

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

FOR

Peabody Powder River Mining, LLC North Antelope Rochelle Mine
Federal Coal Leases WYW173408 and WYW176095
Mining Plan Decision Document

A. Introduction

Peabody Powder River Mining, LLC submitted a permit application package (PAP) for a permit revision for the North Antelope Rochelle Mine to the Wyoming Department of Environmental Quality (WDEQ). WDEQ approved the permit revision on December 3, 2013. The PAP proposed extending surface mine mining operations into 9,607 acres of Federal Leases WYW173408 and WYW176095. 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 Leases WYW173408 and WYW176095. Pursuant to 30 CFR Part 746, the Office of Surface Mining Reclamation and Enforcement (OSMRE) is recommending approval of the mining plan action without special conditions.

B. Statement of Environmental Significance of the Proposed Action

The *Final Environmental Impact Statement 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 OSMRE as cooperating agencies. The EIS describes the direct, indirect, and cumulative impacts (including impacts of greenhouse gasses and global climate change) that may result from issuing and mining Federal coal leases WYW173408 and WYW176095, and alternatives. OSMRE 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 OSMRE, as a cooperating agency, participated in its development. In accordance with 40 CFR 1506.3 (a) and (c), OSMRE has independently reviewed the EIS and finds that OSMRE'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 OSMRE. 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.

There are eleven identified archaeological sites that require mitigation. OSMRE reviewed the Class I/Class III archaeological survey and determined that the combination of Condition No. 4 of the State Decision Document (December 3, 2012), the approved permit, State Decision Document Finding No. 10 and the Federal mining plan recommendation pertaining to unanticipated discovery(s) of cultural resources, provide assurance that all cultural resource properties are appropriately considered and protected in accordance with the National Historic Preservation Act (NHPA), as amended, specifically, Section 106 (16 U.S.C. 470f).

The undersigned has determined that OSMRE'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 OSMRE Western Region's website.

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


Elaine Ramsey, Manager
Field Operations Branch


Date

Attachment