

Worksheet

NEPA Adequacy Review Form (NARF)

OFFICE: *Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Western Region, Denver, CO*

PROPOSED ACTION TITLE/TITLE: *Mining Plan for Coal Hollow Mine Federal Coal Lease UTU-081895*

LOCATION: *Kane County, UT*

APPLICANT (if any): *Alton Coal Development, LLC*

A. Description of the Proposed Action and any applicable mitigation measures

Office of Surface Mining, Reclamation and Enforcement (OSMRE) is adopting the 2018 Bureau of Land Management's (BLM) Alton Coal Tract Lease by Application Final Environmental Impact Statement (FEIS), as allowed under 40 CFR § 1506.3. Consistent with the BLM's decision, OSMRE is selecting Alternative K1, as described in the FEIS (Section 2.5), based on the agencies' consideration of: the purpose and need for the action; the issues; current policies and regulations; the analysis of alternatives contained in the FEIS; public comments received and other information in the project record.

OSMRE is adopting the BLM FEIS and selecting Alternative K1 in its entirety to cover the current mine plan before the agency and to be used for future reviews related to the lease. Alternative K1 as analyzed in the FEIS would add 2,114 acres of which approximately 1,227 acres are federal surface and mineral estate and 887 acres are split estate (private surface and federal mineral estate) for surface and underground mining activities. Under Alternative K1, the lease to be mined contains approximately 40.9 million tons of coal and an estimated 30.8 million tons of coal will be recoverable. The lease would produce approximately 2 million tons per year and continuing mining operations by approximately 16 years.

Alton Coal Development, LLC submitted an application to expand the approved mining area of the Coal Hollow Mine in Kane County, UT to include the first LBA federal coal block known as Federal Block 1 or LBA Block 1 (UTU-081895). The LBA Block 1 area consists of approximately 60.23 acres of which 46.6 acres are split estate (private surface and Federal minerals, within UTU-081895), and 13.63 acres are private surface and private mineral within the South Private Lease. LBA Block 1 is completely within the South Private Lease, but is also within a small portion of Federal Lease UTU-081895.

LBA Block 1 is within the BLM approved lease area analyzed in the BLM FEIS. On February 19, 2019, the BLM approved the new Federal Lease UTU-081895 which

encompasses approximately 2108.71 acres of which approximately 1,236.74 acres are federal surface and mineral estate and 871.97 acres are split estate (private surface and federal mineral estate). This is less than the FEIS analysis under Alternative K1 of approximately 2,114 acres. The amount of recoverable federal coal however did not change and remains at 30.8 million tons.

In addition, LBA Block 1 is within the Mine’s existing South Lease permit boundary. The UT DOGM approved the amendment to the permit application package covering 60.23 acres for the LBA Block 1 on March 4, 2019. Approval of LBA Block 1 will change the Coal Hollow Mine from a Non-Federal Mine to a Federal Mine and will require a federal mining plan modification since it is the Mine’s first time mining federal coal.

LBA Block 1 is located within:

T. 39 S., R. 5 W., Salt Lake Baseline and Meridian (SLM)
 Sec. 19, N½SE¼, SE¼SE¼
 Sec. 20, N½SW¼,

LBA Block 1 will increase the existing South Lease disturbed area boundary from 372.5 acres to 414.5 acres which is a total of 42 acres of new disturbance. The amendment covers a total of with 60.2 acres of new disturbance for strip and highwall mining. The amendment proposes to mine 1,200,000 million tons of federal coal and 400,000 tons of private coal via surface mining methods within the current permit area of the Coal Hollow Mine. The applicant (Alton Coal Development, LLC) currently ships most of its coal to the Intermountain Power Plant. As stated in the FEIS (page ES-2), the Intermountain Power Plant is scheduled to convert to natural gas by 2025 due to the expiration of its coal-fired power purchase agreement with the City of Los Angeles. Based on data from the U.S. Energy Information Administration, the Intermountain Power Plant accepts coal from several mines in Utah and Colorado.

Mine Shipments to Intermountain Power Plant	2016 (tons)	2017 (tons)	2018 (tons)
West Elk Mine (CO)	671,206	611,838	
Emery Mine (UT)			24,176
Sufco Mine (UT)	1,902,571	1,910,852	1,495,516
Skyline Mine (UT)	878,400	473,204	378,999
West Ridge Mine (UT)	1,005,078	21,630	
Castle Valley Mines (UT)			35,177
Coal Hollow Mine (UT)	716,162	723,943	484,072

Source: U.S. Energy Information Administration. 2019. Coal Data Browser. Available at: <https://www.eia.gov/coal/data/browser/>. Accessed: May 28, 2019.

B. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

The proposed action (Alternative K1) is previously analyzed in the 2018 BLM Alton Coal Tract Lease by Application FEIS and 2019 OSMRE Record of Decision (ROD).

The BLM initiated consultation with the USFWS by informal email correspondence and teleconference meetings. The BLM obtained from the Utah Ecological Services Field Office of the USFWS a list of endangered or threatened species (or species proposed for listing) that may occur on the tract or that may be affected by mining on the tract. The BLM received a letter from the USFWS on October 6, 2017, concurring with the BLM's determination that the Selected Alternative was not likely to adversely affect threatened or endangered species and that a biological assessment was not needed.

As part of its consideration of impacts of the proposed Project on threatened and endangered species, OSMRE completed the Section 7 consultation process under the Endangered Species Act utilizing the previous consultation completed by BLM for the EIS on October 6, 2017 as well as completing an independent evaluation using the USFWS Information Planning and Consultation (IPAC) list. In OSMRE's IPAC inquiry, OSMRE evaluated the potential impacts to the Ute ladies'-tresses and came to a determination of no effect due to the lack of suitable habitat in the project area. OSMRE concurs with BLM's previous consultation findings to not likely jeopardize the Utah Prairie Dog, pursuant to Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. §§ 1531 et seq.) and its implementing regulations.

C. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes, the Proposed Action and alternatives analyzed in the 2018 BLM FEIS cover the same geographic extent as the proposed action for the current Mining Plan Decision Document (MPDD) for LBA Block 1. The mining plan before OSMRE is for a smaller area of the larger Alternative K1. The FEIS adequately analyzes potential impacts for the LBA Block 1. OSMRE reviewed the FEIS and concluded that the environmental analysis for leasing and mining, the NEPA process completed by BLM, and FEIS documentation are adequate.

Future amendments comprising the remaining Federal lease acreage analyzed in the BLM

2018 FEIS would require additional NEPA compliance reviews by OSMRE after the amendments are submitted to UT DOGM. Future reviews would utilize the current adoption of the BLM 2018 FEIS and OSMRE would be required to determine if additional NEPA analysis is warranted based on new information or circumstances. This type of NEPA compliance review is referred to as “staging” and is a common practice among Federal agencies when a larger Proposed Action is being broken into smaller parts.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Yes, the range of alternatives analyzed in the FEIS is consistent with the proposed action. The range of alternatives in the FEIS adequately analyzed current environmental concerns, interests, and resource values associated with the proposed action.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

OSMRE reviewed updated information included in the LBA Block 1 application. The review of this information does not change the significance determinations made in the FEIS. OSMRE is not aware of any new information or circumstances that would require a new analysis to be completed.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes, the direct, indirect, and cumulative effects analyzed in the FEIS cover a similar area as proposed action and do not require additional analysis. Environmental impacts resulting from Alternative K1 were minimized through lease stipulations by BLM described in the BLM Record of Decision, Appendix B.

There are three cultural sites located in or adjacent to the LBA Block 1 area: 42KA2060, 42KA6104, and 42KA6105. These sites have all been recorded and mitigated for in anticipation of coal mining and reclamation activities. There are no other known sites recorded within the area.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes, public involvement and interagency reviews were completed for the FEIS. BLM sought public and agency comments during preparation of the FEIS. OSMRE was a cooperating agency and conducted an independent review of the FEIS. All of OSMRE's comments and suggestions were satisfied in the FEIS. Therefore, OSMRE is not required to recirculate the FEIS (40 CFR § 1506.3). OSMRE notified EPA of its intent to Adopt and EPA released a Federal Register Notice.

D. Persons/Agencies /OSMRE Staff Consulted

Identified below are those team members that conducted or participated in the preparation of this document.

Gretchen Pinkham, Natural Resource Specialist

Based on the review documented above, I conclude that the NEPA documentation fully covers the proposed action and constitute the OSMRE's compliance with the requirements of NEPA.

Note: The signed Conclusion on this Worksheet is part of an interim step in the OSMRE's internal decision process and does not constitute an appealable decision.