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DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT

PACIFICORP PROPOSED MODIFICATION OF FEDERAL COAL LEASE U-64375
AND
EXTENSION OF THE 9TH THROUGH 13TH RIGHT LONGWALL PANELS TO THE WEST
INTO THE PROPOSED LEASE MODIFICATION AREA

USDA Forest Service, Intermountain Region
Manti-La Sal National Forest
Ferron/Price Ranger District
Emery County, Utah

USDI Bureau of Land Management, Utah State Office

PROPOSED ACTION

The Bureau of Land Management has proposed to approve a lease modification submitted to them by PacifiCorp. Prior to approval by the responsible BLM official, Forest Service consent and provisions (special lease stipulations) for protection of non-mineral resources are required.

PacifiCorp submitted an application for modification of Federal Coal Lease U-64375 to the Bureau of Land Management, Utah State Office on December 11, 1996 (project record). The proposal involves adding 133.2 acres of additional lands to the southwest corner of the existing lease. This would allow extending 5 east-west trending longwall panels and development workings at the Trail Mountain Mine to the west beyond the existing lease boundary. Map 1 (Attachment 1) shows the general location of the proposal and the Trail Mountain Mine. Map 2 (Attachment 2) shows the area proposed for addition to the lease.

PURPOSE AND NEED

The lease modification and extension of the panels as proposed would provide for recovery of approximately 490,000 tons of recoverable coal that otherwise would not be mined now or in the future. The coal in this area along the canyon slope or escarpment of Straight Canyon is not accessible from unleased coal lands that lie to the west. A small unnamed north-south trending tributary to Cottonwood Creek in Straight Canyon lies along the west lease boundary preventing other access.

The Manti-La Sal National Forest Land and Resource Management Plan, EIS, and Record of Decision, 1986, as amended, established a zone with definite boundaries (Forest Plan Appendix C, Pages C-7 and C-8) around Joes Valley Reservoir and Straight Canyon that was classified as not available for further consideration for leasing. The Forest Plan determined that mining, subsidence, and potential escarpment failures would be incompatible with resources, resource uses, and Forest Plan objectives. Potential mining-induced escarpment failures along the steep canyon walls and associated safety risks to State Hwy. 29 were specifically discussed.

Through the environmental analysis conducted and documented in the Environmental Assessment for Federal Coal Lease U-64375, 1990, the Forest Service consented to extending the lease boundary into the unsuitable area designated in the Forest Plan and approved a corresponding Forest Plan amendment. The lease boundary was drawn by including only those legal subdivisions (10 acre aliquot parts and complete lots) that did not extend beyond a line established by projecting a 22 degree (from vertical) angle-of-draw projected from the top of the Castlegate Sandstone outcrop downward to the coal seam. This angle was determined by BLM to be the maximum subsidence angle-of-draw expected for mining in the area. It was determined that mining beyond this protection zone could cause failure of the Castlegate Sandstone outcrop and subsequent rockfalls that would deposit rock and debris on State Hwy. 29 in Straight Canyon. Due to the steep slope of the canyon and proximity of the highway below the Castlegate Sandstone outcrop, escarpment failure would present an unacceptable safety risk.

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In 1995, PacifiCorp filed a special-use permit application with the Manti-La Sal National Forest that proposed the extension of full-support underground accessways beyond the lease boundary to allow the 9th through 13th Right longwall panels to be extended directly to the lease boundary. This allowed the recovery of additional coal reserves without presenting a risk of escarpment failure. The special-use permit was issued based on an environmental assessment prepared to analyze the permit application and a mine plan amendment to extend the 4th, 5th, and 6th East longwall panels to the east under the escarpment of Cottonwood Canyon, 1995.

The lease modification was proposed to allow full-extraction longwall mining to extend directly to the 22 degree angle-of-draw line. Subsequent to the lease modification, PacifiCorp has proposed to extend the 9th and 10th Right longwall panels and development workings to the west to allow longwall mining to commence directly at the 22 degree angle-of-draw line. In addition, they have proposed to move startup rooms for the 11th - 13th Right longwall panels to the west to allow the full-extraction panels to begin directly on the existing lease boundary. If the modification is approved by BLM, approval of an amendment to the mine plan (incidental boundary change) by the Utah Division of Oil, Gas and Mining would be required prior to mining.

The analysis and decision are tiered to the Final Environmental Impact Statement, Record of Decision, and Land and Resource Management Plan for the Manti-La Sal National Forest, 1986. The Environmental Assessment (EA) prepared for the Trail Mountain Tract which became Federal Coal Lease U-64375 (Environmental Assessment for Beaver Creek Coal Company Coal Lease Application UTU-64375, Trail Mountain Tract, February, 1990), and the EA for the Underground Accessway and Undermining of the Escarpment (Environmental Assessment for the Underground Accessway and Undermining of Escarpment, Trail Mountain Mine, March 1996) were reviewed and determined to adequately address the identified issues (public and management) and potential impacts of the proposed modification. In addition, it has been determined that stipulations already contained in the lease adequately mitigate impacts, therefore, no new stipulations would be required for the lease modification area.

The referenced Environmental Assessments will hereto be referred to as the Trail Mountain Tract EA and the Underground Accessway/Escarpment EA.

AUTHORITY

Modification of an existing Federal Lease up to a total of 160 acres or the acreage of the original lease, whichever is less, is provided for under the Mineral Leasing Act of 1920 as amended (MLA) and Federal Regulations 43 CFR 3432. The Bureau of Land Management is the responsible agency for leasing and lease administration.

Modifications and amendments to an approved mining plan can be made under the authority of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Federal Regulations 30 CFR 746.18 and the Utah Coal Rules. Under a cooperative agreement between the Office of Surface Mining (OSM), the Utah Division of Oil, Gas and Mining is the responsible agency for approval of mine plan amendments.

Forest Service (Federal land management agency) consent and provisions for the protection of non-coal resources are required prior to approval of any lease modification on National Forest System lands by BLM under the Federal Coal Leasing Amendments Act of 1975 (FCLAA) and applicable regulations. Forest Service concurrence involving provisions needed to protect non-mineral resources is required prior to approval of the mine plan amendment by UDOGM under SMCRA, FCLAA, and the applicable regulations.

DECISIONS/RATIONALE (NOTICE OF DECISION)

Based on the environmental analyses referenced above, the responsible official of the Forest Service has decided to consent to the lease modification subject to the special lease stipulations already included in the lease and to make the corresponding Forest Plan amendment. Map 2 (Attachment 2) shows the lease modification and the Forest Plan amendment which changes the boundary of the Joes Valley Reservoir - Straight Canyon Coal Multiple-Use Evaluation Area (Forest Plan Appendix F, Map F-2). The responsible official of the Bureau of Land Management has decided to approve the lease modification under the standard terms and conditions and special lease stipulations contained in the current lease.

The lease modification is considered as a final refinement of the Joes Valley Reservoir - Straight Canyon Multiple-Use area for Federal Coal Lease U-64375.

It has been determined that the proposed lease modification, proposed underground mining, and subsequent Forest Plan amendment would be consistent with existing lease stipulations, provisions contained in the mine permit for protection of escarpments, and management direction contained in the Forest Plan. Direct, indirect, and cumulative impacts of the proposed action and decisions would essentially be negligible and consistent with those already disclosed in the Final Environmental Impact

Statement and Record of Decision, Manti-La Sal National Forest, 1986 and referenced EAs and Decision Notices. No new issues were identified for the proposed lease modification, therefore the rationale documented in the referenced decisions also apply to this decision. This decision is also based on the following rationale:

Land Stability/Escarpment Failure

Longwall panels would not be allowed to progress beyond a line established by projecting a 22 degree angle-of-draw downward from the top of the Castlegate Sandstone outcrop (escarpment) to the coal seam. This would prevent subsidence of the Castlegate Sandstone outcrop (escarpment) and underlying units of the Blackhawk Formation that support the escarpment. Monitoring of subsidence and escarpment failures on the east boundary of this lease in Cottonwood Canyon has demonstrated that this method is effective in preventing escarpment failures on Trail Mountain. The BLM has determined that the proposed lease modification and mining proposal will not cause escarpment failure (letter from BLM, December 1996).

Cultural Resources

There would be no impacts to Cultural Resources. The Forest Archaeologist's report is included in the project file.

Threatened, Endangered, and Sensitive Species (T,E,&S Species)

There would be no impacts to T,E&S plant or animal species. The Biological Evaluation/Biological Assessment is contained in the project file.

Wildlife/Vegetation

The Castlegate Sandstone outcrop forms a vertical sandstone cliff along the canyon slope. It is known habitat for raptors, bats, and a variety of other wildlife species. Since the proposed lease modification and mining would not cause ground surface disruption or escarpment failures, there would be no impacts to vegetation or wildlife habitat.

The proposed lease modification would be located within KWR (Key Winter Range) and GWR (General Winter Range) management units as designated in the Manti-La Sal National Forest Land and Resource Management Plan, 1986 (Forest Plan). The KWR management unit encompasses the canyon slope above the Castlegate Sandstone outcrop that forms the major slope break along the slopes of Straight Canyon. The GWR management unit includes the canyon bottom and canyon slope below the Castlegate Sandstone.

For KWR units, management emphasis is on providing winter forage and cover for big-game species in areas that must be available and unencumbered for wildlife use each year during the critical winter period. Conflicting uses are not permitted on a continuing basis, but may be permitted outside the critical season if there is no

long-term degradation. For minerals activities, general direction (Forest Plan, pg. III-59) states "Modify, delay, or deny mineral leasing, exploration, and/or surface occupancy, where applicable, if it causes unacceptable stress on big game or unmitigated damage to their habitat". Standards and guidelines state "Prohibit activities during critical periods of big-game use. Subsidence would not likely cause disruption of the ground surface or impacts to surface water and vegetation, therefore no impacts are anticipated.

For GWR units, management emphasis is on providing general big-game winter range. These are areas wildlife traditionally use. Investments in compatible resource activities may occur. General direction and standards and guidelines are the same as in KWR units. There would be no mining-induced subsidence or surface disturbance, therefore no impacts are anticipated.

Visual Quality

The visual quality objective for the area is "Retention". Operations must meet the provisions for preserving visual quality consistent with this objective. Since escarpment failures are not anticipated, there would be no impacts to visual quality.

Public Safety

The escarpment above State Road 29 would be protected as discussed above. There would be no hazard to the road or motorists. There would be no hazard to other Forest visitors using the area for recreation. Mining within the proposed lease modification area would not extend any closer to the Joes Valley Dam and Reservoir than the mining that has already been approved. The present horizontal distance is approximately 1.5 miles. The proposed modification and proposed underground mining would therefore not cause any additional or significant hazard to the dam from mining-induced seismicity (small earthquakes generated by underground mining and the resulting subsidence).

Ground and Surface Water

No impacts to ground and surface water are anticipated. There would be no subsidence of perennial drainages. The nearest springs issue from the Castlegate Sandstone cliff on the canyon slope in the unnamed tributary drainage to Cottonwood Creek in Straight Canyon. This tributary drainage is perennial from its confluence with Cottonwood Creek in Straight Canyon to the springs at the Castlegate Sandstone outcrop. The Castlegate Sandstone outcrop, springs, and perennial portions of the drainage will be protected from subsidence by limiting westward extension of the longwall panels to the 22 degree angle-of-draw projection line. This would leave a minimum horizontal distance of 1,500 feet between Cottonwood Creek and the longwall panels. Surface cracks on the canyon slope above the Castlegate Sandstone in the more plastic Price River and North Horn Formations are not anticipated. If cracks occur, they should seal

rapidly due to the clay content of these shale layers. The clay materials have a tendency to swell as they become wet.

Consistency with the Forest Plan

The proposed lease modification lies within the Joes Valley Reservoir - Straight Canyon Coal Multiple-Use Evaluation Area (Forest Plan, Pg. C-7 and C-8). As discussed in the introduction, the Straight Canyon area was determined through the Forest Plan to not be available for further consideration for coal leasing in order to maintain existing resources and prevent impacts to recreation, traffic, visual quality, and land instability thresholds. These concerns and the multiple-use management area boundary were based on the possibility of new surface facilities being located along the coal outcrop in Straight Canyon and possible mining-induced escarpment failures. No surface facilities are proposed and the escarpment will be protected by the 22 degree angle-of-draw projection line. Therefore, the lease modification is consistent with the goals and objectives of the Forest Plan and requirement for protection of the escarpment and related resources in Straight Canyon.

ALTERNATIVES CONSIDERED IN DETAIL

The following alternatives were considered:

No Action - The responsible Forest Service official would not consent to the lease modification or required amendment to the Forest Plan. This alternative was addressed in the Trail Mountain Lease Tract EA. It is described on page 7 and the potential effects of implementation are discussed on pages 18 and 19. In regard to the proposed lease modification, the described loss of coal reserves and economic benefits would increase by an additional 490,000 tons of recoverable coal.

Approve/Consent to the Proposed Lease Modification and Forest Plan Amendment - The responsible officials would approve/consent to the lease modification as proposed and corresponding amendment would be made to the Forest Plan (Joes Valley Reservoir - Straight Canyon Coal Multiple-Use Evaluation Area, pg. C-7 and C-8 and Appendix F, Map F-2). Since the modification as proposed by PacifiCorp would involve including all current lease terms, conditions, and stipulations and includes adequate provisions to protect non-mineral resources, no other alternatives were identified. This alternative corresponds with Alternative 2 - Offer the Tract for Leasing as Proposed in the Trail Mountain Lease Tract EA and is addressed on pages 7 and , 19-26.

PUBLIC INVOLVEMENT

A scoping letter was sent to interested parties on November 13, 1996. Another copy of the letter was sent to the Bureau of Reclamation in Provo, Utah on November 19, 1996 at their request. The letter briefly described the proposed lease modification and mine plan amendment, and requested public comments and issues. In addition, a legal notice that briefly

described the proposal and asked for public comment was published in the Sun Advocate (publication of record) and Emery County Progress (supplemental publication) on November 12, 1996. Copies of these documents and the mailing lists are included in the project record.

Six responses were received and are included in the project file. No new issues were identified based on the comments. The comments are summarized and Forest Service responses are provided in Attachment 3 of this DN/FONSI.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Based on the referenced Environmental Assessments, public comments, and the responses noted above, I have determined that implementation of this project is not a major Federal action that would significantly affect the quality of the human environment. Therefore, the preparation of an Environmental Impact Statement is not required.

"Significance" as used in NEPA requires consideration of both "context" and "intensity".

Context: Context of this action includes residents of Emery and Carbon Counties, affected interests within this area and our cooperating agencies. Coal mining activities have occurred in this area for over 100 years and considered an integral part of the area's history and heritage. The effects are local in scope.

Mitigation measures specified in the existing lease and approved mining and reclamation plan will be extended to the proposed lease modification and will be monitored to assure that they are carried out as planned.

Intensity: Intensity is evaluated by comparing and contrasting the ten criteria from 40 CFR 1508.27 as discussed below:

1. No extraordinary adverse direct, indirect, or cumulative effects are anticipated.
2. There are no anticipated adverse effects to health and safety.
3. There are no unique characteristics of the geographic area such as proximity to historical or cultural resources, park lands, or prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas that would be adversely affected.
4. The effects on the quality of the human environment are not highly controversial.
5. There are no highly uncertain, highly controversial, unique, or unknown risks.

6. The decision will not establish a precedent for future actions with significant effects nor represent a decision in principle about a future consideration.
7. There are no anticipated significant effects on the quality of the human environment, either as an individual action, or as part of the cumulative effects of other past, present, and reasonably foreseeable actions within the Trail Mountain area.
8. There will be no adverse effects to districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic places. There will be no loss or destruction of cultural or historical resources.
9. There will be no adverse effects to endangered, threatened, or sensitive plant or animal species or their habitat, as documented in the Biological Evaluation in the project file.
10. The decision and resulting actions comply with other Federal, State, and local laws and requirements for the protection of resources.

IMPLEMENTATION DATE AND MONITORING

Implementation of this decision may take place no sooner than February 8, 1997 considering the 45 day appeal period and mandatory 5 additional business days following the end of the appeal period. See appeal rights discussed in the next section.

Monitoring of subsidence, flow and quality of ground water and surface water in the unnamed side drainage or tributary to Cottonwood Creek in Straight Canyon is the responsibility of PacifiCorp under lease stipulations and approved mining and reclamation plan. Monitoring information is submitted to the Utah Division of Oil, Gas and Mining at time intervals specified in the mine plan.

PacifiCorp has also committed to conduct annual raptor monitoring along the Castlegate Sandstone escarpment and other areas within a 1/2 mile radius of mining activities each spring in conjunction with UDWR through their approved mining and reclamation plan.

APPEAL RIGHTS

The Forest Service consent decision for the lease modification is subject to appeal under 36 CFR Part 215. Permit holders who may be affected by this decision have the choice to appeal under 36 CFR 215 or 36 CFR 251. The decision regarding the Forest Plan amendment may be appealed under 36 CFR 215 or 36 CFR 217.

The decisions are subject to administrative review by the Regional Forester pursuant to the above regulations. Any written appeal must be postmarked or received by the Appeal Deciding Officer, Dale N. Bosworth, Regional Forester - Intermountain Region, 324 25th. Street, Ogden, UT 84401 on or before

January 31, 1997. Appeals must meet the content requirements described in the Code of Federal Regulations, including a statement of reasons for the appeal. We request that you concurrently send a copy of the Notice of Appeal to: Janette S. Kaiser, Forest Supervisor, Manti-La Sal National Forest, 599 West Price River Drive, Price, Utah, 84501.

The Bureau of Land Management lease modification approval decision is subject to appeal to the Interior Board of Land Appeals. You have 30 days from the receipt of this decision to appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR Part 4. If an appeal is taken, your notice of appeal must be filed in this office within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error. If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice or appeal and the petition for a stay must also be submitted to each Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with his 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 regulation, 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 a stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of the immediate and irreparable harm if the stay is not granted, and;
- (4) Whether the public interest favors granting the stay.

Consent by:


 JANETTE S. KAISER, Forest Supervisor
 Manti-La Sal National Forest

Date:

12-17-96

Approved by:


 G. WILLIAM LAMB, Utah State Director
 Bureau of Land Management

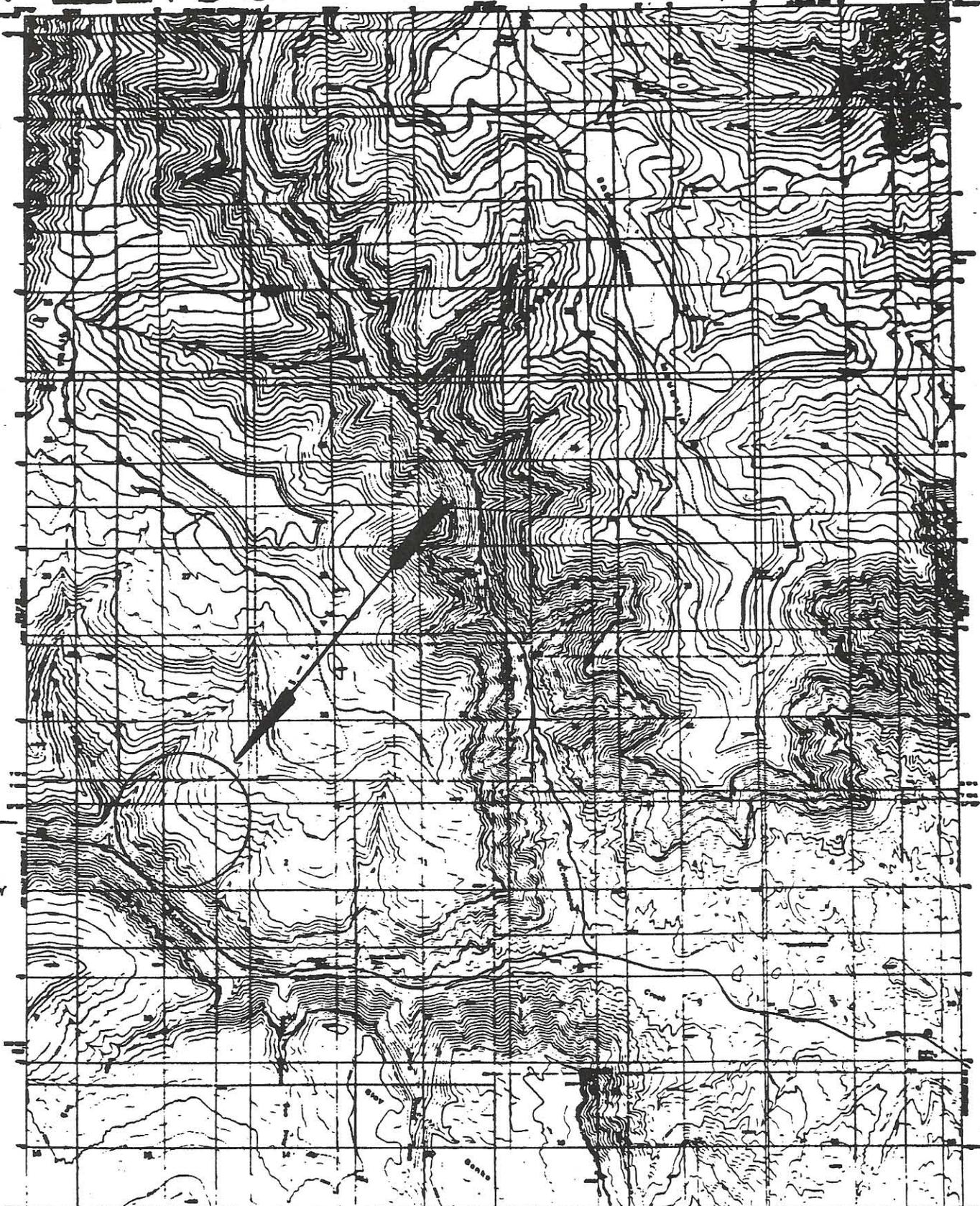
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12/23/96

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

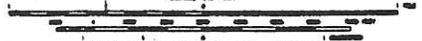
STATE OF UTAH
THE NATIONAL ANTI-CORRUPTION SOCIETY

MANAGAWAY POINT QUADRANGLE
SOUTH-CENTRAL UTAH
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← Joes Valley Reservoir

Map published by the Geological Survey
 under authority of the U.S. Army Corps of Engineers
 and the U.S. Army Corps of Engineers
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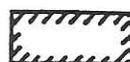
GRAPHIC SCALE, IN FEET
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 MILES



MANAGAWAY POINT, UTAH
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 1950

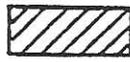
Map 1 - General Location



 Private Land
  Area deleted by the Tract Delineation Team

 Lease Tract
  1 1/2 0 1
 Scale (miles)

 1940 Amend. Tract area outside of the area originally designated as suitable for leasing.
  ● Active golden eagle nest.

 Black Diamond Mine Lease Area.
  ○ Inactive golden eagle nest.

1946 FPA Amend.

Map 2. Detail Map, Trail Mountain Tract.