

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

**Finding of No Significant Impact (FONSI)  
DOI-BLM-CO-150-2012-13 EA**

**CASEFILE/PROJECT NUMBER: COC-1362 and COC-67232**

**LOCATION:**

**COC-1362**

T. 14 S., R. 90 W., 6th P.M.

Sec. 10: SE, NESW

Sec. 11: SW, S2NW

Sec. 14: NWNW, NENW, W2SE, SWNW, NWSW, W2NWSW

Sec. 15: E2NE, N2SE

Containing approximately 800 acres

**COC-67232**

T. 14 S., R. 90 W., 6th P.M

Sec. 11: SWNE, W2SE, SESE

Sec. 14: E2SE, NE, SE, S2SW, E2NESW;

Sec. 15: SESE;

Sec. 22: E2NE;

Sec. 23: NW, NWNE

Containing approximately 921 acres

**PROJECT NAME:** West Elk Mine Coal Lease Modifications

**APPLICANT:** Mountain Coal Company

**BACKGROUND**

Currently, Mountain Coal Company (MCC) operates the West Elk Mine which is an underground longwall coal mine located approximately one mile east of the community of Somerset and on the south side of State Highway 133, and approximately 10 miles east of the town of Paonia in Gunnison County, Colorado. Coal mining has been conducted in the North Fork Valley for over 100 years. The West Elk Mine has been in operation since 1982, and produced approximately 6 million tons of coal in 2011.

An application was filed by MCC to the Bureau of Land Management (BLM) Colorado State Office to modify existing federal coal leases by adding approximately 1,721 acres. The lease modifications application will be processed according to procedures set forth in 43 CFR 3432.

The application contains National Forest System (NFS) surface lands managed by the United States Department of Agriculture Forest Service, Grand Mesa, Uncompahgre, and Gunnison National Forests (USFS-GMUG). The coal estate is administered by the BLM Uncompahgre Field Office (UFO). Coal in the existing leases is mined by MCC from their West Elk Mine near Somerset, Colorado. The application was made in order to prevent bypassing approximately 10.1 million recoverable tons of federal coal.

The Environmental Assessment (EA) for the West Elk Coal Lease Modifications Application (DOI- DOI-BLM-CO-150-2012-13-EA) incorporates by reference the Draft Environmental Impact Statement (EIS), Federal Coal Lease Modifications COC-1362 & COC-67232, prepared by the USFS for these lease modifications. The Proposed Action Alternative constitutes an expansion of the original mine analyzed in the Iron Point Exploration License, the Iron Point Coal Lease Tract and the Elk Creek Coal Lease Tract EIS (“North Fork Coal EIS”) and Record of Decision, and would continue mining operations into an additional area. The Proposed Action Alternative would not add additional production to previously authorized limits. The BLM prepared the EA to evaluate the impacts of issuing the coal lease modifications.

The BLM is required by law to consider leasing federally-owned minerals for economic recovery. The entire surface for the coal lease modifications application involves the USFS as the Surface Management Agency (SMA). With respect to lands managed by the USFS, the agency considers consenting to the BLM to lease coal reserves underlying lands under its jurisdiction, and prescribes stipulations for the protection of non-mineral resources. Therefore, in compliance with coal leasing regulations found at 43 CFR 3432.2(d), the BLM has submitted the lease modifications application to the Secretary of Agriculture for consent, for completion or consideration of an EA or EIS, for the attachment of appropriate lease stipulations, and for making any other findings prerequisite to lease issuance. The USFS has prepared the above referenced Draft EIS, Federal Coal Lease Modifications COC-1362 & COC-67232, to evaluate the consent decision.

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. The most detailed analysis prior to mine development would occur after the lease is issued, when the lessee files an application for a surface mining permit and mining plan approval, supported by extensive mining and reclamation plans.

### **FINDING OF NO SIGNIFICANT IMPACT**

I have reviewed the EA (DOI-BLM-CO-150-2012-0013-EA), dated June 2012. After consideration of the environmental effects as described in the EA, I have determined that the Proposed Action Alternative will not significantly affect the quality of the human environment and that an EIS is not required. The project is consistent with the current land management planning for the project area under the Uncompahgre Basin Resource Management Plan (BLM 1989 as amended).

## **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 site-specific action directly involving underground mining of federal coal reserves in a 1,721 acre lease modification tract of which an estimated 73 acres will be actively disturbed for the life of the coal seam for up to 48 additional methane drainage wells (MDW) and access routes. The overall West Elk Mine leases contain approximately 18,000 acres, of which 720 are actively disturbed. The entire North Fork Valley has coal leases of nearly 40,000 acres, of which 1,600 acres are disturbed. It should be kept in mind that the disturbed areas will be reclaimed to their natural states once mining has finished. Comparatively, the local area's National Forest System Lands (in which parts of the mines are located) total over 2 million acres (in the Grand Mesa and Gunnison National Forests), of which 176,000 acres are designated as Wilderness (the West Elk Wilderness). This project is a small element of more than a century of underground mining in the North Fork Valley that does not have international, national, or regional importance. The socioeconomic effect of approximately 1.6 years of continued coal production at or near current levels is limited to the North Fork Valley.

## **INTENSITY**

The following discussion is organized around the Ten Significance Criteria listed in 40 CFR 1508.27. The following have been considered in evaluating intensity for this proposal:

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

Beneficial and adverse effects of the Proposed Action Alternative were covered in this EA. With the consent of the USFS, the BLM would issue the lease modifications subject to USFS stipulations attached to the parent leases and pursuant to the lease addendums. Benefits of the project would be continuation of gainful employment in the coal mine for 1.6 years and contribution to the supply of coal to meet the nation's energy demands. None of the environmental effects discussed in the EA are considered significant.

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

Leasing in and of itself does not impart any risk to public health and safety. Potential post-leasing operations would have to comply with lease terms, Colorado Division of Reclamation, Mining, and Safety (DRMS) permit, and Mine Health and Safety Administration requirements. Due to the very limited access to the surface of this area, public hazards would be consistent with other areas of the forest managed for range and dispersed recreation.

*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.*

There are no prime farmlands, rangeland, or forest land as defined in the Secretary of Agriculture's Memorandum Number 1827, Supplement 1, identified on the GMUG. There are no identified parklands or Wild and Scenic rivers in proximity to the project. The lease modifications area has not been identified by any source as an ecologically critical area. Historic and cultural resources are addressed in item 8) below.

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

This decision for leasing additional coal reserves and its effects are not unique. Coal leasing decisions have been made in this area by the BLM for many years. There is no scientific controversy over the nature of the impacts. There is some uncertainty about the long-term cumulative effects of greenhouse gasses (GHGs) and how these effects can be managed and cannot be quantified or predicted at this time. The potential intensity of effects on the quality of the human environment is minimal.

*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. Coal mining has been ongoing in the area for over a century and both the BLM and the USFS have 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 Alternative was considered in the context of past, present and reasonably foreseeable actions. This decision is not unusual and significant cumulative effects are not predicted. This decision does not entail any known issues or elements that would create a precedent for future mining or mine venting decisions. The decision 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 Alternative was considered in the context of past, present and reasonably foreseeable actions. The implementation of the Proposed Action Alternative is estimated to contribute 1.23 million tons of GHG equivalent annually, with that being about 0.0177 percent of total U.S. contribution. Regardless of the accuracy of emission estimates, predicting the degree of impact any single emitter of GHGs may have on global climate change, or on the changes to

biotic and abiotic systems that accompany climate change, is not possible at this time. As such, the controversy is to what extent GHG emissions resulting from continued mining may contribute to global climate change, as well as the accompanying changes to natural systems, cannot be quantified or predicted. The degree to which any observable changes can, or would be, attributable to the Proposed Action Alternative cannot be reasonably predicted at this time.

The lands in proximity to the coal lease modifications are managed for multiple uses or are developed for public access and private use. Since leasing itself does not impact specific direct or indirect effects and post-lease activities are projected to be of limited scale, minimal individual effects and minimal cumulative effects are expected when added to the existing situation and other potential activities. The Proposed Action Alternative will not result in significant effects.

*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.*

The USFS, as the responsible SMA, is responsible for the environmental analysis for such surface resources as heritage resources. Tribal consultation regarding this EA was conducted by the GMUG. The project record and literature reviews support that heritage or cultural resources will not be affected by the Proposed Action Alternative as underground mining and the associated infrastructure will cause a relatively small amount of ground disturbance and would not lead to direct or indirect impacts to sites, if any actually exist, in the lease modifications. Stipulations and requirements for site-specific surveys at the time operations may be proposed will serve to further protect cultural resources. SHPO consultation was not necessary based on negative findings.

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

The USFS, as the responsible SMA, is responsible for the environmental analysis for such surface resources as threatened and endangered species. Formal consultation with the U.S. Fish and Wildlife Service (USFWS) was conducted by the GMUG. A Biological Assessment (BA) was prepared by the GMUG. All known endangered or threatened species in the area were considered. The BA found that possible subsidence effects are insignificant and discountable and there are no water depletions or diversions associated with this project, there would be no impact to surface wildlife, fish, or rare plant species, and consultation with US Fish and Wildlife Service was not required under Section 7 of the Endangered Species Act at this time. If additional findings regarding threatened or endangered, proposed or sensitive species are discovered in the lease modifications area, a new BA evaluation will be written, and formal consultation initiated, if required.

*10) Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.*

To the best of my knowledge the Proposed Action Alternative does not violate or threaten violation of any federal, state, local, or tribal law or requirement imposed for the protection of

the environment. State, local and tribal interests were given the opportunity to participate in the environmental analysis process.

**DETERMINATION**

This FONSI is based on the information contained in both the DOI-BLM-CO-150-2012-13 EA and the USFS Draft EIS and my consideration of criteria for significance (40 CFR 1508.27). It is my determination that: 1) the implementation of the Proposed Action Alternative will not have significant environmental impacts; 2) the Proposed Action Alternative is in conformance with the Uncompahgre Basin Resource Management Plan; and 3) the Proposed Action Alternative does not constitute a major federal action having significant effect on the human environment. Therefore, an EIS is not required.

Approved:

*Unsigned FONSI pending public comment on Preliminary EA*

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Lori Armstrong  
District Manager  
Southwest District Office

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Date