



United States Department of the Interior

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT


Washington, D.C. 20240



JUN 28 2019

Memorandum

To: Joseph R. Balash
Assistant Secretary
Land and Minerals Management
U.S. Department of the Interior

From: 
Glenda H. Owens
Deputy Director, Exercising the Authority of the Director, Office of Surface Mining
Reclamation and Enforcement
U.S. Department of the Interior

Subject: Recommendation for Approval of the Proposed New Mining Plan for Federal Coal Lease M82816 at the Rosebud Mine, Permit No. C2011003F located in Rosebud and Treasure Counties, Montana and Owned by Westmoreland Coal Company.

I recommend approval, without special conditions, of the new mining plan for Federal Coal Lease M82816 at the Rosebud Mine, located in Rosebud and Treasure Counties, Montana and owned by Westmoreland Coal Company, under the Mineral Leasing Act of 1920, as amended.

My recommendation to approve the new mining plan for the Rosebud Mine is based on:

- (1) Western Energy's complete permit application package;
- (2) Compliance with the National Environmental Policy Act of 1969;
- (3) Documentation ensuring 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 regarding the Resource Recovery and Protection Plan, the Federal lease requirements, and the Mineral Leasing Act; and,
- (6) The findings and recommendations of the Montana Department of Environmental Quality regarding the permit application and the Montana State program.

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

Attachment

UNITED STATES

DEPARTMENT OF THE INTERIOR

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

Western Energy Company
P.O. Box 99
Colstrip, MT 59323

For a mining plan for Federal lease M82186 at the Rosebud Mine. This mining plan approval supplements all previous mining plan approvals for the Rosebud Mine. The approval is subject to the following conditions. Western Energy Company is hereinafter referred to as the operator.

1. Statutes and Regulations: This mining plan approval is issued pursuant to Federal lease M82186; 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 laws and regulations of the Secretary of the Interior which are now or hereafter in force; and all such laws and regulations are made part hereof. The operator shall comply with the provisions of the Federal Water Pollution and Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and other applicable Federal laws.
2. This document approves the mining plan for Federal lease M82186 at the Rosebud Mine and authorizes coal development or mining operations on the Federal lease within the area of mining approval. This authorization expands the approved mining plan area into the following Federal coal lands:

Township 2 North (T2N), Range 38 East (R38E)


- Section 24 (all)

Township 2 North T2N), Range 39 East (R39E)

- Section 28 S1/2 SW1/4
- Section 30 (all)
- Section 32 NE1/4, N1/2 NW1/4, SE1/4 NW1/4
- Section 34 N1/2, E1/2 SW1/4, SE1/4

These lands in Federal lease M82186 encompass 947.6 acres and are found on the United States Geological Service 7.5 minute Quadrangle maps of McClure Creek and Trail Creek School, as shown in the maps appended hereto as Attachment A.

3. The operator shall conduct coal development or mining operations only as described in the complete permit application package, and approved by the Montana Department of Environmental Quality, except as otherwise directed in any conditions of this mining plan approval.
4. The operator shall comply with the terms and conditions of the lease, this mining plan approval, and the requirements of Montana Permit C2011003F issued under the Montana 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, canceled, or withdrawn.
6. If, during mining operations, unidentified prehistoric resources are discovered, the operator shall ensure that the resources are not disturbed and shall notify the Montana Department of Environmental Quality and the Office of Surface Mining Reclamation and Enforcement. The operator shall take such actions as are required by the Montana Department of Environmental Quality in coordination with the Office of Surface Mining Reclamation and Enforcement.
7. The Secretary retains jurisdiction to modify or cancel this approval, as required, on the basis of further consultation with the U.S. Fish and Wildlife Service pursuant to section 7 of the Endangered Species Act, as amended, 16 U.S.C. 1531 et seq.



Joseph R. Balash

Assistant Secretary
Land and Minerals Management
U.S. Department of the Interior

7/15/19

Date