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United States Department of Agriculture
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File Code: 1950/2820-4
Date: April 10, 2007

Mr. John R. Baza
Director
Utah Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, UT 84114-5801

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APR 13 2007
DIV. OF OIL, GAS & MINING
4/13/07

Dear Mr. Baza:

A copy of my Decision Notice/Finding of No Significant Impact (DN/FONSI), dated April 5, 2006, consenting to the mining plan modification for Co-Op Mining Company's Bear Canyon Mine is enclosed. The modification involves adding 7,591.29 acres to the existing permit, including 3,837.13 acres of National Forest System (NFS) lands administered by the Manti-La Sal National Forest. The Forest Service (FS) and Office of Surface Mining Reclamation and Enforcement (OSM) prepared an Environmental Assessment to analyze the proposal.

My decision fulfills FS responsibility to provide surface management agency consent (30 CFR 740.4(e)) to the OSM. OSM must then make a decision to recommend to the Assistant Secretary of the Interior, Land and Mineral Resources, that he approve, disapprove, or conditionally approve both the federal and non-federal portions of the mining plan modification. OSM issued a separate decision document, dated April 6, 2006. This decision is also my concurrence with the permit revision for the National Forest System lands within the mining plan modification area by the Utah Division of Oil, Gas and Mining, which would involve including this permit change in the Mining and Reclamation Plan for the Bear Canyon Mine (30 CFR 944.30, Article VI (C)(4)(g)).

I would like to apologize for any confusion resulting from publishing a legal notice of decision on March 13, 2007, and retracting it on March 20, 2007. The decision was not made at that time. Both the OSM and FS realized that we could not reach a Finding of No Significant Impact (FONSI) based on the preliminary Cumulative Hydrologic Impact Analysis (CHIA). The latest revision of the CHIA, which we received on March 27, 2007, provided updated information that allowed both the FS and OSM to sign our respective FONSI documents.

I think we have learned a lot from the Bear Canyon pilot project on how to streamline our joint processes by working closely together. Consequently, I believe it has been more efficient and effective for both the Division and the Forest Service to work together in this manner. I suggest we perform an "after action" analysis of the pilot so that we may continue to enhance our individual and joint effectiveness and efficiency and produce high-quality products in the future.

This decision is subject to appeal pursuant to Forest Service regulations at 36 CFR 215 and 36 CFR 251.82. The legal notice will be in the April 10, 2007 edition of the *Sun Advocate*, starting the 45-day appeal period on April 11. Information on the appeal process is contained in the enclosed DN/FONSI. If no appeal is received within the 45-day time period, implementation of

this decision may begin on, but not before, the 5th business day following the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 business days following the date of appeal disposition. We will keep you informed about any appeals we may receive and their disposition.

Sincerely,

ALICE B. CARLTON
Forest Supervisor

Enclosure

cc: BLM Utah State Office, Office of Surface Mining Reclamation and Enforcement

Forest Service, United States Department of Agriculture

Decision Notice & Finding of No Significant Impact

Bear Canyon Mining Plan Modification

Ferron-Price Ranger District, Manti-La Sal National Forest
Emery County, Utah

For Information Contact:

Dale Harber
USDA Forest Service
Manti-La Sal National Forest
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Decision and Rationale for the Decision

Introduction

The USDA-Forest Service (FS) and the USDI-Office of Surface Mining Reclamation and enforcement (OSM) have conducted a joint Environmental Assessment (EA) to evaluate the impacts of a mining plan modification for Co-Op Mining Company's Bear Canyon Mine permit. The mine is located on the southern end of Gentry Mountain near the mouth of Huntington Canyon. Co-Op proposes to add 7,591.29 acres to their existing permit, of which 3,837.13 acres are on National Forest System (NFS) lands of the Ferron-Price District of the Manti-La Sal National Forest in Emery County, Utah. The remaining 3,754.16 acres are fee lands owned by Co-Op Mining Company.

The purpose of the mining plan modification is to add the proposed area to the existing Bear Canyon Mine permit area so that the coal reserves can be mined. The coal within the proposed mining plan modification area is currently leased or owned by Co-Op Mining Company. No roads or surface facilities would be constructed on National Forest System lands for this project. However, the proposed action might lead to other future mining actions such as a mine portal in Cedar Canyon (off Forest), a ventilation shaft or portal, and possible coal exploration drilling. Future activities on NFS lands would be evaluated in a National Environmental Policy Act (NEPA) analysis and permitted by the appropriate agency.

Decision and Rationale for the Decision

The mining plan modification cannot be approved by the Assistant Secretary of the Interior, Land and Mineral Resources, without the consent of the FS, the surface management agency (30 CFR 740.4(e)), for the NFS lands portion of the lease modification area. The consent of the FS must also be consistent with the rights granted by the leases to explore for and develop the coal reserves, as well as all laws and regulations governing activities on NFS lands.

Based upon my review of the alternatives, I have decided to implement Alternative 3, which is to consent to the mining plan modification as proposed by Co-Op Mining, with supplemental mitigations to protect cultural resources (Attachment 1). My decision applies to only the NFS lands within the mining plan modification area. This decision allows Co-Op to exercise their rights granted by the coal leases and is in compliance with all applicable laws and regulations. It is also consistent with laws and regulations governing activities on National Forest System lands.

This decision fulfills FS responsibility to provide surface management agency consent (30 CFR 740.4(e)) to OSM. OSM must then make a decision to recommend to the Assistant Secretary of the Interior, Land and Mineral Resources, that he approve, disapprove, or conditionally approve both the federal and non-federal portions of the mining plan modification. OSM will issue a separate decision document. This decision is also my concurrence with the permit revision by the Utah Division of Oil, Gas and

Mining (DOGM), which would involve including this permit change in the Mining and Reclamation Plan for the Bear Canyon Mine (30 CFR 944.30, Article VI (C)(4)(g)).

The additional stipulations for protection of cultural resources (Attachment 1) have been prepared by Matt Seddon of the Utah State Historic Preservation Office (SHPO) and Bruce Ellis, Forest Archaeologist. The areas most likely to contain cultural resources were the subject of a 100% inventory. These stipulations cover monitoring of subsidence, discovery of resources, and funding of work, to protect cultural resources in areas that have not been inventoried. Without these stipulations, the SHPO would not be able to concur with the Forest Service determination of "No Adverse Effect to Cultural Resources".

This decision is consistent with the Forest Plan in that the general direction for minerals and geology includes:

> "Provide appropriate opportunities for and manage activities related to locating, leasing, exploration, development, and production of mineral and energy resources."(Manti-La Sal National Forest Land and Resource Management Plan, page III-37.)

The coal mining that would occur under Alternative 3 is consistent with the Forest Plan direction for key big game winter range, general big game winter range, range, timber, and riparian management units.

This alternative meets requirements under the National Forest Management Act, Endangered Species Act, National Historic Preservation Act, Clean Water Act, Protection of Wetlands Executive Order, and Environmental Justice Executive Order.

Alternative 3 would meet the proponents' purpose and need of the project, allow maximum economic recovery of the coal resource, and protect the non-coal resources on NFS lands.

Other Alternatives Considered

In addition to the selected alternative, I considered Alternative 1, the No Action alternative, and Alternative 2, to consent to the mining plan modification as proposed by Co-Op.

Under the No Action alternative (Alternative 1), the Forest Service would not consent to the mining plan modification. It would not allow Co-Op to develop their coal leases in accordance with the rights granted by the leases, and would therefore be illegal.

Alternative 2 would allow Co-Op to mine the coal in their leases as they have proposed. The analysis has disclosed that the existing stipulations in the leases will adequately protect all resources on NFS lands except cultural resources. This alternative would not have SHPO concurrence and would violate the National Historic Preservation Act.

Public Involvement

Project scoping was accomplished by mailing letters to 34 addressees on June 6, 2006. Co-Op Mining modified their proposed action from mining 1 seam to mining 3 seams, so revised scoping letters were sent to 35 addressees (the original 34 addressees plus one additional) on July 27, 2006. Comments were requested from other Federal agencies, State, county, and local agencies within Utah, Indian tribes, environmental groups, and interested individuals. Additionally, a Legal Notice of Proposed Action was published in the *Sun Advocate* and *Emery County Progress* newspapers on March 28, 2006 in which comments were also requested. The project has been listed in the Forest Service Quarterly Schedule of Proposed Actions. Six responses were received from the public. From these responses and the internal scoping, the IDT identified potential issues that are identified in Section 1.4.3.

The following are the public responses that were received:

1) Utah Environmental Congress (UEC, 2 letters).
2) Castle Valley Special Services District (CVSSD).
3) United States Fish and Wildlife Service (USFWS).
4) North Emery Water Users Special Services District (NEWUSSD, 2 letters).
5) Piaute Tribe.
6) Hopi Tribe.

Using the comments from the public, other agencies, and Native American tribes, the interdisciplinary team identified several issues regarding the mining plan modification (Sec. 1.4, Issues, of the EA). Main issues of concern included escarpment failure, hydrology, wildlife, vegetation and range, cultural resources, and socioeconomics. The impacts of consenting to the mining plan modification were evaluated for Alternatives A, B, and C.

Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that the FS decision will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. This finding is based on the context and intensity of the Project as described:

Context: The Project is a site-specific action with no regional impacts, which directly involves 3,837.13 acres of NFS land and 3,754.16 acres of fee land that by itself does not have international, national, regional, or state-wide importance. The coal will be mined by underground methods from the existing Bear Canyon Mine, with no surface activities proposed within the mining plan modification area.

Intensity: The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27. The following have been considered in my evaluation of intensity for this proposal:

1. **Impacts may be both beneficial and adverse.** The Project would impact resources as described in the EA. There would be socioeconomic benefits as well as some potential adverse impacts to the environment. (Examples of adverse impacts are potential damage to golden eagle nests or sensitive plant species. While the impacts would be adverse, they would not be significant impacts.) My finding of no significant environmental effects is not biased by the beneficial effects of the action.

2. **The degree to which the selected alternative will affect public health or safety**. There will be no significant effects on public health and safety from the mining of coal within the mining plan modification area.

3. **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas**. There will be no significant effects on unique or ecologically critical areas because the mining plan modification area is not in proximity to any park lands, prime farmlands, wetlands, or wild and scenic rivers. This assertion is based on field surveys of the Project Area and information contained in the project file and in the EA. Cultural and historic resources do exist within the Project Area, but would be avoided through the implementation of environmental protection measures and stipulations (see EA Sec. 3.6) and Attachment 1 of this decision.

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial**. The effects on the quality of the human environment are not likely to be highly controversial because there is no known scientific controversy over the impacts of the project. Coal mining has existed on the Wasatch Plateau for over 100 years and the impacts are well-documented.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks**. We have considerable experience with underground mining on the Wasatch Plateau. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (see EA Chapter 3). The selected alternative is well defined and located over a defined area.

6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** The action is not likely to establish a precedent for future actions with significant effects, because coal mining is an ongoing practice in the area (see EA pages 31) and this mining plan modification is a stand-alone project that would not preclude the consideration and advancement of other coal mining proposals.

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership.** The cumulative impacts are not significant (see EA Chapter 3).

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in, or eligible for listing in, the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources, because avoidance, mitigation, or monitoring would be conducted to ensure that no direct impacts occur (see EA Sec. 3.6 and Attachment 1 of this document). A cultural survey report (included in project record) was sent to Utah State Historic Preservation Officer (SHPO). The SHPO responded with a concurrence of the FS finding of No Adverse Effect to Historic Properties, with the condition that additional stipulations to protect cultural resources in unsurveyed areas (Attachment 1 of this document) be added to the mining permit.

9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect a proposed to be listed endangered or threatened species or its habitat.** The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973, because it was determined that the Project would have "No Effect" on any TECP species. (See EA Sec. 3.4.1.1 and the Biological Assessment included in Project Record).

10. **Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.** The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (see EA Chapter 3). The action is consistent with the Manti-La Sal Land and Resource Management Plan (see EA Sec. 1.4).

Findings Required by Other Laws and Regulations

This decision to consent to that portion of the mining plan modification on NFS lands for the Bear Canyon Mine is consistent with the intent of the forest plan's long term goals and objectives (Manti-La Sal Land and Resource Management Plan, pages III-35). The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines for cultural resource management, visual resource management, wildlife and fish resource management, wildlife habitat improvement and maintenance, and management prescriptions for leasable minerals (Manti-La Sal Land and Resource

Management Plan, pages III-2 through III-5, III-16 through III-23, and III-80 through III-82).

NATIONAL FOREST MANAGEMENT ACT

National Forest management must be consistent with Forest Plans prepared under authority of the National Forest Management Act (NFMA), 16 U.S.C. 1604 and 36 CFR 219. The Act requires the Secretary of Agriculture to assess forest lands, develop a management program based on multiple-use, sustained-yield principles, and implement a resource management plan for each unit of the National Forest System. This mining plan modification is consistent with the guidance in the Forest Plan for minerals activities on the Forest.

BEST AVAILABLE SCIENCE

Upon review of the documentation and discussions with the Interdisciplinary Team Leader and team members, I have determined that the applicable science information has been properly considered, interpreted, and the risks identified. Contrary science was not raised during the scoping or applicable comment periods. It is my opinion that the use of existing FS manual direction, protocols, and best management practices represent the best available science.

ENDANGERED SPECIES ACT

The Endangered Species Act of 1973, as amended, provides a program for the conservation of threatened and endangered (T&E) plants and animals and the habitats in which they are found. The US Fish and Wildlife Service (USFWS) currently maintains a list of 1,264 TE species. The Biological Assessment/Biological Evaluation (project record) documents "no effect" to all T&E species except for the Bald Eagle, where the determination is "not likely to directly or indirectly affect". USFWS consultation is not required, as there was no "may effect" determination for any T&E species.

NATIONAL HISTORIC PRESERVATION ACT

The National Historic Preservation Act created the Advisory Council on Historic Preservation (ACHP) to advise on matters involving historic preservation. The ACHP is authorized to review and comment on all actions licensed by the Federal government which will have an effect on properties listed in the National Register of Historic Places (NHRP), or which are eligible for such listing. The Utah SHPO has concurred with the Forest Service determination of "no adverse effect" to cultural resources (see Project Record for Cultural Resource Inventory, March 2004, and SHPO concurrence).

CLEAN WATER ACT, FLOODPLAIN MANAGEMENT (EXECUTIVE ORDER 11988), AND PROTECTION OF WETLANDS (EXECUTIVE ORDER 11990)

The Clean Water Act employs a variety of regulatory and non-regulatory tools to sharply reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. These tools are employed to achieve the broader goal of restoring and maintaining the chemical, physical, and biological integrity of the nation's waters so that they can support "the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water." Executive Orders 11988 and 11990 require that executive agencies take special care when undertaking

actions that may affect wetlands or floodplains, directly or indirectly, by avoiding (See Attachment 1) the disruption of these areas wherever there is a practicable alternative and by minimizing any environmental harm that might be caused by federal actions. The Bear Canyon Mine operates within the terms of their UPDES (Utah Pollution Discharge Elimination System) permit. This action will not have significant impacts to the hydrologic system supporting wetlands. (See the Hydrology Technical Report and the Cumulative Hydrologic Impact Assessment in the project record.)

MIGRATORY BIRD TREATY ACT

The Migratory Bird Treaty Act implements various bilateral treaties and conventions between the U.S. and four other countries for the protection of migratory birds. Under the Act, taking, killing or possessing migratory birds is unlawful. There would be "no effect" to any of the neotropical migratory birds on the Utah Partners in Flight Avian Conservation Strategy priority species with the exception of the broad-tailed hummingbird. A determination of "no direct or indirect effects" has been made for the broad-tailed hummingbird (Wildlife Resources Report, project record).

ENVIRONMENTAL JUSTICE (EXECUTIVE ORDER 12898)

Executive Order 12898 requires all federal agencies to take actions, to the extent practical and permitted by law, to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human effects of its programs policies and activities on minority populations and low income populations in the United States and its possessions. There are no minority or low income populations in the area of the Bear Canyon Mine that would be adversely effected.

Implementation Date

If no appeal is received within the 45-day time period, implementation of this decision may begin on, but not before, the 5th business day following the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of appeal disposition.

Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to Forest Service regulations at 36 CFR 215. Appeals must meet the content requirements of 36 CFR 215.14. Only individuals or organizations who submitted comments or otherwise expressed interest in the project during the comment period may appeal. Appeals must be postmarked or received by the Appeal Deciding Officer within 45 days of the publication of this notice in the Sun Advocate newspaper of Price, Utah. This date is the exclusive means for calculating the time to file an appeal. Timeframe information from other sources should not be relied on. Incorporation of documents by reference is not allowed. The Appeal Deciding Officer is the Regional Forester. Appeals must be sent to: Appeal Deciding Officer, Intermountain Region USFS, 324 25th Street, Ogden, Utah 84401; or by fax to 801-625-5277; or by email to: appeals-intermtn-regional-office@fs.fed.us. Emailed appeals must be submitted in rich text (rtf), Word (doc) or portable document format (pdf) and must include the project name in the subject line. Appeals may also be hand

delivered to the above address, during regular business hours of 8:00 a.m. to 4:30 p.m. Monday through Friday.

This decision is subject to appeal pursuant to 36 CFR 251.82. Appeals must meet the content requirements of 36 CFR 251.90. The 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: Regional Forester, Intermountain Region USFS, 324 25th Street, Ogden, Utah 84401; or by fax to 801-625-5277; or by email to: appeals-intermtn-regional-office@fs.fed.us. Emailed appeals must be submitted in rich text (rtf), Word (doc) or portable document format (pdf) and must include the project name in the subject line. Appeals may also be hand delivered to the above address, during regular business hours of 8:00 a.m. to 4:30 p.m. Monday through Friday. A copy of the notice of appeal must be filed simultaneously with Alice Carlton, Forest Supervisor, Manti-La Sal National Forest, 599 West Price River Drive, Price, Utah 84501.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact Dale Harber, Manti-La Sal National Forest, Forest Supervisor's Office, 599 West Price River Drive, Price, UT 84501. (435) 636-3548.

Alice Carlton

Alice Carlton
Forest Supervisor
Manti-La Sal National Forest

4/5/07
Date

ATTACHMENT 1

SPECIAL FOREST SERVICE STIPULATIONS REGARDING COMPLIANCE WITH THE NATIONAL HISTORIC PRESERVATION ACT

Monitoring of Subsidence. CO-OP will conduct annual subsidence monitoring of National Forest System Lands (NFS) throughout the life of the mine. Should subsidence occur, CO-OP will provide an accurate map of the entire subsidence area. CO-OP will ensure that a qualified archaeologist will then examine the location of the subsidence area relative to previous inventories and known sites within fifteen (15) working days of the identification of the subsidence. Depending on the location of subsidence in relation to previous inventories and known sites, the following stipulations will apply (to each subsidence event):

a. **Previously Inventoried and No Sites.** If subsidence occurs on NFS lands within an area that has undergone previous archaeological inventory, and no sites are present within the area of subsidence, or no sites eligible to the National Register of Historic Places are present in the area of subsidence, no further work will need to be done. CO-OP or their consulting archaeologist will notify the U.S. Forest Service (USFS) regarding this determination within fifteen (15) working days of making the determination. The USFS will provide the information to SHPO.

b. **Previously Inventoried and Known Sites.** If subsidence occurs on NFS lands within an area that has undergone previous archaeological inventory, and known archaeological sites, previously determined eligible to the National Register of Historic Places are present in the subsidence area, CO-OP will have a qualified archaeologist examine the effects of subsidence upon the site(s) in question within fifteen (15) working days of making this determination. The archaeologist will provide a report, for review by the USFS in a timely manner that makes recommendations regarding whether or not the effects of subsidence are adverse. The USFS will make a final determination of the effects of subsidence. The USFS will then consult with the SHPO regarding the effects determination. If the effect is determined to be adverse, procedures following 36CFR800.6 and the stipulations below regarding evaluation and archaeological treatment will be followed.

c. **Not Previously Inventoried.** If subsidence occurs on NFS lands within an area that has not undergone previous archaeological inventory, CO-OP will have a qualified archaeologist conduct a field examination of the subsidence area within fifteen (15) working days of making this determination (in consultation with the USFS and SHPO). Depending on

the presence or absence of sites in the subsidence area, the following stipulations will apply (to each subsidence event):

i. **No Sites.** If no sites are present within the area of subsidence, the archaeologist will make a recommendation of No Historic Properties Affected to the USFS in a timely manner. The USFS will make a final determination of the effects of subsidence. The USFS will then consult with the SHPO regarding the effects determination per 36CFR800.4(c).

ii. **Newly Discovered Sites.** If a site or sites are found within the area of subsidence, the archaeologist will provide a report and make recommendations of eligibility and effect to the USFS (per 36CFR800.4(c)(2) and 36CFR800.5) regarding the site(s) and subsidence effects on the site(s) in a timely manner. The USFS will make a final determination of eligibility of the site(s) and the effects of subsidence on the site(s). The USFS will then consult with the SHPO regarding the effects determination. If the effect to any site eligible to the National Register of Historic Places is determined to be adverse, procedures following 36CFR800.6 and the stipulations below regarding evaluation and archaeological treatment will be followed.

d. **Time Lines.** In all cases SHPO and the Tribes will be afforded thirty (30) calendar days following receipt of reports/consultation requests to respond.

e. **Conducting Consultation.** The USFS will consult with tribes, SHPO, and the Utah Division of Oil, Gas and Mining (UDOGM) during this process at a level appropriate to the nature of the resources (if any) and effects to the resources (if any) taking into account comments and concerns received previously from the tribes and consulting parties.

2. **Discoveries in Area of Potential Effect (APE).** Should unanticipated cultural or historic resources be observed within the APE during, but not limited to, CO-OP's quarterly ground-water monitoring, annual subsidence monitoring, OGM's field visits, construction of any mine-related structures or features, future archeological surveys conducted within the permit area, or otherwise brought to USFS attention, CO-OP will halt any work within the vicinity of the discovery that could harm the discovery and notify the USFS within 24 hours of the discovery. CO-OP will also protect the site. The USFS will notify SHPO of said resources within seven (7) days of resource discovery. If determined appropriate, the USFS will require CO-OP to record the discovery, conduct additional evaluations as necessary, and provide correlating reports. The USFS will make determinations of eligibility and effect regarding the discovery.

a. **No Historic Properties Affected or No Adverse Effects.** If a determination of No Historic Properties Affected or No Adverse Effects is

made, the USFS will consult with the SHPO regarding the determination following 36CFR800.4-5.

b. **Adverse Or Potentially Adverse**. If effects to a site that is determined via this process to be eligible to the National Register of Historic Places are determined adverse or potentially adverse, the USFS, CO-OP and SHPO will reconvene to recommend and draft appropriate measures to avoid, minimize, or mitigate adverse effects.

c. **Time Lines.** In all cases SHPO and the Tribes will be afforded thirty (30) calendar days following receipt of reports/consultation requests to respond.

d. **Conducting Consultation.** The USFS will consult with tribes, SHPO, and UDOGM during this process at a level appropriate to the nature of the resources (if any) and effects to the resources (if any) taking into account comments and concerns received previously from the tribes and consulting parties.

3. **Funding of Work.** CO-OP will fund and implement any future and all cultural or historic resources fieldwork, analysis, and monitoring, required under these stipulations.