



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

April 30, 2019

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

Re: Task #5918, Sufco Mine, First Mining of the Pines East Panels, 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 #5918 for the "Pines Tract" (Federal coal lease UTU-76195) at the underground Sufco 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 revision submitted to the Utah Division of Oil, Gas and Mining (DOG M), Canyon Fuel Company, LLC is proposing to mine additional coal within the Pines Tract, which will add approximately 1.1 million 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 Pines East Panels are located in Federal coal lease UTU-76195, 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 UTU-76195 received ASLM approval on July 20, 2000. The approval authorized longwall mining operations to mine approximately 53.6 million tons of Federal coal beneath 7,172 Federal surface acres. Due to challenging mining conditions, Canyon Fuel Company, LLC has removed approximately 40.2 million tons of coal from the tract. The area where the Pines East Panels are located is included in the July 20, 2000, approval. The addition of 1.1 million tons of coal to the already approved 53.6 million tons of coal is considered a minor change in the amount of coal actually available for mining from the amount estimated.

The panels will be mined using the First Mining/Room & Pillar method, and no subsidence is projected with the method. No surface disturbance, new surface facilities or infrastructure will be associated with the mining of the panels. Cultural resources and wildlife habitat are not anticipated to be affected with this action.

On April 23, 2019, OSMRE consulted with the Bureau of Land Management (BLM) about the Pines East Panels. On April 25, 2019, OSMRE consulted with the Forest Service (FS) about the Pines East Panels. Both the BLM and FS agree with OSMRE's reasoning that the permit 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. The change in the amount of coal to be mined is minor compared to what was originally estimated. *See* C.F.R. Part 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. Part 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. 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 timber, 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 permit revision to for the first mining of the Pines East Panels. 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 its 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
Vicky Miller – Canyon Fuel Company, LLC