United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
Western Region Office
1999 Broadway, Suite 3320
Denver, CO 80202-3050

November 2, 2015

UT-0003

Utah Division of Oil, Gas & Mining
P.O. Box 145801
Salt Lake City, Utah 84114-5801

Subject: Task ID # 4935, Skyline Mine, C/007/0005, Boundary & Disturbed Area Increase

To The Utah Division of Oil, Gas & Mining,

On July 14, 2015, the Utah Division of Oil, Gas & Mining requested a determination from the Office of Surface Mining Reclamation and Enforcement (OSMRE) as to whether or not a mining plan decision document (MPDD) is required for the Canyon Fuel Company, LLC's (CFC) request to increase their permit boundary and disturbance area at the Swens Canyon Ventilation Facility (Task ID #4935). CFC has requested to install a shaft that is necessary for ventilation on the existing lease. The shaft is permitted to encompass 9.7 acres, of which approximately 6.8 acres will actually be disturbed. The shaft will also be used in the Flat Canyon lease if it is acquired. A power line corridor, of approximately 15 feet by 2.6 miles, totaling 4.8 acres will be built in order to power the shaft. The 12.5 kV single pole power line has been adapted for raptors, and there will not be a road built to install the power line. CFC is requesting to increase the existing permit area by 14.5 acres and disturbance area by 11.6 acres.

OSMRE regulation 30 CFR 746.18(c) requires OSMRE to decide whether a mining plan modification is required when a revision to a Federal lands permit is submitted. When a mining plan modification is required, mining activity under the revision may not start until the Assistant Secretary of Land and Minerals Management (ASLM) approves the mining plan. Mining plan modifications require the same MPDD as a new Federal lands permit [Part 746.18 (b)].

In determining if a MPDD must be prepared there are six criterion under 30 CFR 746.18(d).

(1) Any change in the mining plan which would affect the conditions of its approval pursuant to Federal law or regulation other than the Act.

Task ID #4935 has been reviewed with respect to applicable Federal laws, regulations, and executive orders. It is determined that the proposed changes would not affect the condition of the mining plan approval.

(2) Any change which would adversely affect the level of protection afforded any land, facility or place designated unsuitable for mining.

The addition of approximately 14.5 acres to the Wildcat Loadout Facility does not change the level of protection outlined in state permit C/007/0005.

(3) Any change in the location or amount of coal to be mined, except where such change is the result of: (i) A minor change in the amount of coal actually available for mining from the amount estimated; or (ii) An incidental boundary change.

There is no mining at the Swens Canyon Ventilation Facility.

(4) Any change which would extend coal mining and reclamation operations onto leased Federal coal lands for the first time.

The Swens Canyon ventilation shaft, pad, and power line will be located on current lease U-044076.

(5) Any change which requires the preparation of an environmental impact statement under the National Environmental Policy Act or 1969, 42 U.S.C. 4321 et seq.

Task ID #4935 does not rise to the level of an environmental impact statement for the following reasons:

1. The environmental impacts of the proposed mining operation are adequately analyzed in an earlier environmental document covering the specific leases or mining activity; and
2. The area to be mined is not 1280 acres or more, or the annual full production level is not 5 million tons or more; and
3. Mining and reclamation operations for this task is not anticipated to occur for 15 years or more.

(6) Any change in the mining operations and reclamation plan that would result in a change in the postmining land use where the surface is federally-owned.

There will be no change in the postmining land use.

It is OSMRE's determination that Task ID #4935 does not require a mining plan approval from the ASLM. OSMRE's decision was based upon consideration of the Federal regulations under 30 CFR 740 and 746 and not the technical aspects of the action. Should you have any questions please contact me, Nicole Caveny, at (303) 293-5078.

Sincerely,

Nicole Caveny

Nicole Caveny
Environmental Protection Specialist