

U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
STATEMENT OF NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) ADOPTION
AND COMPLIANCE

FOR

Thunder Basin Coal Company, LLC, Black Thunder Mine,
South Hilight Amendment, Federal Lease WYW-174596
Mining Plan Decision Document

A. Introduction

Thunder Basin Coal Company, LLC submitted a permit application package (PAP) for a permit revision for the Black Thunder Mine to the Wyoming Department of Environmental Quality, Land Quality Division (WDEQ). WDEQ approved the permit revision on October 4, 2012. The PAP proposed extending surface mine mining operations into 967 acres of Federal Lease WYW-174596. In accordance with 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 Lease WYW-174596. Pursuant to 30 CFR Part 746, the Office of Surface Mining Reclamation and Enforcement (OSM) recommends approval of the mining plan action without special conditions.

B. Statement of Environmental Significance of the Proposed Action

The *Final Environmental Impact Statement (EIS) for the Wright Area Coal Lease Applications, July 2010* (EIS) was prepared by the Bureau of Land Management (BLM), with U.S. Forest Service, and OSM as cooperating agencies. 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 lease WYW-174596, 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 above EIS in which OSM, as a cooperating agency, participated in its development. 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, 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. U.S. Forest Service*, 12-cv-00085-ABJ (D. Wyo.). In addition, BLM's review and approval of the Resource Recovery and Protection Plan, the PAP, and WDEQ's written findings for the PAP have been independently reviewed by OSM. These documents reviewed in conjunction with the attached EIS adequately and accurately assess 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 mining permit.

The undersigned has determined that OSM's public involvement requirements for an EIS have been met. The EIS was subject to public review and comment prior to publication of the final EIS. Comments on the EIS were reviewed and analyzed by the BLM and the EIS was revised as appropriate. Comments outside the scope of the EIS were addressed in the BLM Record of Decision. No comments on the PAP were received after the date of last publication. 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.

After an independent review of the *Final Environmental Impact Statement (EIS) for the Wright Area Coal Lease Applications, July 2010*, I have determined that the referenced EIS adequately addresses the impacts of the proposed mining plan modification, and hereby adopt the entire EIS.


Elaine Ramsey, Manager
Field Operations Branch


Date

Attachment: