



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

July 11, 2019

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

Re: Sufco Mine, South Fork Lease Modification, C/041/002, Canyon Fuel Company, LLC

Dear Mr. Christensen,

This letter documents the Office of Surface Mining Reclamation and Enforcement's (OSMRE) determination of whether the modifications for Federal coal leases U-63214 and UTU-84102, at the underground Sufco Mine, constitute 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 170 acres of coal within the Quitcupah Tract (U-63214) and, 620 acres of coal within the Greens Hollow Tract (UTU-84120) which will add approximately 1.3 million tons of coal to the Quitcupah Tract mining unit and 500,000 tons of coal to the Greens Hollow Tract 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.

Both leases are 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 ASLM 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 addition of 1.3 million 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.

The mining plan for Federal Coal Lease UTU-84102 received ASLM approval on June 21, 2018. The approval authorized longwall mining operations to mine 56 million tons of Federal coal beneath 6,175 Federal surface acres. The addition of 500,000 tons of coal to the already approved 56 million tons of coal is considered a minor change in the amount of coal actually available for mining from the amount estimated. Additionally, it is estimated that geological conditions such as faulting could reduce the amount of coal accessible from these leases.

The Bureau of Land Management (BLM) completed an environmental assessment for this action on February 14, 2019. OSMRE was a cooperator. The panels will be mined using longwall mining methods, supported by continuous miners. Due to the thick overburden compared to the thin coal seam to be removed, subsidence will be minimal with no anticipated affects to the environment or wildlife. A monitoring system to locate, measure, and quantify the progressive and final effects of underground mining activities on the topographic surface, underground and surface hydrology, and vegetation is required for both leases. No surface disturbance, new surface facilities, or infrastructure will be associated with the mining of the panels. Cultural resources are not anticipated to be affected with this action. However, both leases obligate the operator to conduct a cultural resource inventory and a paleontological appraisal of any areas to be disturbed, if necessary.

On April 23, 2019, OSMRE consulted with the BLM about the South Fork Lease Modifications. On April 25, 2019, OSMRE consulted with the United States Forest Service (FS) about the South Fork Lease Modifications. 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 for U-63214 is timber and wildlife habitat, and the post mining land use for UTU-84120 is timber, grazing and wildlife habitat. *See* 30 C.F.R. Part 746.18(d)(6).

Therefore, a mining plan approval from the ASLM is not required for the permit revision to for the mining within the South Fork Lease Modifications. 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,

Howard E. Strand

*Acting
for*

Elizabeth Shaeffer, Manager
Field Operations Branch

cc: Chris Conrad - BLM Price Field Office
Jeff Salow - FS Manti-La Sal National Forest
Vicky Miller - Canyon Fuel Company, LLC