasable mineral development (MMA) which includes land surfaces that is or will be used for facilities needed for an extended period in the extraction of minerals.

The project area does not lie within any Inventoried Roadless Areas. The recreational opportunity spectrum is designated as "Roaded Natural" and the visual quality objective is "Modification".

## **II. DECISION**

I have decided to concur with approval of operations as described in the Coal Exploration Plan with modifications required by BLM in their approval, with terms and conditions listed in (Attachment 2).

The Forest Plan, as amended, and Final Environmental Impact Statement are programmatic documents that considered coal development activities in conjunction with other activities on the Manti-La Sal National Forest. The proposal is consistent with all Forest Plan requirements.

I recognize that the proposed excavation area is in close proximity to the surrounding East Mountain Inventoried Roadless Area. After careful review I have determined excavations will not enter the roadless area. In addition, surface disturbance is very minor and there are no long-term effects to the surface resources. There will be no affect on soil productivity, floodplains, inventoried roadless areas, water, air, public drinking water, diversity of plant and animal communities, habitat for T&ES species, natural appearing landscape, cultural resources, or other unique characteristics of the area. Therefore, extraordinary circumstances do not exist.

It is my determination this decision may be categorically excluded from preparation of an Environmental Assessment (EA) or Environmental Impact Statement (EIS) under Forest Service Handbook 1909.15, Chapter 30, Section 31.2(8) "Short-Term(one Year or less) mineral, energy, or geophysical investigation and their incidental support activities that may require cross-country travel by vehicles and equipment, construction of less than one mile of low standard road, or use and minor repair of existing roads." There will be negligible long-term impacts to surface resources, and surface uses would remain essentially the same.

My decision will be implemented via transmittal of this Decision Memo to the BLM Utah State Office.

### III. DECISION RATIONALE

This decision was made after careful consideration of the proposal; lease terms, conditions, and stipulations; public involvement; and the entirety of the supporting record. No one fact or single piece of information led to the decisions. Rather, a combination of factors contributed to it. The key considerations are discussed in the following sub-parts.

#### Attainment of Agency Goals:

The general purpose and need for this project is to accomplish the following goal of the Forest Plan: "Provide appropriate opportunities for and manage activities related to locating, leasing, development, and production of mineral and energy resources," (Forest Plan, p. III-4). Another related goal of the Forest Plan is: "Manage geologic resources, common variety minerals, ground water, and underground spaces (surficial deposits, bedrocks, structures, and processes) to meet resource needs and minimize adverse effects."

The project-specific purpose and need of the proposed action is to authorize occupancy and use by the lessee to exercise their right to explore their existing lease(s) by evaluating the geologic stratigraphy and structure and validating the geologic potential of the area. Additionally, it is necessary to determine what mitigations are needed to assure consistency with the BLM and Forest Service policies, applicable laws, and regulations, and the Land and Resource Management Plan, Manti-La Sal National Forest, 1986.

The decision wholly meets the project's purpose and need.

#### Forest Plan

The bottom of Rilda Canyon is designated as an MMA (Mineral Management Area) unit in the Manti-LaSal National Forest Land and Resource Management Plan. The portion of the project area within 100 feet of the high water line of Rilda Creek is designated as RPN (Riparian) Management Unit. Six of the proposed trenches lie within the RPN Management but not within the associated riparian vegetation zone. Two of the trenches on the north slope of the Rilda Canyon lie within the GWR (General Winter Range) Management Unit. The Visual Quality Opportunity (VQO) is 3B Modification, unseen from major travel routes and areas of public concentration. The Recreation Opportunity Spectrum (ROS) is Roaded Natural Appearing.

#### Absence of Extraordinary Circumstances:

Existing resource conditions and potential extraordinary circumstances have been considered in making the decisions:

*Threatened and endangered species or their critical habitat-* A Biological Assessment and Biological Evaluation (BE/BA) was prepared and signed on February 26, 2004 and is available from the Forest Service project file. The purpose of this document is to determine the proposed action's potential effects on threatened, endangered or proposed plant and animal species. It was determined the proposed project will have no affect on listed plant species, fish species, and wildlife including the bald eagle, Mexican spotted owl, western yellow-billed cuckoo, and black footed ferret. It was also determined the proposed project would have no impact on sensitive plant, fish and amphibians, and wildlife species including spotted bat, townsend's big-eared bat, pygmy rabbit, greater sage grouse, northern goshawk, peregrine falcon, flammulated owl, and tree-toed woodpecker.

*Management Indicator Species-* MIS have been considered as part of this decision. Elk do use the proposed project area during winter: fresh elk sign was seen in the project area during field visits on December 18, 2003, January 13, February 14, 2004; no fresh elk sign was seen during a field visit to the project area on February 24 2004. There is a wildlife trail on the slope above the proposed project site,

which indicates that elk regularly travel from the ridge top above the project site to the Rilda Creek. Elk would likely avoid the area during project activity. The project direct impacts may include intermittent disturbance of elk along County Road 306 and displacement of elk from the vicinity of the proposed project during the 5-day activity period. It was determined the proposed project is not likely to provide appreciable direct or indirect affect to deer in the area. The nearest suitable goshawk nest or forage habitat is located approximately 0.5 miles west of the proposed project. The project is not likely to directly or indirectly impact the goshawk. There is a golden eagle nest located just over ½ mile from the project area. No eagles were seen in the area on February 24 2004, however due to weather it was not determined whether golden eagles were occupying the nest area. The site will be monitored again prior implementation of the project. If the nest site is active, steps to reduce or eliminate potential impacts will be implemented. The project would not impact the stream, and is not likely to directly or indirectly affect macroinvertebrates.

Floodplains, wetlands, or municipal watersheds- Very little earth disturbance will occur for each excavation site. There are no wetlands in the area and there will be no effect on any floodplains or wetlands.

Congressionally designated areas, such as wilderness, wilderness study areas, or National Recreation Areas- There are no wilderness, wilderness study areas, or National Recreation Areas in or around the project area. The nearest wilderness area is the Nebo Wilderness located on the Uinta National Forest approximately 50 miles to the northwest.

Inventoried roadless area- The project area is outside the East Mountain Inventoried Roadless Area. Project activities will have no effect to the roadless characteristics since no road construction or road access into the roadless area is required.

Research Natural Area- The project area is not located within any Research Natural Areas (RNAs). The nearest RNAs are Nelson Mountain, west of Ferron, Utah, and Elk Knoll in Manti Canyon. The Mont Lewis Botanical Area is located approximately 18 miles to the north of the project area.

Native American religious or cultural sites, archeological sites, or historic properties or areas- An archaeological inventory of the proposed project area was conducted by John Senulis of Senco-Phenix Archaeological Consultants and Energy West during September 2003 in accordance with Section 106 of the National Historic Preservation Act. No cultural resources were found. Based on the findings of the cultural resource inventory, the minimal surface impact of the project and subsequent consultation with the Utah State Historic Preservation Officer, it has been determined that there will be no effect on cultural resources as a result of the proposed project. Consultation with Native American groups has disclosed no religious or Traditional Cultural Properties.

#### **IV. PUBLIC INVOLVEMENT**

Public scoping consisted of focused scoping which consisted of contacting interested parties by telephone. Parties contacted were Lee McElphrang, President of the Gentry Mountain Cattle Alotment on January 6' 2004, Jack Stoyoff, North Emery Water Users' Special Service District on December 17, 2003, and Denise Boggs, Utah Environmental Congress on January 21, 2004. Utah Division of Wildlife Resources was contacted on December 19, 2003 by telephone. In addition, internal scoping within the Forest Service by receiving comments from specialist, including recreation, range, and wildlife.

## Public Response:

Jack Stoyoff verified that PacifiCorp had contacted them. They were comfortable with the proposal and were not concerned about affecting the municipal water source. They would plan to be on-site to assure digging would be done in a manner as to not affect their water resources.

Lee McElprang had no concerns with the project. He felt it was important to the community to keep the mine going. PacifiCorp was a large corporation, and they were going to do what needed to be done to make the project happen.

UEC faxed letter dated January 22, 2004 with comments. UDWR, Leroy Mead responded with an email dated December 19, 2003. The comments are addressed in Attachment 3.

## **V. FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS**

To the best of my knowledge, the decision complies with all applicable laws and regulations. The associations of the decision to some pertinent legal requirements are summarized below:

National Forest Management Act of 1976: The Forest Plan was approved November 5, 1986, as required by this Act. This long-range land and resource management plan provides guidance for all resource management activities in the Forest. The National Forest Management Act requires all projects and activities to be consistent with the Forest Plan. The Forest Plan has been reviewed in consideration of this project. The decision will be consistent with the Forest Plan.

Federal Land Planning and Management Act of 1976: The decision is consistent with FLPMA and Forest Service Regulations contained in 36 CFR 250. Operations will not involve disposal of waste materials or unacceptable risks to public safety or forest resources.

National Historic Preservation Act: The proposal would not result in any impacts to cultural or historic resources. (Project file)

Endangered Species Act: The Biological Assessment/Biological Evaluation has disclosed that this project will not effect on threatened, endangered plant, fish or wildlife species. It was also determined there will be no impact on sensitive plant fish and amphibian species. In addition, it has been determined there will be no impact on sensitive species of spotted bat, Townsend's big-eared bat, and the peregrine falcon. It was determined the project may impact individuals, but not likely contribute to a trend toward Federal listing or cause a loss of viability to the flammulated owl, northern goshawk and the three toed woodpecker.

National Environmental Policy Act: The entirety of documentation for this project supports that the project analysis complies with this Act.

Environmental Justice: Based on experience with similar projects on the Ferron-Price Ranger District, it is believed that this project would not have any disparate impacts on individual groups of peoples or communities. Implementation of this project will produce no adverse effects on minorities, low-income

individuals, Native Americans or women. No civil liberties will be affected.

Transportation (Roads Analysis FSM 7712)

No new roads will be constructed for the project and no improvement will be made on the existing county road in Rilda Canyon for the project.

**VI. IMPLEMENTATION DATE AND APPEAL OPPORTUNITY**

Implementation of the decision may occur upon approval of the Exploration Plan by BLM subject to terms and conditions imposed by the Manti-La Sal National Forest.

This decision is not subject to appeal pursuant to 36 CFR 215 or 36 CFR 251.82.

The BLM's decision to approve the Exploration Plan is appealable to BLM

**VII. CONTACT PERSON**

For additional information concerning the Forest Service decision, please contact Tom Lloyd at the USDA Forest Service, Manti-La Sal National Forest (address: 115 West Canyon Road, P.O. Box 310, Ferron, Utah 84523; telephone: (435-384-2372).

**VIII. SIGNATURE AND DATE**

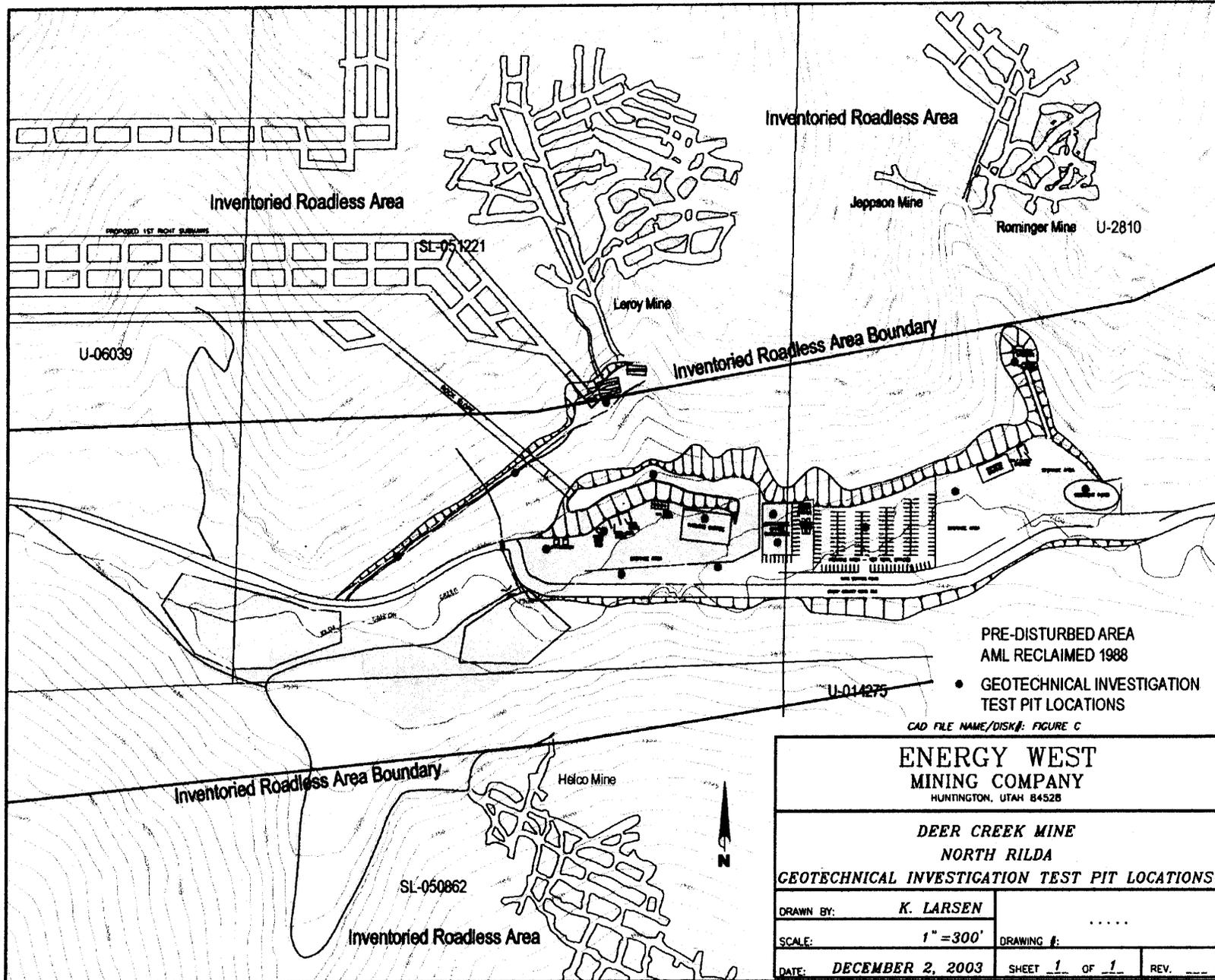
Mesia Nyman  
MESIA NYMAN

3/8/2004  
Date

Ferron/Price District Ranger, Manti-La Sal National Forest

Attachments: (#1) Map (#2) Stipulations (#3) Forest Service Response to UEC

Attachment 1, Map



CAD FILE NAME/DISK#: FIGURE C

**ENERGY WEST  
MINING COMPANY**  
HUNTINGTON, UTAH 84528

**DEER CREEK MINE  
NORTH RILDA**

**GEOTECHNICAL INVESTIGATION TEST PIT LOCATIONS**

DRAWN BY:	K. LARSEN	
SCALE:	1" = 300'	DRAWING #:
DATE:	DECEMBER 2, 2003	SHEET 1 OF 1 REV. ---

**ATTACHMENT 2**  
**Manti-La Sal National Forest**  
**Conditions of Concurrence**

**PacifiCorp/Energy West Geotechnical Investigation**

Stipulations / Monitoring: Operations conducted under the authority of the coal lease are approved by BLM. The USFS is responsible for any approvals not authorized by the coal lease. In emergency situations where the operator's activity within the leasehold is likely to imminently endanger public health or safety, life, or property, or to cause irreparable damage to resources, the USFS may issue an emergency order to correct the situation. If this should happen, the USFS will immediately notify the appropriate BLM office, at which time the BLM will exercise its jurisdiction over the operator's activities within the leasehold. If any emergency, both agencies will coordinate the implementation of corrective actions. The following stipulations and monitoring requirements apply to this project only:

- (1) A pre-work meeting including the responsible company, contractor, BLM and USFS representatives must be conducted at the project location prior to commencement of operations. The purpose of this meeting will be to apprise the operator of USFS concerns.
- (2) The operator must notify BLM 5 days prior to commencing surface disturbing activities, to allow a survey for the presence of elk to be conducted within the project area. Operations will be delayed temporarily if elk are concentrated around the project site. This same survey would identify any Golden Eagle or Goshawk activity occurring within a half mile of the project area. Operations may be modified to reduce potential for impact to these wildlife species.
- (3) The BLM and USFS must be notified 48 hours in advance that heavy equipment will be moved onto National Forest System lands and that surface disturbing activities will commence.
- (4) The BLM must be notified of any proposed changes to the plan of operations. BLM will consult with the USFS prior to approval/denial.
- (5) A representative of the North Emery County Water Users Special Services District will be onsite during excavation near their water line to ensure that there is no impact to existing water systems in the canyon.
- (6) 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 project's permits/licenses. A copy of the appropriate permits/licenses must be available for review at the project site.
- (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 USFS 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 USFS immediately.
- (10) Operations are subject to USFS fire restrictions and the USFS reserves the right to temporarily suspend operations during periods of high fire potential. Any temporary suspension of operations will be directed by BLM.
- (11) Unauthorized of-road vehicular travel is prohibited.
- (12) If cultural or paleontological resources are discovered during operations, all operations which may result in disturbance to the resources must cease and the BLM and the USFS must be notified of the discovery.
- (13) The permittee/licensee will be held responsible for all damage to fences, cattle guards, resource improvements, roads, and other structures on National Forest System Lands which result from their operations. BLM and the USFS must be notified as soon as possible if any damage occurs.
- (14) The USFS will ensure that operations are coordinated with grazing permittees to prevent conflicts.
- (15) Harassment of wildlife and livestock is prohibited. Operations will be conducted during daylight hours, between 9:00 a.m. and 5:30 p.m...
- (16) During operations all trash, garbage, and other refuse must be contained on the project site, and properly disposed of at an off-site authorized location.
- (17) The operator must remove all equipment, trash, garbage, flagging, vehicles, and other materials from the National Forest System Lands.
- (18) Any significant water encountered during operations must be reported BLM and the USFS.
- (19) The trenches must be backfilled and compacted using soil material excavated from the trenches. The surface must be scarified and reseeded with a seed mix prescribed by the USFS.
- (20) Reclamation must meet the USFS prescribed standards. Revegetation shall be considered successful when 70% of the vegetative and ground cover is re-established over the entire disturbed area, at least 90% of the vegetative cover is desirable native plants and seeded species, ground cover is at least 60%, there are no signs of active erosion, and the area is consistently free of noxious weeds. Adjacent undisturbed areas will be used as a baseline. Only certified noxious weed free mulches will be used.
- (21) The operator shall be held responsible for control of noxious weed infestations found to be a result of the operations. Vehicles and equipment must be cleaned prior to entering the project National Forest System Lands.
- (22) The success of the reseeded and reclamation activities would be monitored by BLM per standards established by the USFS. A reclamation bond is required. It is estimated that reclamation costs for this project will not exceed \$10,000. This reclamation will be guaranteed by the current LMU bond. Final determination of reclamation and bond release shall require USFS concurrence.

(23) No disturbance would be allowed within 25 feet of identified Riparian vegetation, or within Riparian vegetation itself. A review would be conducted at each site within the USFS RPN management unit defined as the area within 100' of the high water line of perennial waters in Rilda Creek prior to excavation.

(24) Stipulation for Lands of the National Forest System under Jurisdiction of the Department of Agriculture.

The permittee/licensee/lessee must comply with all rules and regulations of the Secretary of Agriculture set forth in Title 36, Chapter II, of the Code of Federal Regulations governing the use and management of National Forest System (NFS) when not inconsistent with the rights and regulations must be complied with for (1) all use and occupancy of the NFS prior to approval of a permit/operations plan by the Secretary of the Interior, (2) uses of all existing improvements, such as USFS 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:           Mesia Nyman  
              Ferron/Price Ranger District

at:           Manti-La Sal National Forest  
              115 West Cany Road,  
              Box 310  
              Ferron, Utah 84523

who is the authorized representative of the Secretary of Agriculture.

## Attachment 3

### Response to Comments PacifiCorp/Energy West Geotechnical Investigation

Utah Environmental Congress, Letter dated January 22, 2004

Comment #1:

"The UEC recommends telling Energy West that the Forest Service can't permit the desired exploration in the timeframe given. Poor planning on their part should not constitute an emergency on the Forest Service's part."

Response:

The Forest Service in conjunction with BLM has delayed the project as needed to assure NEPA protocols have been followed. The timing of the project will be done so that effects to surface resources are minimal.

Comment #2:

"Focused scoping is not recognized under NEPA and indeed violates NEPA for failing to include all of the public in the comment period. It also violates the Bush Administration's policy to involve more of the public, upfront, and early on before decisions are made."

Response:

It was determined by internal review that "focused scoping would be adequate, contact of interested parties. CEQ does not specify how scoping is to be done.

Comment #3:

"UEC strongly objects to the exploration being CE'd. It is not a distinct, separate action rather it is a connected action directly related to Energy West's proposal to build a facility in Rilda Canyon. Therefore, the exploration should go through the NEPA process and an EA should be conducted. It would be even more advisable to include the exploration in the EIS for the Facility construction."

Response:

The excavations are to determine current ground conditions in the area. This information will be used to determine design considerations and constraints for future proposed facilities. Approval of the Exploration Plan by BLM will not set any precedents regarding evaluation and approval of the proposed mine facilities and the effects of trenching are expected to be negligible. The proposed mine facilities will be evaluated based on the details of the proposal considering the effects of all past, present, and reasonably foreseeable activities. It has been determined the use of a Category Exclusion is appropriate FSH 1909.15, 31.2 (8). The excavation is proposed on existing coal leases and are related to mineral, energy, or geophysical investigations.

BLM's decision regarding approval of the proposed Exploration Plan are based on an Environmental Assessment (EA). The Manti-La Sal National Forest was a cooperating agency in preparation of the EA and considered the effects in making the associated concurrence decision.

Comment #4:

"The proposed area is winter range for deer and elk, and is used by bald eagles during the winter beginning in

February. In addition, it is a documented goshawk nesting area.”

Response:

Forest biologists have determined that the proposed operations with Forest Service requirements would have no impact to the species you mention (Biological Assessment and Biological Evaluation in project file).

Comment #5:

“It is my understanding the proposed area is above N. Emery County’s water Works and there is a concern for possible impacts to ground water. Posting an employee on the site during the exploration will do little to protect waterlines.—it will simply provide a witness if something goes wrong.”

Response:

The project area is below any springs that charge North Emery Water User’s water supply. The company has been diligent in assuring there are no impacts to springs. North Emery Water Users know where pipelines are located, their knowledge, working in cooperation with the company will be effective in avoiding any potential problem. The Rilda Canyon water supply is only part of the NEWU system, water is derived from other sources in the Huntington Creek drainage. If any thing were to go wrong it would be temporary, while necessary repairs are made.

Comment #6:

“According to one of the maps you sent, two of the proposed test pits sites appear to be in an IRA. One is the site south and west of the Leroy Mine, and the other is south of the Rominger Mine.”

Response:

There has been a careful review of the IRA boundary in the area. It has been determined the proposed test pits are outside of the IRA boundary.

Comment #7

“It is impossible for the Forest Service to claim this exploration is not related to the construction of the Facility, and therefore full NEPA disclosure is mandated.”

Response:

Refer to the response to comment 3

**Utah Division of Wildlife Resources, dated 12/19/2003; Leroy Mead**

Comment:

“Utah Division of Wildlife Resources has recommended seasonal closures for Rilda Canyon in the past due to the importance of the area to wintering elk, and to lesser extent, mule deer. We realize this policy may necessarily be compromised if future construction at the site is permitted. However, until construction activities are properly mitigated we recommend closure of this canyon to construction and additional mine-related traffic during the time period December 1 through April 15 of every year.”

Response: Several visit to the site by FS wildlife biologist to determine any impact or affects. Prior to entering the area for excavations a wildlife final wildlife survey will be conducted to determine whether or no there will be effects to wildlife 24 hour prior to starting operations.

Seeding will be done with the following certified seed mix:

<u>Basic Mix:</u>	<u>lbs./Acre</u>
<b>Dry Sites (P.J. Mtn Brush, Sagebrush)</b>	
Wester Wheat Grass (Agropyron smith)	3.0
Bluebunch Wheat Grass (Agropyron Spicatum)	2.0
Intermediat Wheat Grass (Agropyron intermedium)	2.0
Button Bue Grass (poa fendleriana)	1.0
Salina Wild Rye Grass (Elymus salinus)	1.0
Perennial Rye Grass (lolium perenne)	1.0
<u>Total</u>	10.0