DECISION RECORD
BLM DETERMINATION OF NEPA ADEQUACY (DNA) – WY-070-DNA15-065
Alpha Coal West, Inc. (Alpha Coal)
Eagle Butte Clinker ("Scoria") Mine, WYW-168488
Bureau of Land Management, Buffalo Field Office, Wyoming

DECISION:
BLM approves Alpha Coal's Eagle Butte Clinker ("Scoria") Mine, non-competitive sale, WYW-168488, as described in DNA WY-070-DNA15-065, incorporated here by reference. This project is the result of collaboration between the BLM Buffalo Field Office (BFO) and Alpha Coal West, Inc. (Alpha Coal). This project involves the removal of up to, but not exceeding, 104,849 cubic yards (CY) of clinker ("scoria") from federally-owned minerals portion of existing approximately 120-acre mine over 5 years' time; current disturbance on this portion is approximately 24.2 acres. This area consists entirely of privately-owned surface and BLM-administered mineral lands, in the area indicated below. Surface disturbance will be inclusive of all support infrastructure, including but not limited to the mine and staging areas, etc.

Compliance. This decision complies with:
- Federal Land Policy and Management Act of 1976 (FLPMA) (43 United States Code (USC) 1701).
- Interior Dept. Order 3310, Protecting Wilderness Characteristics on Lands Managed by BLM.
- The Materials Act of 1947 (30 USC 601 et seq.), as amended.
- 43 Code of Federal Regulations (CFR) 3600 et seq.
- National Environmental Policy Act of 1969 (NEPA) (42 USC 4321).
- Buffalo Resource Management Plan (RMP) 1985, and Amendments 2001, 2003, 2011.
- Supplement to Memorandum of Understanding No. WY 19 Between the USDOI 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.
- Greater Sage-Grouse (GSG) Habitat Management Policy on Wyoming BLM Administered Public Lands (WY-IM-2012-019) and GSG Interim Management Policies and Procedures (WO-IM-2012-043).

The following summarizes details of the approval. The project description and site-specific mitigation measures are found in the DNA document (WY-070-DNA15-065).

County	Feature	Twn	Rng	Sec.	Subdivision	Approx. Acres
Campbell	Alpha Coal West, Inc., Eagle Butte Clinker ("Scoria") Mine	51 N.	72 W.	18	*Lots 14 & 15 (not BLM-administered – not included in this proposal, but is part of this Clinker Mine)*	*103*
					Lot 18 (BLM-administered mineral estate)	61
TOTAL (NOTE: this includes approx. 103 acres of non-BLM-administered lands)						*164*

Limitations. Approval of this project is dependent on compliance with the attached Special and Site-Specific Stipulations.

THE FINDING OF NO SIGNIFICANT IMPACT. Analysis of the DNA, WY-070-DNA15-065, found the project comports to findings that this type of proposal has no significant impacts on the human environment or that any significant impacts through 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 mine surface is disturbed, and in the confines of the approved Alpha Coal Belle Ayr Coal Mine, thus a new Finding of No Significant Impact 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 non-competitive sale as submitted by Alpha Coal to remove 104,849 CY of clinker ("scoria") from approximately 61 acres of BLM-administered minerals, contingent upon compliance with the attached Stipulations and reclamation for the following reasons:

1. Alpha Coal included design features and mitigation measures in their proposal to reduce environmental impacts while meeting the proponents' intended need. These measures are also incorporated into the Stipulations.
    a. The impact of this development cumulatively contributes to the potential for local extirpation of the GSG, yet its' effect is acceptable because it is outside priority habitat and is within the parameters of the PRB FEIS and Record of Decision (ROD), and current BLM (WO-IM-2012-043) and Wyoming (WY-IM-2012-019) GSG conservation strategies.
    b. With application of Standard Operating Procedures (SOPs), applied mitigation, Required Design Features, and Stipulations identified for GSG under the proposed action, impacts caused by surface-disturbing and disruptive activities would be minimized.
    c. There are no conflicts anticipated or demonstrated with current uses in the area.
2. The RMP for BFO is currently undergoing revision. The Proposed RMP and FEIS were released in May 2015. The proposed action was screened against the FEIS to ensure it would not preclude BLM's ability to select any alternative in a ROD. The proposal was also determined to not be inconsistent with the direction outlined in the RMP's Proposed Alternative.
3. The approved project will not result in any undue or unnecessary environmental degradation and complies with 43 CFR 3602.30 through .34, Noncompetitive Sales.
4. The approved project will help meet the nation's Mineral Materials needs.
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, regulations, and policies.
    b. Reclaim the mine to the standards in the WY BLM Reclamation Policy found in Appendix A to DNA WY-070-DNA15-065.
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 consists entirely of privately-owned surface over BLM-administered mineral lands.
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 (IBLA), 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 IBLA, Office of Hearings and Appeals, pursuant to 43 CFR 4 and 43 CFR 1840.

for Field Manager: _____ Date: 8-12-15

BLM DETERMINATION OF NEPA ADEQUACY (DNA), WY-070-DNA15-065
Alpha Coal West, Inc. (Alpha Coal)
Eagle Butte Clinker ("Scoria") Mine, WYW-168488
Bureau of Land Management, Buffalo Field Office, Wyoming

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

TRACKING NUMBERS: WY-070-DNA15-065.

*Buffalo Resource Management Plan, 1985, and Amendments, 2001, 2003, and 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-EA10-116, Environmental Analysis (EA) approved May 19, 2010, for Alpha Coal West, Eagle Butte Scoria Mine; see BLM Casefile WYW-170067.

*WY-070-EA10-308, Environmental Analysis 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-168488.

TITLE OF PROPOSAL: New Sales Contract for existing Eagle Butte Clinker ("Scoria") Mine.

PROPOSED ACTION: Mine and remove 104,849 cubic yards (CY) of clinker ("scoria") from federally-owned minerals portion of existing approximately 120-acre mine over 5 years' time; current disturbance on this portion is approximately 24.2 acres.

LEGAL DESCRIPTION:

County	Feature	Twn	Rng	Sec.	Subdivision	Approx. Acres
Campbell	Alpha Coal West, Inc., Eagle Butte Clinker ("Scoria") Mine	51 N.	72 W.	18	*Lots 14 & 15 (not BLM-administered – not included in this proposal, but is part of this Clinker Mine)*	*103*
					Lot 18 (BLM-administered mineral estate)	61
TOTAL (NOTE: this includes approx. 103 acres of non-BLM-administered lands)						*164*

APPLICANT: Alpha Coal West, Inc. (Alpha Coal), P.O. Box 3040, Gillette, WY, 82718.

A. Description of the Proposed Action and Any Applicable Mitigation Measures:
Alpha Coal submitted a new Sales Contract (incorporated here by reference) proposing to continue mining and removing Mineral Materials (here, clinker, often locally called "scoria" due to its' sometimes resembling that volcanic rock) from their existing Eagle Butte Clinker ("Scoria") Mine. They propose to remove 104,849 cubic yards (CY) of clinker from the mine over a 5-year period, per 43 CFR 3602.30. The Clinker Mine occurs entirely within the confines of the existing Alpha Coal's Eagle Butte Coal Mine. The Coal Mine began construction in 1976 under AMAX, Inc., and was purchased by Alpha Natural Resources

in 2009; the Coal Mine now holds federal coal leases totaling more than 6,500 acres. Alpha Coal mines Roland and Smith coal seams (also called Anderson and Canyon, respectively), which are low ash, low sulfur, sub-bituminous coals (BLM FEIS for the Eagle Butte West Lease Application, 2007). These coal seams occur within the Tongue River Member (uppermost member) of the Fort Union Formation, the surface formation in the area. Subbituminous is a lower rank (carbon content, roughly equating to calorie or heat content) than anthracite, the highest coal rank. However, PRB subbituminous coals also have much lower ash and sulfur contents than many US coals with higher calorie contents, and are much cleaner burning (producing fewer sulfur oxides and fly ash). Alpha Coal will use the clinker exclusively to maintain the Coal Mine roads, to ensure their safe use year-round.

Under normal circumstances, there are volume limitations for Mineral Materials sales. BLM will not approve multiple noncompetitive sales exceeding 300,000 CY (or weight equivalent (WE) in tons) per State per 12 consecutive months to one purchaser (per 43 CFR 3602.31(c)). Also, BLM may sell no more than 200,000 CY (or WE) in any individual noncompetitive sale (per 43 CFR 3602.31(a)). Federal lessees intending to use federal Mineral Materials on lease are under an even more restrictive volume limitation of 200,000 CY (or WE) per State per 12 consecutive months per purchaser (43 CFR 3602.33(a)). However, Alpha Coal holds a Volume Limitation Waiver for their Belle Ayr Clinker Mine, issued by BLM Wyoming State Office (WSO) on October 5, 1995. This Waiver was approved as BLM WSO determined that it would be impossible to obtain competition for that clinker mines' location. It is located within the coal mine, and safety and liability concerns for the location are paramount. In addition, clinker is plentiful outside the mine. As the same company is still mining clinker from that same location, this Waiver still holds. Although this Waiver does not affect the Eagle Butte Clinker Mine, it also does not accrue that volume to the company; therefore, BLM may approve a Mineral Material sale to Alpha Coal for up to 200,000 CY for 12 consecutive months for Eagle Butte.

The clinker mine is approx. 7 miles north of Gillette and 1.5 miles west of US Highway 14/16. It is approx. 2 miles northwest of the Coal Mines' main buildings, but less than 1 mile north of an area currently being mined for coal. This new contract was assigned BLM serial casefile number WYW-168488. This sale is for federally-administered minerals; Alpha Coal owns the surface estate at the site (Lot 18). Two adjacent areas (Lots 14 and 15, totaling approx. 103 acres) are also part of this clinker mine, and Alpha Coal has begun mining for clinker; they own both surface and minerals here. See Figs. 1 & 4. This proposal does not include these areas. The clinker mining operation is permitted by Wyoming Department of Environmental Quality (WDEQ) Land Quality Division (LQD) under Permit to Mine #PT428.

Topography in/near the Mine area consists of gently rolling hills punctuated by irregularly spaced "buttes," and lies in the eastern portion of the Powder River Basin (PRB). These "buttes" are often capped by more resistant clinker, and sometimes sandstone, within the Tertiary-age Fort Union Formation, probably Tongue River Member. This Member consists of thick beds of yellow sandstone interbedded with gray/black shale and numerous coal seams. These rock types are abundant subsurface and exposed in valleys, channel cuts, and road cuts near the Mine, and highwalls in the Mine. The Clinker Mine is situated on two clinker-capped "buttes" with a narrow valley between (see Figs. 1, 2, and 4). The clinker likely formed as subsurface coal seams became exposed due to erosion or mass wasting and caught fire either from wildfires or lightning strikes, or even spontaneous combustion. Elevation at the Mine is approx. 4,500.' The nearest creek is Rawhide Creek, approx. 2 miles N of the project area.

Much of the clinker in the PRB is exposed overlying coal seams; relatively little occurs subsurface. In certain areas, clinker must be removed as part of the overburden overlying the coal so the coal can be exposed and open-pit mined. If the clinker is of low quality, or of such high abundance that not all can be

used for mineral purposes, some or all may remain part of the overburden. Overburden is essentially unusable rock/sediment, and is placed in mined-out areas as fill for attaining post-mining topography prior to surface reclamation. Any clinker remaining in the overburden becomes part of the waste/fill.

In this clinker mines' location, the underlying coal seam(s) will very likely be mined, as coal mining is occurring less than 1 mile south. However, coal mining in this location is not likely for some years: the area immediately adjacent on the southeast houses a very large overburden stockpile (see Figs. 1 & 6). This material will not be removed for many years; moving it is very time-consuming and costly, and there is no other feasible location within the Coal Mine boundary for housing this material. When it is removed, it will very likely be placed directly in a mined out area. Under the provisions of 43 CFR 3602.33(b), Alpha Coal could obtain the clinker at this site for no charge, if they wait until the coal mining reaches this area. However, as very little clinker occurs on Coal Mine lands, the clinker in this location has been, and may in the future, be needed for more immediate use.

Approximately 24.2 acres of BLM-administered mineral lands and 20 acres of non-BLM-administered lands are currently disturbed from earlier clinker mining activities (see Figs. 1 through 4). Clinker mining became inactive in 2011 (see BLM casefile WYW-170067): Alpha Coal decided to keep the remaining in-situ material in reserve, utilizing those materials already stockpiled around the Coal Mine and purchasing the rest needed from contractors (personal communications (pers. comm.) with Tina Hutt of Alpha Coal, between September 2011 and February 2015). Beginning in 2008, all PRB coal mines have experienced a downturn in production, as the US made more concerted efforts to invest in the technology and infrastructure needed to utilize more "green" energy alternatives. That downturn is now beginning to turn around, as utility companies exhausted their previously-stockpiled coal, the continuing worldwide increasing demand for electricity, and the world realizing many "green" energy alternatives both require a vastly larger investment of funds and lands and may not yet be able to produce the desired electricity output. The recent lowered production from the Coal Mine, however, had led to decreased need for clinker; this is also beginning to turn around, and Alpha Coal needs to ensure clinker is available for their use from this clinker mine, as the need arises.

Up to another approximately 5 acres of BLM-administered mineral lands might be disturbed; this would consist of the northeastern corner of Lot 18, comprising the southwestern flank of the next clinker butte north (see Figs. 1 & 4). This area has not yet been disturbed, and is adjacent to the area already disturbed on that butte (Alpha Coal surface/mineral lands). The other two clinker buttes encompassed within Lot 18 (to the west of the south butte) would very likely not be mined or disturbed (Fig. 1). Evidence of raptor nesting has been noted on the westernmost butte, both buttes are too small to yield much clinker, and they would be difficult to mine. The clinker in the remaining areas is up to 60' thick, and possibly thicker. Once all usable clinker has been removed, the clinker mine will be reclaimed; exhausted areas may be reclaimed sooner. Reclamation is not anticipated during the timeframe of this authorization (5 years). When reclamation is undertaken, it will occur according to the current Coal Mine permit (PT0428). From pers. comm. with Tina Hutt, Alpha Coal, September 2011-February 2015.

To expand the mine to the full acreage, more than approx. 40 acres of vegetation and topsoil will need to be removed (approx. 5 acres on federal minerals). Alpha Coal will remove and stockpile the topsoil (up to 6" deep) for later reapplication during reclamation. Alpha Coal will use a track dozer to excavate the in-place clinker, and a dozer or wheel loader to tram it to an elevated feeder. The feeder will screen out the fines (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 materials, 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 of that size and smaller will be transported via conveyor belt to a stockpile. Larger material from the crusher will be fed back into the crusher. All crushing/stockpiling equipment will be powered by an existing power line running through the clinker mine; only mobile equipment (dozer, loader) will run on diesel fuel. No blasting is planned. From pers. comm. with Tina Hutt, September 2011-February 2015.

A coalbed natural gas (CBNG) well, Medallion Exploration's Rawhide 1-18, sits less than 0.25 miles from the clinker mine's disturbed areas (see Figs. 1 & 5). This well was completed in 1994 to a bottom depth of 720', and was producing CBNG from the Wyodak coal. It was no longer producing by 2006 and is now shut-in (BLM LR2000 electronic database, May 19, 2015). This well has not yet been plugged or the site reclaimed. However, its' continued existence is not anticipated to interfere with, nor provide any hazards to, clinker mining operations. This well is shut-in, its' bottom depth is well below clinker mining depth, and clinker mining operations are not anticipated to occur again at the site in the near future.

DNA WY-070-DNA15-065 tiers to BLM's 1985 Buffalo Resource Management Plan and 2001 update, the Powder River Basin FEIS, 2003, WY-070-02-065, Eagle Butte Coal Mine FEIS, and EA WY-070EA10-116 (2010), which concluded that either no significant impacts would result to other resources should the proposed action occur (the coal mine, or clinker mine), or that the impacts were acceptable. BLM treats this proposal as a new contract, as the terms of the former Sales Contract (WYW-170067) were filled, per 43 CFR 3602.22(a). This proposal is consistent with regulations (43 CFR 3602.31(a) and (c), and 3602.33(a)), the terms of the former approved Sales Contract, and does not involve a substantive change requiring additional NEPA analysis.

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 that are generally found within BFO, the reader is referred to the *Draft Cultural Class I Regional Overview, Buffalo Field Office* (BLM, 2010). A Class III (intensive) cultural resource inventory (BFO project no. 70060229) was performed in order to locate specific historic properties which may be impacted by the proposed project. No historic properties will be impacted by the proposed project. Following the *State Protocol Between the Wyoming Bureau of Land Management State Director and The Wyoming State Historic Preservation Officer (SHPO)*, Section V(E)(iv) BLM electronically notified the Wyoming SHPO on February 25, 2015, that no historic properties exist within the area of potential effect. If any cultural values (sites, features or artifacts) are observed during operation, they will be left intact and the Buffalo Field Manager notified. If human remains are noted, the procedures described in Appendix L of the PRB FEIS must be followed. Further discovery procedures are explained in Standard COA (General)(A)(1) and in Appendix K of the Wyoming Protocol.

BLM Biologist Christopher Sheets conducted an evaluation of the proposed action. The affected environment is unchanged from, and consistent with, that described in the 2014 Annual Wildlife Monitoring Report by ICF International, LLC (ICF), for the Eagle Butte Mine; this report is incorporated here by reference. Wildlife resources described in the ICF report remain unchanged, and the mitigation measures incorporated in the current clinker mine's Sales Contract (WYW-170067) and the coal mine permit (PT428) will suffice to protect nesting raptors, and are also included here.

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 Eagle Butte Coal Mine. Some of the attached BLM Site-Specific Stipulations are already included in the Coal Mine's mitigation, but are still included here to ensure compliance for this authorization with the Migratory Bird Treaty Act (MBTA).

2. Reclamation will be accordance with the reclamation guidelines in Appendix 1 and those approved for the Eagle Butte 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. 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 clinker, p. 16. 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 clinker 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.

The Resource Management Plan (RMP) for the Buffalo Field Office is currently undergoing revision. The Draft RMP and Environmental Impact Statement were released in June 2013. The proposed action was screened against the Draft RMP to ensure that the proposed action would not preclude BLM's ability to select any alternative in a ROD. The proposed action was also determined to not be inconsistent with the direction outlined in the RMP's Preferred Alternative.

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

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 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.

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 Resource Management Plan, 1985, and Amendment 2001.
- WY-070-EA14-198, for Campbell County Road & Bridge Department's Davis Clinker Mine, 2014.
- WY-070-EA12-109, for Quality Aggregate's Recluse Clinker Mine, 2013.
- WY-070-EA10-308, for Alpha Coal West's Belle Ayr Scoria Mine, 2010.
- WY-070-EA10-274, for Peabody Caballo Coal's Caballo Scoria Mine, 2010.
- WY-070-EA10-116, for Alpha Coal West's Eagle Butte Scoria Mine, 2010.
- WY-070-CX14-416, for Quality Aggregate's Carter Clinker 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, 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.
- Greater Sage-Grouse Habitat Management Policy on Wyoming BLM Administered Public Lands (WY-IM-2012-019) and Greater Sage-Grouse Interim Management Policies and Procedures (WO-IM-2012-043).
- Eagle Butte 2014 Wildlife Monitoring Report, ICF International, December 2014.

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 continuation of current 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-EA10-116, Alpha Coal West's Eagle Butte Scoria Mine; Buffalo RMP 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-EA10-116) for the BLM Sales Contract for Alpha Coal West's Eagle Butte Scoria Mine analyzed 3 alternatives: 1) the continued mining of clinker ("scoria") in that location, 2) the no-action alternative (not approving the continued mining of clinker ("scoria") in that location), and 3) the mining of clinker ("scoria") elsewhere; see the Finding of No Significant Impact (FONSI), p. 1 and the EA, pp. 1 to 11. 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 (pp. 2, 5, and 11). This EA also noted that there are no soils, erosion, or major reclamation concerns (pp. 2, 5, and 11, in addition to no concerns for vegetation and invasive species (pp. 2, 5, and 11). This EA's range of alternatives also addressed the environmental concerns to wildlife (p. 3 to 11). The EA noted that there would be little to no impact on grazing (pp. 4 and 11). The NEPA documents' analysis did not include a discussion of the biological buffers for raptors; however, a special stipulation was added to minimize or mitigate any effects to raptors. Disturbance from the proposal will be similar to the earlier approved proposal.

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 on land use plans' consideration of wilderness characteristics Secretarial Order 3310; Greater Sage-Grouse (GSG) conservation guidelines outlined in a Wyoming State Executive Order (#2015-4), 2015, 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 habitat. Although the area's GSG population survey results have decreased over the years from few to none, the two identified GSG leks within 2 miles (Rawhide School, and Berbour leks) are still considered occupied by the Wyoming Game and Fish Department (WGFD), and therefore still warrant mitigation. This proposal is within the existing, permitted coal mine disturbances and will have negligible adverse impacts on the areas' GSG population if timing limitations are applied.

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 to minimize impacts on 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 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 clinker 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-DNA15-065) for the new Sales Contract (WYW-168488) does not differ from other EAs (WY-070-EA10-116 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-EA14-198, 2014, pp. 7 and 9; WY-070-EA12-109, 2013, pp. 7 to 8, 10 to 11; WY-070-EA10-308, 2010, pp. 6 and 14; WY-070-EA10-274, 2010, pp. 13 to 14, and 20; WY-070-EA10-116, 2010, pp. 6 and 14; WY-070-CX10-416, 2014 – 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	Title/Resource	Agency
Kurt King	*Sr. Environmental Analyst*	*WDEQ Land Quality Division*
Tina Hutt	*Sr. Environmental Specialist*	*Alpha Coal West, Inc.*
Seth Lambert	*Archaeologist*	*BLM*
Christopher Sheets	*Biologist*	*BLM*
Kerry Aggen	*Geologist, and Project Lead*	*BLM*
Tom Bills	*Planning & Environmental Coordinator*	*BLM*

Note: Refer to the respective EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

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

Kenyh. Aggen 8/11/2015
Signature of Project Lead

8/12/2015
Signature of NEPA Coordinator

for
Signature of the Buffalo Field Manager

8-12-15
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. General topographic map showing location and access to Alpha Coal's proposed Eagle Butte Clinker ("Scoria") Mine (WYW-168488). Map shows entire currently mined portion (see Figs. 2 & 3), and the next clinker-capped butte to the north, a portion of which (Alpha Coal portion) has already been partially mined, and which will continue to be mined at some time in the future (Alpha Coal and BLM portions) (see Fig. 4). The approximate location of the Rawhide 13-18 CBNG well is also shown (see Fig. 5). The next two clinker-capped buttes to the west can also be seen, although these will not be mined. Just off the map is the area adjacent on the southeast that houses the large overburden stockpile (see Fig. 6). Map provided to BLM by Alpha Coal on January 8, 2015.

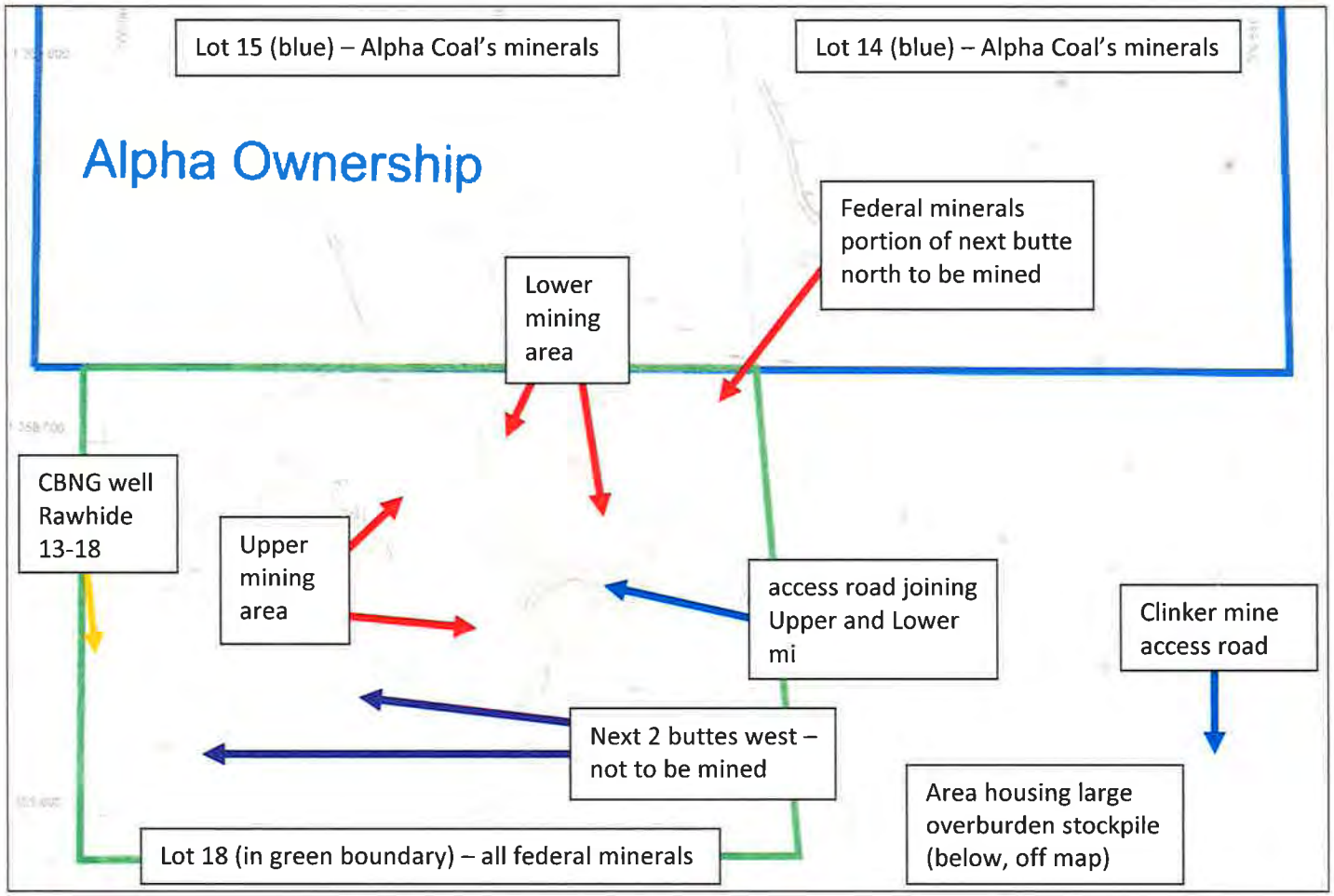


Figure 2. Panoramic photographs of Upper mining area of Alpha Coal's proposed Eagle Butte Clinker ("Scoria") Mine (WYW-168488). The entire current area of disturbance in the upper mining area of the mine portion on federal mineral lands is shown. Not seen is the lower mining area (see Fig. 3), which is adjacent to the upper mining area on the north; these areas are joined by a short access road. Also not seen is the CBNG well on the western side of the mine (see Figs. 1 & 5), the 2 smaller clinker buttes to the west that will not be mined (see Fig. 1), and the area adjacent to the southeast that houses the large overburden stockpile (see Fig. 6). The topmost portion of the next butte north can be seen – this butte has been partially mined on its' western flank, and will be mined more completely in the future (see Figs. 1 & 4). Most of this butte, including where it was mined already, is comprised of Alpha Coal mineral estate; only the southwestern flank is federal minerals. Current disturbance on federal minerals is approximately 22.4 acres; total disturbance is approximately 42 acres. Upper photos taken looking approximately NE (left) through SE (right), and lower photos looking approximately SE (left) through NE (right), from within eastern portion of Upper mining area by Kerry L. Aggen on September 24, 2010.

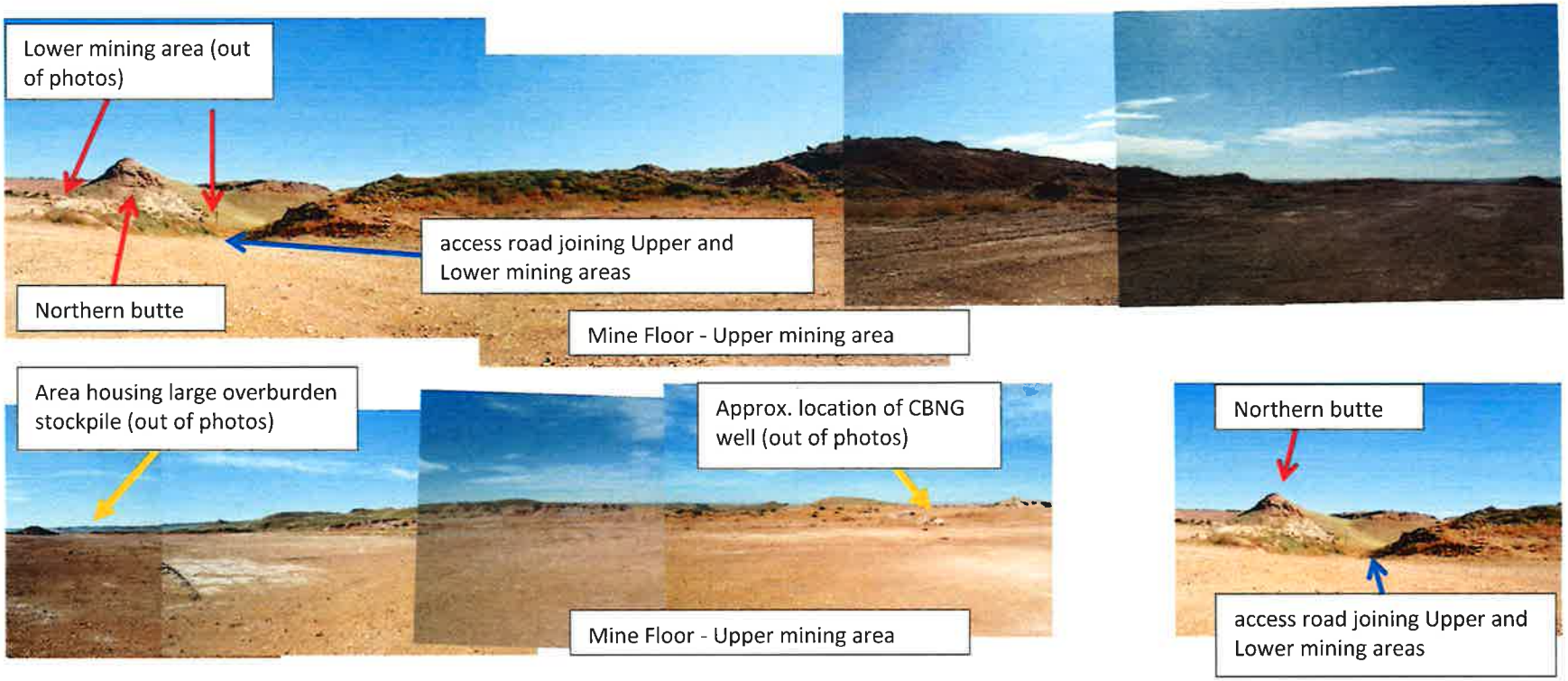


Figure 3. Panoramic photographs of Lower mining area of Alpha Coal's proposed Eagle Butte Clinker ("Scoria") Mine (WYW-168488). Nearly the entire current area of disturbance in this portion is shown. Not seen is the upper mining area (see Fig. 2), which is adjacent to the south; these areas are joined by a short access road. Also not seen is the CBNG well on the western side of the mine (see Fig. 5), the 2 smaller clinker buttes to the west that will not be mined (see Fig. 1), the area adjacent to the Upper mining area to the southeast that houses the large overburden stockpile (see Fig. 6), and the next butte north that is part of the mine (behind photo location; see Figs. 1 & 4). Photos taken looking approximately ESE (left) through WSW (right), from northern side of Lower mining area by Kerry L. Aggen on September 7, 2011.

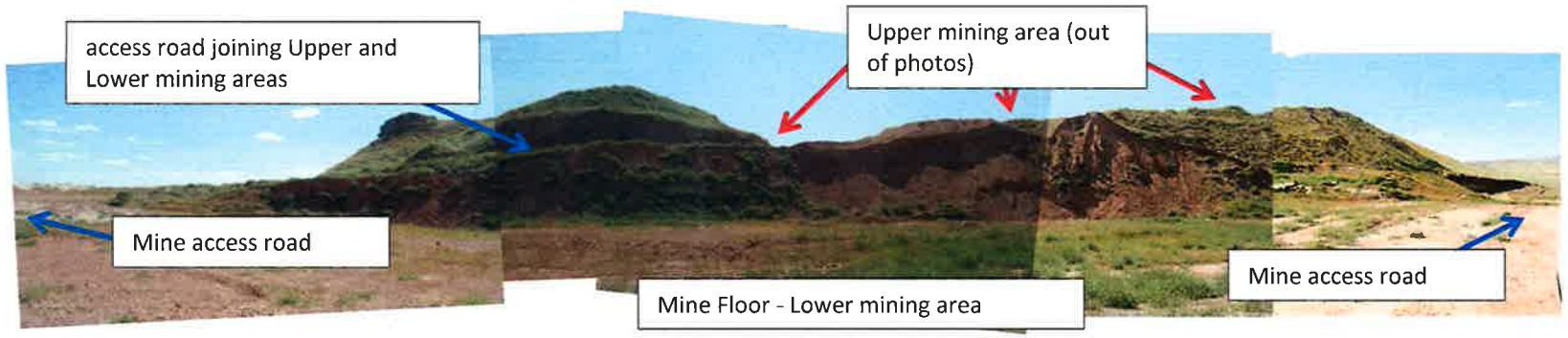


Figure 4. Panoramic photographs of western side of northern clinker butte of Alpha Coal's proposed Eagle Butte Clinker ("Scoria") Mine (WYW-168488). Almost entire current area of disturbance in this portion is shown; there is a small amount more to west out of photos. Not seen is nearly the entire southern butte (behind photo location; see Figs. 2 &3), the CBNG well (see Fig. 5), the 2 smaller clinker buttes that will not be mined (see Fig. 1), and the area housing the large overburden stockpile (see Fig. 6). The approximately boundary between Lots 18 (federal minerals) and Lots 14 & 15 (Alpha Coal's minerals) is shown. The electrical poles may be used to supply electricity for future mining of this area. Photos taken looking approx. N (left) through NE (right), from northern edge of southern buttes' Lower mining area by Kerry L. Aggen on September 24, 2010.

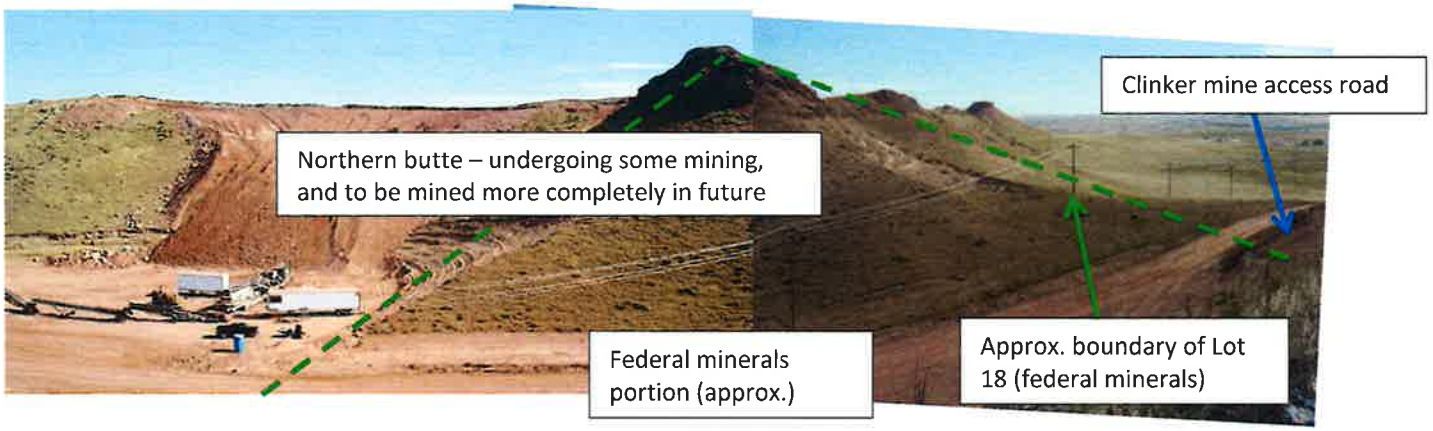


Figure 5. Panoramic photographs of CBNG well on western edge Alpha Coal's proposed Eagle Butte Clinker ("Scoria") Mine (WYW-168488). Medallion Exploration's Rawhide 13-18 CBNG well is shown, which is along western edge of the clinker mine. The well is just off the western flank of the westernmost butte (not to be mined), as seen behind well. Photos taken looking approx. E (left) through ESE (right), from just north of the well near the western edge of the clinker mine area by Kerry L. Aggen on September 24, 2010.

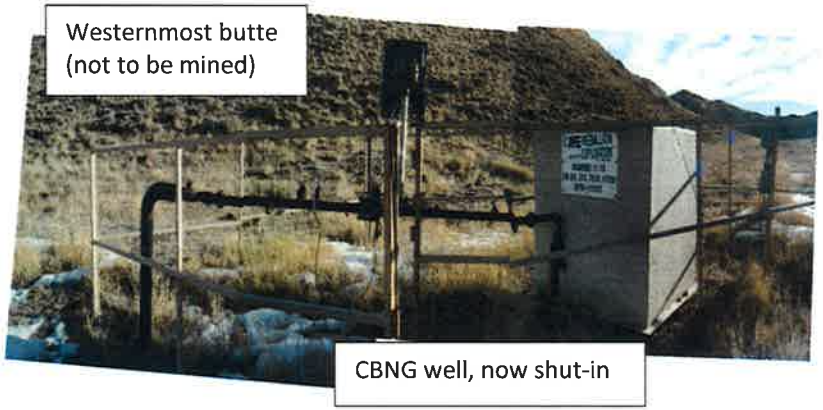
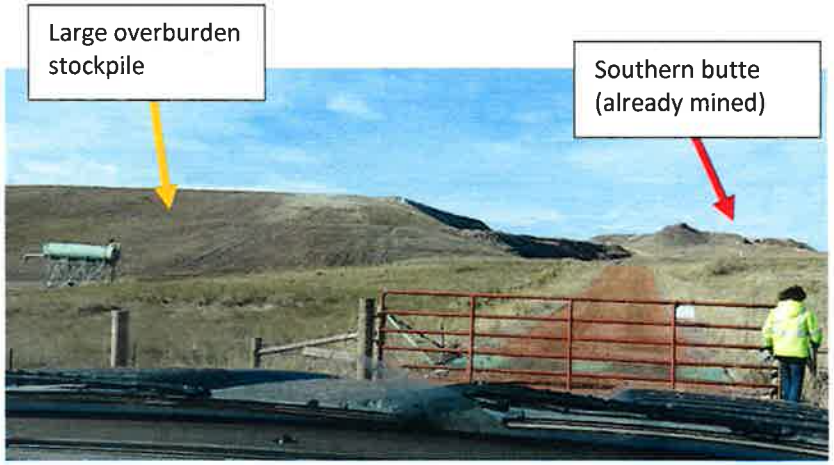


Figure 6. Photograph of the area adjacent to the southern edge of Alpha Coal's proposed Eagle Butte Clinker ("Scoria") Mine (WYW-168488), housing a large overburden stockpile. Just a portion of this area is seen, and it houses the large overburden stockpile. This area, and the clinker mine area, may be mined for coal in the future, but not for many years. The overburden will not be moved until a mined out area is ready for fill, as moving it is time-consuming, costly, and there is no other location for it. Photo taken looking approx. W from east of clinker mine, by Kerry L. Aggen on February 10, 2015 (Tina Hutt of Alpha for scale!).



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.