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Mill Fork exploration
801-359-3940
Grazing or
C/005/0018

Manti-La Sal National Forest

Ferron/Price Ranger District
Ferron Work Center
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To: Pam Grubaugh-Litty

From: Tom Lloyd

Subject: EW Decision

Date: 7/1/04

Time:

Number of pages (including cover): 13

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Comments:

Signed copy will be mailed.
~~Tomorrow~~ Friday 7/2/04

D2-10-6200-2
10/97

Decision Memo

PacifiCorp-Energy West Mining Company
Upper Joes Valley/Crandall Canyon 2004
Helicopter Assisted Drilling Program
Utah State Coal Lease ML-48258

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

I. INTRODUCTION

The Forest Service has evaluated an application submitted by Energy West Mining Company (proponent), a subsidiary of PacifiCorp, for a helicopter-assisted drilling program on Utah State Coal Lease ML-48258. 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 State of Utah, School & Institutional Trust Lands Administration (SITLA). The general location is the Crandall Canyon/Upper Joes Valley area about 16-20 miles northwest of Huntington, Utah. The project lies within the East Mountain Inventoried Roadless Area; however, no new roads or road reconstruction are proposed

The proposed project would consist of drilling 4 holes during early summer, 2004 (July 6 to October 1) (attachment 1 Map). The project would be done using helicopter assistance resulting in very little surface disturbance (<100 sq ft/site) and without road construction. Three (3) of the proposed holes are proposed to be drilled in the Upper Joes Valley (EM-188, EM-189, and EM-190). One additional hole is located on the south side of Crandall Canyon (EM-191). Below is a tabulation of drill hole numbers, location, elevation, and depth.

Table:

Hole Number	Location	Elevation (Ft)	Projected Depth (Ft)
EM-188	2730' North, 1230' East, SW Corner of Sect. 14, T16S, R6E,	9423	1470
EM-189	295'North, 1680' East, SW Corner Sect. 11, T16S, R6E,	9657	1720
EM-190	2425' North, 1610' East of SW Corner Sect. 11, T16S, R.6E, **Upper Joe's Valley**	9512	1570
EM-191	1815' South, 570' West of NE Corner of Sect. 12, T.16S., R.6E, **Crandall Canyon**	9427	1530

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The purpose of the drilling would be to provide information necessary to evaluate the coal seam thickness, coal quality, and further characterize the geology of the area's coal reserves. These data are needed for mine plan development. The drilling technique would consist of helicopter-assisted wireline coring from the surface to total depth (TD) about 10 to 20 feet below the Hiawatha seam. Cores samples would be obtained from the two potential mineable seams, the Blind Canyon and the Hiawatha seam.

Below is a basic outline of the proposed helicopter assisted drilling project and needed support

- The drill rig(s), equipment, and supplies would be transported by truck to the staging area located in a clearing along Forest Road 50017, about 2/3 mile south of Indian Creek campground. From there it would be flown to each respective Upper Joes Valley site (EM-188, EM-189, EM-190). The proposed site EM-191, situated on the south side of Crandall Canyon, will be accessed by the above mentioned staging area, or from a secondary staging area in the lower end of Mill Fork Canyon (see map). Equipment would include a diesel powered water pump, baskets of drill rod, water tanks and other miscellaneous items including fire suppression equipment. No road construction, reconstruction, or improvement of the staging areas is needed.
- Road Use Permits would be obtained prior to commencement of drilling operations for access by FR 50040 through Cottonwood Canyon, access by FR 50017 through Upper Joes Valley, and access for the secondary helicopter staging area located along FR 50245.
- Drill site preparation would include minor digging with hand tools to achieve a suitable area for drill platform placement. Brattice cloth (a sheet of rugged impermeable yellow material) would be temporarily placed on ground at each site prior to equipment placement to protect soils from potential contamination.
- Drill rig(s) and support equipment would be flown from the staging area to each site via helicopter.
- Drilling water would be supplied by diversions from Crandall Creek for drill hole EM-191, while the remaining three holes (EM-188, EM-199, EM-190) will divert water from the nearby unnamed drainages which flow from Indian Creek. The total amount of water necessary for the project is estimated to be 20,000 gallons per hole.
- The water would be pumped from the approved water source to each drill site through a 1" yellow hose placed temporarily on the ground. The hose is flown into place by helicopter in lengths of 200 feet and is manually connected. For water rights, PacifiCorp will file a Temporary Exchange Application with the State of Utah, Division of Water Rights. Diversions will be made in accordance with rule R–645-301-742.3 of the Utah Division of Oil, Gas, and Mining (UDOGM).
- Water and drilling fluid would be captured into portable tubs and re-circulated to eliminate soil and stream contamination.
- Drill cuttings would be collected and removed off FS Lands to an approved waste rock site.
- When drilling is complete and the necessary down-hole geophysical data are acquired, holes would be plugged with cement slurry and bentonite per BLM and USFS approved drill hole plugging and abandoning procedures.
- Drilling and other support equipment would be removed via helicopter from the drill sites. Minor reclamation and scarification would be done with hand tools.
- Disturbed areas would be reseeded with approved USFS seed mixture. Any contaminated soil would be removed and taken to an approved wasted waste site of Forest Lands.

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- As required by the Forest Service, Pacificorp will obtain a Special-Use Permit for the proposed exploration to authorize occupancy of National Forest System lands.

II. DECISION

I have decided to authorize occupancy of National Forest System lands to conduct the proposed 4 hole helicopter assisted coal drilling project on State Coal Lease ML-48258 by issuing Special-Use and Road Use Permits to EnergyWest Mining (PacifiCorp) subject to terms and conditions of the permits and provisions of the drilling plan as altered by the attached stipulations (Attachment 2).

III. DECISION RATIONALE

This decision was made after careful consideration of the proposal, 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 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.

The effects of coal leasing, reasonably foreseeable coal development activities, and other past, present, and reasonably foreseeable actions were disclosed in the Mill Fork Federal Coal Lease Tract UTU-71307, Environmental Assessment, Lease-by-Application No. 11, 1997. The proposed exploration project is consistent with that analysis

The decision wholly meets the project's purpose and need. SITLA and the permittee have an outstanding right to conduct reasonable exploration drilling within the State coal lease.

Absence of Extraordinary Circumstances:
Existing resource conditions and potential extraordinary circumstances have been considered in making the decisions:

> *Steep slopes or highly erosive slope-* The proposed drilling areas are located away from steep slopes and highly erosive slopes.
>
> *Threatened and endangered species or their critical habitat-* A Biological Assessment and Biological Evaluation (BA/BE) was prepared and signed on June 25, 2004 and is available from the Forest Service project file. It was determined that the project will have no effect on T&E wildlife species or habitat. It was determined the Energy West 2004 Coal Project will have no impact on the Townsend's big-eared bat, greater sage grouse, peregrine falcon, or the flammulated owl. It was also determined the drilling "May impact individuals or habitat, but will not likely

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contribute to a trend towards federal listing or loss of viability to the population or species" of the northern goshawk and three-toed woodpecker.

Management Indicator Species- MIS have been considered as part of this decision. The timing of the project would not alter deer or elk habitat. The project activities would not occur during prime big-game parturition period. Suitable nesting habitat was surveyed, and all active goshawk nests will be protected with a ½ mile buffer. No nesting goshawks were found within ½ mile of the proposed drill sites or staging areas. One goshawk territory was found within ½ mile of a proposed helicopter flight line; this flight line was altered so that it would not pass within a ½ mile buffer around the active territory. Although there is an intermittent stream in the proposed project area, and a perennial stream near the project area those drainages would not be adversely impacted by drilling activities.

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

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 within 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. Other roadless characteristics considered and determine to have no affect include 1.) High quality or undisturbed soil, water and air; 2.) Sources of public drinking water, 3.) Diversity of plant and animal communities; habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land; 5.) Primitive, semi-primitive non-motorized an semi-primitive motorized classes of dispersed recreation; 6.) Reference landscapes; 7.) Natural appearing landscapes with high scenic quality; 8.) Traditional cultural properties and sacred sites; and other locally identified unique characteristics.

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- In accordance with Section 106 of the National Historic Preservation Act an archaeological evaluation of the proposed project area was conducted by John Senulis of Senco-Phenix Archaeological Consultants and Energy West. Based on the findings of the cultural resource evaluation, consistent with 36 CFR 800.3 and 800.16(y) it was determined by the authorized officer there is no potential to cause effects based on the following:

- Extremely limited level of disturbance/minimal site preparation associated with the proposed activity (hand-cleared pad preparation to accomodate drill rig platforms with helicopter access),

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- Location of drill sites on ridge areas adjacent to steep slopes,
- Comparative data from cultural resources conducted in similar settings of the same general area indicate an extremely low likelihood of cultural properties being present.

IV. PUBLIC INVOLVEMENT

Public scoping consisted of sending 34 letters to interested parties by mail along with public notices published in Emery County Progress and the Sun Advocate. This is a partial list of the individuals, groups, and agencies contacted: Emery County Public Lands Advisory Board; Utah Environmental Congress; Utah Dept. of Wildlife Resources; Huntington-Cleveland Irrigation Company; Tom Faddies, State Institutional Trust Lands Administration; John Larsen, Crandall Ridge Sheep Allotment; Jack Stoyanoff, North Emery Water Users Association: and the Ute and Paiute Tribes.

Public Response:

Public comments were sought by letter (March 7, 2004) and by legal notices in the Emery County Progress (February 3, 2004) and the Sun Advocate Newspaper (February 3 and 5, 2004). All comments were considered throughout the planning process for this project.

After hearing a description of the project activities, comments were received from the interest groups:

1. The Utah Environmental Congress (UEC) responded with their letter dated March 5, 2004 and expressed a number of concerns which have been addressed and documented in the project file
2. The North Emery Water User Association commented they were not concerned about potential impacts, since the 4 drill holes are located outside of the recharge area of their springs.
3. Utah Department of Wildlife Resources classifies much of the project area as critical summer range for elk or deer and are concerned about negative impacts to rearing conditions on big game. Golden eagle and red-tailed hawk activity has been documented recently in Mill Fork canyon. Therefore, The UDWR recommends that the project starting date be delayed until July 1, 2004.
4. US Department of Interior, Fish and Wildlife Service reported several concerns and recommendations.
    a. Disruption of raptors and migratory birds during breeding and nesting seasons
    b. Assess potential impacts to sage grouse, and Mexican Spotted Owl critical habitat
    c. Provided an updated list of threatened (T) endangered (E) and © candidate species. Requested that the FS evaluate potential affects on these species or their habitat
    d. Evaluate the project for potential spread of invasive plant species.

    These items have been addressed in the BE/BA and Forest Service drilling stipulations (attachment #2).

5. The Public Lands Department, Emery County supports the project because of the economic importance of energy production. It also encourages the FS to minimize the effects of the drilling project on forest resources.

V. FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

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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 is 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)

A separate project-specific roads analysis was not needed for the following reasons:

- No new roads are needed for this project. Drill sites will be accessed by helicopter.
- Forest Service classified roads will be used for access to helicopter staging areas, however no road improvements will be necessary.
- Classified roads serving the project area were assessed in the Forest Scale Roads Analysis, which calls for retention of the roads proposed for use to support this project.

VI. IMPLEMENTATION DATE AND APPEAL OPPORTUNITY

It is my determination that this decision may be categorically excluded from preparation of an Environmental Assessment (EA) or Environmental Impact Statement (EIS) under Forest Service

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Handbook 1909.15, Chapter 30, Section 31.2(3) "Approval, modification, or continuation of minor special use of National Forest System lands that require less than five contiguous acres of land." This category was determined appropriate because impacts to the area affected by this decision are short-term with little ground disturbance. The total area of new disturbance would be less than 1 acre. There will be negligable impacts to surface resources, and surface uses would remain essentially the same.

My decision will be implemented via transmittal of a concurrence letter to UDOGM (Utah Division of Oil, Gas, and Mining) with terms and conditions (Attachment 2). A Special Use Permit and Road Use Permit, with terms and conditions needed to protect non-mineral resources, will be issued to Energy West Mining Company to authorize access to and surface occupancy of National Forest System lands in the Utah State Coal Lease ML-48258. Implementation of the decision may occur immediately upon my signature of this document and issuance of the required permits.

This decision is subject to appeal pursuant to 36 CFR 251.82. Notice of appeal must be postmarked or received by the Appeal Reviewing Officer within 45 days of the date of this decision. A notice of appeal, including the reasons for appeal, must be filed with the Regional Forester, Intermountain Region, Federal Building, 324 25th Street, Ogden, Utah 84401. A copy of the notices must be filed simultaneously with the Forest Supervisor, Manti-La Sal National Forest, 599 West Price River Drive, Price, Utah 84501. Appeals must meet the content requirements of 36 CFR 251.90.

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: (435-636-3596).

VIII. SIGNATURE AND DATE

MESIA NYMAN
District Ranger

7/1/04
Date

Attachments: (#1) Map (#2) Stipulations

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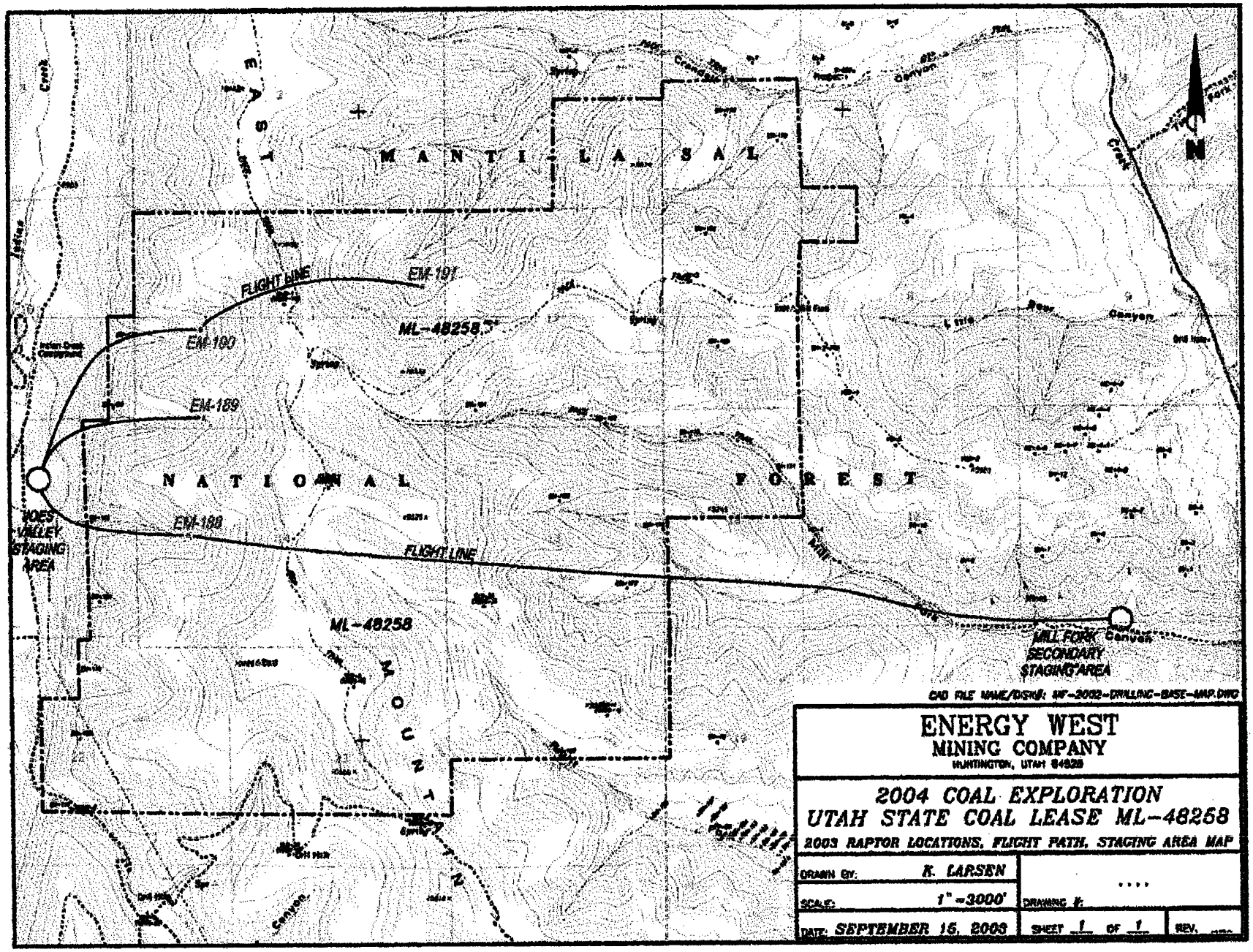
MANTI LA SAL
NATIONAL FOREST
EAST
FLIGHT LINE
EM-191
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JOES VALLEY STAGING AREA
MILL FORK SECONDARY STAGING AREA
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CAD FILE NAME/DISK#: NF-2002-DRILLING-BASE-MAP.DWG
ENERGY WEST
MINING COMPANY
HUNTINGTON, UTAH 84528
2004 COAL EXPLORATION
UTAH STATE COAL LEASE ML-48258
2003 RAPTOR LOCATIONS, FLIGHT PATH, STAGING AREA MAP
DRAWN BY: K. LARSEN
SCALE: 1" = 3000'
DRAWING #: ....
DATE: SEPTEMBER 15, 2003
SHEET 1 OF 1
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ATTACHMENT 2

STIPULATIONS

PacifiCorp-Energy West Exploration 2004
Special Use Permit for Helicopter Assisted Drill Hole on State of Utah
Lease # ML-48258 (Mill Fork Tract)

1. A pre-work meeting including the responsible company respresentative(s), contractors, and the Forest Service must be conducted at the project location prior to commencement of operations. Site-specific Forest Service requirements will be discussed at this time.

2. A Road Use Permit must be obtained from the Forest Service before equipment is transported onto National Forest System lands.

3. All surface disturbing activities including reclamation must be supervised by a responsible representative of the permittee/licensee who is aware of the terms and conditions of the projects permits/licenses. A copy of the appropriate permits/licenses must be available for review at the project site and presented upon demand to any Forest Service Official.

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

5. The Forest Service must be notified of any proposed alterations to the plan of operations. Any changes to the existing plan are subject to Forest Service review and approval.

6. 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.

7. All gasoline, diesel, and steam-powered equipment must be equipped with effective spark arrestors or mufflers. Spark arresters must meet Forest Service specifications discussed in the "General Purpose and Locomotive (GP/L) Spark Arrester Guide, Volume 1, April, 1988"; and "Multi-position Small Engine (MSE) Spark Arrestor Guide, April, 1989". In addition, all electrical equipment must be properly insulated to prevent sparks.

8. The permittee/licensee will be held responsible for damage and suppression costs for fires started as a result of operations. Fires must be reported to the Forest Service as soon as possible.

9. Operations are subject to Forest Service fire restrictions and the Forest Service reserves the right to suspend operations during periods of high fire potential.

10. Water needed in support of operations must be properly and legally obtained according to Utah State water laws. The location of diversions, if on National Forest System lands, are subject to Forest Service review and approval. The operator shall assure that continuous stream flow is maintained below take out points at each source of water to minimize impact to wildlife, and livestock.

11. Unauthorized off-road vehicular travel is prohibited.

12. Section corners or other survey markers, including claim corners, in the project area must be located and flagged for preservation prior to commencement of surface disturbing activities. The removal, displacement, or disturbance of markers must be approved by the proper authority. Replacement will be done by the proper authority at the expense of the permittee/licensee.

13. If cultural or paleontological resources are discovered during operations, all operations which may result in disturbance to the resources must cease and the Forest Service must be notified of the discovery.

14. The permittee/licensee will be held responsible for all damage to fences, cattleguards, resource improvements, roads, and other structures on National Forest System lands which result from their operations. The Forest Service must be notified of damages as soon as possible.

15. Operations must be coordinated with grazing permittees to prevent conflicts. Range permittees must be notified of operations at least one week prior to starting drilling operations.

16. Harrassment of wildlife and livestock is prohibited.

17. Helicopter flight lines must be adhered to and the quantities of flights must be minimized. Flights are to keep a safe (one half mile) distance from active raptor nest. Active raptor nests are to be monitored during the drilling and helicopter operations. An acceptable ground based raptor monitoring plan is required by EnergyWest/Pacificorp to the Forest Service prior to commencement of operations. The no fly/no activity exclusion area shall be strickly adhered (attachment 1).

18. Drill pads will be designed to prevent soil contamination by placing brattice or other similar material on the ground prior to placement of equipment. Only minor digging with hand tools is authorized for site preparation.

19. An acceptable spill containment/spill removal contingincy plan must be submitted to the Forest Service prior to commencement of opertations. MSDS sheets required on site for fuel, oils, and drilling additives.

20. All drilling fluids, mud and cuttings must be contained on the project site in portable containers and removed to an approved site as part of reclamation. No fluids will be discharged or dumped into streams or onto the ground.

21. During the drilling operations all trash, garbage and other refuse must be properly contained on the project site prior to disposal at authorized sites.

22. All significant water encountered during drilling must be reported to the Forest Service, including the depth and formation at which it was encountered, and an estimate of the flow.

23. If any of the drill holes encounter artesian groundwater flow, the District Ranger must be notified prior to plugging the hole to determine whether or not the Forest Service would elect to establish a permanent water development at the site.

24. All drill holes must be plugged in accordance with Federal and State regulations.

25. The operator must remove all drilling equipment, trash, garbage, flagging, vehicles and other materials from National Forest System lands as part of reclamation. Oil and fuel contaminated materials including contaminated soils and gravel must be removed and transported to approved location.

26. Drill rigs and heavy equipment (not including water trucks) must not be transported over National Forest System roads during the opening weekend of the general elk hunt nor during the opening weekend of the general deer hunt and during holiday weekends (Friday through Monday for Federal Holiday weekends and Friday through Sunday for the opening weekends of the hunts).

27. Drill Sites must be reclaimed upon hole completion scarification and reseeding. Exceptions require Forest Service approval.

28. Seeding will be done with the following certified seed mix:

Basic Mix:		lbs./acre
Mountain Brone (Bromus carinatus)		3.0
Slender wheatgrass (Elymus trachycaulus)		3.0
Sandbergs Blue Grass		1.0
Columbia Needle Grass		1.0
Blue Wild Rye (Elymus Glenus)		1.0
Pacific aster (Aster chilensis)		0.2
Total		9.2

The certified weed-free seed mixture must be 99 percent pure live seed containing a maximum of 1% weeds none of which are noxious.

29. All disturbed drainages must be replaced to their approximate original configuration when the project area is reclaimed.

30. Reclamation efforts will be diligently pursued to insure that a minimum ground cover is established on all disturbed areas which is equal to or greater than the surrounding undisturbed areas.

31. The operator will be held responsible for control of noxious weed infestations found to be a result of this drilling operation. Vehicles and drilling equipment are to be cleaned prior to entering National Forest System lands.

32. Stipulation for Lands of the National Forest System Under Jurisdiction of the Departmenmt of Agriculture.

The licensee/permittee/lessee must comply with all the rules and regulations of the Secretary of Agriculture set forth at Title 36, Chapter II, of the Code of Federal Regulations governing the use and management of the National Forest System (NFS) when not inconsistent with the rights and regulations must be complied with for (1) all use and occupancy of the NFS prior to approval of a permit/operation plan by the Secretary of the Interior, (2) uses of all existing improvements, such as Forest Service 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 Telephone No. (435) 384-2372

who is the authorized representative of the Secretary of Agriculture.