

U.S. Department of the Interior
Bureau of Land Management
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401

Decision Record

(DOI-BLM-CO-SO50-2011-0036)

CASEFILE/PROJECT NUMBER: COC-74911

LOCATION:

Township 13 South, Range 92 West, 6th P.M. Sec 7, Lots 13-20 Sec 8, S/2 Sec 9, S/2 Sec 15, Lots 13, 18, 19, and 22 Sec 16, All Sec 17, All Sec 18, All Sec 19, All Sec 20, All Sec 21, All Sec 22, Lots 4, 5, 12, and 13 Sec 28, Lots 2-7 Sec 29, All Sec 30, Lots 5-18	Township 13 South, Range 93 West, 6th P.M. Sec 9, Lots 9-16 Sec 10, Lots 9-16 Sec 11, Lots 9-16 Sec 12, Lots 9-16 Sec 13, All Sec 14, All Sec 15, Lots 1-10, 14-15 Sec 16, Lots 1-4 Sec 23, Lots 1-15 Sec 24, All Sec 25, All Sec 26, Lots 1-15 Sec 35, All Sec 36, Lots 1-8, 11-14
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Containing approximately 13,873 acres.

PROJECT NAME: Oak Mesa Coal Exploration License

APPLICANT: Oxbow Mining, LLC

DECISION:

It is my decision to issue coal exploration license COC-74911 as described under the Proposed Action in the Environmental Assessment (EA) DOI-BLM-CO-SO50-2011-0036.

The EA analyzes the impacts of issuing coal exploration license COC-74911 in response to an application received by the BLM Colorado State Office. The Proposed Action will license approximately 13,873 acres of federal coal for coal exploration, subject to the design features listed in the DOI-BLM-CO-SO50-2011-0036 EA (Appendix B). Oxbow Mining, LLC (Oxbow) applied for the coal exploration license so that they can explore for coal deposits in order to obtain geological, environmental, and other pertinent data concerning the coal deposits. The Proposed Action will allow Oxbow to drill 43 exploration drill holes on private and federal lands into federal mineral estate. Environmental impacts are anticipated to be low and short-term.

RATIONALE:

This decision to issue the coal exploration license is needed to determine seam reserve availability within Delta County. The exploration drilling will confirm the quality, quantity, and extent of the coal within this area. The Oak Mesa project extends from the edge of the Bowie Resources coal mine holdings on the east, across the mesa to the northwest to the East Leroux Creek area, north of Hotchkiss. The Oak Mesa project is adjacent to existing coal leases in an area of known coal reserves. The coal exploration license application was submitted and reviewed under the Mineral Leasing Act of 1920, as amended, and regulations at 43 CFR 3410.

The decision to allow the Proposed Action does not result in any undue or unnecessary environmental degradation and is in conformance with the 1989 Uncompahgre Basin Resource Management Plan. It has been made in consideration of the impacts to the affected resources. The design features applied to the Proposed Action will meet or exceed the standard for Public Land Health.

MITIGATION MEASURES:

Design Features for Coal Exploration License COC74911 listed in Appendix B of the EA will be a condition of the license.

MONITORING:

Normal routine compliance inspections will take place periodically throughout the life of the exploration license. The inspections will be planned to monitor exploration success and environmental effects of the project and to insure that the operator complies with the conditions on the exploration license.

COMPLIANCE WITH MAJOR LAWS:

The decision is in compliance with the Uncompahgre Basin RMP as well as applicable laws, regulations and policy, including the Endangered Species Act, Migratory Bird Treaty Act, Clean Water Act, Clean Air Act, National Historic Preservation Act, Mining and Minerals Policy Act of 1970 and Mineral Leasing Act of 1920 as amended, and the

Surface Mining Control and Reclamation Act of 1977.

FINDING OF NO SIGNIFICAN IMPACT:

A Finding of No Significant Impact (FONSI) was prepared, based on the information contained in the EA and my consideration of criteria for significance (40 CFR 1508.27). It is my determination that: 1) the implementation of the proposed action will not have significant environmental impacts; 2) the Proposed Action is in conformance with the Uncompahgre Basin Resource Management Plan; and 3) the Proposed Action does not constitute a major federal action having significant effect on the human environment. Therefore, an Environmental Impact Statement is not necessary.

PUBLIC INVOLVEMENT:

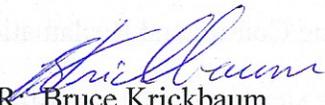
Public comments were solicited via a letter dated September 19, 2011, that was mailed to the appropriate agencies, specific interested parties, and to the general public. The letter was also posted on the BLM UFO website. Information regarding the exploration proposal was made available for public review after September 19, 2011, through legal notices published in the Delta County Independent. In addition, there were announcements of the public scoping period in The Daily Sentinel in Grand Junction. Public comments were received through October 24, 2011.

A total of 394 comment letters were received during the public comment period. In general, comments focused on traffic, water, natural resources, real estate/quality of life, and socioeconomic issues. The analysis of the key issues raised by the scoping comments from the public, other agencies, and the interdisciplinary team, are addressed in the EA. The EA focuses on the decision to issue the exploration license and analyzes the impacts to the affected resources that were raised during the public comment period.

APPEAL PROCEDURES:

The BLM decision to issue the coal exploration license is subject to appeal to the Interior Board of Land Appeals (IBLA). Anyone wishing to appeal will have 30 days from this decision to appeal to the IBLA, Office of the Secretary, in accordance with regulations at 43 CFR Part 4. Appeal and stay procedures are outlined in Form 1842-1.

NAME OF PREPARER: Desty Dyer

NAME OF ENVIRONMENTAL COORDINATOR:  Bruce Krickbaum

Date: 9/11/2012

Approval:

It is the decision of the BLM to issue a coal exploration license containing approximately 13,873 acres, subject to the design features in Appendix B – Design Features for Coal Exploration License of the DOI-BLM-CO-SO50-2011-0036 EA.


Barbara Sharrow, Field Manager, Uncompahgre Field Office

Date Signed: 9-11-12

ATTACHMENTS:

DOI-BLM-CO-SO50-2011-0036 EA and BLM FONSI