

# United States Department of the Interior Bureau of Land Management

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FINDING OF NO SIGNIFICANT IMPACT  
Environmental Assessment  
DOI-BLM-UT-G020-2018-0051-EA

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February 2019

## Emery Deep Mine Access Right-of-Way

*Location:*

T. 23 S., R. 6 E. Section 5  
Salt Lake City Meridian  
Emery County, Utah

*Applicant/Address:*

Bronco Utah Operations, LLC  
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Emery, Utah 84522  
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**Finding of No Significant Impact**  
DOI-BLM-UT-G020-2018-0051-EA  
Emery Deep II Mine Access Right-of-Way

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**FINDING OF NO SIGNIFICANT IMPACT DETERMINATION**

Based upon a review of Environmental Assessment (EA) DOI-BLM-UT-G020-2018-0051-EA, which analyzed impacts from the Emery Deep II Mine Access Right-of-Way (ROW) project and considering the criteria for significance provided by the Council on Environmental Quality (CEQ) regulations at 40 C. F. R. 1508.27, I have determined that implementing the proposed action does not constitute a major federal action that will have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general project area. Therefore, an Environmental Impact Statement is not required for the underground ROW. My determination is based upon the context and intensity of the ROW, as described below.

**Context**

The Emery Deep II Mine Access ROW is contained within 31.5 acres. The underground ROW would be approximately 340-feet wide and 3,700-feet in length, plus panel necks, with an average height of 6.5 to 7 feet. The term of the underground ROW grant could be up to 20 years. The proposed ROW would provide access through unleased federal coal. This access would allow for mining of Bronco-owned coal, then underground coal owned by the State of Utah, administered by the School Institutional Trust Lands Administration (SITLA). The mining of coal on SITLA will be for Lease ML-51745-OBA.

**Intensity**

The CEQ regulations include the following ten considerations for evaluating intensity:

**1. Impacts that may be both beneficial and adverse.**

The proposed action would affect resources as described in Chapters 4 and 5 of the Environmental Assessment (EA). There are no potential environmental effects for the proposed underground ROW that are considered to be significant, as defined by 40 CFR 1508.27. The terms and conditions of the ROW, as identified in Appendix E of the EA, will be applied for the life of the ROW grant.

**2. The degree to which the selected alternative affects public health or safety.**

The terms and conditions for the ROW grant, as outlined in Appendix E of the EA, provide for the careful development of the proposed underground ROW. For example, the holder shall maintain the ROW in a safe, usable condition, as directed by the authorized officer. Furthermore, the holder shall provide for the safety of the public by restricting them from entering the ROW. Additionally, upon abandonment of the ROW, the ROW will undergo inspection to ensure and certify the area is in compliance with the ROW grant for safety and hazardous materials.

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

The interdisciplinary team that identified the issues analyzed in the EA reviewed the proximity of the proposed underground ROW to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. The proposed underground ROW is not within or adjacent to any park lands, prime farmlands, wild and scenic rivers, wetlands, wilderness, or ecologically critical areas. The ROW may be beneath historic or cultural resources, but because there is no anticipated surface disturbance from the ROW, there will be no effect to those resources. See also the response to criteria 8.

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

The issuance of a ROW, and in this instance, the removal of coal from that ROW is a common practice on public lands. The nature of the activities and the resulting impacts are understood and have been analyzed and disclosed to the public through existing BLM NEPA documents, including EISs and EAs.

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

As stated above, issuing a ROW, and in this instance, removing coal from that ROW is not unique or unusual in this area. The BLM has experience implementing these actions, and the environmental effects to the human environment are adequately analyzed in existing NEPA documents, including the EA. There are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.

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

The development proposed in the selected alternative neither establishes a precedent for future BLM actions with significant effects nor does it represent a decision in principle about a future consideration. This ROW will allow Bronco access to their coal lease for minerals administered by the Utah State Institutional Trust Lands Administration (SITLA) in lease ML-51745-OBA and fee coal owned by Bronco.

Any future coal-related actions on federal lands will be subject to the appropriate environmental documentation under the National Environmental Policy Act.

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

The interdisciplinary team evaluated the possible actions and their consequences in the context of past, present and reasonably foreseeable actions. Significant cumulative effects are not anticipated. A complete disclosure of cumulative impacts can be found in Chapter 4 of the EA.

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

The project in question is not predicted to adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places (NRHP), nor will it cause the loss or destruction of significant scientific, cultural, or historical resources. The proposed underground ROW is not anticipated to cause any surface disturbance. The nature of the proposed action is such that no direct impacts are expected on cultural resources. A “No Potential to Effect” determination has been made by a qualified BLM archaeologist.

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

Although suitable habitat for Last Chance townsendia may be present in the project area, this species and its habitat are unlikely to be impacted by the proposed underground ROW because there would be no surface-disturbing actions.

Suitable or occupied habitat for the California Condor, Mexican Spotted Owl, Southwestern Willow Flycatcher, and Yellow Billed Cuckoo has been previously documented or is expected to occur within Emery County. However, analysis of elevation and habitat requirements within the project area and several site visits have indicated that suitable habitat for these species is not present at the site of the proposed ROW. Additionally, with the proposed ROW being underground, there are not anticipated impacts to these federally listed species. Endangered Species Act Section 7 consultation was not necessary for this project.

**10. Whether the Action threatens a violation of a Federal, State, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-Federal requirements are consistent with Federal requirements.**

The project does not violate any Federal, State, local, or Tribal law or requirements imposed for the protection of the environment. State, local and Tribal interests were given the opportunity to participate in the environmental assessment process. The project is consistent with applicable land use plans, policies and programs.

**APPROVED**

**/s/ Chris Conrad**

Chris Conrad  
Field Manager  
Price Field Office  
Bureau of Land Management

**2/6/2019**

Date