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	U·S·DEPARTMENT OF THE INTERIOR OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT DIRECTIVES SYSTEM	Subject Number: REG- 31 Transmittal Number: 584 Date: 10/24/89

Subject: Preparation of Mining Plan Decision Documents

Approval: [signature] **Title:** Director Actin

1. Purpose. This directive establishes procedures for use in preparing and processing mining plan decision documents for surface coal mining operations on lands containing leased Federal coal in accordance with the Federal Lands Program regulations at 30 CFR Chapter VII, Subchapter D.

2. Summary. This directive consolidates agency policy and procedures for preparation of mining plan decision documents under 30 CFR Chapter VII, Subchapter D.

3. Definitions.

a. Mining plan means the plan for mining leased Federal coal required by the Mineral Leasing Act (MLA).

b. Mining plan decision document means the decision document prepared and submitted to the Secretary under 30 CFR 746.13, recommending approval, disapproval, or conditional approval of the mining plan.

c. Permit application package (PAP) means a proposal to conduct surface coal mining and reclamation operations on Federal lands, including an application for a permit, permit revision or permit renewal, all the information required by the Surface Mining Control and Reclamation Act (SMCRA), 30 CFR Chapter VII, Subchapter D, the applicable State program, any applicable cooperative agreement and all other applicable laws and regulations including, with respect to leased Federal coal, the MLA and its implementing regulations.

4. Policy/Procedures.

a. Policy. This directive establishes the policy for preparing and processing the decision document required for the Secretary of the Interior's approval, approval with conditions, or disapproval of a mining plan under the MLA. Responsibility for this decision has been delegated to the Assistant Secretary--Land and Minerals Management. Although the Bureau of Land Management (BLM) has responsibility for implementation of the MLA, the Office of Surface Mining Reclamation and Enforcement (OSM) prepares the documentation for the Assistant Secretary's decision on the mining plan. Two key approvals are required to conduct surface coal mining operations on Federal leases. One is approval of the SMCRA permit application by the regulatory authority and

the other is the Assistant Secretarial approval of the mining plan. Actions and documentation necessitated by mining plan approval are to reflect the distinction between SMCRA permitting and mining plan approval. Mining plan modification actions may be needed for certain permit revisions. The criteria to determine whether a permit revision constitutes a mining plan modification are found at 30 CFR 746.18(d).

b. Responsibilities.

(1) Assistant Director, Western Field Operations (AD/WFO) and Director, Knoxville Field Office (KFO)

-- has lead responsibility for development and preparation of mining plan decision documents;

-- consults with other agencies as appropriate;

-- coordinates legal review with the Field Solicitor;

-- signs memorandum to the Director with recommendation on the mining plan decision.

(2) Assistant Director, Eastern Field Operations (AD/EFO)

-- reviews mining plan decision documents prepared by KFO;

-- signs memorandum to the Director forwarding KFO's recommendation on the mining plan decision.

(3) Assistant Director, Program Policy (AD/PP)

-- reviews mining plan decision document for adequacy and accuracy;

-- coordinates headquarters review of mining plan decision document.

c. Procedures for Preparing and Processing a Mining Plan Decision Document.

(1) Preparation and Review Process.

(a) KFO/WFO processes the PAP in accordance with 30 CFR Parts 740 and 746, and any applicable cooperative agreement provisions. Upon receipt of the PAP, KFO/WFO conducts an initial review of the contents. For permit revisions, during this initial review a determination is made of whether the permit revision constitutes a mining plan modification in accordance with 30 CFR 746.18(d). Following the initial review, KFO/WFO provides the regulatory authority with comments on the adequacy of information concerning non-delegated functions (i.e., the responsibilities of the Secretary under the MLA and those under SMCRA that have not been delegated to a State through a cooperative agreement). This initial review is also used to

determine whether an environmental impact statement (EIS) or an environmental assessment (EA) will be prepared for National Environmental Policy Act (NEPA) compliance.

(b) KFO/WFO consults with those Federal and State agencies with review responsibilities, in accordance with 30 CFR 746.13 and the terms of the applicable cooperative agreement or State program. BLM provides a recommendation for approval, approval with conditions, or disapproval of the resource recovery and protection plan (R2P2) required under the MLA and also provides a summary of pertinent information available regarding any Federal lands review it has conducted under SMCRA section 522(b). Other agencies contacted may include the State, district, or local office of the Forest Service, the Army Corps of Engineers, the Fish and Wildlife Service, the State Historic Preservation Officer and the Mine Safety and Health Administration, depending upon whether an agency has an interest in or responsibility for an aspect of the proposed mining plan. This list will vary from State to State depending on lands affected. Agency comments should be requested within 45 days or as otherwise noted in the State-Federal cooperative agreement. KFO/WFO furnishes comments on the PAP, generated during the review of the PAP by Federal agencies, to the regulatory authority.

(c) KFO/WFO prepares a mining plan decision document in accordance with paragraphs 4.c.(2) and (3) below and obtains a written memorandum from the Field Solicitor with his/her recommendation on the mining plan action. KFO/WFO notifies the Branch of Federal and Indian Programs (BFIP) in Washington approximately 2 weeks in advance that the mining plan decision document will be forthcoming.

(d) After the memorandum from the AD/WFO, or the Director, KFO through the AD/EFO, is signed (see 4.c.(3)(b) and Appendix 4), EFO/WFO sends the mining plan decision document with the Field Solicitor's recommendation to BFIP in the Washington Office.

(e) BFIP reviews the decision document for policy and other concerns before surnaming it and obtaining the surname of the Chief, Division of Regulatory Programs. BFIP then forwards the decision document to the Departmental Solicitor in Headquarters for surnaming and forwarding to the Regulatory Development and Issues Management (RDIM) staff.

(f) RDIM is responsible for tracking the decision document through the other required surnames and signatures. This includes surnames from the AD/PP and the Deputy Director, Operations and Technical Services, before the OSM Director signs the recommendation memorandum to the Assistant Secretary. After the Director signs the recommendation memorandum, the mining plan decision document is transmitted to the Assistant Secretary--Land and Minerals Management for signature.

(g) Upon the Assistant Secretary's approval, BFIP notifies KFO/WFO and returns the signed original documents to the originating office. KFO/WFO sends the mining plan approval document to the lessee/operator and copies of the complete decision document to BLM, the State regulatory authority, and the Federal Land Management Agency (FLMA), where applicable.

(2) Format of Mining Plan Decision Document. The decision document should be compiled in a binder which has a cover sheet and spine insert with information as shown in the example in Appendix 1. The binder should have a table of contents as well as index tabs corresponding to the main sections of the table of contents shown in Appendix 2. Section 4.c.(3) of this directive details the contents of the mining plan decision document package, in order of their placement in the package.

The documents prepared for the mining plan decision which may require revision during the Washington review should be available to be transmitted through the electronic mail (E Mail) system. Examples of documents that should be available through E Mail include the memorandum from the Director, OSM, to the Assistant Secretary and the chronology.

(3) Content of Mining Plan Decision Document. The decision document shall contain all the information necessary for the Assistant Secretary to make a decision on the mining plan, including OSM's recommendation and supporting documentation as set forth in 30 CFR 746.13. Examples of the memoranda and most of the other documents included in a mining plan decision document are provided in the appendices to this directive.

Standardization of this material increases efficiency and helps provide a checklist of necessary findings and recommendations that must be included in the decision document. In the appended examples, material indicated by parentheses and underlining is to be modified and filled in as appropriate for each mining plan. Material within parentheses that is not underlined is to be used only as applicable. Often this latter category involves a choice of options, such as (surface or underground), depending on the specific situation.

(a) Memorandum from the Director, OSM to the Assistant Secretary--Land and Minerals Management (Appendix 3).

This memorandum transmits the mining plan decision document and states the OSM Director's recommendation for approval, approval with conditions, or disapproval of the mining plan. The list of reasons for the recommendation in the example follows the regulatory language at 30 CFR 746.13.

(b) Memorandum from the AD/WFO; or the Director, KFO through the AD/EFO; through the Deputy Director, Operations and Technical Services, to the Director (Appendix 4).

This memorandum contains the recommendation for approval, approval with conditions, or disapproval of the proposed mining plan and outlines the effects of the proposal and the reasons for the recommendation. In addition, the memorandum should bring to the Director's attention any sensitive issues involving the mining plan. It should state how these issues have been resolved or why they should not delay action on the mining plan.

This memorandum consists of two sections: recommendation and background. The recommendation section summarizes the reasons for the recommendation for

action on the mining plan, including compliance with applicable laws and regulations and any special conditions that are necessary for approval. It contains the discussion of any issues identified and how they were resolved. It documents concurrences of other Federal agencies, and contains statements that reflect the agency positions documented in the letters from those agencies. It will also include the results of the Federal lands review in accordance with section 522(b) of SMCRA.

The background section gives information about the mine location and size, mining method, and events leading up to the recommendation for approval. Care should be taken to ensure that any language stating the basis of the recommendation is excluded from the background section, but is included in the recommendation section.

(c) Location Maps (Appendix 5).

Maps illustrate the nature and extent of the proposed mining operation and aid in evaluating the consequences of the proposal. It may be necessary to supply two maps, one to show location in the State/county and one to show the mine areas. See examples in Appendix 5, which also includes a summary of the features that should appear on the map(s).

(d) Chronology (Appendix 6).

The chronology is a concise listing of important events and dates in the processing of the mining plan. The chronology tracks events from the day the PAP was filed through the preparation of the decision package. Dates in the chronology should include the dates of any letters concerning non-delegated functions that KFO/WFO sends to the State regulatory authority and the dates that KFO/WFO receives the applicant's responses with revisions to the PAP. If the action is a mining plan modification, the chronology should include the date of initial mining plan approval under the Federal lands program and the dates of any earlier mining plan modifications.

(e) NEPA Compliance Documents (Appendix 7).

Either an EA and a finding of no significant impact (FONSI) or an EIS is prepared as part of the review process in compliance with NEPA. The NEPA analysis is an integral part of the review and decisionmaking process, and the NEPA documents must be included in the mining plan decision document. The NEPA documents and analysis should address life-of-mine (cumulative) impacts as well as the impacts of the operations subject to the Assistant Secretary's approval. Life-of-mine information is presented in both the permit application and the R2P2; both documents should be reviewed and discussed.

In those situations where OSM is the regulatory authority, NEPA compliance is required for the decision on both the SMCRA permit and the mining plan. In States with cooperative agreements where the State regulatory authority issues the SMCRA permit for Federal lands, NEPA compliance is required for the decision on the mining plan. Compliance with NEPA is a Federal responsibility that cannot be delegated. However, States operating under a cooperative agreement may provide documentation to assist OSM in meeting its NEPA

compliance responsibility and may assist OSM in preparing NEPA compliance documents as specified under 30 CFR 740.4(c)(7).

The OSM NEPA handbook (Directive REG-1) should be used as guidance in preparing NEPA compliance documents on proposed mining plan decisions. The decision on whether an EIS or EA is needed should be made according to the OSM NEPA handbook. For actions covered by an EIS, the Record of Decision (ROD) required under the NEPA regulations (40 CFR 1505.2) is to be integrated into the mining plan decision document. See section 2.E.3.w.(1) of the OSM NEPA handbook for the requirements of an ROD. The example of a FONSI in Appendix 7 is based on the examples in the NEPA handbook.

(f) Documentation of Consultation, Concurrence and Compliance

This section of the decision document contains copies of all necessary concurrences required for approval of a mining plan and documentation of compliance with applicable Federal laws, Executive Orders, and regulations. Letters and other documentation should be arranged chronologically by agency with the most recent on top. Copies of the actual documents received from Federal and State agencies are to be included in this section. The conclusions reached in these documents and their dates are mentioned in the recommendation memorandum to the Director, OSM.

Concurrence/compliance documents should be updated for each mining plan modification. Where agencies identify concerns with the proposed mining plan or condition their concurrence on certain actions being taken, the mining plan approval document should reflect these conditions, or some documentation should be provided as to why the mining plan approval document does not address the agency's concern.

Documentation of compliance with applicable Federal laws, Executive Orders, and regulations may include documentation in a form other than a memorandum or a letter. For example, it could include a flood plain analysis documenting compliance with Executive Order 11988.

(g) Mining Plan Approval Document (Appendix 8).

This is the only document included in the mining plan decision document that will require the Assistant Secretary's signature, and one must be prepared for all mining plan decision documents.

The mining plan approval document should not contain language indicating that the mining plan approval is contingent upon approval of the SMCRA permit even when OSM is the regulatory authority. There is no requirement that one approval must precede or follow the other. If the regulatory authority issues the SMCRA permit before the mining plan is approved, the regulatory authority advises the operator that approval of the mining plan must be obtained before the operator may conduct surface coal mining operations on the Federal leases. The regulatory authority will reserve the right to amend or rescind any requirements of the SMCRA permit to conform with any terms or conditions imposed in the approval of the mining plan.

It is important to enter under condition number 2 of the mining plan approval document the legal description of the leased Federal coal area, not the legal description of the entire permit area, unless the two are the same. The mining plan approval area for an underground mine may extend outside the permit area in States where the underground workings do not need to be included in the permit area.

Special conditions may be included in the mining plan approval document to assure compliance with all applicable Federal statutes and executive orders that have a bearing on the Assistant Secretary's decision.

(h) Regulatory Authority's Decision Package.

This section contains the documentation prepared for the approval of the SMCRA permit by the regulatory authority. It is included because KFO/WFO's recommendation for mining plan action is based in part on the findings and recommendations of the regulatory authority with respect to the permit application (30 CFR 746.13(f)).

Where the State is the permitting authority under a cooperative agreement, the State's decision package will appear here. Where OSM is the permitting authority, this section will contain the findings and other documentation of the decision to approve the SMCRA permit.

5. Reporting Requirements. None.

6. Effect on Other Documents. This directive supersedes Temporary Directive 89-21 on "Preparation of Mining Plan Decision Documents."

7. References.

a. In Re: Permanent Surface Mining Regulation Litigation, Civil Action No. 79-1144 (D.D.C. 1984, 1985).

b. NWF v. Hodel (Consolidated Cases Civ. No. 84-5743)(D.C. Cir. January 29, 1988).

c. 30 CFR Parts 740, 745, and 746.

d. Directive REG-1 "Handbook on Procedures for Implementing the National Environmental Policy Act (NEPA)".

e. Applicable Memoranda of Understanding with other Federal agencies.

f. Directive TSR-7 "Protecting Historic Properties".

8. Effective Date. Upon issuance.

9. Contact. Branch of Federal and Indian Programs, Division of Regulatory Programs, (202) 343-1864.

10. Keywords. Mining plan, Mineral Leasing Act, MLA, Permit application package, PAP, Resource recovery and protection plan.

11. Appendices.

Appendix 1	Example of Cover Sheet
Appendix 2	Example of Contents Page
Appendix 3	Example of Memorandum to Assistant Secretary
Appendix 4	Example of Memorandum to Director, OSM
Appendix 5	Example of Location Maps
Appendix 6	Example of Chronology
Appendix 7	Example of FONSI
Appendix 8	Example of Mining Plan Approval Document

APPENDIX 1 Example of Cover Sheet

MINING PLAN DECISION DOCUMENT

(NAME COMPANY)*

(NAME MINE)*

Federal Coal Lease(s) (NUMBER(S))*

(NAME COUNTY) County, (NAME STATE)*

U.S. Department of the Interior
Office of Surface Mining Reclamation and Enforcement

Prepared (MONTH YEAR)*

* Include on spine also.

APPENDIX 2 Example of Contents Page

CONTENTS

(NAME MINE) Mine
Federal Coal Lease(s) (NUMBERS)
Mining Plan Decision Document

1. Memoranda

   a. Memorandum from the Director to the Assistant Secretary--Land and Minerals Management

   b. Memorandum from the (Assistant Director, WFO, or Director, KFO through the Assistant Director, EFO) through the Deputy Director to the Director

2. Location Maps

3. Chronology

4. National Environmental Policy Act Compliance Documents

5. Documentation of Consultation, Concurrence and Compliance:

   a. Bureau of Land Management

   b. Fish and Wildlife Service

   c. State Historic Preservation Office

   d. Federal Land Management Agency

   e. Other Agencies Providing Comments, if any

   f. Other Documentation of Compliance

6. Mining Plan Approval Document

7. (REGULATORY AUTHORITY'S) (DECISION PACKAGE)*

* Insert the specific name used by the regulatory authority.

APPENDIX 3 Example of Memorandum to Assistant Secretary

Memorandum

To: Assistant Secretary--Land and Minerals Management

From: Director

Subject: Recommendation for Approval of the (NAME COMPANY)'s, (NAME MINE) Mine Mining Plan (Modification) for Federal Lease(s) (NUMBER(S)), (NAME COUNTY) County, (NAME STATE)

I recommend (approval or approval with conditions) of the (NAME COMPANY's) (NAME MINE) mine mining plan (modification) for Federal lease(s) (NUMBER(S)) pursuant to the Mineral Leasing Act of 1920, as amended. (This mining plan modification supplements the (NAME MINE) mining plan for Federal lease(s) (NUMBER(S)) approved on (DATE)). My recommendation for approval of the mining plan (modification) is based on: (1) (NAME COMPANY)'s complete permit application package (PAP), (2) compliance with the National Environmental Policy Act of 1969, (3) documentation assuring compliance with applicable requirements of other Federal laws, regulations, and executive orders, (4) comments and recommendations or concurrence of other Federal agencies, and the public, (5) the findings and recommendations of the Bureau of Land Management with respect to the resource recovery and protection plan and other requirements of the Federal leases and the Mineral Leasing Acts and (6) review of the PAP by the (REGULATORY AUTHORITY) as required by the (NAME STATE) State program and cooperative agreement.*

The Secretary may approve a mining plan (modification) for Federal leases under 30 U.S.C. 207(c) and 1273(c). Pursuant to 30 CFR Chapter VII, Subchapter D, I find that the proposed mining plan will be in compliance with all applicable laws and regulations. The decision document for the proposed mining plan action is attached.

Attachment

* When OSM is the regulatory authority, "(6)" should be followed by "review of the PAP by OSM under the (NAME STATE) (Federal or State) program pursuant to the Federal lands program."

APPENDIX 4 Example of Memorandum to Director, OSM

MEMORANDUM

TO: Director

THROUGH: Deputy Director, Operations and Technical Services
(Assistant Director/Eastern Field Operations)

FROM: (Assistant Director, Western Field Operations or Director, Knoxville Field Office)

SUBJECT: Recommendation for (Approval or Approval with Conditions) of the (NAME COMPANY)'s (NAME MINE) Mine Mining Plan (Modification) for Federal Lease(s) (NUMBER(S)), NAME COUNTY) County, (NAME STATE)

I. Recommendation

I recommend approval (with conditions) of the (NAME MINE) mine mining plan (modification) for Federal lease(s) (NUMBERS). This is a (new) mining plan (modification) for a (proposed) (surface or underground) mine being permitted under the Federal lands program and the approved (NAME STATE)'s State program. My recommendation is based on the complete permit application package (PAP) submitted by (NAME COMPANY); an (environmental impact statement (EIS) or environmental assessment (EA)) of the proposed mining plan and alternatives prepared by the Office of Surface Mining Reclamation and Enforcement (OSM); the decision document prepared by the (REGULATORY AUTHORITY); comments and concurrences of other Federal agencies; and other documents in the administrative record.

Approval of this mining plan will authorize mining of approximately (NUMBER) tons of Federal coal within the approved mining plan area covering (NUMBER) acres within Federal lease(s) (NUMBER(S)) as shown on the map(s) included with this decision document. (Certain elements of the applicant's proposal were identified that require special conditions to comply with Federal law. These special conditions are incorporated into the proposed mining plan approval document.) [For each special condition, include a brief discussion of the requirements of and basis for the condition.] or (The review of the PAP indicated that the applicant's proposal would not require special conditions to be included in the mining plan approval document to comply with Federal law.)

(REGULATORY AUTHORITY) reviewed the PAP under the (NAME STATE) State program, the Federal lands program (30 CFR Chapter VII, Subchapter D), and the (NAME STATE) cooperative agreement (30 CFR (NUMBER)). Pursuant to the (NAME STATE) State program and the cooperative agreement, (REGULATORY AUTHORITY) (is prepared to issue the permit for the proposed operations at the (NAME MINE)) or (has issued the permit for the proposed operations at the (NAME MINE) on (DATE)).

OSM has consulted with other Federal agencies for compliance with the requirements of applicable Federal laws, and their comments and concurrences are included in the decision document. The resource recovery and protection plan was reviewed by the Bureau of Land Management (BLM) for compliance with the Mineral Leasing Act of 1920, as amended, and 43 CFR Part 3480, and BLM recommended approval of the mining plan in a letter dated (DATE). The U.S. Fish and Wildlife Service provided its biological opinion under Section 7 of the Endangered Species Act in a letter dated (DATE). The State Historic Preservation Officer concurred with OSM's assessment and recommendations for protection of cultural resources in a letter dated (DATE). The (Federal Land Management Agency) concurred with the proposed mining plan action in a letter dated (DATE). (IDENTIFY OTHER AGENCIES THAT PROVIDED COMMENTS AND DATES OF LETTERS.)

[** Please be sure that the documentation provided agrees with the above statements. If there are discrepancies, resolve them before preparing this documentation. **]

I have determined that the proposed area of mining plan approval is not unsuitable for mining in accordance with section 522(b) of SMCRA.

(I have determined that approval of this mining plan (modification) will not have a significant impact on the quality of the human environment. or The impacts of approval of this mining plan (modification) and alternatives are described in the EIS included with the decision document.)

The mining plan approval document included in the decision document is in conformance with the Mineral Leasing Act of 1920, as amended, and applicable Federal regulations. I recommend that you advise the Assistant Secretary--Land and Minerals Management, under 30 CFR Part 746, that the (NAME COMPANY's) (NAME MINE) mine mining plan (modification) for Federal lease(s) (NUMBER(S)) is ready for approval.

II. Background

The (proposed) (NAME MINE) mine for Federal lease(s) (NUMBER(S)) is located in (NAME COUNTY) County, (NAME STATE), (LOCATION). The permit area contains approximately (NUMBER) acres, of which (NUMBER) acres are leased Federal coal. Under this approval, mining is anticipated to proceed until (YEAR). The PAP indicated that mining operations for the life of the (NAME MINE) mine would cease around the year (YEAR). (Include approval date and acreage for any previous mining plan actions for this mine.)

The (surface or underground) mining operations utilize (TYPE) mining methods. The (NAME) coal seams will be mined at an average production rate of approximately (NUMBER) tons per year.

A chronology of events related to the processing of the PAP is included in the decision document. The information in the PAP, as well as other information identified in the decision document, has been reviewed by (REGULATORY AUTHORITY) staff in coordination with the OSM Project Leader.

During the review of the PAP, (no or the following) major issues were identified. (DISCUSS EACH MAJOR ISSUE AND ITS RESOLUTION.)

The public was notified of the availability of the PAP for review by publication of newspaper notices for four consecutive weeks ending (DATE). (No or NUMBER of) public comments on the PAP were received during the 30-day public comment period after the public notice was published. (DISCUSS COMMENTS AND THEIR RESOLUTION.)

The (REGULATORY AUTHORITY) has determined that a bond in the amount of $(NUMBER) is adequate for the State permit associated with this mining plan action.

The PAP submitted by (NAME COMPANY) and updated through (DATE), (REGULATORY AUTHORITY)'s (DECISION PACKAGE) provided to OSM under the cooperative agreement, the (EIS or EA and FONSI) of the proposed action and alternatives prepared by OSM, other documents prepared by (REGULATORY AUTHORITY), and correspondence developed during the review of the PAP are part of OSM's administrative record.

AD/WFO or FOD

(DATE)

APPENDIX 5 Example of Location Maps

The map(s) (USGS preferred) must contain or indicate, at a minimum, the following items:

Legend with mine name, county, and state.

Boundaries of and lease numbers for Federal leases.

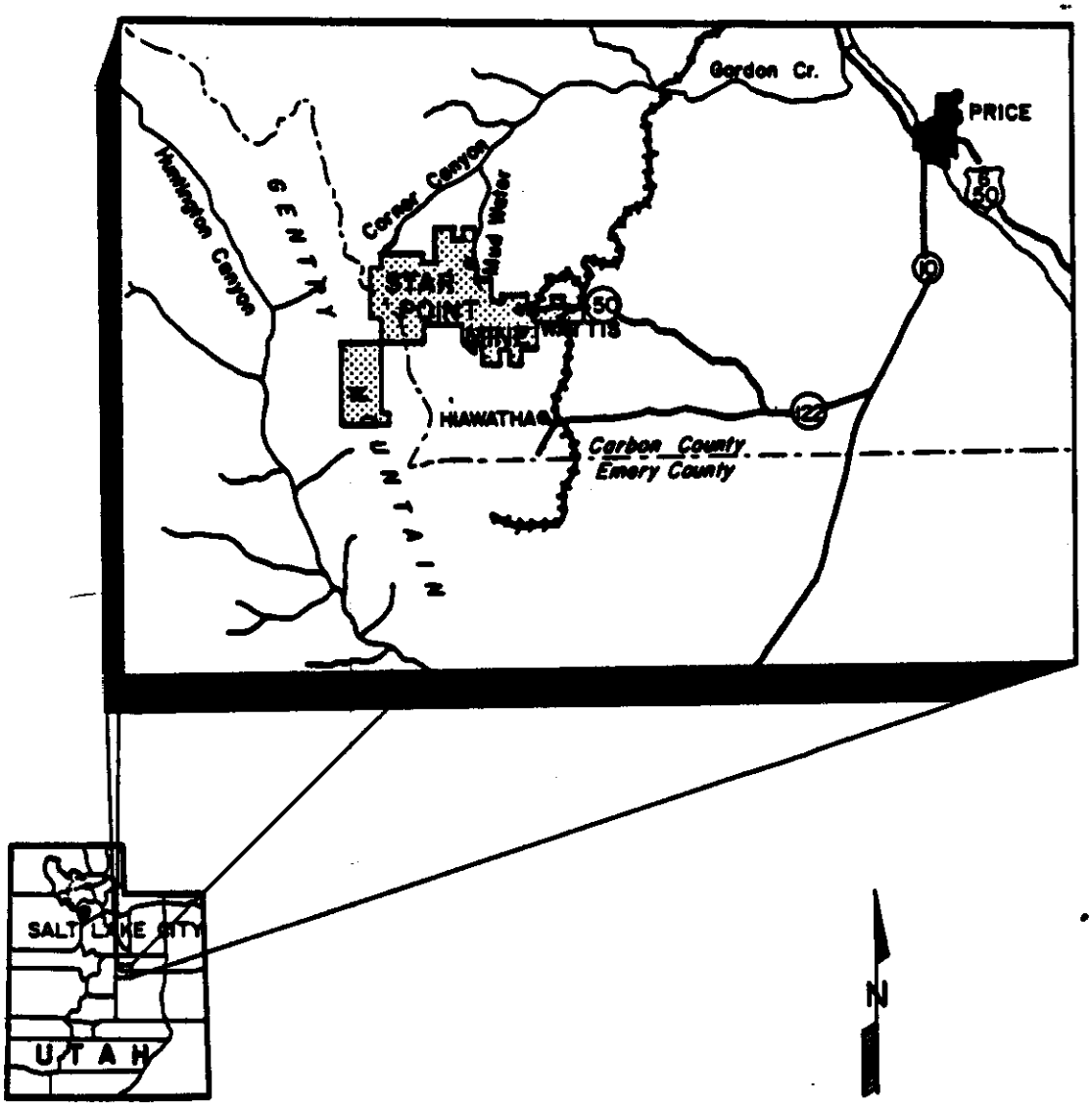
North arrow and scale.

Locating information, such as section numbers, township, range, baseline/meridian.

Boundary of entire permit area for the mine, and boundaries of individual State permits with identification numbers for each permit.

The boundaries of the proposed mining plan approval area under this action and any other mining plan approval areas for this mine.

Other important features that are discussed in the Assistant Director's memorandum.

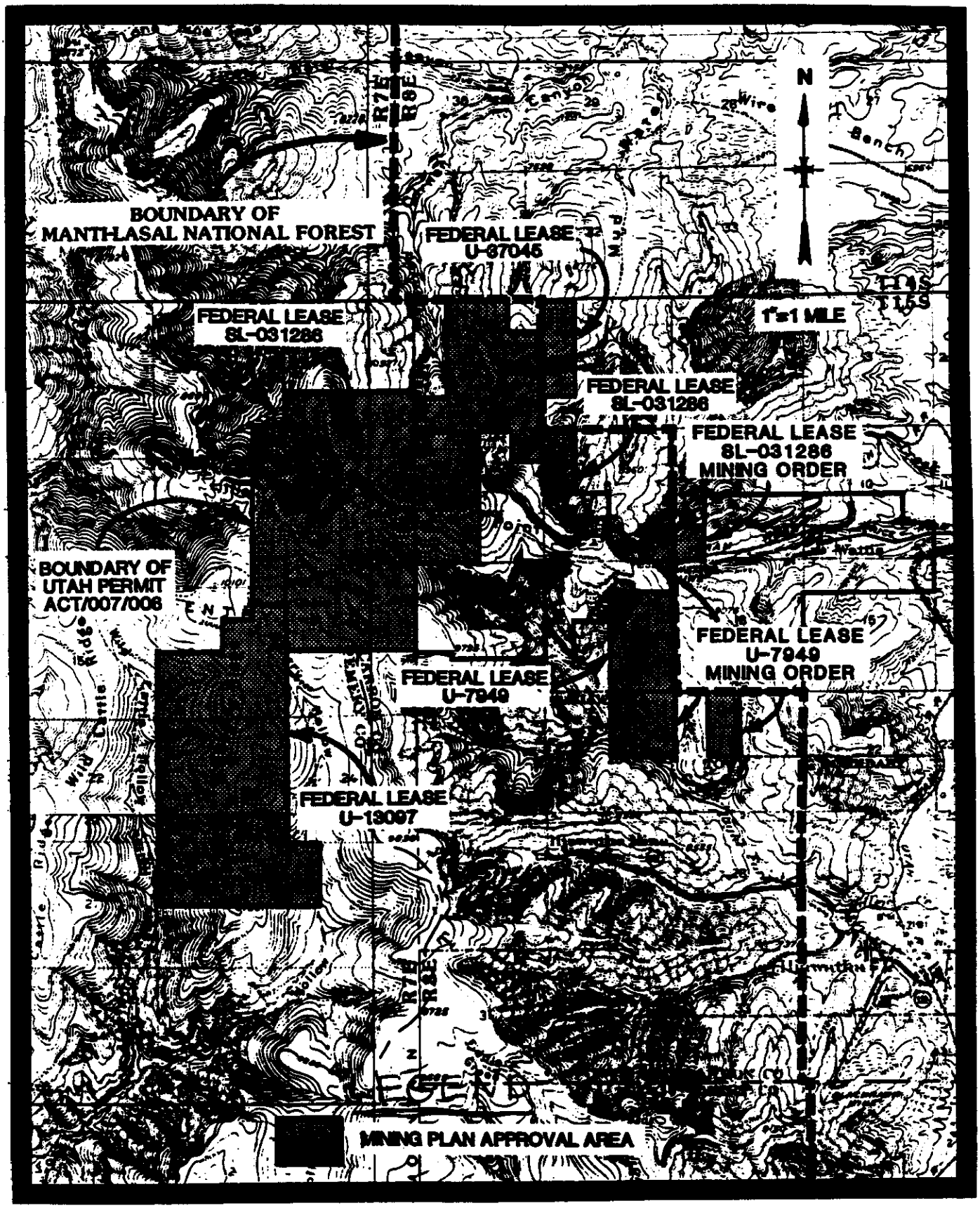


0 4 8
Scale in Miles
(ENLARGED VIEW)

LOCATION MAP

PLATEAU MINING COMPANY

CARBON & EMERY COS., UTAH



MINING PLAN APPROVAL AREA - STAR POINT MINE
CARBON AND EMERY COUNTIES, UTAH

APPENDIX 6 Example of Chronology

CHRONOLOGY

(NAME MINE) Mine
Federal Lease(s) (NUMBER(S))
Mining Plan Decision Document

DATE*	EVENT
(DATE)	(NAME COMPANY) submitted a permit application package (PAP) under the approved (NAME STATE) State Program to the (REGULATORY AUTHORITY) for a (new) permit (revision) for the (NAME MINE) mine.
(DATE)	(REGULATORY AUTHORITY) determined that the PAP was administratively complete for public review and comment.
(DATE)	The Office of Surface Mining Reclamation and Enforcement (OSM) received the PAP.
(DATE)	OSM published in the Federal Register a notice of intent to prepare an environmental impact statement (EIS).
(DATE)	(NAME COMPANY) published in the (NAME NEWSPAPER) the fourth consecutive weekly notice that its complete PAP was filed with (REGULATORY AUTHORITY).
(DATE)	OSM furnished comments on the PAP generated during the review of the PAP by Federal agencies to (REGULATORY AUTHORITY).
(NAME)	OSM received (NAME COMPANY)'s submittals amending the PAP.
(DATE)	OSM received (REGULATORY AUTHORITY's) draft decision package for review and comment.
(DATE)	OSM submitted its comments regarding the draft decision package to (REGULATORY AUTHORITY).

* List in chronological order.

DATE*	EVENT
(DATE)	OSM received (REGULATORY AUTHORITY's) final decision package.
(DATE)	OSM published its draft EIS.
(DATE)	OSM held public hearings on draft EIS.
(DATE)	EPA published notice of availability of final EIS in the Federal Register.
(DATE)	(REGULATORY AUTHORITY) approved the PAP.
(DATE)**	OSM's KFO or WFO Office recommended that the mining plan (modification) be approved.

* List in chronological order.

** Month and year only.

APPENDIX 7 Example of FONSI

U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
FINDING OF NO SIGNIFICANT IMPACT
FOR
(NAME MINE) Mine
Federal Coal Lease(s) (NUMBER(S))
Mining Plan Decision Document

A. Introduction

Summarize sections A, B, and C of the EA. Explain WHO wants to do WHAT, WHY, WHEN, WHERE, and HOW.

B. Statement of Environmental Significance of the Proposed Action

The undersigned person has determined that the above-named proposed action would not have a significant impact on the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C), and therefore, an environmental impact statement is not required. (Insert * for OSM-prepared EA or ** for non-OSM-prepared EA.)

* This finding of no significant impact is based on the attached OSM environmental assessment (reference other environmental documents as appropriate) which identifies and discusses the environmental impacts of the proposed action and the reasons stated below.

** This finding of no significant impact is based on the attached (State, applicant or other party, agency, etc.) prepared environmental assessment (reference other environmental documents as appropriate) which has been independently evaluated by OSM and determined to assess the environmental impacts of the proposed action adequately and accurately and to provide sufficient evidence and analysis for this finding of no significant impact. OSM takes full responsibility for the accuracy, scope, and content of the attached environmental assessment. Additionally, OSM bases this finding on the following reasons.

C. Reasons

Give the reason that the impact on each affected environmental resource, factor, or concern would not be significant based on the severity of impact according to 40 CFR 1508.27(b)(1) to (10) (see NEPA handbook appendix II). For example, for wetlands in the project vicinity:

1. "The project avoids wetlands in the proximity of the project." (Incorporate background information from the attached EA by reference.)

   Include specific references to sections, paragraphs, or sentences which document any special problems or areas where judgment is clearly

relevant. DO NOT repeat details mentioned in the EA, incorporate those details by reference to the EA. Mitigation measures may also be referenced. For example:

2. "OSM approves this mining plan (modification) with the following mitigation measures." (List mitigation measures) or "Mitigation measures identified for the mining plan (modification) in (cite specific location in the EA) will ensure that impacts would not be significant."

_____ _____

(Chief, Federal Programs Division, Western Field Operations or Chief, Division of Tennessee Permitting) Date

SOURCE: OSM NEPA Handbook Section 2.G., Attachments 2.3 and 2.4.

APPENDIX 8 Example of Mining Plan Approval Document

UNITED STATES

DEPARTMENT OF THE INTERIOR

This mining plan approval document is issued by the United States of America to:

(NAME COMPANY)
(ADDRESS)

for the (NAME MINE) mine mining plan for Federal lease(s) (NUMBER(S)) subject to the following conditions. (NAME COMPANY) is hereinafter referred to as the (lessee or operator).

1. Statutes and Regulations.--This mining plan approval is issued pursuant to Federal coal lease(s) (NUMBERS); the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.); and in the case of acquired lands, the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351 et seq.). This mining plan approval is subject to all applicable regulations of the Secretary of the Interior which are now or hereafter in force; and all such regulations are made a part hereof. The (lessee or operator) shall comply with the provisions of the Water Pollution Control Act (33 U.S.C. 1151 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.) and other applicable Federal laws.

2. This document approves the (NAME MINE) mine mining plan for Federal lease(s) (NUMBER(S)), and authorizes coal development or mining operations on Federal leases within the area of mining plan approval. This authorization is not valid beyond

   (LEGAL DESCRIPTION OF LEASED FEDERAL COAL IN MINING PLAN APPROVAL OR MODIFICATION AREA)

   as shown on the map appended hereto as Attachment A.

3. The (lessee or operator) shall conduct coal development and mining operations only as described in the complete permit application package, and approved by the (REGULATORY AUTHORITY), except as otherwise directed in the conditions added to this mining plan approval.

4. The (lessee or operator) shall comply with the terms and conditions of the lease(s), this mining plan approval, (the special conditions appended hereto as Attachment B), and the requirements of the (NAME STATE) Permit number (NUMBER) issued under the (NAME STATE) State program, approved pursuant to the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

5. This mining plan approval shall be binding on any person conducting coal development or mining operations under the approved mining plan and shall remain in effect until superseded, cancelled, or withdrawn.

6. If during mining operations unidentified prehistoric or historic resources are discovered, the lessee/operator shall ensure that the resources are not disturbed and shall notify the (REGULATORY AUTHORITY) and the Office of Surface Mining Reclamation and Enforcement (OSM). The lessee/operator shall take such actions as are required by the (REGULATORY AUTHORITY) in coordination with OSM.

_____ _____

Assistant Secretary--Land and Minerals Management Date

Attachment A
MINING PLAN APPROVAL AREA MAP
(NAME MINE) Mine
Federal Lease(s) (NUMBER(S))
(NAME COUNTY) County, (NAME STATE)

The map (USGS preferred) must contain or indicate, at a minimum, the following items:

Title identifying the map as:

Attachment A
MINING PLAN APPROVAL AREA MAP
(NAME MINE) Mine
Federal Lease(s) (NUMBER(S))
(NAME COUNTY) County, (NAME STATE)

and in the upper right corner:

Mining Plan Approval Document
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Legend with mine name, county, and state.

Boundaries of and lease numbers for Federal leases.

North arrow and scale.

Locating information, such as section numbers, township, range, baseline/meridian.

Boundary of entire permit area for the mine, and boundaries of individual State permits with identification numbers for each permit.

The boundaries of the proposed mining plan approval area under this action and any other mining plan approval areas for this mine.

4. The (lessee or operator) shall comply with the terms and conditions of the lease(s), this mining plan approval, (the special conditions appended hereto as Attachment B), and the requirements of the (NAME STATE) Permit number (NUMBER) issued under the (NAME STATE) State program, approved pursuant to the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

5. This mining plan approval shall be binding on any person conducting coal development or mining operations under the approved mining plan and shall remain in effect until superseded, cancelled, or withdrawn.

6. If during mining operations unidentified prehistoric or historic resources are discovered, the lessee/operator shall ensure that the resources are not disturbed and shall notify the (REGULATORY AUTHORITY) and the Office of Surface Mining Reclamation and Enforcement (OSM). The lessee/operator shall take such actions as are required by the (REGULATORY AUTHORITY) in coordination with OSM.

Assistant Secretary--Land and Minerals Management

Date

ATTACHMENT B

Special Conditions

1.