Record of Decision
based on the
Pines Tract Project
Final Environmental Impact Statement, 1999

Link Canyon Breakout

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

October 2002

Responsible Agency:

USDA Forest Service
Intermountain Region

Responsible Official:

Elaine J. Zieroth
Forest Supervisor
Manti-La Sal National Forest
599 West Price River Drive

Cooperating Agency:

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0048

United States Department of Agriculture | Forest Service | Manti-La Sal National Forest

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OK

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File Code: 2820-4
Date: October 10, 2002 Incoming

C/041/002
Copy Cover Letter Dave Darby

Dear Interested Party:

Enclosed is a copy of the ROD (Record of Decision) that documents the Manti-La Sal National Forest's decision to consent to reopening the west portal of the old Link Canyon Mine by Canyon Fuel Company, LLC on the Manti-La Sal National Forest. This consent decision is conditioned upon requirements needed to mitigate effects to non-coal interests. The purpose is to provide an emergency escapeway, air intake, and electrical power necessary for underground mine operations at the SUFCO Coal Mine.

This information has been sent to you because you responded during public scoping for this project, participated in the environmental analysis for leasing of the Pines Coal Lease Tract completed in 1999, could be directly affected by the current decision, or are involved in the permitting process.

Canyon Fuel's application to reopen the portal was submitted to the Utah Division of Oil, Gas and Mining as an amendment to the SUFCO Mining and Reclamation Plan. Reopening of the portal will include construction of a portal pad, access road to the pad from the Link Canyon Road (Forest Service Road 50044), and an overhead powerline from the existing substation in Link Canyon to the portal pad. Total new surface disturbance would be less than 0.3 acres.

This decision was based on the environmental analysis disclosed in the Pines Tract Project Final Environmental Impact Statement, 1999, as supplemented by the enclosed ROD for the current proposal.

The decision relative to the current proposal is subject to appeal as discussed in the ROD. For further information contact Tom Lloyd, District Geologist, Ferron/Price Ranger District in Ferron, Utah at 435-384-2372 or Carter Reed, Forest Geologist, at the Forest Supervisor's Office in Price, Utah at 435-637-2817.

Sincerely,

For ELAINE J. ZIEROTH
Forest Supervisor

Enclosure

cc:
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DIVISION OF
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I. INTRODUCTION

A. Proposed Action Overview

Canyon Fuel Company, LLC has submitted an MRP (Mining and Reclamation Plan) Amendment to UDOGM (Utah Division of Oil, Gas and Mining) proposing to reopen the west portal of the old abandoned Link Canyon Mine to provide an emergency escapeway and additional electrical power to their adjacent SUFCO Mine.

UDOGM has evaluated the proposal and has determined it to be complete and technically adequate in accordance with the Federal coal permitting regulations contained in 30 CFR 700 and the Utah Coal Rules. The Forest Service has evaluated the proposal for consistency with the LRMP (Land and Resource Management Plan and Final Environmental Impact Statement, Manti-La Sal National Forest, 1986) and Pines EIS (Pines Tract Project Final Environmental Impact Statement, January 1999).

The proposal includes construction of an earthen portal pad (0.14 acres) and a pad access road approximately 100 feet long (0.09 acres). In addition, an overhead powerline will be constructed from the existing substation to the portal pad a distance of approximately 420 feet. Approximately 0.04 acres will be temporarily disturbed for construction of an overhead powerline. Power poles will be placed by crane from the Link Canyon road and portal pad and by hand crews where the pole locations are too far for the crane to reach. The Link Canyon portal will be used for:

- fresh air ventilation (intake) for safe mining operations
- emergency escapeway for underground mining personnel
- rapid response to the Link Canyon power substation in the event of power outages
- providing electrical power from the existing substation in Link Canyon to the underground workings.

The disturbed area will be located on Federal Coal Lease UTU-76195 within the presently approved SUFCO Mine Permit Area. The proposed road and pad will be needed for portal access. Storm runoff and sediment from the road and pad will be controlled with silt fence and/or straw bales. Cut and fill-slopes of the road and pad will be revegetated during the first fall season after construction. A culvert will be installed to accommodate runoff from the Link Canyon drainage. Sediment control, reclamation, and revegetation measures will be consistent with requirements of the Utah Coal Rules and approved MRP. After mining is complete in about the year 2008, the power poles will be removed; the pad and road will be reclaimed back to the approximate original contour.

Water flowing from the abandoned Link Canyon Mine portals supports a riparian vegetation area in Link Canyon below the portals that totals approximately 0.5 acres. Construction of the portal pad will remove approximately 0.08 acres of the riparian vegetation area. Flow from the portals is approximately one gpm (gallon per minute). The portal reopening project has been designed to perpetuate water discharge from the portals and maintain the remaining riparian vegetation.

Natural slow oxidation or burning of the coal seams of the Late Cretaceous Blackhawk Formation exposed to the air along their outcrops, especially on south-facing slopes, is common on the Wasatch Plateau and other areas with similar conditions. This oxidation can occur as much as 200-300 feet into the plateau from the outcrop on canyon slopes. Due to this condition in Link Canyon, the old portals provide the best option for a portal site because the mine openings already exist, eliminating the need to drive entries through the adjacent high-temperature zones. The high temperatures can cause potentially unsafe conditions and damage facilities and equipment.

The Link Canyon mine is situated in Sevier County about 6.5 miles northwest of the town of Emery and 30 miles east of Salina, Utah. The proposed portal access road will proceed from the Link Canyon Road (Forest Service Road #50044) to the pad, a distance of approximately 100 feet.

The location of the proposed Link Canyon Mine Portal Pad is described as (See Maps, Attachment 1):

W1/2 Section 26, T. 21 S., R. 5 E., SLM, Sevier County, Utah

B. Environmental Analyses and Documents

This Record of Decision is tiered to the LRMP/FEIS and the Pines EIS. The cumulative environmental analysis of leasing and mining of the Pines Tract, and other past, present, and reasonably foreseeable activities in the area, are discussed in the Pines EIS, as modified/supplemented herein relative to this proposal.

C. Land and Resource Management Plan Direction

The project lies within the Link Canyon MMA (Minerals Management Area) Management Area. Management emphasis is on making land surface available for existing and potential major mineral developments. This prescription is applied where the land surface is or will be used for facilities needed for the extraction of leasable minerals over an extended period.

D. Decisions to be Made

The Forest Supervisor of the Manti-La Sal National Forest must decide whether or not to consent to approval of the proposed permit amendment by the UDOGM and under what conditions for the protection of National Forest System resources.

UDOGM is responsible for mine permitting and enforcement in accordance with the Surface Mining Control and Reclamation Act of 1977, and the Utah Coal Rules. Since the proposed action is considered a "minor amendment" under the coal rules, UDOGM has approval authority under the Utah Coal Rules. Prior to approval of the proposed permit amendment UDOGM must obtain Forest Service consent, including stipulations for protection of non-coal resources, as required under the Federal Lands Program (30 CFR 740) and Utah Coal Rules.

The decisions to be made are limited to the current proposal to reopen the west portal of the old Link Canyon Mine. The decisions for this current proposal rely on the previous analysis in the Pines EIS, as supplemented/modified by information in this ROD. Only those decisions and aspects of the analysis related to the current proposal are subject to review.

II. SUMMARY OF PUBLIC INVOLVEMENT

A. SCOPING

Project scoping relative to leasing and reasonably foreseeable mining of the Pines Tract was conducted in late 1997 and early 1998 as discussed in the Pines EIS. Scoping was used to identify the issues evaluated in the analysis. Even though construction of a new mine in Link Canyon at the old Link Canyon Mine site was evaluated in the Pines EIS, a new round of scoping was conducted specific to the proposal to reopen the west portal of the old Link Canyon Mine to determine if there were any new issues.

Project scoping was conducted in accordance with the project-specific Public Involvement Plan approved by the Forest Supervisor (project file). Scoping consisted of listing the project in the Manti-La Sal National Forest *Schedule of Proposed Actions* that is sent to numerous individuals and organizations on a quarterly bases and included on the Forest's Internet Website. Project-specific scoping letters were sent to 64 individuals and organizations on June 19, 2002. The individuals and organizations to whom letters were mailed include: Federal, State, and local governmental or land management agencies; environmental and interest groups or businesses; range permittees; and others known to be potentially interested or affected. Requests for Comment were published in the *Sun Advocate* of Price, Utah (Publication of Record) on July 25, 2002, the *Richfield Reaper* (supplemental publication) on July 31, 2002, and the *Emery County Progress* (supplemental publication) on July 11, 2002. Two letters were received in response to scoping. Comments from the letters with Forest Service responses not addressed in the ROD are included as Attachment 3. The letters can be found in the Project Record.

No new issues requiring detailed evaluation were identified from project-specific scoping. The issues are adequately addressed in the Pines EIS; however there are some differences because the current proposal is to reopen one of the two existing collapsed portals rather than to construct a complete new portal facilities site at this location, as evaluated in the EIS. The issues are listed in Section IV of this Record of Decision.

III. ALTERNATIVES

This section describes the alternatives that were evaluated in detail in the analysis and other alternatives that were dismissed from further evaluation. The alternatives that were evaluated in detail are described relative to the proposed action and how they relate to the alternatives evaluated in the Pines EIS.

A. Alternatives Evaluated in Detail

Alternative 1 - No Action Alternative - Under this alternative the Forest Supervisor, Manti-La Sal National Forest, would not consent to approval of the currently proposed MRP Amendment. The west portal would not be reopened and the portal pad access road would not be constructed.

This alternative does not completely correspond to the No Action Alternative discussed in the Pines EIS (Page 2-14, Section 2.4.1) where the lease would not have been issued and there would have been no mining in the Pines Tract area. The Pines Tract was leased in 2001, becoming Federal Coal Lease UTU-76195. The MRP was approved in 2001 and a Mine Permit was issued by the Department of the Interior in 2001. However, the effects, or lack thereof, in Link Canyon are adequately represented under the No Action Alternative in the Pines EIS, because this alternative would not involve construction of any new surface facilities in Link Canyon. In this respect, the Pines EIS No Action Alternative and the No Action Alternative for the current proposal correspond.

Alternative 2 - Consent to the MRP Amendment Subject to Conditions for the Protection of Non-Coal Interests (Current Proposal with Mitigations). Under this alternative, the Forest Supervisor, Manti-La Sal National Forest, would consent to approval of the MRP Amendment under the conditions needed to protect non-coal interests (Attachment 2). Mitigations include a plan to protect the riparian area around the Link Canyon springs above the mine portals in Link Canyon. This plan would improve habitat for the Link Canyon columbine (Forest Service listed sensitive specie), improve riparian conditions, and offset the effects of loss of a 0.08-acre area of riparian vegetation for construction of the portal pad. In addition, maintaining flow from the portals will support the remaining riparian vegetation at and below the portal area.

This alternative corresponds with the Selected Alternative (Pines Tract Project EIS, Record of Decision, April 27, 2001) that was a combination of Alternatives C and D as presented in the Pines EIS. The Pines Tract was leased (Federal Coal Lease UTU-76195) in 2001. Construction of new portal facilities in Link Canyon was analyzed under both Alternatives C and D as part of the Reasonably Foreseeable Development Scenario (Pines EIS, Section 1.5, Pages 1-12 through 1-14). The difference is related to the magnitude of development in Link Canyon. In the Pines EIS, it was anticipated that there could be construction of a new mine (reopen both the east and west portals, construction of coal handling and processing facilities, bathhouse/office, and reconstruction of the Link Canyon Road from SR-10 for coal hauling and mine access). New surface disturbance was estimated at 100 acres with removal of all of the riparian vegetation at and below the old Link Canyon Mine Portals. Under the current proposal, a substation was constructed along the road and the proposed action is to reopen only the west portal, with a portal access road 100 feet in length. No reconstruction of the Link Canyon Road or coal hauling would occur. Approximately 0.08 acres of the 0.5-acre riparian vegetation area would be disturbed.

B. Alternatives Dismissed from Further Analysis

Drill/Construct a Mine Ventilation Shaft/Escapeway from the Plateau Top Area above Link Canyon.

This is not a feasible alternative due to the depth of overburden (approximately 700 feet) and the diameter of the openings (20 feet) needed to provide the volume of air needed for ventilation and to serve as an emergency escapeway. It would be necessary to line the entire depth of the shaft with steel/concrete to stabilize the walls and support ladder and/or hoist facilities.

Access in the winter/spring could be a problem due to the elevation, winter snow pack, and wet/muddy road conditions during spring runoff. The Link Canyon Road is a native surface steep/winding roadway above the Link Canyon Mine portal area. In addition, this option would require construction of the

powerline from the substation to the shaft at the top of the plateau, traversing the cliff escarpment area above the portals.

IV. ISSUES/OBJECTIVES/ANALYSIS

Issues and objectives represent a synthesis of concerns expressed about the project. Issues and objectives set the scope of the project analysis. The scope of the project analysis includes the proposal, modifications to the proposal, alternatives to the proposal, and disclosure of potential effects.

Project-specific scoping defined one issue not discussed in the Pines EIS. This issue was evaluated and dismissed from further analysis (Section C.2). Issues specific to reopening of the west portal and how they relate to the original issues and environmental consequences discussed in the Pines EIS regarding construction of a new mine in Link Canyon are discussed below with a cross-reference to location in the Pines EIS. Other issues/analyses discussed in the Pines EIS that are not specifically pertinent to the current proposed action are not specifically listed here in this Record of Decision. Objectives of the proposed operations and Forest Service management objectives relative to the current proposal are also evaluated. Other issues that were considered but dismissed from further analysis are also discussed in this section under another subheading. The reasons why these issues were resolved or dismissed are included. They were resolved through project design features, management direction (i.e. laws, regulations, policies, Forest Plan stipulations), and/or mitigations.

A. Issues Carried Forward in Analysis

Hydrology-Surface Water

- Pines EIS, Page 2-4, Hydrology-Surface Water Issue 6 - Increases or decreases in surface water flows may result in impacts to water rights and water availability for livestock and wildlife uses (stock watering ponds).

  Analysis:

  The affected environment for Link Canyon is presented in the Pines EIS on page 3-65, paragraph 4 and page 3-68, paragraph 4. It is discussed that Link Canyon is ephemeral but flow of water from the old abandoned portals supports riparian vegetation that extends approximately 800 feet downstream from the source. More recent monitoring shows that the flow is approximately one gpm. There are no water rights associated with this water. In addition, the area was evaluated to determine if it could be classified as a wetland. It was determined (project file) that the riparian area is an isolated area created as a result abandonment of the Link Canyon Mine in the 1950s and associated discharge of water from the portals. The riparian vegetation consists mostly of early seral species, indicating that the riparian community is of recent origin (20-50 years). The species composition is not indicative of wetlands. Forest personnel have also observed that this area often dries up by mid-summer. Verbal consultation with the US Army Corps of Engineers supports this determination (personal communication, Shawn Zinzer, Army Corps of Engineers, October 8, 2002).

In the Reasonably Foreseeable Development Scenario for the Pines EIS, it was predicted that as much as 100 gpm of mine water could be discharged to Link Canyon. Currently, no new discharge of mine water to Link Canyon is proposed or anticipated. Canyon Fuel has determined that this would not be necessary (personal communication with Ken May, SUFCO Mine Manager, August 29, 2002).

The current proposal would allow continued flow of water from the portals needed to support the riparian area, consistent with historic flows.

Alternative 1 (No Action):

There would be no changes to Link Canyon directly related to mining activities because no additional surface facilities would be constructed in Link Canyon.

Alternative 2 (Current Proposal with Mitigations)

The effects of potential mine water discharge and construction of a new mine in Link Canyon for Alternatives B, C, and D are presented in the Pines EIS on pages 3-76 and 3-77. The discussed effects would not occur under the current proposal. There would be no mine water discharge and current flows from the portals would be maintained throughout operations and after the area is reclaimed. No changes to water quality are expected. Some sediment would be generated by the construction activities, but the increase would be negligible relative to sediment volumes generated during snowmelt runoff and rainstorms due to design sediment control measures.

Vegetation

- Pines EIS, Page 2-4, Issue 4 - New surface disturbance associated with proposed mining has the potential to encourage the invasion of noxious weeds and/or exotic plants.

  Analysis:

  Alternative 1 (No Action):

  There would be no changes to Link Canyon directly related to mining activities because no additional surface facilities would be constructed in Link Canyon.

  Alternative 2 (Current Proposal with Mitigations)

  Riparian vegetation in Link Canyon is associated with water discharged from the old abandoned Link Canyon Mine portals as described in the Pines EIS on page 3-96, paragraph 4. Additional data on species composition was reported by Mt. Nebo Scientific (project file).

The proponent has committed to control of all noxious weeds during operations and reclamation, until such time as revegetation standards are met and the project bond is released. Any introduction of noxious weeds or exotic species should be short-lived and negligible.

- Pines EIS, Page 2-4, Vegetation Issue 6 - Construction of a new mine in Link Canyon could remove approximately 100 acres of vegetation.

  Analysis:

  Alternative 1 (No Action):

  There would be no changes to Link Canyon directly related to mining activities because no additional surface facilities would be constructed in Link Canyon.

  Alternative 2 (Current Proposal with Mitigations)

  Riparian vegetation in Link Canyon is associated with water discharged from the old abandoned Link Canyon Mine portals as described in the Pines EIS on page 3-96, paragraph 4. Additional data on species composition was reported by Mt. Nebo Scientific, 2002 (project file). Most of the species found are early seral species, indicating that it is of recent origin (20-50 years). The site does not support plant species indicative of wetlands. An evaluation of the riparian area was conducted for the current proposal and it was determined that this area does not quality as a wetland (See Hydrology).

  The current proposal would involve disturbance of an area of less than 0.3 acres as opposed to 100 acres of new disturbance discussed in the Pines EIS on page 3-102, first paragraph. Of this total, 0.08 acres of the 0.5-acre riparian vegetation area would be removed.

  Water flow from the old mine portals will continue during construction and operations, and after reclamation so that the remaining riparian vegetation area can be perpetuated. Under the selected alternative (Alternative 2) the operator will be required to improve the spring development (livestock troughs) at the head of Link Canyon above the portals. This would effectively separate livestock using this watering source from the riparian areas in Link Canyon approximately 1/2 mile above the portal area. This would result in improvement of the riparian vegetation/habitat condition offsetting effects of the proposal.

Wildlife

- Pines EIS, Page 2-5, Wildlife Issue 6 - Habitat losses associated with potential new surface facilities (measured in acres).

  Analysis:

  Alternative 1 (No Action):

  There would be no changes to Link Canyon directly related to mining activities because no additional surface facilities would be constructed in Link Canyon.

  Alternative 2 (Current Proposal with Mitigations)

  The affected environment is described in the Pines EIS on pages 3-107 through 3-112. This information has been supplemented by a site-specific aquatic wildlife and mollusk survey of the Link Canyon Mine portal riparian area conducted by Mt. Nebo Scientific, 2002. No amphibians or mollusks or their sign were observed. No sensitive taxa were found. Mt. Nebo Scientific reported (page 5) that this area may not be suitable to support a diverse group of aquatic taxa because of the warm water temperature (27.3 degrees Celsius) with a dissolved oxygen of only 32.5 or 2.55 mg/l (milligrams per liter).

  The effects are discussed in the Pines EIS on page 3-117. The analysis evaluated removal of the entire 0.5-acre riparian area below the Link Canyon portals as well as over 100 acres of adjacent pinion-juniper habitat. This would not occur under the current proposal.

  The current proposal would result in removal of 0.08 acres of the 0.5-acre riparian area at and directly below the portals in the drainage. Maintaining historic flows from the portals would support the remaining riparian vegetation. In addition, improvement of the livestock watering area at Link Canyon spring in Link Canyon above the portals would improve riparian conditions in the associated drainage channel to mitigate the loss of riparian habitat at and below the portals. A fence would be constructed to prevent cattle that water at the troughs from entering and grazing in the adjacent riparian area in the stream channel fed by the spring. In addition, measures would be taken to prevent further erosion of the livestock watering area at the developed spring.

Visual Resources

- Pines EIS, Page 2-7, Visual Resources Issue 2 - Construction of surface facilities could alter the visual aspect of the area.

  Analysis:

  Alternative 1 (No Action):

  There would be no changes to Link Canyon directly related to mining activities because no additional surface facilities would be constructed in Link Canyon.

  Alternative 2 (Current Proposal with Mitigations)

  Visual quality is discussed in the Pines EIS on pages 3-193 through 3-195. Figure 3-18 is a map that shows the LRMP visual quality objectives. The non-hatched area on the map is classified as "Modification". The non-hatched area was not properly labeled on this map but represents the "Modification" visual quality objective area. The visual quality objective of Link Canyon is "Modification". This objective provides for management of activities that are "Visually Dominant" within the characteristic landscape.

  The visual effects of a new mine in Link Canyon are discussed on pages 3-199 and 3-200. The effects analysis is based on construction of a complete new mine facility in Link Canyon and reconstruction of the Link Canyon road with new surface disturbance of over 100 acres. The current proposal would disturb less than 0.3 acres with no reconstruction of the Link Canyon Road. Consistent with the original analysis, the current proposal would change the visual landscape in this area and would be visible to travelers along the Link Canyon Road from the Link Canyon Road for a distance of no more than one mile. The facility would be consistent with the visual quality objective (Modification) for the project area.

B. Objectives Carried Forward in Analysis

- Provide adequate electrical power for underground mining operations, and assure adequate openings needed for underground mine ventilation and emergency escape.

  Analysis:

  Alternative 1 (No Action):

  An attempt was made in 1999 to construct a breakout at the coal outcrop in Link Canyon on the west canyon slope which was unsuccessful due to naturally burned coal and associated high temperatures. In order to provide the necessary power to the mine without a breakout, drill holes were drilled from underground workings to the canyon slope near the substation location. Only two holes were successful due to the high temperatures and difficulties controlling drift in the drill stem. A power cable was

installed from the substation to the underground mine workings through the holes. This provided some power, but did not meet the power demands for future mine development to this portion of the mine and did not provide for emergency escape or air intake.

The operational and basic safety needs of the mine would not be met regarding electrical power, air intake, and emergency escapeway. The ability to mine coal in the Federal lease would be compromised.

Alternative 2 (Current Proposal with Mitigations)

Alternative 2 would provide the necessary electrical power, an escapeway, and sufficient air intake for ventilation needed for underground mining operations in Federal Coal Lease UTU-76195, consistent with lease rights, terms, conditions, and special stipulations.

- Provides reasonable opportunity for mining coal consistent with the rights granted by the Federal Coal Leases and Mine Permit, while minimizing effects to non-coal interests consistent with LRMP Direction.

  Analysis:

  Alternative 1 (No Action):

  The needs of the mine would not be met regarding electrical power, air intake, and emergency escapeway. The ability to mine coal in the Federal lease would be compromised.

  Alternative 2 (Current Proposal with Mitigations)

  Consent to the MRP amendment and construction of the current proposed facilities in Link Canyon would be consistent with LRMP direction for management in the Link Canyon MMA Management Unit, while minimizing effects to non-coal interests. The disturbed area and associated effects would be substantially less than predicted and evaluated in the LRMP and Pines EIS, that evaluated construction of an entire new mine portal facility complex in Link Canyon. Alternative 2 would provide a reasonable opportunity to mine coal reserves in the lease.

C. Issues Considered but Not Analyzed in Detail

- Potential for Coal Fires and Explosion (UEC Comment, Letter of July 10, 2002) - Reopening the westernmost portal could allow a new entry for oxygen that could be extremely volatile to any hot spots or burning coal. Potential for additional fire and/or explosions exist and should be fully analyzed for potential impacts to all resources in the EIS.

  This was determined not to be an issue because the planned design for the portal and

associated entries would be reinforced and lined with concrete and non-combustible materials to isolate them from the coal seam. Fresh air entering the mine would not be in contact with the coal seam or outcrop area where potential spontaneous combustion could occur. This is required by MSHA, the coal rules, and is standard industry practice. Upon abandonment, the portal and entries would be sealed to prevent oxygen from entering the underground workings. The old Link Canyon Mine closed in the 1950s and associated portals were collapsed with explosives to prevent continued oxygen flow into the old underground workings. The seals have been effective in isolating the underground workings from oxygen flow and natural combustion of the coal outcrop.

- Effects of proposed action in roadless areas (Pines EIS, Page 2-6, Issue 2)

  The Link Canyon Road and drainage were specifically excluded from Roadless designation. The road and drainage separate two RARE II areas; Wildcat Knolls to the west and Muddy Creek/Nelson Mountain to the east. The Link Canyon portals are in the drainage east of the Link Canyon Road. The Roadless Area maps show that the western edge of the Muddy Creek/Nelson Mountain RARE II area lies east of the drainage channel and it is evident that this area was excluded because of the Link Canyon Road and old Link Canyon Portal Area. The proposed portal opening and access road would not affect the unroaded character of the RARE II areas.

- Mining-induced subsidence and escarpment failure could cause damage to the Link Canyon Road and affect water flow, vegetation, escarpments, and/or historic/archaeological/paleontological resources.

  The portal opening and associated entries are designed to provide adequate support of the overburden rock such that subsidence would not occur. The proposal would not result in subsidence or related effects.

- The operation of a new mine in Link Canyon could result in increased coal hauling on SR-10 and through local communities and an increased amount of accidents (Pines EIS, Page 2-6, Public Safety Issue 4).

  This issue was addressed in the Pines EIS relative to the potential for leasing, increased life of the mine, and increased production. It was disclosed that any of the action alternatives could result in increased hauling on SR-10 through the local communities (Pines EIS, Pages 3-237, and 3-241).

  The current proposal for reopening of the west portal in Link Canyon would not result in coal hauling from the Link Canyon area or additional coal hauling from the mine along SR-10 through local communities. Coal hauling has increased from the SUFCO Mine along SR-10 in recent years because SUFCO has contracted to supply coal to the Hunter Power Plant near Castle Dale, Utah. Reopening of the portal in Link Canyon would not influence the roads on which coal is hauled to market.

- Pines EIS, Page 2-7, Range/Livestock Issue 3 - Construction of new facilities, especially haul roads, could impact trailing of livestock during specific periods of the year in Link Canyon.

  The portal and access road would not obstruct traffic or livestock trailing along the Link Canyon Road. No improvement of the Link Canyon Road has been proposed. Construction would not likely occur during periods of livestock trailing. If it should, the operator would be required to coordinate with the livestock permittee and assure access through the project area during livestock trailing.

- Pines EIS, Page 2-7, Noise Issue 1 - Approval of the proposed lease actions could result in continued and increased amounts of human-generated noise from the breakout in Muddy Creek and/or in Link Canyon if a new mine is developed.

  The issue was identified relative to a complete new mine being constructed in Link Canyon with long-term intensive activity including, coal processing, ventilation fans, coal loading and hauling, and office/bathouse facilities. The current proposed action would only involve opening the west portal for air intake with no fan. There would be no long-term noise generating facilities. Noise would be generated only during construction that would last about 3 weeks.

- Pines EIS, Page 2-8, Transportation Issue 6 - A new mine in Link Canyon would require reconstruction of the Link Canyon road and potentially interfere with existing access to the Pines Tract Project Area.

  Reconstruction of the Link Canyon Road is not needed for the current proposal. There would be no mining operations, with the exception of short-term construction, that would interfere with access. Provisions would be made to pass traffic through the construction area during the short-term construction phase.

- Pines EIS, Page 2-3, Hydrology-Surface Water Issue 3 - Should another company obtain the lease and develop a mining operation at Link Canyon (or another location), then increased surface disturbance has the potential to increase erosion, and hence sediments in surface drainages, and other surface related pollutants.

  Construction of a complete new mining facility was evaluated in the Pines EIS and was considered in the decisions to lease the tract. The tract was leased to the lease applicant (Canyon Fuel Company, LLC) therefore construction of a complete new portal facilities complex in Link Canyon would not be necessary.

  The current operation would only involve reopening of the west portal, construction of a short access road, and construction of an overhead powerline. Stringent sediment control measures are required under the Utah Coal Rules and were proposed in the MRP amendment. In addition, Link Canyon is not a perennial drainage downstream of the project area. Sediment production and introduction of other pollutants would be negligible.

V. THE DECISIONS

After careful review of the public comments, the analysis disclosed in the LRMP FEIS and the Pines EIS, and project file, I have selected Alternative 2 (Current Proposal with Mitigations). Under this alternative, I consent to approval of the Mine Plan Amendment with mitigations (Attachment 2). The west portal in Link Canyon will be reopened and the portal pad and powerline will be constructed. Mitigations include improvement of the developed spring/troughs above the mine portals in Link Canyon to prevent livestock from using the adjacent riparian area. This will improve riparian conditions and offset the effects of loss of 0.08 acre of riparian vegetation for construction of the portal pad. Maintaining flow from the portals will perpetuate riparian vegetation at the remaining undisturbed portion of the riparian area. This is consistent with the decision of January 28, 1999 regarding Forest Service consent to leasing of the Pines Tract by BLM under a combination of Alternatives C and D.

I did not select Alternative 1 (No Action) because it would not provide the level of safety and facilities needed to mine coal in the lease, consistent with lease rights.

VI. REASONS FOR DECISION

After reviewing the Pines EIS, and examining the issues/objectives and effects analysis of the alternatives, I believe that the Selected Alternative provides a reasonable balance between meeting the Nation's energy needs/President Energy Plan, providing socioeconomic benefits to the local communities, State of Utah, and United States, and managing natural resources on National Forest System lands and adjacent non-Federal lands. With required monitoring and mitigation of effects described in Attachment 2, I believe that Forest Plan goals and objectives can be achieved consistent with management direction. Alternative 2 will disturb a much smaller area of land and have fewer environmental impacts than was evaluated in the Pines EIS and could have been authorized as a result of the decisions to offer the Pines Tract for leasing.

I have chosen Alternative 2 for the reasons discussed below in this section.

A. Achievement of the Forest Plan Goals and Objectives

The LRMP identifies goals for the management of the Forest. Goals are concise statements describing a desired condition to be achieved some time in the future. Progress is made toward achieving the goals, and their corresponding desired conditions, through implementation of site-specific projects. Projects are designed to achieve specific goals and move toward desired conditions.

B. Meeting the Purpose and Need of the Proposal

My decision will be consistent with the purpose and need as identified in the Pines EIS (Pages 1-2 and 1-3) regarding coal availability and development potential. It will also allow for reopening the west portal of the abandoned Link Canyon Mine to provide an emergency escapeway for miners, provide electrical power needed for longwall mining operations, and provide adequate ventilation of the underground workings. It is consistent with the rights granted by the lease and Forest Plan direction for

management of other resource values.

C. Forest Plan Goals, Objectives, and Standards

Leaseable Minerals

Forest Plan, Page III-35, Minerals Management Leaseable (01) "Negative recommendations, denials, or consent for leasing, permitting, or licensing will be based on site specific environmental assessments using appropriate standards and guidelines. Stipulations for these activities should minimize and/or mitigate effects or conflicts with other resource uses and should return disturbed lands to conditions compatible with the emphasis of the management unit or adjacent management unit."

My decision conforms with this direction. An EIS was completed for leasing of the Pines Coal Lease Tract (currently Federal Coal Lease UTU-76195) that evaluated the effects of construction of a complete new portal facility in Link Canyon. The current proposal that involves a scaled down support facility in Link Canyon was adequately considered in the decision to lease the tract.

Construction of a new complete mine facility in Link Canyon was foreseen in the Land and Resource Management Plan and Link Canyon was designated as an MMA Management Unit for this purpose. This was evaluated cumulatively with other foreseeable projects in the FEIS, Manti-La Sal National Forest, 1986.

I have decided to consent to the current proposal to reopen the west portal of the old Link Canyon Mine subject to mitigations prescribed in Attachment 2 needed to mitigate the effects consistent with management emphasis for the affected management units. The mitigations in combination with Federal Regulations for permitting coal mine operations (30 CFR 700 to end) and the Utah Coal Rules provide for management consistent with emphasis for individual Forest Plan Management Units.

Forest Plan direction for specific management units is addressed as follows:

MMA (Minerals Management Area) Management Unit

General Direction - Minerals Management Leasables (LRMP, pg. III-82)

Item 01 "Coordinate the various leasable mineral activities to minimize or eliminate conflicts".

Potential conflicts regarding management of riparian areas and wildlife habitat have been minimized through scaled-down facilities and design measures that will assure continued flow from the portal area needed to perpetuate the riparian vegetation. Noise and activity will be negligible therefore, activity-related effects to wildlife will be negligible.

Item 02 "Upon completion of the planned surface use, restore disturbed sites to their pre-disturbed conditions unless otherwise directed in the document authorizing the use."

The Utah Coal Rules and Mining and Reclamation Plan require complete reclamation of the disturbed area and replacement of riparian vegetation following completion of operations.

The decision is consistent with this direction.

RPN (Riparian) Management Unit

General Direction - Minerals Management General (LRMP, pg. III-72)

Item 01 "Avoid and mitigate detrimental disturbance to riparian area by mineral activities. Initiate timely and effective rehabilitation of disturbed sites."
Item 02 "Where possible, locate mineral activities outside the riparian unit."

The proposed facility lies within an MMA management unit, therefore emphasis is on leasable mineral activities. However, direction for management of RPN Management Units calls for minimizing potential conflicts. Other locations for a mine opening were investigated and dismissed. Measures have been taken in the design of the facilities and specified mitigations to minimize the disturbance to riparian vegetation and to enhance an adjacent riparian area to offset the effects of removal of a portion of the riparian vegetation at the project site. The reclamation plan meets reclamation standards and requirements for replacement of riparian vegetation after operations are completed. The decision is consistent with direction specified in Items 01 and 02.

GWR (General Big-game Winter Range) Management Unit

General Direction - Minerals Management General (LRMP, page III-62)

Item 01 "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."
Standards & Guidelines, Item a. "Prohibit activities during critical periods of big-game use."
Standards & Guidelines, Item b. "Approved activities must be short-term and prompt reclamation must be assured."

Although this direction does not directly apply to the adjacent MMA Management Unit where the current proposal is located, the decision considered this management direction.

Direction for operations in adjacent GWR Management Units, discussed above, calls for minimizing potential conflicts. The current proposal will have negligible effects to wintering big game because there will be very little activity at the site following the initial short-term construction activity. The project was designed to disturb the least amount of ground and vegetation possible, while providing the necessary facilities needed to develop the coal resource consistent with management direction for the MMA Management Unit. Reclamation of the disturbed area not needed for long-term operations will be promptly revegetated and monitored for success. In addition, prompt reclamation of the disturbed area and restoration of vegetation will occur following completion of operations. The decision is generally consistent with this direction.

VII. Findings Required by Other Laws and Regulations

After consideration of the environmental consequences, I have determined that the Selected Alternative (Alternatives 2) is consistent with other laws and regulations, as outlined in the Pines EIS and this decision document.

A. Consistency with Forest Plan Direction

Regulations and Requirements - All resource plans are to be consistent with the Forest Plan [16 U.S.C. 1604 (i)]. The Forest Plan guides all natural resource management activities [36 Code of Federal Regulations (CFR) 219.1 (b)]. All administrative activities affecting the National Forest must be based on the Forest Plan [36 CFR 219.10 (e)].

The LRMP, also known as the Forest Plan, was approved on November 5, 1986. The Pines EIS tiers to the LRMP. The LRMP provides for the overall guidance for management activities by specifying goals and objectives, desired future conditions, management direction, and standards and guidelines.

The features of the Selected Alternative have been evaluated for consistency with the LRMP and I have determined that the Selected Alternative is in compliance with the LRMP. No LRMP amendments will be needed to implement this project.

B. Consistency with the National Forest Management Act

The Selected Alternative is consistent with the National Forest Management Act (NFMA) of 1976 in meeting the management requirements detailed in implementing regulations of 36 CFR 219.27. The Special Coal Lease Stipulations in Federal Coal Lease UTU-76195, the Utah Coal Rules, the MRP, and conditions of consent (Attachment 2) provide for protection of soil, water, air, wildlife, and other multiple uses.

C. Consistency with Other Laws and Regulations

Clean Water Act - The Clean Water Act requires each State to implement its own water quality standards. The State of Utah's Water Quality Antidegradation Policy requires maintenance of water quality to protect existing instream beneficial uses on streams designated as Category 1 High Quality Waters. All surface waters geographically located within the outer boundaries of the Manti-La Sal National Forest, whether on private or public lands are designated as High Quality Waters (Category 1). Water quality is to be maintained with little or no degradation. New point source discharges are prohibited; nonpoint sources will be controlled to the extent feasible through implementation of Best Management Practices (BMP's) or regulatory programs (Utah Division of Water Quality 1997). The State of Utah and the Forest Service have agreed through a 1993 Memorandum of Understanding to use LRMP Standards and Guidelines, and the Forest Service Handbook (FSH) 2509.22 Soil and Water Conservation Practices (SWCP's) as the BMP's. The use of SWCP's as BMP's meet the water quality protection elements of Utah's Nonpoint Source Management Plan.

The Beneficial uses and high quality water in the streams in the project area will be maintained during and following project implementation through proper implementation of BMP's and Project Design

Features. No effects to the quality of water in Link Canyon (ephemeral drainage) and downstream perennial drainages are anticipated

Executive Order 11990 of May, 1977 - This requires the Forest Service to take action to minimize destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands. In compliance with this order, Forest Service direction requires that an analysis be completed to determine whether adverse impacts would result.

The area was evaluated to determine if it could be classified as a wetland. It was determined (project file) that the riparian area is an isolated area created as a result abandonment of the Link Canyon Mine in the 1950s and associated discharge of water from the portals. The riparian vegetation consists mostly of early seral species, indicating that the riparian community is of recent origin (20-50 years). The species composition is not indicative of wetlands. Forest personnel have also observed that this area often dries up by mid-summer. Verbal consultation with the US Army Corps of Engineers supports this determination (personal communication, Shawn Zinzer, Army Corps of Engineers, October 8, 2002).

The riparian vegetation in the project area associated with water discharge from the Link Canyon portals will be perpetuated by assuring continued water discharge at the portals. The Selected Alternative will be compliant with Executive Order 11990. Detailed monitoring will be conducted and the lessee/operator will be required to mitigate potential effects. No loss of flow contributing to these areas is anticipated. In addition, mitigation for Link Canyon Spring area will include riparian protection and enhancement for the FS listed sensitive species Link Canyon columbine.

Executive Order 11988 of May, 1997 - This order requires the Forest Service to provide leadership and to take action to (1) minimize adverse impacts associated with occupancy and modification of floodplains and reduce risks of flood loss, (2) minimize impacts of floods on human safety, health, and welfare, and (3) restore and preserve the natural and beneficial values served by flood plains. In compliance with this order, the Forest Service requires an analysis be completed to determine the significance of proposed actions in terms of flood plains.

No loss of flow or quality contributing to these areas is anticipated. No polluting materials will be stored in the vicinity of the breakout. The culvert constructed to pass natural flows under the portal is sized to accommodate a 25-year storm event. The only pollutant that could be released during extreme (exceed 25-year storm event) flood conditions would be sediment. Under extreme flood conditions capable of damaging the facilities, extensive erosion of the existing drainage channel would likely occur. In this case, sediment volumes in this desert ephemeral drainage environment would be very high and any sediment contributed by floodwaters washing away any portions of the pad and culvert that drains natural flows under the pad in the drainage channel would not be measurable. Therefore, the Selected Alternative will be in compliance with Executive Order 11988.

Endangered Species Act of 1973, as Amended - Based upon the effects analysis in Chapter Four of the Pines EIS, the Biological Assessment (project file) and concurrence with the US Fish and Wildlife Service, it has been determined that there will be no adverse effects to populations of threatened, endangered, or proposed wildlife, fish, or plant species relative to the Selected Alternative.

Migratory Bird Treat Act of 1918 - The Selected Alternative will retain viable populations of native species.

LRMP Management Indicator Species - Management Indicator Species include elk, deer, blue grouse, and macroinvertebrates.

The project will be generally consistent with management direction for big-game species. Effects are expected to be negligible.

The project area consists of pinion-juniper and riparian vegetation therefore, does not contain suitable habitat for blue grouse. There will be no effects.

A survey for aquatic fauna was conducted by Mt. Nebo Scientific in 2002. It was determined that small isolated riparian area caused by discharge of water from the abandoned Link Canyon Mine portals may not be capable of supporting a diverse population of aquatic taxa due to the warm temperature and low dissolved oxygen levels. Construction of the portal facilities will involve removal of a portion of the riparian habitat at this location. Required mitigations including improvement of riparian vegetation/habitat above the Link Canyon portals in Link Canyon associated with the Link Canyon Spring will offset this loss by improving existing habitat. In addition, maintaining historic flow from the portals will minimize the effect to macroinvertebrates.

American Antiquities Act of 1906 and Historic Preservation Act of 1966 - Based upon the effects analysis in Chapter Four of the Pines EIS, the project-specific survey, and consultation with the Utah State Historic Preservation, it has been determined that there will be no effects to any Historic, Archaeological, or Paleontological resources.

Clean Air Act, as Amended in 1977 - Based upon the effects analysis in Chapter Four of the Pines EIS, it has been determined that there will be no measurable effects to air quality and that all alternatives will comply with State air quality requirements and the Clean Air Act.

Civil Rights - Based upon comments received during scoping and the comment periods for the Pines EIS and the current proposal, no conflicts have been identified with other Federal, State, or local agencies or with Native Americans, other minorities, women, or civil rights of any United States citizen.

Roads Analysis - The Forestwide Roads analysis (Roads Analysis Report, Manti-La Sal National Forest, October 2002) has been completed and calls for continued use of the Link Canyon Road (Forest Service Road 50044). The decision is consistent with the roads decision.

Secretary of Agriculture Memorandum, 1827 - The Selected Alternative is in conformance for prime farmland, rangeland, and forestland.

Energy - The Selected Alternative will not have unusual energy requirements and will meet the intent of the Presidents Energy Policy.

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." - This order requires the Forest Service to make

achieving environmental justice part of its mission by identifying and addressing as appropriate, disproportionately high and adverse health effects, of its programs, policies, and activities on minority populations and low-income populations in the United States and territorial possessions. In compliance with this executive order, the Manti-La Sal National Forest, through intensive scoping and public involvement attempted to identify interested and affected parties, including minority and low-income populations for this project. The Forest defined a range of alternatives to be evaluated and analyzed the consequences of the alternatives on the quality of human environment. A comment period was held for 45 days for the Pines DEIS following the U.S. Environmental Protection Agency's publication of the Notice of Availability in the Federal Register. Project-specific project scoping was also conducted.

The land described in this analysis is managed by the USDA Forest Service as the Manti-La Sal National Forest. The decision for this document will not amend or preclude any existing private or treaty rights in the project area. No minority or low-income populations were identified during the pubic involvement within communities near or immediately surrounding the South Manti project area.

VIII. ENVIRONMENTALLY PREFERRED ALTERNATIVE

Regulations implementing the National Environmental Policy Act (NEPA) require agencies to specify "the alternative or alternatives which were considered to be environmentally preferable" [40 CFR 1505.2(b)]. Forest Service policy further defines the "environmentally preferable alternative" as "an alternative that meets the goals of Section 101 of the NEPA." (FSH 1909.15). Section 101 of the NEPA describes national environmental policy, calling on federal, state, and local governments and the public to "create and maintain conditions under which man and nature can exist in productive harmony." Section 101 further defines this policy in six broad goals, to:

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health, or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and a variety of individual choice;

(5) achieve a balance between population and resource use which permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

From the perspective of causing the least amount of change to the natural environment, Alternative 1 (No Action) would be preferable. Considering a combination of all of the items described above, I believe that Alternative 2 best meets the goals of Section 101, and is therefore the environmentally preferable alternative for this proposed federal action.

Alternative 1 has potential to render the coal reserves not mineable based on the necessity to provide for basic fundamental safety requirements for underground mining including adequate electrical power, air intake, and an emergency escapeway for miners. In addition, it does not provide the best balance between socioeconomic benefits and effects to the natural environment. Therefore, I did not select it.

Alternative 2 for the current proposal is environmentally preferred compared to construction of a complete new portal facilities complex in Link Canyon that could have taken place as a result of the decision in the ROD for the Pines Tract Project to lease the tract for coal development. Alternative 2 for the current proposal involves a much smaller area of disturbance and fewer effects.

IX. IMPLEMENTATION DATE

This project can be implemented after conclusion of the 45-day appeal period plus 5 days for mailing if no appeals are received. In the event that an appeal is received, the appeal must be decided within 60 days of the end of the 45-day appeal period.

X. ADMINISTRATIVE REVIEW

This decision is subject to appeal pursuant to 36 CFR 215.7. Any written appeal must be postmarked or received by the Appeal Deciding Officer within 45 days of the publication of a legal notice in the *Sun Advocate*. The Appeal Deciding Officer is: Regional Forester, Intermountain Region, 324-25th Street, Ogden, UT 84401. Appeals must meet the content requirements of 36 CFR 215.14.

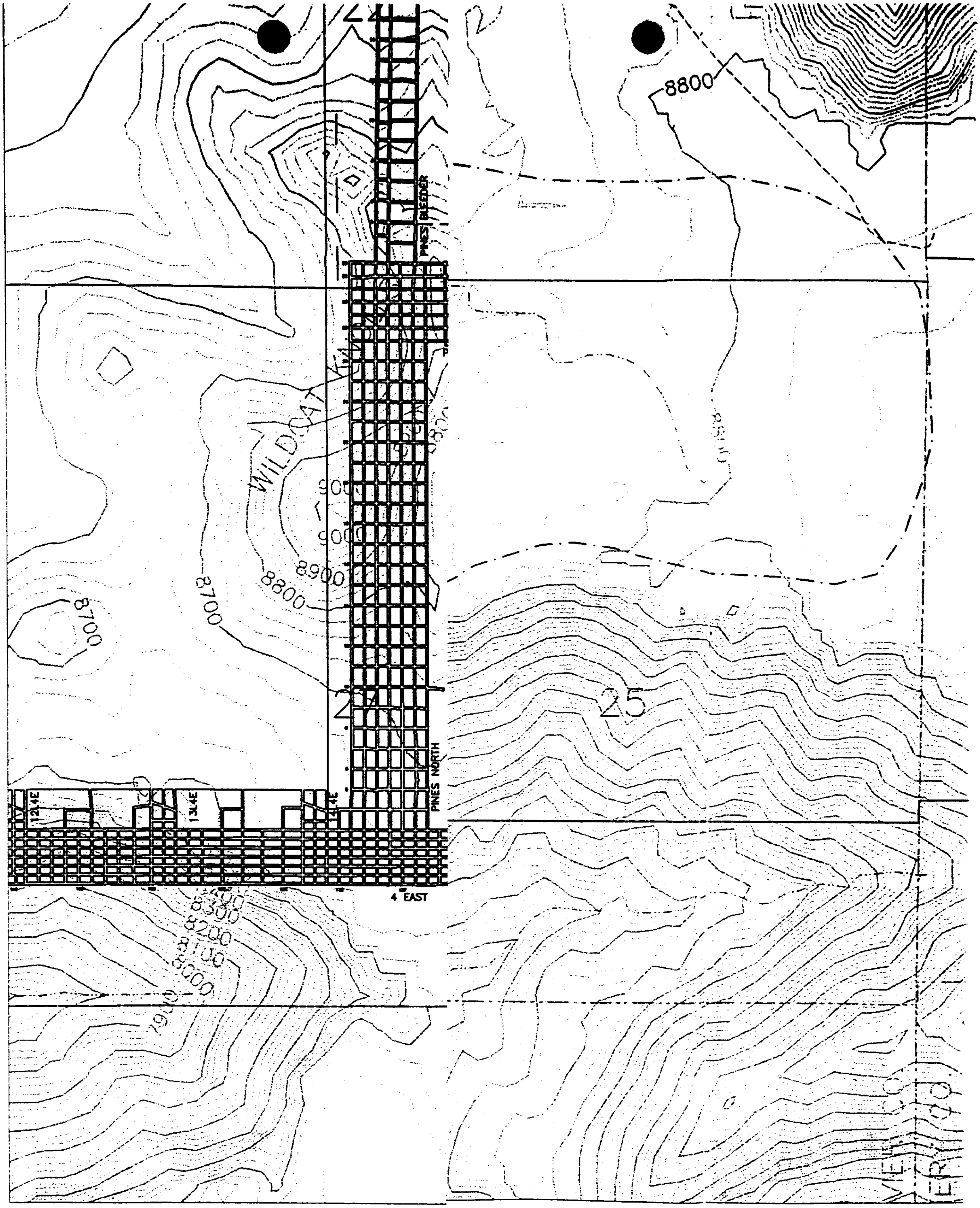
This decision is subject to appeal pursuant to 36 CFR 251.82. Notice of appeal must be postmarked or received by the Appeal Reviewing Officer within 45 days of the date of this decision. A notice of appeal, including the reasons for appeal, must be filed with the Regional Forester, Intermountain Region, Federal Building, 324-25th Street, Ogden, Utah 84401. A copy of the notice of appeal must be filed simultaneously with Elaine J. Zieroth, Forest Supervisor, 599 West Price River Drive, Price, Utah 84501. Appeals must meet the content requirements of 36 CFR 251.90.

For further information, contact Tom Lloyd, Manti-La Sal National Forest, Ferron-Price Ranger District, 115 West Canyon Road, Ferron, Utah 84523 (435-384-2372) or Carter Reed, Manti-La Sal National Forest, 599 West Price River Drive, Price, Utah 84501 (435) 637-2817.

Elaine J. Zieroth

ELAINE J. ZIEROTH
Forest Supervisor

October 9, 2002
Date



Attachment 1
Map 1 - Pines Link Canyon
Portal Project Area

Attachment 2

Mitigations/Conditions of Consent

1. The operator will improve the Link Canyon spring development area above the Link Canyon Mine to protect and enhance the riparian area. A pole fence must be constructed and maintained for the duration of mining activities per FS specifications. The purpose of this is to enhance the riparian area and the natural growth and propagation of the FS sensitive Link Canyon columbine. In addition, a native-stone erosion control devise must be constructed across the drainage that will control and prevent erosion of the area.

2. Baseline water quality samples will be taken on a weekly basis for four weeks to determine water quality. The operator will monitor and report flow from the Link Canyon mine portals on a daily basis during construction of the portal pad and access road. Once construction is completed and the mains to the portals are driven and completed, flow and quality of water from the Link Canyon portals must be monitored (frequency and parameters) in conjunction with the approved MRP.

3. Measures must be taken to perpetuate historic flows of water (quality and quantity) from the Link Canyon portals for the life of operations and during the liability period associated with reclamation of mining disturbances.

4. The operator must obtain a Forest Service Road-use Permit for commercial use of the Link Canyon Road (Forest Service Road 50044) prior to initiating work on the project.

Attachment 3

Responses to Comments

Comment #1 (UEC Letter, 7/10/02)

"Canyon Fuel is also the owner of the SUFCO Mine, which apparently will be connected to the Link Canyon Mine. As you know, the SUFCO Mine wants to construct a road through Quitchupah Canyon to address the SUFCO Mine. Will the Link Canyon Mine also use the proposed Quitchupah road? This needs to be fully analyzed and if so, reopening the Link Canyon Mine is a connected action to the proposed building of the Quitchupah Road and they should both be analyzed together. In addition, a complete cumulative effects analysis should be conducted for this connected action."

Response:

The proposed Quitchupah Canyon road is currently being evaluated by the Fishlake National Forest to be documented in an Environmental Impact Statement. This evaluation has been delayed due to cultural resources issues and it is uncertain at this time when the evaluation will be completed. The current proposal to reopen the west portal of the old Link Canyon Mine is not connected to the Quitchupah Road. There is currently adequate access for hauling from the SUFCO Mine.

Potential development of portal facilities in Link Canyon, including reconstruction of the Link Canyon Road for coal hauling, were evaluated in the Pines Tract Project FEIS, 1999. The current proposal only involves reopening the west portal of the old abandoned Link Canyon Mine with less than 0.3 acres of new land disturbance. No reconstruction or hauling on the Link Canyon Road is proposed or reasonably foreseeable at this time. The amount of disturbance and effects of the current proposal are small relative to those discussed in the Pines EIS relative to construction of new portal facilities in Link Canyon that would involve new land disturbance of more than 100 acres.

Comment #2 (UEC Letter, 7/10/02)

"On the Emery West Quadrangle, it appears that a creek in Link Canyon flows down into Quitchupah creek. Water quality, fisheries, macro invertebrates, and mollusks must be analyzed for potential impacts, including additional sedimentation."

Response:

Link Canyon is ephemeral but flow of water from the old abandoned portals supports an isolated riparian vegetation area (total of approximately 0.5 acre) that extends approximately 800 feet downstream from the source. Recent monitoring shows that the flow is approximately one gpm. Link Canyon does not support fish. No effects to downstream water courses are likely.

A site-specific aquatic wildlife and mollusk survey of the Link Canyon Mine portal riparian area was conducted by Mt. Nebo Scientific, 2002. No amphibians or mollusks or their sign were observed. No sensitive taxa were found. Mt. Nebo Scientific reported (page 5) that this area may not be

suitable to support a diverse group of aquatic taxa because of the warm water temperature (27.3 degrees Celsius) with a dissolved oxygen of only 32.5 or 2.55 mg/l (milligrams per liter).

Best Management Practices and sediment control measures required under the Utah Coal Rules would minimize potential additions of sediment to negligible levels. The rules call for salvaging and storing topsoil to minimize losses and provide for future reclamation of the disturbed sites. The rules also require interim reclamation with specific revegetation standards to minimize erosion and soil losses.

Comment #3 (UEC Letter, 7/10/02)

"The proposed road and earthen pad will fragment wildlife habitat and the UEC requests that potential impacts to MIS and TEPS species be fully analyzed. The analysis should also include impacts to soil erosion."

Response:

The cumulative effects to wildlife have been evaluated in the Pines Tract Project FEIS, 1999. The effects of the current proposal have been considered in the ROD and project-specific Biological Assessment and Biological Evaluation.

Soil erosion and sediment production are discussed in the response to the previous comment.

Comment #4 (UEC Letter, 7/10/02)

Reopening the western most portal will allow a new entry for oxygen that could be extremely volatile to any hot spots or burning coal. Potential for additional fire and/or explosions exists and should be fully analyzed for potential impacts to all resources in the EIS."

Response:

This was determined not to be an issue because the planned design for the portal and associated entries would be reinforced and lined with concrete and non-combustible materials to isolate them from the coal seam. Fresh air entering the mine would not be in contact with the coal seam or outcrop area where potential spontaneous combustion could occur. This is required by MSHA, the coal rules, and is standard industry practice. Upon abandonment, the portal and entries would be sealed to prevent oxygen from entering the underground workings. The old Link Canyon Mine closed in the 1950s and associated portals were collapsed with explosives to prevent continued oxygen flow into the old underground workings. The seals have been effective in isolating the underground workings from oxygen flow and natural combustion of the coal outcrop.

Comment #5 (UEC Letter, 7/10/02)

"The scoping document states that about 2000 square feet of riparian vegetation has developed over the years as a result of mine water seeping from the portal seals. Riparian habitat is vitally important

to all species of wildlife and plays an important role in providing for habitat needs. Any impacts to this vegetation should be rigorously explored.

Response:

The current proposal would involve disturbance of an area of less than 0.3 acres as opposed to 100 acres of new disturbance discussed in the Pines EIS on page 3-102, first paragraph. Of this total, 0.08 acres of the 0.5-acre riparian vegetation area would be removed.

Water flow from the old mine portals will continue during construction and operations, and after reclamation so that the remaining riparian vegetation area can be perpetuated. Under the selected alternative (Alternative 2) the operator will be required to improve the spring development (livestock troughs) at the head of Link Canyon above the portals. This would effectively separate livestock using this watering source from the riparian areas in Link Canyon approximately 1/2 mile above the portal area. This would result in improvement of the riparian vegetation/habitat condition offsetting effects of the proposal.

Comment #6 (UEC Letter, 7/10/02)

"Finally, the UEC once again strenuously recommends that the Manti La Sal National Forest develop a programmatic EIS for the abundance of coal and oil and gas related projects being recommended on forest lands. The tremendous number of cumulative impacts that result from exploration and development need to be fully analyzed. A PEIS would assist the Manti La Sal National Forest in its upcoming Forest Plan Revision. We believe it would be the best interest of the Forest Service, the public, and natural resources to conduct such an analysis."

Response:

The Forest Plan (Land and Resource Management Plan for the Manti-La Sal National Forest, as amended) and Final Environmental Impact Statement are programmatic documents that address coal activities in conjunction with all other activities on the Forest.

In addition, cumulative effects of coal leasing, reasonably foreseeable coal development activities, and other past, present, and reasonably foreseeable actions were considered cumulatively in the Pines Tract Project FEIS, 1999.