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United States
Department of
Agriculture

Forest
Service

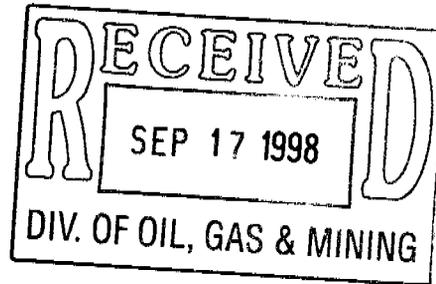
Manti- La Sal
National Forest

Supervisor's Office
599 West Price River Drive
Price UT 84501
Phone # (435) 637-2817
Fax # (435) 637-4940

File Code: 2820-4

Date: September 15, 1998

State of Utah
ATTN: Pamela Grubaugh-Littig
Department of Natural Resources
Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801



RE: Revision for Link Canyon Breakout/Substation, Canyon Fuel Company, LLC, SUFCO Mine, ACT/041/002-SR98-1, Folder #2, Sevier County, Utah

Dear Ms. Grubaugh-Littig:

#2

Copy Aaron (all)

Enclosed are copies of the Environmental Assessment (EA) for the proposed SUFCO Mine breakout/substation and powerline and Decision Notice/Finding of No Significant Impact (DN/FONSI).

We hereby consent to approval of the permit amendment for the subject facilities subject to the mitigations enclosed with this letter.

If you have any questions, contact Jeff DeFrest or Carter Reed at the Forest Supervisor's Office in Price, Utah.

Sincerely,

Janette S. Kaiser

for
JANETTE S. KAISER
Forest Supervisor

Enclosures

cc:

D-2/3 (w/o enclosures)

Dick Manus, BLM, Field Manager, Price Field Office (w/o enclosures)



TABLE II-4

SEED MIXTURE FOR DISTURBED AREAS

<u>Species</u>	<u>Pounds per Acre Pure Live Seed (PLS)*</u>
Grasses	
Indian rice grass <u>Oryzopsis hymenoides</u>	2.0
Crested wheatgrass <u>Agropyron cristatum</u>	2.0
Russian wildrye <u>Psathyrostachys juncea</u>	1.5
Sand dropseed <u>Sporobolus cryptandrus</u>	2.0
Needle and Thread <u>Stipa comata</u>	2.0
Forbs	
Yellow sweetclover <u>Melilotus officinalis</u>	1.0
Lewis flax <u>Linum perenne lewisii</u>	1.0
Shrubs	
Fourwing saltbush <u>Atriplex canescens</u>	1.5
Black sagebrush <u>Artemisia nova</u>	0.5
TOTAL	<u>13.5</u>

- Rate is pounds per acre pure live seed broadcast. Pure live seed (PLS) formula: % of purity of seed mixture times % germination of seed mixture = portion of seed mixture that is PLS.

General Operations

1. The USFS and BLM will be notified 48 hours in advance that heavy equipment will be moved onto National Forest System Lands and public lands and that surface disturbing activities will commence.
2. The USFS and BLM must be notified of any proposed alterations to the plan of operations. Any changes to the existing plan are subject to USFS and BLM review and approval.
3. 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 when not inconsistent with the rights and regulations must be complied with for (1) all use and occupancy of land 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 land not authorized by a permit/operating plan approved by the Secretary of the Interior.

4. All accidents or mishaps resulting in resource damage and/or serious personal injury must be reported to the USFS as soon as possible.
5. Section corners, survey markers and claim corners in the project area must be located and flagged by the operator prior to operations. The removal or disturbance of identified markers must be approved by the proper authority.
6. All surface-disturbing activities, including reclamation, must be supervised by a qualified, responsible official or representative of the designated operator. They will be aware of the terms and conditions of the EA and specifications in the approved plans.
7. Establishment of campsites on the pad or at other locations on National Forest System Lands and public lands by the operator or his contractors is subject to USFS and BLM approval.

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 an effective spark arrester or muffler. Spark arresters must meet USFS specifications discussed in the "General Purpose and Locomotive (GP/L) Spark Arrester Guide, Volume 1, April, 1988"; and "Multi-position Small Engine (MSE) Spark Arrester Guide, April, 1989." In addition, all electrical equipment must be properly insulated to prevent sparks.
3. UP&L and/or CFC will be held responsible for damage and suppression costs for fires started as a result of operations. Fires must be reported to the USFS and BLM as soon as possible.
4. The USFS and BLM reserves the right to suspend construction operations during periods of high fire potential.
5. The Memorandum of Understanding with the State of Utah Air Conservation Committee will be implemented. This will assure project implementation activities meet the State and Federal Air quality standards.

Reclamation

1. **Reclamation recontouring and reseeding of disturbed areas will be performed as soon as practicable (within the same construction season).**
2. **All surface disturbing activities including reclamation must be supervised by a responsible representative of UP&L and/or CFC who is aware of the terms and conditions of the projects permits/licenses.**
3. **Seeding will be performed using the certified seed mix TABLE II-4. The seed mixture must meet or exceed the pure live seed standards of the Utah Seed Law containing a maximum allowable weed content of less than two percent with no noxious weed species.**
4. **Revegetation will be considered successful when 90 percent of the pre-disturbance ground cover is reestablished over the entire disturbed area. Adjacent undisturbed areas will be used as a base for comparison. Of the vegetative ground cover, at least 90 percent must consist of seeded or other desirable species. 90 percent ground cover must be maintained for three years. If the desired ground cover is not established at the end of each three year period, an analysis of why the area has not recovered will be performed by the operator and additional treatment and seeding will be required based on the results of the analysis.**
5. **An erosion and sediment control plan will be prepared as prescribed in the Soil and Water Conservation Practices Handbook. During operations the operator shall maintain seasonal erosion control structures, on all affected areas.**
6. **All topsoil must be stripped from areas to be disturbed and stockpiled for reclamation in such a way as to prevent soil loss and contamination.**
7. **Following completion of the project, the substation pad and project area must be recontoured to blend naturally with the surrounding area. Gravel will be salvaged and stockpiled in an area approved by the USFS relative to that portion of the road and substation pad on National Forest System Lands.**
8. **The substation area must be fenced and the project road must be adequately closed off to prevent continued use until the required reclamation standards are successfully achieved.**
9. **Livestock may be temporarily excluded from disturbed areas through fencing or other appropriate measures in critical sections.**
10. **The operator is responsible for maintenance of reclamation facilities such as fences, barricades and temporary drainage structures until the desired reclaimed conditions are achieved.**
11. **All vehicle traffic will stay on existing roads and new access routes. Unauthorized off-road vehicular travel is prohibited.**

12. Roads and access routes must not be used when they are wet, muddy, and susceptible to damage. The permittee is responsible for repair of any damages which are caused by his/her operations. If operations continue into October additional aggregate surfacing may be required to minimize damage to the existing road surface.
13. All traffic must maintain safe speeds commensurate with existing conditions.
14. Water or magnesium chloride 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 USFS and BLM.
15. A preconstructing meeting including the responsible company representative(s), contractors, and the USFS and BLM must be conducted at the project site prior to commencement of surface-disturbing activities. The pad and road work must be construction-staked prior to this meeting. Site-specific requirements will be discussed at this time.
16. The operator must acquire appropriate permission to use roads not identified as Forest Development Roads or BLM road systems.
17. The project engineer and surveyors must be certified by the State in which they reside or maintain their business.
18. A gate must be constructed on the pad access roads (Alternative 3) near the intersection with the Link Canyon road to prevent public access to the pads. The gate must be locked at any time that the pad is unoccupied by company personnel. The gate design must be approved by the USFS and BLM.

Peregrine Falcon (Falco peregrinus anatum)

The proposed action will not contribute to loss of viability of the peregrine falcon for the following reason.:

- 1) Peregrine falcons have recovered to a level of approximately 180 eyries in the state of Utah. In 1997, 119 of these nests were surveyed with 102 being occupied. This is well above the 21 active eyries set as a goal for Utah by the American Peregrine Falcon Recovery Plan.
- 2) The known falcon eyries and suitable cliffs in the proposed project area could be adequately protected with a seasonal closure until after the fledglings have left the eyrie (August 31). The presence of the 69 kV line, substation and breakout are in the near proximity of an existing road and would appear after the construction phase to be compatible with the concurrent usage of the peregrine falcon and should not prohibit future use of the same area.
- 3) A new falcon eyrie was identified near the proposed action area in Link Canyon. The falcons probably forage in the area for prey. The proposed action area would not reduce the prey species available.
- 4) Timing and access of maintenance work will be restricted during incubation period (see mitigation).
- 5) No nesting habitat of peregrine falcon will be disturbed.

VI. Mitigation

To reduce or eliminate effects to threatened or endangered species the following mitigations will be implemented.

- 1) No construction activity would occur within one mile of any active nest site.
- 2) SUFCO Mine in cooperation with the USFS, BLM and UDWR will monitor the status and activity of peregrines utilizing existing habitat near the site annually.
- 3) If it has been determined that peregrine falcons have established a nest near the power line and/or breakout site SUFCO will notify UP&L maintenance personnel of possible restrictions.
- 4) If emergency maintenance needs to be implemented after construction, restrictions would include limited access and/or access accompanied by an agency biologist during the incubation period if

nesting activity is determined.