DECISION RECORD
FOR
Bridger Coal Lease Modification: WYW2727
Case #: WYW2727 and WYW167727
EA #: WY-040-EA10-30

Summary
The proposed action is to modify federal coal lease WYW2727 to include 560 acres of contiguous coal lands in Sections 12 and 24 and to be granted a right-of-way to conduct surface operations in Section 36, Township 20 North, Range 100 West. The lands in section 36 are split estate, with the State of Wyoming owning the subsurface estate and the surface estate federally owned and managed by the BLM.

Decision
Based upon the analysis of the potential environmental impacts described in the 'Bridger Coal Lease Modification: WYW2727' Environmental Assessment and supporting documents in the case file, it is my decision to approve the Proposed Action to modify the existing coal lease for the identified portions of Sections 12 and 24 and to grant the right-of-way to conduct surface mining operations in Section 36.

1. **Compliance with applicable laws**: The coal lease modification application was submitted and evaluated under the following authorities: Mineral Leasing Act of 1920 as amended; Multiple-Use Sustained Yield Act of 1960; National Environmental Policy Act; Federal Coal Leasing Amendments Act of 1976; Federal Land Policy and Management Act of 1976; and the Surface Mining Control and Reclamation Act of 1977. The right-of-way grant will be made under the authority of Title V of the Federal Land Policy and Management Act of 1976 (43 CFR U.S.C. 1761) and be subject to the terms and conditions in 43 CFR 2801 and rental payments as determined by 43 CFR 2806.10. The grant will be subject to the mitigation set forth in the application/plan of development.

2. **Selected Alternative**: The proposed action is to modify federal coal lease WYW2727 to include 560 acres of contiguous coal lands in the SW ¼, S ½ NW ¼ of Section 12 (240 acres), the W ½ of Section 24 (320 acres) and to be granted a right-of-way to conduct surface operations in the W ½, NW ¼, NW ¼ SW ¼ of Section 36, Township 20 North, Range 100 West. The lands in section 36 are split estate, with the State of Wyoming owning the subsurface estate and the surface estate federally owned and managed by the BLM.

3. **FONSI**: I have determined that the proposed project is in conformance with the approved land use plan. I have reviewed this environmental assessment including the analysis of potentially significant environmental impacts. I have determined that the proposed action with the mitigation measures as identified in the EA will not have any significant impacts

on the human environment and that an EIS is not required. It is my decision to implement the proposed action.

4. **Public Involvement**. The BLM Rock Springs Field Office issued a news release on November 17, 2009, requesting public comment on the Proposed Action; a scoping notice was published on November 18, 2009, on the RSFO website. The 30-day comment period ended on December 16, 2009. During this period, the BLM received four comment letters: three from state governmental agencies and one from a Wyoming citizen. A Summary of Scoping Comments is included as Appendix A of the EA.

5. **Rationale for Alternative Selected**. The Proposed Action with the mitigation measures as described in the EA was selected because it is in compliance with the Green River RMP and the BLM has determined it will not have any significant impacts on the human environment. Additionally, there is no logical competitive interest based upon utilization of the lands or mining of the deposits because:
   - The applicant is the lessee of record holding the private, state and federal leases adjacent to the modification area.
   - This lease modification would allow a continuum of an existing mining block and would not represent an economic venture based on a stand alone development of the property.
   - There is no other nearby coal operation which could economically mine this area.
   - The only logical access is from the applicant's surface mine and adjacent leases.

6. **Appeal Procedures**.
   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, Part 4. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

   If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay 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.

   Standards for Obtaining a Stay

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

1. The relative harm to the parties if the 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 the stay.

Lance C. Porter

Lance Porter
Field Manager
Rock Springs Field Office

28 July 2010
Date