

WRITTEN FINDINGS FOR PERMIT RENEWAL

Company: Navajo Transitional Energy Company, LLC Current Permit Number: C1979012

Date Application Received: August 15, 2023

Renewal Due Date: April 11, 2024

Per ARM 17.24.416:

- (1)(a) Was proper form submitted that contains the name, address of permittee, term of renewal requested, and permit number? Yes No
- (1)(b)
 - Was a copy of the newspaper notice provided? Yes No
 - Was proof of publication provided? Yes No
- (1)(c) Was evidence of adequate insurance provided? Yes No
- (1)(d)
 - Updated ownership and control information provided? Yes No
 - Were violation histories provided? Yes No
- (2)
 - Were public comments received? Yes No
 - If comments were in opposition to renewal, did comments provide sufficient evidence to deny based on ARM 17.24.416(4)(a)-(i)? Yes No
 - Was an informal conference requested? Yes No
 - If yes, provide narrative demonstrating compliance with ARM 17.24.403:
[Click here to enter text.](#)
- (2)(a) Are there areas excepted from the standards of 82-4-227(3)(b) Yes No
 - If yes, provide explanation:
[Click here to enter text.](#)
- (2)(b) Is adequate bond provided? Yes No
- (3) What is the permit term of the new permit? 5 Years

Per ARM 17.24.416(4), is permit renewal being denied? Yes No

If yes, provide department findings for one or more of the following:

- (a) The terms and conditions of the existing permit are not being satisfactorily met;
- (b) The present strip or underground mining operations are not in compliance with the environmental protection standards of the Act or subchapters 5 through 9;
- (c) The requested renewal substantially jeopardizes the operator's continuing responsibility to comply with the Act, the rules adopted pursuant thereto, and the reclamation plan on existing permit areas;
- (d) The operator has not provided evidence that i) any performance bond required to be in effect for the operations will continue in full force and effect for the proposed period of renewal, as well as any additional bond the department might require; and ii) adequate liability insurance will be provided;
- (e) Any additional revised or updated information required by the department has not been provided by the applicant;
- (f) The applicant has not agreed to comply with all applicable laws and rules in effect at the time of renewal;
- (g) The renewal is prohibited by the denial provisions of 82-4-227, 82-4-234, and 82-4-251;
or
- (h) The operation has been in a state of temporary cessation for six or more years.

- (i) The department determines, following an eligibility review and determination as described in ARM 17.24.1265. that the owner of operator is not eligible for a permit.

If permit renewal is denied, all documentation must be provided showing reason(s) for denial.

Decision documents will be sent to:

- 1) the applicant
- 2) objectors
- 3) commentors

Was USFWS concurrence received? Yes No

ARM 17.24.413(1)(b) Are there new permit conditions attached to the renewal? Yes No

If yes, list permit conditions(s):

Within 90 days of USFWS issuance of final guidance regarding Northern Long-eared bats, the permittee in consultation with DEQ, shall evaluate the need to revise the following wildlife plans to align with federal endangered species requirements: Fish and Wildlife Plan (17.24.312), Protection & Enhancement of Fish, Wildlife, & Related Environmental Values (17.24.751), Monitoring Plan (17.24.723). If updates to wildlife plans are deemed necessary, the permittee must submit those updates in a Minor Revision within 180 days of USFWS issuance of final guidance.

Reason

The United States Fish and Wildlife Service noted in communication with interested parties (which includes DEQ) on March 11, 2024 that guidance for the Northern Long-eared Bat would be released at a later date and permittees should determine if they need to assess whether modifications to their wildlife plan is required once the final guidance has been issued.

A check of OSM's Applicant Violator System (AVS) was completed on 3/20/2024; no problems were identified that would preclude issuance of the permit.



Reviewer's Signature