



STATE OF  
COLORADO

Simmons - DNR, Leigh <leigh.simmons@state.co.us>

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## OSMRE's Determination for West Elk Mine's TR-150

1 message

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

Thu, Feb 24, 2022 at 4:12 PM

To: "jason.musick" <jason.musick@state.co.us>

Cc: "Leigh.Simmons@state.co.us" <leigh.simmons@state.co.us>, "Dyer, Desty D" <ddyer@blm.gov>, "npoulos@archrsc.com" <npoulos@archrsc.com>, "Strand, Howard" <HStrand@osmre.gov>, "Martinez Hernandez, Roberta D" <rmartinezhernandez@osmre.gov>, "Calle, Marcelo" <mcalles@osmre.gov>

Dear Mr. Musick,

Please find attached OSMRE's determination letter that no mine plan decision document is required for West Elk Mine's TR-150.

Please let me know if you have any questions.

Thank you,

*Elizabeth Shaeffer*

Field Operations Branch Manager  
OSMRE Western Region  
303.236.2930  
NEW MAILING ADDRESS:  
PO Box 25065  
Denver, CO 80225-0065



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# 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



C-1362

February 24, 2022

Jason Musick  
State of Colorado  
Division of Reclamation, Mining and Safety  
1313 Sherman St., Room 215  
Denver, CO 80203

Re: Technical Revision No. 150, E-Seam Panels LWE15, LWE16 and LWE17, Mountain Coal Company (MCC), LLC, West Elk Mine, C-1980-007.

Dear Mr. Musick,

This letter documents the Office of Surface Mining Reclamation and Enforcement's (OSMRE) determination of whether the Technical Revision No. 150 (TR-150) for MCC's property lease MGFCO and Federal coal lease C-1362 at the underground West Elk 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 Colorado Division of Reclamation, Mining and Safety (DRMS), MCC proposes to add longwall panels LWE15, LWE16 and LWE17 to replace the previously planned LWE9 panel to avoid faults in that area that rendered panel LWE9 unminable. No new permit acreage is proposed. There would be a small increase in the amount of Federal coal mined. Coal haulage, by train, would remain the same with no increase to the amount of haulage traffic leaving the mine.

The ASLM initially approved a mining plan for the West Elk Mine Permit No. C-1980-007 for Federal Leases D-044569, C-0117192, and C-1362 on July 24, 1981. Since the original mining plan approval, there have been fourteen mining plan modifications for the West Elk Mine Permit No. C-1980-007. The last mine plan modification received ASLM approval on January 13, 2020, which was supported by an Environmental Assessment completed on January 06, 2020.

The ASLM approvals authorized room and pillar mining and longwall mining operations to mine approximately 214 million tons of Federal coal across 15,515 acres of Federal coal. TR-150 will increase the amount of Federal coal available for mining by approximately 69 acres and 1.2 million tons, which represents approximately 0.4 percent of the amount of Federal coal estimated in coal acres and 0.6 percent of the amount estimated in tons. OSMRE considers this small increase a minor

change in the amount of the coal available for mining. The surface disturbance area will not increase. Cultural resources and wildlife habitat are not anticipated to be affected with this action.

On February 24, 2022, OSMRE consulted with the Bureau of Land Management (BLM) about TR-150. The BLM agrees with OSMRE's reasoning that TR-150 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 rangeland and wildlife habitat. *See* 30 C.F.R. § 746.18(d)(6).

Therefore, a mining plan approval from the ASLM is not required for TR-150. The OSMRE's decision is based upon consideration of MCC's permit revision (submitted to the DRMS) and the requirements at 30 C.F.R. § Parts 740 and 746. Consequently, OSMRE's decision does not relieve DRMS 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: Leigh Simmons, DRMS  
Desty Dyer – BLM Uncompahgre Field Office  
Nicole Poulos – MCC Energy, LLC  
Howard Strand - OSMRE