

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
LITTLE SNAKE FIELD OFFICE**

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

**DOI-BLM-CO-N010-2012-0040-EA**

**PERMIT/LEASE NUMBER:** COC 72980

**PROJECT NAME:** Twentymile Coal Lease Modification

**LEGAL DESCRIPTION:** T. 5 N., R. 87 W. of the 6th PM  
Sec. 34, NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>

**APPLICANT:** Twentymile Coal, LLC

**BACKGROUND**

Peabody Energy Twentymile Coal, LLC has submitted a coal lease modification application for 40 acres for existing lease COC 72980. To process a coal lease modification, the Bureau of Land Management (BLM) must evaluate the environmental and socioeconomic impacts of modifying the existing lease in accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969. BLM prepared an Environmental Assessment (EA), DOI-BLM-CO-N010-2012-0040-EA, to evaluate and disclose environmental effects of modifying the coal lease.

The lease modification is located on lands in which BLM Little Snake Field Office (LSFO) manages the mineral estate. The surface is privately owned by Twentymile Coal, LLC. Coal in the existing lease, COC72980 is mined by Twentymile Coal by underground longwall methods. The application was made to prevent bypass of federal coal reserves.

Twentymile Coal submitted the lease modification because the area is adjacent to their permitted Foidel Creek Mine and the federal coal can be mined using Foidel Creek Mine facilities, equipment and employees. The coal in the 40 acre lease modification would be bypassed if not leased due to its isolated location and the character of the surrounding coal ownership.

The BLM is required, by law, to consider leasing federally-owned minerals for economic recovery. Note the decision to lease these lands is a necessary requisite for mining, but is not in itself the enabling action that will allow mining. Leasing conveys rights to the mineral resource; however, leasing does not authorize coal mining. Subsequent permitting actions would be required to allow mining and/or change the approved mine permit boundary to include the modification area. These permitting actions fall with the purview of the State of Colorado, Division of Reclamation Mining and Safety (DRMS) under procedures set forth in 30 C.F.R. §

700, et. seq. and the regulations of the Colorado Mined Land Reclamation Board for Coal Mining.

## **FINDING OF NO SIGNIFICANT IMPACT**

On the basis of the information contained in the EA, and all other information available to me, it is my determination that: (1) the implementation of the Proposed Action will not have significant environmental impacts beyond those already addressed in the 2007 Little Snake RMP Draft EIS and the 2010 Little Snake RMP Final EIS; (2) the Proposed Action is in conformance with the 2011 Little Snake Record of Decision and Approved Resource Management Plan; and (3) the Proposed Action does not constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 C.F.R. § 1508.27), both with regard to the context and to the intensity of the impacts described in the EA or as articulated in the letters of comment.

### **Context**

This project is a site-specific action directly involving underground mining of federal coal reserves in a 40 acre lease modification tract. The surface estate is owned by Twentymile Coal, LLC. There will be no direct surface impacts as a result of leasing federal coal.

The 40 acre lease modification is located in Routt County, Colorado, in an area with a rich history of mining and livestock grazing. The area also contains scattered rural development and habitat for many wildlife species. Surrounding communities include Steamboat Springs, Oak Creek, Hayden and Craig. No short or long term significant impacts are expected.

### **Intensity**

I have considered the potential intensity/severity of the impacts anticipated from the Twentymile Coal, LLC 40 acre lease modification decision relative to each of the ten significance criteria listed in 40 C.F.R § 1508.27. With regard to each:

#### **1. *Impacts that may be both beneficial and adverse***

Beneficial, adverse, direct, indirect, and cumulative environmental impacts have been disclosed in the EA. Analysis indicated no significant impacts on society as a whole, the affected region, the affected interests or the locality. The physical and biological effects are limited to the Little Snake Field Office area and adjacent land.

#### **2. *The degree to which the proposed action affects public health and safety.***

Public health and safety would not be adversely impacted. There are no known or anticipated concerns with project waste or hazardous materials.

#### **3. *Unique characteristics of the geographic area such as proximity of historic or cultural***

***resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.***

There would be no adverse impacts to regional or local air quality, prime or unique farmlands, known paleontological resources on public land within the area, wetlands, floodplain, areas with unique characteristics, ecologically critical areas or designated Areas of Critical Environmental Concern.

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

There are no highly controversial effects on the environment associated with the lease modification.

**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 that are highly uncertain or involve unique or unknown risk. Sufficient information on risk is available based on information in the EA and other past actions of a similar nature.

**6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.***

This proposed action does not set a precedent for other actions that may be implemented in the future to meet the goals and objectives of adopted Federal, State or local natural resource related plans, policies or programs.

**7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.***

No cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated.

**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 historic resources.***

Based on previous and ongoing cultural surveys, and through mitigation by avoidance, no adverse impacts to cultural resources were identified or anticipated. There are no known American Indian religious concerns or persons or groups who might be disproportionately and adversely affected as anticipated by the Environmental Justice Policy.

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

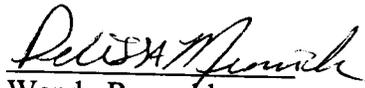
No adverse impacts to any threatened or endangered species or their habitat were identified.

10. ***Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.***

The Proposed Action is in compliance with relevant Federal, State, and local laws, regulations, and requirements for the protection of the environment.

I have reviewed the direct, indirect and cumulative effects of the proposed activities documented in the Twentymile Coal 40 acre lease modification EA, No. DOI-BLM-N010-2012-0040-EA. I have also reviewed the project record for this analysis and the impacts of the proposed action and alternatives as disclosed in the Alternatives and Environmental Impacts sections of the EA. Based upon a review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. Because there would not be any significant impact, an environmental impact statement is not required.

**Approved:**

*for*   
Wendy Reynolds  
Manager, Little Snake Field Office

12-4-12  
Date