



OGMCOAL DNR <ogmcoal@utah.gov>

Fwd: UT Lila Canyon Yes MPDD letter

1 message

Steve Christensen <stevechristensen@utah.gov>

Wed, Jan 4, 2023 at 4:50 PM

To: OGMCOAL DNR <ogmcoal@utah.gov>

Cc: Justin Eatchel <jeatchel@utah.gov>

----- Forwarded message -----

From: **Trent, Erica L** <etrent@osmre.gov>

Date: Wed, Jan 4, 2023 at 3:50 PM

Subject: UT Lila Canyon Yes MPDD letter

To: danadean <danadean@utah.gov>

Cc: stevechristensen <stevechristensen@utah.gov>, Martinez Hernandez, Roberta D <rmartinezhernandez@osmre.gov>

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<HStrand@osmre.gov>, Shaeffer, Elizabeth A <eshaeffer@osmre.gov>

Good afternoon Dana,

Find attached the mine plan decision letter for Lila Canyon.

Please let me know if you have any questions.

Cheers.

Erica Trent

Erica Trent, Natural Resources Specialist
Office of Surface Mining Reclamation and Enforcement
Interior Regions 5 & 7-11
P.O. Box 25065
Lakewood, CO 80215
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**Steve Christensen**

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Utah Department of Natural Resources

Division of Oil, Gas & Mining

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202200104_UT_LilaCanyon_Task21793_YesMPDD_Det.pdf
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United States Department of the Interior

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Regions 5, 7-11
Denver Federal Center, Building 41
Lakewood, CO 80225-0065



January 4, 2023

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

Re: Lila Canyon Mine Lease Modification Task #21793, adding modified Federal Coal Leases UTU-014218 and UTU-0126947 to State Permit No. C/007/0013.

Dear Mrs. Dean,

On November 22, 2022, your office informed the Office of Surface Mining Reclamation and Enforcement (OSMRE) of Emery County Coal Resources, Inc.'s (ECCR) application to amend the permit boundary to incorporate modified Federal Coal Leases UTU-014218 and UTU-0126947. The application to amend the permit boundary includes a revision to the plan for longwall mining.

Mining plan approvals by the Secretary of the Interior are required under the Mineral Leasing Act of 1920, 30 U.S.C. 181, *et seq.* before coal mining can occur on Federal lands. This letter serves to document OSMRE's determination whether a mining plan approval from the Assistant Secretary, Land and Minerals Management (ASLM) is required for the ECCR Lila Canyon Mine Task #21793 permitting action.

Based on OSMRE's review of the materials submitted by ECCR, OSMRE has determined that the proposed amendment to the permit boundary incorporating the modified Federal Coal Leases UTU-014218 and UTU-0126947, and the proposed mining, constitutes a mining plan modification requiring approval by the ASLM. The OSMRE based its determination on the criteria described in the Federal regulations at 30 CFR 746.18(d) which state that a permit revision constitutes a mining plan modification for the following reasons:

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

Task #21793 would affect the condition of the mining plan approval pursuant to Federal law or regulation other than SMCRA.

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

The proposed Task #21793 does not include any land, facility or place designated unsuitable for mining.

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.*

Task #21793 proposes to add approximately 1,272.64 acres to Permit No. C/007/0013. The amendment proposes the extraction of 7.0-7.2 million tons of Federal coal. This amount of coal is not considered a minor change in the amount of coal actually available for mining from the amount estimated. Task #21793 does not constitute an incidental boundary change¹.

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

There is an existing Federal mining plan approval for Federal Coal Leases UTU-014218 and UTU-0126947, and mining has been ongoing in these leases since the October 2001 approval. The proposed Task #21793 would not extend coal mining and reclamation operations onto leased Federal coal lands for the first time.

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 #21793 is not a major action normally requiring the preparation of an Environmental Impact Statement².

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.

On January 4, 2023, OSMRE consulted with the Bureau of Land Management (BLM) about Task #21793. The BLM agreed by email dated January 4, 2023 with OSMRE's finding Task #21793 constitutes a mining plan modification requiring approval by the ASLM.

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.

Should you have any questions please contact Federal Lands Coordinator Erica Trent at etrent@osmre.gov.

¹ OSMRE Directive REG-19 establishes the agency-wide policy for determining when an extension of the area covered by a Federal permit constitutes an incidental boundary revision.

² Major actions requiring the preparation of an EIS are described in the DOI Department Manual, Managing the NEPA Process – Office of Surface Mining (516 DM 13).

Sincerely,

ELIZABETH
SHAEFFER

Digitally signed by
ELIZABETH SHAEFFER

Date: 2023.01.04
15:14:59 -07'00'

Elizabeth Shaeffer, Manager
Field Operations Branch
OSMRE Interior Regions 5, 7-11

cc: Chris Conrad, BLM Price Field Office
Jesse Candelaria, Emery County Coal Resources, Inc.
Kin Betcher, American Consolidated Natural Resources
Howard Strand, OSMRE