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United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office  
P.O. Box 45155  
Salt Lake City, UT 84145-0155  
<http://www.blm.gov/ut/st/en.html>



IN REPLY REFER TO:  
3482  
U-63214  
(UT-070)

SEP 18 2008

Canyon Fuel Company, LLC  
c/o Ark Land Company  
HC35, Box 380  
Helper, Utah 84526  
Attn: Mark Bunnell

Re: Approval of Minor Coal Exploration Plan, Quichipah Federal Coal Lease U-63214, Sevier County, Utah

Dear Mr. Bunnell:

On October 12, 2007, BLM received a plan to conduct coal exploration on the Quichipah Federal Coal Lease U-63214. It was submitted in conjunction with an application for Federal Minor Coal Exploration License in the Muddy Creek area immediately northeast of this lease (UTU-85867). Ark Land Company, a subsidiary of Arch Coal, Inc., proposed to drill one exploration hole on lease at the head of Quichipah Canyon, north of Arch Coal's SUFCo Mine, to further evaluate the coal reserves in this area. Primary access to the exploration site will be by Forest System roads.

NEPA analysis found no issues that could not be mitigated. The Fish Lake and Manti National Forests have concurred to approval of this plan.

The BLM approves the requested the exploration plan for U-63214 subject to the terms and conditions of the lease and the special stipulations attached.

This decision may be appealed to the Interior Board of Lands Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4, and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from the receipt of this decision. The appellant has the burden of showing that the decision from is in error.

If you have any questions regarding this matter, please contact Sue Wiler of our staff at 435-636-3651.

Sincerely,  
**JAMES F KOHLER**  
James F. Kohler  
Chief, Solid Minerals

- Enclosures
- 1. BLM/Forest Service Stipulations (4 pp)
  - 2. Form 1842-1

RECEIVED

SEP 23 2008

cc: UT-92313, J. Kohler, Utah State Office (w/Enclosures)  
UT-92413, Bill Buge, Utah State Office (w/enclosures)  
Rod Player (USFS) (w/Enclosures)  
Manti-LaSal National Forest  
599 Price River Drive  
Price, Utah 84501  
Fred Houston (USFS) (w/Enclosures)  
Fish Lake National Forest  
115 E 900 N  
Richfield, UT 84701  
Dana Dean (UDOGM)(w/Enclosures)  
Division of Oil, Gas and Mining  
1594 West North Temple  
P. O. Box 145801  
Salt Lake City, Utah 84114-5801

2008 Exploration Approval SUFCOJM-SA-9-18-08

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,  
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL.....

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

NOTICE OF APPEAL..... U.S. Department of Interior, Bureau of Land Management, Utah State Office  
440 West 200 South, Suite 500, Salt Lake City, Utah 84101

WITH COPY TO SOLICITOR.....

Regional Solicitor, Salt Lake City Intermountain Region, U.S. Department of Interior  
125 S. State St., Room 6201, Salt Lake City, Utah 84131

3. STATEMENT OF REASONS

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO SOLICITOR.....

Regional Solicitor, Salt Lake City Intermountain Region, U.S. Department of Interior  
125 S. State St., Room 6201, Salt Lake City, Utah 84131

4. ADVERSE PARTIES.....

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE.....

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY.....

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

**Standards for Obtaining a Stay.** Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

#### 43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

##### STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska  
Arizona State Office ----- Arizona  
California State Office ----- California  
Colorado State Office ----- Colorado  
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri  
and, all States east of the Mississippi River  
Idaho State Office ----- Idaho  
Montana State Office ----- Montana, North Dakota and South Dakota  
Nevada State Office ----- Nevada  
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas  
Oregon State Office ----- Oregon and Washington  
Utah State Office ----- Utah  
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

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(Form 1842-1, September 2006)

## **Special Stipulations for Exploration Plan on Quichipah Federal Coal Lease U-63214**

1. A pre-work meeting including the responsible company representative(s), contractors, the BLM, Utah Department of Oil Gas and Mining (DOG M), and the Manti-La Sal National Forest shall be conducted at the project location prior to commencement of operations. Site-specific FS requirements will be discussed at this time.
2. A Road Use Permit shall be obtained from the FS before equipment is transported onto National Forest System lands.
3. All surface disturbing activities including reclamation shall be supervised by a responsible representative of the permittee/licensee who is aware of the terms and conditions of the projects permits/licenses. A copy of the appropriate permits/licenses must be available for review at the project site at all times during operation.
4. The Authorized Officer shall be notified 48 hours in advance that heavy equipment will be moved onto National Forest System lands and that surface disturbing activities will commence.
5. Establishment of campsites on National Forest System lands in support of this project will be authorized by the FS under a Special Use Permit.
6. The Authorized Officer shall be notified of any proposed alterations to the plan of operations, and the alterations shall be approved prior to commencement.
7. Fire suppression equipment shall be available to all personnel working at the project site. Equipment shall include at least one hand tool per crew member consisting of shovels and pulaski's and one properly rated fire extinguisher per vehicle and/or internal combustion engine.
8. All gasoline and diesel shall be equipped with effective spark arrestors or mufflers. Spark arresters shall meet FS specifications discussed in the "General Purpose and Locomotive Spark Arrester Guide, Volume 1, April, 1988"; and "Multi-position Small Engine Spark Arrester Guide, April, 1989". In addition, all electrical equipment must be properly insulated to prevent sparks.
9. The permittee/licensee will be held responsible for damage and suppression costs for fires started as a result of operations. Fires must be reported to the FS as soon as possible.
10. Operations may be suspended during periods of high fire danger.
11. Water needed in support of operations shall be properly and legally obtained according to Utah State water laws. The water well drilled by the company is the primary water source, this will be trucked to frac tanks onsite.
12. Unauthorized off-road motorized travel, other than along the approved access routes, is prohibited.

13. Section corners or other survey markers, including claim corners, in the project area must be located and flagged for preservation prior to commencement of surface disturbing activities. The removal, displacement, or disturbance of markers must be approved by the proper authority. Replacement will be done by the proper authority at the expense of the permittee/licensee.
14. If cultural or paleontological resources are discovered during operations, all operations which may result in resource disturbance must cease and the Authorized Officer notified of the discovery.
15. Gates shall be closed after entry/exit unless otherwise specified.
16. The permittee/licensee will be held responsible for all damage to fences, cattleguards, resource improvements, roads, and other structures on National Forest System lands which result from their operations. The Authorized Officer must be notified of damages as soon as possible.
17. Operations shall be coordinated with grazing permittees to prevent conflicts.
18. Harrassment of wildlife and livestock is prohibited.
19. All drilling fluids, mud, and cuttings shall be contained and properly disposed of prior to reclamation.
20. During drilling operations all trash, garbage, and other refuse shall be properly contained on the project site prior to disposal at authorized sites.
21. All significant water encountered during drilling shall be reported to the Authorized Officer, including the depth and formation at which it was encountered, and an estimate of the flow.
22. If any of the drill holes encounter artesian groundwater flow, the Authorized Officer shall be notified prior to plugging the hole. The operator may be required to establish a permanent water development at the site.
23. All drill holes shall be plugged in accordance with Federal and State regulations.
24. The permittee/licensee shall clean up and remove all drilling equipment, trash, garbage, flagging, vehicles, and other such materials from National Forest System lands.
25. Disturbed areas shall be reclaimed by the end of the field season.
26. Drill rigs and heavy equipment (not including water trucks) shall not be transported in or out of the project area during the opening weekend of the general elk hunt nor during the opening weekend of the general deer hunt and during holiday weekends.
27. Contaminated soil and gravel shall be stripped and hauled off National Forest System lands prior to site reclamation.

28. Drill sites shall be reclaimed by selectively backfilling excavated materials, topsoil last, such that the disturbed area is replaced to its approximate original contour. The disturbed area must be seeded with the specified seed mix.
29. Upon completion of the project, compacted soils (access routes, staging areas, camping areas) shall be scarified and seeded with the specified seed mix.
30. All disturbed drainages shall be replaced to their approximate original configuration when the project area is reclaimed.
31. The seed mix to be used for reclamation will be as follows:

Pounds Pounds of Live Seed Per Acre

Western Wheatgrass	<i>Elymus smithii</i>	2
Basin Wild Rye	<i>Elymus cinereus</i>	1
Intermediate Wheatgrass	<i>Elymus hispidus</i>	2
Blue Leaf Aster	<i>Aster glaucodes</i>	0.25
Lewis Flax	<i>Linum lewisii</i>	0.50
Small Burnet	<i>Sanguisorba minor</i>	1
Silvery Lupine	<i>Lupinus argenteus</i>	1
True Mahogany	<i>Cercocarpus montanus</i>	1
Bitterbrush	<i>Purshia tridentata</i>	1

This seed mix shall be 99 percent pure live seed containing a maximum of one percent weeds, none of which are noxious.

32. The permittee/licensee shall take all reasonable and appropriate measures to prevent the introduction and proliferation of exotic plants and/or noxious weeds for all operations on the land surface. Heavy equipment, drilling equipment, and all transport vehicles shall be cleaned prior to entering the FS. The permittee/licensee will be held responsible for control and eradication of exotic species and noxious weed infestations found to be a result of this project, until the Authorized Officer is notified by the surface management agency that vegetative restoration is acceptable.
33. The permittee/licensee shall pay the marketable value for any timber cut during the project.
34. Outside berms will not be constructed on any roads.
35. Stipulation for Lands of the National Forest System Under Jurisdiction of the Department of Agriculture:

The licensee/permittee/lessee must comply with all the rules and regulations of the Secretary of Agriculture set forth at Title 36, Chapter II, of the Code of Federal Regulations governing the use and management of the National Forest System (NFS) when not inconsistent with the rights granted by the Secretary of the Interior in the license. The Secretary of Agriculture rules and regulations must be complied with for (1) all use and occupancy of the NFS prior to approval of a permit/operation plan by the Secretary of the Interior, (2) uses of all existing improvements, such as Forest Development Roads, within and outside the area licensed, permitted or leased by the Secretary of the Interior, and (3) use and occupancy of the NFS not authorized by a permit/operating plan approved by the Secretary of the Interior.

All matters related to this stipulation are to be addressed to:

Forest Supervisor  
Manti-La Sal National Forest  
599 West Price River Drive  
Price, Utah 84501  
435-636-3543

who is the authorized representative of the Secretary of Agriculture.

36. Project operations will be restricted to the period between June 15 and November 1 to avoid effects on wildlife.
37. Roads must not be used when they are wet and susceptible to damage.
38. The permittee is responsible for repair of any damages to roads caused by this operations.
39. All traffic must maintain safe speeds commensurate with existing conditions.
40. Roads must be watered if dust becomes a problem or if excessive loss of road material occurs.