DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement

Final Four Corners Power Plant and Navajo Mine Energy Project; Record of Decision.

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE) are announcing that the Record of Decision (ROD) for the Four Corners Power Plant (FCPP) and Navajo Mine Energy Project is available for public review. The Deputy Secretary for the Department of the Interior, Director of OSMRE, Director of the Bureau of Indian Affairs (BIA) and the Director of the Bureau of Land Management (BLM) signed the ROD on July 15, 2015, which constitutes the final decision of the Department.


www.wrcc.osmre.gov/Current_Initiatives/FCAVPRJ/FCPPEIS.shtm. Copies of the ROD are available to the public at the OSMRE’s Western Region office, located at 1999 Broadway, Suite 3320, Denver, Colorado 80202–5733. Paper and CD copies of the ROD are also available at the following locations:

Navajo Nation Library—Highway 264 Loop Road, Window Rock, AZ 86515
Navajo Nation Division of Natural Resources—Executive Office Building 1–2636, Window Rock Blvd., Window Rock, AZ 86515
Hopi Public Mobile Library—1 Main Street, Kykotsmovi, AZ 86039
Albuquerque Main Library—501 Copper Ave., NW., Albuquerque, NM 87102
Cortez Public Library—202 N. Park Street, Cortez, CO 81321
Durango Public Library—1900 E. Third Ave., Durango, CO 81301
Farmington Public Library—2101 Farmington Ave., Farmington, NM 87401
Octavia Fellini Public Library—115 W. Hill Ave., Gallup, NM 87301
Shiprock Branch Library—U.S. Highway 491, Shiprock, NM 87420
Tuba City Public Library—78 Main Street, Tuba City, AZ 86450
Chinle Chapter House—Highway 191, Chinle, AZ 86530
Coalmine Canyon Chapter House—Highway 160 and Main Street, Tuba City, AZ 86045
Nenahnezad Chapter House—County Road 6675, Navajo Route 365, Fruitland, NM 87416
Shiprock Chapter House—East on Highway 64, Shiprock, NM 87420
Tis Tsoh Sikaad Chapter House—12 miles east of U.S. 491 on Navajo Route 5 and 1/2 mile south on Navajo Route 5080
Upper Fruitland Chapter House—N562 Building #006–001, North of Highway N36, Fruitland, NM 87416
BLM Rio Puerco Field Office—435 Montano Road, NE., Albuquerque, NM 87107
BIA Navajo Region—301 West Hill Street, Gallup, NM 87301
BIA Chinle Office—Navajo Route 7, Building 136–C, Chinle, AZ 86530
BIA Eastern Navajo Office—Highland Road Code Talker Street, Building 222, Crownpoint, NM 87313
BIA Fort Defiance Office—Bonita Drive, Building 251–3, Fort Defiance, AZ 86504
BIA Ramah Office—HC–61, Box 14, Ramah, NM 87321
BIA Shiprock Office—Nataani Nez Complex Building, Second Floor, Highway 491 South, Shiprock, NM 87420
BIA Southern Pueblos Office—1001 Indian School Road, NW., Albuquerque, NM 87104
BIA Southern Ute Office—383 Ute Road, Building 1, Ignacio, CO 81137
BIA Ute Mountain Ute Office—Phillip Coyote Sr. Memorial Hall, 440 Sunset Blvd., Towaoc, CO 81334
BIA Western Navajo Agency—East Highway 160 and Warrior Drive, Tuba City, AZ 86045

In addition, a limited number of CD copies of the FEIS have been prepared and are available upon request. Because of the time and expense in producing and mailing CD and paper copies, OSMRE requests that the public review the Internet or publicly available copies, if possible. You may obtain a CD by contacting the person identified in FOR FURTHER INFORMATION CONTACT.

FOR FURTHER INFORMATION CONTACT: For further information contact Camilla Mychel, Project Coordinator, telephone: 303–293–5049; address: 1999 Broadway, Suite 3320, Denver, Colorado 80202–5733; email: mychel@osmre.gov.

SUPPLEMENTARY INFORMATION:
I. Background on the Project
II. Background on the Four Corners Power Plant
III. Background on the Pinabete Mine Permit and the Navajo Mine Permit Renewal
IV. Alternatives
V. Response to Public Comment

The purpose of the Proposed Action is to allow continued operations of the FCPP and Navajo Mine and operation of the associated transmission lines. The Proposed Action would be consistent with federal Indian trust policies, including, but not limited to, a preference for tribal self-determination and promoting tribal economic development for all tribes affected by the Proposed Action. The Final Environmental Impact Statement (FEIS) evaluates the direct, indirect, and cumulative impacts of the Proposed Action at the FCPP, the proposed Pinabete Permit area, the existing Navajo Mine Permit area, and the rights-of-way renewals for segments of four transmission lines that transmit power from the FCPP. The public may view information about the Proposed Action on OSMRE’s Web site at: http://www.wrcc.osmre.gov/Current_Initiatives/FCAVPRJ/FCPPEIS.shtm.

Cooperating agencies for this National Environmental Policy Act (NEPA) process include: The Bureau of Indian Affairs (BIA), the Bureau of Land Management (BLM), the U.S. Environmental Protection Agency (USEPA), the U.S. Fish and Wildlife Service (USFWS), the National Park Service (NPS), the U.S. Army Corps of Engineers (USACE), the Navajo Nation, and the Hopi Tribe.

OSMRE complied with Section 106 of the National Historic Preservation Act (54 U.S.C. 300101 et seq.) (NHPA Section 106) as provided for in 36 CFR 800.2[d][3] concurrent with the NEPA process, including public involvement requirements and consultation with the State Historic Preservation Office and
Tribal Historic Preservation Officer. Consultation with Tribes and individual Native Americans were conducted in accordance with applicable laws, regulations, and Department of the Interior (DOI) trust policy as summarized in the FEIS. Consultation is complete and Programmatic Agreements have been signed by the consulting parties. These agreements are included as attachments to the FEIS.

OSMRE also conducted formal consultation with the USFWS pursuant to Section 7 of the Endangered Species Act (ESA; 16 U.S.C. 1536) and associated implementing regulations (50 CFR part 400). This formal consultation considered direct, indirect, and cumulative effects from the Proposed Action, and USFWS prepared a Biological Opinion which is included as an attachment to the FEIS.


II. Background on Lease Amendment No. 3 at the Four Corners Power Plant

The FCPP is a coal-fired electric generating station located on Navajo tribal trust lands. FCPP currently includes two energy generation units producing approximately 1,500 megawatts, and provides power to more than 500,000 customers throughout the southwestern U.S. Nearly 80 percent of the employees at the plant are Native American. Arizona Public Service (APS) operates the FCPP and executed a lease amendment (Lease Amendment No. 3) with the Navajo Nation to extend the term of the FCPP lease for an additional 25 years, to 2041. Continued operation of the FCPP would require several federal actions, including:

- BIA issuance of renewed rights-of-way, pursuant to 25 U.S.C. 323, for the continued operation of the FCPP, switchyard, and ancillary facilities; for a 500 kilovolt (kV) transmission line and two 345 kV transmission lines; and for ancillary transmission line facilities, including the Moenkopi Switchyard, an associated 12 kV line, and an access road (collectively the “existing facilities”). These existing facilities are located on Navajo tribal trust lands, except for the 500 kV transmission line, which crosses both Navajo and Hopi tribal trust lands. The Proposed Action would continue operation and maintenance of these facilities. No upgrades to the existing facilities are part of the Proposed Action.
- BIA issuance of renewed rights-of-way to the Public Service of New Mexico (PNM) for the existing 345 kV transmission line. The transmission line will continue to be maintained and operated as part of the Proposed Action. No upgrades to this transmission line are planned as part of the Proposed Action.

In August 2012, the USEPA published its Federal Implementation Plan (FIP) for the Best Available Retrofit Technology (BART) at FCPP (40 CFR 49.5512). As a result, APS decommissioned Units 1, 2, and 3 at the FCPP in December 2013, and will install selective catalytic reduction equipment on Units 4 and 5 by 2018.

III. Background on Pinabete Mine Permit and the Navajo Mine Permit Renewal

NTEC proposes to conduct surface coal mining operations within a new 5,659-acre permit area, called the Pinabete Permit area. This proposed permit area lies within the boundaries of the existing Navajo Mine lease, which is located adjacent to the FCPP on Navajo tribal trust lands. Surface mining operations would occur on an approximately 2,744-acre portion of the proposed Pinabete Permit area, with a total disturbance footprint, including staging areas, of approximately 4,100 acres. The proposed Pinabete Permit area would, in conjunction with the mining of any reserves remaining within the existing Navajo Mine Permit area (Federal SMCRA Permit NM00003F), supply low-sulfur coal to the FCPP at a rate of approximately 5.8 million tons per year. Development of the Pinabete Permit area and associated coal reserves would use surface mining methods, and based on current projected customer needs, would supply coal to FCPP for up to 25 years beginning in 2016. The proposed Pinabete Permit area would include previously permitted but undeveloped coal reserves within Area IV North of the Navajo Mine Lease, and unpermitted and undeveloped coal reserves in a portion of Area IV South of the existing Navajo Mine Lease. Approval of the proposed Pinabete Permit would require several federal actions, including:

- OSMRE approval of the new SMCRA permit.
- BLM approval of a revised Mine Plan developed for the proposed maximum economic recovery of coal reserves.
- USACE approval of a Section 404 Individual Permit for impacts to waters of the United States from proposed mining activities.
- USEPA approval of a new source Section 402 National Pollutant Discharge Elimination System (NPDES) Industrial Permit associated with the mining and reclamation operations and coal preparation facilities.
- BIA approval of a proposed realignment for approximately 2.8 miles of BIA 3005/Navajo Road N–5082 (Burnham Road) in Area IV South to avoid proposed mining areas. This realignment would not be needed until 2022; however, the potential impacts of this realignment are analyzed in the FEIS.
- BIA approval or grant of permits or rights-of-way for access and haul roads, power supply for operations, and related facilities.

In addition, in 2014, OSMRE administratively delayed its decision on NTEC’s renewal application for its existing Navajo Mine SMCRA Permit No. NM00003F. The EIS, therefore, also addresses alternatives and direct, indirect, and cumulative impacts of the 2014 renewal application action.

IV. Alternatives

Alternatives considered in the EIS include three different mine plan configurations at Navajo Mine; implementing highwall or longwall mining techniques at the Navajo Mine; two different ash disposal facility configurations at FCPP; conversion of FCPP to a renewable energy plant; implementing carbon capture and storage at FCPP; and use of an off-site coal supply option for FCPP.

V. Revisions to the Draft EIS

In accordance with the CEQ’s regulations for implementing NEPA and the DOI’s NEPA regulations, OSMRE solicited public comments on the Draft EIS. OSMRE responses to comments are included in Appendix F of the FEIS. Comments on the Draft EIS received from the public were considered and incorporated as appropriate into the
INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1070A (Second Review)]

Crepe Paper From China; Scheduling of an Expedited Five-Year Review


ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to the Tariff Act of 1930 ("the Act") to determine whether revocation of the antidumping duty order on crepe paper from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: Effective Date: July 6, 2015.


SUPPLEMENTARY INFORMATION:

Background.—On July 6, 2015, the Commission determined that the domestic interested party group response to its notice of institution (80 FR 17499, April 1, 2015) of the subject five-year review was adequate and that the respondent interested group party response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review. 1 2 Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)). For further information concerning the conduct of this review and rules of general application, consult the Commission’s Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on August 3, 2015, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission’s rules.

Written submissions.—As provided in section 207.62(d) of the Commission’s rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution, and any party other than an interested party to the review may file written comments with the Commission's statement on adequacy, and any individual Commissioner’s statements will be available from the Office of the Secretary and at the Commission’s Web site.

Chairman Meredith M. Broadbent and Commissioner F. Scott Kieff voted to conduct a full review.

1 A record of the Commissioners’ votes, the Commission’s statement on adequacy, and any individual Commissioner’s statements will be available from the Office of the Secretary and at the Commission’s Web site.

2 Chairman Meredith M. Broadbent and Commissioner F. Scott Kieff voted to conduct a full review.

Issued: July 15, 2015.

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INTERNATIONAL TRADE COMMISSION


Polyethylene Retail Carrier Bags From China, Indonesia, Malaysia, Taiwan, Thailand, and Vietnam; Notice of Commission Determination To Conduct Full Five-Year Reviews


ACTION: Notice.