

Finding of No Significant Impact
Lifting the Pause on the Issuance of New Federal Coal Leases for
Thermal (Steam) Coal

Environmental Assessment
Bureau of Land Management
DOI-BLM-WO-WO2100-2019-0001-EA

I. Introduction

On April 19, 2019, the U.S. District Court for the District of Montana (district court) issued an order in *Citizens for Clean Energy et al. v. U.S. Department of the Interior et al.*, No. CV-17-30-GF-BMM, 2019 WL 1756296 (D. Mont. Apr. 19, 2019), holding that the Department of the Interior's (the Department) issuance in 2017 of Secretary's Order 3348 (Zinke Order) constituted a final agency action under the Administrative Procedure Act and a major Federal action under the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321), one that required agency compliance with NEPA's provisions mandating analysis and public disclosure of environmental impacts. The Zinke Order lifted a limited, temporary pause on Federal coal leasing (the Pause) that was instituted in 2016 by Secretary's Order 3338 (Jewell Order). Although the administrative policies covered in the Zinke Order are categorically excluded from NEPA analysis, the BLM elected not to seek authorization of an appeal of the court ruling and instead sought to comply with the court's directive that the agency analyze the environmental impacts of lifting the Pause in a NEPA analysis (either an environmental assessment (EA) or an environmental impact statement (EIS)).

Accordingly, the BLM prepared and, on May 22, 2019, published a Draft EA to study and disclose the impacts of lifting the Pause. The Final EA, which accompanies this finding, is based on an understanding that the Jewell Order imposed a temporary, and specifically limited, pause in processing of certain categories of lease applications for the purpose of deferring some new leasing decisions until the completion of a discretionary Programmatic Environmental Impact Statement (PEIS). The purpose of the PEIS was to examine possible reforms to Federal coal leasing. A primary purpose of the Pause, in turn, was to avoid locking-in impacts of leasing decisions during this study period. The Final EA's assessment of effects associated with issuance of the Zinke Order is based on the best information available to the BLM and founded on an anticipated issuance date of March 2019 for the Record of Decision on the PEIS. Of course, the BLM could not precisely predict the actual timeline for completing the PEIS nor the information that the PEIS might have produced had it been funded and completed. However, the agency reasonably based the temporal impact of the Zinke Order on the timeline for PEIS completion outlined in the January 2017 Federal Coal Scoping Report (the Scoping Report), which in the agency's present judgment is reasonable under current practices and policies. Because the BLM made a reasoned decision not to complete the PEIS, the information the Jewell Order endeavored to produce is unavailable and too complex in nature to produce through speculation. Therefore, the methodology used to assess the impacts of the Zinke Order is based on the consequences of lifting the Pause approximately 24 months earlier (i.e., 1 to 11 months earlier for the four leases that make up the Proposed Action and up to 24 months earlier for the eight pending leases) than

the March 2019 date for PEIS completion specified in the Scoping Report. The Draft EA defined the action as it was identified in the district court's order and analyzed the effects of issuing the Zinke Order. The BLM received 280 unique comment letters and additional comments resulting from 15 form letter campaigns. In total, the form letter campaigns accounted for 47,666 comment submissions. Based on these comments, the BLM revised and now is publishing the Final EA, entitled "Lifting the Pause on the Issuance of New Federal Coal Leases for Thermal (Steam) Coal Final Environmental Assessment (DOI-BLM-WO-WO2100-2019-0001-EA)." The Final EA incorporates the public comments and agency responses thereto and includes updates to the Draft EA as appropriate. The Final EA and Responses to Comments (designated Appendix A) are available on the BLM ePlanning website.

A. Purpose and Need

In accordance with NEPA, the BLM has discretion to articulate the purpose and need for a proposed action (40 C.F.R 1502.13). The BLM must construct its purpose and need to conform to existing decisions, policies, regulations, and law (BLM Handbook H-170-1, Section 6.2). The principal purpose of the Zinke Order was to respond to the March 28, 2017 Executive Order 13783, *Promoting Energy Independence and Economic Growth* (the Trump Order). The Trump Order outlined the need for Federal agencies to advance domestic energy security and economic strength. In addition, the Trump Order instructed that:

“heads of agencies shall review all existing regulations, orders, guidance documents, policies, and any other similar agency actions . . . that potentially burden the development or use of domestically produced energy resources . . .”

Directing “particular attention” to coal and other fossil fuel resources, the Trump Order directed agency heads to revise or rescind “as soon as practicable” those agency actions that their review identified as burdensome. For purposes of the Trump Order, “burden” meant “to unnecessarily obstruct, delay, curtail, or otherwise impose significant costs on the siting, permitting, production, utilization, transmission, or delivery of energy resources.” In addition, the Trump Order specifically directed the Secretary of the Interior to amend or withdraw the Jewell Order, lift the Pause, and “commence Federal coal leasing activities consistent with all applicable laws and regulations.”

B. Proposed Action

As defined by the district court's order, the March 29, 2017, Zinke Order is the Proposed Action. The Zinke Order rescinded the Jewell Order, thereby lifting the Pause 24 months earlier than anticipated and ending preparation of the discretionary PEIS. The Zinke Order represented a policy decision to lift the Pause in processing of certain new coal leases to reduce an existing burden on the delivery of energy resources and comply with the leasing scheme established by the Mineral Leasing Act (MLA) and its implementing regulations. In the Department's view, the Zinke Order does not have environmental effect because it does not, in itself, authorize sale or issuance of any new coal leases. Nonetheless, the Department has completed the Final EA in compliance with the court's order, even though it respectfully disagrees with the court's conclusion that the Zinke Order had NEPA-reviewable environmental effects, insofar as it

removed the restriction on lease processing and thus terminated environmentally-protective aspects of the Jewell Order. In effect, issuance of the Zinke Order resumed the BLM's coal leasing responsibilities as they had been carried out prior to the Jewell Order, consistent with existing law and regulations. It did not alter substantive law. Rather, it merely altered the Jewell Order's choice *not* to observe these leasing responsibilities, a choice the Department believes is *inconsistent* with existing law and regulation.

The Zinke Order also, on a practical level, yielded to the reality that Congress had denied the appropriations needed to complete a discretionary PEIS, which the Pause was designed to facilitate. In addition to the Department's consideration of the budget restrictions, the D.C. Circuit Court of Appeals subsequently determined that completion of a PEIS for Federal coal leasing activities is both discretionary and unnecessary. Thus, in addition to the longstanding requirements of the MLA, at various times after the Jewell Order was issued, all three branches of government separately weighed in against the completion of a PEIS.

II. Public Input

The BLM published the Draft EA on May 22, 2019, with a 15-day public comment period, ending on June 5, 2019. The comment period was extended to June 10, 2019 to accommodate various public requests and technical difficulties with the ePlanning system over the Memorial Day holiday. BLM received comments from individuals, groups, organizations, businesses, elected officials, Federal, state, and local government agencies, and Tribes.

The comments related to the BLM's responsibilities, the NEPA analysis, range of alternatives, and the effects of lifting the Pause, including the environmental analyses, methodologies, and the associated impacts. A large majority of the 47,000 comments received stated opinions, recommendations, and concerns associated with managing Federal lands, coal leasing in the current coal market, the possibility of environmental impacts, and the availability of other energy sources. These opinions and statements were noted and considered in evaluating the Proposed Action and the feasibility of alternatives and potential impacts. A brief sample of the most common statements is provided below as an overview of the statements received and considered by the BLM in this finding.

- The BLM should preserve public lands, parks, and their scenic beauty.
- The coal industry is outdated and obsolete.
- The coal industry creates pollution and climate change, which affects future generations.
- The comment period on the Draft EA should be extended.
- The BLM should not allow private industry to mine on public lands.
- The BLM should conduct a NEPA review of the existing program (i.e., a programmatic analysis).
- The BLM is placing private interests above the public interest.
- The Federal government should promote other energy sources to the exclusion of coal development.
- The current administration is ruining the environment.

The BLM is tasked with managing public lands and, consistent with the MLA and the Federal Lands Policy and Management Act (FLPMA), its duties are not specifically limited to conservation. The BLM manages coal leasing on those portions of the Federal mineral estate that have development potential, which total about 570 million acres, with the goal of providing a fair return for the American taxpayer while allowing environmentally responsible energy development.

Approximately 100 comments were substantive.¹ The interdisciplinary team of resource specialists that prepared the Final EA addressed these comments. A summary of these comments and responses thereto are provided in Appendix A, available on BLM's ePlanning website.

III. Alternatives Considered

The Proposed Action was a policy change in response to the direction and national needs outlined in the Trump Order. Given the administrative nature and scope of the Zinke Order, its consistency with the Department's categorical exclusion² from NEPA analysis for administrative policies, and the absence of a NEPA analysis associated with the Jewell Order, no additional alternatives beyond the No Action Alternative were required or considered before it was issued.

In an effort to be responsive to the district court, the BLM elected to analyze the environmental impacts of lifting the Pause in an EA. As stated in the Final EA, BLM did not identify any additional alternatives beyond the No Action Alternative (Alternative 1) and the Proposed Action (Alternative 2).

Internal scoping prior to drafting and issuance of the Draft EA included consideration of information available from record documents and history associated with the district court case. Following public comment on the Draft EA, the BLM carefully reviewed all timely submissions to identify the potential of studying additional alternatives. Various comments on the Draft EA suggested options such as making the Pause permanent, resuming programmatic study, and not leasing public land for mining coal. The suggestion to make the Pause permanent is inconsistent with governing law and regulations and with the direction of the Trump Order. Further, completing the PEIS is not required by any contemplated action and is not financially feasible, based on the Department budget approved by Congress. Thus, these suggested alternatives do not meet the purpose and need, are not reasonable or practicable, and were not evaluated in detail.

¹ Substantive comments include:

- > Questions, with a reasoned basis related to the analysis, the accuracy of information in the EIS or EA.
- > Questions, with a reasoned basis related to the analysis, the adequacy of, methodology for, or assumptions used for the analysis.
- > Presents new information relevant to the analysis.
- > Presents reasonable alternatives other than those analyzed in the EIS or EA.
- > Causes changes or revisions in one or more of the alternatives.

² 43 C.F.R. § 46.210(i) (Listing categorical exclusions to include: "Policies, directives, regulations, and guidelines: that are of an administrative, financial, legal, technical, or procedural nature; or whose environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will later be subject to the NEPA process, either collectively or case-by-case.").

To prevent all leasing of Federal coal is also not a viable alternative. Under the MLA and FLPMA, Congress has tasked the BLM with a multiple-use mandate of managing public lands for a variety of purposes, including energy development, livestock grazing, recreation, and timber harvesting, while ensuring natural, cultural, and historic resources are maintained for present and future use. The MLA and its implementing regulations require BLM to make mineral and energy resources available for potential leasing, within the parameters of the current Federal coal leasing program. Therefore, refusing to lease Federal coal on a permanent basis is inconsistent with BLM's statutory responsibilities and fails to meet the purpose and need of the Proposed Action.

For these reasons, and as discussed in more detail in the comment responses (Appendix A), the BLM has determined that the alternatives identified by the public are not viable alternatives to the Proposed Action and thus do not require further review.

IV. Determination of Significance

The Council on Environmental Quality's (CEQ) regulations provide that the significance of impacts must be determined in terms of both context and intensity (40 C.F.R. §1508.27). The BLM used these criteria and considered public input to assess whether the impacts of the Proposed Action are significant.

An evaluation of the context and intensity of the effects of the Proposed Action (Alternative 2), as described in the Final EA, is provided below.

A. Context

In accordance with the CEQ regulations at 40 C.F.R. §1508.27(a), the significance of an action "must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality." Under the regulation, what qualifies as significant varies with the setting of the Proposed Action. For instance, "in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short and long-term effects are relevant."

The needs outlined in the Trump Order provide important context for assessing the impacts of lifting the Pause and confirm that the Proposed Action is purely a policy decision that does not authorize approval of applications or issuance of leases. Lifting the Pause resumed the processing of lease applications in accordance with applicable law 24 months earlier than anticipated, which includes processing of lease applications through established procedures, including NEPA compliance, prior to approving the offering of a given lease at a competitive lease sale.

For over 40 years, the BLM has issued leases under the same process through evaluation of applications, including NEPA review. Under the Jewell Order, the reviews and potential approval of lease applications that did not meet the exemption criteria were administratively paused from January 2016 to an anticipated date of March 2019. The Final EA documented the

effects and consequences of lifting the Pause and resuming application processing sooner than anticipated under the Jewell Order and the Scoping Report.

The procedures applied in reviewing applications and issuing leases during the 24-month period between the Zinke Order and March 2019 were identical to those long-standing procedures in place before the Pause was initiated, including individualized NEPA evaluation for all leases authorized. *See* 43 C.F.R. § 3425.3 (providing that “[b]efore a lease sale may be held under this subpart [(i.e., Subpart 3425, Leasing on Application)] the authorized officer shall prepare an environmental assessment or environmental impact statement of the proposed lease area in accordance with 40 C.F.R. parts 1500 through 1508 [(i.e., NEPA’s implementing regulations)]”).

B. Intensity

In addition to considering the context of the Zinke Order, the BLM was required to consider the “intensity” of its effects which under the governing regulation relates to “the severity of impact.” 40 C.F.R. §1508.27(b). The Proposed Action alternative was evaluated using ten intensity factors in the following manner:

1. Impacts that may be both beneficial and adverse (40 C.F.R. 1508.27(b) (1))

As discussed in *Chapter 1, Introduction*, of the Final EA, the Proposed Action resumed normal leasing under the MLA earlier than anticipated under the Jewell Order and did not impact decisions about what tracts to lease. As evidenced by the assessment presented in *Chapter 3, Affected Environment and Environmental Effects* of the EA, the effects of the Proposed Action did not differ in nature or magnitude compared to the No Action Alternative. The action did, however, hasten the timeline of when those impacts will commence, and when they will cease, by up to 2 years, relative to the timeline over which these impacts would have occurred under the No Action Alternative. This modest shift in the period during which given impacts will become manifest is not, by itself, a significant impact.

Similarly, the specific beneficial and adverse effects of any BLM decision to issue leases would be disclosed in the environmental analyses completed prior to making a decision whether to approve a lease application. For example, each of the eight pending applications (Final EA, Section 1.2), are subject to NEPA review prior to lease issuance. The relatively modest change in the timeline of impacts of individual leases does not change the nature or quantity of those impacts. As such, the Proposed Action would not have any appreciable impacts that are beneficial or adverse.

2. The degree to which the Proposed Action will affect public health or safety (40 C.F.R. 1508.27(b) (2)).

Lifting the Pause in March 2017 reinstated the management framework for coal leasing that the BLM has implemented for nearly 40 years approximately 24 months earlier than anticipated under the Jewell Order. For decades, the BLM has completed NEPA analyses to evaluate the effects on public health and safety of all lease applications approved and thus has a clear understanding of the effects and risks associated with coal leasing. The BLM’s experience in this

regard makes it well positioned to address effects to public health and safety through project design, consistent with the long-standing management regime. Each of the four coal leases issued between March 2017 and March 2019 continue to apply project designs intended to protect health and safety and follow the requirements in the Surface Mining Control and Reclamation Act (SMCRA) permits to provide for both reclamation and public health and safety under this long-standing coal leasing practice. Further, compared to the No Action Alternative, the Proposed Action's only health and safety impact is to hasten by 24 months when the health and safety impacts disclosed in the NEPA documents for the four relevant leases would commence and cease. As such, the Proposed Action's resumption of normal leasing practices would not result in additional effects to public health or safety, just a modest shift in the time period over which they are manifest. Since the shift is modest and does not concentrate the unchanged overall health and safety effects from the four leases within a shorter period of time, the action does not have an appreciable impact on health and safety.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas (40 C.F.R. 1508.27(b) (3)).

Lifting the Pause resulted in the continuation of agency processing and issuance of one Federal coal lease and completion of three Federal coal lease modifications (Final EA, Section 2.1.2). This results in a change as to when an impact may occur but does not alter the significance of a specific impact already analyzed in the respective environmental analyses for each coal leasing action. Each of these four actions has a supporting environmental analysis which discloses the impacts to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, and ecologically critical areas. Resuming lease processing 24 months earlier than anticipated under the Jewell Order does not alter those impacts in a way that leaves a significant impact unstudied. The four leasing actions issued are widely distributed and all do not share mutual resources with respect to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. In addition, there is no geographic relationship among these leases that would result in a cumulatively unique characteristic or effect associated with issuing the leases up to 24 months earlier.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial (40 C.F.R. 1508.27(b) (4)).

The intensity factor relating to controversy does not refer to the amount of public opposition or support for a project, but to a substantial dispute as to the size, nature, or effect of the action. Courts generally interpret controversy to mean disagreement within the scientific community about the nature of the effects. Lifting the Pause meant that the BLM resumed normal leasing activities consistent with practices established and implemented for nearly 40 years. Compared to the No Action Alternative, this action does not change the nature or intensity of the effects of the four relevant leasing decisions on the human environment, which are described in their respective NEPA documents. The impacts of these practices are well understood, and modestly hastening when they commence (and cease) does not introduce scientific uncertainty. As such, the Proposed Action would not result in effects on the quality of the human environment that are likely to be highly controversial.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks (40 C.F.R. 1508.27(b) (5)).

Lifting the Pause reinstated 24 months ahead of schedule the management framework for coal leasing that the BLM has implemented for nearly 40 years. For decades, the BLM has completed NEPA analyses to evaluate the effects on the human environment of all lease applications approved, giving the BLM a clear understanding of the effects and risks associated with this framework. Modestly hastening four lease issuances that were each subject to individual NEPA review, and thus hastening when those impacts commence and cease, does not fundamentally change those impacts, alter their effects appreciably, or introduce additional or qualitatively unique risks. Thus, the effects of lifting the Pause in 2017 instead of 2019 are not highly uncertain nor unique within the BLM's experience, nor do they entail unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration (40 C.F.R. 1508.27(b) (6)).

Lifting the Pause reinstated the previously existing framework for coal leasing that the BLM had implemented for nearly 40 years. It did so by countermanding a planned 38-month administrative pause 14 months after the Pause was ordered. Like the Pause itself, lifting the Pause ahead of schedule was accomplished by a Secretary's Order. Since this policy decision may be similarly countermanded in the future, it is no more precedential than the Pause which preceded it. Moreover, resuming leasing activities consistent with applicable laws and regulations does not eliminate or foreclose the exercise of the BLM's discretion to conduct a review of the coal program or institute reforms of leasing practices going forward for administrative, environmental, or economic reasons. As discussed in Final EA Section 1.4.2.1 (*How did lifting the pause on Federal coal leasing in March 2017 affect BLM's leasing management framework for issuing Federal coal leases and the potential associated impacts?*) and in Final EA Section 1.4.2.2 (*How would lifting the pause on Federal coal leasing in March 2017 affect the issuance of Federal coal leases and the evaluation of potential impacts from such leasing?*), the act of lifting the Pause does not establish new procedures required for lease applications, but instead reverts to those that had been in place for decades, consistent with applicable legal authorities. Thus, lifting the Pause does not establish a precedent for future actions or a decision in principle about future considerations for the Federal coal program.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts (40 C.F.R. 1508.27(b) (7)).

Lifting the Pause ahead of schedule was evaluated in the context of what potential environmental effects would result from Alternative 2 in the Final EA. As described in *Chapter 3, Affected Environment and Environmental Effects* of the Final EA, there are no cumulative effects that occur under this alternative that differ from those that would occur under Alternative 1, the No Action Alternative.

For each of the four leases issued between March 2017 and March 2019, each decision to issue a lease was analyzed under lease-specific NEPA analysis, and each NEPA document set temporal and spatial boundaries for cumulative effects analysis. Taken together, these NEPA documents did not identify cumulative effects boundaries that overlapped geographically with each other. For GHG emissions, the Final EA states that “early termination of the coal leasing pause would not change the cumulative levels of GHG emissions resulting from coal leasing between Alternative 1 and Alternative 2. . . . [T]he total quantity of GHG emissions would be the same under both alternatives. The only difference is that Alternative 2 would produce GHG emissions for the four issued leases 1 to 11 months earlier and up to 24 months earlier for the eight pending leases, than would have been produced under Alternative 1.” (Final EA, Section 3.1). As such, the Proposed Action would not result in unexamined cumulative effects other than effects which would flow from advancing mining operations by a relatively short period of time, a difference the BLM reasonably concludes is minor given our nation’s steady demand for energy.

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 (40 C.F.R. 1508.27(b) (8)).

The act of lifting the Pause was evaluated in the context of the regulatory definition of an “undertaking” in the National Historic Preservation Act (NHPA) and what potential environmental effects would result from Alternative 2 in the Final EA. (Final EA, Section 2.1.2). For the purposes of NHPA analysis, “undertaking” means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval. 36 C.F.R. 800.16(y). As described in *Chapter 3, Affected Environment and Environmental Effects* of the Final EA, there are no cumulative effects that occur under this alternative that differ from those that would occur under Alternative 1 (Final EA, Section 2.1.1). For each of the four leases issued during the time between March 2017 and March 2019, each decision was analyzed under lease-specific NEPA analysis which evaluated impacts to scientific, cultural, or historic resources prior to approval of the lease. None of these four leases identified any significant adverse impacts to these resources. As such, commencing operations earlier than anticipated would not result in any significant adverse impacts to districts, sites, highways, structures, or other objects in or eligible for listing in the National Register of Historic Places or cause the loss or destruction of any significant scientific, cultural, or historical resources.

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 (40 C.F.R. 1508.27(b) (9)).

As discussed in *Chapter 1, Introduction*, of the Final EA, the action evaluated hastened by up to 11 months for the four leasing decisions which are the subject of individualized NEPA analysis. As evidenced by the information presented in *Chapter 3, Affected Environment and Environmental Effects* of the Final EA, this slight hastening does not result in any significant environmental effects. Further, consultation efforts associated with each of the four projects all

determined that the projects would have either “no effect” or were “not likely to adversely affect” endangered or threatened species that may occur on the tracts or that may be affected by mining on the tracts, as described in section 4.2, *Consultation*, of the Final EA. Commencing these projects up to 11 months earlier for the four leases affected by the Proposed Action and hastening up to 24 months, for the eight pending leases, when these impacts commence and cease does not appreciably change these findings. As such, the Proposed Action would not adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act.

10. Whether the action threatens to violate Federal, State, or local law requirements imposed for the protection of the environment (40 C.F.R. 1508.27(b) (10)).

As discussed in *Chapter 1, Introduction*, of the Final EA, the action analyzed merely hastens by up to 11 months the impacts of four leasing decisions which are themselves the subject of individualized NEPA analyses. As stated in these underlying NEPA documents, those leasing decisions and their impacts conform to all applicable environmental laws. As evidenced by the analysis presented in *Chapter 3, Affected Environment and Environmental Effects* of the Final EA, hastening by up to 24 months, for the eight pending leases, when these impacts commence and cease does not implicate these laws in a new or different way. As such, the Proposed Action would not threaten to violate Federal, State, or local law requirements imposed for the protection of the environment.

III. Finding

The Jewell Order did not purport to end new Federal coal development, but rather paused processing of some (but not all) lease applications. The BLM continued issuing new Federal coal leases for exempt application categories. Given this context, an assessment of the Zinke Order’s effects requires BLM to identify a causal relationship (if any) between the Zinke Order and discrete lease issuances. The temporary nature of the Jewell Order supports the BLM’s conclusion that the Zinke Order’s effects are limited to the timing of lease issuances, specifically in allowing lease issuance and subsequent operations (if state permits are obtained) to occur earlier than would have happened if the PEIS had been allowed to run its course. This characterization of impacts applies across the board to all leases, except for leases that would have been exempt from the Jewell Order. For this latter category, there are no impacts attributable to the Zinke Order.

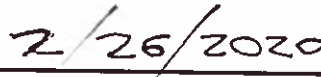
Based on this characterization, the BLM finds from a review of the timing of 57 lease applications that lifting the Pause and resuming normal leasing practices created no significant, unstudied impacts. Lifting the Pause provided the opportunity to continue the review of existing applications and allowed industry to apply for new coal leases and modifications. The potential discernable impacts of either placing or removing a pause on reviews of lease applications relate to the timeline for lease application submittals and reviews, rather than the ultimate disposition of the lease applications, which, in any event, require compliance with NEPA.

The Zinke Order's lifting of the Pause does not preclude review or assessment of the Federal coal leasing program for update or reform, thereby limiting its impact to hastening the timing of lease issuances made to the present.

Therefore, based on the analysis in the Final EA, public input, and review of the context and intensity factors established by the CEQ, I find that the Proposed Action is not anticipated to have any significant impacts. Thus, the BLM does not need to prepare an environmental impact statement.



Casey Hammond
Acting Assistant Secretary for Land and Minerals
Management



Date