



United States Department of the Interior

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Western Region Office
1999 Broadway, Suite 3320
Denver, CO 80202-3050



UT-0026

February 2, 2018

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

Re: Task #5596, Sufco mine, 4R4E Panel, C/041/002, Canyon Fuel Company, LLC

Dear Mr. Haddock,

This letter documents the Office of Surface Mining Reclamation and Enforcement's (OSMRE) determination of whether the Task #5596 for the "Quitcupah Lease" (Federal coal lease U-63214) at the underground Sufco Mine constitutes a mining plan modification. Mining plans and mining plan modifications require approval by the Secretary of the Interior (Secretary) 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 revision submitted to the Utah Division of Oil, Gas & Mining (DOG M), Canyon Fuel Company, LLC is proposing to mine additional coal within the 4 Right 4 East (4R4E) Panel, which will add 1,666,698 tons of coal to the mining unit. There would be no change in the amount of employees at the mine and transportation of the coal, by truck, would remain the same.

The 4R4E Panel is located in Federal coal lease U-63214, located within the Manti-La Sal National Forest in Sevier County, Utah, approximately 30 miles east of Salina. The mining plan for Federal coal Lease U-63214 received Secretarial approval on December 19, 1989. The approval authorized longwall mining operations to mine approximately 86 million tons of Federal coal beneath 9,905 Federal surface acres. The 4R4E Panel is included in the December 19, 1989 approval. The addition of 1,666,698 tons of coal to the already approved 86 million tons of coal is considered a minor change in the amount of coal actually available for mining from the amount estimated.

Subsidence is likely to occur where coal is removed by longwall operation, ranging from 1-5 feet with a projected average subsidence of approximately 2 feet in depth as estimated by engineers at Canyon Fuel Company, LLC. If there is subsidence, minimal effects are anticipated. There are no active raptor nests and there is no deer and elk habitat in this specific area. Should cracks develop in the surface above the 4R4E Panel, the sealing of these cracks will be done with inert materials such as soil, rock, road base, etc. and subsequently seeded.

There are no known cultural and paleontological resources above the 4R4E Panel and within the potential subsidence angle-of-draw. The Castlegate and Price River formations have little potential for the preservation of vertebrate fossils. It is OSMRE's understanding that Canyon Fuel Company, LLC will continue to work with the DOGM to ensure that if any cultural resources are discovered during mining operations, they are protected to the extent required by law.

On January 26, 2018, OSMRE consulted with the Bureau of Land Management (BLM) about the 4R4E panel. BLM informed OSMRE that the Forest Service (FS) submitted a concurrence letter to the BLM on January 24, 2018. BLM agrees with OSMRE's reasoning that the permit revision incorporating the BLM's modification to the Resource Recovery and Protection Plan does not constitute a mining plan modification requiring approval by the Secretary; 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. § 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. § 746.18(d)(2).
3. The change in the amount of coal to be mined is minor compared to what was originally estimated, and there is no change the location of the coal to be mined. *See* C.F.R. § 746.18(d)(3).
4. The permit revision would not extend mining and reclamation activities onto leased federal coal for the first time. *See* 30 C.F.R. § 746.18(d)(4).
5. The permit 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. § 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 wildlife habitat (the Manti-La Sal Forest manages the area as General Big Game Winter Range) and timber management. *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 permit revision to mine the 4R4E Panel. OSMRE's decision is based upon consideration of Canyon Fuel Company, LLC's permit revision (submitted to the DOGM) and the requirements at 30 C.F.R. § Parts 740 and 746. Consequently, OSMRE's decision does not relieve DOGM from coordinating their review and approval of this action and securing approval from other Federal agencies for compliance.

Sincerely,



Elizabeth Shaeffer, Manager
Field Operations Branch

cc: Steve Rigby - BLM Price Field Office
Jeff Salow - FS Manti-La Sal National Forest
Chris D. Hansen - Bowie Resource Partners, LLC

