

0053



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
UTAH STATE OFFICE
136 E. SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111

#4

*File Copy
Cottonwood Portal*

IN REPLY REFER TO

1792 E-3&4
(U-921)

*Route, then
file
2/11/80 →
SWS*

FEB

RECEIVED
FEB 05 1980

DIVISION OF
OIL, GAS & MINING

Cleon Feight, Director
Utah Division of Oil, Gas and Mining
1588 West North Temple
Salt Lake City, Utah 84116

Dear Mr. Feight:

On January 30, 1980 a joint decision to approve various rights-of-way for Utah Power and Light Company's Emery 3 and 4 project was finalized between Vern Hamre, Regional Forester, Region 4, and myself. As you will note in the attached document, this decision is contingent upon several actions by other Federal, State, and local agencies. The decision was coordinated with these agencies after carefully considering the environmental consequences as analyzed in the environmental impact statement (EIS), and concerns expressed following the distribution of that document.

I would like to thank you for your cooperation during the preparation of the EIS and your input during the coordination of this decision.

Sincerely yours,

State Director
ACTING

Enclosure (1)
Decision Sheet
& Issue Document



Save Energy and You Serve America!

EMERY 3 & 4 PROJECT

DECISION SHEET

Issue I - Transmission Line Route

Option 1 - Approve Proposed Spanish Fork Canyon Route



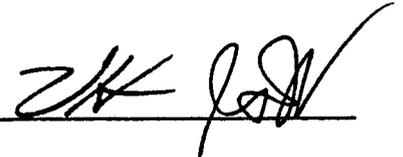
Option 2 - Approve Manti Top Alternative Route

Option 3 - Disapprove Transmission Line Routes

Issue II - ROW in Cottonwood Canyon

Option 1 - Approve Proposed ROW to Proposed Portal Location

Option 2 - Conditionally Approve ROW to proposed portal site provided acceptable mitigating measures are agreed to by all Federal, State, and local governmental agencies. If no agreement is reached, approve Option 3



Option 3 - Approve Alternative ROW to Alternative Portal Site

Option 4 - Disapprove ROW in Cottonwood Canyon

Issue III - Coal Haul Road (Deseret Beehive Mine)

Option 1 - Approve Proposed Coal Haul Route

Option 2 - Approve Alternative Coal Haul Route



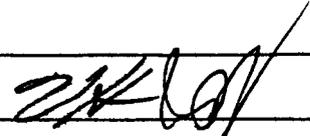
Option 3 - Disapprove New Coal Haul Road

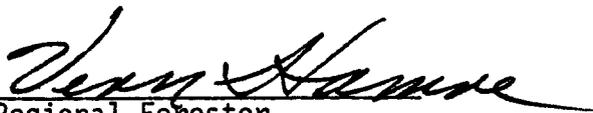
Issue IV - Alternative Industrial Water Supply
(Muddy Creek or San Rafael River Reservoirs)

Option 1 - Approve Alternative Water Supply

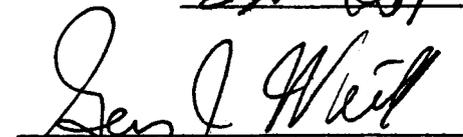
Option 2 - Disapprove Alternative Water Supply

Option 3 - Defer Decision





Regional Forester
Region 4
U. S. Forest Service


Utah State Director
Bureau of Land Management

January 29, 1980

January 30, 1980

EMERY 3 & 4 PROJECT

A decision to approve the necessary rights-of-way to allow implementation of the Emery 3 and 4 Power Project would be contingent upon the granting of required permits and rights-of-way from other Federal, State, and county agencies. The decision would also be contingent upon UP&L securing private land for location of the loadout facility or approval for relocating the loadout facility on public lands. The access problem in Cottonwood Canyon must be resolved to the satisfaction of OSM, U.S. Forest Service, Utah State, BLM, and Emery County Commission. Major specific actions that would be necessary include:

EPA granting PSD permit

Ut. Div. Air Quality granting construction permit

OSM approve mining plan

Emery, Carbon, & Utah counties grant building permits as required.

As pointed out in the Final Environmental Statement, the proposed design of the Cottonwood mine could limit right-of-way width thus constraining future upgrading of the road and future development and use of the canyon. Also, at the time the final EIS was completed, the mining plan, to be approved by the Office of Surface Mining, had not been formulated. Approval of the Cottonwood mine portal and ancillary facilities is thereby conditional on the premise that no construction be permitted within Cottonwood Canyon until it has been demonstrated that the conflicts have been resolved with acceptable mitigating measures, or the proposal has been modified to eliminate the conflict with present and future use of the access corridor to and past the Cottonwood mine portal. In the event satisfactory resolution of this problem cannot be reached, the use of an alternate portal site, such as Miller Canyon, will be necessary.

ISSUE DOCUMENT

UNITS 3 AND 4 OF THE EMERY (HUNTER) POWER PLANT

I. DECISION CATEGORY

This proposal involves several federal, state, and county approval actions. The BLM, as lead agency, prepared an environmental impact statement for this proposed action, in accordance with NEPA. The draft statement was filed with EPA February 16, 1979. The final statement was filed October 11, 1979, and the EPA Federal Register notice of availability appeared October 19, 1979. A decision may be made 30 days after the EPA notice of availability or after November 18, 1979.

The decision would be an administrative action. Approval of the proposal by BLM would include the granting of several rights of way for project components.

II. BRIEF DESCRIPTION OF THE PROPOSAL

A Utah based utility, Utah Power and Light Company, has proposed to construct two 430 megawatt (MW) coal-fired electrical power generating units contiguous to two existing units near the town of Castle Dale in Emery County, Utah. One of these units is in operation, and the second unit is scheduled to go on line in 1980. The proposed Unit 3 would begin operating in 1983, and Unit 4 in 1985. Units 3 and 4 would be built on private land and no federal authorizing action would be required for the plant site. One 345 kilovolt (kV) transmission line, 118 miles long and parallel to the existing line for Emery Unit 1, would deliver power to a substation near Camp Williams approximately 15 miles south of Salt Lake City, Utah.

Coal would be mined from two sources. About 1.5 million tons of coal annually from the existing Wilberg Mine would be mined through a portal to be constructed in Cottonwood Canyon; it would then be conveyed and trucked 14 miles to the plant site. About 1 million tons of coal from the existing Desert-Beehive mines

would be mined annually and trucked about 12 miles to the plant site. Approximately 14,000 acre-feet of water annually would come from the Cottonwood and Ferron Creek drainages. During construction the project would employ a peak of 1,205 persons. Operation of the coal mine, transportation system and generating units would require 588 permanent employees.

III. FEDERAL AUTHORIZING ACTIONS

Bureau of Land Management

Grant a 130-foot right-of-way, including necessary access, across about 16 miles of public lands for a 345-kV transmission line. Allow modification of an existing right-of-way across about 2 miles of public land.

Grant a 100-foot tramway right-of-way across 1.9 miles of public land for a 42-inch coal conveyor.

* Grant a 20-foot right-of-way across 1.9 miles of public lands for a 25-kV distribution line with a telephone line underbuilt.

Grant a 50-foot right-of-way across 1.9 miles of public land for a 24-foot wide paved two-lane road.

** Grant a 10-foot right-of-way across 2.0 miles of public land for a 2-inch culinary waterline.

** Grant a 10-foot right-of-way across 2.0 miles of public land for a 6-inch sewer line.

Office of Surface Mining, Reclamation, and Enforcement

Evaluate the mining and reclamation plan and issue a permit for construction and operation of the mine.

U.S. Forest Service

Grant a 130-foot right-of-way, including necessary access, across about 17 miles of Forest Service land for a 345-kV transmission line.

Grant a 100-foot wide right-of-way across 0.34 miles of Forest Service lands for a 42-inch coal conveyor.

* Grant a 20-foot right-of-way across 0.35 miles of Forest Service land for a 25-kV distribution line with a telephone line underbuilt.

Grant a 50-foot right-of-way across 0.32 miles of Forest Service land for a 24-foot wide paved two-lane road.

* This line has already been built to service trail Mountain mine
** Changes in the proposal may make these facilities unnecessary

** Grant a 10-foot right-of-way across 0.33 miles of Forest Service land for a 2-inch culinary waterline.

** Grant a 10-foot right-of-way across 0.34 miles of Forest Service land for a 6-inch sewer line.

** Grant an electronic site permit for 1 acre for communication repeater station.

Bureau of Reclamation

Agree to addition of transmission lines to existing towers on present 130-foot wide transmission line right-of-way across about 1 mile of withdrawn land east of Utah Lake.

Amend contract with Emery Water Conservancy District and UP&L to allow purchase of additional water by UP&L.

Federal Aviation Administration

Issue air space permit for the two additional 600-foot stacks at complex.

Environmental Protection Agency

Issue national pollutant discharge elimination system permit for emergency discharge of excess mine water into Cottonwood Creek.

Issue permit for water intake in Cottonwood Creek.

Issue Prevention of Significant Deteriorations (PSD) Permit for Units 3 and 4.

U.S. Army Corps of Engineers

Issue Section 404 permit for placement of diversion structure in Cottonwood Creek.

IV. STATE AND COUNTY AUTHORIZING ACTIONS

Utah Division of State Lands

Grant 130-foot right-of-way across about 6 miles of state land for a 345-kV transmission line.

* Grant a 20-foot right-of-way across 0.2 miles of state land for a 25-kV distribution line with a telephone line underbuild.

Grant 50-foot right-of-way across 0.2 miles of state land for a 35 foot wide paved two-lane road.

** Grant a 10-foot right-of-way across 0.2 miles of state land for a 2 inch culinary waterline.

** Grant a 10-foot right-of-way across 0.2 miles of state land for a 6 inch sewer line.

Utah Department of Transportation

Issue encroachment permit for Cottonwood Creek pipeline along Utah Highway 57 for about 6 miles.

Issue permits for 16 state and federal highway crossings.

Utah State Department of Health, Division of Environmental Health

Issue permits for each component part of complex as they relate to pollution production and control.

Issue permits for solid waste disposal (fly ash, sludge, and garbage).

Utah Division of Oil, Gas, and Mining

Issue permits for surface facilities connected with the Cottonwood Portal mining operation.

Carbon County

Issue a building permit.

Utah County

Issue a building permit.

V. UNAVOIDABLE ADVERSE IMPACTS

A. Air Quality

Based on available data, visibility in Capitol Reef National Park could be reduced up to 10 percent for up to 11 hours per year. Visibility at Canyonlands and Arches National Parks and BLM areas of special concern (Sids Mountain; Mexican Mountain; San Rafael Reef, Desolation Canyon, and Lower Green River) would be reduced by no more than 5 percent for short periods. However, evidence is not conclusive as to whether Units 3 and 4 would or would not affect visibility in Class I areas (Capitol Reef, Canyonlands, etc.).

The atmospheric discoloration observed as a result of NOx emissions from Unit 1 would be expected to increase in intensity, spatial extent, and frequency, assuming a proportional increase of NOx emissions, with the operation of additional units.

It is the present policy of the National Park Service to protect the scenic values of their Class I areas from any adverse visual impairment at human levels of perception. The problem is determining that level where human visual impairment is reached. The Park Service is presently gathering baseline data from telephotometers placed in a number of national parks, including Capitol Reef, Canyonlands, Bryce, and Zion in Utah. They are gathering information on baseline visibility in advance of EPA's promulgation of visibility regulations.

B. Geology

Subsidence up to 10 feet could occur over the area to be mined. Should subsidence occur, aquifers could be interrupted and flow from springs, seeps, and stream altered. Private surface land owners are concerned as property values could be lost. The Utah Division of Wildlife Resources is concerned over possible loss of water sources for wildlife. Regulations (30 CFR 211.40(a)(7)) require that the proponent replace any lost water at the site. This may be viable for water lost from use for domestic purposes. Water lost could be provided on a limited basis for wildlife. It is not likely that pervasive water would be provided in perpetuity or in sufficient quantities to replace all the currently available water that could be lost to wildlife and riparian vegetation.

C. Water Resources

Conversion of 14,000 acre-feet of water from agricultural to industrial use in Emery County could reduce return flows in the San Rafael River drainage by approximately 10 percent. This could affect downstream water users. Four downstream users have threatened UP&L with litigation over this loss. In order to prevent a suit, UP&L is proposing to purchase the land and water rights involved. In order to make use of this water, the proponents are contemplating the construction of a reservoir on either Cottonwood Creek, tributary to the San Rafael River, or the San Rafael River itself. The San Rafael River is tributary to the Green River. The construction and operation of a reservoir are discussed and analyzed as an alternative.

The U.S. Fish and Wildlife Service has indicated concern about additional water developments in the Colorado River Basin. The following is an excerpt from a "Biological Opinion" given in connection with the proposed action.

". . . the Fish and Wildlife Service is very concerned about the cumulative impacts of the many water development projects in the Colorado River Basin on endangered fishes. We have initiated several studies to determine habitat requirements of the endangered fishes, with the primary objective of establishing minimum streamflow from the major rivers of the basin (Green, Yampa, Duchesne, White, and Colorado Rivers). All future water diversions and reservoirs should be considered cumulatively. Minimum streamflows must be established before the total impacts of all projects can be effectively analyzed."

Formal consultation with the U.S. Fish and Wildlife Service on the effects of the reservoir alternative and associated pipeline on endangered species was initiated September 26, 1979.

D. Land Use

Three significant and controversial land use impacts have been identified.

1. The proposed construction of a portal and surface facilities in Cottonwood Canyon could constrain development of other facilities in Cottonwood Canyon and limit livestock and wildlife movement due to the restricted space.
2. The construction and operation of the coal haul road from the Deseret-Beehive Mine between the towns of Orangeville and Castle Dale would physically divide these towns and occupy some valuable farm land. Mayors, citizens, and county commissioners are adverse to this proposal.
3. A maximum of 3,415 acres of agricultural land would be retired from production as a result of change of water use from agricultural to industrial.

E. Socioeconomics

By 1987, population growth attributable to operation of Units 3 and 4 would total 3,640. This would be 9 percent of the total growth expected by 1987. The number of school age children would increase by 860, and this would create the need for 34 additional class rooms and 36 new teachers. The population growth due to Units 3 & 4 would also create the need for 1,130 new housing units in Carbon and Emery Counties. The expected distribution of the new residents is 29 percent in the Price River Valley and 71 percent in the Castle Valley area.

As a result of the proposal, annual income in Carbon and Emery counties would increase by \$20.8 million by 1987. This would benefit the work force, but persons on fixed incomes would suffer reduced buying power.

VI. INTERRELATED GOVERNMENT AGENCY CONCERNS

A. Environmental Protection Agency

The EPA has significant reservations regarding the effect of the project on visibility. Studies are currently being conducted on various national parks, as well as on nearby public land administered by BLM to gather data to assist in promulgation of visibility regulations. The EPA has requested additional studies by UP&L to assess impacts on visibility. These studies include a visual, photographic presentation of visibility impacts and an analysis of visibility impacts along the plume axis. The EPA is agreeable to a decision by BLM contingent upon their issuance of a PSD permit.

B. Office of Surface Mining, Reclamation, and Enforcement

This office is charged with evaluating the adequacy of the mining and reclamation plan. Stipulations to mitigate the affect of subsidence on surface facilities and aquifers would likely be required before approval of the plan. To date, this mitigation has not been identified. The OSM is also concerned that approval of the mining plan be compatible with other federal agency programs and plans. They are agreeable to a decision by BLM contingent upon their approval of the mine plan.

C. U.S. Forest Service

Concern has been expressed that the Cottonwood mine portal and associated transportation systems in Cottonwood Canyon, as proposed by Utah Power and Light in the final environmental statement, could create unacceptable and unmitigable impacts. It is also recognized that, at the time that the final environmental statement was completed, the mining plan outlining the details of the proposal had not been formulated. The management direction for the actions authorized in the proposal should be conditioned on the premise that no construction be permitted pertaining to the Cottonwood proposal, until it has been demonstrated that the conflicts have been resolved with other acceptable mitigating measures where feasible, or that the proposal has been modified to eliminate the conflict.

An alternative described could partially mitigate this impact by placing portal facilities in a side canyon about ½ mile down canyon from the proposed location. This alternative is opposed by UP&L. They contend that moving the portal location would increase the capital cost by \$4,241,000 and also increase the annual operating costs by \$650,000 over a 35 year period.

D. U.S. Fish and Wildlife Service

It is likely that the proponent will submit applications for rights-of-way for one of the reservoir sites and associated pipelines analyzed as an alternative. The issuance of the rights-of-way by the Bureau would be controversial because of possible impacts to endangered species. The U.S. Fish and Wildlife Service is being consulted; however, a delay in issuance of the biological opinion has been requested by FWS pending completion of studies on cumulative impacts of water development in the Colorado River Basin. UP&L has concurred with the delay.

E. National Park Service

The National Park Service is concerned that operation of additional units at the Emery complex would impair visibility in nearby national parks. They are currently gathering information on baseline visibility, and will be evaluating the PSD application for the project in cooperation with the EPA. The National Park Service through Ben Zerby has expressed agreement to a decision by BLM contingent upon resolution of this issue through the PSD review.

F. Water and Power Resources Service

The Water and Power Resources Service would issue a right-of-way permit for the transmission line through withdrawn lands near Utah Lake. They see no problem with BLM issuing a favorable decision on the proposed transmission line route.

G. State Agencies

On December 6, 1979 a meeting was held with state agencies having jurisdiction related to the Emery 3&4 project. Two agencies expressed concerns regarding a decision on the project. The Utah Division of Wildlife Resources expressed concern for deer and elk wintering, fawning and calving in Spanish Fork Canyon, and stated that stipulations should ensure that construction would not occur during critical periods.

The Utah Department of Health, Air Quality Bureau were agreeable to a BLM decision contingent upon granting of a construction permit by their agency.

H. Emery County Commission

The Emery County Commission, representing landowners and cattlemen in the county, are concerned about restriction of access in Cottonwood Canyon that could result from the proposed action. Livestockmen would like a 30 foot fenced cattle driveway provided through the canyon to ensure access. The County Commission is also opposed to the proposed Wilberg mine coal haul road and favor the alternative coal transportation route described in the EIS.

VII. MAJOR DECISION OPTIONS

- 1- Delay
- 2- No Action (reject applications)
- 3- Approve project as proposed
- 4- Approve alternative transmission line route
- 5- Approve alternative industrial water supply
- 6- Approve alternative coal transportation plan
- 7- Approve alternative mine portal site

VIII. RECOMMENDED DECISION

A. Transmission Line, 345 kV

The proposed and one alternative route were analyzed. The alternative (Manti Top Route) would appear to create adverse impacts to recreation that cannot be tolerated by the U.S. Forest Service. An alternate route for a 345 kV line in Spanish Fork Canyon is being considered for the Deseret generating and Transmission (DGT) Cooperative Project. It is desirable to reduce the proliferation of transmission lines within the Uinta National Forest (Spanish Fork Canyon); therefore, Utah Power and Light may need to anticipate immediate double circuit tower construction to accommodate DGT's line on their towers. A decision on the location of DGT's 345 kV line should be known in time for economical line construction if the Spanish Fork Canyon route is chosen by DGT. As it makes no difference to public land managed by the BLM, it is recommended that we decide in favor of the proposal.

B. Conveyor Belt, Sewer Line and Water Pipeline

Both the proposal and an alternative have been analyzed for these facilities. There seems to be no environmental difference between the proposal and alternative. The applicant has yet to inform us whether the proposal or alternative is preferred. UP&L has apparently modified their proposal as follows: The conveyor belt would follow the alignment of the recently constructed power line in the canyon. The water and sewer line could be eliminated and a sewage treatment plant or leach field may be used in the canyon. It is recommended that we approve a right-of-way based on new or amended applications.

C. Cottonwood Canyon Road

The right-of-way application for this road was filed by Emery County. The U.S. Forest Service finds this road controversial and they may request a change in alignment or a new mine staging area. It is recommended that we conditionally approve the ROW provided acceptable mitigating measures are agreed to by Federal, State and local governmental agencies.

D. Tramroad

A proposed and alternative coal haul route from the Deseret-Beehive Mine to the power plant was analyzed. The proposed route (over which coal is currently being hauled) is causing significant adverse environmental effects and is very controversial among the local residents and officials. It is recommended that we approve the alternative and require the proponent to move on it as soon as possible.

E. San Rafael River Reservoir

Two options (sites) were analyzed. The approval of either of these sites is not vital to the implementation of the proposal. Construction and operation of a reservoir at either of the sites could affect T&E animals. The U.S. Fish and Wildlife Service has indicated that they would look with disfavor on any impoundment in the Upper Colorado River Basin until certain studies (about two years away) are completed. The applicant will not apply for any permits for reservoirs at this time. Therefore, it is recommended that no action be taken on this component until a biological opinion is received from the U.S. Fish and Wildlife Service.

IX. CONTINGENCIES

A decision by BLM and the Forest Service to approve the rights-of-way necessary to facilitate implementation of the Emery 3&4 Project would be contingent upon the following actions:

1- That UP&L resolve the issue with the U.S. Forest Service, Emery County Commission, and the Cottonwood Creek Livestock Association by demonstrating appropriate measures necessary to allow livestock movement and other access through Cottonwood Canyon.

2- The OSM would approve the mining plan, including satisfactory stipulations to mitigate any adverse impacts to surface and ground water supplies due to subsidence.

3- The EPA would grant a PSD permit based on their review of the application, impacts, and concerns expressed by the National Park Service.

- 4- The Utah State Air Quality Bureau grant a construction permit for the power generating station.
- 5- UP&L would provide the BLM with site specific plans on the proposed changes in alignment and layout of the portal and ancillary facilities in Cottonwood Canyon.
- 6- UP&L would obtain the necessary private land for the coal loadout facility or submit more detailed plans for the alternative location on public land administered by BLM.
- 7- No decision would be made on the alternative industrial water supply (reservoir and pipeline) until the formal "biological opinion" from the USF&WS is received. The extension granted the FWS would delay receipt of that opinion for approximately 18 months.
- 8- The plan would comply with appropriate zoning regulations, and Carbon, Emery, and Utah counties would grant building permits.