

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

DECISION RECORD

Emergency Boreholes for Mine Atmosphere Evaluation and Monitoring
DOI-BLM-UT-G020-2022-0029-DNA

September 2022

Location:

Emery County, Lila Canyon Mine

Section 23, Township 16 South, Range 14 East

Applicant/Address:

Emery County Coal Resources, Inc.
P.O. Box 910, East Carbon UT, 84520

Price Field Office
125 South 600 West
Price, Utah 84501
435-636-3600

BLM



Emergency Boreholes for Mine Atmosphere Evaluation and Monitoring

DOI-BLM-UT-G020-2022-0029-DNA

DECISION

It is my decision to authorize Emery County Coal Resources (ECCR) to perform the proposed action, as described in the Determination of NEPA Adequacy (DOI-BLM-UT-G020-2022-0029-DNA) to drill up to 4 (four) boreholes on Federal Lease No. UTSL-066490, to provide emergency access for sampling the mine atmosphere in the Lila Canyon Mine.

This emergency action is necessary because a coal pillar caught fire inside of the Lila Canyon Mine and is producing hazardous gases. Evaluating the mine atmosphere will allow ECCR to come up with a plan to extinguish the fire by monitoring gas concentrations and possibly injecting nitrogen and or other compounds through the boreholes. These boreholes will allow ECCR make the mine safe to access and repair any damage caused by the fire and assure a return to safe operations.

Because of the immediate need and emergency nature of the drill holes, Utah Division of Oil Gas and Mining (UDOGM) will be agency lead for this action. As such UDOGM will ensure that permitting, bonding, and ultimate reclamation of the disturbance associated with this action is completed.

The Environmental Analysis DOI-BLM-UT-G023-2011-0052-EA analyzed the same type of exploratory drilling as this proposal and is located within 100-feet of the proposed location; it shares the same access routes, drilling parameters, and eventual reclamation processes and standards. In essence, the proposal is a duplicate.

ECCR will comply with the terms, conditions, and stipulations as contained in the DOI-BLM-UT-G023-2011-0052-EA as applicable and practicable situation will also apply to this action and will help to avoid or minimize environmental harm from the implementation of the proposed action.

COMPLIANCE AND MONITORING

BLM shall monitor actions performed to ensure compliance with the terms, conditions, and stipulations of the previous lease grant. The monitoring shall include inspecting, construction, operation, maintenance, and termination of facilities and protection and reclamation activities until UDOGM approves final reclamation of project area. Oversight of the operations will be completed by a supervising ECCR representative or third-party monitor. ECCR will monitor the project area for the presence of noxious weeds for the life of the project. Reclamation will be in accordance with the Lila Canyon Extension Mining and Reclamation Plan (MRP) where success is defined as having vegetation cover, productivity, and woody plant density at least 90% of the cover, productivity, and woody plant density as the reference area.

RATIONALE

My choice to implement the action is based on the following reasons:

- It meets the need to respond to the emergency situation as described in the DNA (DOI-BLM-UT-G020-2022-0029-DNA, and as required by UDOGM and the Mine Safety and Health Administration (MSHA).
- The effects of the action were adequately analyzed in the EA (DOI-BLM-UT-G023-2011-0052-EA) as identified in the DNA.
- Is in the conformance with the Price Field Office Record of Decision and Approved Resource Management Plan (RMP) as also described in this Decision Record and also in the DNA in the Land Use Conformance Section.

AUTHORITIES

The authority for this decision is contained in the Federal Land Policy and Management Act of 1976 (FLPMA), Title 43 of the Code of Federal Regulations (CFR) Part 29 IO and 3480, and the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185) (MLA). The granting of the right-of-way (ROW) by the BLM is pursuant to the requirements of Title 5 of the FLPMA, and regulations found within Title 43 of the Code of Federal Regulations (CFR), part 2800.

PLAN CONFORMANCE AND CONSISTENCY

Land Use Plan Name: Price Field Office Record of Decision and Approved Resource Management Plan (RMP)

Date Approved/Amended: October 2008

The proposed action is in conformance with the applicable Land Use Plan (LUP) because it is specifically provided for in the following LUP decision(s):

“To maintain coal leasing, exploration, and development within the planning area while minimizing impact to other resource values” (BLM, 2008b, p. 123) and with all relevant management prescriptions assigned to the land use plan.

“Additional ROWs will be granted consistent with RMP goals and objectives.” (p.120.)

“Make public lands available through ROWs or leases for such purposes as transportation routes, utilities, transmission lines, and communication sites, or coordinate with other resource goals.”

“Make public lands available to meet the needs for small ROWs.” (p.115).

The area is zoned M&C-1, mining and grazing, by the Emery County Zoning and Planning Office, and is consistent with the Emery County General Plan of 1996 (Emery County, 1996).

PUBLIC INVOLVEMENT

Since the proposal is the same as described in the EA and this is an emergency situation, the public involvement and interagency review that occurred for the existing EA DOI-BLM-UT-G023-2011-0052-EA are adequate for the proposed action.

CONSULTATION

Since the proposal as described in the EA is the same and this is an emergency action, the consultation described in Chapter 5 of DOI-BLM-UT-G023-2011-0052-EA is adequate for this action.

PROTEST AND APPEAL

Right to Appeal

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations at 43 CFR Part 4. Detailed instructions for filing an appeal are contained on the attached Form 1842-1 (Attachment 1).

DR Table Authorized Officer Signature and Dates

Authorized Officer	Date

ATTACHMENTS

ATTACHMENT 1. FORM 1842-1

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
- AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

I. NOTICE OF APPEAL	A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that they wish to appeal. A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.41 I and 4.413).
2. WHERE TO FILE NOTICE OF APPEAL.....	Office of the Authorized Officer at 125 South 600 West, Price, Utah 84501
WITH COPY TO SOLICITOR.....	Office of the Regional Solicitor, Intermountain Region, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, Utah 84138-1180
3. STATEMENT OF REASONS	Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413).
WITH COPY TO SOLICITOR.....	Office of the Regional Solicitor, Intermountain Region, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, Utah 84138-1180
4. SERVICE OF DOCUMENTS	A party that files any document under 43 CFR Subpart 4, must serve a copy of it concurrently on the appropriate official of the Office of the Solicitor under 43 CFR 4.413(c) and 4.413(d). For a notice of appeal and statement of reasons, a copy must be served on each person named in the decision under appeal and for all other documents, a copy must be served on each party to the appeal (including intervenors). Service on a person or party known to be represented by counsel or other designated representative must be made on the representative. Service must be made at the last address of record of the person or party (if unrepresented) or the representative, unless the person, party or representative has notified the serving party of a subsequent change of address.
5. METHOD OF SERVICE	If the document being served is a notice of appeal, service may be made by (a) Personal delivery; (b) Registered or certified mail, return receipt requested; (c) Delivery service, delivery receipt requested, if the last address of record is not a post office box; or (d) Electronic means such as electronic mail or facsimile, if the person to be served has previously consented to that means in writing. All other documents may be served by (a) Personal delivery; (b) Mail; (c) Delivery service, if the last address of record is not a post office box; or (d) Electronic means, such as electronic mail or facsimile, if the person to be served has previously consented to that means in writing.
6. REQUEST FOR STAY	Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a Notice of Appeal (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your Notice of Appeal (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the Notice of Appeal and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821-GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Grand Junction, CO and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota, and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ----- New Mexico, Kansas, Oklahoma, and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Headquarters Office, Bureau of Land Management, 760 Horizon Drive, Grand Junction, CO 81506.

(Form 1842-1, September 2020)