

U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT (OSMRE)
FINDING OF NO SIGNIFICANT IMPACT (FONSI) FOR

Centralia Mine, Pit 7 Reclamation EA, Permit Revision

Introduction

In accordance with the National Environmental Policy Act (NEPA), the Office of Surface Mining and Reclamation Enforcement (OSMRE) has completed an environmental review of a permit revision application for the Centralia Mine.

TransAlta Centralia Mining LLC (TCM) is the Permittee and Operator of the Centralia Coal Mine, which is located at 1015 Big Hanaford Road in Centralia, Washington. TCM has filed a permit revision application with OSMRE. The permit revision application pertains to TCM's coal mining reclamation operation under OSMRE Permit No. WA-0001H, issued on November 21, 2020, under regulations promulgated pursuant to 30 Code of Federal Regulations (CFR) Section 774.13 by the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

TCM is proposing the following permit revision to the existing surface coal mining permit and Permit Application Package (PAP): The proposed permit revision would change the land-use designation of approximately 130 of its 597 disturbed acres from forestry to a permanent impoundment (e.g., lake). If no action is taken, TCM would conduct reclamation activities in accordance with their approved permit, but not include a permanent impoundment in the post-mine land-use. The affected area of the Centralia Mine is located within Sections 31-35, Township 15 North, Range 1 West, W.M., Lewis County, Washington.

The OSMRE is required to evaluate and act upon the revision application before TCM may implement the revised reclamation plan. OSMRE has prepared an Environmental Assessment (EA) of the proposed project and reached a Finding of No Significant Impact (FONSI).

Statement of Environmental Significance of the Proposed Action

Pursuant to 30 CFR Part 746, OSMRE is recommending selection and approval of the Proposed Action. The undersigned person has determined that approval of the revision application authorizing the land use change to allow a permanent impoundment 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 (EIS) is not required.

Reasons for a Finding of No Significant Impact

In preparing the EA, OSMRE reviewed the environmental impacts of the Proposed Action (approving the proposed permit revision) and the No Action (disapproval of the permit revision). If, based on the analysis in the EA, OSMRE determined that this Project would have significant effects, then OSMRE would prepare an EIS for the Project. If the potential effects were not determined to be "significant," a FONSI statement would document the reason(s) why implementation of the selected alternative would not result in significant environmental effects. The EA provides evidence for determining whether to prepare an EIS or a FONSI statement.

The purpose of the action is established by SMCRA, which requires OSMRE to review and approve the TCM permit revision application before TCM may execute the proposed permit revision at the Centralia Mine. OSMRE is the agency responsible for making a decision to approve, disapprove, or approve with conditions the proposed permit revision. The need for this action is to provide TCM the opportunity to develop an alternative to filling Pit 7 as proposed in the approved reclamation plan due to a lack of fill material. OSMRE has a need to prepare this EA to support their decision to approve, disapprove or approve with condition a revision to the approved reclamation plan.

The attached EA considers a reasonable range of alternatives (Proposed Action and No Action) and, in conjunction with the previously completed NEPA reviews, discloses the potential environmental effects. These reviews provide sufficient evidence and support for a FONSI.

The EA was prepared by OSMRE and 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, all Council of Environmental Quality regulations implementing NEPA (40 CFR Parts 1500-1508), and other program requirements. This independent review included OSMRE's evaluation of all environmental issues analyzed in the EA. OSMRE takes full responsibility for the accuracy, scope, and the content of this document.

The undersigned has determined that the public involvement requirements of NEPA have been met. OSMRE released the EA for public comment on May 15, 2020 for a 30-day review period. OSMRE received one comment from the State of Washington, Department of Ecology regarding Dam Safety permits and Toxic Cleanup. The Operator, TransAlta, would be required to comply with all state and local regulations regarding permits and notification of contaminated materials, as well as dam construction and safety, as circumstances require. Comment responses are provided in Appendix D of the EA.

This FONSI is based on determining the significance as defined by the context and intensity found in 40 CFR 1508.27 of effects from the Proposed Action.

- a) Context.** This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

The proposed permit revision would change the land-use designation of approximately 130 of its 597 acres from forestry to permanent impoundment (e.g., lake). If no action is taken, TCM would continue to conduct reclamation activities per their current permit.

The effects of both the Proposed Action and No Action have been analyzed at the local, regional, and global scale.

- b) Intensity.** This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity.

The 10 Significance Criteria in the federal regulations at 40 CFR 1508.27(b) have been considered in evaluating the severity of impacts.

1. Impacts that may be both beneficial and adverse.

Beneficial and adverse impacts from the Proposed Action are described in the attached EA. Impacts to most resources will be negligible or minor and short term, while other impacts would be moderate and/or long-term. Impacts to air quality would be minor to negligible and would not exceed the National Ambient Air Quality Standards (EA Section E.9). Greenhouse gas emissions from the Proposed Action would be none to negligible and long-term (EA Section E.6). Impacts to surface water and ground water would be negligible to minor (EA Section E.2). Construction of the project could cause minor impacts to vegetation communities and wildlife (EA Section E.5). There would be negligible impacts to public health and safety risks from the Proposed Action (EA Section E.8). Noise impacts from the Proposed Action would be none to negligible (EA Section E.7). OSMRE received concurrence from the Washington State Historic Preservation Office (SHPO) on May 2, 2013 regarding “No Historic Properties Affected” in the project area (EA Section D.2). The Proposed Action would result in negligible impacts to transportation on the local road network and the Centralia Mine haul roads (EA Section E.10). Cumulative impacts would be minor to moderate when combined with impacts of all activities in the Mine vicinity (EA Chapter G). None of the analyzed environmental effects from the Proposed Action discussed in the EA are considered to be significant.

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

Effects from the Proposed Action that could affect health and safety are associated with transportation, air quality, water quality, and noise. Health and safety risks and impacts associated with the project would be negligible and include occupational health and safety hazards due to location within a mine permit boundary site where ongoing reclamation activities are occurring, machinery hazards from construction equipment (EA Section E.8). Impacts on transportation are determined to be negligible (EA Section E.10). Impacts on water quality would be negligible to minor (EA Section E.2). Impacts on noise would be negligible (EA Section E.7). Air quality and greenhouse gas impacts would be negligible to minor (EA Sections E.9 and E.6).

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

There are no park lands, wild and scenic rivers, prime or unique farmlands, or ecologically critical areas within the Project Area. There are no wilderness areas within or near the Project Area. The Proposed Action includes wetlands and the USACE was consulted on the reclamation plans for Pit 7. The USACE responded by email dated March 3, 2010 and a copy of their comments is included in Appendix A of this EA (EA Section E.5). By letter dated May 2, 2013, SHPO concurred with OSMRE’s determination that no historic properties would be affected by the Proposed Action. This letter is enclosed in Appendix A of the EA.

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).

There is little scientific controversy over the nature of the impacts. The EA includes analysis of the direct, indirect, and cumulative effects of the Proposed Action on climate change (EA Section E.6). OSMRE has determined the effects to be negligible. No other anticipated effects have been

identified that could be construed as scientifically controversial. While there is some uncertainty about the long-term cumulative effects of greenhouse gases (GHGs) and how these effects can be managed when not currently quantifiable or predictable, the potential intensity of effects on the quality of the human environment is minimal.

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

There would be no direct, indirect, or cumulative 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 principle about future consideration.

This decision is not precedent setting. The issues considered in the EA were developed by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions. Such a decision would not be unusual and significant cumulative effects are not anticipated. This decision would not entail any known issues or elements that would set a precedent for future permit revision decisions.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

The interdisciplinary team evaluated the possible issues in context of past, present, and reasonably foreseeable future actions including connected actions regardless of land ownership. There were no significant cumulative effects identified (EA Chapter 4).

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

Since 1984, there has been a Memorandum of Agreement between the mine operator (now TCM) and SHPO for cultural resource management and planning at the mine.

On May 2, 2013, OSMRE sent SHPO a copy of TCM's Pit 7 Reclamation Plan. In the letter OSMRE explained its rationale for determining that there will be no historic properties affected by the Pit 7 Reclamation Plan, and requested concurrence with this finding or comments and recommendations. By letter dated May 2, 2013, SHPO concurred with OSMRE's determination that no historic properties would be affected by the Proposed Action. This letter is enclosed in Appendix A.

There are therefore no historic or cultural resource impacts from the Proposed Action, because the entire site has been previously disturbed, and because SHPO has concurred that there will be no impacts to cultural resources from the Proposed Action (EA Section D.2).

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

In September 2011, TCM accessed the public version of the Washington Department of Fish and Wildlife's (WDFW's) Priority Habitats and Species (PHS) Report to review the threatened and

endangered species listed for the Centralia Mine area. The PHS identified coho salmon and cutthroat trout as the only federal listings as “Threatened.” TCM contacted WDFW by email on September 12, 2011 with a request to validate its findings. By email dated September 16, 2011, WDFW confirmed TCM’s findings on the PHS. WDFW also reviewed its internal version of the PHS and Geographic Information System data and found that the Olympic Mudminnow is listed as a State Sensitive Species. Based on this review, the discussion above is accurate. Copies of the report and email correspondence between TCM and WDFW are included in Appendix A of the EA.

OSMRE reviewed a list of threatened and endangered species from the U.S. Fish and Wildlife Service (USFWS) Integrated Planning and Conservation Database in 2011 and completed consultation with the USFWS. Due to the delay in project approval and potential changes to species status, OSMRE conducted a new query of the Information, Planning, and Consultation (IPaC) system for the project area on August 26, 2020 for evaluation. OSMRE’s evaluation of potential impacts to threatened and endangered species with potential to occur within or around the project area was provided to the USFWS on October 1, 2020 and requested informal consultation on the effect determination. On January 6, 2021, the USFWS provided a concurrence response to OSMRE’s effect determination that the proposed project is “not likely to adversely affect” listed species. OSMRE conducted an IPaC system query for the project area on January 11, 2021 and confirmed the species list had not changed since August 26, 2020, except for the removal of one species.

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 law or requirement imposed for the protection of the environment. During the public and agency involvement for this EA, Federal, state, local, and tribal interests were given the opportunity to participate in the environmental analysis process. The Proposed Action is consistent with applicable plans, policies, and programs.

Marcelo Calle, Manager Program Support Division Unified Regions 5, 7, 8, 9, 10 and 11 OSMRE	1/11/2021 Date
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