



# United States Department of the Interior

OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
Western Region Office  
1999 Broadway, Suite 3320  
Denver, CO 80202-3050



AZ0001E

October 3, 2017

## CERTIFIED MAIL

Randy Lehn  
Director, Environmental Services-Southwest  
Peabody Energy Corporation  
2836 West Shamrell Boulevard  
Flagstaff, AZ 86005

**Re: *Approval of Permit Renewal Application***  
**Kayenta Mine Permit AZ-0001E**  
**Project Tracking Code: NN.AZ-0001E.0037**  
**ARMS<sup>1</sup> Submittal Number 15-03-04-08, 15-07-02-02, 17-04-20-01, 17-09-15-04**

Dear Mr. Lehn:

The Office of Surface Mining; Reclamation & Enforcement (OSMRE) has completed its review and processing of Peabody Western Coal Company's (PWCC's) submittal for the Kayenta Mine Permit Renewal Application submitted on February 26, 2015.

In support of OSMRE's review of the permit renewal application, an environmental assessment (EA) has been prepared. This EA was prepared by a consulting firm, at the direction of OSMRE. Upon completion OSMRE adopted the EA and takes full responsibility for the scope and the content of this document. The EA considered a reasonable range of alternatives to the proposed action, discussed the potential environmental effects of the proposed action and provided sufficient evidence and analysis for the development of a finding of no significant impact (FONSI). Based upon OSMRE's review of the EA it has been determined that the proposed action is not a major federal action that will have a significant effect on the quality of the human environment individually or cumulatively with other actions within the region. No environmental effects meet the definition of significance in context or intensity, as defined within the federal regulations at 40 CFR 1508.27. Therefore, an EIS is not required.

In accordance with the Indian Lands Program regulation at 30 CFR 750.12(c)(1)(ii), OSMRE's review confirms that the application is in compliance with the criteria applicable to permit renewals at 30 CFR 774.15(c)(1).

Enclosed you will find renewed Federal Permit AZ-0001F. This Permit authorizes the continuation of mining and reclamation operations until July 6, 2020, within the designated permit area.

By this letter, I request that PWCC, the OSMRE Albuquerque Area Office, the Navajo Nation Minerals Department-Surface Mining Program (NSMP), the Navajo and Western Regional Offices of the Bureau

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<sup>1</sup> OSMRE's Administrative Records Management System

of Indian Affairs (BIA), the Hopi Tribe's Office of Mining & Mineral Resources, and the Navajo Nation's Forest Lake Chapter House, should insert into the approved permit application package (PAP):

- Within Chapter 3, Attachment 11, copies of Affidavits of Navajo Times and the Navajo-Hopi Observer newspapers, confirming their publication of the required Public Notices relevant to the Permit Renewal Application.
- Within Chapter 24 and Attachments, updated reclamation cost calculation for the five-year permit term renewal application. (Cover letter date September 14, 2017).

As set forth in the Indian Lands Program regulation at 30 CFR 750.12(c)(iii), PWCC or any person with an interest which is or may be adversely affected, may appeal this decision under the procedures set forth in 30 CFR § 775 and 43 CFR Part 4.

Should you have questions or need clarification regarding the contents of this letter or attachments, please contact me via phone (303-293-5047) or by e-mail at myellowman@osmre.gov.

Sincerely,



Mychal Yellowman,  
Indian Programs Branch  
Program Support Division  
Western Region-OSMRE

Enclosure: OSMRE Findings and Federal Permit

cc: BIA, Navajo Regional Office w/enclosure  
BIA, Western Region Office w/enclosure  
Navajo Nation, Forest Lake Chapter House w/enclosure  
Hopi Tribe, Office of Mining & Mineral Resources  
Hopi Tribe, Office of Reality Services w/enclosure  
Navajo Nation Minerals Department w/enclosure  
OSMRE, Albuquerque Area Office w/enclosure