

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

**Finding of No Significant Impact (FONSI)**

DOI-BLM-CO-S050-2011-0036-EA

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

**Background:** The BLM has completed an Environmental Assessment (DOI-BLM-CO-S050-2011-0036 EA) which analyzes potential impacts associated with approval of a Coal Exploration License (CEL).

On May 6, 2011, pursuant to regulations in 43 CFR 3410.2-1, Oxbow Mining, LLC (Oxbow) submitted a Federal CEL application to the Colorado State Director of the BLM. The BLM is charged with administration of the mineral estate on these Federal lands, and is required, by law, to consider leasing Federally-owned minerals for economic recovery. The BLM purpose for the action is to decide whether, and under which provisions, to approve the application to drill up to 43 exploration holes on about 13,873 acres of Federal coal that underlies BLM and private surface lands, or to reject the proposal. The objective of exploring coal deposits is to obtain

geological, environmental, and other pertinent data concerning coal deposits (43 CFR 3410.0-2). The need for the action is to respond to an application to explore the coal deposits in accordance with 43 CFR 3400.

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. All comment letters were reviewed and considered in the development of the EA. A total of 394 comment letters were received during the public comment period.

### **Finding of No Significant Impact**

Based on the analysis of potential environmental impacts contained in DOI-BLM-CO-S050-2011-0036 EA, I have determined that the Proposed Action will not have a significant effect on the human environment, individually or cumulatively with other actions in the general area. The Proposed Action includes design features (listed in Appendix B of the EA; Design Features for Coal Exploration License COC74911).

### **Rationale**

This FONSI is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), with regard to the context and the intensity of impacts described in the EA.

### **Context**

This project is a proposal to drill 43 exploration drill holes on private and Federal lands into Federal subsurface holdings, each on a 0.5 acre pad. Access would be on existing and new temporary roads. The proposed CEL area would cover approximately 13,873 acres of Federal coal where approximately 4,465 acres of surface are managed by the BLM and approximately 9,408 acres of surface are privately owned. The project is located entirely in Delta County, Colorado.

### **Intensity**

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

Mitigating measures to reduce potential short-term impacts to soils, distribution of invasive non-native species, sensitive plants, migratory birds, vegetation, cultural resources, and other resources were incorporated in the design of the Proposed Action (also listed in Appendix B of the EA; Design Features for Coal Exploration License COC74911). None of the environmental effects discussed in the EA are considered significant.

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

Potential risks to public health and safety would be low and would occur over limited, brief periods. Plugging of holes and reclamation of pads and roads would occur as soon as practicable

following completion of each drill hole. Mitigation would reduce the potential impacts to public health and safety to a level that is not significant. The scale of this project, and the short-term duration of construction, coupled with design features results in a low risk to public health and safety.

*3) Unique Characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

Inventories have been completed for historic and cultural resources in the area and no potential impacts to important historic or cultural resources have been identified. The following Critical Elements of the Human Environment are not affected because they are not present near the project area: Areas of Critical Environmental Concern, Wilderness Areas, Wild and Scenic Rivers, ecologically critical areas, and Prime or Unique Farmlands.

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

The impacts of coal exploration activities are generally well known and documented in the scientific and practicing communities. The nature of the effects on the quality of the human environment is not likely to be highly controversial. A total of 394 comment letters were received during the public comment period. Comments received generally focused on traffic, water, natural resources, real estate/quality of life, and socioeconomic issues. Design features as described in appendix B of the EA and incorporated into the proposed action will reduce anticipated impacts.

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

The project is not unique or unusual in this area. Exploration for coal has been ongoing in the area for over a century and the BLM has been making decisions on similar actions for many years. The BLM has experience implementing similar actions in this and similar areas. There are no predicted potential effects to the human environment that are considered to be highly uncertain or to involve unique or unknown risks.

*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 decision is not precedent setting. The Proposed Action was considered in the context of past, present and reasonably foreseeable actions. This decision is not unusual and significant cumulative effects are not predicted. The action does not represent a decision in principle about a future consideration.

*7) Consideration of the action in relation to other actions with individually insignificant but cumulatively significant impacts.*

The Proposed Action was considered in the context of past, present and reasonably foreseeable actions. The limited scale of activity creates minimal individual effects, as well as minimal cumulative effects when added to the existing situation and other potential activities.

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.*

Field surveys were completed; no cultural or historic sites would be affected by this decision. If any previously unknown cultural resources are located during implementation, construction would stop and the BLM would be notified.

9) *The degree to which the action may adversely affect an endangered or threatened species or its critical habitat.*

No endangered, threatened, candidate or proposed species would be adversely affected by the project. All listed species occurring within the BLM Uncompahgre Field Office were considered.

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 does not threaten violation of any laws or regulations imposed for the protection of the environment.

### **Determination**

This Finding of No Significant Impact is 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 BLM 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.

Approved:

  
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Barbara Sharrow  
Field Manager  
Uncompahgre Field Office

9-11-12  
Date