

Pacific Coast Coal Company John Henry No. 1 Mine
Revision Application and Renewal of Permit WA-0007D
King County, WA
Finding of No Significant Impact
September 2017

**United States Department of the Interior
Office of Surface Mining Reclamation and Enforcement
Program Support Division**

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Introduction

In accordance with the National Environmental Policy Act (NEPA), the Office of Surface Mining and Reclamation Enforcement (OSMRE) have completed an environmental review of the revision application and permit renewal for the John Henry No. 1 Mine.

Pacific Coast Coal Company (PCCC) submitted a permit revision application to revise Federal permit WA-0007D on April 18, 2011 to the Office of Surface Mining, Reclamation and Enforcement (OSMRE). This permit revision would allow the continuation of surface coal mining operations under authority of the Surface Mining Control and Reclamation Act (SMCRA), Public Law 95-87.

PCCC has not engaged in substantive coal mining operations since 1999. Environmental maintenance activities and monitoring have been ongoing since that date. PCCC's permit renewal applications (2011 and 2016) have been under administrative delay pending the completion of an Environmental Assessment (EA) of PCCC's proposed permit revision.

The OSMRE is required to evaluate and approve the revision application before PCCC may resume surface mining and reclamation operations. The OSMRE has prepared an Environmental Assessment (EA) and reached a Finding of No Significant Impacts (FONSI). In conducting the EA, the OSMRE reviewed the environmental impacts of the Proposed Action (approving a revision application and permit renewal that would authorize mining activities to produce up to 84,000 tons per year of coal over a 6-year period) and the No Action (disapprove the revision application and permit renewal).

Statement of Environmental Significance

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 and permit renewal authorizing the resumption of surface mining operations to recover coal for approximately six years 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

The Proposed Action Alternative would be continuation of mining at the John Henry No. 1 Mine and renewal of the John Henry No. 1 Mine surface coal mining permit. Active mining operations would continue for approximately six years and produce an estimated 84,000 short tons of saleable coal per year. Reclamation activities would follow until the mine site was fully reclaimed and final bond release was authorized by OSMRE. Should there be a period of inactivity lasting greater than one year, reclamation must commence within the first quarter following the year of inactivity. The permit area of the Proposed Action is within the currently approved permitted area (480 acres).

Under the No Action Alternative, the proposed revision application and permit renewal to resume and complete mining would not be approved. PCCC would commence final reclamation of the mine site including the backfill of Pits 1 and 2 according to the reclamation plan in the currently-approved PAP and no mining of coal reserves would take place.

The attached EA considers a reasonable range of alternatives and discloses the potential environmental effects. These reviews provide sufficient information and support for a Finding of No Significant Impact (FONSI).

The EA was prepared by OSMRE and the Applicant. During the development of the EA, OSMRE reviewed and prepared the document to ensure compliance with 43 CFR Part 46, Subpart D and all Council of Environmental Quality regulations implementing NEPA (40 CFR §§ 1500-1508), and other program requirements. The review and preparation included OSMRE's evaluation of all environmental issues analyzed in the EA, including those identified in comments received from the public during scoping. 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 conducted public outreach and public comments were solicited on the OSMRE EA published on March 18, 2014. The comment period expired on May 13, 2014. The EA and unsigned FONSI were made public on September 18, 2017 for a 30-day public comment period.

This finding 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 meet demand for coal and sustain mine operations through at least 2024 by:

- Continuing to mine (84,000 tons of coal per year), process, and ship (via truck and barge) coal to customers in need of coal.

Under the No Action Alternative, no mining activities would take place and reclamation activities would commence immediately. The effects of both the Proposed Action and No Action Alternatives have been analyzed at the local and regional 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 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.

The Proposed Action would result in negligible beneficial economic impacts. There would be employment for approximately 30 employees in King County for up to six years and 20 employees for one year of reclamation (EA Section 3.12, Socioeconomics and Environmental Justice). Under the No Action Alternative, the Mine would employ approximately 20 workers in King County for up to two years.

None of the 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.

Potential impacts from the Proposed Action that could affect health and safety are traffic, air quality, water quality, and noise. Direct and indirect impacts on transportation would be negligible and short term (EA Section 3.13, *Transportation*). Water, air quality, and human health and safety impacts of the Proposed Action are discussed in the EA in Sections 3.4, *Water Resources/Hydrology*, 3.6, *Air Quality*, and 3.18, *Human Health and Safety*, respectively. The direct and indirect impacts on water would be minor to negligible and short term (EA Section 3.4, *Water Resources/Hydrology*). The direct and indirect impacts on noise and vibration would be minor and short term (EA Section 3.15, *Noise and Vibration*). The direct and indirect impacts on air quality would be negligible and short-term (EA Section 3.6, *Air Quality*). The direct and indirect impacts on human and health and safety would be negligible and short-term (EA Section 3.18, *Human Health and Safety*).

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 parklands, prime farmlands, wild and scenic rivers, jurisdictional wetlands, or ecologically critical areas within the permit area (EA Sections 3.14, *Recreation*, 3.7, *Soils*, 3.4.1, *Surface Water*, 3.9, *Wetlands and Riparian Zones*, and 3.10, *Fish and Wildlife*). There are no wilderness areas within or near the permit area. Inventories of historic or cultural resources have been completed in 1983 and no prehistoric sites were located but evidence of past underground mining was noted. No additional cultural resources have been encountered since mining began in 1986. The Washington State Office of Archeology and Historic Preservation concluded, on August 11, 2006, that the mine would have no effect on known cultural resources included in or eligible for inclusion in the National Register of Historic Places.

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 environmental impact statement—“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 the effects to be minor. The 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 3.5, *Climate and Climate Change*, and Section 1.3.12, *Reclamation*).

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

There are 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 principal about future consideration.*

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 actions, including the John Henry No. 1 Mine operation and other mining operations, the transport of coal from the mine, the combustion of that coal, and recreation and other mines in the cumulative effects analysis area. The indirect greenhouse gas emissions from coal combustion mined annually from the John Henry No. 1 Mine were disclosed in the EA (Section 3.5.2.1.7). 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 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.*

An archeological survey of the mine site was conducted in 1983 and no prehistoric sites were located but evidence of past underground mining was noted. No additional cultural resources have been encountered since mining began in 1986. The Washington State Office of Archeology and Historic Preservation concluded that the mine would have no effect on known cultural resources included in or eligible for inclusion in the National Register of Historic Places (EA Section 3.17, *Cultural Resources*).

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 determined that there would be no impacts on listed species because suitable habitat does not exist in the Project Area (EA Section 3.10, *Fish and Wildlife*). USFWS confirmed a no effect

determination through email correspondence on March 23, 2017 (EA Appendix C, *Consultation*). OSMRE made a determination of “may affect, not likely to adversely affect” for the Puget Sound Chinook salmon, and designated critical habitat because there would be minor to negligible, short-term impacts on water quality or volume which was confirmed by NMFS on March 30, 2017 through email correspondence (EA Section 3.10, *Fish and Wildlife* and EA Appendix C, *Consultation*).

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, 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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Date