

**FEDERAL REGISTER: 45 FR 10909 (February 19, 1980)**

DEPARTMENT OF THE INTERIOR

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM)

Peabody Coal Co. - Big Sky Mine, Rosebud County, Mont., Federal lease No. M-15965; Availability of Proposed Decision to Approve Coal Mining and Reclamation Plan with Stipulations

**ACTION:** Notice of availability of proposed decision to approve proposed surface coal mining and reclamation plan with stipulations.

**SUMMARY:** Pursuant to Section 1506.6 of Title 40 and Section 211.5 of Title 30, Code of Federal Regulations, notice is hereby given that the Region V, Office of Surface Mining Reclamation and Enforcement (OSM) has completed a technical and environmental review of Peabody Coal Company's proposed mining and reclamation plan and has recommended to the Department approval of the plan contingent on the applicant's acceptance of stipulations. The notice of availability of the mining and reclamation plan for the Big Sky mine was published in the Federal Register on November 8, 1979, 44 FR 64922. [Page 0910]

The Office of Surface Mining has prepared technical analysis (TA) and an environmental assessment (EA) and from their studies has determined that significant impacts that could ensue from the proposed operation have been assessed in the following impact statement: "Proposed Expansion of Mining and Reclamation Plan, Big Sky Mine, Rosebud County, Montana." That impact statement consists of two volume - Volume I, the original statement (DES 78-51) Contains the analysis of the mine plan as proposed in November, 1977; Volume II contains an analysis of revisions in the mining and reclamation plan received through July 11, 1979. The Final Statement (FES 79-46) was filed with EPA on September 5, 1979.

The proposed mine is located about 6 miles south of Colstrip, MT and west of State Highway 315 as follows:

Location of Lands to be Affected: Township, Range, Section:

T. 1 N., R. 41 E: 13, 14, 15, 22, 23, 26, 27

Office of Surface Mining Reference No.: MT-0006

Applicant: Peabody Coal Company

Mine Name: Big Sky

State: Montana

County: Rosebud

The proposed modification involves mining and associated disturbance on 1,071 acres of the total lease area of 4,307 acres. The mine is proposed to continue as a multiple (two) seam, dragline operation removing Federally- and privately-owned coal. The coal is shipped, via railroad, to the Minnesota Power and Light Company's Clay Boswell Station, Cohasset, Minnesota. The projected production rate is 4.2 million tons per year over a five year period (1980-1984). During 1978, 2.1 million tons were mined. The proposed modification would extend mining activities northward and northeastward from the presently mined area. The multiple seam operation would include the extraction of coal from two primary seams, the McKay and Rosebud. The area scheduled for mining is outside the mining boundaries previously approved by the Department.

The applicant's plan was reviewed under 30 CFR Part 211 and the performance standards of the permanent program on Federal lands. Recent amendment to 30 CFR 701.11 and 741.11 postpone the effective date for operator compliance with the permanent program on Federal lands until the date of approval of a State program or implementation of a Federal program for a State. See 44 FR 77440-47, December 31, 1979.

Departmental action on the Big Sky Mine Plan at this time does not relieve the operator of the obligation to file a new permit application not later than two months after the effective date of approval of the Montana program (or implementation of a Federal program in Montana.) Upon receipt of that application, the Office of Surface Mining will proceed to review the application pursuant to 30 CFR Chapter VII, Subchapter D.

The purpose of this notice is to inform the public that based on staff reviews, and the reviews of the Montana Department of State Lands, the U.S. Geological Survey, and other State and Federal agencies, the Regional Director, Region V, Office of Surface Mining is recommending approval of the Big Sky mining plan with stipulations. Any persons having an interest which is or may be adversely affected by the recommended approval may, in writing, request a public meeting on the proposed decision.

DATES: All requests for a public meeting must be made on or before 20 days from the date of this notice. No decision on the plan will be made by the Assistant Secretary, Energy and Minerals, prior to the expiration of the 20-day period.

ADDRESSES: The technical analysis, environmental assessment, and proposed stipulations are available on request for review in the Office of Surface Mining, Region V. Comments on the proposed approval or requests for public meetings must be submitted to the Regional Director, Region V, Office of Surface Mining, Brooks Towers, 1020 Fifteenth Street, Denver, Colorado 80202, no later than 20 days from the date of this notice.

FOR FURTHER INFORMATION CONTACT: Shirley Lindsay, Office of Surface Mining, Region V, Brook Towers, 1020 Fifteenth Street, Denver, Colorado 80202, Telephone: 837-2451.

Walter N. Heine,

*Director.*

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