

**Bureau of Land Management
Wyoming High Plains District Office**

**DECISION RECORD
for
School Creek Lease Modification
DOI-BLM-WY-P0702012-063-EA**

In accordance with 43CFR3432, it is my decision to approve the lease modification to WYW172413 based on the analysis conducted in Environmental Assessment DOI-BLM-WY-P0702012-063-EA and the attendant Finding of No Significant Impact.

Under the conditions stipulated for lease WYW172413, I find that this action will not result in significant impacts on the human environment pursuant to 40CFR1508.27 (a) and (b) (1) through (10) and that an environmental impact statement is not required. I further find this action is in conformance with the *Record of Decision for the Resource Management Plan/Final Environmental Impact Statement for the Buffalo Resource Area (1985)*, as updated (2001) and amended (2003, 2011) and that it will not cause unnecessary or undue degradation of the area.

Specifically, the approval action consists of modifying lease number WYW172413 to include approximately 1.25 acres containing about 135,876 tons of coal in a 40.80-acre lot located against the Wyodak-Anderson coal outcrop to avoid coal bypass.

Public Involvement

This project was internally scoped through the appropriate BLM specialists. Public involvement was not needed as this area is adjacent to active mines and pits operated by the applicant and is near the Black Thunder mine and pits operated by Arch Coal Inc. and because the applied for area is within the current mining permit boundary, and the previously approved mining plan disturbance area.

Rationale for the Decision

I have reviewed the environmental assessment and the attendant FONSI (DOI-BLM-WY-P0702012-063-EA) for the School Creek Lease Modification. I have determined that the proposed project is in conformance with the *Record of Decision for the Resource Management Plan/Final Environmental Impact Statement for the Buffalo Resource Area (1985)*, as updated (2001) and amended (2003, 2011), and that it will not cause unnecessary or undue degradation.

Appeal

Any party who is adversely affected by this decision has a right to appeal to the Interior Board of Land Appeals, in accordance with the provisions described in 43 Code of Federal Regulations (CFR) Part 4.410. A person who wishes to appeal must file notice with the District

Manager, Bureau of Land Management, Wyoming High Plains District, 2987 Prospector Drive, Casper, WY 82604 within thirty (30) days of the publication of the decision. The *Notice of Appeal* must identify the decision being appealed, and may include a statement of reasons for and any argument the appellant wishes to make. If the notice does not include any statement of reasons for the appeal, the appellant shall file such a statement with the Interior Board of Land Appeals, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, Virginia 22203, within 30 days after the notice of appeal was filed. The appellant shall serve a copy of the *Notice of Appeal* and any statement of reasons, written arguments, or briefs on each adverse party named in the decision from which the appeal is taken and on the Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215 or P.O. Box 25007 (D-105), Denver Federal Center, Denver, CO 80225, not later than 15 days after filing the document. Service of the copy may be made by delivering the copy personally or by sending it by registered or certified mail, return receipt requested.

Request for Stay

If you wish to file a petition (pursuant to regulation 43 CFR 4.21) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your *Notice of Appeal*.

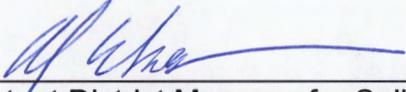
A petition for a stay is required to show sufficient justification based on the following standards:

- i. The relative harm to the parties if the stay is granted or denied;
- ii. The likelihood of appellant's success on the merits;
- iii. The likelihood of immediate and irreparable harm if the stay is not granted, and
- iv. Whether the public interest favors granting the stay.

The appellant requesting the stay bears the burden of proof to demonstrate that a stay should be granted. The appellant shall serve copies of the *Notice of Appeal* and petition for a stay on each party named in this decision from which the appeal is taken, and on the Appeals Board to which the appeal is taken.

Recommendation

I recommend that the modification to lease WYW 172413 by an addition of a 40.80-acre parcel located at T. 42 N., R. 70 W., 6th PM, Sec. 13, lot 12 be issued.



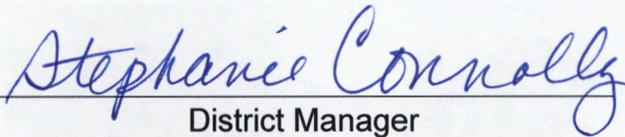
Assistant District Manager for Solid Minerals
Wyoming High Plains District Office



Date

Approval

I agree with the recommendation of the Assistant District Manager for Solid Minerals, and I approve the decision to modify lease WYW 172413 by an addition of a 40.80-acre parcel located at T. 42 N., R. 70 W., 6th PM, Sec. 13, lot 12.



District Manager
Wyoming High Plains District Office



Date