

U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
FINDING OF NO SIGNIFICANT IMPACT
Jim Bridger Coal Mine Complex
Federal Coal Lease WYW-02727
Mining Plan Modification

A. Introduction

The Bridger Mine Complex is operated by the Bridger Coal Company (BCC) and is located approximately 31 miles northeast of Rock Springs, Wyoming. The Wyoming Department of Environmental Quality (WDEQ)-Land Quality Division (LQD) issued Permit No. 388-T7, in accordance with the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and the Wyoming State Coal Regulatory Program (30 CFR Part 950). If approved, this mining plan modification (the Project) would allow mining within Sections 12 and 24 T20N, R100W, which are included in federal coal lease WYW-02727 from the date of approval through the life-of-the mine for the tract. The approved permit boundary includes the entire amendment area. Federal coal leases WYW-02728 and WYW-02727 were originally issued to BCC by the BLM in October 1969. The BLM modified lease WYW-02727 to add 560 acres in July 2010, following completion of the 2010 Bridger Lease Modification EA. The accompanying Environmental Assessment (EA) discloses the potential environmental effects of this Project beginning in August 2017, through the life-of-mine for those areas.

The latest WDEQ-LQD permit renewal for the Bridger Mine Complex Permit No. 388-T7 was issued effective November 28, 2014, and included mining in the amendment area associated with federal coal lease WYW-02727.

B. Statement of Environmental Significance of the Proposed Action

Pursuant to 30 CFR Part 746, the Office of Surface Mining Reclamation and Enforcement (OSMRE) is recommending selection and approval of the Proposed Action (see **section C**). The undersigned person has determined that approval of a federal mining plan modification authorizing continuation of mining operations and additional surface disturbance of approximately 104 acres in sections 12 and 24 to recover the federal coal would not have a significant impact on the quality of the human environment under section 102(2)(C) of NEPA, 42 USC 4332(2)(C); therefore, an Environmental Impact Statement is not required.

C. Reasons

OSMRE prepared the *Jim Bridger Coal Mine Complex Federal Lease WYW-02727, Mining Plan Modification Environmental Assessment* (hereafter, the EA) to satisfy OSMRE's requirements under the National Environmental Policy Act (NEPA). OSMRE prepared this EA to evaluate the environmental effects resulting from approving federal mining plan modification request related to adding portions of federal coal lease WYW02727, pursuant to the requirements of NEPA; the Council on Environmental Quality (CEQ), Department of Interior (DOI), and OSMRE regulations; and guidance regarding implementing NEPA. As part of the evaluation process, OSMRE will make a recommendation to the Assistant Secretary of Lands and Minerals (ASLM) on a new decision to approve, disapprove, or approve the mining plan with conditions.

Finding of No Significant Impacts

OSMRE is the lead federal agency responsible for development of the EA because it has the decision-making authority regarding a recommendation for the proposed federal mining plan modification under the Mineral Leasing Act of 1920 (MLA). As such, this EA followed the CEQ's, DOI's, and OSMRE's regulations and guidance for implementing NEPA. The EA analyzed the potential impacts associated with the Proposed Action and No Action Alternative. The Proposed Action would authorize recovery of approximately 4.5 million tons (Mt) at a maximum rate of 700,000 tons per year and with a surface disturbance of 104 acres. The Proposed Action includes design features to reduce or eliminate potential adverse impacts to the environment.

The EA also analyzed the impacts of the No Action Alternative. The No Action Alternative would not result in a new mining plan decision document from OSMRE, or a new decision by the ASLM.

The attached EA considers the Proposed Action and a reasonable range of alternatives to the Proposed Action, discloses the potential environmental effects of the Proposed Action and reasonable alternatives, and provides sufficient evidence and support for this FONSI. The EA was prepared by a third-party consulting firm at the direction of OSMRE. During the development of the EA, OSMRE independently reviewed the document to ensure compliance with 43 CFR Part 46, Subpart D and all relevant provisions of CEQ regulations, and other program requirements. This independent review included OSMRE's evaluation of all environmental issues disclosed in the EA and also those identified in comments received from the public. OSMRE takes full responsibility for the accuracy, scope, and the content of this document.

The undersigned has determined that, per the CEQ's, DOI's, and OSMRE's regulations and guidance, the public involvement requirements have been met. OSMRE conducted public outreach and received comment regarding the preparation of the EA during a 30-day period, ending July 1, 2016. The EA and unsigned FONSI were made available to the public for review during a 30-day comment period that ended September 5, 2017, prior to OSMRE making a final decision. All substantive public comments received to date have been fully considered in the EA and in reaching this FONSI.

This finding is based on the context and intensity of the proposed federal mining plan modification that would be conducted under the Proposed Action, as described in the following paragraphs.

Context: BCC proposes to meet demand for coal and continue mine operations through approximately 2037 by

1. securing federal mining plan modification approval authorizing mining of leased federal coal within federal coal lease WYW-02727, and
2. continuing to mine, process, and transport coal from the Jim Bridger Mine.

Approval of the Proposed Action is a site specific action that would authorize mining of approximately 4.5 Mt of federal coal at a maximum rate of 700,000 tons and a surface disturbance of 104 acres. The effects of the action have been analyzed at the local and regional scale.

Intensity: The following discussion is organized around the 10 Significance Criteria described within the federal regulations at 40 CFR §1508.27. The following criteria have been considered in evaluating the severity of impacts for this proposal.

1. Impacts that may be both beneficial and adverse:

Beneficial and adverse impacts of the Proposed Action are described in the attached EA. Environmental design features to reduce potential short-term and long-term impacts to topography, air quality, water resources, vegetation, fish and wildlife, threatened and endangered (T&E) species, cultural resources, visual resources, and soils are incorporated into the design of the Proposed Action. Additionally, mitigation measures related to air quality, migratory birds, special status species, cultural resources, and paleontological resources are required by the state-approved mine permit, stipulations to the federal coal lease, and approved mining plan.

The Proposed Action's direct and indirect effects on air quality would be short-term and minor. Indirectly, the Proposed Action would contribute to criteria emissions and GHG emissions through the combustion of coal at the Jim Bridger power plant. The Proposed Action would result in a continuation of existing mining levels at the Bridger Mine Complex through 2037; therefore, direct effects on greenhouse gases (GHG) would also continue at current levels and would have a negligible impact because they would not exceed the limits of BCC's air quality permit. The Proposed Action's indirect effects on GHG emissions (based on the burning of the coal excavated from the project area) are expected to be long-term and moderate.

The direct and indirect effects to fish and wildlife, geology and minerals, socioeconomics, soils, topography and physiography, vegetation, water resources, and wetlands and riparian zones range from minor to moderate and from short-term to permanent.

There are no cultural resources in the project area that have been recommended eligible for the National Register of Historic Places (NRHP). Based on the results of the cultural resource inventories, the Proposed Action would have no adverse effect (no impact) on any cultural resources eligible for the NRHP.

There would be a continuation of employment for approximately 230 employees through 2037. The Proposed Action represents an estimated economic benefit to this area through 2037 of wages, goods and services related to the mining operation, and payment of federal, state, and local taxes. The socioeconomic benefits are derived from payroll, insurance, retirement contributions, local expenditures, taxes, and federal coal royalty payments.

None of the environmental effects discussed in the EA are considered to be significant.

2. The degree to which the Proposed Action affects public health or safety:

There would be no impacts to public health and safety because the Proposed Action would be a continuation of mining operations within the existing permit boundary. There are approximately 1.5 miles of county roads in the existing Bridger Mine Complex mine permit boundary. Public access to the area affected by mining are strictly controlled by the mine and the Proposed Action would not affect levels of traffic within the existing permit boundary. All mine activities with potential public exposure would also be subject to state mine permit approval and review by the Mine Safety and Health Administration (MSHA), which include safety standards. Precautions

for public health and safety would also be implemented during transport of equipment along public roads to and from the amendment area. Emissions and effluent limits are within approved standards, as required by state permits, thereby limiting potential impacts to public health.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas:

There are no park lands, prime farmlands, wilderness, wild and scenic rivers, or ecologically critical areas within the EA project area. There are no jurisdictional wetlands (aquatic resources) within the tract boundary. Based on the results of the cultural resource inventories, the Proposed Action would have no adverse effect (no impact) on any cultural resources eligible for the NRHP. Additional cultural resources discussions are included below under **Item 8**.

4. The degree to which the impacts on the quality of the human environment are likely to be highly controversial:

As a factor for determining within the meaning of 40 CFR 1508.27(b)(4) (whether or not to prepare a detailed EIS) “controversy” is not equated with “the existence of opposition to a use.” *Northwest Environmental Defense Center v. Bonneville Power Administration*, 117 F.3d 1520, 1536 (9th Cir. 1997). The term ‘highly controversial’ refers to instances in which “a substantial dispute exists as to the size, nature, or effect of the major federal action rather than the mere existence of opposition to a use” *Hells Canyon Preservation Council v. Jacoby*, 9 F.Supp.2d 1216, 1242 (D. Or. 1998).

The EA has analyzed the direct and indirect effects on and from climate change and determined that the Proposed Action would result in a continuation of the current direct effects and indirect effects that are long-term, and moderate. Approvals of federal mining lands and mining plan modifications have been made in the area for several decades. The environmental design features and reclamation plan would reduce the effects on the environment; or, in some cases, would improve the current condition (e.g., soils, vegetation, and wildlife habitat (EA Section 2.4.1)). No other anticipated effects have been identified that are scientifically controversial.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks:

There are no effects on the human environment under the Proposed Action that are highly uncertain or involve unique or unknown risks. OSMRE has experience implementing similar actions in similar areas.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principal about future considerations:

This decision is not precedent setting. The issues considered in the EA were developed by OSMRE within the context of past, present, and reasonably foreseeable actions. Significant cumulative impacts are not anticipated.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership:

OSMRE evaluated the possible issues in context of past, present, and reasonably foreseeable activities, including past, present, and reasonably foreseeable mining for the Bridger Mine Complex and other mining operations in the region, the combustion of that coal at the Jim Bridger power plant, ranching, livestock grazing, recreation, and oil and gas development.

Both the indirect and cumulative effects of coal combustion were disclosed in the EA. There were no significant cumulative effects identified.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places (NRHP) or may cause loss or destruction of significant scientific, cultural, or historical resources:

A cultural resources inventory performed in Section 12 resulted in the discovery of five newly identified sites, nine previously recorded sites, and four isolated artifacts. None of these sites are eligible for nomination to the NRHP and no further action was recommended. A segment of the Cherokee Trail, Evans Variant, that crosses the south half of Section 12 was also evaluated and found to be non-contributing to the NRHP eligibility of the Cherokee Trail. No significant trail remains would be affected by the Proposed Action, and no further work was recommended.

A cultural resources inventory was also performed in Section 24, identifying one previously recorded site (48S13859). No newly identified cultural resource properties were in this section of the project area. Site 48S13859 was recommended not eligible for the NRHP and no further work was recommended. Although the Evans Variant segment of the Cherokee Trail that crosses the south half of Section 12 may be impacted by the Proposed Action, it is a non-contributing element to the NRHP eligibility of the Cherokee Trail, and there would be no adverse effect.

Based on the results of the cultural resource inventories, OSMRE has determined there would be no historic properties affected as a result of the Proposed Action.

A scoping letter was sent on June 1, 2016, to the following Native American tribes to identify any Native American religious concerns or other issues with the Proposed Action:

- Shoshone-Bannock Tribes (Fort Hall Reservation, Idaho)
- Eastern Shoshone Tribe (Wind River Reservation, Wyoming)
- Northern Arapaho Tribe (Wind River Reservation Wyoming)
- Northern Ute Tribe (Uintah and Ouray Reservation, Utah)

The scoping letter requested comments on the Proposed Action and continued consultation with the tribes for the stages of proposal development and implementation of the final federal action. No cultural or religious concerns or Traditional Cultural Properties have been identified through consultation with the tribes.

9. The degree to which an action may adversely affect a threatened or endangered (T&E) species or its habitat that has been determined to be critical under the Endangered Species Act of 1973 (ESA):

The current U.S. Fish and Wildlife Service (USFWS) list of T&E species that may occur in Sweetwater County, Wyoming includes the black-footed ferret (*Mustela nigripes*), yellow-billed cuckoo (*Coccyzus americanus*), bonytail chub (*Gila elegans*), Colorado pikeminnow (*Ptychocheilus lucius*), humback chub (*Gila cypha*), and razorback sucker (*Xyrauchen texanus*). There would be no direct or indirect impacts to threatened, endangered, candidate, or special status plant or animal species from mining or coal combustion resulting from the Proposed Action because of a lack of habitat within the direct and indirect impacts analysis area.

10. Whether the action threatens a violation of a federal, state, local, or tribal law, regulation, or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements:

The Proposed Action would not violate any known federal, state, local, or tribal laws or requirements imposed for the protection of the environment. During the public and agency involvement for this EA, state, local, and tribal interests were given the opportunity to participate in the EA process. The Proposed Action is consistent with applicable plans, policies, and programs.

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Date