

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

Centralia Mine, Minor 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 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 operation under OSMRE Permit No. WA-0001E, issued on November 21, 2010, 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's proposed permit revision represents a minor change of the Centralia Mine Permit Application Package. The proposed permit revision would change the land use of approximately 81 acres within the Centralia Mine permit area that is currently designated 79 acres for upland forestry use and 2 acres for industrial land use. The industrial land use includes the northern edge of the Limited Purpose Landfill, which is an industrial land use area. This landfill is under the jurisdiction of Lewis County, Washington State Department of Ecology, and the U.S. Environmental Protection Agency. The purpose of the land use change is to allow for a 150-foot-wide powerline corridor through the Centralia Mine permit area. The powerline corridor is associated with the Skookumchuck Wind Energy Project. 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 complete the land use change. 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 powerline corridor to be constructed and operated 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 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 Environmental Impact Statement (EIS) for the Project. If the potential effects were not determined to be "significant," a "Finding of No Significant Impact" (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 attached EA discusses the potential environmental effects of the Proposed Action and provides sufficient evidence and analysis for this FONSI.

The purpose of the Proposed Action is to respond to TCM's proposed minor permit revision to change the use of approximately 81 acres within the Centralia Mine permit area to allow construction of a 150-foot-wide powerline corridor through the Centralia Mine for the Skookumchuck Wind Energy Project. If approved, the permit revision would allow the powerline corridor within the Centralia Mine permit area. As the SMCRA regulatory authority for Washington State, OSMRE's responsibility is to analyze potential impacts that are reasonably expected to result from the powerline corridor and to administer Federal Mine Permit WA-0001E as established under SMCRA and NEPA.

In September 2018, TCM entered into an easement agreement with Skookumchuck Wind Energy Project, LLC, which would allow a 150-foot wide powerline corridor easement and access for construction and maintenance. As such, the need for the permit revision is to allow Skookumchuck Wind Energy Project, LLC to exercise their rights under the easement agreement to construct the powerline through the mine permit area. If the permit revision is approved, the powerline would transect approximately 4.4 miles of the mine permit area with a temporary and permanent impact of approximately 81 acres.

Under the No Action Alternative, OSMRE would deny the application for the minor permit revision of OSMRE Permit No. WA-0001E. Under this alternative, there would be no change of use for the 81 acres and the powerline corridor would not be constructed within the permit boundary.

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 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. The Washington State Environmental Policy Act (SEPA) and U.S. Fish and Wildlife Service EISs completed public involvement by soliciting comments during scoping and on the Draft EIS for related actions on the Skookumchuck Wind Energy Project including the transmission line. OSMRE released the EA for public comment on April 26, 2019 for a 30-day review period.

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 Action would approve the land use change for 81 acres from upland forestry and industrial to instead allow construction and operation of the transmission line for the Skookumchuck Wind Energy Project. Under the No Action Alternative, the land use change would not be approved and TCM would

continue reclamation activities at the Mine. 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 from construction and operation of the project would be negligible and would not exceed the National Ambient Air Quality Standards (EA Section 3.13). Greenhouse gas emissions from construction and operations would be negligible and long-term (EA Section 3.14). Construction of the project would result in minor impacts to surface waters, impacts to water quality would be minor, and no impacts to regional groundwater availability are anticipated (EA Section 3.2). The project powerline has been designed and sited to avoid wetland impacts; however, if impacts cannot be avoided, a Section 404 Nationwide Permit and Section 401 water quality certification may be required (EA Section 3.2). Soil and vegetation impacts would be minor but long-term (EA Section 3.1). Construction of the project could cause minor impacts to vegetation communities and wildlife including birds (EA Section 3.3). OSMRE determined that there would be no effect to Threatened and Endangered Species under Section 7 of the Endangered Species Act (EA Section 3.3). Construction of the project would result in minor impacts to energy and natural resources (EA Section 3.4). Health and safety risks and impacts associated with the project are minor (EA Section 3.5). Construction activities would result in short-term, minor noise impacts due to construction equipment (EA Section 3.6). Construction and operations would result in negligible impacts to socioeconomics (EA Section 3.8). No environmental justice populations are located near the area that would be affected by the project. Therefore, there would be no disproportionate impacts on environmental justice populations (EA Section 3.9). Construction and operations would result in minor impacts from hazardous materials and waste (EA Section 3.10). Construction and operation of the project would result in negligible impacts to aesthetics in the project area (EA Section 3.11). Project construction and operation activities have the potential to have a minor impact to cultural resources as a result of ground disturbance (EA Section 3.12). OSMRE is currently seeking concurrence with SHPO regarding historical and cultural resources in the project area (EA Section 3.12). Construction and operation of the project would result in negligible impacts to transportation on the local road network and the Centralia Mine haul roads (EA Section 3.15). Construction and operation of the project would have minor impacts because construction activities may increase the potential for a fire to result over baseline conditions (EA Section 3.16). Cumulative impacts would be minor to moderate when combined with impacts of all activities in the Mine vicinity (EA Chapter 4). 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 minor 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, and potential fire and electrical hazards (EA Section 3.5).

Impacts on transportation are determined to be negligible (EA Section 3.15). Impacts on water quality would be minor (EA Section 3.2). Impacts on noise would be minor (EA Section 3.6). Air quality and greenhouse gas impacts would be negligible to minor (EA Sections 3.13 and 3.14).

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 project powerline has been designed and sited to avoid wetland impacts; however, if impacts cannot be avoided, a Section 404 Nationwide Permit and Section 401 water quality certification may be required (EA Section 3.2). Project construction and operation activities have the potential to have a minor impact to cultural resources as a result of ground disturbance. Best Management Practices would be in place to minimize any potential impacts from ground disturbing activities to historic and cultural resources (EA Section 3.12).

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 3.15). 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 mining 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.

Project construction activities have the potential to have a minor impact on cultural resources as a result of ground disturbance. Although no National Registry of Historic Places-listed resources were found within the survey area, ground-disturbing activities have the potential to impact unidentified cultural resources. The mitigation measures provided below include conditions for addressing inadvertent discoveries. The following Best Management Practices (BMPs) will be followed during construction of the project to limit impacts to cultural resources (EA Section 3.12).

- Cultural resources sensitivity training for personnel working on project construction will be conducted. The purpose of this training will be to instruct project personnel on the sensitivity of cultural resources in the project area, protocols for stopping work and notification in the event of findings, and to provide an overview of the laws that govern cultural resources, as well as to introduce them to any tribal perspective on potential impacts. Individuals from potentially affected tribes will be invited to contribute to this training.
- A qualified cultural resources archaeologist will monitor vegetation clearing and ground-disturbing decommissioning activities that go beyond the previously disturbed areas during construction for the Skookumchuck Wind Energy Project. If cultural resources are uncovered during decommissioning, work shall halt until a qualified archaeologist can determine the significance of the find, as described per the Unanticipated Discovery Plan (UDP).
- The UDP for the Skookumchuck Wind Energy Project will be developed and reviewed by the Washington State Department of Archaeology and Historic Preservation (DAHP) and any affected tribes prior to beginning of construction activities and will be implemented during construction and decommissioning of the project. If archaeological deposits are encountered during construction, the provisions of the UDP shall be followed.
- If any previously unidentified cultural resources are encountered during construction, all work activities shall cease in the immediate vicinity of the site until a qualified archaeologist can assess the find and consult with DAHP to identify appropriate mitigation measures such as avoidance or scientific data recovery. No further construction activities will occur within the vicinity of the discovery until a qualified archaeologist, in concert with tribal representatives and local and state agency representatives, is able to evaluate the significance of the find.
- Should human remains be discovered during project activities, all work within 200 feet shall stop. Additionally, DAHP (360-586-3065), the Lewis County planning office, the affected tribes, and the respective county coroner shall be contacted within 24 hours to help assess the situation and determine how to preserve the resource(s) (Chapters 27.44, 68.50, and 68.60 RCW).
- If human remains are determined to be associated with an archaeological site, DAHP and any affected Tribes shall be notified. Appropriate measures will be taken to ensure the site is protected from further disturbance until a treatment plan is agreed upon by all involved parties.

Compliance with all applicable laws pertaining to archaeological resources will be observed and permits obtained (RCW 27.53 and 27.44 and WAC 25-48) as required.

OSMRE is currently seeking concurrence with SHPO regarding historical and cultural resources in the project area (EA Section 3.12).

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.

OSMRE received a list of potential threatened and endangered species in the project area from the U.S. Fish and Wildlife's Information for Planning and Consultation website. OSMRE determined that there would be no effect to the listed species from the Proposed Action and therefore formal consultation with U.S. Fish and Wildlife Service is not required.

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.

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OSMR

Date