



United States
Department of
Agriculture

Forest
Service

Manti-La Sal
National Forest

Supervisor's Office
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File Code: 2820-4

Date: August 5, 2002

Sally Wisely
State Director
Bureau of Land Management
324 South State Street
Salt Lake City, UT 84145-0155

Ironing
8/04/02
Pine = Muddy
Copy PAM
(copy letter)

Dear Ms. Wisely:

Enclosed is a copy of the Forest Service Decision Memo (DM) consenting to the Bureau of Land Management's (BLM) approval of the exploration plan submitted by Ark Land Company to drill two coal exploration holes on Federal Coal Lease U-76195.

This decision is subject to the Stipulations found in the DM as Attachment 2. The Forest Service recommends that the BLM's performance bond for the project include a minimum of \$4000.00 (\$2000.00/hole x 2) for reclamation of the drill pads and project roads in addition to the appropriate plugging costs.

If you have any questions, contact Karl Boyer at the above address and telephone number.

Sincerely,

Elaine J. Zieroth
ELAINE J. ZIEROTH
Forest Supervisor

Enclosure

cc:
D-2/3
Pamela Grubaugh-Littig, UDOGM

RECEIVED

AUG 12 2002
DIVISION OF
OIL, GAS AND MINING



Decision Memo
for
ARK LAND COMPANY
2002 COAL EXPLORATION
Federal Coal Leases U-76195 and U-63214
And
SITLA Muddy Coal Tract
USDA Forest Service, Intermountain Region
Manti-La Sal National Forest
Ferron-Price Ranger District
Sevier County, Utah

I. INTRODUCTION

The Manti-La Sal National Forest has evaluated a proposal submitted by Ark Land Company (a subsidiary of Arch Coal Inc.) on behalf of Canyon Fuel Company to conduct coal exploration and reclamation activities in the summer of 2002. The exploration activities would take place on Federal Coal Lease U-76195 and the Utah School and Institutional Trust Lands Administration (SITLA) Muddy Coal Tract located within the Ferron Ranger District of the Manti-La Sal National Forest. The Muddy Coal Tract is currently unleased. The exploration project would occur within Sevier County, T. 21 S., R. 5 E., Salt Lake Base and Meridian, Sections 9 and 13 (refer to Attachment 1 for site locations).

One exploration hole would be drilled at three locations for geologic structure, stratigraphic correlation, and coal quality/thickness assessment. The three holes have been designated 02-09-1, 02-13-1, and 02-13-2. The total depth of the exploration holes is expected to be between approximately 1000 to 1400 feet. The depth being governed at each site by topography and regional dip of the geologic formations. The drilling method would consist of continuous coring from the surface to total depth. Cores would be obtained from the Upper and Lower Hiawatha Coal Seam at each drill site and would be logged by an on-site geologist. All of the exploration holes would be plugged and abandoned following completion. At each drill site a 100 ft X 100 ft drill pad would be constructed (constituting less than 1 acre of total disturbed area for all three drill sites). Earth movement would primarily be accomplished using a D-6 Cat bulldozer and road grader. Work activities would include grubbing of some areas, removal and separate storage of the soil A horizon and, if needed, removal and separate storage of material below the soil A horizon to make a level drill site. Drilling mud pits would also be excavated in the material below the soil A horizon if there is sufficient depth. When mud pits cannot be constructed, portable containers would be used and the drilling fluids and cuttings would be hauled to an approved disposal site. Drill sites 02-13-1 and 02-13-2 would be situated adjacent to FR 50307 and FR 502050, respectively. Drill site 02-09-1 would be located approximately 300 feet off FR 50044. None of the proposed borings are located within an Inventoried Roadless Area. A campsite and staging area would also be required. The campsite would be located at the intersection of FR 50044 and FR 50028. The staging area would be located at the intersection of FR 502050 and FR 50028.

II. DECISION

I have decided to consent to BLM's approval of the Coal Exploration Plan (drill holes 02-13-1 and 02-13-2) subject to conditions for the protection of non-mineral interests (Attachment 2).

I have also decided to authorize occupancy of National Forest System lands for the coal exploration project in the SITLA Muddy Tract (drill hole 02-09-1) by issuing a Special-Use Permit to Ark Land Company subject to the terms and conditions of the permit and provisions of the plan as altered by the attached stipulations (Attachment 2). SITLA has approved the coal exploration project within their coal estate.

Authorized activities include maintenance and minor restoration of Forest Service roads and decommissioning of the unclassified road used to access drill site 02-09-1, as disclosed in the Project Level Roads Analysis (project file).

It is my determination that this decision may be categorically excluded from preparation of an Environmental Assessment (EA) or Environmental Impact Statement (EIS) under Forest Service Handbook 1909.15, Chapter 30, Section 31.2(3): "Approval, modification, or continuation of minor special uses of National Forest System lands that require less than five contiguous acres of land." This category was determined appropriate because the area affected by this decision is less than 5 acres, there are no extraordinary circumstances related to the project, and surface uses would remain essentially the same.

The proposals, with stipulations, would provide adequate protection of Forest resources. The proposal is consistent with all Forest Plan requirements. The Forest Plan anticipated the exploration for and development of coal resources and provides programmatic direction and stipulations for the coal program. The Pines Tract EIS evaluated drilling as a related activity.

My decisions will be implemented via transmittal of this Decision Memo to BLM and SITLA with authorization letters and issuance of the Special-Use Permit to Ark Land Company.

III. DECISION RATIONALE

This decision was made after careful consideration of the proposal, public involvement, and the entirety of the supporting record. No one fact or single piece of information led to the decisions. Rather, a combination of factors contributed to it. The key considerations are discussed in the following sub-parts.

Attainment of Agency Goals:

The general purpose and need for this project is to accomplish the following goal of the Forest Plan: "Provide appropriate opportunities for and manage activities related to locating, leasing, development, and production of mineral and energy resources." (Forest Plan, p. III-4). Another related goal of the Forest Plan is: "Manage geologic resources, common variety minerals, ground water, and underground spaces (surficial deposits, bedrocks, structures, and processes) to meet resource needs and minimize adverse effects."

A sage grouse lek is located approximately 1 mile south of drill hole 02-09-1 (SITLA). The Manti-LaSal National Forest is concerned about potential effects to habitat and populations. In order to minimize effects, Forest wildlife biologists have worked with the proponent to alter the drilling plan. Drill hole 02-09-1 was moved to minimize disturbance to sagebrush habitat. The existing unclassified road to be used for access to the drill site would not be widened for operations, thus minimizing removal of sagebrush. The unclassified road would be obliterated and reclaimed upon completion of operations to minimize off-road vehicle use and improve habitat. Due to current drought conditions, sage grouse watering areas are dry, potentially affecting the population. Canyon Fuel has agreed to fill guzzlers with water to offset effects of the drought. Operations will be short-term, will not take place during critical

strutting and brood-rearing periods, and will result in long-term habitat improvements; therefore detrimental effects will be negligible.

The project-specific purpose and need of the proposed action is to permit Ark Land Company to acquire data on the available coal resources on the Federal Coal Lease and on the SITLA Muddy Coal Tract to provide access to Federal and non-Federal mineral estates on National Forest System lands with outstanding rights, while protecting non-mineral resources of the National Forest consistent with Forest Service policy and Forest Plan direction.

The decision wholly meets the project's purpose and need.

Absence of Extraordinary Circumstances:

Existing resource conditions and potential extraordinary circumstances have been considered in making the decisions.

Steep slopes or highly erosive slopes. The proposed project sites are located on gently sloping, stable soils.

Threatened and endangered species or their critical habitat. The project will not affect any Threatened and Endangered Species (see Attachment 3, Biological Assessment).

Floodplains, wetlands, or municipal watersheds. The project will not affect floodplains, wetlands, or municipal watersheds.

Congressionally designated areas, such as wilderness, wilderness study areas, or National Recreation Areas. There are no wilderness, wilderness study areas, or National Recreation Areas in the project area.

Inventoried roadless areas. The project area is not within an inventoried roadless area.

Research Natural Areas. The project area is not located within any Research Natural Areas (RNAs).

Native American religious or cultural sites, archeological sites, or historic properties or areas. Surveys have been completed and professional archaeological staff have determined that the project does not have the potential to affect historic properties. Consultation with Native American groups has disclosed no religious or cultural sites.

Relationship to Public Involvement:

Public comments were sought and considered throughout the planning process for this project. Two responses were received in the form of letters from the Hopi Tribe and the Utah Environmental Congress (UEC). The Hopi Tribe expressed their interest in receiving a copy of the cultural resources inventory of the project area for review and comment. The UEC expressed their belief that the scope of the project excludes it from a categorical exclusion and that an EA is required. UEC's comments with Forest Service responses are included as Attachment 3.

IV. PUBLIC INVOLVEMENT

Legal notices describing the proposal and requesting issues/comments were published in the Sun Advocate (Price, Utah) and the Emery County Progress (Castle Dale, Utah) on May 7, 2002. Letters describing the proposal and requesting issues/comments were mailed to 17 interested individuals/agencies on May 1, 2002. Two responses were received and are described in the Decision Rationale section above. Native American consultation was conducted and no specific issues were identified.

V. FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

To the best of my knowledge, the decision complies with all applicable laws and regulations. In the following, the association of the decision to some pertinent legal requirements are summarized.

National Forest Management Act of 1976: The Forest Plan was approved November 5, 1986, as required by this Act. This long-range land and resource management plan provides guidance for all resource management activities in the Forest. The National Forest Management Act requires all projects and activities to be consistent with the Forest Plan. The Forest Plan has been reviewed in consideration of this project. The decision will be consistent with the Forest Plan.

National Historic Preservation Act: The proposal would not result in any impacts for cultural or historic resources.

Endangered Species Act: The Biological Assessment/Biological Evaluation (Project File) has disclosed that this project will not result in impacts to threatened, endangered, or sensitive plant or animal species. Therefore the Forest Biologist determined there is no need to further evaluate threatened, endangered, or sensitive plant or animal species.

Sensitive Species: A goshawk survey was conducted on June 5, 2002 to determine if there were any active nests within ½ mile of the proposed drill holes. No nests were located (BE in Project File).

Management Indicator Species: Management indicator species designated under the Land and Resource Management Plan for the Manti Division of the Manti-La Sal National Forest include deer/elk, blue grouse, golden eagles, and macroinvertebrates. Management indicator species were evaluated for the project. Population trends for big-game, golden eagles, and macroinvertebrates have been monitored by the Forest Service and Utah Division of Wildlife Resources. There are no active golden eagle nests within the distances of concern for disturbance. Timing restrictions on the project will avoid critical use periods (wintering, calving/fawning) for big game species and nesting/fledging periods for golden eagles. Summering big-game and golden eagles would avoid the temporary disturbance areas but adjacent habitat is abundant. The effects would be negligible.

Blue grouse use a variety of habitats, but prefer areas that contain Doug fir, white fir, aspen, and scattered openings during the breeding season, and fir and spruce habitats during winter. Blue grouse are thought to occur throughout the Forest, but no population estimates or optimal habitat models exist. The Pines drill sites may provide marginal summer habitat for blue grouse. Surveys were conducted on 6/5/02, but no birds or sign were observed. The Muddy Tract sites do not provide habitat, as blue grouse do not use sagebrush habitats. It is unlikely that the proposed project would have any noticeable effect on the blue grouse. Therefore, no mitigation measures were prescribed for the project (Biological Evaluation, project file).

Macroinvertebrates are being monitored in Muddy Creek at the Forest boundary (Aquatic Ecosystem Inventory, Macroinvertebrate Analysis, Manti-La Sal National Forest. The project will not disturb areas adjacent to perennial waters or wetlands. Sediment and spill control control measures would be effective in mitigating effects. The effects would be negligible.

National Environmental Policy Act: The entirety of documentation for this project supports that the project analysis complies with this Act.

Environmental Justice: Based on experience with similar projects on the Ferron-Price Ranger District, it is believed that this project would not have any disparate impacts on individual groups of peoples or communities. Implementation of this project will produce no adverse effects on minorities, low-income individuals, Native Americans or women. No civil liberties will be affected.

VI. IMPLEMENTATION DATE AND APPEAL OPPORTUNITY

Implementation of the these decisions may occur upon approval of the Coal Exploration Plan by BLM (Federal Leases), issuance of the Special-Use Permit (Muddy Tract/SITLA Coal), and issuance of the Road-Use Permit (both project areas), and not prior to July 15, 2002.

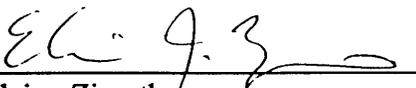
This decision is not subject to appeal by the public in accordance with the Code of Federal Regulations Title 36 part 215.

This decision is subject to appeal by the applicant under Code of Federal Regulations Title 36 part 251.

VII. CONTACT PERSON

For additional information concerning the Forest Service decision, please contact Karl Boyer at the USDA Forest Service, Manti-La Sal National Forest (address: 599 West Price River Drive, Price, UT 84501; telephone: 435-637-2817).

VIII. SIGNATURE AND DATE



Elaine Zieroth
Forest Supervisor
Manti-La Sal National Forest

August 5, 2002
Date

ATTACHMENT 2

STIPULATIONS

- 1) Reclamation efforts will be diligently pursued to insure that a minimum ground cover is established on all disturbed areas. Revegetation will be considered successful when 90% of the predisturbance ground cover is re-established over the entire disturbed area, with no noxious weeds. Adjacent undisturbed areas will be used as a basis for comparison of ground cover. Of the vegetative ground cover, at least 90% must consist of seeded or other desirable species. The 90% of pre-disturbance ground cover must be maintained for three years.
- 2) The operator will be held responsible for control of noxious weed infestations found to be a result of this project, until acceptance of vegetative restoration.
- 3) The operator shall take all reasonable/appropriate measures to prevent the introduction and proliferation of exotic plants and/or noxious weeds for all operations on the land surface. Measures must include cleaning vehicles and equipment before entry onto Federal lands, pre-treatment of areas approved for surface disturbing activities, use of weed free materials (straw, fill materials, gravel, etc.), and control and eradication of exotic species and/or noxious weeds in disturbed/reclaimed areas until liability/bond release. Proposed control/eradication measures for surface operations are subject to approval by the surface management agency.
- 4) The seed mix to be used for reclamation will be as follows:

		<u>Pounds PLS/acre</u>
Western Wheatgrass	Elymus smithii	2
Basin Wild Rye	Elymus cinereus	1
Intermediate Wheatgrass	Elymus hispidus	2
"Paiute" Orchardgrass	Dactylis glomeratus	2
Yellow Sweet Clover	Melilotus officinalis	1
"Rambler" Alfalfa	Medicago sativa	1
Blue Leaf Aster	Aster glaucodes	0.25
Lewis Flax	Linum lewisii	0.50
Small Burnet	Sanguisorbia minor	1
Mountain Big Sage	Artemisia tridentata vaseyana	0.25
Bitterbrush	Purshia tridentata	1

- 5) Disturbed Areas must be reclaimed by the end of the 2002 field season; exceptions require written Forest Service approval.
- 6) The project, including reclamation, is to be completed in one field season. If additional time is needed the Forest service should be advised so the permit can be amended.

- 7) Drill rigs and heavy equipment (not including water trucks) must not be transported in or out of the project area during the opening weekends of the general elk hunt, general deer hunt, or during holiday weekends. This restriction lasts from Friday at noon through Sunday. Water trucks must be preceded by a pilot vehicle when hauling water for the project during the above noted periods.
- 8) Contaminated soil and gravel must be stripped and hauled off the Forest prior to site reclamation.
- 9) Drill sites and the mud pits must be reclaimed when they are dry by selectively backfilling excavated materials, topsoil last, such that the disturbed area is replaced to the approximate original contour. The disturbed area must be seeded with the seed mix specified.
- 10) Upon completion of the project, compacted soils must be scarified and seeded with the specified seed mix.
- 11) All disturbed drainages must be replaced to their approximate original configuration when the project area is reclaimed.
- 12) Reclaimed (decommissioned) roads must be blocked to discourage vehicle access by the public and signed. The sign must be approved by the Forest Service prior to installation.
- 13) The operator/agent will immediately notify the Forest Service should raptor nests be discovered.
- 14) Any dogs on the project site must be kept on a leash.
- 15) Heavy equipment, drilling equipment, and transport vehicles must be cleaned of mud/debris that could potentially transport noxious weed seeds prior to entering the National Forest.
- 16) Unauthorized off-road motorized access, other than along the trail, is prohibited.
- 17) A Road Use Permit must be obtained from the Forest Service before equipment is transported onto National Forest System lands. No construction may begin prior to approval. Any modifications or changes to approved locations are also subject to review and approval.
- 18) No improvement other than spot removal of obstructions will take place on the unclassified roads to be used for access to drill sites 02-09-1. Upon completion of operations, the unclassified roadway will be ripped and seeded with caution necessary to minimize disturbance to sagebrush. Barriers consisting of roughened surface, rocks, logs, and earthen berms will be constructed sufficient to preclude future unauthorized traffic.
- 19) As mitigation regarding sage grouse, the operator will fill guzzlers in the project area with water on a one-time basis.
- 20) All water bearing zones encountered in the process of drilling will be recorded on the drilling logs. Any zone which is producing a large continuous flow will be reported to the Forest Service prior to abandonment procedures taking place.
- 20) Construction and operations will be restricted to the time period between July 15 and November 1 to prevent effects to big-game and sage grouse..

Attachment 3

Response to Comments from Utah Environmental Congress

Letter of May 9, 2002

Ark Land Company Year 2002 Coal Exploration Plan
Federal Coal Leases U-76195 and U-63214

And

SITLA Muddy Coal Tract

Comment #1:

"The UEC believes that the project is outside the categories of actions that are listed in FSH 1909.15 31.2. Descriptions of projects in 31.2 do not fit the scale of the proposed action. The Ark Land proposal includes development of four sites, a campsite, and construction of over one mile of road. The road construction alone precludes the proposed action from categorical exclusion. The reg's specifically state that examples of actions that could be documented in a CE include those with "construction of less than one mile of low standard road" (Service Level D, FSH 7709.56), or use and minor repair of existing road". Per the scoping letter, construction of 6,800 feet of unclassified road is beyond the scope of the CE; thus the ML must prepare an EA, at minimum, for the proposed action."

Response:

For clarification, the project will not involve any new road construction. Two of the drill sites (02-13-1 and 02-13-2) are located adjacent to existing classified roads. Access to a third well site will be along a well-developed user-created, unclassified roadway. A fourth site (02-17-1) has been dropped from the proposal by the proponent. Ark Land Company will not construct any new roads, but will use the existing classified roads and one existing unclassified road used to access the drill sites. Upon completion of drilling, Ark Land Company will obliterate and reclaim the unclassified road used for access to site 02-9-1). Even though the unclassified road currently exists, the Roads Analysis for this project established that there is no need to retain it for future use and recommended that it be decommissioned; therefore the project would result in a net decrease in road density in the area.

A special-use permit would be required to authorize surface occupancy of National Forest System lands on that portion of the project area where the coal estate is owned by SITLA, therefore it was determined that the project best qualifies for categorical exclusion under FSH 1909.15, 31.2, Category 3. This is a different category than the one referenced in the comment.

Additionally, use of the existing unclassified roads is considered off-road vehicle travel and since there will be no construction of new roads, the project (SITLA and Federal Coal) would also qualify for categorical exclusion under FSH 1909.15, 31.2, Category 8. Category 8 is the category referenced in the comment regarding the limitation of one mile of new road construction.

Comment #2:

"**Affected Environment**-The proposed action is located south of Muddy Creek at T 21S R5E, sections 9, 13, and 17. According to the map provided, this project will create traffic and impacts on an area that the ML has

identified as the only known Sage grouse lek on the forest (see Ferron Ranger District letter dated February 25, 2002). Given the declining populations of Sage grouse in the west, the ML must take measures to protect the only known lek on its forest. Measures and mitigation to protect this population should be determined in an environmental analysis."

Response:

The lek is located approximately 1 mile south of drill site 02-09-1. Potential effects to sage grouse were considered and have been resolved as a result of the analysis and mitigations. Two of the originally proposed drill sites were in sagebrush flats north of a sage grouse lek. Although not in the lek, removal of sagebrush could have affected habitat. The pad location for site 02-9-1 was moved eastward along existing user-created (unclassified) road to avoid removal of sagebrush. In addition, no improvement of the unclassified road will be necessary for site access. The second site (02-17-1) has been dropped from the project. Timing of operations will be such that the human activity will occur after strutting has ceased and nesting/brooding locations are no longer critical. The sage grouse will be mobile during the time of operations. The existing unclassified road used for access to -2-09-1 will be decommissioned and reclaimed following the short-term disturbance from drilling, resulting in improvements to habitat.

The project area is extremely dry this year due to the drought, which is the limiting factor to Sage grouse habitat. Stock ponds and guzzlers used by sage grouse are dry. As mitigation, Canyon Fuel has agreed to fill the guzzlers constructed by the Forest Service and DWR with water to provide a watering source for sage grouse in the area, resulting in an overall benefit to existing habitat conditions. The guzzlers were constructed with measures to minimize evaporation and prevent use by livestock and big-game species.

Comment #3:

"Wildlife-What other wildlife species use this area? The area is listed as RNG for management direction requiring additional evaluation for big game herds and their use of the area. What surveys has the ML performed for MIS and TES species in the analysis area? Cliffs and canyon habitat suggest the likelihood for numerous species of raptors as well as the possibility of Mexican spotted owls. The development of four sites and a campsite represents a large footprint of activity. This footprint must be surveyed and monitored for wildlife species and impacts to these species should be evaluated."

Response:

All of the required surveys have been completed. Discussions are found in the Decision Memo and the Biological Evaluation and Biological Assessment.

Comment #4"

"Plants-The UEC has identified several plants that may be present in the project area including: Festuca dasyclada, Hedysarum occidentale, Hymenoxys helenoides, and Silene petersonii. What plant surveys have been performed for the TES species? In addition, where are Wright fishhook cactus populations located in relation to the project area?"

Response:

Surveys have been completed and it has been determined that there are no TES plants within the areas of disturbance. There would be no effects to TES plants as discussed in the Decision Memo, Biological Assessment, and Biological Evaluation. The nearest known population of the Wright fishhook cactus is approximately 30 miles east of the project area in the San Rafael Swell.

Comment #5:

"Wet areas, wetlands-In the February 25 letter, concern for Sage grouse included a focus on wet meadow

characteristics and bottomland habitat for sage grouse. How will the proposed actions impact these bottomland habitats? Two of these sites are located directly in the bottomlands. These wet areas represent extraordinary circumstances that must be further analyzed in an EA."

Response:

The two sites you refer to are adjacent to dry washes and not in any way associated with wetlands or wet meadows. One of the sites has been dropped from the project and the other drill site was located to avoid the washes.

Comment #6:

"Archeological sites-The ML cannot proceed without comprehensive archeological surveys of the analysis area. Development of roads and trails may impact pristine sites including traffic impacts from the proposed action."

Response:

An intensive archaeological survey of the project area has been completed. It was determined that there would be no effects, as discussed in the Decision Memo. The SHPO (State Historical Preservation Officer) has concurred.

Comment #7:

"**Categorical Exclusion**-As stated above, the UEC contends that the use of CE for the Ark Land action is inappropriate. The ML must confirm the presence/absence of TES species in the analysis area. The ML should survey and monitor for plants and wildlife species. The presence of Sage grouse should trigger some alarm on behalf of the ML. The UEC suggests consultation with DWR at a minimum for the declining species. The ML has recognized the importance of bottomland habitat and wet areas to Sage grouse. These wet areas also represent habitat that is critical to a unique population of Sage grouse. These circumstances should be further analyzed in a complete EA. Archeological sites must be surveyed and impacts to these sites should be determined and disclosed."

Response:

Surveys of the project area have determined that there would be negligible effects to TES plant or animal species as documented in the DM and Biological Evaluation and Biological Assessment.

Vegetation surveys have been completed. Vegetation will be monitored to determine reclamation/revegetation success following reclamation efforts. The operator must meet FS and DOGM reclamation and revegetation success standards prior to bond release.

The potential effects to Sage grouse have been considered and it was determined that there would be no detrimental effects. Mitigations have been determined to provide for habitat improvements. The DWR has been consulted. No wet areas or wetlands would be affected.

Archaeological surveys have been completed as discussed above and it was determined that there would be no effects.

Comment #8:

"The proposal map shows four sites and a campsite that will be developed for the exploration. How many acres will be occupied by the operation? As stated previously, the project includes more than a mile of new road construction effectively eliminating the area from the categories that can be excluded from environmental analysis. Regarding the extent of activity that is included in this proposal UEC requests that the ML complete an EA, as it is the appropriate document for this project."

Response:

An existing dispersed recreation campsite area will be occupied during operations. This area is used heavily by dispersed recreation, especially during the big-game hunting seasons. No new disturbance will occur.

The drill pads will be constructed to approximate dimensions of 100 ft. x 100 ft. resulting in disturbance of approximately 1/4 acre per pad. Since there are three pads, new disturbance is estimated at less than one acre. Less than 1/4 acre of land will be occupied by for operations in the camp area.

No new road construction will occur. As stated in response to earlier comments, Canyon Fuel will use existing roads requiring no new disturbance/construction, other than the drill pads. The drill pads and unclassified road will be reclaimed and revegetated following operations.

Comment #9:

"**Cumulative Effects**-NEPA requires agencies to consider past, present, and reasonably foreseeable impacts (40 CFR 1508.7). A reasonably foreseeable impact tied to exploration is development of the resources. The possible impact should be analyzed as part of the environmental analysis. The ML must also consider the impact of other activities that are taking place in the analysis area, including past, present, and future exploration. The extent of direct impacts from this operation should also be analyzed for this project.

-If the exploration results in development, where will the expansion be? The area is flanked by roadless areas and is unroaded; any development may impact the area.

-The ML should also determine the impacts that may occur due to road construction. Illegal ATV use will expand and penetrate deeper into the forest as a result of over a mile of road construction."

Response:

The Final Environmental Impact Statement, Manti-La Sal National Forest, 1986, as supplemented by the Environmental Impact Statement for Oil and Gas Leasing on Lands Administered by the Manti-La Sal National Forest, 1992, the Pines Tract Project Final Environmental Impact Statement, 1999, have addressed the cumulative effects in and adjacent to the project area, including coal exploration drilling.

Drilling associated with the project will not directly result in leasing or mining. Past drilling has provided evidence to conclude that the areas contain mineable coal reserves. The two holes within existing Federal coal leases are being completed in advance of mining to determine if there are any unforeseen circumstances that could preclude already planned and permitted future mining. The drill site on the Muddy Tract, where SITLA is the coal estate owner, will be completed to provide more detailed information coal quality and the amount of mineable reserves.

Considering the short-term nature of the project and minimal disturbances, the project would have negligible effects from the perspective of project-specific and/or cumulative effects. Coal drilling is a recurring and routine type of activity on the Manti-La Sal National Forest. It has been proven through many years of experience that operations such as the approved action would be short-term and would have negligible effects with application of Forest Service operating requirements and mitigations. Reclamation of such projects in this area and other areas of the Forest has been highly successful. Ground disturbance associated with coal drilling conducted in the project area in prior years, including last year, have been adequately reclaimed and have resulted in successful use and closure of project roads as well as user created unclassified roads. Drilling projects have provided an opportunity to obliterate and reclaim many miles of unneeded user created roads resulting in a decrease in road density and accomplishment of Forest Plan goals for eliminating unnecessary roads; improving Forest productivity and wildlife habitat; and decreasing erosion.

The project area does not lie within any inventoried roadless areas. There will be no construction of new roads. Existing classified roads and an unclassified road will be used. Upon completion of the project, the unclassified road will be decommissioned and reclaimed, resulting in a reduction of road density. The project will not result in increased unauthorized ATV use.

Comment #10:

Forest Plan Standards and Guidelines-Management direction for the area in the proposed action is mostly RNG, or emphasis on the production of forage. This direction includes direction for mineral exploration to avoid impacts on big game. The Plan states, "modify, delay, or deny mineral leasing, exploration, and/or surface occupancy, where applicable, if they cause unacceptable stress on big game or unmitigated damage to their habitat" (ML Forest Plan III-62). This direction includes the following standards:

-Prohibit activities during critical periods of big-game use.

-Approved activities must be short-term and prompt reclamation must be assured.

How will the proposed action comply with the Forest Plan standards for this area? How will big game be impacted by the proposed action?"

Response:

The operation was planned to avoid all critical big game use periods. Operations will not be allowed during the big-game wintering.

The activity will be short-term and reclamation will be completed promptly upon completion of the project.

Operations will comply with Forest Plan standards. Big game species will avoid the project area during operations during the non-critical summer season. Habitat loss would be negligible.

Comment #11:

"The ML must complete a programmatic EIS as the size and impact of the project do not fit under the criteria for Categorical Exclusions described at FSH 1909.15, 31.2. Road construction alone cancels any possibility of Categorical Exclusion in this case. The UEC also suggests that the ML survey and determine impacts to the Sage grouse populations that are known in the project area. The required MIS and TES surveys should accompany these surveys on the forest."

Response:

The Land and Resource Management Plan (Land and Resource Management Plan for the Manti-La Sal National Forest, 1986, as amended) and Final Environmental Impact Statement are programmatic documents that cover the activities described in the comment in conjunction with all other activities on the Forest. In addition, the Pines Tract EIS (Pines Tract Project Final Environmental Impact Statement, 1999) disclosed the effects of coal leasing, mining, exploration, and other past, present, and reasonably foreseeable future activities in the area. The coal exploration drilling is consistent with the level of activity evaluated in the Pines Tract EIS.

Consistent with Land and Resource Management Plan direction, site-specific environmental analyses are conducted for each individual project. The site-specific analyses must address Land and Resource Management Plan consistency under the National Forest Management Act of 1976 and meet other requirements of the National Environmental Policy Act of 1969, and implementing regulations at 40 CFR 1500-1508.

Environmental documents prepared for individual projects associated with implementing the Land and Resource Management Plan can, therefore, be site-specific only (Land and Resource Management Plan, Page I-3).

No new roads will be constructed for the project. All required wildlife surveys have been conducted and