

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

**FINDING OF NO SIGNIFICANT IMPACT
WY-060-EA13-147**

March 2014

**West Antelope II South Lease Modification
WYW - 177903**

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BACKGROUND

The Bureau of Land Management (BLM) has prepared an Environmental Assessment (EA) DOI-BLM-WY-060-EA13-147 which analyzed the effects of the West Antelope II South (WYW-177903) Lease Modification.

PROPOSED ACTION

The proposed action is to modify the existing federal coal lease WYW-177903 known as the West Antelope II South lease to include parcels of unleased federal coal lands totaling 856.61 acres within Township 40 North, Range 71 West, Converse County, Wyoming. This would allow the applicant to remove coal from the existing lease boundary up to the no-coal line within the current Antelope Mine coal mining permit boundary. This lease modification does not exceed the modified acreage limitation of 960 acres set forth in the 2005 Energy Policy Act.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in the EA, the West Antelope II Environmental Impact Statement, the Powder River Basin Task 3 Coal Review, the Office of Surface Mining's (OSM) Antelope Mine Mining Plan Approval, and all other information available to me, it is my determination that:

1. the implementation of the proposed action will not have significant environmental impacts beyond those already permitted for and those which are addressed in the BLM Casper Field Office Resource Management Plan (RMP, 2007),
2. the proposed action is in conformance with the RMP,
3. the proposed action will not have significant environmental impacts beyond those analyzed in the Final Environmental Impact Statement (FEIS) for the West Antelope II Coal Lease Application WYW-163340 (December 2008); and,
4. the proposed action does not constitute a major federal action having a significant effect on the human environment.

Therefore, an environmental impact statement (EIS) is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40CFR 1508.27), both with regard to the context and to the intensity

of the impacts described in the EA, as well as my conclusion that the lease modification area is not unsuitable for surface coal mining under the criteria of 43 C.F.R. Subpart 3461.

PUBLIC INPUT

This project was internally scoped through the appropriate BLM specialists. Additional public involvement was provided for by posting a notice on the BLM NEPA register that BLM would be preparing an EA for this lease modification, posting the EA on BLM's website (<http://www.blm.gov/wy/st/en/info/NEPA/documents/hpd/w-antelopeIIsouth.html>) on March 21, 2014, providing press releases to the Douglas, Gillette and Casper, Wyoming newspapers on March 21, 2014.

The EA was available for public comment from March 21, 2014 to April 4, 2014 after which responses were prepared to address the public comments received.

The level of scoping and public involvement was adequate as this area has been thoroughly scoped during preparation of the West Antelope II EIS and additionally reviewed during the OSM/Wyoming Department of Environmental Quality (WDEQ) permitting process. In addition, the area under consideration has already been permitted by the applicant for coal mining related disturbance.

Rationale for Finding of No Significant Impact

The primary purpose for conducting an environmental assessment (EA) is to determine whether or not a proposed action will have a significant impact on the human environment and therefore will require the preparation of an EIS. As defined in 40CFR 1508.13, the Finding of No Significant Impact (FONSI) is a document that briefly presents the reasons why an action will not have a significant effect on the human environment. The regulations further define "significantly" in 40 CFR 1508.27 and require that the context and intensity of impacts be considered in analyzing significance. The following provides an analysis of the significance of impacts of the West Antelope II South lease modification in terms of context and intensity as defined by the regulations.

“a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of the site-specific action, significance would usually depend upon the effects in the locale rather than the world as a whole. Both short-term and long-term effects are relevant.” (40 CFR 1508.27(a))

“b) Intensity. This refers to the severity of the impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity.” (40 CFR 1508.27(b))

I have considered the potential intensity/severity of the impacts anticipated from the West Antelope II South lease modification relative to each of the ten areas suggested for consideration by the CEQ. With regard to each;

1. Impacts that may be both beneficial and adverse.

Chapter 4 of the EA identifies any additional impacts that would likely occur beyond those impacts analyzed in the WAI EIS. Minimal adverse impacts to the environment will occur due to mining additional coal reserves. The beneficial impacts of this proposal are to achieve Maximum Economic Recovery of federal coal resources without additional surface disturbance. Therefore, the impacts of this lease modification are not considered significant and the current lease stipulations will mitigate any potential impacts.

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

There are no public health or safety issues anticipated with the development of this project, as identified in Chapter 4.1 of the EA.

3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

No lands of unique characteristics exist within the proposed project area.

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

The effects of the proposed action on the quality of the human environment will be minimal and thus, are not be controversial by nature.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The proposed action is neither unique nor unprecedented. The effects resulting from this type of project are well known and documented and of minimal impact to the human environment.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The proposed action would not establish a precedent and does not represent a decision in principle about future considerations.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

This action is related to the associated lease and mining operation and does add to the cumulative effect in the localized area. However, the additional impact of this action is minimal in context of the existing mining operation.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.

Compliance with section 106 of the National Historic Preservation Act has been completed by the BLM and OSM in relation to the existing lease and mine permit. The entire area covered by the proposed action and an additional buffer zone has been inventoried.

The inventory results included a complete re-recording of a previously known historic homestead (Jacobs Ranch) and the recording of two new isolated resources. The site and isolate information was analyzed and all extant resources were evaluated as not eligible for the National Register of Historic Places (NRHP). The finding was submitted to SHPO for a change in eligibility. No objection was received from SHPO; therefore, the BLM will proceed with the evaluation of the proposal as 48CO2918 has been determined to be Not Eligible for the NRHP and No Historic Properties will be affected by the proposed action.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

This proposed lease modification area has been analyzed for impacts to threatened, endangered, and sensitive species. There are no wildlife concerns at this time and US Fish and Wildlife Service has concurred with this determination.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The proposed action is consistent with all Federal, State and local laws.

District Manager

Date