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United States  
Department of  
Agriculture

Forest  
Service

Manti-La Sal  
National Forest

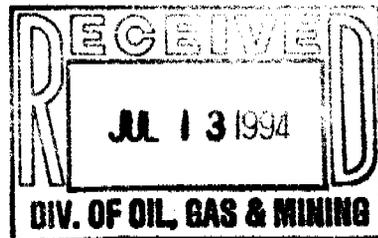
599 West Price River Dr.  
Price, Utah 84501  
(801) 637-2817

Reply to: 2820/1950

Date: July 8, 1994

ACT/041/002 #3

Utah State Division of Oil, Gas, and Mining  
ATTN: Pamela Grubaugh-Littig  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203



COPY PAM(all)

Dear Ms Grubaugh-Littig:

In late June 1994 we completed our environmental analysis process for Coastal States Energy Company 1994 Quitcupah coal exploration drilling proposal in Sevier County, Utah. I believe the analysis discloses the potential environmental effects of the drilling proposal. I appreciate your participation in our decision making process.

After careful review of the proposal, public comments, and the analysis disclosed in the project file I have decided to consent to project implementation. Implementation of this decision gives the State of Utah, Division of Oil, Gas, and Mining consent to issue a permit to Coastal States Energy Company, SUFCO approving the occupancy and use of Forest Service lands for coal exploration drilling.

The permit would be subject to Forest Service conditions of approval found in Appendix A of the enclosed decision memo. My decision may be implemented by Utah Division of Oil, Gas, and Mining on or after July 8, 1994. Coal exploration drilling activities will not be implemented until SUFCO receives permit approval from the State of Utah.

Persons with questions related to this decision or project may contact David Hatfield at the Ferron Ranger District, PO Box 310, Ferron, UT 84523 or call (801) 384-2372 or 637-2817.

Sincerely,

*George A. Morris*  
GEORGE A. MORRIS  
Forest Supervisor

enclosure

cc:  
Ferron District Ranger

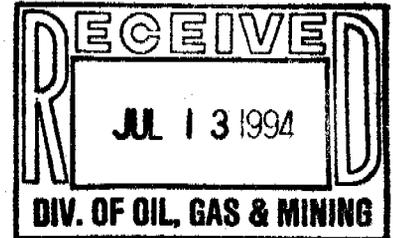
## DECISION MEMO

for

### COASTAL STATES ENERGY COMPANY, SOUTHERN UTAH FUEL COMPANY 1994 QUITCHUPAH COAL EXPLORATION DRILLING PROPOSAL

July, 1994

USDA, Forest Service, Region 4  
Manti-La Sal National Forest  
Ferron Ranger District  
Sevier County, Utah



#### Proposed Action and Purpose and Need

Coastal States Energy Company, Southern Utah Fuel Company submitted a drilling application amendment to the Utah Department of Natural Resources, Division of Oil, Gas, and Mining proposing to build new access road, reconstruct previously used access roads, and drill four (4) exploration holes in the Convulsion Canyon mine permit area. Activities are proposed to begin August 1 and end by December 1, 1994. The proposed actions are located in the Wildcat Knolls area west of Link Canyon, between 8,400 and 8,800 feet in elevation within T21S R5E, sections 22, 27, and 28. The Convulsion Canyon mine permit area includes portions of the Manti-La Sal and Fishlake National Forests, Sevier County, Utah. All four drill pads fall within the Ferron Ranger District, Manti-La Sal National Forest boundary.

Approval authority for this action, on an existing lease, within an existing mine operating permit area (ACT/041/002-93C), falls under the jurisdiction of the Utah Department of Natural Resources, Division of Oil, Gas, and Mining (UDOGM). Consent and terms of occupancy must be granted by the Forest Service prior to approval by the State.

The purpose and need of the proposed actions are to evaluate coal elevation, thickness, quality, identify surrounding strata, and provide data to guide mine engineering and miner safety evaluations in support of future mining operations at the Convulsion Canyon mine.

#### Decision

After careful review of the proposal, public comments, and the environmental analysis disclosed in the project file, I have decided to give Utah Department of Natural Resources, Division of Oil, Gas, and Mining my consent to approve occupancy and use of currently permitted and leased National Forest system lands. I believe the mitigation measures listed in Appendix A adequately address the anticipated impacts to the resource issues and are hereby incorporated into my decision as conditions of consent.

This decision is made within the authority of the following authorizing leasing and development laws and regulations: The Mineral Leasing Act of February 25, 1920, as amended; the National Forest Roads and Trails Act of 1964, as amended; the National Environmental Policy Act (NEPA) of 1969; the Federal Land Policy and Management Act (FLPMA) of 1976; the Federal Coal Leasing Amendments Act of 1976, as amended; the Surface Mining Control and Reclamation Act (SMCRA) of 1977; Federal Regulations 30 CFR 700, 40 CFR 1500, 43 CFR 3400; and the Manti-La Sal National Forest Land and Resource Management Plan, EIS, and Record of Decision (1986), as amended.

### **Reasons for Categorically Excluding the Proposed Action**

Based on the environmental analysis disclosed in the project file, I found no extraordinary circumstances or effects (FSH 1909.15, 30.3 and 30.5) to exist that might cause this action to have significant effects on the quality of the human environment (40 CFR 1508.27).

Finding no extraordinary circumstances, I determined the proposed action may be categorically excluded under FSH 1909.15, Chapter 31.2, category 8 because the coal exploration activities are short term (one year or less) and include cross-country travel by vehicles and equipment, construction of less than one mile of low standard road, and use and repair of existing roads.

### **Public Involvement**

The Fishlake Forest Supervisor was contacted and a notice placed in the Richfield Reaper January 26, 1994 inviting public and agency comments. A scoping letter was sent March 11, 1994 to twenty interested publics and agencies inviting comments on the proposal (Project File). Comments were received from Utah Division of Wildlife Resources (Bill Bates), Utah Division of Water Rights (Mark Page), and Ken Christiansen representing the Emery Stock Growers Association.

I selected the following issues to address in this analysis based on public input, past experience, and IDT recommendation. What will be the effects of road reconstruction, drill pad construction, and drilling operations on;

- A) US Fish and Wildlife Service listed Threatened and Endangered wildlife and plant species and Forest Service Region 4 Sensitive wildlife and plant species?
- B) Elk and grouse habitat and their seasonal use?
- C) Water quality, quantity, and downstream beneficial uses of Quitchupah Creek?
- D) Heritage resources?
- E) Roaded recreation opportunities and access to Forest Development Road 50044 (Link Canyon) and 50007 (Quitchupah/Convulsion Canyon) during hunting season and summer weekends?

Appendix A contains stipulations applied from the Manti-La Sal Forest Plan and additional mitigation measures that address the issues. All measures will be required and incorporated into the permit approval process by UDOGM as Conditions of Approval to mitigate potential adverse impacts associated with the coal exploration project.

### Findings Required by other Laws

The analysis tiered to the Manti-La Sal National Forest Land and Resources Management Plan, EIS, and Record of Decision (1986), as amended. Three of the four drill pads and associated roads fell within Management Area RNG, Rangeland (page III-64) and drill pad 94-27-2 in section 27 fell within GWR, General Winter Range (page III-61). Past documents referred to include the Environmental Assessment and Decision Notice for Coastal States Energy Company Coal Lease Application U-63214, Quitchupah Tract (1988). The analysis considered potential amendments and their effects on Forest Plan direction and standards.

My decision is consistent with the Forest Plan and will not require amendments. I considered and find the decision consistent with the National Forest Management Act requirements as expressed in 36 CFR 219.27. The decision complies with the Endangered Species Act of 1973 and Section 106 of the National Historic Preservation Act of 1966 (Project File).

### Implementation Date

My decision may be implemented by Utah Division of Oil, Gas, and Mining on or after the date of signature.

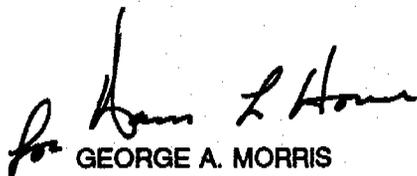
### Administrative Review or Appeal Opportunities

I am willing to meet with the holder of a written instrument and hear any concerns or issues related to this decision. Coastal States Energy Company may appeal this decision under 36 CFR 251, Subpart C. Any written notice of appeal must be fully consistent with 36 CFR 251.90 including the reasons for the appeal and must be filed on or before August 22, 1994. The decision is not subject to appeal under 36 CFR 215 and 217.

Notice of Appeal and statement of reasons must be submitted in writing to ATTN: Appeal Deciding Officer, USDA Forest Service, 324 25th Street, Ogden, UT 84401. Simultaneously send a copy of the Notice of Appeal to: ATTN: Forest Supervisor, Manti-La Sal National Forest, 599 West Price River Drive, Price, UT 84501.

### Contact Person

Persons with questions related to this decision or project may contact David Hatfield at the Ferron Ranger District, PO Box 310, Ferron, UT 84523 or call (801) 384-2372 or 637-2817.

  
for GEORGE A. MORRIS  
Forest Supervisor

Date

July 8, 1994

## APPENDIX A

### CONDITIONS OF CONSENT AND IMPLEMENTATION

The following mitigation measures will be required and incorporated into the permit approval process by UDOGM as conditions of approval to mitigate potential adverse impacts associated with implementation of the proposed action. The mitigation measures address the issues (A-E) and implementation standards in Appendix B of the Forest Plan.

**A) US Fish and Wildlife Service listed Threatened and Endangered wildlife and plant species and Forest Service Region 4 Sensitive wildlife and plant species**

Coal exploration drilling activities would use water that could flow into the Colorado Basin System. Depletion of water may effect the endangered Colorado squawfish, Bonytail chub, Humpback chub, and Razorback sucker. No other U.S. Fish and Wildlife Service (USFWS) listed species or Region 4 U.S. Forest Service Sensitive species will be affected (Project File).

**Mitigation Measures:**

- 1 Coastal States Energy Company will pay the National Fish and Wildlife Foundation for water depletion to the Colorado Basin System as per USFWS calculations.

**B) Elk and sage grouse habitat and their seasonal use**

Coastal States Energy Company proposes to occupy the Quitchupah area on or about August 1 through December 1, 1994. Elk occupy the area for calving May 15 through July 5 and again December 1 through April 15 for winter range. Grouse occupy the area for breeding and nesting from March 15 through June 30. Direct effects to elk and grouse habitat and use from the proposed activities are not anticipated because occupancy dates do not overlap. Indirect beneficial effects to elk and grouse habitat from the proposed activities are anticipated because the reclaimed acres will increase overall habitat diversity and vegetation nutritional value.

**Mitigation Measures:**

None required at this time.

**C) Water quality, quantity, and downstream beneficial uses of Quitchupah Creek**

Use of existing roads and development of overland access routes will crush vegetation and create dust possibly resulting in a loss of topsoil due to wind and water erosion. Without road aggregate, and in wet conditions, the soils cannot support pickups and loaded water trucks. Ruts will quickly form in the mud and drivers would be tempted to avoid these areas and create a new travel route. Additional acres would be disturbed and have to be reclaimed. Sediment runoff into streams could adversely effect water quality and dependent aquatic life.

The area is fairly dry except for localized summer thunder storms. The Forest Service and forest permittees have sought after opportunities to locate addition water sources.

## APPENDIX A

### Mitigation Measures:

#### Water Quality

- 1 Company representative(s) will flag both sides of the overland access routes from existing roads to the drill pad. All vehicle traffic will stay within approved flagged access routes. Unauthorized off-road vehicular travel is prohibited.
- 2 Roads and overland access routes must not be used when they are wet, muddy, and susceptible to damage. Vegetation shall not be cleared for more than the width necessary to serve traffic needs (generally not to exceed 16 feet). The permittee is responsible for repair of any damages which are caused by his/her operations.
- 3 Drill pads will be designed to prevent or diminish overland flow from entering the site during precipitation events. Pad sites will be sloped to drain all spills and on-site precipitation into the mud pits. If necessary, pits will be pumped out to reduce their content and insure that overflow does not occur. Fluids will be disposed of off Forest at a Utah State approved disposal site.
- 4 Establishment of campsites and staging areas on National Forest System lands in support of this project is subject to Forest Service approval. Properly licensed, self-contained camping units are permitted including use of small generators. Operator will assure sufficient portable, self contained toilets are available for camping crews. Dirty water and effluent will be disposed of off Forest at a Utah State approved disposal site. Unless otherwise approved, camping units will be placed at a safe location on a drill pad.
- 5 All garbage and other refuse must be properly contained on the project site prior to disposal off Forest. All trash, garbage, flagging, vehicles, and other such materials must be removed from National Forest System lands immediately following drilling operations.
- 6 Contaminated soil and gravel must be stripped and hauled to a site approved by the Forest Service prior to site reclamation.

#### Water Quantity

- 7 Water needed in support of operations must be properly and legally obtained according to Utah State water laws.
- 8 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.
- 9 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.

#### D) Heritage resources

The permit area was surveyed for archaeological and historical resources in 1988 as part of the leasing decision analysis. Archaeologists from AERC surveyed the proposed drill pads and roads in 1993. No National Register eligible sites were located. Therefore, the Forest has determined that the

## APPENDIX A

project should have no effect on heritage resources. The Utah State Historic Preservation Office has concurred with this determination.

### Mitigation Measures:

- 1 If cultural or paleontological resources are found during implementation of the project, operations will immediately cease at that location and the District Ranger will be notified. Unauthorized excavation, removal, or damage of archaeological resources is subject fines and other penalties under authority of the Archaeological Resources Protection Act (AR-PA) of 1979 (as amended).
- E) Roaded recreation opportunities and access to Forest Development Road 50044 (Link Canyon) and 50007 (Quitchapah/Convulsion Canyon) during hunting season and summer weekends**

Coastal States Energy Company proposes to occupy the area for exploration drilling starting August 1 and end on or about September 15. Vehicle traffic during this time period will include bull dozer and road grader work to open and reconstruct roads and drill pads, two crew shift changes per day, four water truck trips per day, drill mobilization once a week, and bull dozer and road grader work to recountour and close drill pads and access roads.

Reclamation seeding and monitoring is scheduled September 1 through December 1, 1994. Vehicle traffic during this time period will include pickup trucks several times per week.

Opening week of the general elk and deer rifle seasons brings the majority of concentrated hunting recreationists and road use. Opening week for elk will be on or about September 28 through October 2 and opening week for deer will be on or about October 14 through 17, 1994.

Direct contacts between hunters and coal exploration personnel are not anticipated because peak intensive occupancy dates (drilling season and hunting season) do not overlap. Direct contacts between hunters, elk, and deer and company reclamation seeding and monitoring personnel can be anticipated. Effects to elk and deer hunting opportunities from these contacts will not adversely effect hunting success because these contacts are anticipated to be infrequent.

### Mitigation Measures:

- 1 Warning signs must be placed on the roads at both ends of the project area to alert hunters and other Forest users to the presence of working crews.
- 2 Drill rigs and heavy equipment shall not be transported in or out of the Quitchapah area on FDR 50044 (Link Canyon) and 50007 (Quitchapah/Convulsion Canyon) during the opening days of the general elk and deer hunt nor during Federal and State holiday weekends.

## APPENDIX A

### OPERATING STIPULATIONS

#### General

- 1 A pre-work meeting including the responsible company representative(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 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.
- 3 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.
- 4 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.
- 5 Timber removed during the project that meets sawlog utilization standards (minimum 8 inch diameter, 8 feet long, and 33 1/3 % sound) will be removed from the area by the permittee. Timber not meeting sawlog utilization standards but which is suitable for fuelwood will be cut into four foot lengths and decked at a location that is accessible to the public.
- 6 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 Development 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.

#### Cattle Allotments

- 1 Drilling operations shall be coordinated with grazing permittees.
- 2 Gates must be closed after entry unless otherwise specified.
- 3 Mud pits must be enclosed by a 4-strand barbed wire fence if they are left to evaporate drilling fluids to keep out humans, livestock, and wildlife.
- 4 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.

## APPENDIX A

### Noxious Weeds

- 1 The operator will assure (certify) all drilling equipment and vehicles are free of noxious weeds and seeds prior to entering upon Forest Service lands. The operator will be held responsible for control of noxious weed infestations within areas disturbed by drilling activities.

### Fire

- 1 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.
- 2 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 Arrester Guide, April, 1989". In addition, all electrical equipment must be properly insulated to prevent sparks.
- 3 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.
- 4 The Forest Service reserves the right to suspend operations during periods of high fire potential.

### Reclamation

- 1 The project, including initial reclamation is to be completed by November 30, 1994. Reclamation recontouring and reseeding of vacated drill pads and temporary roads will be performed as soon as practicable (within the same drilling season).
- 2 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.
- 3 Seeding will be performed using the certified seed mix listed below. The seed mixture must be 99 percent pure live seed containing a maximum allowable weed content of less than 2 percent with no noxious weed species.

Species	Pounds/Acre
Crested Wheatgrass - <i>Agropyron cristatum</i>	3
Intermediate Wheatgrass - <i>Agropyron intermedium</i>	3
Orchard Grass - <i>Dactylis glomerata</i>	3
Perennial Ryegrass - <i>Lolium perenne</i>	3
Yellow Sweet Clover - <i>Mellotus officinalis</i>	1
Rambler Alfalfa - <i>Medicago sativa</i>	1

## APPENDIX A

Eaton Penstemon - Pennellia eatonii	1/4
Lewis Flax - Linum lewisii	1/4
<b>TOTAL</b>	<b>14 1/2</b>

4. Revegetation will be considered successful when 90% of the pre-disturbance ground cover is re-established over the entire disturbed area. Adjacent undisturbed areas will be used as a base for comparison. Of the vegetative ground cover, at least 90% must consist of seeded or other desirable species. 90% ground cover must be maintained for three years.

### Road Use Permit

1. All vehicle traffic will stay on existing roads and new access routes. Unauthorized off-road vehicular travel is prohibited.
2. Roads and access routes must not be used when they are wet, muddy, and susceptible to damage. Vegetation shall not be cleared for more than the width necessary to serve traffic needs (generally not to exceed 16 feet). The permittee is responsible for repair of any damages which are caused by his/her operations.
3. All traffic must maintain safe speeds commensurate with existing conditions.
4. Water must be applied to roadways to control dust if excessive loss of road surface material occurs or visibility creates unsafe driving conditions. Other methods of dust control require specific approval by the Forest Service.