

**United States Department of the Interior
Bureau of Land Management**

**Categorical Exclusion
DOI-BLM-CO-SO50-2013-0017 CX**

March 2013

**Bowie Resources, LLC Logical Mining Unit COC57202
Modification**

Location: Delta County, N 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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Montrose, CO 81401**

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-SO50-2013-0017 CX

CASEFILE/PROJECT NUMBER: COC57202

PROJECT NAME: Bowie Resources, LLC Logical Mining Unit (LMU) COC57202
Modification

LEGAL DESCRIPTION: Federal leases to be modified into LMU COC57202

Federal Lease COC61209 (All)

Township 12 South, Range 91 West, 6th P.M.

Section 27: SW/4, S/2SE/4, S/2NE/4SE/4, S/2NW/4SE/4

Section 28: E/2SE/4

Section 33: lots 1 to 3, 6 to 11, 14 to 16 inclusive, S/2NE/4, SE/4NW/4,
NE/4NE/4

Section 34: All

Township 13 South, Range 91 West, 6th P.M.

Section 2: SWNW, NWSW, E/2SW

Section 3: lots 1 to 4, S/2N/2, N/2S/2

Section 4: lots 1 to 4, S/2N/2, S/2

Section 5: lots 9 and 12, S/2NENESE, SENWNESE, E/2SWNESE, SENESE, SWNW,
S/2N/2SENW, S/2NWSWNE, S/2SENW, SWSWNE, SW, W/2NWSE, S/2SE

Section 6: SENE

Section 8: NE

Section 9: NW, N/2SW, NESWSW, SESW,

Section 11: NENW

Containing approximately 4,168.95 acres.

Federal Lease COC37210 (Portion)

Township 13 South, Range 92 West, 6th P.M.

Section 1: S/2NE, S/2NW, Lots 9 – 12

Containing approximately 237.43 acres.

APPLICANT: Bowie Resources, LLC

DESCRIPTION OF PROPOSED ACTION: This action is to enlarge the LMU COC57202 boundary as the result of the enlargement of Federal lease COC37210 and at the same time add Federal lease COC61209. This action will allow the BLM to modify the LMU production requirement for commercial quantities. Those modified commercial quantities 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 [Departmental Manual Part 516 Chapter 11.9, Number: F. \(5\)](#), which allows "Determination and designation of logical mining units".

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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant	<input type="checkbox"/>	<input type="checkbox"/>

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:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Teresa Pfifer	Lands & Minerals Staff Supvr.	Lands
Bruce Krickbaum	NEPA Coordinator	NEPA review

REMARKS:

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

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

Threatened and Endangered Species: The CX will not impact T&E and sensitive species provided adherence to the existing special stipulations and recommended insertions to the special lease stipulations.

Wildlife: The CX will not impact Wildlife provided adherence to the existing special stipulations and recommended insertions to the special lease stipulations.

NAME OF PREPARER: Desty Dyer

NAME OF ENVIRONMENTAL COORDINATOR:  Bruce Krickbaum

DATE: 3/28/2013

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. (5). 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 apply.

SIGNATURE OF AUTHORIZED OFFICIAL:



Barbara Sharrow, Field Manager

DATE SIGNED: 3/29/2013

**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-S050-2013-0017 CX)

PROJECT NAME: Bowie Resources, LLC Logical Mining Unit (LMU) COC57202
Modification

DECISION: It is my decision to approve the LMU modification for Bowie Resources, LLC
LMU COC57202.

Sec. 15. SPECIAL STIPULATIONS from each of the individual federal coal leases included in
the LMU will apply to the LMU.

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. (5). 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 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).

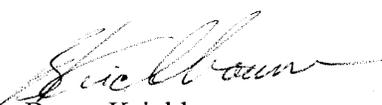
PUBLIC COMMENT:

The BLM informed the public about this project by listing it on the online Uncompahgre NEPA Register and a copy of the completed Categorical Exclusion 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:  Bruce Krickbaum

DATE 3/29/2013

SIGNATURE OF AUTHORIZED OFFICIAL



Barbara Sharrow
Field Manager
Uncompahgre Field Office

DATE SIGNED 3/29/2013