



**U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
DIRECTIVE SYSTEM**

Subject Number:
REG-31

Transmittal Number:
881

Date: JUN 04 1999

Subject: Preparation of Mining Plan Decision Documents

Approval: *Kathy Kargan*

Title: Director

1. **PURPOSE.** This directive establishes procedures for use in preparing and processing the mining plan decision documents for surface coal mining operations on lands that have leased Federal coal. Regulations for the Federal Lands Program at 30 CFR Chapter VII, Subchapter D require the Office of Surface Mining Reclamation and Enforcement (OSM) to prepare mining plan decision documents.
2. **SUMMARY OF CHANGES.** This directive updates agency policy and procedures for preparing a mining plan decision document under 30 CFR Chapter VII, Subchapter D. This directive replaces REG-31, dated June 11, 1993.
 - a. All references to the Knoxville Field Office and the Western Support Center are changed to the Regional Director (RD).
 - b. All references to the Assistant Director, Reclamation and Regulatory Policy (AD/RRP) are changed to the Assistant Director, Program Support (AD/PS).
 - c. In section 4.b., responsibility for making sure that OSM properly performs and documents the requirements of the Mineral Leasing Act of 1920 is added to the Director's responsibilities.
 - d. In section 4.b., responsibility for preparing a memorandum to brief the Director and coordinating the Assistant Secretary, Land and Minerals Management (ASLM) approval of the mining plan decision document is added to the duties of the AD/PS.
 - e. In section 4.b., responsibility for deciding whether a new permit or permit revision requires preparation of a mining plan decision document, coordinating the preparation of the mining plan decision document with the State regulatory authorities, preparing the National Environmental Policy Act (NEPA) compliance documents, and sending the mining plan decision document to the AD/PS are added to the RDs' responsibilities.
 - f. A provision requiring the RD to send an electronic copy of the Director's transmittal memorandum and the mining plan approval document to the AD/PS is added.

g. All references to the Branch of Federal and Indian Programs are changed to the AD/PS.

h. All references to the Correspondence and Issues Management Staff have been eliminated.

i. The required contents of the mining plan decision document are modified in several places. Section 4.c.(3)(c) requires the memorandum from the RD to the Director to have four major sections: Recommendations, Background, Proposed Action, and Review Process. Section 4.c.(3)(f) clarifies that an Environmental Assessment (EA) dealing with coal leasing may be used or supplemented to include mining activity to meet NEPA requirements. Section 4.c.(3)(c) requires that the mining plan decision documents include the appropriate determination of valid existing rights or compatibility for any surface coal mining and reclamation operations on Federal lands within the boundaries of areas specified in Section 522(a)(1) or (2) of the Surface Mining Control and Reclamation Act (SMCRA).

3. DEFINITIONS.

a. Mining Plan. The plan for mining leased Federal coal required by the Mineral Leasing Act of 1920, as amended (MLA).

b. Mining Plan Decision Document. The decision document OSM prepares and gives to the Secretary of the Interior under 30 CFR 746.13, recommending approval, disapproval, or conditional approval of a mining plan.

c. Permit Application Package (PAP). A proposal to conduct surface coal mining and reclamation operations on Federal lands, including an application for a permit, permit revision or permit renewal. It must contain all the information required by SMCRA, 30 CFR Chapter VII, Subchapter D, the appropriate State program, any applicable cooperative agreement and all other relevant laws and regulations, including the MLA and its implementing regulations.

4. POLICY/PROCEDURES.

a. This directive establishes the policy and procedures for preparing and processing the mining plan decision document required for the Secretary of the Interior's approval, approval with conditions, or disapproval of a mining plan or its modification under the MLA. The Secretary has delegated the responsibility for this decision to ASLM. Although the Bureau of Land Management (BLM) is responsible for implementing the MLA, OSM prepares the documentation for the ASLM's decision on the mining plan. Operators need two separate approvals to conduct coal mining operations on Federal leases: approval of the SMCRA permit application by the regulatory authority; and approval of the mining plan or its modification by the ASLM. The SMCRA permit approval provides a basis for the mining plan approval. However, the mining

plan approval does not reassess the SMCRA permit approval.

b. Responsibilities

(1) Director

- ensures that OSM properly performs and documents those delegated requirements of the MLA; and
- signs a memorandum to the ASLM, with his or her recommendation on the mining plan decision document.

(2) Assistant Director, Program Support

- manages Headquarters's review of the mining plan decision document;
- prepares a briefing memorandum for the Director summarizing the contents of the mining plan decision document;
- reviews the mining plan decision document for adequacy and accuracy; and
- manages the process for the ASLM's decision on the mining plan.

(3) Regional Director

- decides whether a new permit or permit revision requires preparation of a mining plan decision document;
- prepares mining plan decision documents for leased Federal coal in the States under his or her jurisdiction;
- coordinates the preparation of the mining plan decision document with the State regulatory authority;
- consults with other Federal and State agencies, as appropriate, to identify any concerns about the mining plan;
- requests the Solicitor's review of the mining plan decision document;
- prepares the NEPA compliance documents for decision on the mining plan;
- signs the transmittal memorandum to the Director that contains the recommendation on the mining plan decision document; and

• sends the mining plan decision document and the electronic copy of the Director's transmittal memorandum to the AD/PS.

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

(1) Preparation and Review Process.

(a) The RD processes the PAP under 30 CFR Parts 740 and 746 and any applicable cooperative agreement provisions. He or she conducts an initial review of the PAP's contents and gives the regulatory authority comments on the adequacy of information concerning non-delegated responsibilities of the Secretary under the MLA, as well as those under SMCRA that have not been delegated to a State through a cooperative agreement. The RD also initiates NEPA compliance activities.

(b) In the case of a permit revision, the RD decides during the initial review if it constitutes a mining plan modification as defined at 30 CFR 746.18(d) and notifies the regulatory authority of this decision. If the RD determines that the permit revision constitutes a mining plan modification, he or she begins preparation of a mining plan decision document.

(c) The RD consults with appropriate Federal and State agencies under 30 CFR 746.13 or assures the required consultation has taken place under the terms of the applicable cooperative agreement or State program. BLM provides a recommendation for approval, approval with conditions, or disapproval of the mining plan based on the lease and the Resource Recovery and Protection Plan (R2P2) required under the MLA. It also gives a summary of pertinent information available regarding any Federal lands review it has conducted under section 522(b) of SMCRA.

The RD may contact other agencies such as 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 activity. This list will vary from State to State depending on the lands affected. Agencies should return their comments within 45 days of the RD's request or as otherwise noted in an existing cooperative agreement. If the RD does the consultation, he or she will send these comments to the regulatory authority.

(d) The RD prepares a mining plan decision document under paragraphs 4.c.(2) and (3) below and gets a written memorandum from the Regional Solicitor with his or her recommendation on the mining plan action. The RD notifies the AD/PS by memorandum or e-mail approximately two weeks in advance that he or she will send the mining plan decision document to Headquarters for review and signature by the Director and the ASLM.

(e) After the RD signs the transmittal memorandum, he or she sends the mining plan decision document, including the Regional Solicitor's signed review memorandum, to the AD/PS. The RD also should send an electronic copy of the ASLM transmittal memorandum and the mining plan approval document to the AD/PS.

(f) The AD/PS reviews the mining plan decision document for consistency with existing OSM policies, prepares the briefing memorandum for the Director and surnames the mining plan decision document.

(g) The AD/PS manages the mining plan decision document through the Headquarters review process to get the required surnames and signatures. After the Director signs the recommendation memorandum, the AD/PS sends the mining plan decision document to the ASLM for review and signature.

(h) Upon the ASLM's decision, the AD/PS notifies the RD of the ASLM's decision and returns both the original signed mining plan approval document and Director's memorandum to the originating RD. The RD notifies the applicant of the decision and sends him or her a copy of the mining plan approval document. The RD also sends copies of the complete decision document (without the Regional Solicitor's review memorandum) to BLM, the State regulatory authority, the appropriate OSM Field Office, and the appropriate Federal land management agency.

(2) Format of the Mining Plan Decision Document. The RD assembles the mining plan decision document in a white three-ring binder with a clear cover sheet and spine insert (Appendix 1). The decision document also has a contents page (Appendix 2) and index tabs corresponding to the main sections of the table of contents.

(3) Content of Mining Plan Decision Document. The mining plan decision document should have all the information the ASLM needs to make a decision about the proposed mining activity, including OSM's recommendation and supporting documentation required by 30 CFR 746.13. The following sections (a) through (i) describes this information, in order of their placement in the binder.

(a) Contents (Appendix 2). Lists the order of the contents of the mining plan decision document, submitted to Headquarters for approval by the ASLM, in sufficient detail to assist in the review of the information contained therein.

(b) Memorandum from the Director to the ASLM (Appendix 3). This memorandum transmits the mining plan decision document to the ASLM and has the Director's recommendation for approval, disapproval or conditional approval of the mining plan. The list of reasons for the recommendation in Appendix 3 follows the regulatory language at 30 CFR 746.13.

(c) Memorandum from the RD to the Director (Appendix 4). This memorandum transmits the mining plan decision document to the Director. The memorandum includes the RD's recommendation for approval, disapproval or conditional approval of the proposed mining plan and outlines the effects of the proposal and the reasons for the recommendation. In addition, the memorandum describes any sensitive or controversial issues involving the mining plan. The memorandum states how the RD has resolved these issues or why they should not affect action on the mining plan. The memorandum consists of four major sections: Recommendation, Background, Proposed Action, and Review Process. The Recommendation section summarizes the reasons for action on the mining plan, including compliance with applicable laws and regulations and any special conditions that are necessary for approval. The Background section gives information about the mine location, size, mining method and mining plan area. The Proposed Action section describes the permit or revision in terms of its effect on the mining plan area and notes any special conditions attached by the regulatory authority. The Review Process section has a discussion of the comments, recommendations or concurrences of other Federal agencies, as applicable, a discussion of how these issues were resolved, and the results of the Federal lands review required by section 522(b) of SMCRA. If any surface coal mining and reclamation operations are on Federal lands within the boundaries of areas specified in section 522(e)(1) or (2) of SMCRA, the decision document must include the appropriate determination of valid existing rights or compatibility as set forth in 30 CFR 745.13.

(d) Location Maps (Appendix 5). This section has maps to illustrate the location and extent of the proposed mining operation as well as the character of the surrounding area. This section may have two maps: one to show location in the State/county and one to show the mine areas. See Appendix 5 for examples as well as a summary of the features that should appear on the map(s).

(e) Chronology (Appendix 6). The chronology lists the important events and dates in the processing of the mining plan. It tracks events from the day the operator filed the new permit or permit revision application through the preparation of the mining plan decision package. The chronology should include the dates of any letters concerning non-delegated functions that the RD received and sent to the State regulatory authority. If the action is a mining plan modification, the chronology should include the date of the initial mining plan approval and any mining plan modifications.

(f) NEPA Compliance Documents (Appendix 7). This section has a copy of the EA and the Finding of No Significant Impact (FONSI) or the Environmental Impact Statement (EIS) (Executive Summary only) that the RD prepared for the mining plan decision document in compliance with NEPA. The OSM NEPA handbook (Directive REG-1) gives guidance in preparing NEPA compliance documents on proposed mining plan decisions. The RD may use or supplement BLM's leasing EA to include the mining activity to meet NEPA requirements for a mining plan decision. Where OSM is the regulatory authority, it must prepare a NEPA compliance document for both the SMCRA permit and the mining plan decisions requiring

NEPA compliance. This NEPA document must address the environmental impacts of the proposed activity. In States with cooperative agreements where authority to issue permits, permit revisions and permit renewals has been delegated to the State, OSM must prepare a NEPA compliance document only for the mining plan decision. States operating under a cooperative agreement may give 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).

(g) Documentation of Consultation, Concurrence and Compliance. This section of the decision document has copies of all necessary letters of consultation, compliance or concurrence required for approval of a mining plan. These letters document compliance with applicable Federal laws, Executive Orders, and regulations. Documentation of compliance may be 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. The RD must obtain required concurrence/compliance documents for each mining plan decision.

Documentation is arranged by agency. This section includes copies of any comments received from Federal and State agencies. The Review Process section of the RD's memorandum to the Director describes the conclusions reached in these documents. The RD's memorandum indicates any agency concerns with the proposed mining plan or conditions on their concurrence.

(h) Mining Plan Approval Document (Appendix 8). This is the only document included in the mining plan decision document that will require ASLM's signature.

If a regulatory authority issues the SMCRA permit before the ASLM approves the mining plan, the regulatory authority must condition the permit so that mining plan approval is obtained before the permittee begins surface coal mining operations on Federal coal. The regulatory authority must also condition the SMCRA permit to require conformance with any terms or conditions imposed in the approval of the mining plan. The ASLM can add conditions to the mining plan approval document as appropriate (Attachment B of Appendix 8). Attachment A of the mining plan approval document contains location maps sufficient to show where the proposed mining activity will occur.

The mining plan approval document (Attachment A) must denote the legal description of the mining plan approval area or modification area on leased Federal coal and not the legal description of the SMCRA 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 permit area does not include the underground workings.

A mining plan approval document may include special conditions (Attachment B) to assure compliance with all appropriate Federal statutes and Executive Orders that have a bearing on the Secretary's decision.

(i) **Regulatory Authority's Decision Package.** This section contains the findings and recommendations of the regulatory authority for the SMCRA permit application. The permit may be included in the decision package if desired. If the State is the regulatory authority under a cooperative agreement, the State's decision package will appear here. If OSM is the regulatory authority, this section will have the findings and other documentation on the SMCRA permit decision. This section includes this documentation because the RD bases his or her recommendation for mining plan action, in part, on the regulatory authority's findings and recommendations on the permit application (See 30 CFR 746.13(f)).

5. **REPORTING REQUIREMENTS.** None.

6. **EFFECT ON OTHER DOCUMENTS.** This directive replaces Directives REG-31, "Preparation of Mining Plan Decision Documents," dated June 11, 1993.

7. **REFERENCES.**

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

b. Directive REG-1-1 dated July 1, 1996, Change Notice Revisions "Handbook on Procedures for Implementing the National Environmental Policy Act (NEPA)."

8. **EFFECTIVE DATE.** Upon issuance.

9. **CONTACT.** Division of Regulatory Support (202) 208-2776.

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

11. **APPENDICES.** The following are suggested samples of the documents described in the Directive:

Appendix 1	Example of Cover Sheet and Spine Insert
Appendix 2	Example of Contents Page
Appendix 3	Example of Memorandum from the Director to ASLM
Appendix 4	Example of Memorandum from RD to the Director
Appendix 5	Example of Location Maps
Appendix 6	Example of Chronology
Appendix 7	Example of Environmental Assessment and FONSI
Appendix 8	Example of Mining Plan Approval Document

MINING PLAN DECISION DOCUMENT

(Company Name)

FEDERAL COAL LEASE(s) (lease number)

(Mine Name) MINE

(RA Name) PERMIT (Permit Number)

(County Name) COUNTY, (State Name)



U.S. Department of the Interior

Office of Surface Mining

(Month and Year)

Appendix 1(continued) Example of a Spine Insert

**(Mine Name) MINE, (Company Name)
(County Name) COUNTY, (State Name) (Month and
Year)
FEDERAL COAL LEASE(s) (Lease Number)
(State RA) PERMIT (Permit No.)**

Appendix 2 Example of a Contents Page

CONTENTS

(Mine Name) Mine
Federal Coal Lease(s) (Lease Number)
(RA Name) Permit (Permit Number)
Mining Plan Decision Document

1. Memoranda
 - a. Memorandum from the Director to the Assistant Secretary, Land and Minerals Management
 - b. Memorandum from the Regional Director, (Name) Regional Coordinating Center 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. U.S. 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 Name) (Decision Package Name)

**Example of Memorandum from the Director to the
Assistant Secretary, Land and Minerals Management**

LETTERHEAD

MEMORANDUM

TO: (NAME)
Assistant Secretary, Land and Minerals Management

FROM: (NAME)
Director, Office of Surface Mining

SUBJECT: Recommendation for Approval of the (Company Name) Mining Plan
(Modification) for the (Mine Name) Mine on Federal Coal Lease(s)
(Lease Number), (County Name), County, (State Name)

I recommend approval (with conditions) of the (Company Name), (Mine Name), Mining Plan (Modification) for Federal Coal Lease(s) (Lease Number) under the Mineral Leasing Act of 1920, as amended.

My recommendation to approve the (Mine Name) Mining Plan (Modification), is based on:

- (1) (Company Name)'s complete Permit Application Package (PAP) including the Resource Recovery and Protection Plan;
- (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 regarding the Resource Recovery and Protection Plan, the Federal lease requirements, and the Mineral Leasing Acts; and
- (6) the findings and recommendations of the (Regulatory Authority Name) regarding the PAP and the (State Name) (State or Federal) Program.

The Secretary may approve a Mining Plan for Federal leases under 30 U.S.C. §§ 207(c) and 1273(c). Under 30 CFR Chapter VII, Subchapter D, I find that the proposed Mining Plan (Modification) is in compliance with all applicable laws and regulations. The decision document for the proposed Mining Plan action is attached.

Attachment

Example of Memorandum from Regional Director to the Director

Memorandum

To: (NAME)
Director, Office of Surface Mining

From: (NAME)
Regional Director, (WRCC, MCRCC or ARCC)

Subject: Recommendation for Approval (with conditions) of the (New) Mining Plan (Modification) for Federal Lease(s) (Lease Number) at (Company Name)'s (Mine Name) Mine located in (County) County, (State)

I. Recommendation

I recommend approval (with conditions) of a (New) Mining Plan (Modification) for Federal Lease(s) (Lease Number) at the (Mine Name) Mine. This is a mining plan (modification) for a (surface or underground) coal mine being permitted under the Federal lands program, the approved (State) program, and the cooperative agreement.

My recommendation to approve the mining plan (modification) is based on:

- (1) the complete permit application package (PAP) including the Resource Recovery and Protection Plan (R2P2) submitted by (Company Name) (Company Acronym);
- (2) compliance with the National Environmental Policy Act of 1969;
- (3) documentation confirming 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 (Name of Regulatory Authority)

(Acronym for RA) regarding the PAP and the (State) program.

The mining plan approval document include in the decision document complies 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 (Company Name) (Mine Name) Mine mining plan (modifications) for Federal lease(s) (Number) is ready for approval.

II. Background

(Company Acronym) obtained Federal coal lease (Number) on (Date). Lease (Number) consists of (Number) acres with approximately (Number) ton of coal and (Number) acres of Federally controlled surface area.

[INCLUDE THE FOLLOWING INFORMATION FOR MINING PLAN MODIFICATIONS AND IF APPLICABLE.]

The (Mine Name) (surface or underground) coal mine is located in (Name) County, (State). The mine has been in operation since (year). The operator will finish mining on the currently approved mining plan in an estimated (Number) years. The mining operation uses (mining method) mining methods. The averaged annual production rate is (Number) tons per year from the (Name) coal seam(s).

The Department of Interior (DOI) initially approved the mining plan for Federal leases(s) (Number) at the (Mine Name) Mine on (Date). Since that date, DOI has approved (Number) mining plan modification(s) on (Dates).

Since the initial mining plan approval, (Number) areas have been incorporated into the approval mining plan area. These areas did not require Secretarial approval because (state reason related to 30 CFR 746.18(d) that Secretarial approval was not required). Specifically, these areas are located at (give legal description of their location) and are shown on the mining plan area map and Attachment A of the mining plan approval document.

The existing State permit area has (Number) acres with about (Number) acres disturbed in the State permit area. There are (Number) acres and (Number) tons of Federal coal. The State permit also has (Number) acres of Federally controlled surface area.

The post-mining land use(s) within the currently approved mining plan area is/are (Land Use).

III. The Proposed Action

This mining plan is a (new) mining plan (modification) for Federal lease(s) (Number). Specifically, the mining plan action proposed by (Company Acronym) consists of (description of operations (operational changes) and legal description of affected area).

Attachment A of the mining plan approval document shows the area, (Number) acres, of Federal coal in the mining plan (modification). (Company Acronym) expects the mining operation to continue for (Number) years with an average annual production rate of (Number) tons under (State) Permit (Number) and this proposed mining plan (modification). Approval of this mining plan (modification) will authorize mining of (Number) tons of Federal coal. (The total tonnage of coal will be (Number) tons.)

The State permit has (Number) acres with (Number) acres of surface disturbance.

OR

The approved State permit revision would increase the permitted area by (Number) acres, and increase the acres of surface disturbance by (Number) acres.

An additional (Number) acres of Federally controlled surface lands will be included in the mining plan area as a result of this action.

OR

No Federally controlled surface lands will be included in the mining plan area as a result of this action.

The post-mining land use(s) within the mining plan (modification) area will be (Land Use).

The (Regulatory Authority Name) has placed (Number) conditions on this permit. These conditions are found in the (State Name) decision document package.

IV. Review Process

The (Regulatory Authority) reviewed the PAP under the (Name) State program, the Federal lands program (30 CFR Chapter VII, Subchapter D), and the (State Name) cooperative agreement, and (is prepared to) issue(d) the (new) permit (revision) on (Date).

The Office of Surface Mining Reclamation and Enforcement (OSM) has consulted with other Federal agencies for compliance with the requirements of relevant Federal laws. The decision document contains the comments and/or concurrences of these agencies

The Bureau of Land Management (BLM) reviewed the Resource Recovery and Protection Plan for compliance with the Mineral Leasing Act of 1920, as amended, and 43 CFR Part 3480. The BLM recommended approval of the R2P2 (modification) in a memorandum dated (Date).

The U.S. Fish and Wildlife Service provided its final consultation comment under Section 7 of the Endangered Species Act in a memorandum dated (Date).

OR

OSM's independent review dated (Date) of the effects of the proposed action on threatened and endangered species indicated that no adverse effect will occur to any threatened or endangered species as a result of the proposed action. This determination is based upon (describe upon what factors the determination is based).

OSM concurs with the State Historic Preservation Officer's (SHPO) assessment and recommendations for protection of cultural resources, as stated in the SHPO concurrence letter dated (Date).

OR

The State Historic Preservation Officer concurred with OSM's assessment and recommendations for protection of cultural resources in a letter dated (Date).

OR

The State Historic Preservation Officer concurred with the proposed mining plan (modification) in a letter dated (Date).

The (Name of the Federal Surface Land Management Agency) concurred with the proposed mining plan (modification) with respect to Federal surface lands within the proposed mining plan area in a letter dated (Date).

The proposed area of mining plan approval is not unsuitable for mining according to section 522(b) of SMCRA.

OR

The proposed area of mining plan approval is unsuitable for mining according to section 522(b) of SMCRA.

The mining plan (modification) is not on any Federal lands within the boundaries of any national forest.

OR

The mining plan (modification) is located on Federal lands west of the 100th meridian within the boundaries of the (Name) National Forest. However, the Secretary of Agriculture finds that these lands do not have significant forest cover and that this surface coal mining operation complies with the Multiple-Use Sustained Yield Act of 1960 (16 U.S.C. §§ 528-531), the Federal Coal Leasing Amendments Act of 1976 (Pub. L. 94-377, 30 U.S.C. 201 *et seq.*), the National Forest Management Act of 1976 (90 Stat. 2949), and the provisions of SMCRA. Based on OSM's analysis and on the concurrence of the USDA Forest Service in its letter dated (Date), the (Name) Mine will not be incompatible with significant recreational, timber, economic, or other values of the (Name) National Forest. [USE WHEN MINING PLAN AREA IS WEST OF 100TH MERIDIAN.]

OR

The mining plan (modification) is located on Federal lands within the boundaries of the

(Name) National Forest. However, based on OSM's analysis and on the concurrence of the USDA Forest Service, the surface operations and impacts of the (Name) Mine are incident to an underground coal mine and will not be incompatible with significant recreational, timber, economic, or other values of the (Name) National Forest. **[(USE WHEN MINING PLAN AREA IS EAST OF 100TH MERIDIAN.)]**

We have determined that approval of this mining plan (modification) will not have a significant impact on the quality of the human environment. The Environmental Assessment prepared by OSM (and other agency name) for the (NEPA Document Title) and other environmental documents noted in the finding of No Significant Impact (FONSI) describe the impacts that may result from approval of this mining plan (modification) and its alternatives. The decision document contains the FONSI and supporting Environmental Assessment.

OR

The impacts of approval of this mining plan (modification) and alternatives are described in an Environmental Impact Statement (EIS). The Executive Summary of this EIS is included in the decision document.

During the review of the proposed action, OSM identified (Number) issues that required resolution. **[DESCRIBE ISSUES AND HOW RESOLVED.]**

Attachment B in the mining plan approval document lists (Number) special conditions of the mining plan. **[DESCRIBE REQUIREMENTS AND BASIS OF THE CONDITIONS.]**

OR

(Company Name)'s proposal does not require any special conditions to the mining plan approval document to comply with Federal laws.

The (Company Name) published four consecutive weekly notices in the (Newspaper Name) informing the public that they could review the administratively complete PAP. The last publication date was (Date). The (Regulatory Authority) received (Number) public comments. **[DESCRIBE COMMENTS AND HOW RESOLVED.]**

The (Regulatory Authority) determined that a bond for (amount) is adequate for (State) Permit (Number) associated with this mining plan (modification). The bond is payable to the State and the United States.

The decision document contains a chronology of events related to the processing of the PAP and this mining decision.

OSM's administrative record of this mining plan (modification) consists of the following:

- the complete PAP submitted by (Company Name);

- (Regulatory Authority)'s Decision Document Package provided to OSM under the cooperative agreement;
- the (NEPA Documents);
- other documents prepared by (Regulatory Authority); and
- correspondence developed during the review of the PAP.

Attachments

Appendix 5 Example of Location Maps

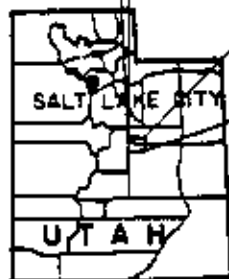
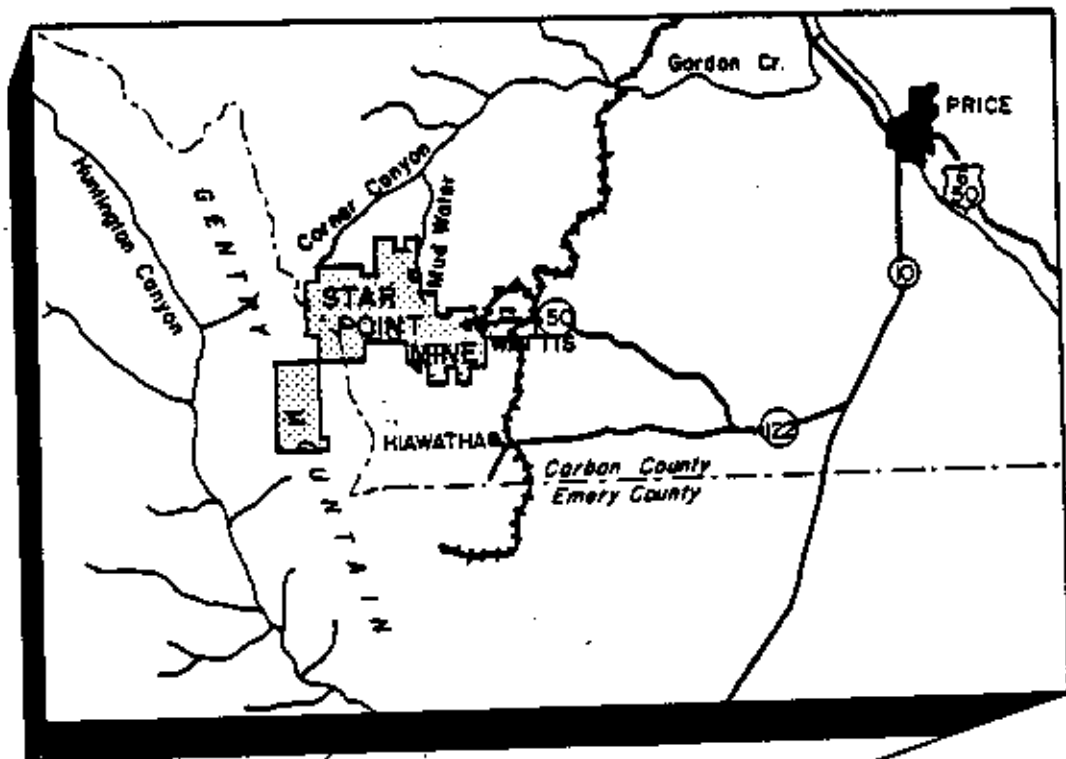
At least two location maps are needed for the mining plan decision document. These are the Mine Site Map (Figure 1), the General Location Map (Figure 2). Each map must be a stand-alone document. All maps must be labeled (Figure 1, Figure 2, etc.), legible, and clearly differentiate the required boundaries. The maps must have appropriate legends.

A Mine Site Map (Figure 1) should show:

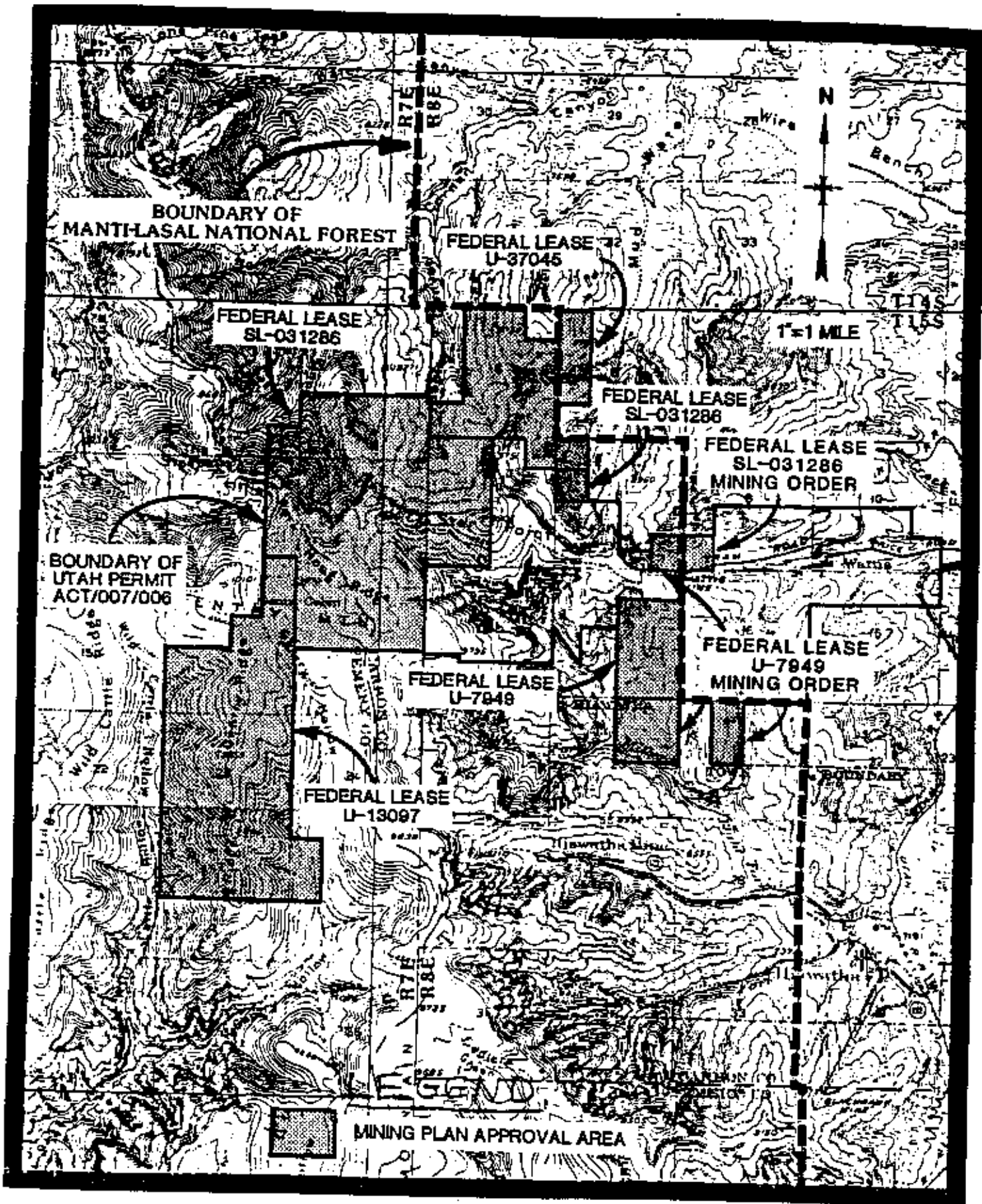
- Legend with the company name, mine name, permit number(s), county, and state.
- Boundaries of and lease numbers for all Federal leases.
- North arrow and scale.
- Location information such as section numbers, township, range, baseline/meridian.
- Boundary of the entire permit area for the mine, and boundaries of other permits with each identified by number.
- Boundary of the proposed mining plan approval area, and any other existing/proposed mining plan approval areas for this mine or in the immediate area.
- Month and year of mining plan approval.
- Other important features that are discussed in the Memorandum to the OSM Director.

A General Location Map (Figure 2) should show the mine location in relation to State and County boundaries. The legend for this map should include, as a minimum, the company name, mine name, Federal coal lease number, and permit number.

If a map is in a format larger than letter size paper, it should be folded and inserted in a labeled clear plastic map pocket.



LOCATION MAP
PLATEAU MINING COMPANY
CARBON & EMERY COS., UTAH



MINING PLAN APPROVAL AREA - STAR POINT MINE

Example of Chronology

(FROM EARLIEST TO LATEST)

(Mine Name) Mine
 Federal Coal Lease(s) (Lease Number(s))
(Regulatory Authority Name) Permit (Permit Number)
 Mining Plan Decision Document

DATE	EVENT
(Date)	(Company Name) submitted the permit application. (PAP under the approved (State Name) State Program to the (Regulatory Authority Name) for a (new) permit (revision) for the (Mine Name) Mine.
(Date)	(Regulatory Authority Name) determined that the PAP was administratively complete for public review and comment.
(Date)	The Office of Surface Mining (OSM) received the PAP.
(Date)	OSM published the Notice of Intent to prepare an Environmental Impact Statement (EIS) in the <u>Federal Register</u> .
(Date)	The date of each of the documents of consultation, concurrence, and compliance for agencies that have an interest in the mine or mining plan.
(Date)	OSM furnished comments on the PAP generated during the review of the PAP by Federal agencies to (Regulatory Authority Name)
(Date)	(Company Name) published in the (Newspaper Name) the fourth consecutive weekly notice that its complete PAP was on file with the (Regulatory Authority).
(Date)	OSM received the (Regulatory Authority Name) (mining/ plan decision package name) for (Company Name)'s Permit Number.

DATE	EVENT
(Date)	(Regulatory Authority Name) approved the PAP.
(Date)	OSM published its draft EIS.
(Date)	OSM held public hearings on the draft EIS.
(Date)	EPA published notice of availability of final EIS in the <u>Federal Register</u> .
(Date)	OSM's (Name) Regional Coordinating Center recommended to the Director, OSM, that the mining plan would be approved.

Appendix 7 Example of Environmental Assessment and FONSI

**U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT**

SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

For

(Mine Name), Federal Lease (Lease Number)

Mining Plan Decision Document

A. Description of the Proposed Action.

The proposed action is a decision by the Assistant Secretary to approve, approve with conditions, or disapprove a mine plan. The (Company Name) (Company Acronym) submitted a permit application package (PAP) for a permit revision for the (Mine Name) to the (Name of Regulatory Authority) (Regulatory Authority Acronym). The PAP proposes extending surface mining operations into (number) acres of Federal lease (Lease Number). The (Mine Name) (surface or underground) coal mine is located in (County), (State). The mine has been in operation since (Date). About (number) acres within the State's permit area have been affected by surface disturbance to date. The mining operations utilize (mining method) methods and are conducted at an average production rate of about (number) million tons per year. Mining is currently planned to continue for (number) years.

Pursuant to 30 CFR Part 746, the Office of Surface Mining Reclamation and Enforcement (OSM) is recommending that the Assistant Secretary approve the mining plan without special conditions.

B. Need for the Proposed Action.

Under the Mineral Leasing Act of 1920, the Secretary, acting through the Assistant Secretary, Land and Minerals Management must approve, approve with conditions, or disapprove the mining plan action for Federal lease (lease number).

C. Alternatives Considered.

The alternatives were:

Approve, Approve with conditions, or Disapprove. The No Action alternative was not considered a viable alternative because of the requirements of existing law.

D. Affected Environment.

This environmental assessment supplements the environmental assessment prepared by the Bureau of Land Management (BLM), (Name) District Office, for the leasing of Federal Lease (Lease Number) (BLM Environmental Assessment No. [number]). The affected environment is described in that document which is included herewith.

E. Environmental Impacts of the Proposed Action and Alternatives.

The BLM environmental assessment identifies and discusses the environmental impacts of leasing and mining the land and coal resources of Federal Lease (Lease Number). OSM also reviewed the updated SMCRA findings (included herewith) prepared by the (Regulatory Authority Acronym) dated (Year and Month) for the proposed revision of the (Name of Mine) mine plan. OSM has determined that the combined documentation describes the proposed environmental impacts of mining.

In addition, OSM consulted with other Federal agencies for compliance with the requirements of applicable Federal laws. Those agencies included the BLM, which prepared the environmental assessment, and the U.S. Fish and Wildlife Service which provided consultation and comments under Section 7 of the Endangered Species Act. Finally, the State (Name of State Historic Preservation Office) (Acronym) assessment and recommendations for protection of cultural resources was independently reviewed and concurred on by OSM.

F. Summary.

Baseline studies for natural resources within and surrounding the lease tracts were completed by BLM for Leasing, and by the (Regulatory Authority Acronym) for the PAP. Information from these studies was reviewed and used to complete this environmental assessment. There were no adverse impacts to air, soils, land use /vegetation, water, wildlife or cultural resources identified in the environmental assessment. All effects of (surface or underground) mining will be mitigated during the mining operation or upon reclamation of the land at the conclusion of mining.

Because mining of Federal coal reserves would not materially change the planned operations (Federal reserves account for less than (number) percent of the ([Mine Name])), there would be no major cumulative or indirect impacts under the alternative to Approve the mining plan.

G. Agencies Contacted to Assist in the Preparation of the Environmental Assessment.

1. BLM
2. (Regulatory Authority Acronym)
3. U.S. Fish and Wildlife Service
4. (State Historic Preservation Office Acronym)

Example of a FONSI

U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING

FINDING OF NO SIGNIFICANT IMPACT

for

(Mine Name) Mine

Federal Coal Lease(s) (Lease Number)

(RA Name) Permit (Permit Number)

Mining Plan Decision Document

A. Introduction (Explain Who wants to What, Why, When, Where, and How)

Example:

(Company Name) submitted a Permit Application Package (PAP) for a permit for the (Mine Name) Mine to the (Regulatory Authority Name) under the (State Name) State (or Federal) program (30 CFR cite). The PAP proposes area surface mining operations on about (number) acres. Of this acreage, about (number) acres will be on Federal Coal Lease(s) (Lease Number). The remaining (number) acres are on privately held surface and coal reserves and Federal coal reserves that the operator does not have the right to surface mine. These operations would occur about one-half mile west of (Town Name), in (County Name) County, (State Name). The proposed mining plan would create (number) acres of surface disturbance in the Federal mining plan area. Mining operations would start on approval of the Federal Mining Plan and continue for about (number) years.

Under the Mineral Leasing Act of 1920, as amended, the Assistant Secretary, Land and Minerals Management, must approve, approve with conditions, or disapprove the mining plan action for Federal Coal Lease(s) (Lease Number). Under 30 CFR Part 746, the Office of Surface Mining (OSM) is recommending approval of the mining plan action (with conditions). This recommended approval is valid for (Description of Mining Plan Approval Area).

B. Statement of Environmental Significance of the Proposed Action

I have determined that the 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). Therefore, an environmental impact statement is not required.

This finding of no significant impact is based on the following environmental documents prepared by (Regulatory Authority Name), the Bureau of Land Management (BLM), and OSM for the leasing of Federal Coal Lease(s) (Lease Number) and mining of (Regulatory Authority Name) Permit Number (number):

OSM (and other agency), (Month and Year), Environmental Assessment (EA) for the (Mine Name) Mine, Federal Coal Lease(s) (Lease Number).

(Other Environmental Assessments that reference activity associated with the project).

These document(s) identify and discuss the environmental impacts of the proposed action and provide sufficient evidence and analysis for this finding of no significant impact. OSM independently evaluated the EA(s) as of the date specified below and has determined that it adequately and accurately assess the environmental impacts of the proposed action and provides sufficient evidence and analysis for this finding of no significant impact. OSM takes full responsibility for the accuracy, scope, and content of the EA (prepared in cooperation with (Name agency)).

(As appropriate: give the reason(s) 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). (Summarize details, including mitigation measures, mentioned in the EA).

(Title)
(Name) Regional Coordinating Center

Date

Attachment

Appendix 8 Example of a Mining Plan Approval Document

Page 1 of (n)

Mining Plan Approval Document

UNITED STATES

DEPARTMENT OF THE INTERIOR

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

(Company Name)
(Company Address)

for the (Mine Name) Mine mining plan for Federal Coal Lease(s) (Lease Number) subject to the following conditions. (Company Name) is hereinafter referred to as the operator.

1. Statutes and Regulations - This mining plan approval is issued pursuant to Federal Coal Lease(s) (Lease Number); and 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 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 (Mine Name) Mine mining plan for Federal Coal Lease(s) (Lease Number), and authorizes coal development or mining operations on that part of the Federal lease within the area of the mining plan approval. This approval is based upon the documentation provided pursuant to 30 CFR 746.13 and constitutes the approval of a mining plan as required by the Mineral Leasing Act. This authorization is not valid beyond (Legal Description of Leased Federal Coal in Mining Plan Approval or Modification Approval Area) and is shown on the map appended hereto as Attachment A.
3. The operator shall conduct coal development and mining operations only as described in the complete permit application package approved by (Regulatory Authority Name), except as otherwise directed in the conditions of this mining plan (modification) approval.
4. The operator shall comply with the terms and conditions of the Federal coal lease(s), this mining plan (modification) approval, (the special conditions appended hereto as

Page 2 of (n)

Mining Plan Approval Document

Attachment B,) and the requirements of the (State Name) Permit (Permit Number) issued under the (State Name) 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 prehistoric or historic resources are discovered during the mining operations, the operator shall ensure that the resources are not disturbed and shall notify (Regulatory Authority Name) and the Office of Surface Mining (OSM). The operator shall take such actions as are required by (Regulatory Authority Name) in coordination with OSM.
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.).

Assistant Secretary, Land and Minerals Management

Date _____

**Mining Plan Approval Document
(Mine Name) Mine**

Legal Description of the Mining Plan Approval Area

ATTACHMENT A

Map

Mining Plan Approval Document
(Mine Name) Mine

Page of (n)

ATTACHMENT B

Special Conditions