

U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
STATEMENT OF NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) ADOPTION
AND COMPLIANCE
FOR
Antelope Coal Mine, West Antelope II Amendment
Federal Coal Leases WYW163340 and WYW177903
Mining Plan Decision Document

A. Introduction

On November 22, 2011, Antelope Coal, LLC submitted a permit application package (PAP) to the Wyoming Department of Environmental Quality, Land Quality Division (WDEQ) for a revision to the Antelope Coal Mine permit. WDEQ approved the permit revision on April 29, 2013. The PAP proposes extending surface mining operations into 4,746 acres of Federal leases WYW163340 and WYW177903. Under the Mineral Leasing Act of 1920, under delegation of authority, the Assistant Secretary, Land and Minerals Management, must approve, approve with conditions, or disapprove the proposed mining plan modification for Federal leases WYW163340 and WYW177903. Pursuant to 30 CFR Part 746, the Office of Surface Mining Reclamation and Enforcement (OSM) is recommending approval of the mining plan action without special conditions.

B. Statement of NEPA Adoption and Compliance for the Proposed Action

The *Final Environmental Impact Statement for the West Antelope II Coal Lease Application WYW163340 December 2008* (EIS) was prepared by the Bureau of Land Management (BLM), with U.S. Forest Service and OSM as cooperating agencies. The U.S. Fish and Wildlife Service responded to informal consultation during the development of the EIS but was not listed as a cooperating agency. The EIS describes the direct, indirect, and cumulative impacts (including impacts of green house gasses and global climate change) that may result from issuing and mining Federal coal leases WYW163340 and WYW177903, and alternatives. OSM has determined that the EIS adequately describes the potential direct, indirect, and cumulative impacts that may result from approval of this mining plan modification and its alternatives.

This Statement of NEPA Adoption and Compliance is based on the EIS which was prepared by the BLM. OSM was a cooperating agency in the development of the EIS. In accordance with 40 CFR 1506.3 (a) and (c), OSM has independently reviewed the EIS and finds that OSM's comments and suggestions have been satisfied, and the EIS meets Council on Environmental Quality (CEQ) standards and complies with 43 CFR Subpart E and other program requirements. The adequacy of the EIS is currently the subject of a judicial challenge (*Wildearth Guardians v. Jewell*, Nos. 12-5300, 12-5312 (D.C. Cir.)).

In addition, BLM's review and approval of the Resource Recovery and Protection Plan, the PAP, and WDEQ's State Decision Document have been independently reviewed by OSM. These documents reviewed in conjunction with the referenced EIS confirm that

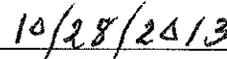
the EIS adequately and accurately assesses the environmental impacts of the proposed mining plan action. The opportunity for public input was provided during and with completion of the EIS, with submission of the PAP, and during issuance of the State permit.

The undersigned has also determined that OSM's public involvement requirements for EISs have been met. The EIS was subject to public review and comment prior to publication of the final EIS. All comments received during the comment period were addressed in either the Final EIS or the Record of Decision. No objections to the PAP were received. In addition, the referenced EIS and this Statement of NEPA Adoption and Compliance will be made publicly available on the OSM Western Region's website. The posting of information on the OSM Western Region's website can occur more timely than publication in the Federal Register and can be found more quickly by the interested public.

After an independent review of the *Final Environmental Impact Statement for the West Antelope II Coal Lease Application WYWI63340 December 2008*, I have determined that the referenced EIS adequately addresses the impact of the proposed mining plan modification, and hereby adopt the entire EIS.



Elaine Ramsey, Manager
Field Operations Branch



Date

Attachment: