



United States Department of the Interior

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Western Region Office
Denver Federal Center, Building 41
Lakewood, CO 80225-0065



UT-0067

May 28, 2020

Steve Christensen
Coal Program Manager
Utah Division of Oil, Gas & Mining
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84116

Re: Significant Revision Task #6142, Final Reclamation Plan for the Crandall Canyon Mine, C/015/032, Genwal Resources, Inc.

Dear Mr. Christensen,

This letter documents the Office of Surface Mining Reclamation and Enforcement's (OSMRE) determination of whether Task #6142, Final Reclamation Plan at the underground Crandall Canyon Mine constitutes a mining plan modification. Mining plans and mining plan modifications require approval by the Assistant Secretary of Land and Minerals Management (ASLM) under the Mineral Leasing Act of 1920, 30 U.S.C. 181, et seq. before coal mining can occur on Federal lands. See also 30 C.F.R. Part 746.

As described in the permit application package (PAP) submitted to the Utah Division of Oil, Gas and Mining (DOG M), Genwal Resources, Inc. is proposing to provide a new right-of-way for a mine water discharge pipeline to move UPDES Outfall #002 from the Crandall Creek to the Huntington Creek. There would be no change in the number of employees at the mine and transportation of the coal, by truck, would remain the same. The action would increase the size of the permit by 532.14 acres and add 6.55 acres of disturbance to the permit. The action does not propose any additional coal to be added to the permit, nor does it modify any existing Federal coal leases.

Operations are located within the Manti-La Sal National Forest in Sevier County, Utah, approximately 15 miles west of the town of Huntington. Genwal Resources, Inc. is currently working on acquiring a Special Use Permit from the U.S. Forest Service (FS) to construct approximately 2 miles of 8-inch diameter high density polyethylene pipeline to gravity flow intercepted groundwater from the Crandall Canyon Mine portals to the Huntington Creek, with an energy dissipater to be installed near the outfall location, prior to the waters discharge from the pipeline, in order to prevent erosion of the existing bank. Located at T16S, R7E, Sec 4, 5, the proposed pipeline would be constructed within the northern portion of the existing right-of-way for the Crandall Canyon Road (Forest Service Road #50248), and the western bank of the Huntington Creek, near the existing roadway bridge for the Crandall Canyon Road. The proposed pipeline right-of-way width is 6 feet within the roadway, then 20 feet wide within the currently undisturbed area near Huntington Creek as a short portion at the end of the pipeline would deviate from the existing roadway.

The PAP is currently undergoing technical review by DOGM. The FS conducted an archeological survey of the proposed pipeline route and found a determination of “No Adverse Effect” pursuant to 36CFR800.5(b). Additionally, the FS found the project would not alter the characteristics of the cultural resources in the area. The FS prepared a Biological Assessment for the Special Use Permit on January 21, 2020. Analysis of the threatened, endangered, proposed, and candidate species that could potentially occur in the area yielded a “No Effect” determination for all species concerned.

On May 26, 2020, OSMRE consulted with the Bureau of Land Management (BLM) and on May 27, 2020, OSMRE consulted with the FS about Task #6142. Both the BLM and FS agree with OSMRE’s reasoning that the significant revision does not constitute a mining plan modification requiring approval by the ASLM. The reasons are as follows:

1. There is no change in the mining plan that would affect the conditions of its approval pursuant to Federal law or regulation. *See* 30 C.F.R. Part 746.18(d)(1).
2. No change would occur that would affect the level of protection to land, facilities and places designated unsuitable for mining because the area is designated as suitable for mining. *See* 30 C.F.R. Part 746.18(d)(2).
3. There is no change in the amount of coal to be mined. *See* C.F.R. Part 746.18(d)(3).
4. The significant revision would not extend mining and reclamation activities onto leased Federal coal for the first time. *See* 30 C.F.R. Part 746.18(d)(4).
5. The significant revision does not meet OSMRE’s standards (516 DM 13.4) of a major Federal action normally requiring an Environmental Impact Statement. *See* 30 C.F.R. Part 746.18(d)(5).
6. There is no change proposed to the mining operations and reclamation plan that would result in a change to the post mining land use of Federally owned surface land. The current post mining land use is grazing, and wildlife. *See* 30 C.F.R. § 746.18(d)(6).

Therefore, a mining plan approval from the Assistant Secretary of Land and Minerals Management is not required for the significant revision for the Final Reclamation Plan at the Crandall Canyon Mine. The OSMRE’s decision is based upon consideration of Genwal Resources, Inc.’s PAP and the requirements at 30 C.F.R. § Parts 740 and 746. Consequently, OSMRE's decision does not relieve DOGM from coordinating its review and approval of this action and securing approval from other Federal agencies for compliance.

Sincerely,

**ELIZABETH
SHAEFFER**

 Digitally signed by
ELIZABETH SHAEFFER
Date: 2020.05.28 13:58:17
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Elizabeth Shaeffer, Manager
Field Operations Branch

cc: Stan Perkes - BLM State Office
Jeff Salow - FS Manti-La Sal National Forest
Howard Strand – OSMRE DFB