BLM

United States Department of the Interior
Bureau of Land Management

Categorical Exclusion
DOI-BLM-CO-SO50-2014-0001 CX

October 2013

Mountain Coal Company, LLC Lease COC54558
20-year Readjustment

Location: *Gunnison and Delta Counties, East of Paonia, Colorado*

U.S. Department of the Interior
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401
Phone: (970) 240-5300

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2465 So. Townsend
Montrose, CO 81401

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-SO50-2014-0001 CX

CASEFILE/PROJECT NUMBER: COC54558

PROJECT NAME: Mountain Coal Company, LLC - Lease COC54558 20-year Readjustment

LEGAL DESCRIPTION:

T. 13 S., R. 90 W., 6th P.M.
Sec. 19, lots 15 through 18, inclusive;
Sec. 30, lots 7 and 8.

T. 13 S., R. 91 W., 6th P.M.
Sec. 23, S2S2NE, E2SESW, SE;
Sec. 24, S2S2NW, S2;
Sec. 25, lots 1 through 4, inclusive;
Sec. 26, NENE.

APPLICANT: None: Readjustment per 43 CFR § 3451.1, Readjustment of lease terms

DESCRIPTION OF PROPOSED ACTION: This action is to satisfy the twenty year coal lease readjustment. The next readjustment will occur in ten years. The most current lease readjustment stipulations are attached.

LAND USE PLAN (LUP) CONFORMANCE REVIEW: The proposed action was reviewed for conformance (43 CFR 1610.5-3, BLM 1617.3) with the following plan:

Name of Plan: Uncompahgre Basin Resource Management Plan

Date Approved: July 26, 1989, as amended

Results: The Proposed Action is in conformance with the LUP because it is specifically provided for in the following LUP goals, objectives, and management decisions:

The RMP determined that the areas subject to the proposed lease modification application were to be managed for both existing and potential coal development. The area is acceptable for coal development and coal production, and such coal activities could occur without conflicting with other land uses described in the RMP (BLM 1989). The RMP made provisions for coal leasing subject to the application of the 20 Coal Unsuitability Criteria (as established in 43 CFR 3461). Federal coal lands not meeting the standards required by each criterion are determined to be unsuitable for coal leasing. A number of criteria have exemptions and exceptions, and the application of these exemptions and exceptions may allow certain types of coal mining.

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 11.9, Number: F. (2), which allows "Approval of mineral lease readjustments, renewals, and transfers including assignments and subleases".

None of the following extraordinary circumstances in 516 DM 2, Appendix 2, apply.

Extraordinary Circumstances	YES	NO
1. Have significant adverse effects on public health and safety.		X
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.		X
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		X
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
10. Have the potential for a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		X
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		X

INTERDISCIPLINARY REVIEW:

Name	Title	Area of Responsibility
Teresa Pfifer	Lands & Minerals Staff Supvr.	Lands and minerals
Bruce Krickbaum	NEPA Coordinator	NEPA review

REMARKS:

Cultural Resources: The proposed action will not impact cultural resources provided adherence to the existing lease stipulations.

Native American Religious Concerns: The proposed action will not impact Native American Religious Concerns provided adherence to the existing lease stipulations.

Threatened and Endangered Species: The proposed action will not impact T&E and sensitive species provided adherence to the existing lease stipulations and recommended changes to the lease stipulations.

Wildlife: The proposed action will not impact wildlife provided adherence to the existing lease stipulations and recommended changes to the lease stipulations.

NAME OF PREPARER: Desty Dyer

NAME OF ENVIRONMENTAL COORDINATOR: Bruce Krickbaum

DATE: 10/29/2013

COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Number F. (2). This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply.

SIGNATURE OF AUTHORIZED OFFICIAL: Jerry D. Strahan

Jerry Strahan, Acting Field Manager

DATE SIGNED: 10/30/2013

SPECIAL STIPULATIONS

Sec. 15. Of the SPECIAL STIPULATIONS from the January 1, 1994, lease agreement document apply to the readjusted lease with the following changes:

(b) Threatened and Endangered Species – Before beginning surface disturbing activities on the leased lands, lessee shall contact the BLM authorized officer to determine whether lessee will be required to conduct a T&E species survey.

(c) Wildlife – Before beginning surface disturbing activities on the leased lands, lessee shall contact the BLM authorized officer to determine whether buffer zones and/or timing limitations need updated.

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Decision Record

(DOI-BLM-CO-S050-2014-0001 CX)

PROJECT NAME: Mountain Coal Company, LLC - Lease COC54558 20-year Readjustment

DECISION: It is my decision to approve the initial twenty-year coal lease readjustment for Mountain Coal Company, LLC, Lease COC54558. The next readjustment will occur in 10 years (43 CFR § 3451.1 Readjustment of lease terms).

Sec. 15. SPECIAL STIPULATIONS from the January 1, 1994, lease agreement document apply to the readjusted lease with the following changes:

(b) Threatened and Endangered Species – Before beginning surface disturbing activities on the leased lands, lessee shall contact the BLM authorized officer to determine whether lessee will be required to conduct a T&E species survey.

(c) Wildlife – Before beginning surface disturbing activities on the leased lands, lessee shall contact the BLM authorized officer to determine whether buffer zones and/or timing limitations need updated.

MITIGATION MEASURES: See Special Stipulations, above.

RATIONALE:
The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Number F. (2). This categorical exclusion (CX) is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply.

COMPLIANCE WITH MAJOR LAWS and CONFORMANCE WITH LAND USE PLAN:
The decision is in compliance with applicable laws, regulations and policy, including the Endangered Species Act, Migratory Bird Treaty Act and National Historic Preservation Act. It is

also in conformance with the Uncompahgre Basin Resource Management Plan (July 26, 1989, as amended).

PUBLIC COMMENT:
The BLM informed the public about this project by listing it on the online Uncompahgre Field Office NEPA Register and a copy of the completed CX will be posted on the NEPA website.

ADMINISTRATIVE REMEDIES:

If you are adversely affected by this decision, within 30 days of receipt of this decision you have the right of appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR §4.

NAME OF PREPARER: Desty Dyer

NAME OF ENVIRONMENTAL COORDINATOR: _____

DATE 10/29/2013

SIGNATURE OF AUTHORIZED OFFICIAL _____
Jerry Strahan
Acting Field Manager

DATE SIGNED 10/30/2013