



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
BROOKS TOWERS
1020 15TH STREET
DENVER, COLORADO 80202



In Reply Refer To:

January 31, 1990

Dr. Dianne Nielson
Utah Division of Oil, Gas and Mining
355 W.N. Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180

RECEIVED
FEB 05 1990

DIVISION
OIL, GAS & MINING

Dear Dr. Nielson:

The Office of Surface Mining Reclamation and Enforcement (OSM) has completed an initial review of Co-Op Mining Company's permit application package (PAP) for extending underground mining operations at the Bear Canyon mine into Federal lease U-024316. We offer the following comments for your consideration and action.

After approval of the application by the Division of Oil, Gas and Mining (DOGM), the reclamation bond will need to be changed to be payable to both the State and the United States Office of Surface Mining Reclamation and Enforcement. A copy of the bond should be forwarded by Utah DOGM to OSM.

The Bear Canyon mine is in the Upper Colorado River Basin and may affect endangered fishes in the river. Therefore, OSM is required to consult with the U.S. Fish and Wildlife Service under the Endangered Species Act before the mining plan can be approved. Before OSM may begin consultation, Co-Op must provide an estimate of the average annual depletion of surface flow (acre-feet) that will result from all operations at the Bear Canyon mine (i.e., operations on non-Federal and Federal lands).

Upon receipt, please forward a copy of the proof of publication of the newspaper advertisement.

Under the cooperative agreement, Utah DOGM will prepare, in cooperation with OSM, an environmental assessment (EA) for the proposed action. Federal lease U-024316 was issued in 1958, thus the EA should address the environmental considerations of section 522(a)(3) of the Surface Mining Control and Reclamation Act (SMCRA) of 1977 in accordance with the latest EA format and guidance document (enclosed). Please forward at your earliest convenience a draft of the EA for our review.

On page 2-3 of the PAP, the lease number in the legal description should be U-024316 and the lease number at the end of the paragraph below the legal description should be U-024318.

Please notify us of your schedule for processing the PAP so that we may schedule our other work accordingly.

If you have any questions, please contact Richard Holbrook or me at (303) 844-2400.

Sincerely,

Ranvir Singh
Ranvir Singh, Chief
Federal Lands Branch

Enclosure

cc: Albuquerque Field Office
BLM, Moab District Office
Manti-La Sal National Forest
USFWS Salt Lake City

SUGGESTED FORMAT
FOR THE
FEDERAL MINING PLAN ACTIONS
(TITLE V)
ENVIRONMENTAL ASSESSMENT
AND
FINDING OF NO SIGNIFICANT IMPACT

Office of Surface Mining Reclamation and Enforcement
Western Field Operations

November 1989

[TITLE V]

ENVIRONMENTAL ASSESSMENT

(Insert Mine Name) Coal Mine
Mining Plan (or, Mining Plan Modification, as appropriate)
Federal Lease Number(s) (Insert Numbers)
(Insert County & State)
(Insert Any Other Pertinent Information, if applicable)

Jointly Prepared
by

(Insert Federal/State/Tribal Agency Name)

and

United States Department of the Interior
Office of Surface Mining Reclamation and Enforcement
Western Field Operations

(Insert the Date of the Current Version)

**CHAPTER I
INTRODUCTION**

A. Purpose and Need for the Action

[NOTE: Briefly describe the underlying purpose and need that the agency is responding to in proposing the alternatives, including the proposed action [40 CFR 1502.13]. "Need" is defined as (i) the lack of something requisite, desirable, or useful, or (ii) a condition requiring supply or relief, whereas "purpose" is defined as (i) the goal or (ii) the end to be attained. Be sure to identify the responsible Federal official and the decisions(s) that must be made with respect to the current proposal. (For example: the Assistant Secretary of the Interior for Land and Minerals Management must approve, disapprove, or conditionally approve the (insert mine name) mine Mining Plan (or, Mining Plan Modification, as appropriate) for Federal lease number(s) (insert numbers) submitted by (insert company name) Mining Company).]

B. Project Background/General Information

[NOTE: Provide the reader with a brief description of the past history of the area/mine as it relates to the current proposal. This should include (i) past mining activity (type, dates, extent, etc.), (ii) total permitted and disturbed acreage, (iii) surface and mineral ownership of the project area, (iv) current land use(s), (v) past problems/concerns, and (vi) any other pertinent background information.]

C. Existing/Related Environmental Documents

[NOTE: Identify any previous environmental assessments or environmental impact statements that cover the same or similar actions (particularly any coal leasing documents) and briefly explain the relationship of these documents to the current proposal(s). Include (i) the title of the document, (ii) the name of the originating office/agency, (iii) the date of release, and (iv) an explanation of the environmental coverage contained in the related document that is pertinent to the current proposal.]

Be sure that the environmental analyses and conclusions in the current EA are consistent with those in any previous documents. Any differences should be identified and evaluated in chapter IV.

For example: OSM-EIS-11 -- The final environmental impact statement on the "Approval of State and Indian Reclamation Program Grants Under Title IV of the Surface Mining Control and Reclamation Act of 1977" was issued by the Office of Surface Mining Reclamation and Enforcement in November 1983. The EIS describes and analyzes the environmental impacts that would result from approval of State or Tribal grants; it concentrates on the adverse/beneficial impacts and standard reclamation activities associated with eight major categories of abandoned coal mine problems in the United States. (Here, insert text to explain the relationship of OSM-EIS-11 to the current project, if any.)]

CHAPTER II
DESCRIPTION OF THE ALTERNATIVES

[NOTE: The purpose of this chapter is to provide the decisionmaker and the public with a clear basis for choice among the available options. The Council on Environmental Quality considers the contents of this chapter to be the "heart" of the environmental document [40 CFR 1502.14].]

A. Primary Alternatives Under Analysis

1. Alternative 1: Approval of the Proposed Mining Plan (or, Mining Plan Modification, as appropriate) (the Proposed Action).

Under this alternative, the Assistant Secretary--Land and Mineral Management would approve the applicant's proposed mining plan (or, mining plan modification, as appropriate) for the (insert mine name) mine. The applicant, (insert company name), proposes to: (insert additional text)

[NOTE: Provide a complete, concise description of the current proposal. It should be accurate and as detailed as necessary to enable the environmental analysis team, the reader, and the decisionmaker to have a general understanding as to what on-the-ground activities would take place if this alternative were selected. Include (i) a legal description of the project proposal, (ii) a map of the project area (identifying the project location), (iii) proposed time schedule(s) for completion of the proposal, (iv) the amount of acreage involved, (v) any design features or management practices that would be used to avoid or minimize environmental harm, (vi) any special conditions required by a regulatory authority (i.e., in the permit to mine coal, or other associated permitting/compliance activity), and (vii) the anticipated future land use(s) of the project area. If appropriate, also identify (i) any of the past problems in the project area that would, or would not, be corrected, (ii) any of the past permitted/disturbance acreage that would, or would not, be permitted/reclaimed under the proposed action alternative, and/or (iii) any other pertinent information that supports the purpose/need for the proposal (from the "purpose and need" and "background" sections in chapter I). Do NOT include discussions of environmental impact, inasmuch as that information is presented in chapter IV.]

2. Alternative 2: Disapproval of the Proposed Mining Plan (or, Mining Plan Modification, as appropriate) (the "No Action" alternative).

Under this alternative, the Assistant Secretary--Land and Mineral Management would disapprove the applicant's proposed mining plan (or, mining plan modification, as appropriate) for the (insert mine name) mine, as described under alternative 1 (insert "or any of its reasonable alternatives," if applicable). As a result, (insert additional text).

[NOTE: Describe the "disapproval (no action) alternative" in enough detail to enable the EA team, the reader, and the decisionmaker to have a general understanding as to what on-the-ground activities would or would not take place should this alternative be selected and no mining activity take place. (This is usually a continuation of the past/current management taking place in the specific project area. Where appropriate, the discussion can refer the reader to the "background" section in chapter I for additional information on past/current management practices.) Also, identify/repeat (i) those past problems in the proposed project area that would not be corrected, (ii) the past disturbance acreage that would not be reclaimed, and/or (iii) any other specific purpose/need that would not be accomplished, if this alternative were chosen (from the "purpose and need" and "background" sections in chapter I). Do NOT include discussions of environmental impact, inasmuch as that information is presented in chapter IV.]

B. Other Reasonable Alternatives (include only if appropriate)

1. Alternative 3: Approval of the Proposed Mining Plan (or, Mining Plan Modification, as appropriate), With Additional Federal Conditions (the Modified Proposal).

Under this alternative, the Assistant Secretary--Land and Mineral Management would approve the applicant's proposed mining plan (or, mining plan modification, as appropriate) for the (insert mine name) mine, subject to the following Federal conditions/modifications: (insert additional text)

[NOTE: Provide a complete description of the modifications to the proposed action. It should, once again, be accurate and as detailed as necessary to enable the EA team, the reader, and the decisionmaker to have a general understanding as to how the on-the-ground activities would be different if this alternative were chosen, rather than the proposed action described under alternative 1. Identify, as appropriate, any differences

in (i) the legal description of the project proposal, (ii) the map of the project area (identifying any changes to the project location), (iii) the time schedule(s) for completion of the proposal, (iv) the amount of acreage involved (identifying any changes to the project acreage), (v) any design features or management practices that would be used to avoid or minimize environmental harm, and/or (vi) the future land use(s) of the project area. If appropriate, also identify (i) any differences in the past problems in the area that would, or would not, be corrected, (ii) any differences in past permitted/disturbance acreage that would, or would not, be permitted/reclaimed, and/or (iii) any other differences in the way the purpose/need would be accomplished, under the modified proposal (from the "purpose and need" and "background" sections in chapter I). Concentrate on differences between this alternative and the proposed action. Do NOT include discussions of environmental impact, inasmuch as that information is presented in chapter IV.

In most cases, it is not necessary to evaluate both the applicant's proposal (i.e., without additional Federal conditions; discussed under alternative 1) and the modified proposal (i.e., with additional Federal conditions; discussed under alternative 3) in the same document. If additional conditions are necessary for the applicant's proposal to be acceptable to the Assistant Secretary, approving it without those conditions would not be a reasonable alternative, and visa versa. Discuss that alternative (i.e., the one considered to be unreasonable) in the next section as one that was considered, but eliminated from detailed analysis.]

2. (Include a similar discussion for any other reasonable alternatives, as appropriate.)

C. Other Alternatives Considered But Eliminated From Detailed Analysis

[NOTE: Briefly describe any other alternatives that might have fulfilled the purpose(s) and need of the proposed action but that were dismissed after additional consideration and, therefore, "eliminated from detailed analysis." This could include (i) additional modifications to the proposed action, (ii) alternatives deemed technically infeasible, (iii) procedural alternatives, and (iv) alternatives deemed economically impractical. Explain why each alternative was dismissed.]

CHAPTER III THE AFFECTED ENVIRONMENT

[NOTE: The purpose of this chapter is to clearly describe the current environment of the area(s) that might be affected by the alternatives under consideration. The descriptions should be no longer than necessary for an overall understanding of the effects of implementing the alternatives described in chapter II [40 CFR 1502.15]. Remember that chapter III should describe "what is," not "what would be." Do NOT include discussions of environmental impact, inasmuch as that information is presented in chapter IV.]

A. General Setting

[NOTE: Briefly describe the general setting of the area(s) under analysis. Provide the reader with a mental picture of what the area looks like.]

B. Critical Elements

[NOTE: Critical elements are items that must be considered during the evaluation of the proposal because of law, regulation, policy, instruction, or directive. Critical elements must be specifically addressed as being, or not being, present in or around a proposed project area. If a critical element is present in the project area, the environmental assessment MUST discuss its current status and/or extent. If several critical elements are not present, they may be addressed either separately, under headings/sentences for each element, or by combining them, under a single heading/sentence (e.g., "The following critical elements have been evaluated and have been determined to not be present in the area: * * * .") .]

1. Cultural, paleontological, or historic resource values (per the Archeological Resources Protection Act of 1979; the Archeological and Historic Preservation Act of 1974; the National Historic Preservation Act of 1966, as amended; the Antiquities Act of 1906; Executive Order 11593, concerning the Protection and Enhancement of the Cultural Environment; the American Indian Religious Freedom Act of 1978; the Historic Sites Act of 1935; OMB Circular A-102; and the Surface Mining Control and Reclamation Act of 1977).

o Are any cultural, paleontological, or historic values present in or around the project area?

o If so, indicate the location and extent of these values, and describe their current status and condition.

2. Water quality/supply values (per the Clean Water Act; the Fish and Wildlife Coordination Act; and the Surface Mining Control and Reclamation Act of 1977).

o Are any water bodies, streams, aquifers, or aquifer recharge areas present in or around the project area?

o If so, indicate the location and extent of the water bodies/streams/aquifers/recharge areas, and describe their current status, State and/or Federal classification, and condition.

3. Wetland values (per Executive Order 11990; the Clean Water Act; and the Surface Mining Control Reclamation Act of 1977).

o Are any wetlands (or wetland vegetation species) present in or around the project area?

o If so, indicate the location and extent of these wetland areas, and describe their type, current status, uses, and condition.

4. Floodplain/unstable geology concerns (per Executive Order 11988 and the Surface Mining Control and Reclamation Act of 1977).

o Are any natural hazard lands (e.g., floodplains, unstable geology, etc.) present in or around the project area?

o If so, indicate the location and extent of these lands, and describe their current status and condition, and their potential to endanger life or property.

5. Threatened or endangered plant/animal species (per the Endangered Species Act and the Surface Mining Control and Reclamation Act of 1977).

o Are any threatened or endangered plant species present in or around the project area?

o Are any threatened or endangered wildlife species (or their habitat) present in or around the project area?

o If so, indicate the location and extent of these species and/or their habitat, and describe their current status and condition.

6. Migratory birds of high Federal interest (per the Migratory Bird Treaty Act; the Bald Eagle Protection Act of 1973; and the Surface Mining Control and Reclamation Act of 1977).

o Are any migratory bird species of high Federal interest (or their habitat) present in or around the project area?

o If so, indicate the location and extent of these species and/or their habitat, and describe their current status and condition.

7. Renewable resource/unique agricultural values (per the Farmland Protection Policy Act and the Surface Mining Control and Reclamation Act of 1977).

o Are any renewable resource/unique agricultural lands present in or around the project area?

o If so, indicate the location and extent of these lands, and describe their current status and condition. Identify whether these lands produce food or fiber products or could be considered to be either prime farmlands or areas that include alluvial valley floors.

8. Recreational resource values (per the National Environmental Policy Act of 1969; the Wild and Scenic Rivers Act; the Clean Air Act; and the Surface Mining Control and Reclamation Act of 1977).

o Are any existing or proposed wilderness areas, areas of critical environmental concern, and/or wild and scenic rivers present in or around the project area or in the general region?

o Are any parks, parklands, ecologically critical areas, or other areas of scientific, ecological, recreational, scenic, or aesthetic importance present in or around the project area or in the general region?

o If so, indicate the location and extent of these recreational resources, and describe their current status and condition.

9. Social and economic values (per the National Environmental Policy Act of 1969 and the Surface Mining Control and Reclamation Act of 1977).

o Are any social or economic values present in or around the project area or in the general region?

o If so, indicate the general nature and extent of these values, and describe their current status and condition.

10. Conformance with Federal, State, regional, and/or local land use plans, programs, and policies (per the National Environmental Policy Act of 1969 and the Surface Mining Control and Reclamation Act of 1977).

o Are any Federal, State, regional, or local land use plans/programs/policies in effect in either the project area or the general region?

o If so, indicate both the general nature of these land use plans/programs/policies and the extent of their effects, and describe their current status and condition.

C. Other Affected Resources

[NOTE: Describe any other physical, biological, social, and/or economic factors within the project area environment that are important to either the impact analysis in chapter IV, or the decisionmaker/reader's overall understanding of the project area.]

CHAPTER IV ENVIRONMENTAL CONSEQUENCES OF THE ALTERNATIVES

[NOTE: The purpose of this chapter is to provide the reader and the decisionmaker with the scientific and analytical basis for choosing between the proposed action and the alternatives. This chapter should identify and discuss the environmental effects from implementing each of the alternatives identified in chapter II [40 CFR 1502.16].

Technically, the environmental evaluation required in an environmental assessment is aimed at enabling the decisionmaker to determine whether or not an environmental impact statement should be prepared. To enable the decisionmaker to do this, the environmental assessment needs to present an evaluation of all the environmental impacts resulting from the various alternatives and determine whether these impacts would be significant when considered either separately or collectively. The level of detail and analysis of a given impact should be consistent with the degree of potential importance. The analysis should be brief and concise. Unnecessary descriptive material should not be used to obscure a lack of analysis.

Complete an impact analysis for each alternative, including the "no action" alternative (and the "modified proposal" alternative, when applicable), and discuss impacts to each resource discussed in the "Affected Environment" chapter (e.g., "critical elements" as well as any "other affected resources"). To eliminate any possible confusion, be sure to present the impact analyses relating to each alternative in the same order that they were presented/described in chapter II (e.g., present the impacts related to the "proposed action" alternative first).

Discuss the environmental consequences in enough detail so that the decisionmaker and the public can compare and evaluate the various alternatives, and ultimately select the best alternative.

Describe the probable effects/impacts of implementing each of the alternatives. Remember that impacts are the CHANGES from the current situation that was discussed/identified in chapters I and III. Use qualitative terms (e.g., "major," "moderate," "minor,"

"negligible," and "no impact") to describe the anticipated magnitude of those impacts. Terms such as "significant," "potential to become significant," and "insignificant" describe the "importance" of a particular impact to the human environment. Impacts will be assumed to be insignificant unless identified otherwise.

It is important to remember that the presence and identification of significant impacts requires the preparation of an environmental impact statement, prior to the authorized officer making a decision. For an environmental assessment to conclude with a "finding of no significant impact," the impact analysis in that environmental assessment must prove to the decisionmaker and the reader that significant impacts are not present.]

A. Critical Elements

[NOTE: Critical elements are items that must be considered during the evaluation of the proposal because of law, regulation, policy, instruction, or directive. Critical elements that were specifically addressed as being present in or around the project area in the chapter III description of the environment must be analyzed accordingly in this chapter for each alternative. If critical elements were addressed with negative statements in chapter III (e.g., they do not exist in or around the project area), they may be omitted from this chapter.]

1. Cultural, paleontological, or historic resource values (per the Archeological Resources Protection Act of 1979; the Archeological and Historic Preservation Act of 1974; the National Historic Preservation Act of 1966, as amended; the Antiquities Act of 1906; Executive Order 11593, concerning the Protection and Enhancement of the Cultural Environment; the American Indian Religious Freedom Act of 1978; the Historic Sites Act of 1935; OMB Circular A-102; and the Surface Mining Control and Reclamation Act of 1977).

o Were any cultural, paleontological, or historic values determined to be present in or around the project area in chapter III?

o Have the appropriate Federal and/or State historic/cultural agencies been contacted?

o Identify/discuss the effect(s) that the action proposed under each alternative would have on those cultural/paleontological/historic values. Be sure to include the information provided by the historic/cultural agencies that were contacted.

2. Water quality/supply values (per the Clean Water Act; the Fish and Wildlife Coordination Act; and the Surface Mining Control and Reclamation Act of 1977).

- o Were any water bodies, streams, aquifers, or aquifer recharge areas determined to be present in or around the project area in chapter III?
- o Have the appropriate Federal and/or State water quality/supply agencies been contacted?
- o Identify/discuss the effect(s) that the action proposed under each alternative would have on the values associated with those water bodies/streams/aquifer/recharge areas, particularly any loss or reduction in their long-term productivity. Be sure to include the information provided by the water quality/supply agencies that were contacted.

3. Wetland values (per Executive Order 11990; the Clean Water Act; and the Surface Mining Control and Reclamation Act of 1977).

- o Were any wetlands (or wetland vegetation species) determined to be present in or around the project area in chapter III?
- o Have the appropriate Federal and/or State water quality agencies been contacted?
- o Identify/discuss the effect(s) that the action proposed under each alternative would have on the values associated with those wetlands. Be sure to include the information provided by the water quality agencies that were contacted.

4. Floodplain/unstable geology concerns (per Executive Order 11988 and the Surface Mining Control and Reclamation Act of 1977).

- o Were any natural hazard lands (e.g., floodplains, unstable geology, etc.) determined to be present in or around the project area in chapter III?
- o Have the appropriate Federal and/or State land management agencies been contacted?
- o Identify/discuss the effect(s) that the action proposed under each alternative would have on the concerns associated with those natural hazard lands, particularly their potential to endanger life or property. Be sure to include the information provided by the land management agencies that were contacted.

5. Threatened or endangered plant/animal species (per the Endangered Species Act and the Surface Mining Control and Reclamation Act of 1977).

- o Were any threatened or endangered plant species determined to be present in or around the project area in chapter III?
- o Were any threatened or endangered wildlife species (or their habitat) determined to be present in or around the project area in chapter III?
- o Have the appropriate Federal and/or State fish and wildlife agencies been contacted?
- o Identify/discuss the effect(s) that the action proposed under each alternative would have on the values associated with those threatened/endangered species. Be sure to include the information provided by the fish and wildlife agencies that were contacted.

6. Migratory birds of high Federal interest (per the Migratory Bird Treaty Act; the Bald Eagle Protection Act of 1973; and the Surface Mining Control and Reclamation Act of 1977).

o Were any migratory bird species of high Federal interest (or their habitat) determined to be present in or around the project area in chapter III?

o Have the appropriate Federal and/or State fish and wildlife agencies been contacted?

o Identify/discuss the effect(s) that the action proposed under each alternative would have on the values associated with those migratory species. Be sure to include the information provided by the fish and wildlife agencies that were contacted.

7. Renewable resource/unique agricultural values (per the Farmland Protection Policy Act and the Surface Mining Control and Reclamation Act of 1977).

o Were any renewable resource/unique agricultural lands, that produce food or fiber products or could be considered to be either prime farmlands or areas that include alluvial valley floors, determined to be present in or around the project area in chapter III?

o Have the appropriate Federal and/or State soil conservation agencies been contacted?

o Identify/discuss the effect(s) that the action proposed under each alternative would have on the values associated with those renewable resource/unique agricultural lands, particularly any loss or reduction in their long-term productivity. Be sure to include the information provided by the soil conservation agencies that were contacted.

8. Recreational resource values (per the National Environmental Policy Act of 1969; the Wild and Scenic Rivers Act; the Clean Air Act; and the Surface Mining Control and Reclamation Act of 1977).

o Were any existing or proposed wilderness areas, areas of critical environmental concern, and/or wild and scenic rivers determined to be present in or around the project area or in the general region in chapter III?

o Were any parks, parklands, ecologically critical areas, or other areas of scientific, ecological, recreational, scenic, or aesthetic importance determined to be present in or around the project area or in the general region in chapter III?

o Have the appropriate Federal, State, and/or local land management agencies been contacted?

o Identify/discuss the effect(s) that the action proposed under each alternative would have on the values associated with those recreation resources. Be sure to include the information provided by the land management agencies that were contacted.

9. Social and economic values (per the National Environmental Policy Act of 1969 and the Surface Mining Control and Reclamation Act of 1977).

o Were any social or economic values determined to be present in or around the project area or in the general region in chapter III?

o Have the appropriate State and/or local planning agencies been contacted?

o Identify/discuss the effect(s) that the action proposed under each alternative would have on those values. Be sure to include the information provided by the planning agencies that were contacted.

10. Conformance with Federal, State, regional, and/or local land use plans, programs, and policies (per the National Environmental Policy Act of 1969 and the Surface Mining Control and Reclamation Act of 1977).

o Were any Federal, State, regional, or local land use plans/programs/policies determined to be present in either the project area or the general region in chapter III?

o Have the appropriate Federal, State, and/or local land management/planning agencies been contacted?

o Identify/discuss the compatibility of the action proposed under each alternative with these land use plans/programs/policies and the effect(s) that the action would have on the values associated with them. Explain any necessary inconsistency or incompatibility. Be sure to include the information provided by the land management/planning agencies that were contacted.

B. Other Affected Resources

[NOTE: Any other physical, biological, social, and/or economic factors of the environment that were identified and specifically addressed as being present in or around the project area in the chapter III description of the environment MUST be analyzed for EACH alternative in this chapter. Only those factors that were included in chapter III to provide a clear overall understanding of the project area by the decisionmaker/reader may be omitted from this chapter.]

C. Cumulative Impacts

[NOTE: For each alternative, describe the anticipated cumulative impacts. "Cumulative environmental impacts" are defined as those that result from the incremental impacts of an action added to other past, present, and reasonably foreseeable future actions, regardless of who is responsible for such actions. Cumulative impacts can result from individually minor but collectively important actions taking place over a period of time [40 CFR 1508.7]. Remember that the presence/importance of an impact cannot be avoided by terming an action temporary or by breaking it down into small component parts [40 CFR 1508.27(b)(7)].

Be sure to provide a clear description of those other past, present, and reasonably foreseeable future

projects/activities that make up the cumulative scenario, either here or in the background section of chapter I.]

D. Mitigation Measures (include only if appropriate)

[NOTE: For each alternative, identify and discuss any additional mitigation measures, above and beyond those design features of the proposal identified in chapter II, that could resolve or reduce the magnitude of a particular impact [40 CFR 1502.16(h)]. If all the necessary mitigation measures have been included in the particular alternative as part of the project design, and there is no need for additional mitigation, this discussion is not needed in the environmental assessment.

Four general types of mitigation are usually recognized; those that (i) minimize impacts by limiting the degree or magnitude of the action or its implementation, (ii) compensate for the impact by replacing or providing substitute resources or habitat, (iii) rectify the impact by rehabilitation, restoration, or repair of the affected environment, and (iv) reduce or eliminate the impact over some stated time period.

Remember that mitigation should exert the MINIMUM control necessary to protect the environment and that any identified mitigation measures MUST be both enforceable and reasonable.]

E. Unavoidable Adverse Impacts (include only if appropriate)

[NOTE: For each alternative, describe those environmental effects which cannot be avoided should that alternative be implemented [40 CFR 1502.16]. Unavoidable adverse impacts are those that remain after additional mitigation measures (from section D, above) have been factored into the analysis.

If there are no additional mitigation measures to be evaluated (e.g., none were discussed in the "mitigation measures" section of this chapter), this discussion is not needed in the environmental assessment. The unavoidable adverse impacts are essentially those same impacts that were discussed in the "Impacts" section and do not need to be repeated.]

F. Short-term Uses versus Long-term Productivity

[NOTE: For each alternative, explain how the short-term use of the environment (for implementation of the particular alternative being analyzed) would affect the long-term productivity of the resources that make up that environment [40 CFR 1502.16]. The local short-term impacts of each alternative are those that occur during the period from initial development/construction activity associated with the particular alternative through mining to the end of the successful reclamation associated with that alternative. Long-term impacts of the project are usually those that are permanent or would persist beyond the end of successful reclamation.]

G. Irreversible and Irretrievable Commitments of Resources

[NOTE: For each alternative, describe any irreversible and irretrievable commitments of resources that may be involved should that alternative be implemented [40 CFR 1502.16]. An "irreversible and/or irretrievable commitment of resources" will occur when any environmental resource is either consumed, committed, or lost during the life of the project. The commitment of a resource is "irreversible" when the productivity of that resource (current and/or potential) is lost and, once lost, can never be regained (i.e., the loss of this productivity cannot be "reversed"). The commitment of a resource would be "irretrievable" when the productivity of that resource (current and/or potential) is lost for the life of the proposal but can be regained at some future time (i.e., the loss of this productivity can be "reversed").]

**CHAPTER V
CONSULTATION AND COORDINATION**

A. Persons, Organizations, and Agencies Contacted

[NOTE: Identify any person(s), organization(s), or agency(ies) that were contacted for information or consultation during the planning and preparation of the environmental assessment. It is particularly important to identify those Federal, State, and/or local agencies that were contacted in regards to compliance with other laws or regulations (see the critical elements of chapters III and IV).]

B. Preparers and Reviewers

[NOTE: List the name, title, and agency/department of all preparers (and reviewers, if appropriate) of the environmental assessment.]

**CHAPTER VI
REFERENCES**

[NOTE: List all references that were cited in the text.

For example: Office of Surface Mining Reclamation and Enforcement, 1983, Approval of State and Indian reclamation program grants under Title IV of the Surface Mining Control and Reclamation Act of 1977; final environmental impact statement: Washington, D.C., U.S. Government Printing Office, OSM-EIS-11.]

**CHAPTER VII
APPENDIXES (include only if appropriate)**

[NOTE: Include material in an appendix if it substantiates the environmental analysis and is fundamental to a clear understanding of the environmental

document [40 CFR 1502.18]. Try to limit the appendixes to material that is absolutely essential.

Copies of letters, memorandums, or other correspondence from Federal, State, and/or local agencies that may have been received in relation to compliance with other laws or regulations (see the critical elements of chapters III and IV) are often included in the appendix to provide a complete record for the decisionmaker. Be sure to properly reference the inclusion of these documents in the appendix when preparing the text for chapters III and IV, as appropriate.]

FINDING OF NO SIGNIFICANT IMPACT

(Insert Mine Name) Coal Mine
Mining Plan (or, Mining Plan Modification, as appropriate)
Federal Lease Number(s) (Insert Numbers)
(Insert County & State)
(Insert Any Other Pertinent Information, if applicable)

[NOTE: A "finding of no significant impact" (FONSI) is both a formal environmental document, and a "key" legal document, that briefly presents the reasons why a specific Federal action would not have a significant effect on the human environment. It documents the decision that an environmental impact statement will not be required [40 CFR 1508.13]. The FONSI is based on a completed environmental assessment [40 CFR 1501.4(e)].

A. Introduction

[NOTE: Provide a brief summary of the proposed action, from chapters I and II of the environmental assessment. Explain WHO wants to do WHAT, WHY, WHEN, HOW and WHERE.]

B. Existing Environmental Coverage

1. Site-specific environmental impacts that would result from approval or disapproval of the proposed (insert mine name) mine Mining Plan (or, Mining Plan Modification, as appropriate) are identified in the attached (insert date) environmental assessment prepared jointly by (insert Federal/State/Tribal agency name) and the Office of Surface Mining Reclamation and Enforcement.

2. (Include a similar discussion for other existing/related documents that were listed in chapter I of the environmental assessment, if appropriate.)

C. Authorized Officer's Decision

The (insert date) environmental assessment prepared jointly by (insert Federal/State/Tribal agency name) and the Office of Surface Mining Reclamation and Enforcement for the (insert mine name) mine Mining Plan (or, Mining Plan Modification, as appropriate) has been thoroughly reviewed and has been determined to adequately discuss the environmental issues and

impacts of this project proposal and is current and adequate for Federal Mining Plan (or, Mining Plan Modification, as appropriate) approval purposes.

Based on the evaluation of impacts given in this environmental assessment, I find that no significant impacts to the quality of the human environment would result from any of the reasonable alternatives, including the proposed action, analyzed in the environmental assessment. Therefore, an environmental impact statement on the (insert mine name) mine Mining Plan (or, Mining Plan Modification, as appropriate) will not be required.

Date

Chief, Federal Programs Division
Western Field Operations

Office of Surface Mining Reclamation
and Enforcement