



United States Department of the Interior



OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Western Region
1999 Broadway St., Suite 3320
Denver, CO 80202-3050

March 15, 2019

Certified Mail Return Receipt Requested

Dear,

The Office of Surface Mining Reclamation and Enforcement (OSMRE) received notice from Colorado Division of Reclamation, Mining and Safety (CDRMS)¹ that the West Elk Mine, Permit Revision 15 (PR 15), Permit Application Package (PAP) was administratively complete on April 5, 2018. The West Elk Mine is located in Gunnison County, CO. The West Elk Mine is owned and operated by Ark Land LLC and Mountain Coal Company (MCC). OSMRE determined that the mine plan modification included in PR 15 would require a mining plan decision document (MPDD) on May 30, 2018. OSMRE will make a recommendation to the Assistant Secretary of Land and Minerals Management (ASLM) to approve, approve with conditions, or deny the mining plan modification.

The two federal coal leases included in PR 15, COC-1362 & COC-67232, were analyzed in the 2017 U.S. Forest Service (USFS) Supplemental Final Environmental Impact Statement (SFEIS) for Federal Coal Lease Modifications COC-1362 and COC-67232 (including on-lease exploration plan). OSMRE participated as a cooperating agency in the preparation of the SFEIS.

OSMRE has reviewed the mine plan for PR 15 submitted to CDRMS and has concluded that the action is substantially similar to that analyzed in the SFEIS, all comments submitted by OSMRE on the SFEIS were addressed, and the environmental analysis completed in the SFEIS is adequate.

It is OSMRE's decision to adopt the USFS SFEIS (2017), as allowed under 40 CFR § 1506.3. Consistent with the USFS decision, OSMRE is selecting Alternative 3, as described in the SFEIS (Section 2.2.3), based on the agencies consideration of: the purpose and need for the action; the issues; current policies and regulations; the analysis of alternatives contained in the SFEIS; public comments received and other information in the project record. Alternative 3 as analyzed in the SFEIS would modify existing federal coal leases COC-1362 and COC- 67232 by adding 800 and 920 additional acres (respectively). OSMRE's decision under the National Environmental Policy Act (NEPA) will be implemented through issuance of the Record of Decision (ROD). The Notice of Adoption and ROD were filed by OSMRE with the U.S. Environmental Protection Agency and posted in the Federal Register on March 15, 2019.

¹The Regulatory Authority for coal mines in Colorado that occur on state and private lands.

Documents are available for review online at:

<https://www.wrcc.osmre.gov/westElkMine.shtm>

<https://www.fs.usda.gov/project/?project=32459>

Project Description

The West Elk Mine is an underground mine that uses longwall mining technology. The mining plan modification proposes to add 1,720 acres of federal coal, to the currently approved mining plan at the West Elk Mine. The proposed action would include 54 acres of proposed surface disturbing activities to install mine ventilation boreholes and associated roadways. Of the 1,720 federal coal acres proposed, 920 acres exists within the boundary of COC-67232, and 800 acres exists within the boundary of COC-1362. Please see the enclosed maps for General Project Location.

If approved, the action would authorize the mining of approximately 10,100,000 tons of coal and extend the life the West Elk Mine by approximately 3 years. The Bureau of Land Management (BLM) issued its ROD approving the modifications to federal coal leases COC-67232 & COC-1362 on December 15, 2017 and the USFS consented to the leases on December 11, 2017. USFS is the land managing agency with jurisdiction over the federal surface and has implemented the strategy for identification of historic properties.

Consultation

In accordance with the 2011 Department of Interior Policy on Consultation with Indian Tribes and the National Historic Preservation Act of 1966 (NHPA), OSMRE request input your tribe may have regarding actions at the West Elk Mine. The Colorado Office of Archaeology and Historic Preservation maintains a directory of tribes with historic ties to Colorado. Your Tribal Nation is listed in that directory, indicating you wish to be contacted for projects within Colorado.

If you believe that the proposed decision may affect your tribe or resources related to your tribe, including concerns under the NHPA, please inform the OSMRE contact listed below. OSMRE will then contact you to arrange tribal government-to-government consultation.

If you have questions about the OSMRE process, please contact Gretchen Pinkham, telephone number (303) 293-5088 and email gpinkham@osmre.gov.

Sincerely,

A handwritten signature in black ink, appearing to be "Gretchen Pinkham", with a long horizontal line extending to the right.

Mychal Yellowman
Manager, Indian Programs Branch
OSMRE - Western Region

Enclosure

