

U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
FINDING OF NO SIGNIFICANT IMPACT AND ADOPTION
OF THE ENVIRONMENTAL ASSESSMENT
FOR

Blue Mountain Energy, Inc.
Deserado Mine
Federal Coal Lease COC74813
Mining Plan Decision Document

A. Introduction

Blue Mountain Energy, Inc. submitted a permit application package (PAP) for a permit revision for the Deserado Mine to the Colorado Division of Reclamation, Mining and Safety (CDRMS). The PAP proposed extending underground mining operations into 3,155 acres of Federal Lease COC74813. Under the Mineral Leasing Act of 1920, the Assistant Secretary, Land and Minerals Management, must approve, approve with conditions, or disapprove the proposed mining plan modification for Federal Lease COC74813. 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 Environmental Significance of the Proposed Action

The undersigned person has determined that the above-named proposed action would not have a significant impact on the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C), and therefore, an Environmental Impact Statement is not required.

This finding of no significant impact (FONSI) is based on the attached *United States Department of the Interior, Bureau of Land Management, Environmental Assessment for the Blue Mountain Energy Coal Lease Application COC74813, DOI-BLM-CO-110-2012-0023-EA*, the associated FONSI, and the Decision Record (DR) which was prepared by the White River Field Office of the Colorado Bureau of Land Management (BLM). OSM was a cooperating agency in the development of the Environmental Assessment (EA). In accordance with 43 CFR 46.320, OSM has independently reviewed the EA and finds that the EA complies with 43 CFR Part 46, Subpart D, the relevant provisions of the Council on Environmental Quality regulations and other program requirements. Based on this review OSM has adopted the EA prepared by the BLM and referenced above. This finding is also based on consideration of the CEQ criteria for significance (40 CFR 1508.27), both with regard to the context and to the intensity of the impacts described in the EA.

In addition, BLM's review and approval of the Resource Recovery and Protection Plan, the PAP, and CDRMS's Written Findings for the PAP have been independently reviewed by OSM. These documents reviewed in conjunction with the attached EA 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 EA, with submission of the PAP, and during issuance of the State mining permit.

The undersigned has determined that OSM's public involvement requirements for EAs have been met. The EA was subject to public review and comment prior to publication of the final EA. Fifty-four comments on the EA were received. Those comments were reviewed and analyzed by the BLM and the EA was revised as appropriate. Comments outside the scope of the EA or that required a response not included in the EA were addressed in the BLM FONSI and DR. Comments on the PAP were received from one source. All comment topics were addressed in either the PAP or the State's Written Findings. All commenters were notified of the completed decision and provided a copy of the Written Findings, including the Cumulative Hydrologic Impact Assessment. In addition, the referenced EA and this FONSI will be made publicly available on the OSM Western Region's website. The posting of this information on 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.



Elaine Ramsey, Manager
Field Operations Branch
Program Support Division
Western Region

10/21/2013
Date

Attachment