



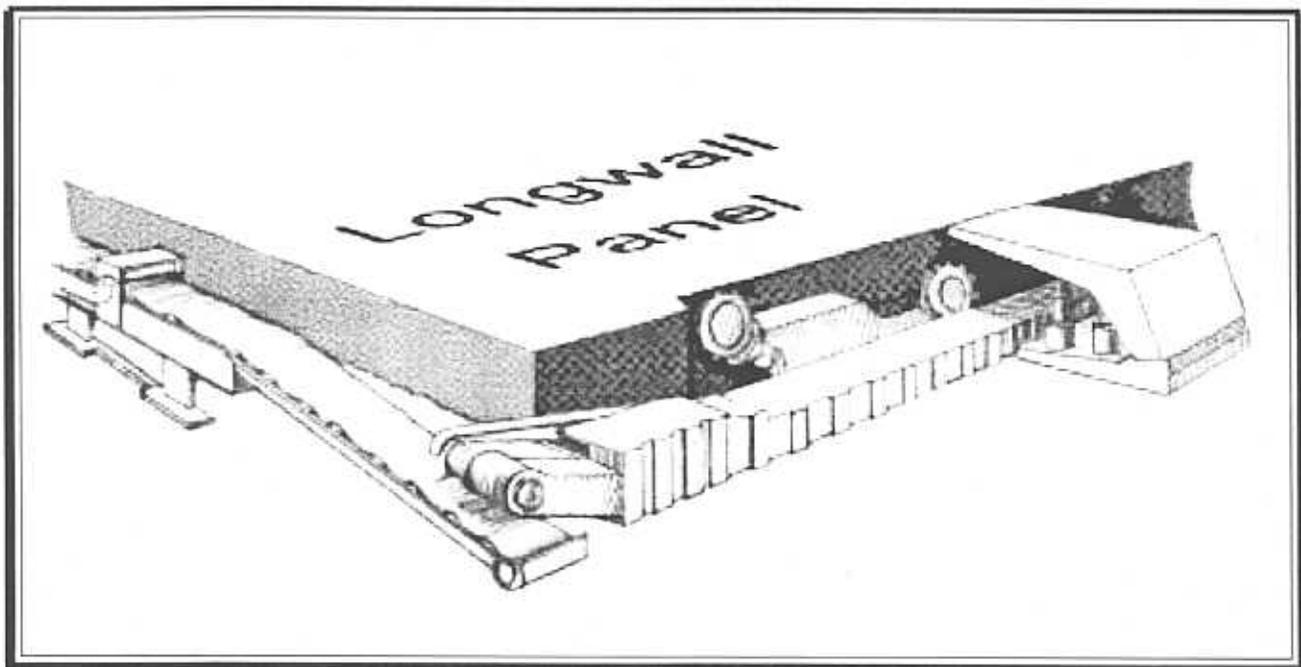
U.S. Department of the Interior
Bureau of Land Management
Wyoming State Office

Rock Springs Field Office

September 2004



**FINDING OF NO SIGNIFICANT IMPACT and
DECISION RECORD for the Ten Mile Rim
Lease-by-Application and Associated Right-
of-Way, Sweetwater County, Wyoming**



MISSION STATEMENT

It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Wyoming State Office

P.O. Box 1828

Cheyenne, Wyoming 82003-1828

In Reply Refer To:
3425 LBA (922 JWeaver)
WYW154595
Phone No: 307-775-6260
Fax No: 307-775-6203

SEP 20 2004

Dear Reader:

The Bureau of Land Management (BLM) is providing you with a copy of the attached Finding of No Significant Impact and Decision Record for the Ten Mile Rim Coal Lease-by-Application project for your information and use. The Decision Record identifies BLM's decision, explains the rationale for reaching the decision, and identifies measures to protect the environment.

The Environmental Assessment was prepared pursuant to the National Environmental Policy Act, other regulations and statutes to fully disclose potential impacts of the proposal to competitively lease coal and the subsequent development of an underground coal mine and the alternative of no action. The BLM released a scoping notice to the public on November 9, 2001. A draft environmental assessment was released to the public on January 22, 2004, and the final environmental assessment on June 7, 2004. All comments received during the environmental assessment process have been considered and documented in the analysis and/or the decision. BLM has provided responses to the comment letters received during the review of final environmental assessment (refer to Attachment 3 of the attached decision). No unresolved issues remain.

The BLM wishes to thank those who provided input during the analysis process. Your input is essential in assuring all issues important to you were fully considered. Should you have questions regarding this document, please contact either Bob Janssen at 307-775-6206 or Julie Weaver at 307-775-6260.

Sincerely,

for Robert A. Bennett
State Director

Attachment

**FINDING OF NO SIGNIFICANT IMPACT
and
DECISION RECORD
for the
TEN MILE RIM COAL LEASE-BY-APPLICATION
WYW-154595**

INTRODUCTION

On September 28, 2001, Bridger Coal Company (BCC) filed an application with the Bureau of Land Management (BLM) for federal coal reserves located adjacent to the existing Jim Bridger Mine in north-central Sweetwater County, Wyoming. On February 11, 2003, BCC filed a modified application with the BLM at the Wyoming State Office in Cheyenne for a reduced lease area (refer to Attachment 1). The application and modification were made pursuant to provisions of the lease-by-application (LBA) regulations found in Title 43 *Code of Federal Regulations* (CFR) 3425.1. The tract applied for, known as the Ten Mile Rim Tract (TMRT), contains federal-, state-, and private-owned coal reserves. The BLM assigned the federal lease area case number WYW-154595. In addition to the federal LBA action, the project would also require BLM to issue a right-of-way (ROW) associated with the LBA for a portion of a new powerline required for the project. The ROW application would be made pursuant to 43 CFR 2800, which governs the federal approval and issuance of ROWs.

The TMRT affects portions of Townships 21 and 22 North, Ranges 100 and 101 West, 6th Principal Meridian, Sweetwater County, Wyoming (see Attachment 1). The area is located north of Interstate 80, approximately 10 miles north of Point of Rocks, approximately 25 miles east of Rock Springs, and approximately 70 miles west of Rawlins, Wyoming. The public land within the TMRT is located in the area administered by the BLM Rock Springs Field Office.

Coal production at the Jim Bridger Mine is slowing because existing privately and federally leased coal reserves are becoming too deep to be recovered using conventional surface mining methods (i.e., draglines). As a result, additional mineable coal reserves are needed to meet customer requirements. Representatives of BCC plan to supplement the decreasing supply of surface-mined coal with the addition of adjacent underground mining operations should they be the successful, qualified high bidder. The development of underground mining operations next to the existing surface mine would allow BCC to utilize many of the existing support systems at the Jim Bridger Mine (e.g., roads, overland conveyor, administrative and maintenance facilities), thereby minimizing costs and disturbance to the environment.

LEASE-BY-APPLICATION PROCESS

Under the LBA process, federal coal tracts are considered for leasing after nomination by industry. To process an LBA, the BLM must first evaluate the quantity, quality, maximum economic recovery, and fair market value of the federal coal and fulfill the requirements of the National Environmental Policy Act (NEPA) of 1969, as amended, by evaluating the environmental impacts of leasing and mining federal coal. For the TMRT, an Environmental Assessment (EA) was prepared in compliance with NEPA. The Office of Surface Mining Reclamation and Enforcement (OSM) has

been a cooperating agency during preparation of the environmental assessment. For the purposes of analysis, the environmental assessment assumed that BCC would be the successful bidder if a competitive sale is held.

Federal coal leasing is an open process. Bidding is not restricted to the applicant and competitive bids are encouraged. As envisioned by BCC, the proposed federal coal lease would be mined in conjunction with the currently leased private and state coals using underground techniques. Although BLM considers the tract a new mine start, BCC regards this tract as a continuation of existing mining operations even though mining of coal within this tract would require underground mining operations versus the surface mining operations within their existing mine permit area. Issuance of the federal coal lease would enable BCC to extend the life of their mining operations another 15 to 20 years and continue to supply coal of high heating value and low sulfur to the adjacent Jim Bridger Power Plant operated by Pacificorp.

FINDING OF NO SIGNIFICANT IMPACT

Based upon the analysis conducted for the “Final Environmental Assessment for the Proposed Ten Mile Rim Coal Lease-by-Application and Associated Right-of-Way” and with implementation of the protective measures identified in Attachment 2 of this decision, the Proposed Action will not cause significant impacts to the quality of the human, natural, and physical environment. Therefore, an environmental impact statement is not necessary.

DECISION

The BLM’s decision is to hold a competitive lease sale and issue a lease for federal coal tract WYW-154595 to the successful qualified high bidder if the highest bid received meets or exceeds the fair market value of the tract as determined by BLM and if all other leasing requirements are met. The competitive lease sale will be held under the regulations contained in 43 CFR 3425, Leasing on Application. Under the selected alternative (Proposed Action), Ten Mile Rim Tract (WYW-154595) includes 2,242.18 acres of federal coal lands and, based on preliminary estimates, contains 44 million tons of in-place federal coal reserves in Sweetwater County, Wyoming. Underground mining operations will be allowed as proposed should BCC become the successful bidder once all permits are approved. Should another entity become the successful bidder, subsequent mining operations could be subject to further environmental analysis. This decision incorporates the standard and special lease stipulations (Attachment 2) addressing compliance with the basic requirements of environmental statutes and additional BLM stipulations.

MANAGEMENT CONSIDERATIONS AND RATIONALE FOR THE DECISION

The BLM’s decision to hold a lease sale for 2,242.18 acres of federal coal lands is based on the careful consideration of a number of factors including BLM statutory requirements, potential impacts to the environment, comments raised by the public during public scoping and comments on the EA, and measures designed to avoid or minimize damage to or enhancement of resource values.

Consistency with Resource Management Plan and Other Statutory Requirements

The Proposed Action is in conformance with the Green River Resource Management Plan (RMP). The objective for management of the federal coal resources in the planning area is to provide for both short- and long-range development of federal coal, in an orderly and timely manner, consistent with the policies of the federal coal management program, environmental integrity, national energy needs, and related demands.

In addition to land use plan conformance, offering the lease tract to the highest qualified bidder would comply with the National Energy Policy. This policy promotes supplementing existing energy supplies from diverse sources including domestic oil, gas, and coal in addition to hydropower and nuclear power. The BLM recognizes that continued extraction of coal is essential to meet the nation's energy needs. Private development of federal coal reserves is integral to the BLM coal leasing program under the authorities of the Mineral Leasing Act of 1920 (MLA), Federal Land Policy and Management Act of 1976 (FLPMA), and the Federal Coal Leasing Amendment Act of 1976 (FCLAA).

Agency Statutory Requirements

This decision is consistent with all federal, state, and county authorizing actions required to implement the Proposed Action. All pertinent statutory requirements applicable to this proposal were considered. All necessary conferencing or consultation with U.S. Fish and Wildlife Service has been completed (see Appendix C of the "Final Environmental Assessment for the Proposed Ten Mile Rim Coal Lease-by-Application and Associated Right-of-Way"). A programmatic agreement between the Office of Surface Mining, the Advisory Council of Historic Preservation, the proponent, the BLM, and State Historic Preservation Office was entered into in June 2004 for the purposes of compliance with Section 106 of the Historic Preservation Act. If another entity becomes the successful bidder, a new agreement would be needed.

Relevant Resource and Economic Issues

Potential impacts from BCC's proposal to surface and subsurface resources identified in the associated EA are considered to be insignificant (necessary and due) after application of the proposed protective measures and mitigation identified in the associated analysis. These measures have been adopted and are made part of this decision. These measures are described in Attachment 2 of this decision. Leasing and subsequent mining of federal coal reserves provides the federal, state and affected communities with income in the form of lease bonus and royalty payments and provides the public with a supply of cost-efficient, low sulphur coal for power generation.

Application of Measures to Avoid or Minimize Environmental Impacts

The standard coal lease stipulations addressing compliance with the basic requirements of the environmental statutes will be attached to the proposed coal lease to be offered (Attachment 2). Consistent with the analysis, additional special stipulations (Attachment 2) to protect cultural and, paleontological resources, threatened and endangered species, and to address oil and gas/coal

resource development, resource recovery and protection, and public land survey monuments would also be attached to the coal lease.

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) gives the OSM the primary authority to administer programs regulating surface facilities associated with underground coal mining operations. In the State of Wyoming, the Wyoming Department of Environmental Quality (WDEQ) regulates coal mining. The successful bidder for the TMRT must obtain state approval of a mine permit prior to mining. Mitigation measures specific to the proposed mine plan will be attached as conditions on the mining permit during this stage. To ensure that the Resource Recovery and Protection Plan (R2P2) is in compliance with the leasing stipulations and that the R2P2 meets the requirements of the MLA, BLM has a responsibility to review the R2P2 application prior to its approval.

Compliance with the applicable regulations and monitoring of impacts will be carried out as outlined in the mine permit, or permit revision which must be approved by WDEQ and by OSM prior to the commencement of mining. Also, a Mineral Leasing Act mining plan or plan revision must be approved by the Assistant Secretary of the Interior.

Should BCC be the successful bidder, applicant committed measures identified as part of their proposed mine operations (see Section 2.1.5, Final Environmental Assessment) will be adhered to.

PUBLIC INVOLVEMENT

BLM initiated public scoping on November 9, 2001, and 10 comment letters were received in response to scoping. In addition, BLM held a public meeting on December 12, 2001. The Draft EA was released for public comment on January 22, 2004, with a formal public hearing held March 9, 2004 to solicit comments on the Draft EA, the proposed sale, the fair market value, and maximum economic recovery. Eight comment letters were received on the Draft EA. The Final EA was released to the public on June 7, 2004, with the Notice of Availability (NOA) published in the Federal Register on June 17, 2004, allowing for a 30-day comment period. All issues, concerns, and alternatives brought forth during public scoping and review of the Draft and Final EA have been considered. No unresolved issues remain. BLM has provided responses to individual comment letters on the Final EA (Attachment 3). Based on comments, certain sections of the EA have been modified in the errata (see Attachment 4).

ALTERNATIVES CONSIDERED

The EA analyzed two alternatives in detail: the Proposed Action and the No Action. These alternatives are summarized below. A full description of each alternative analyzed in detail can be found in Chapter 2 of the EA.

Proposed Action

Under the Proposed Action, coal on federal lands within the TMRT would be offered for lease at a competitive sale, subject to standard and special BLM coal lease stipulations. An estimated 44 million tons of in-place coal reserves exist within the public lands in the TMRT, and an estimated

121.5 million tons of in-place coal reserves exist within the entire TMRT area (including federal, state, and private mineral rights) that would be mined over an approximate 15- to 20-year period. Because the TMRT is located within an area of checkerboard coal ownership (a pattern of alternating sections of federal, state, and private mineral rights), the use of federal land is needed for optimal mine development.

Public lands contained in the TMRT include:

| Legal Location | Acres |
|--|-----------------|
| T21N, R100W | |
| Section 6: Lots 8-14, S2NE, SENW, E2SW, SE | 649.88 |
| T22N, R100W | |
| Section 30: Lots 5-8, E2W2, E2 | 633.56 |
| T21N, R100W | |
| Section 26: Lots 1-16 | 639.22 |
| Section 34: Lots 1, 2, 6, 7, 8, 13, NESE, SWSE | 319.52 |
| Total | 2,242.18 |

Other lands within the tract are owned either by Anadarko Land Corporation (who acquired the lands from Union Pacific Land Resources Corporation (UPLRC), containing 3,033.55 acres) or the State of Wyoming (containing 640 acres).

Under the Proposed Action, all coal within the TMRT would be mined utilizing underground longwall mining technologies, and a minimal amount of surface-disturbing activities would occur. A majority of the additional surface-disturbing activities for mine-related facilities (i.e., surface support facilities, powerline, overland conveyor, and access road) would occur within areas that have already been disturbed within the existing Jim Bridger Mine permit area. An exception would be for a separate electric powerline right-of-way required for underground mining equipment and surface support facilities.

No Action Alternative

Under the No Action Alternative, the TMRT coal lease by application would be rejected and the area contained in the application would not be offered for competitive coal sale at this time. However, rejection of the application would not affect the already leased and permitted surface mining activity at the Jim Bridger Mine. Selection of the No Action Alternative would not preclude the possibility of subsequent leasing of these lands.

Under the No Action Alternative, the BLM would not offer the federal coal within the TMRT for sale. As a result, BCC's ability to sustain historic coal production levels would be limited to the remaining coal reserves located within the existing leased area that would be economically recoverable using existing surface mining operations and highwall mining methods.

ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY

A full description of each alternative considered but eliminated from detailed study can be found in Chapter 2 of the EA.

Hold a Competitive Sale of Federal Coal Lands that Would Maximize the Potential for a New Stand-Alone Mine

This alternative assumes that the BLM would award the TMRT to a successful bidder but not the current applicant. Since there are no adjacent mines that could incorporate the coal reserves into an existing lease, the successful bidder (assuming it would not be the current applicant) would be required to establish a new stand-alone mine. Due to the depth of the coal (200-1,000 feet below the surface) within the TMRT, it is assumed that the tract would have to be mined utilizing underground technologies and would require considerable initial investment. Thus, this alternative was considered but dropped from detailed study due to the initial cost of starting a new mine not accessed by the existing highwall portal located within the Jim Bridger Mine.

Smaller Sale Area

Under this alternative, the BLM would only lease approximately one-half of the identified federal coal reserves within the TMRT. Specifically, the E½ of Section 34, T22N, R101W, and all of Section 6, T21N, R100W, would be the only federally owned coal included in this alternative. This alternative would also include Sections 35 (privately owned coal) and 36 (state-owned coal), T22N, R101W, and Section 31 (privately owned coal), T22N, R100W. Leasing of only one-half of the proposed tract may have the effect of making the project, as a whole, uneconomic because of the extensive capital investments necessary to start an underground mine of the same capacity and with only one-half the coal reserves anticipated in the Proposed Action. This alternative was determined not economically feasible, and was eliminated from further consideration.

Larger Sale Area (Originally-Applied-for LBA Tract)

Under this alternative, the BLM would lease approximately three times as much federal coal as identified in the current TMRT LBA area and the size would be similar to the originally applied-for LBA Tract. The larger TMRT LBA area was identified during the public scoping for this project. However, results of additional exploration drilling conducted by the current applicant during 2001 through 2003 within a larger TMRT LBA area indicated that the quantity and quality of coal within this larger tract was unacceptable and would not justify proceeding with the leasing process. It is possible that the successful bidder of the lease sale may apply for a subsequent lease or lease modification if the proposed LBA were leased and mined. This alternative was determined to be not economically feasible and was eliminated from further consideration in the EA. The elimination of this alternative from the detailed analysis would not result in the permanent bypass of any federal coal reserves.

Postpone Competitive Lease Sales

Under this alternative, the sale of the federal coal reserves within the TMRT would be postponed more than 5 years on the assumption that coal prices would rise in the future, thus increasing the fair market value of the tract, resulting in a higher bonus bid when the coal is sold. Although postponing the lease sale until prices rise may conceivably result in a higher bonus bid paid for the tract, it would not necessarily result in higher royalty payments. It typically takes several years to lease and permit a coal tract, and coal prices would not necessarily remain high until the coal is actually mined if a sale is postponed until the prices increase. Because the potential economic benefits are not completely predictable and the impacts of mining coal at a later time would likely be similar to a stand-alone mine, this alternative was eliminated from detailed study in the EA.

MITIGATION, COMPLIANCE, and MONITORING

If the TMRT is leased, the lease will contain standard coal lease stipulations (see Attachment 2). The BLM will require certain special stipulations (see Attachment 2) for protection of resources including cultural resources, paleontological resources, threatened and endangered species, multiple mineral development (oil, gas, and coal), resource recovery and protection, public land survey, and sole source drinking water protection.

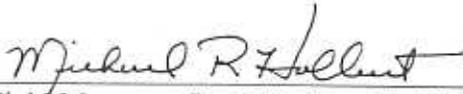
The SMCRA gives OSM the authority to administer programs that regulate surface facilities involved with underground mining operations. Should the adjacent mine operator be the successful, qualified high bidder for federal coal tract WYW-154595, the WDEQ/Land Quality Division (LQD) must approve a modification to the existing mine permit to allow for surface facilities in addition to a new mine permit. Before the coal can be mined, an MLA mining plan must be approved by the Assistant Secretary of the Interior. Protective measures specific to the current approved mine plan will be revised to include the standard and special stipulations for the surface facilities associated with federal coal tract WYW-154595.

If the successful, qualified high bidder does not operate the adjacent mine and proposes to construct and operate a new mine, then a new permit and new mining plan must be prepared and approved before coal can be mined. Before federal coal tract WYW-154595 can be mined, protective measures and monitoring plans must be attached to any new mining or reclamation plan.

Prior to mining of the coal lease, all practicable means to avoid or minimize environmental harm will be adopted as lease stipulations or, consistent with normal practices, as conditions of the mining permit. To ensure that the mining plan is in compliance with the leasing stipulations, BLM has the responsibility to review the Resource Recovery and Protection Plan prior to approval of the mining plan. Before any mining of the Ten Mile Rim LBA tract can begin, the R2P2 must be approved by BLM, the permit, or permit revision, must be approved by WDEQ/LQD, and the MLA mining plan, or plan revision, must be approved by the Assistant Secretary of the Interior.

RECOMMENDATION

I recommend that following a competitive lease sale, federal coal tract WYW-154595 and its associated 2,242.18 acres more or less, be leased to the successful, qualified high bidder provided it is determined that the highest bid meets, or exceeds, the Fair Market Value of the tract as determined by the BLM and that all other leasing requirements are met. The competitive lease sale will be held in accordance with the requirements at 43 CFR 3422. The lease will be subject to the standard and special stipulations found in Attachment 2 of this decision.


Field Manager, Rock Springs Field Office

SEP 09 2004
Date

APPROVAL

I agree with the recommendation of the Rock Springs Field Manager and approve the decision to offer federal coal tract WYW-154595 for competitive lease sale.


BLM, Wyoming State Director
ASSOCIATE

9/20/04
Date

APPEAL OF STATE DIRECTOR DECISION

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR 4 and the enclosed Form 1842-1 (Attachment 5). If an appeal is filed, your notice of appeal must be filed in this office (BLM, Wyoming State Office, P.O. Box 1828, Cheyenne, Wyoming 82003) within thirty (30) days from the date BLM published the Notice of Availability (NOA) of this Decision Record in the Federal Register. BLM expects that the NOA will be published during the week of September 20, 2004. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 4.21(a)(2) 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 standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standard for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for stay of a decision pending appeal shall show sufficient justification based on the following standards:

- 1) The relative harm to the parties if a stay is granted or denied;
- 2) The likelihood of the appellant's success on the merits;
- 3) The likelihood of immediate and irreparable harm if the stay is not granted; and
- 4) Whether the public interest favors granting a stay.

The adverse parties to any appeal of the decision by the State Director include:

Pacificorp, Interwest Mining Company
One Utah Center
201 South Main Street, Suite 2100
Salt Lake City, Utah 84111

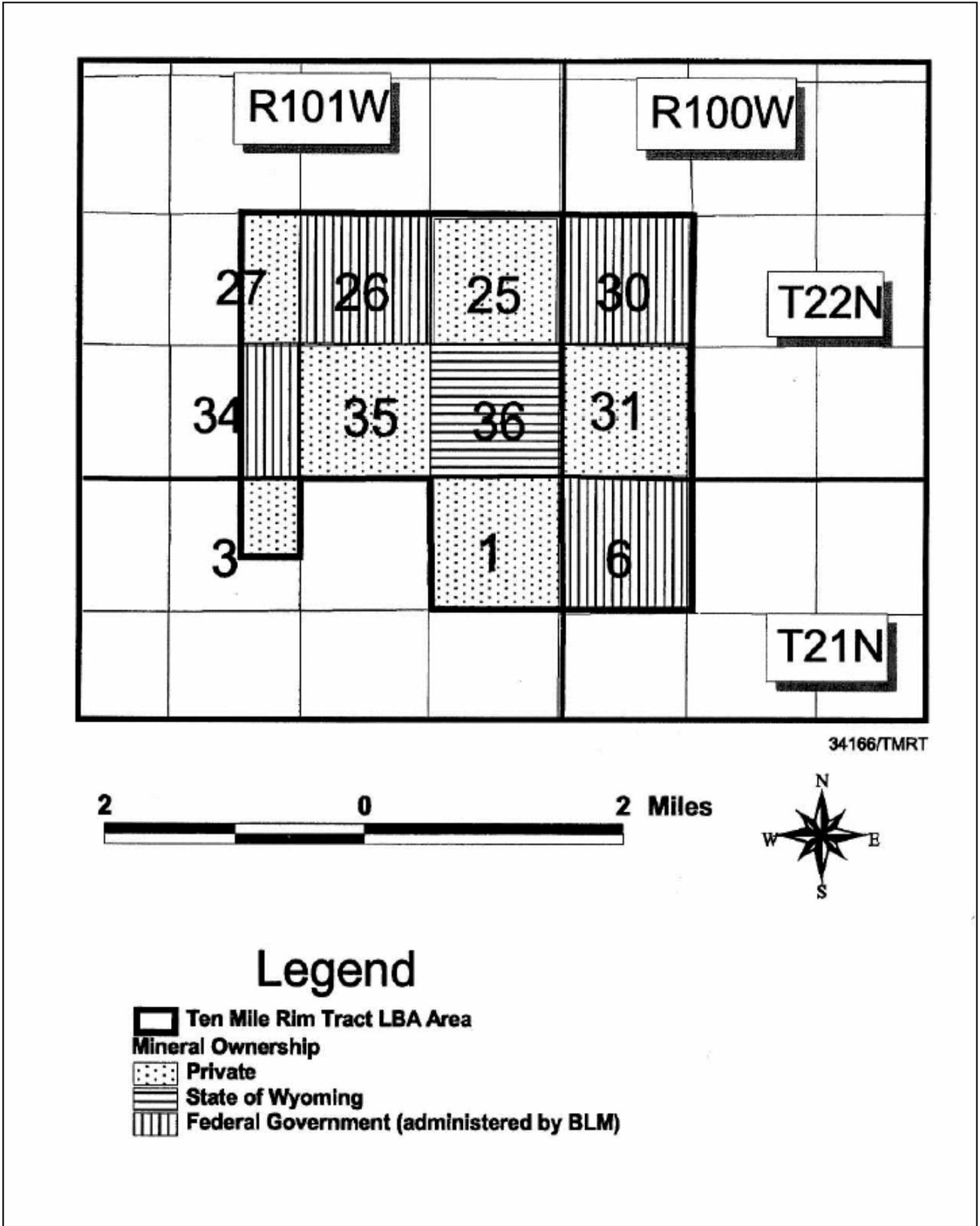
Anadarko Land Corporation
c/o Anadarko Petroleum Corporation
1200 Timberlock Place
P.O. Box 1330
Houston, Texas 77251-1330

Bridger Coal Company
P.O. Box 68
Point of Rocks, Wyoming 82942

State of Wyoming
Office of State Lands and Investments
122 West 25th Street, 3rd Floor West
Cheyenne, Wyoming 82001-0600

ATTACHMENT 1

TEN MILE RIM TRACT MAP



ATTACHMENT 2

STANDARD COAL LEASE FORM
AND
SPECIAL LEASE STIPULATIONS

| | | |
|--|---|---|
| Form 3400-12 (August 2002) | UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT | FORM APPROVED OMB NO. 1004-0073 Expires: December 31, 2003 <hr/> Serial Number |
| COAL LEASE | | |
| PART I. LEASE RIGHTS GRANTED | | |
| This lease, entered into by and between the UNITED STATES OF AMERICA, hereinafter called lessor, through the Bureau of Land Management (BLM), and (Name and Address) | | |
| hereinafter called lessee, is effective (date) / / , for a period of 20 years and for so long thereafter as coal is produced in commercial quantities from the leased lands, subject to readjustment of lease terms at the end of the 20th lease year and each 10-year period thereafter. | | |
| Sec. 1. This lease is issued pursuant and subject to the terms and provisions of the: | | |
| <input type="checkbox"/> Mineral Lands Leasing Act of 1920, Act of February 25, 1920, as amended, 41 Stat. 437, 30 U.S.C. 181-287, hereinafter referred to as the Act; | | |
| <input type="checkbox"/> Mineral Leasing Act for Acquired Lands, Act of August 7, 1947, 61 Stat. 913, 30 U.S.C. 351-359; | | |
| and to the regulations and formal orders of the Secretary of the Interior which are now or hereafter in force, when not inconsistent with the express and specific provisions herein. | | |
| Sec. 2. Lessor, in consideration of any bonuses, rents, and royalties to be paid, and the conditions and covenants to be observed as herein set forth, hereby grants and leases to lessee the exclusive right and privilege to drill for, mine, extract, remove, or otherwise process and dispose of the coal deposits in, upon, or under the following described lands: | | |
| containing _____ acres, more or less, together with the right to construct such works, buildings, plants, structures, equipment and appliances and the right to use such on-lease rights-of-way which may be necessary and convenient in the exercise of the rights and privileges granted, subject to the conditions herein provided. | | |
| PART II. TERMS AND CONDITIONS | | |
| Sec. 1. (a) RENTAL RATE - Lessee must pay lessor rental annually and in advance for each acre or fraction thereof during the continuance of the lease at the rate of \$ _____ for each lease year. (b) RENTAL CREDITS - Rental will not be credited against either production or advance royalties for any year. | Sec. 4. DILIGENCE - This lease is subject to the conditions of diligent development and continued operation, except that these conditions are excused when operations under the lease are interrupted by strikes, the elements, or casualties not attributable to the lessee. The lessor, in the public interest, may suspend the condition of continued operation upon payment of advance royalties in accordance with the regulations in existence at the time of the suspension. Lessee's failure to produce coal in commercial quantities at the end of 10 years will terminate the lease. Lessee must submit an operation and reclamation plan pursuant to Section 7 of the Act not later than 3 years after lease issuance. The lessor reserves the power to assent to or order the suspension of the terms and conditions of this lease in accordance with, inter alia, Section 19 of the Mineral Leasing Act, 30 U.S.C. 209. | |
| Sec. 2. (a) PRODUCTION ROYALTIES - The royalty will be _____ percent of the value of the coal as set forth in the regulations. Royalties are due to lessor the final day of the month succeeding the calendar month in which the royalty obligation accrues. (b) ADVANCE ROYALTIES - Upon request by the lessee, the BLM may accept, for a total of not more than 10 years, the payment of advance royalties in lieu of continued operation, consistent with the regulations. The advance royalty will be based on a percent of the value of a minimum number of tons determined in the manner established by the advance royalty regulations in effect at the time the lessee requests approval to pay advance royalties in lieu of continued operation. | Sec. 5. LOGICAL MINING UNIT (LMU) - Either upon approval by the lessor of the lessee's application or at the direction of the lessor, this lease will become an LMU or part of an LMU, subject to the provisions set forth in the regulations. The stipulations established in an LMU approval in effect at the time of LMU approval will supersede the relevant inconsistent terms of this lease so long as the lease remains committed to the LMU. If the LMU of which this lease is a part is dissolved, the lease will then be subject to the lease terms which would have been applied if the lease had not been included in an LMU. | |
| Sec. 3. BONDS - Lessee must maintain in the proper office a lease bond in the amount of \$ _____. The BLM may require an increase in this amount when additional coverage is determined appropriate. | | |
| (Continued on page 2) | | |

Sec. 6. DOCUMENTS, EVIDENCE AND INSPECTION - At such times and in such form as lessor may prescribe, lessee must furnish detailed statements showing the amounts and quality of all products removed and sold from the lease, the proceeds therefrom, and the amount used for production purposes or unavoidably lost.

Lessee must keep open at all reasonable times for the inspection by BLM the leased premises and all surface and underground improvements, works, machinery, ore stockpiles, equipment, and all books, accounts, maps, and records relative to operations, surveys, or investigations on or under the leased lands.

Lessee must allow lessor access to and copying of documents reasonably necessary to verify lessee compliance with terms and conditions of the lease.

While this lease remains in effect, information obtained under this section will be closed to inspection by the public in accordance with the Freedom of Information Act (5 U.S.C. 552).

Sec. 7. DAMAGES TO PROPERTY AND CONDUCT OF OPERATIONS - Lessee must comply at its own expense with all reasonable orders of the Secretary, respecting diligent operations, prevention of waste, and protection of other resources.

Lessee must not conduct exploration operations, other than casual use, without an approved exploration plan. All exploration plans prior to the commencement of mining operations within an approved mining permit area must be submitted to the BLM.

Lessee must carry on all operations in accordance with approved methods and practices as provided in the operating regulations, having due regard for the prevention of injury to life, health, or property, and prevention of waste, damage or degradation to any land, air, water, cultural, biological, visual, and other resources, including mineral deposits and formations of mineral deposits not leased hereunder, and to other land uses or users. Lessee must take measures deemed necessary by lessor to accomplish the intent of this lease term. Such measures may include, but are not limited to, modification to proposed siting or design of facilities, timing of operations, and specification of interim and final reclamation procedures. Lessor reserves to itself the right to lease, sell, or otherwise dispose of the surface or other mineral deposits in the lands and the right to continue existing uses and to authorize future uses upon or in the leased lands, including issuing leases for mineral deposits not covered hereunder and approving easements or rights-of-way. Lessor must condition such uses to prevent unnecessary or unreasonable interference with rights of lessee as may be consistent with concepts of multiple use and multiple mineral development.

Sec. 8. PROTECTION OF DIVERSE INTERESTS, AND EQUAL OPPORTUNITY - Lessee must: pay when due all taxes legally assessed and levied under the laws of the State or the United States; accord all employees complete freedom of purchase; pay all wages at least twice each month in lawful money of the United States; maintain a safe working environment in accordance with standard industry practices; restrict the workday to not more than 8 hours in any one day for underground workers, except in emergencies; and take measures necessary to protect the health and safety of the public. No person under the age of 16 years should be employed in any mine below the surface. To the extent that laws of the State in which the lands are situated are more restrictive than the provisions in this paragraph, then the State laws apply.

Lessee will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and the rules, regulations, and relevant orders of the Secretary of Labor. Neither lessee nor lessee's subcontractors should maintain segregated facilities.

Sec. 15. SPECIAL STIPULATIONS

See attached special stipulations.

Sec. 9. (a) TRANSFERS

- This lease may be transferred in whole or in part to any person, association or corporation qualified to hold such lease interest.
- This lease may be transferred in whole or in part to another public body or to a person who will mine the coal on behalf of, and for the use of, the public body or to a person who for the limited purpose of creating a security interest in favor of a lender agrees to be obligated to mine the coal on behalf of the public body.
- This lease may only be transferred in whole or in part to another small business qualified under 13 CFR 121.

Transfers of record title, working or royalty interest must be approved in accordance with the regulations.

(b) RELINQUISHMENT - The lessee may relinquish in writing at any time all rights under this lease or any portion thereof as provided in the regulations. Upon lessor's acceptance of the relinquishment, lessee will be relieved of all future obligations under the lease or the relinquished portion thereof, whichever is applicable.

Sec. 10. DELIVERY OF PREMISES, REMOVAL OF MACHINERY, EQUIPMENT, ETC. - At such time as all portions of this lease are returned to lessor, lessee must deliver up to lessor the land leased, underground timbering, and such other supports and structures necessary for the preservation of the mine workings on the leased premises or deposits and place all workings in condition for suspension or abandonment. Within 180 days thereof, lessee must remove from the premises all other structures, machinery, equipment, tools, and materials that it elects to or as required by the BLM. Any such structures, machinery, equipment, tools, and materials remaining on the leased lands beyond 180 days, or approved extension thereof, will become the property of the lessor, but lessee may either remove any or all such property or continue to be liable for the cost of removal and disposal in the amount actually incurred by the lessor. If the surface is owned by third parties, lessee will waive the requirement for removal, provided the third parties do not object to such waiver. Lessee must, prior to the termination of bond liability or at any other time when required and in accordance with all applicable laws and regulations, reclaim all lands the surface of which has been disturbed, dispose of all debris or solid waste, repair the offsite and onsite damage caused by lessee's activity or activities incidental thereto, and reclaim access roads or trails.

Sec. 11. PROCEEDINGS IN CASE OF DEFAULT - If lessee fails to comply with applicable laws, existing regulations, or the terms, conditions and stipulations of this lease, and the noncompliance continues for 30 days after written notice thereof, this lease will be subject to cancellation by the lessor only by judicial proceedings. This provision will not be construed to prevent the exercise by lessor of any other legal and equitable remedy, including waiver of the default. Any such remedy or waiver will not prevent later cancellation for the same default occurring at any other time.

Sec. 12. HEIRS AND SUCCESSORS-IN-INTEREST - Each obligation of this lease will extend to and be binding upon, and every benefit hereof will inure to, the heirs, executors, administrators, successors, or assigns of the respective parties hereto.

Sec. 13. INDEMNIFICATION - Lessee must indemnify and hold harmless the United States from any and all claims arising out of the lessee's activities and operations under this lease.

Sec. 14. SPECIAL STATUTES - This lease is subject to the Clean Water Act (33 U.S.C. 1252 et seq.), the Clean Air Act (42 U.S.C. 4274 et seq.), and to all other applicable laws pertaining to exploration activities, mining operations and reclamation, including the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

Sec. 15. SPECIAL STIPULATIONS (Cont'd.)-

The Privacy Act of 1974 and the regulation in 43 CFR 2.48(d) provide that you be furnished with the following information in connection with information required by this application.

AUTHORITY: 30 U.S.C. 181-287 and 30 U.S.C. 351-359.

PRINCIPAL PURPOSE: BLM will use the information you provide to process your application and determine if you are eligible to hold a lease on BLM Land.

ROUTINE USES: BLM will only disclose the information according to the regulations at 43 CFR 2.56(d).

EFFECT OF NOT PROVIDING INFORMATION: Disclosing the information is necessary to receive a benefit. Not disclosing the information may result in BLM's rejecting your request for a lease.

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501, et seq.) requires us to inform you that:

This information is being collected to authorize and evaluate proposed exploration and mining operations on public lands.

Response to the provisions of this lease form is mandatory for the types of activities specified.

BLM would like you to know that you do not have to respond to this or any other Federal agency-sponsored information collection unless it displays a currently valid OMB control number.

BURDEN HOURS STATEMENT

Public reporting burden for this form is estimated to average one hour per response including the time for reading the instructions and provisions, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to: U.S. Department of the Interior, Bureau of Land Management (1004-0073), Bureau Information Collection Clearance Officer (WO-630), Mail Stop 401 LS, Washington, D.C. 20240.

THE UNITED STATES OF AMERICA

| | |
|--------------------------|----------|
| _____ | By _____ |
| (Company or Lessee Name) | |
| _____ | _____ |
| (Signature of Lessee) | (BLM) |
| _____ | _____ |
| (Title) | (Title) |
| _____ | _____ |
| (Date) | (Date) |

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

(Form 3490-12, Page 3)

SPECIAL LEASE STIPULATIONS

In addition to observing the general obligations and standards of performance set out in the current regulations, the lessee shall comply with and be bound by the following special stipulations.

These stipulations are also imposed upon the lessee's agents and employees. The failure or refusal of any of these persons to comply with these stipulations shall be deemed a failure of the lessee to comply with the terms of the lease. The lessee shall require their agents, contractors and subcontractors involved in activities concerning this lease to include these stipulations in the contracts between and among them. These stipulations may be revised or amended, in writing, by the mutual consent of the lessor and the lessee at any time to adjust to changed conditions or to correct an oversight.

(a) CULTURAL RESOURCES

(1) Before undertaking any activities that may disturb the surface of the leased lands, the lessee shall conduct a cultural resource intensive field inventory in a manner specified by the Authorized Officer of the BLM or of the surface managing agency, if different, on portions of the mine plan area and adjacent areas, or exploration plan area, that may be adversely affected by lease-related activities and which were not previously inventoried at such a level of intensity. The inventory shall be conducted by a qualified professional cultural resource specialist (i.e., archeologist, historian, historical architect, as appropriate), approved by the Authorized Officer of the surface managing agency (BLM, if the surface is privately owned), and a report of the inventory and recommendations for protecting any cultural resources identified shall be submitted to the Assistant Director of the Western Support Center of the Office of Surface Mining, the Authorized Officer of the BLM, if activities are associated with coal exploration outside an approved mining permit area (hereinafter called Authorized Officer), and the Authorized Officer of the surface managing agency, if different. The lessee shall undertake measures, in accordance with instructions from the Assistant Director, or Authorized Officer, to protect cultural resources on the leased lands. The lessee shall not commence the surface disturbing activities until permission to proceed is given by the Assistant Director or Authorized Officer.

(2) The lessee shall protect all cultural properties that have been determined eligible to the National Register of Historic Places within the lease area from lease-related activities until the cultural resource mitigation measures can be implemented as part of an approved mining and reclamation or exploration plan unless modified by mutual agreement in consultation with the SHPO.

(3) The cost of conducting the inventory, preparing reports, and carrying out mitigation measures shall be borne by the lessee.

(4) If cultural resources are discovered during operations under this lease, the lessee shall immediately bring them to the attention of the Assistant Director or Authorized Officer, or the Authorized Officer of the surface managing agency, if the Assistant Director is not

available. The lessee shall not disturb such resources except as may be subsequently authorized by the Assistant Director or Authorized Officer.

Within two (2) working days of notification, the Assistant Director or Authorized Officer will evaluate or have evaluated any cultural resources discovered and will determine if any action may be required to protect or preserve such discoveries. The cost of data recovery for cultural resources discovered during lease operations shall be borne by the lessee unless otherwise specified by the Authorized Officer of the BLM or of the surface managing agency, if different.

(5) All cultural resources shall remain under the jurisdiction of the United States until ownership is determined under applicable law.

(b) ***PALEONTOLOGICAL RESOURCES*** - Prior to authorizing any activities that may disturb the surface of the leased lands, the Authorized Officer will determine the need for any surveys and mitigation measures to identify and protect significant paleontological resources. The determination will assess the potential for adverse impacts to significant fossils by analyzing the proposed action and the effects on bedrock or fossil-bearing strata. If adverse impacts can be anticipated, a ground survey may be required and mitigation efforts applied prior to authorizing the action. Where the potential to impact paleontological resources is low or the proposed action will not affect bedrock or fossil-bearing strata, a ground survey may not be required. Mitigation efforts may include avoidance, on-site monitoring, collection, denial of the proposed activity, or other administrative protection measures. The Authorized Officer will determine the level of survey and mitigation that is required on a case-by-case basis. Surveys, monitoring, or recovery efforts must be performed by a qualified paleontologist holding a valid BLM Paleontological Resources Use Permit. Costs for surveys and mitigation will be borne by the proponent of the action.

If significant paleontological resources are discovered during mining operations, the find will be reported to the Authorized Officer immediately. Mining operations will be suspended within 250 feet of said find. An evaluation of the paleontological discovery will be made by a BLM approved qualified paleontologist within five (5) working days, weather permitting, to determine the appropriate action(s) to prevent the potential loss of any significant paleontological values. Operations within 250 feet of such discovery will not be resumed until written authorization to proceed is issued by the Authorized Officer. The proponent will bear the cost of any required paleontological surveys, assessments, collection, or stabilization measures.

(c) ***THREATENED, ENDANGERED, CANDIDATE, or OTHER SPECIAL STATUS PLANT and ANIMAL SPECIES*** - The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened or endangered under the *Endangered Species Act of 1973*, as amended, 16 U.S.C. 1531 et seq., or that have other special status. The Authorized Officer may recommend modifications to exploration and development proposals to further conservation and management objectives or to avoid activity that will contribute to a need to list such species or their habitat or to comply with any biological opinion issued by the U.S. Fish and Wildlife Service for the Proposed Action. The Authorized Officer will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the *Endangered Species Act*. The Authorized Officer may require modifications to,

or disapprove, a proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of designated or proposed critical habitat.

The lessee shall comply with instructions from the Authorized Officer of the surface managing agency (BLM, if the surface is private) for ground-disturbing activities associated with coal exploration on federal coal leases prior to approval of a mining and reclamation permit or outside an approved mining and reclamation permit area. The lessee shall comply with instructions from the Authorized Officer of the Office of Surface Mining Reclamation and Enforcement, or his or her designated representative, for all ground-disturbing activities taking place within an approved mining and reclamation permit area or associated with such a permit.

(d) **MULTIPLE MINERAL DEVELOPMENT** - Operations will not be approved which, in the opinion of the Authorized Officer, would unreasonably interfere with the orderly development and/or production from a valid existing mineral lease issued prior to this one for the same lands.

(e) **OIL AND GAS/COAL RESOURCES** - The BLM realizes that coal mining operations conducted on Federal coal leases issued within producing oil and gas fields may interfere with the economic recovery of oil and gas; just as Federal oil and gas leases issued in a Federal coal lease area may inhibit coal recovery. BLM retains the authority to alter and/or modify the resource recovery and protection plans for coal operations and/or oil and gas operations on those lands covered by Federal mineral leases so as to obtain maximum resource recovery.

(f) **RESOURCE RECOVERY AND PROTECTION** - Notwithstanding the approval of a resource recovery and protection plan (R2P2) by the BLM, lessor reserves the right to seek damages against the operator/lessee in the event (i) the operator/lessee fails to achieve maximum economic recovery (as defined at 43 CFR 3480.0-5(21)) of the recoverable coal reserves or (ii) the operator/lessee is determined to have caused a wasting of recoverable coal reserves. Damages shall be measured on the basis of the royalty that would have been payable on the wasted or unrecoverable coal.

The parties recognize that under an approved R2P2, conditions may require a modification by the operator/lessee of that plan. In the event a coal bed or portion thereof is not to be mined or is rendered unmineable by the operation, the operator/lessee shall submit appropriate justification to obtain approval by the Authorized Officer to leave such reserves unmined. Upon approval by the Authorized Officer, such coal beds or portions thereof shall not be subject to damages as described above. Further, nothing in this section shall prevent the operator/lessee from exercising its right to relinquish all or portion of the lease as authorized by statute and regulation.

In the event the Authorized Officer determines that the R2P2, as approved, will not attain maximum economic recovery as the result of changed conditions, the Authorized Officer will give proper notice to the operator/lessee as required under applicable regulations. The Authorized Office will order a modification if necessary, identifying additional reserves to be mined in order to attain maximum economic recovery. Upon a final administrative or judicial ruling upholding such an ordered modification, any reserves left unmined (wasted) under that plan will be subject to damages as described in the first paragraph under this section.

Subject to the right to appeal hereinafter set forth, payment of the value of the royalty on such unmined recoverable coal reserves shall become due and payable upon determination by the Authorized Officer that the coal reserves have been rendered unmineable or at such time that the operator/lessee had demonstrated an unwillingness to extract the coal.

The BLM may enforce this provision either by issuing a written decision requiring payment of the MMS demand for such royalties, or by issuing a notice of noncompliance. A decision or notice of non-compliance issued by the lessor that payment is due under this stipulation is appealable as allowed by law.

(g) **PUBLIC LAND SURVEY PROTECTION** - The lessee will protect all survey monuments, witness corners, reference monuments, and bearing trees against destruction, obliteration, or damage during operations on the lease areas. If any monuments, corners or accessories are destroyed, obliterated, or damaged by this operation, the lessee will hire an appropriate county surveyor or registered land surveyor to reestablish or restore the monuments, corners, or accessories at the same locations, using the surveying procedures in accordance with the "Manual of Surveying Instructions for the Survey of the Public Lands of the United States." The survey will be recorded in the appropriate county records, with a copy sent to the Authorized Officer.

(h) **BIOLOGICAL RESOURCES** – Surface uses such as core hole drilling or subsidence reclamation shall be subject to season-of-use restrictions depending upon the species.

(i) **WATER WELL PROTECTION** - The Town of Superior has three water wells located in the NE1/4NE1/4 of Section 26, Township 21 North, Range 101 West, 6th Principal Meridian. The lessee shall enter into an agreement with the Town of Superior to protect this source of domestic water.

Any new water wells, dewatering operations, or other water used for mining operations that rely on the same water bearing zone/s shall be monitored for aquifer drawdown or other interference with the Town of Superior's existing sole source domestic water wells. The lessee shall be responsible for mitigating groundwater impacts that could reasonably be assumed to result directly or indirectly from mining operations on the Town of Superior's sole source of domestic water. Groundwater impacts would include quantity and quality of water that is currently available to the Town of Superior.

(j) **GREATER SAGE-GROUSE** – The following distance and timeframe restrictions will be utilized for on-lease exploration activities that may impact sage-grouse or their habitats on BLM administered public lands. These distances and timeframes are based on current information and may be subject to change in the future based upon new information. Exceptions will continue to be considered on a case-by-case basis. An exception to this stipulation may be requested through the Field Office Manager, Rock Springs Field Office.

Sage-grouse leks: 1) Avoid surface disturbance or occupancy within ¼ mile of the perimeter of occupied sage-grouse leks. 2) Avoid human activity between 8 p.m. and 8 a.m. from March 1 - May 15 within ¼ mile of the perimeter of occupied sage-grouse leks.

Sage-grouse nesting/early brood-rearing habitat: Avoid surface disturbing and disruptive activities in suitable sage-grouse nesting and early brood-rearing habitat within two miles of an occupied lek, or in identified sage-grouse nesting and early brood-rearing habitat outside the 2-mile buffer from March 15 - July 15.

Sage-grouse winter habitat: Avoid disturbance and disruptive activities in sage-grouse winter habitat from November 15 - March 14.

ATTACHMENT 3
COMMENT LETTERS AND RESPONSES

The BLM released the Final Environmental Assessment on June 7, 2004. Three comment letters were received in response to BLM's request for public input. Below are the comments received (noted in *italic font*) and BLM's response (regular font).

Amy Boyle, Wyoming Department of Environmental Quality, Land Quality Division

On page 93, it states the Ft Union is approximately 1,500 feet thick in the area of TMRT. Review of Lance well BCX-56-LA is total depth of 1,060 feet. The analysis should be clarified.

On page 201, Table 5.1 my name was misspelled.

Thank you for your comment. The approximate full thickness of the Fort Union Formation is 1,500 feet but due to the dip of the beds to the northeast and subsequent erosion, the thickness varies markedly across the outcrop. Since the EA only identified an approximate thickness, no modification is needed.

We have modified the environmental assessment to correct the spelling of your last name. See Attachment 4, Errata.

B. Sachau

I am requesting a copy of the EA be sent to me.

BLM provided a copy of the Final EA.

I oppose and object to the destruction of 7,054 acres. This is anti-environmental. [Three] 3 acres and then go underground would be ok. Also how will this coal lease be handled after empty - is there an up front bond fund that this lessee has to provide to guarantee that the mine will be filled in and we wont have cave in land that remains after finished. The American public has enough mined land that is subject to cave ins and we don't want any more land left like that.

The TMRT encompasses 5,915.73 mineral acres of which 2,242.18 mineral acres are owned by the public (pg 17). Most surface facilities (with the exception of a powerline) and the portal into the underground mine would be within the existing mine permit area where disturbance has already taken place (pg 18, 19). Any subsequent subsidence would be reclaimed as necessary (pg 37).

No lease should be given without an insurance guaranteed fund set up to guarantee fill; in after drilling and use. No holes in the ground should be left.

A reclamation performance bond is required to assure adequate reclamation takes place including any areas of repaired subsidence (pg 38).

Air quality will be impaired. Too much water will be used. Dust particulates do not just impact vicinity at all - they travel across the country and even end up in Europe and Africa.

Analysis shows that ambient air quality standards or Class II PSD increments are not expected to be exceeded as the result of the Proposed Action. The lessee/operator would be required to comply with NAAQS, WAAQS, and Class II PSD increments for all regulated emissions (pg 119).

Does anyone at BLM know what a horror land caving in is? A zoo recently had a giraffe and another animal drown in soil in a cave in. 6-9 ft subsidence is completely unacceptable. I do not think letting a lessee be responsible for subsidence damage for 5 years is at all acceptable. I think the lessee must get a bond up front that goes for 100 years to guarantee against damage from subsidence. Somehow the coal that is taken out must be replaced so that the land is stable.

As stated in the analysis, mining of coal will result in a slight lowering of the elevation in the TRMT area of 6 to 9 feet, with the exception of the main and submain entries. However, since the surface is naturally undulating, it is unlikely that there would be any identifiable surface expression of the subsidence (i.e., cave in or sink hole) due to the depth of the coal mined. Once a longwall panel has been mined, the surface would gradually settle over an approximately 2-year period. Surface cracks, should they occur during settling of the surface, would be assessed and reclaimed if needed (pg 127).

This is a terribly scarring mark on environment.

Most surface disturbance would be located within the existing mine permit area where the surface has already been disturbed. In addition, an area of unknown size but assumed to be no more than 59 acres could potentially be disturbed as a result of subsidence or the reclamation thereof.

All hunting and trapping should be banned in this area. Grazing should also be banned, as well as use by two stroke engines. There is no question that this lease will result in the killing of ferrets. The impact on wildlife and birds will be substantial and negative and I find that a good reason to deny this lease. Wild horses will fall into the subsidence or break a leg and die.

The purpose of the analysis was to assess the potential impacts of leasing the federal mineral estate in order to assure enough coal production to meet the needs of the nearby power plant. The BLM has determined no animals including listed species will be adversely affected by the proposal.

Negatively affecting the aquifer is very, very bad for people living in the area. I note a reference on page 122 to the Army Corps of Engineers. I hope you are aware that the Army Corps of Engineers has acted very irresponsibly toward the environment time after time. This agency seems to think it works only for business, so their advice should be taken with a consciousness of this fact.

The nearest residences are located approximately 8 miles west of the TRMT. Page 122 provides no reference to the Corps of Engineers.

I think the contract needs to be looked at far more closely since it seems to do a terrible job of protecting resources that belong to all Americans. It must have been written 50 years ago. I am sure attention to this document will result in a more protective document.

Profiteers always claim there will be no effect on the environment but when greed and money enter the picture, it certainly does effect the environment.

Thank you for your comment.

Bill Wichers, Wyoming Game and Fish Department

The staff at the Wyoming Game and Fish Department has reviewed the Final Environmental Assessment for the Proposed Ten Mile Rim Lease-by-Application and Associated Rights-of-Way within the Rock Springs Field Office area. We provided terrestrial wildlife and aquatic comments on the Draft [document], dated March 3, 2003. We have no additional concerns.

Thank you for your comment.

ATTACHMENT 4

ERRATA

Cover Page – Title should read Final Environmental Assessment for the Proposed Ten Mile Rim Coal Lease-by-Application and Associated Right-of-Way, Sweetwater County

Title Page - Title should read Final Environmental Assessment for the Proposed Ten Mile Rim Coal Lease-by-Application and Associated Right-of-Way, Sweetwater County

Entire document, all references to the private land owner should read Anadarko Land Corporation and not UPLRC.

Entire document, all references to Amy Boil should read Amy Boyle.

Page 201, Table 5.1, Wyoming Department of Environmental Quality, Land Quality Division, should read “Amy Boyle”.

ATTACHMENT 5

APPEAL PROCEDURES

Form 1842-1
(July 1999)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

- 1. This decision is adverse to you,
- AND*
- 2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

- 1. NOTICE OF APPEAL Within 30 days file a *Notice of Appeal* in the office which issued this decision (see 43 CFR 4.411 and 4.413). You may state your reasons for appealing, if you desire.

- 2. WHERE TO FILE
NOTICE OF APPEAL Bureau of Land Management
5353 Yellowstone Rd. *or* P.O. Box 1828
Cheyenne, WY 82009 Cheyenne, WY 82003

- SOLICITOR
ALSO COPY TO U. S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet Street, Suite 151
Lakewood, CO 80215

- 3. STATEMENT OF REASONS Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of the Secretary, 801 North Quincy Street, Suite 300, Arlington, Virginia 22203 (see 43 CFR 4.412 and 4.413). If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary.

- SOLICITOR
ALSO COPY TO U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215

- 4. ADVERSE PARTIES Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington, D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from decisions of the Director (WO-100).

- 5. PROOF OF SERVICE Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 801 North Quincy Street, Suite 300, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR 4.401 (c)(2)).

Unless these procedures are followed your appeal will be subject to dismissal (see 43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: *A document is not filed until it is actually received in the proper office (see 43 CFR 4.401 (a)).*

See 43 CFR 4.21 for appeal general provisions.

* * * * *

43 CFR 1820 - Application Procedures

Subpart 1821 - General Information

Sec. 1821.10 Where are BLM offices Located?

(a) In addition to the Headquarters Office in Washington, BLM operates 12 State Offices, each having several subsidiary offices called Field Offices. The addresses of the State Offices and their respective geographical areas of jurisdiction area as follows:

STATE OFFICES AND AREAS OF JURISDICTION

Alaska State Office, 222 W. 7th Ave., #13, Anchorage, AK 99513-7599-- Alaska
Arizona State Office, 222 N. Central Ave., Suite 201, Phoenix, AZ 85004-2203 – Arizona
California State Office, 2800 Cottage Way, Suite W-1834, Sacramento, CA 95825-0451– California
Colorado State Office, 2850 Youngfield St., Lakewood, CO 80215-7076 – Colorado
Eastern States Office, 7450 Boston Blvd., Springfield, VA 22153 – Arkansas, Iowa, Louisiana, Minnesota, Missouri, and all states east of the Mississippi River
Idaho State Office, 1387 S. Vinnell Way, Boise, ID 83709 – Idaho
Montana State Office, 5001 Southgate Dr., Billings, MT 59101; Mail: P.O. Box 36800, Billings, MT 59107-6800 – Montana, North Dakota, South Dakota
Nevada State Office, 1340 Financial Blvd., Reno, NV 89520-0006 – Nevada
New Mexico State Office, 1474 Rodeo Dr., Santa Fe, NM 87502-0115; Mail: P.O. Box 27115, Santa Fe, NM 87502-0115 – Kansas, New Mexico, Oklahoma and Texas
Oregon State Office, 333 SW 1 Ave., P.O. Box 2965, Portland, OR 97208 – Oregon, Washington
Utah State Office, CFS Financial Center, 324 South State St., Salt Lake City, UT 84145-0155; Mail: P.O. Box 45155, Salt Lake City, UT 84145-0155 – Utah
Wyoming State Office, 5353 Yellowstone Rd., Cheyenne, WY 82009; Mail: P.O. Box 1828, Cheyenne, WY 82003 – Wyoming and Nebraska

(b) A list of the names, addresses and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C St., NW, Washington, DC 20240.

Sec 1821.11 During what hours may I file an application?

You may file applications or other documents or inspect official records during BLM office hours. Each BLM office will prominently display a notice of the hours during which that particular office will be open. Except for offices which are open periodically, for example, every Wednesday or the 3rd Wednesday of the month, all offices will be open Monday through Friday excluding Federal holidays, at least from 9 am to 3 pm, local time.

Subpart 1822 - Filing a Document with BLM

Sec. 1822-11 What must I do to make an official filing with BLM?

You must file your application and any other required documents during regular office hours at the appropriate BLM office having jurisdiction over the lands or records involved. You must file any document with BLM through personal delivery or by mailing via the United States Postal Service or other delivery service, except for those applications that may be filed electronically under § 1822.13, unless a more specific regulation or law specifies the mode of delivery. The date of mailing is not the date of filing.

Sec. 1822.12 Where do I file my application or other required documents?

You should file your application or other required documents at the BLM office having jurisdiction over the lands or records involved. The specific BLM office where you are to file your application is usually referenced in the BLM regulations which pertain to the filing you are making. If the regulations do not name the specific office, or if you have questions as to where you should file your application or other required documents, contact your local BLM office for information and we will tell you which BLM office to file your application.

Sec. 1822.14 What if I try to file a required document on the last day of the stated period for filing, but the BLM office where it is to be filed is officially closed all day?

BLM considers the document timely filed if we receive it in the office on the next day it is officially open.

Supplement to Form 1842-1