

DECISION RECORD
BLM DETERMINATION OF NEPA ADEQUACY (DNA) – WY-070-DNA14-199
Peabody Caballo Mining, LLC (Peabody)
Rawhide Clinker (“Scoria”) Mine, WYW-168449
Bureau of Land Management, Buffalo Field Office, Wyoming

DECISION:

BLM approves Peabody Caballo Mining, LLC’s (Peabody’s) application for its Rawhide Clinker (“Scoria”) Mine, non-competitive sale, WYW-168449, as described in DNA, WY-070-DNA14-199, all incorporated here by reference. This project is the result of collaboration between the BLM Buffalo Field Office (BFO) and Peabody. This project involves the removal of up to, but not exceeding, 200,000 CY of clinker (scoria) from approximately 22 acres. Approximately 18 acres are currently disturbed, and another approximately 4 acres are proposed to be disturbed. These 22 acres comprise BLM-administered mineral lands, as indicated below. The surface estate is owned by Peabody, and the disturbance is inclusive of all support infrastructures to include but not limited to the mine, staging area, access road, etc. Peabody’s Rawhide Coal Mine began construction in 1974, and now covers approximately 9,171 acres. The scoria will be used exclusively on the Coal Mine’s roads, to keep them passable year-round.

Compliance. This decision complies with:

- Federal Land Policy and Management Act of 1976 (FLPMA) (43 USC 1701); Interior Department Order 3310.
- The Materials Act of 1947 (30 USC 601 et seq.), as amended; 43 CFR 3600 et seq.
- National Environmental Policy Act of 1969 (NEPA) (42 USC 4321).
- Buffalo Resource Management Plan (RMP) and Records of Decision (RODs) 1985, 2001, 2003, 2011.
- Supplement to Memorandum of Understanding No. WY 19 Between the US DOI BLM, Wyoming State Office, and the State of Wyoming DEQ LQD for Management of Surface Mining and Exploration for Mineral Materials (Salable Minerals) on Public Lands; 2013.

The following summarizes details of the approval. The project description and site-specific mitigation measures are found in the DNA, WY-070-DNA14-199.

County	Feature	TwN	Rng	Sec	Subdivision	Total Acres
Campbell	Peabody Caballo, LLC, Rawhide Clinker (“Scoria”) Mine	51 N.	72 W.	12	SW	
TOTAL						22.0

Limitations. Approval of this project is dependent on compliance with the attached Standard Stipulations and the approved Peabody Coal Mine Reclamation Plan; in the event there is a conflict in between these two, BLM will apply the measure more favorable for successful reclamation as determined by the scientific community and BLM specialists.

THE FINDING OF NO SIGNIFICANT IMPACT. Analysis in the DNA, WY-070-DNA14-199, found the project comports to findings that this type of proposal has no significant impacts on the human environment or that any significant impacts received thorough analyses in supporting NEPA analyses; see the above DNA. BLM incorporates here by reference the FONSI’s, decision records, and records of decision from

those analyses named in the DNA. The proposed scoria mine surface was earlier disturbed and is in the confines of the approved Peabody Coal Mine, thus a new finding (FONSI) is not required.

COMMENT OR NEW INFORMATION SUMMARY. Public scoping for noncompetitive sales is not required by 43 CFR 3600, although BLM will post the decision to its website.

DECISION RATIONALE. The BLM approves the project for the following reasons:

1. BLM and Peabody added design features and mitigation measures which reduced environmental impacts while meeting the BLM's need:
 - a. BLM approves the non-competitive sale as submitted by Peabody and modified by BLM and Peabody to remove 200,000 CY of sand/gravel from a total of 22 acres of BLM-administered mineral lands. These lands are a mixture of mostly existing disturbance (18 acres) and proposed disturbance (4 acres). This approval is contingent upon compliance with other conditions of approval and reclamation.
2. The approved project will not result in any undue or unnecessary environmental degradation and complies with 43 CFR 3602.30 through .34, Noncompetitive Sales.
3. The approved project will help meet the nation's mineral materials needs.
4. The approved project will help ensure continued public health and safety by meeting needs for nearby road maintenance.
5. The approved project will help stimulate local economies by maintaining workforce stability.
6. The Operator committed to:
 - a. Comply with all applicable federal, state, and local laws and regulations.
 - b. Reclaim the mine to the standards in the WY BLM Reclamation Policy found in Appendix A to DNA, WY-070-DNA14-199.
7. The Operator certified it has posted an acceptable bond.
8. This project is not located in or near, nor will it affect, a floodplain, wetland, or riparian area.
9. The project is clearly lacking in wilderness characteristics as it lacks federal surface.
10. BLM reviewed the 12 extraordinary circumstances and none apply, 43 CFR 46.215.

ADMINISTRATIVE APPEAL. This decision is subject to administrative review in accordance with 43 CFR 3601.80. Request for administrative review of this decision must include information required under 43 CFR 4 and is appealed to the Interior Board of Land Appeals, as provided in 43 CFR 3601.80 and 43 CFR 4. A party adversely affected by a decision of the authorized officer or State Director made pursuant to subpart 43 CFR 3600, et. al., has the right of appeal to the Interior Board of Land Appeals, Office of Hearings and Appeals, pursuant to 43 CFR 4 and 43 CFR 1840.

Field Manager: _____/s/Duane W. Spencer_____

Date: _____7/11/14_____

**BLM DETERMINATION OF NEPA ADEQUACY (DNA), WY-070-DNA14-199
 Peabody Caballo Mining, LLC (Peabody)
 Rawhide Clinker (“Scoria”) Mine, WYW-168449
 Bureau of Land Management, Buffalo Field Office, Wyoming**

OFFICE: BLM, Buffalo Field Office (BFO), 1425 Fort St., Buffalo, WY 82834.

TRACKING NUMBERS: WY-070-DNA14-199.

*Buffalo and Powder River Basin Final Environmental Impact Statements and Records of Decision, 1985, (2001), 2003 (2011).

*Development of Coal Resources in the Eastern Powder River Coal Basin of Wyoming, Final Environmental Impact Statement (FEIS), DOI, USDA, ICC, 1974, (hereinafter, Rawhide Coal FEIS).

*WY-070-EA10-308, Environmental Analysis (EA) approved December 9, 2010, for Alpha Coal West, Belle Ayr Scoria Mine; see BLM Casefile WYW-170201.

* The BLM incorporates these NEPA documents by reference here because of substantially similar proposed mining operations, geography, and/or other resource issues.

BLM CASEFILE NO.: WYW-168499.

TITLE OF PROPOSAL: New Sales Contract for existing Rawhide Clinker (“Scoria”) Mine.

PROPOSED ACTION: Mine and remove 200,000 cubic yards (CY) clinker (“scoria”) from existing approximately 18-acre mine, and expand another approximately 4 acres, over 5 years’ time.

LEGAL DESCRIPTION:

County	Feature	Twn	Rng	Sec	Subdivision	Total Acres
Campbell	Peabody Caballo, LLC, Rawhide Clinker (“Scoria”) Mine	51 N.	72 W.	12	SW	22.0
TOTAL						22.0

APPLICANT: Peabody Caballo Mining, LLC (Peabody), Caller Box 3032, Gillette, WY, 82717.

A. Description of the Proposed Action and Any Applicable Mitigation Measures:

Peabody submitted a new Sales Contract and proposal (incorporated here by reference) for re-opening the existing Rawhide Clinker (“Scoria”) Mine (Rawhide Scoria Mine). They propose to remove 200,000 cubic yards (CY) of scoria from the mine over a 5-year period, per 43 CFR 3602.30. The Rawhide Scoria Mine occurs entirely within the confines of the existing Peabody Rawhide Coal Mine. The Rawhide Coal Mine began construction in 1974 under Exxon Coal and Minerals Company, and was purchased by Peabody Energy in 1994; the Coal Mine now encompasses a total of 9,171 acres. Peabody will use the scoria exclusively to maintain the Coal Mine roads, to ensure their safe use year-round. The scoria mine

is approximately 6 miles north of Gillette, west of WY Highway 59. This new contract was assigned BLM casefile serial number WYW-168449. This sale is for federally-administered minerals; Peabody owns the surface estate at the site. The mining operation is currently, and will continue to be, permitted by Wyoming Department of Environmental Quality (WDEQ) Land Quality Division LQD under Permit to Mine #240-T5.

Much of the scoria in the Powder River Basin (PRB) overlies coal seams. Therefore, in a number of areas of the PRB, scoria must be removed as part of the overburden overlying the coal so the coal can be exposed and mined via open-pit methods. If the scoria is of low quality, or if it occurs in such high abundance that it cannot all be used, it then remains part of the overburden. Overburden is essentially unusable rock and sediment, and is returned to the mined-out areas as fill, prior to reclamation of those areas. Depending on the composition of the overburden, it is often not separated into piles of various compositions. Therefore, any scoria in the overburden that is not separated out and used for mineral purposes (such as for road cover) becomes part of the “waste” that is only used as fill. In the location of this scoria mine, however, due to its’ small areal size, the physical constraints on that size, and its’ location, it is unlikely that the underlying coal seams would be mined. However, they may be mined in the future. Therefore, in this location, the scoria would either not be used at all, thereby becoming waste/fill, or if it were of usable quality, then it could be used for mineral purposes.

The scoria mine area is adjacent to the coal mines’ office and shop facilities (see Figure 1). It is bounded on the north, east, and south by high-voltage overhead power lines (OHPLs), and on the west by a coal mine haul road (see Figure 2). Approximately 18 acres are already disturbed from earlier scoria mining activities, which ceased in 1996 (BLM casefile WYW-132711). Another 4 acres are proposed to be disturbed during this authorization. The scoria occurs at the mine site up to 40’ thick, and possibly thicker. Peabody intends to drill several test holes to determine how deep the scoria occurs. However, this site is bounded by structures that Peabody will very likely not move, given the high expense of doing so. Therefore, once the full 22 acres are disturbed, and fully mined, this site will very likely be closed, and another site opened elsewhere on the coal mines’ property. Both potential alternatives (relocating the OHPLs to expand this site, or opening a new site) would involve great expense. However, opening a new scoria mine site would likely be much less cost-intensive. Peabody has already stated that, given current conditions, this is the option they would most likely take; they are already beginning to look for potential future sites. Reclamation of the scoria mine is not anticipated during the timeframe of this authorization (5 years). When reclamation does occur, it will occur according to the current coal mine permit (#240-T5).

To expand the mine to the full 22 acres, approximately 4 acres of vegetation and relatively thin topsoil will need to be removed. Peabody will remove and stockpile the topsoil (up to 6 inches in depth) for later reapplication during reclamation of the site. Peabody will use a track dozer to excavate the in-place scoria, and a wheel loader to tram it to an elevated feeder. The feeder will screen out the fines, which are unusable, and feed the remaining material to a horizontal impact crusher. Material too large to be crushed will be set aside, and along with fines and other unusable material, be placed back in the mine as fill during the reclamation process. The crushed material will then be fed through a 2” screen, and the material 2” or smaller will be transported via conveyor belt to a stockpile. Material from the crusher that is larger than 2” will be fed back into the crusher. All crushing and stockpiling equipment will be fed by a power line; only the mobile equipment (dozer and loader) will run on diesel fuel. No blasting is planned.

DNA WY-070-DNA14-199 tiers to BLM’s 1985 Buffalo Final Environmental Impact Statement (FEIS), the Powder River Basin FEIS, 2003, WY-070-02-065, and Rawhide Coal Mine FEIS, which concluded that

either no significant impacts would result to other resources should that proposed action occur (the coal mine), or that the impacts were acceptable. BLM treats this proposal as a new contract, as the terms of the former Sales Contract (WYW-132711, under Caballo Mining Co.) were filled, per 43 CFR 3602.22(a). This proposal is consistent with regulations (43 CFR 3602.31(a) and 3602.33(a)), the terms of the former approved Sales Contract, and does not involve a substantive change requiring additional NEPA analysis.

A previously-reviewed and accepted Class III cultural resource inventory, and an inventory of approximately 9 acres of undisturbed surface to the north, east, and south sides of the scoria mine, adequately covered the project area (BFO project #70140059). Previous ground disturbance associated with the existing mine has modified the surface so extensively that the probability of finding intact cultural properties is negligible. On May 7, 2014, Ardeth Hahn, BLM Archaeologist, notified the Wyoming State Historic Preservation Office (SHPO) following Section VI(A)(1) of the Wyoming State Protocol, of the action and proceeding with the undertaking. No cultural resources or historical properties exist within the proposed mine area.

BLM Biologist Scott Jawors conducted an on-site inspection on March 7, 2013. The affected environment is unchanged and consistent with the 2013 annual wildlife monitoring report posted by ICF International, LLC, posted October 2013, for the Rawhide [Coal] Mine, incorporated here by reference; see the administrative record (AR). There is one raptor nest identified within 0.5 miles of this proposed scoria pit; a great-horned owl nest on a coal silo that will not be affected by this scoria pit proposal. Wildlife resources described in the ICF report, 2013, remain unchanged, and the mitigation measures incorporated in the scoria current sales contract and coal mine permit will suffice to protect nesting raptors.

Mitigation Measures and Monitoring:

1. The Standard Stipulations are included in this DNA; see below. The mitigation measures and monitoring are also grandfathered in the permit for the Rawhide Coal Mine.
2. Reclamation will be accordance with the reclamation guidelines in Appendix 1 and those approved for the Rawhide Coal Mine. In the event of any conflict in reclamation measures, BLM will apply the measure most favorable for reclamation as determined by scientists and BLM specialists.

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans:

LUP Name: Buffalo Resource Management Plan (RMP), 1985; amended 2001, 2003, and 2011. Supplement to Memorandum of Understanding No. WY 19 Between the USDI BLM and the WDEQ LQD for Management of Surface Mining and Exploration for Mineral Materials (Saleable [sic] Minerals) on Public Lands; 2003.

See also: Interior Department Order 3310; 2010. The proposal conforms to the applicable LUPs as it is provided for in the following LUP decisions:

The Buffalo RMP Record of Decision (ROD), 1985, provides for development of salable minerals (mineral materials), such as scoria, p. 16. BLM-administered locatable minerals will remain subject to the provisions of the General Mining Law of 1872, as amended. The 1985 ROD provided for surface protections:

The ROD prohibited surface disturbance or occupancy within a biological buffer zone area around

active raptor nests unless the authorized officer waives the prohibition, p. 19.

The 2001 Buffalo RMP Amendment has a management objective of maintaining or enhancing opportunities for mineral exploration and development while maintaining other resource values, p. 8. The RMP specifically addressed scoria in its management decision for salable minerals, p. 13:

The majority of lands in the resource area, including federally administered surface/minerals and split estate, are available for mineral material exploration and development.

In order to explore and/or develop federally-administered salable minerals for commercial use (to sell) or for free-use (for use by governmental entities and non-profit organizations), BLM must authorize the activity (per 43 CFR 3601.30, 3601.71(a), and 3604.12).

All salable minerals actions are reviewed to ensure compliance with the bonding policy for surface-disturbing activities. The 2001 Amendment also addressed protections from surface disturbances. The Amendment addressed cultural surveys prior to surface disturbances, pp. 4 to 5 and Appendix A. The Amendment re-addressed raptor protections similar to those in the 1985 RMP, p. 38 and Appendix A. The scope of the 2003 Amendment is generally limited to fluid mineral (oil and gas) development, though the analysis concluded that salable minerals in the region were stratified above the oil and gas minerals, pp. 4-129. This Amendment has valuable sections on soil and water conservation and reclamation.

The 2011 Amendment focused on the Fortification Creek Planning Area and has no bearing here.

C. Identify Applicable National Environmental Policy Act (NEPA) Documents and Other Related Documents that Cover the Proposed Action:

List by name and date all applicable NEPA documents that cover the proposed action:

- Final Environmental Impact Statement (FEIS)...for the Powder River Basin (PRB) Oil and Gas Project, BFO, 2003.
- Buffalo FEISs, 1985, 2001.
- WY-070-EA10-274, for Caballo Coal's Caballo Scoria Mine, 2010.
- WY-070-EA10-308, Alpha Coal West's Belle Ayr Scoria Mine, 2010.
- WY-070-EA10-116, Alpha Coal West's Eagle Butte Scoria Mine, 2010.
- WY-070-DNA12-170, Alpha Coal West's Belle Ayr Scoria Mine, 2012.
- WY-070-DNA13-170, Campbell County Road & Bridge's Elmore/Gardner Lake Scoria Mine, 2013.
- WY-070-CX13-309, Quality Aggregate's Buffalo Ranch Scoria Mine, 2014.

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, monitoring report, etc.):

- Final Biological Opinion – or – Reinitiation of Formal Consultation with US Fish & Wildlife Service for the Powder River Oil and Gas Project, Campbell, Converse, Johnson, and Sheridan Counties, Wyoming (Formal Consultation No. ES-6-WY-07-F012). 2007.
- Rawhide [Coal] Mine 2013 Wildlife Monitoring Report, ICF International, October 2013.

D. NEPA Adequacy Criteria:

1. Is the new proposed activity a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the

existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes. The proposed action is the reinstatement of former operations, and therefore consistent with those actions. The resource conditions are similar to those in existing NEPA documents, with essentially no or insubstantial changes to other resources having occurred in the intervening period. The BLM finds that the conditions and environmental effects found in the EISs and EAs remain valid. The proposed action is a feature of, and is essentially similar to, the selected alternative in EA #WY-070-EA12-170, Alpha Coal West's Belle Ayr Scoria Mine; Buffalo ROD 1985, p. 16; and Buffalo RMP Amendment 2001, p. 4.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Yes. The EA (#WY-070-EA10-308) for the BLM Sales Contract for Alpha Coal West's Belle Ayr Scoria Mine analyzed 3 alternatives: 1) the continued mining of scoria in that location, 2) the no-action alternative (not approving the continued mining of scoria in that location), and 3) the mining of scoria elsewhere; see the Finding of No Significant Impact (FONSI), p. 1 and the EA, pp. 1 to 2. This EA also analyzed the proposed action in the light of current environmental concerns and resource values, noting that surface and groundwater will not be affected (p. 2), and that wetlands and riparian areas do not exist in the project area (p. 2). This EA also noted that there were no soil, erosion, or major reclamation concerns (pp. 1, 2, and 3), in addition to no concerns for vegetation and invasive species (pp. 2 and 3). This EA's range of alternatives also addressed the environmental concerns to wildlife and raptors (p. 2). The EA noted that there would be little to no impact on grazing (p. 2). The NEPA documents' analysis did not include a discussion of the biological buffers for raptors; the great-horned owl nest is on a coal silo and is subjected to a high degree of disturbance from existing coal mining operations. Disturbance from the proposal will be minimal in comparison.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes. The existing analysis remains valid in light of new information or circumstances given the need for the project. Updated information includes: an order from the Interior Department concerned land use plans' consideration of wilderness characteristics in those plans; Greater Sage-Grouse (GSG) conservation guidelines outlined in a Wyoming State Executive Order (#2011-5), 2011, and BLM Instruction Memorandum (WY IM 2012-019), 2012. BLM IMs 2012-043 and -044, 2012, also provide GSG policy guidance. These guidelines addressed administrative changes in implementation of projects within GSG core population areas. While considered by BFO, neither is relevant in this project proposal as the area has no wilderness characteristics, and the mine areas are not in GSG core areas. Not unexpectedly the area's GSG population survey results decreased over the years from few to none. This proposal is within the existing, permitted coal mine will have negligible positive or adverse effect on the area's GSG population.

The BFO's experience shows the design features and mitigation in existing NEPA documents is both substantially similar to, and therefore does not substantially change, an analysis of best management practices, design features, and mitigation necessary to provide for the proposed project and to minimize the project's impact on other resources.

The circumstance of allowing and mitigating a surface disturbance within the biological buffer of nesting raptors is addressed in the land use plans and amendments (cited above), and is further discussed in item #4 (below) in the context of direct and indirect effects.

There is no new information that would substantially or moderately change the analysis.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document(s)?

Yes. The direct, indirect, and cumulative effects that would result from implementation of the new proposed Sales Contract for this existing scoria mine are similar quantitatively and qualitatively to those analyzed in the existing NEPA analyses. BLM anticipates no loss of grazing resources. This DNA (WY-070-DNA14-199) for the new Sales Contract (WYW-168449) does not differ from other EAs (WY-070-EA10-274 and WY-070-EA10-308) regarding raptors. Biological buffers for nesting raptors are adequately analyzed in the Buffalo ROD 1985, p. 19; the 2001 Amendment, p. 38, and; in open-pit mining EAs, WY-070-EA10-274, 2010, pp. 13 to 14, and 20; WY-070-EA10-116, 2010, pp. 6 and 14; WY-070-EA10-309, 2011, Magna Energy’s Brubaker Sand and Gravel Mine, pp. 10, 15, and 21 to 23; WY-070-EA10-308, 2010, pp. 6 and 14 – all incorporated here by reference.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes, the public scoping for the Buffalo FEIS 1985, Amendment of 2001, and Amendment of 2003 (PRB FEIS) were extensive as evidenced with the receipt of thousands of comments. These FEISs, LUPs, and their amendments, established the administrative regulatory foundation for the BFO to implement the surface mining proposed in this new Sales Contract. Furthermore, the BFO extensively posted the EAs for projects on its website and continues an active public outreach and information program. While the BFO continues involving the public and local governmental officials in the decision making process, and the regulations do not require BLM to post, advertise, or bid for noncompetitive sales of this size (43 CFR 3602.31(a)); BFO will post the decision on its website.

E. Persons/Agencies/BLM Staff Consulted:

The following individuals and agencies were consulted and/or contributed to this document:

Name	Agency / Duty	Name	Agency/Duty
Kurt King	WDEQ LQD Sr. Environmental Analyst	Donald Brewer	BLM Biologist
Ardeth Hahn	BLM Archaeologist	Scott Jawors	BLM Biologist
Kerry Aggen	BLM Geologist, Project Lead	John Kelley	BLM NEPA Coordinator

Conclusion: Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM’s compliance with the requirements of the NEPA.

/s/ Duane W. Spencer
Signature of the Buffalo Field Manager

7/11/14
Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM’s internal decision process and does not constitute an appealable decision. However, the lease, permit, or decision based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

Figure 1. Map showing location and access to Peabody Caballo’s proposed Rawhide Clinker (“Scoria”) Mine (WYW-168449). Map provided to BLM by Peabody Caballo.

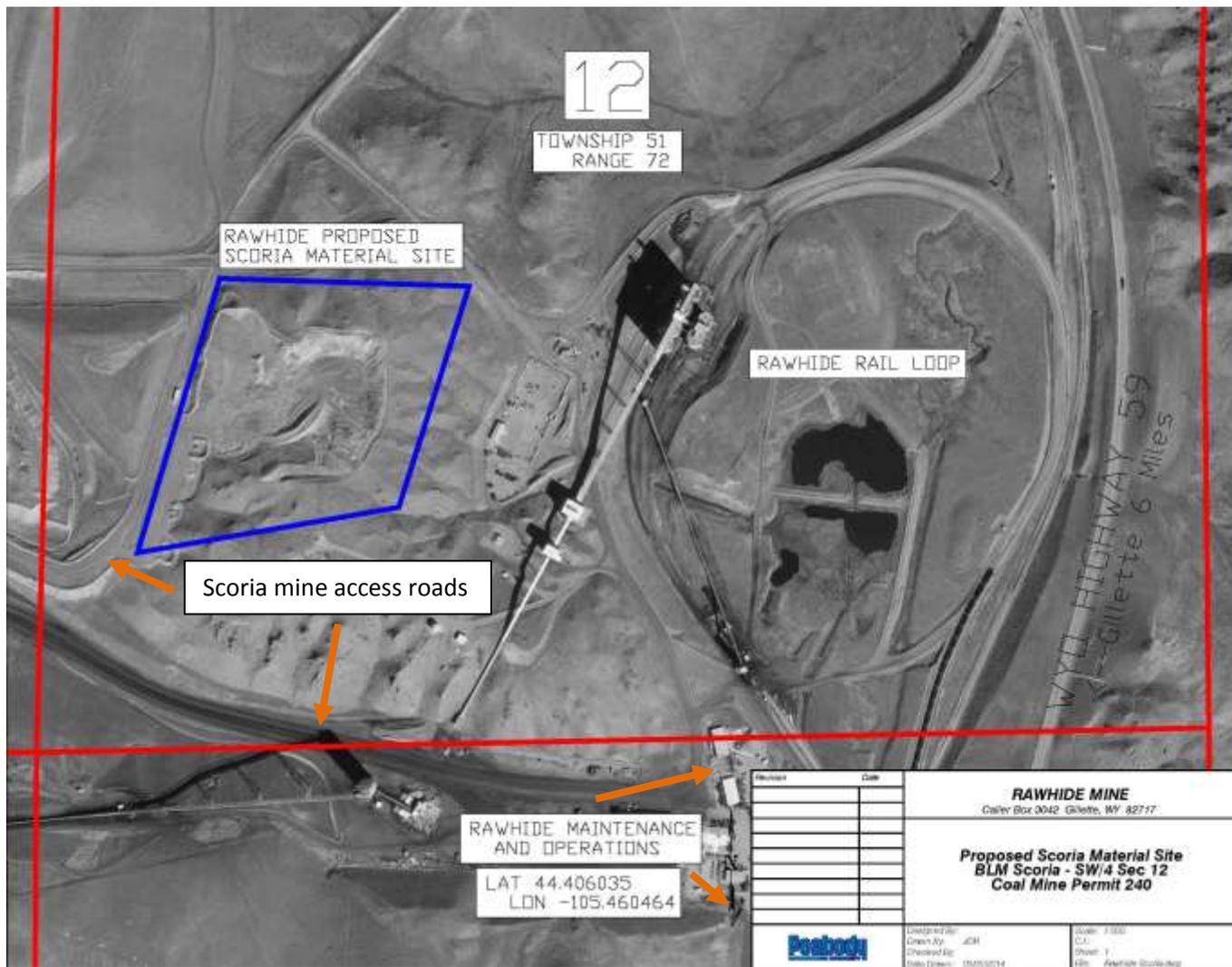


Figure 2. Panoramic photograph of Peabody Caballo’s Rawhide Clinker (“Scoria”) Mine (WYW-168449). The entire current area of disturbance is shown (approximately 18 acres), as well as most of the small additional areas to be disturbed, and which surround the current disturbance (approximately 4 acres total). The Mine’s floor is currently being used for equipment storage. The northernmost extent of the mine will be just south of the line of overhead power lines (OHPLs) seen in the middle ground, just beyond the Mine. The easternmost and southernmost extents will be similarly constrained by the OHPLs (most are unseen) in the middle ground to the right and behind the point where the photograph was taken. The westernmost extent is constrained by a coal mine haul road to the left out of the picture. Photo shows entire current extent of disturbance (looking from NNW through NNE), and was taken from near the south-easternmost corner of current extent of disturbance, by Kerry L. Aggen on April 23, 2014.



Appendix 1: RECLAMATION REQUIREMENTS, WYOMING BLM.

The following Reclamation Requirements apply to all surface disturbing activities, including BLM initiated activities, and must be addressed in each reclamation plan. These requirements also must be met prior to release of the bond and/or the reclamation liability. Where these Reclamation Requirements differ from other applicable federal, laws, rules, and regulations, those requirements supersede this policy. State and/or local statutes or regulations may also apply.

1. Manage all waste materials:

- a. Segregate, treat, and/or bio-remediate contaminated soil material.
- b. Bury only authorized waste materials on site. Buried material must be covered with a minimum of three feet of suitable material or meet other program standards.
- c. Ensure all waste materials moved off-site are transported to an authorized disposal facility.

2. Ensure subsurface integrity, and eliminate sources of ground and surface water contamination:

- a. Properly plug all drill holes and other subsurface openings (mine shafts, adits, etc.).
- b. Stabilize, properly back fill, cap, and/or restrict from entry all open shafts, underground workings, and other openings.
- c. Control sources of contamination and implement best management practices to protect surface and ground water quality.

3. Re-establish slope stability, surface stability, and desired topographic diversity:

- a. Reconstruct the landscape to the approximate original contour or consistent with the land use plan.
- b. Maximize geomorphic stability and topographic diversity of the reclaimed topography.
- c. Eliminate highwalls, cut slopes, and/or topographic depressions on site, unless otherwise approved.
- d. Minimize sheet and rill erosion on/or adjacent to the reclaimed area. There shall be no evidence of mass wasting, head cutting, large rills or gullies, down cutting in drainages, or overall slope instability on/or adjacent to the reclaimed area.

4. Reconstruct and stabilize water courses and drainage features:

- a. Reconstruct drainage basins and reclaim impoundments to maintain the drainage pattern, profile, and dimension to approximate the natural features found in nearby naturally functioning basins.
- b. Reconstruct and stabilize stream channels, drainages, and impoundments to exhibit similar hydrologic characteristics found in stable naturally functioning systems.

5. Maintain the biological, chemical, and physical integrity of the topsoil and subsoil (where appropriate):

- a. Identify, delineate, and segregate all salvaged topsoil and subsoil based on a site specific soil evaluation, including depth, chemical, and physical characteristics.
- b. Protect all stored soil material from erosion, degradation, and contamination.
- c. Incorporate stored soil material into the disturbed landscape.
- d. Seed soils to be stored beyond one growing season, with desired vegetation.
- e. Identify stockpiles with appropriate signage.

6. Prepare site for revegetation:

- a. Redistribute soil materials in a manner similar to the original vertical profile.
- b. Reduce compaction to an appropriate depth (generally below the root zone) prior to redistribution

of topsoil, to accommodate desired plant species.

- c. Provide suitable surface and subsurface physical, chemical, and biological properties to support the long term establishment and viability of the desired plant community.
- d. Protect seed and seedling establishment (e.g. erosion control matting, mulching, hydro-seeding, surface roughening, fencing, etc.)

7. Establish a desired self-perpetuating native plant community:

- a. Establish species composition, diversity, structure, and total ground cover appropriate for the desired plant community.
- b. Enhance critical resource values (e.g. wildlife, range, recreation, etc.), where appropriate, by augmenting plant community composition, diversity, and/or structure.
- c. Select genetically appropriate and locally adapted native plant materials based on the site characteristics and ecological setting.
- d. Select non-native plants only as an approved short term and non-persistent alternative to native plant materials. Ensure the non-natives will not hybridize, displace, or offer long-term competition to the endemic plants, and are designed to aid in the re-establishment of native plant communities.

8. Reestablish complementary visual composition:

- a. Ensure the reclaimed landscape features blend into the adjacent area and conform to the land use plan decisions.
- b. Ensure the reclaimed landscape does not result in a long term change to the scenic quality of the area.

9. Manage Invasive Plants:

- a. Assess for invasive plants before initiating surface disturbing activities.
- b. Develop an invasive plant management plan.
- c. Control invasive plants utilizing an integrated pest management approach.
- d. Monitor invasive plant treatments.

10. Develop and implement a reclamation monitoring and reporting strategy:

- a. Conduct compliance and effectiveness monitoring in accordance with a BLM (or other surface management agency) approved monitoring protocol.
- b. Evaluate monitoring data for compliance with the reclamation plan.
- c. Document and report monitoring data and recommend revised reclamation strategies.
- d. Implement revised reclamation strategies as needed.
- e. Repeat the process of monitoring, evaluating, documenting/reporting, and implementing, until reclamation goals are achieved.

REVIEW AND DOCUMENTATION FOR EXTRAORDINARY CIRCUMSTANCES:

This determination of NEPA adequacy is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. BLM reviewed the proposal and found that none of the extraordinary circumstances described in 516 DM 2 (and BLM NEPA Handbook H-1790-1, Appendix 5) apply.

EXTRAORDINARY CIRCUMSTANCES:		
1. Have significant impacts on public health or safety.		
Yes	No XX	<p>This project will have <i>positive</i> impacts on public health and safety. The mineral materials obtained from the project area (scoria) will be used on the Coal Mine roads to help keep them passable year-round and to minimize road dust. These roads are used year-round by employees and contractors of the Coal Mine. State, county, and federal, and other employees also use these roads to access many of these operations to conduct inspections and other required activities.</p> <p>An almost negligible negative impact is that the scoria mine activities may imperceptibly, sporadically increase the ambient air-borne dust which affects air quality. However, the public health and safety are mitigated for and/or minimized through the Standard Stipulations attached to the project, and the use of a scoria road surface reduces the potential of road dust creating ambient air-borne dust over the use of dirt-surfaced roads.</p>
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.		
Yes	No XX	<p>In accordance with Section 106 of the National Historic Preservation Act, BLM must consider impacts to historic properties (sites that are eligible for or listed on the National Register of Historic Places (NRHP)). For an overview of cultural resources found in the area, refer to the <i>Draft Cultural Class I Regional Overview, Buffalo Field Office</i> (BLM, 2010). A Class III (intensive) cultural resource inventory (BFO project no. 70140059) was performed to locate specific historic properties which may be impacted by the proposal. No cultural resources are in the proposal area.</p> <p>There are no areas of critical environmental concern, wilderness study areas, monuments, or other areas with special designation or needing special protection in or near the project area. The project area does not occur in, nor will it affect, a floodplain, wetland, or riparian area.</p> <p>Suitable raptor nesting habitat is present within 0.5 miles of the coal mine. One nest is documented near this project area. The nest is of a “disturbance tolerant” species (great-horned owl) on a coal silo which will not be affected by this proposal. See, ICF’s Rawhide [Coal] Mine 2013 Wildlife Monitoring Report, noting the sections on raptors.</p> <p>Suitable nesting habitat for migratory birds exists within 0.5 miles of the project area. No nests were located during surveys. An incidental observation of a mountain plover in 2005 is the last recorded siting of this species in the area.</p> <p>Although some new surface disturbance is proposed for the pit, impacts to wildlife from the</p>

EXTRAORDINARY CIRCUMSTANCES:		
		proposed activities at this mine site will be minimal.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes	No XX	This project involves re-opening, enlarging, and mining scoria from an existing scoria pit within the confines of an active coal mine; the scoria mining ceased in 1996. The Coal Mine received approval in 1974. There is no or negligible controversy or unresolved conflicts concerning the mining of scoria or its' use on road surfaces. This proposed use of the scoria (which overlies the coal) as road cover is a best practice in lieu of it simply removing it as overburden, to eventually become waste.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	No XX	The proposed action generally has very predictable consequences well established as insignificant.
5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		
Yes	No XX	This project will not have a potentially significant environmental effect.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No XX	This project does not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
Yes	No XX	BLM policy states that a decision maker's first choice should be avoidance of historic properties (BLM Manual 8140.06(C)). If historic properties cannot be avoided, mitigation measures must be applied to resolve the adverse effect. No historic properties will be impacted by the proposal. Following the 2006 <i>State Protocol Between the Wyoming Bureau of Land Management State Director and The Wyoming State Historic Preservation Officer</i> , Section VI(A)(1), the BLM notified the Wyoming State Historic Preservation Officer (SHPO) on May 7, 2014, that no historic properties exist in the area of potential effect (APE). If any cultural values (sites, features or artifacts) are observed during operation, they will be left intact and the Buffalo Field Manager notified. If during the course of any ground disturbance related to this project, any bones, artifacts, foundations, or other indications of past human occupation of the area are uncovered, the ground disturbing activity will be stopped immediately and a Buffalo Field Office archaeologist contacted.
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.		

EXTRAORDINARY CIRCUMSTANCES:		
Yes	No XX	<p>No listed or proposed or candidate threatened, or endangered species, or their critical habitat, occur in/near the project area. The project area is outside the Buffalo Core Area for Greater Sage-Grouse (GSG) conservation (as outlined in Wyoming State Executive Order 2011-5, "Greater Sage-Grouse Core Area Protection."). Three leks are within 1 mile of the existing coal mine. Suitable nesting habitat is limited adjacent to the pit, and is likely used for late brood-rearing, if used at all. GSG surveys found no grouse on the 3 leks since 2004.</p> <p>Although some new surface disturbance is proposed for the mine, impacts to wildlife from the mine's activities will be minimal.</p> <p>No listed or proposed Threatened and Endangered species, or their critical habitat, occur in/near the project area.</p>
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes	No XX	The existing mining operation is currently, and will continue to be, permitted by WDEQ LQD under Permit to Mine #240-T5. WGFD will routinely monitor the site for wildlife impacts.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No XX	Neither low-income nor minority populations will be impacted. The nearest residents to the project area are ranchers, who own affected and adjacent surface and/or mineral lands.
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).		
Yes	No XX	No sacred sites exist in or near the project area, therefore access to sacred sites will not be affected by approval of this project (see #2 above).
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).		
Yes	No XX	Operator has agreed to abide by the Standard Stipulations attached to the approval of this project. These Stipulations include requirements that the operator take necessary actions to prevent the introduction and/or spread of noxious or non-native invasive species in the project area.