

APPENDIX A

FEDERAL AND STATE PERMITTING
REQUIREMENTS AND AGENCIES

APPENDIX A: FEDERAL AND STATE AGENCIES & PERMITTING REQUIREMENTS	
Agency	Lease/Permit/Action
FEDERAL	
Bureau of Land Management	Coal Lease Resource Recovery & Protection Plan Scoria Sales Contract Exploration Drilling Permit
Office of Surface Mining Reclamation and Enforcement	Preparation of MLA Mining Plan Approval Document SMCRA Oversight
Office of the Secretary of the Interior	Approval of MLA Mining Plan
Mine Safety and Health Administration	Safety Permit and Legal ID Ground Control Plan Major Impoundments Explosives Use and Storage Permit
Bureau of Alcohol, Tobacco, and Firearms	Explosive's Manufacturer's License Explosives Use and Storage Permit
Federal Communication Commission	Radio Permit: Ambulance Mobile Relay System Radio License
Nuclear Regulatory Commission	Radioactive By-Products Material License
Army Corps of Engineers	Authorization of Impacts to Wetlands and Other Waters of the U.S.
Department of Transportation	Hazardous Waste Shipment Notification
Federal Aviation Administration	Radio Tower Permits
STATE	
State Land Commission	Coal Lease Scoria Lease
Department of Environmental Quality-Land Quality Division	Permit and License to Mine
Department of Environmental Quality-Air Quality Division	Air Quality Permit to Operate Air Quality Permit to Construct Air Quality Permit to Modify
Department of Environmental Quality-Water Quality Division	National Pollutant Discharge Elimination System Water Discharge Permit Permit to Construct Sedimentation Pond Authorization to Construct Septic Tank & Leach Field Authorization to Construct and Install a Public Water Supply and Sewage Treatment System
Department of Environmental Quality-Solid Waste Management Program	Solid Waste Disposal Permit-Permanent and Construction
State Engineer's Office	Appropriation of Surface Water Permits Appropriation of Ground Water Permits
Industrial Siting Council	Industrial Siting Certificate of Non-Jurisdiction
Department of Health	Radioactive Material Certificate of Registration

APPENDIX B

UNSUITABILITY CRITERIA
FOR THE WEST ANTELOPE II LBA TRACT

APPENDIX B. UNSUITABILITY CRITERIA FOR THE WEST ANTELOPE II
LBA TRACT

UNSUITABILITY CRITERIA	GENERAL RECOMMENDATIONS FOR BUFFALO RESOURCE AREA (BLM 1985a, 2001a)	FINDINGS FOR WEST ANTELOPE II LBA TRACT
<p>1. Federal Land Systems. All federal lands included in the following systems are unsuitable for mining: National Parks, National Wildlife Refuges, National System of Trails, National Wilderness Preservation System, National Wild and Scenic Rivers, National Recreation Areas, Lands acquired through the Land and Water Conservation Fund, National Forests and Federal lands in incorporated cities, towns and villages.</p>	<p>There are Federal lands located around Gillette, Sheridan, and Wright which were determined to be unsuitable under this criterion. TBNG is not a National Forest.</p>	<p>None of the federal lands determined to be unsuitable under Criterion 1 are present on the West Antelope II LBA tract, and therefore there are no unsuitable findings.</p>
<p>2. Rights-Of-Way and Easements. Federal lands that are within ROWs or easements or within surface leases for residential, commercial, industrial or other public purposes, on federally owned surface, are unsuitable for mining.</p>	<p>Portions of the BNSF & UP railroad ROWs, the Tri-County 230-Kv transmission line ROW, the Wyoming State Highway 450 ROW, and the I-90 ROW on federal surface were found to be unsuitable under this criterion within the general review area.</p>	<p>The portions of the Tri-County 230-Kv transmission line ROW, the Wyoming State Highway 450 ROW, and the I-90 ROW that were determined to be unsuitable are not located on the West Antelope II LBA tract. The West Antelope II LBA tract includes a portion of the BNSF & UP railroad ROW. This ROW was designated unsuitable for mining and the lease will be stipulated to exclude mining within the ROW.</p>
<p>3. Buffer Zones for Rights-Of-Way, Communities, and Buildings. Federal lands within 100 ft of a ROW of a public road or a cemetery; or within 300 ft of any public building, school, church, community or institutional building or public park; or within 300 ft of an occupied dwelling are unsuitable for mining.</p>	<p>Portions of Wyoming State Highway 450, Interstate Highway I-90, and one cemetery were found to be unsuitable under this criterion. Decisions were deferred on other highways/roads, occupied dwellings, and one school.</p>	<p>The unsuitable portions of the Wyoming State Highway 450 ROW and the I-90 ROW, and the cemetery are not located on the West Antelope II LBA tract. A portion of Wyoming State Highway 59, a public road, is located on the BLM Study Area for the West Antelope II LBA tract. Therefore, the portion of the West Antelope II LBA tract within the highway ROW and the associated 100-ft buffer zone are designated unsuitable for mining and the lease will be stipulated to exclude mining within these areas unless a permit to move the highway is approved by WYDOT. No occupied dwellings or schools are located on the tract.</p>
<p>4. Wilderness Study Areas. Federal lands designated as wilderness study areas are unsuitable for mining while under review for possible wilderness designation.</p>	<p>No lands in the general review area are within a wilderness study area.</p>	<p>There are no unsuitable findings under Criterion 4 for the West Antelope II LBA tract.</p>
<p>5. Scenic Areas. Scenic federal lands designated by visual resource management analysis as Class I (outstanding visual quality or high visual sensitivity) but not currently on National Register of Natural Landmarks are unsuitable.</p>	<p>No lands in the general review area meet the scenic criteria as outlined.</p>	<p>There are no unsuitable findings under Criterion 5 for the West Antelope II LBA tract.</p>
<p>6. Land Used for Scientific Study. Federal lands under permit by the surface management agency and being used for scientific studies involving food or fiber production, natural resources, or technology demonstrations and experiments are unsuitable for the duration of the study except where mining would not jeopardize the purpose of the study.</p>	<p>Two vegetation monitoring study sites on the TBNG (NE¼ of Sec. 1, T.41N., R.71W. and NW¼ NW¼ of Sec. 30, T.41N., R.69W.), and the Hoe Creek Site (Sec. 7, T.47N., R.72W.) were found to be unsuitable under this criterion.</p>	<p>The vegetation monitoring sites and the Hoe Creek site are not located on the West Antelope II LBA tract. There are no unsuitable findings under Criterion 6 for the West Antelope II LBA tract.</p>

UNSUITABILITY CRITERIA	GENERAL RECOMMENDATIONS FOR BUFFALO RESOURCE AREA (BLM 1985a, 2001a)	FINDINGS FOR WEST ANTELOPE II LBA TRACT
<p>7. Cultural Resources. All publicly or privately owned places which are included in or are eligible for inclusion in the NRHP and an appropriate buffer zone are unsuitable.</p>	<p>On the basis of the consultation with SHPO, there are no sites within the general review area that are listed on the NRHP. Continue using the standard “Archeological Stipulation” on all new coal leases.</p>	<p>There are no unsuitable findings under Criterion 7 for the West Antelope II LBA tract. The standard “Archeological Stipulation” should be applied if this tract is leased.</p>
<p>8. Natural Areas. Federal lands designated as natural areas or National Natural Landmarks are unsuitable.</p>	<p>No lands in the general review area are designated as natural areas or as National Natural Landmarks.</p>	<p>There are no unsuitable findings under Criterion 8 for the West Antelope II LBA tract.</p>
<p>9. Critical Habitat for Threatened or Endangered Plant and Animal Species. Federally designated critical habitat and habitat proposed to be designated as critical for listed threatened or endangered plant and animal species, and essential habitat where threatened or endangered species have been scientifically documented are unsuitable.</p>	<p>There is no federally designated critical habitat for threatened or endangered plant or animal species within the general review area.</p>	<p>There are no unsuitable findings under Criterion 9 for the West Antelope II LBA tract.</p>
<p>10. State Listed Threatened or Endangered Species. Federal lands containing habitat determined to be critical or essential for plant or animal species listed by a state pursuant to state law as threatened or endangered shall be considered unsuitable.</p>	<p>Wyoming does not maintain a state list of threatened or endangered species of plants or animals. Therefore, this criterion does not apply.</p>	<p>There are no unsuitable findings under Criterion 10 for the West Antelope II LBA tract.</p>
<p>11. Bald or Golden Eagle Nests. An active bald or golden eagle nest and appropriate buffer zone are unsuitable unless the lease can be conditioned so that eagles will not be disturbed during breeding season or unless golden eagle nests will be moved.</p>	<p>Defer suitability decisions and evaluate bald and golden eagle nests on a case by case basis at the time of leasing. Establish buffer zones around nests during mining and reclamation planning after consultation with USFWS.</p>	<p>There are currently no bald eagle nests on the West Antelope II LBA tract. Two golden eagle nests are located on or near the tract. Evaluate suitability prior to lease issuance during consultation with USFWS.</p>
<p>12. Bald and Golden Eagle Roost and Concentration Areas. Bald and golden eagle roost and concentration areas on federal lands used during migration and wintering are unsuitable unless mining can be conducted in such a way and during such periods of time as to ensure that eagles shall not be adversely disturbed.</p>	<p>Defer suitability decisions and evaluate bald and golden eagle roost areas on a case by case basis prior to lease issuance. Establish buffer zones after consultation with USFWS.</p>	<p>There are no identified roost sites on the West Antelope II LBA tract. Evaluate suitability prior to lease issuance during consultation with USFWS.</p>
<p>13. Falcon Nesting Sites and Buffer Zones. Federal lands containing active falcon (excluding kestrel) cliff nesting sites and a suitable buffer zone shall be considered unsuitable unless mining can be conducted in such a way as to ensure the falcons will not be adversely affected during the period when the habitat is used by the falcons.</p>	<p>Defer suitability decisions on falcon nesting sites and evaluate on a case by case basis prior to lease issuance. Establish buffer zones around nesting sites after consultation with USFWS.</p>	<p>No falcon nesting sites (with the exception of kestrels) have been identified on the West Antelope II LBA tract. There are no unsuitable findings under Criterion 13 for the West Antelope II LBA tract.</p>

UNSUITABILITY CRITERIA	GENERAL RECOMMENDATIONS FOR BUFFALO RESOURCE AREA (BLM 1985a, 2001a)	FINDINGS FOR WEST ANTELOPE II LBA TRACT
<p>14. Habitat for Migratory Bird Species. Federal lands which are high priority habitat for migratory bird species of management concern in Wyoming shall be considered unsuitable unless mining can be conducted in such a way as to ensure that migratory bird habitat will not be adversely affected during the period it is in use.</p>	<p>Defer suitability decisions on high priority habitat for migratory bird species of management concern in Wyoming and evaluate on a case by case basis prior to lease issuance. Establish buffer zones for nesting areas during mining and reclamation planning after consultation with USFWS.</p>	<p>Nineteen of 40 species on the list entitled Coal Mine List of 40 Migratory Bird Species of Management Concern in Wyoming have historically been observed in the general analysis area at least once. Evaluate suitability during consultation with USFWS.</p>
<p>15. Fish and Wildlife Habitat for Resident Species. Federal lands which the surface management agency and state jointly agree are for resident species of fish, wildlife and plants of high interest to the state and which are essential for maintaining these priority wildlife species shall be considered unsuitable unless all or stipulated methods of coal mining can be conducted in such a way as to ensure no long-term impact on the species being protected will occur.</p>	<p>Defer suitability decisions on grouse leks and evaluate on a case by case basis prior to lease issuance. Establish buffer zones after consultation with WGFD.</p>	<p>There are no active or inactive sage grouse leks on the West Antelope II LBA tract. The nearest sage grouse lek is more than 5 miles northeast of the West Antelope II LBA tract. Therefore, there are no unsuitable findings under Criterion 15 for the West Antelope II LBA tract.</p>
<p>16. Floodplains. Federal lands in riverine, coastal, and special floodplains shall be considered unsuitable where it is determined that mining could not be undertaken without substantial threat of loss of life or property.</p>	<p>The BLM and USDA-FS have determined that the identified floodplains in the general review area could potentially be mined. Therefore, all lands within the general review area are considered suitable.</p>	<p>Site-specific stipulations and resource protection safeguards will be applied if necessary during mining and reclamation planning. There are no unsuitable findings under Criterion 16 for the West Antelope II LBA tract.</p>
<p>17. Municipal Watersheds. Federal lands which have been committed by the surface management agency to use as municipal watersheds shall be considered unsuitable.</p>	<p>There are no designated municipal watersheds in the general review area.</p>	<p>There are no unsuitable findings under Criterion 17 for the West Antelope II LBA tract.</p>
<p>18. National Resource Waters. Federal lands with national resource waters, as identified by states in their water quality management plans, and 1/4-mile buffer zones shall be unsuitable.</p>	<p>There are no designated national resource waters within the general review area.</p>	<p>There are no unsuitable findings under Criterion 18 for the West Antelope II LBA tract.</p>
<p>19. Alluvial Valley Floors. Federal lands identified by the surface management agency, in consultation with the state, as AVFs where mining would interrupt, discontinue or preclude farming, are unsuitable. Additionally, when mining federal lands outside an AVF would materially damage the quality or quantity of water in surface or underground water systems that would supply AVFs, the land shall be considered unsuitable.</p>	<p>Consider areas determined to contain AVFs significant to farming as unsuitable. Defer decisions on other AVFs and analyze on a case-by-case basis prior to lease issuance.</p>	<p>The West Antelope II LBA tract has not yet been formally evaluated for the presence of AVFs. A site-specific study will be part of the mine permitting process if a lease sale is held and the LBA tract is proposed for mining. Declarations of the presence or absence of AVFs, their significance to agriculture, and the appropriate perimeters will then be made by the WDEQ/LQD. Evaluate suitability during consultation with WDEQ/LQD.</p>
<p>20. State or Indian Tribe Criteria. Federal lands to which is applicable a criterion proposed by the state or Indian tribe located in the planning area and adopted by rulemaking by the Secretary are unsuitable.</p>	<p>There are no criterion proposed by state or Indian tribes that have been approved by the Secretary of the Interior. No tribal lands are located in or near the general review area.</p>	<p>There are no unsuitability findings for this criterion on the West Antelope II LBA tract.</p>

APPENDIX C

COAL LEASE-BY-APPLICATION FLOW CHART

