

Interagency
OK

From: Dana Dean
To: coal
Date: 7/13/2010 11:06 AM
Subject: Exploration permitting

Hj everyone,

It has come to my attention that there is some confusion as to our responsibilities when it comes to permitting activities outside of the disturbed area, and in particular exploration activities.

In the past, the Division has permitted all coal exploration within a permit area - no matter how large the permit boundary. Because we now consider only the bonded, disturbed area to be the **required** permit area, any EXPLORATION outside of that area, on federal land should be licensed by the BLM, not OGM. State and Private Lands will still need OGM exploration permits.

Our rules contain 3 categories of exploration in R645-200:

- 1) That subject to 43 CFR Parts 3480 to 3487
- 2) Minor exploration
- 3) Major exploration

My understanding of the 43 CFR language is that any exploration connected with federal coal needs approval from BLM. R645-201-110 says that the Division only has responsibility for exploration **NOT** subject to CFR 43.

We do not consider anything that facilitates mining to be exploration. Some examples of things we would consider mining and subject to the provisions of SMCRA are: degas boreholes, dewatering boreholes, rescue boreholes, and boreholes used for any other ancillary function (ventilation, electrical conduits, etc). If an operator has an exploration license for any of these activities, and no OGM permit, we will issue them a CO and require a permit.

If a project is considered major exploration, we should be involved in the permitting process, but not as the lead. If it is minor exploration, we should still know about it, especially if it is near the disturbed area, so that our inspectors are aware.

Our rules define things as follows:

R645-100-200 "Coal Exploration" means the field gathering of: (a) surface or subsurface geologic, physical, or chemical data by mapping, trenching, drilling, geophysical, or other techniques necessary to determine the quality and quantity of overburden and coal of an area; or (b) the gathering of environmental data to establish the conditions of an area before beginning coal mining and reclamation operations under the requirements of the R645 Rules.

R645-200-122 Minor Coal Exploration. Coal exploration during which 250 tons or less of coal will be removed...

R645-200-123 Major Coal Exploration . Coal exploration during which more than 250 tons of coal will be removed or which takes place on lands which are designated as unsuitable for mining...

Please let me know if you have any questions.

Thanks,
Dana