

## FINDING OF NO SIGNIFICANT IMPACT

### U.S. DEPARTMENT OF THE INTERIOR OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

San Juan Mine  
Federal Coal Lease Serial Number: NM-045197 and NM-028093  
Federal Mining Plan Modification

#### **A. Introduction**

The San Juan Mine is located in the Four Corners region of the U.S. in northwestern New Mexico, approximately four miles northeast of Waterflow, at the end of San Juan County Road 6800, in western San Juan County. It is positioned approximately one mile north of the Navajo Nation Reservation and less than one mile south of the Ute Mountain Reservation. The mine opened in 1973 and ceased active coal production in September 2022. The current owner of the mine is Westmoreland San Juan Mining, LLC (WSJM).

On November 9, 2022, WSJM filed an application for a modification #2022-02 to their San Juan Coal Mine Permit #19-01 which proposed to change the post mining land use (PMLU) from wildlife habitat and grazing to industrial for a linear corridor within the permit boundary. The proposed PMLU change acknowledges the right-of-way (ROW) granted to San Juan Solar 1, LLC by the Bureau of Land Management (BLM) authorizing the construction, operation, maintenance, and eventual decommissioning of a 345-kilovolt overhead power line approximately 22,212 feet in length and 200 feet in width, and an access road paralleling the power lines. The power lines connect a solar facility located northeast of the current permit boundary, to an existing electrical substation located west of the permit boundary. Since BLM's ROW approval in January 2022, the overhead power lines have been constructed and the solar facility is presently in full operational status.

WSJM's application for PMLU change was approved by the New Mexico Energy Minerals and Natural Resource Department (EMNRD) on November 19, 2024, on all portions of the corridor except on federal lands. In accordance with 30 C.F.R. § 746.18(d)(6), the Office of Surface Mining Reclamation and Enforcement (OSMRE) for the Department of the Interior (DOI) determined that the PMLU change on federally-owned lands constituted a mining plan modification requiring approval by the Assistant Secretary for Land and Minerals Management (ASLM). The OSMRE will prepare a recommendation to the ASLM to approve the PMLU mining plan modification, and the ASLM will approve, disapprove, or approve with conditions the PMLU mining plan modification.

In accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the BLM Farmington Field Office prepared and published an environmental assessment (EA) to analyze and disclose the environmental consequences of the San Juan Solar Gen-tie, Collector Power Lines, and Access Roads Project as proposed by San Juan Solar. BLM finalized the *San Juan Solar Project Gen-Tie, Collector Power Lines, and Access Roads* environmental assessment, DOI-BLM-NM-F0101-2021-0017-EA, (2022 San Juan EA) in January 2022. The 2022 San Juan EA analyzed the environmental effects of the ROW corridor grant to San Juan

Solar 1, LLC, including the portion of the linear corridor within the San Juan Coal Mine permit boundary. On January 5, 2022, the BLM signed a finding of no significant impact (FONSI) based on the analysis in the 2022 San Juan EA and issued the NMNM 138513 ROW corridor grant to San Juan Solar 1, LLC. The OSMRE has determined that it is appropriate to adopt the 2022 San Juan EA because the actions covered by that EA and the action under consideration by OSMRE are substantially the same, and the 2022 San Juan EA meets the standards for an adequate EA under NEPA and DOI and OSMRE NEPA implementing regulations and procedures.<sup>1</sup>

## **B. Affected Area**

The PMLU change proposal area is 83.4 acres in total; however, only 57.4 acres are federal lands. If approved, this mining plan modification will change the PMLU designation from wildlife habitat and grazing to industrial for the 57.4 acres of federal lands within Coal Leases NM-045197 and NM-02809. The area is legally described as:

N.M.P.M., San Juan County, New Mexico  
Township 30 North, Range 15 West  
Section 14: 21.24 acres  
Section 15: 34.47 acres  
Section 22: 1.69 acres  
Total: 57.4 acres

## **C. Statement of Environmental Significance of the Proposed Action**

This FONSI is issued in conjunction with OSMRE's review of modification #2022-02 to San Juan Coal Mine Permit #19-01 and an assessment of the proposed activities and impacts described and considered in the 2022 San Juan EA. The OSMRE's proposed action is a recommendation that the ASLM approve the proposed federal mining plan modification reflecting the PMLU change approved by New Mexico. The PMLU designation change from wildlife habitat and grazing to industrial will set industrial land use reclamation standards, which are re-establishment of approximate original contour, and erosion control via vegetative cover, as outlined in 30 C.F.R. § 816.116(b)(4). OSMRE has determined the 2022 San Juan EA's analysis of operation and maintenance requirements and reclamation responsibilities, including reseeding and recontouring of the ROW, adequately discloses the potential impacts of the PMLU designation change from wildlife habitat and grazing to industrial.

---

<sup>1</sup> Executive Order 14154, *Unleashing American Energy* (Jan. 20, 2025), and a Presidential Memorandum, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity* (Jan. 21, 2025), require the Department to strictly adhere to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 *et seq.* Further, such Order and Memorandum repeal Executive Orders 12898 (Feb. 11, 1994) and 14096 (Apr. 21, 2023). Because Executive Orders 12898 and 14096 have been repealed, complying with such Orders is a legal impossibility. The OSMRE verifies that it has complied with the requirements of NEPA, including the Department's regulations and procedures implementing NEPA at 43 C.F.R. Part 46 and Part 516 of the Departmental Manual, consistent with the President's January 2025 Order and Memorandum. The OSMRE has also voluntarily considered the Council on Environmental Quality's rescinded regulations implementing NEPA, previously found at 40 C.F.R. Parts 1500–1508, as guidance to the extent appropriate and consistent with the requirements of NEPA and Executive Order 14154.

The OSMRE is proposing to recommend approval of the proposed action for the reasons described in section D, below. The undersigned person determined that approval of the PMLU mining plan modification would not have a significant impact on the quality of the human environment under NEPA Section 102(2)(C), 42 U.S.C. § 4332(2)(C); therefore, an environmental impact statement (EIS) is not required.

## **D. Reasons for a Finding of No Significant Impact**

The OSMRE independently reviewed the 2022 San Juan EA to ensure compliance with NEPA, 43 C.F.R. Part 46, Subpart D, and other program requirements. The OSMRE has not identified substantial new circumstances or information about the project's impacts since DOI-BLM-NM-F0101-2021-0017-EA was issued.

This FONSI considers the following factors in evaluating the significance of the proposed action.

### *1. The degree to which the action may adversely affect public health and safety:*

The ASLM's approval of the PMLU change to industrial will not adversely affect public health or safety. Construction within the area covered by the PMLU change is complete and the PMLU change does not authorize additional disturbance. The PMLU designation change from wildlife habitat and grazing to industrial will not change the operation and maintenance requirements set forth by the BLM in its ROW grant, or the requirements, including reclamation responsibilities, established by the State of New Mexico and outlined also in the plan of development for the project. The BLM's control measures are disclosed in the 2022 San Juan EA at Section 2.1.6 through 2.1.9. Examples of such measures include requiring ground cover of self-sustaining living plants appropriate for the life zone of the surrounding areas to control erosion, placing mulch with prescribed seed mix underneath the entire length of the ROW, and re-seeding the corridor if no sufficient vegetation growth is observed as mandated by the New Mexico Energy, Minerals and Natural Resource Division.

### *2. The degree to which the action may adversely affect unique characteristics of the geographic area such as historic or cultural resources, parks, Tribal sacred sites, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas:*

There are no parks, prime farmlands, wilderness, wild and scenic rivers, or ecologically critical areas within or adjacent to the project area. There are no jurisdictional wetlands within or adjacent to the ROW corridor. The OSMRE consulted with the New Mexico State Historic Preservation Office (SHPO), and they concurred with OSMRE's determination of "No Historic Properties Affected" on November 26, 2024.

### *3. Whether the action may violate relevant Federal, State, Tribal, or local laws or other requirements or be inconsistent with Federal, State, Tribal, or local policies designed for the protection of the environment.*

The mining of coal and the reclamation of lands where coal is mined are highly regulated and subject to extensive and comprehensive requirements established by the Surface Mining Control

and Reclamation Act of 1977 (SMCRA) and its implementing regulations intended to protect the environment from the adverse effects of surface coal mining operations. SMCRA established a program of cooperative federalism, allowing States to enact and administer their own regulatory programs on non-Federal and non-Indian lands, within limits established by minimum Federal standards and subject to oversight and enforcement by OSMRE. New Mexico applied for, and the Secretary of the Interior approved, New Mexico's coal mining program in 1980, managed by EMNRD. In 1982, New Mexico and OSMRE entered into a cooperative agreement to allow EMNRD to issue State permits on Federal, but not Indian lands, as defined in SMCRA. EMNRD evaluated this proposed change and determined that it was fully compliant with SMCRA. There are no citizen complaints pending, no state-issued violations, and no federal notices of violation issued for the New Mexico coal mining regulatory program.

During public outreach for the 2022 San Juan EA, input from Federal, State, Tribal, and local stakeholders was solicited and considered. The OSMRE's review of the 2022 San Juan EA does not indicate Federal, State, Tribal or local stakeholders expressed concern regarding any violations or inconsistencies with Federal, State, Tribal, or local laws or policies designed for the protection of the environment. Additionally, OSMRE will announce its intent to adopt the 2022 San Juan EA and make the EA and this FONSI available for review on its NEPA projects website upon approval in May 2025.

*4. The degree to which the potential effects on the human environment are highly uncertain:*

There are no effects from OSMRE's proposed action on the human environment that are highly uncertain. Mining plan modification approvals, including PMLU changes, have been administered for several decades in accordance with the Federal Lands program enacted by SMCRA in 1977 and the Federal Lands program final rules published in 1983 (48 FR 6941). Any PMLU change requires careful analysis before approval and the posting of adequate bond to achieve the approved PMLU in the event that an operator is no longer able to do the work.

*5. The degree to which the action may adversely affect resources listed in or eligible for listing in the National Register of Historic Places:*

Inventories of historic or cultural resources have been completed for the project area, and 30 previously recorded historic sites, 41 newly recorded sites, two historic cultural properties, and 143 isolated manifestations were recorded. The isolated manifestations are not considered eligible for inclusion in the National Register of Historic Places (NRHP) due to their limited remains and lack of significant data potential. The isolated manifestations have been adequately characterized in archival form, and no further work is recommended. All sites recommended as either NRHP-eligible or NRHP-undetermined had stipulations to be avoided, and mitigation measures such as restrictive fencing and archaeological monitoring during construction were implemented at the time of the construction. The OSMRE determined that no historic properties will be affected as a result of the proposed action. The OSMRE consulted with New Mexico SHPO, and they concurred with OSMRE's determination of "No Historic Properties Affected" on November 26, 2024.

On November 7, 2024, OSMRE sent scoping letters to 24 Native American tribes that could have affiliation to the affected area to identify any Native American religious concerns or other

issues with OSMRE’s proposed action. The scoping letters requested comments on OSMRE’s proposed action and continued consultation with the tribes for the proposed federal action. Scoping letters were followed up with emails to the relevant tribal personnel. No cultural or religious concerns or traditional cultural properties have been identified.

6. *The degree to which an action may adversely affect a threatened or endangered (T&E) species or its habitat, including habitat that has been determined to be critical under the Endangered Species Act of 1973 (ESA):*

In a memorandum dated December 2, 2024, the OSMRE determined that there are six threatened, endangered, or candidate plant and wildlife species listed by the U.S. Fish and Wildlife Service (USFWS) with potential to occur in San Juan County, NM. The proposed action area contains no suitable habitat for any of these species. Accordingly, all the listed species received a determination of “No Effect.” This determination was made by evaluating the habitat of the action area in comparison to the habitat associations of each species. The OSMRE made the following effects determinations to threatened and endangered species or critical habitat:

Species or Critical Habitat	Scientific Name	Species Listing	Effect Determination
Yellow-billed Cuckoos	<i>Coccyzus americanus</i>	Threatened	No Effect
Southern Willow Flycatcher	<i>Empidonax traillii extimus</i>	Endangered	No Effect
Colorado Pikeminnow	<i>Ptychocheilus lucius</i>	Endangered	No Effect
Razorback Sucker	<i>Xyrauchen texanus</i>	Endangered	No Effect
Monarch Butterfly	<i>Danaus plexippus</i>	Proposed Threatened	No Effect
Mesa Verde Cactus	<i>Sclerocactus mesae-verdae</i>	Threatened	No Effect

On March 3, 2025, using the USFWS Information for Planning and Consulting system, OSMRE confirmed the list of species had not changed. Therefore, no further consultation with the USFWS is necessary.

7. *The degree to which the action may adversely affect rights of Tribal Nations that have been reserved through treaties, statutes, or Executive Orders.*

On November 7, 2024, OSMRE sent scoping letters to 24 Native American tribes that could have affiliation to the affected area to identify any Native American religious concerns or other issues with OSMRE’s proposed action. The scoping letters requested comments on OSMRE’s proposed action and continued consultation with the tribes for the proposed federal action. Scoping letters were followed up with emails to the relevant tribal personnel. No cultural or religious concerns or traditional cultural properties have been identified. The OSMRE is not aware of any adverse effects from the proposed action that may affect rights of Tribal Nations that have been reserved through treaties, statutes, or Executive Orders.

Finding of No Significant Impact

---

Marcelo Calle, Manager  
Program Support Division  
Unified Regions 5, 7, 8, 9, 10 and 11  
OSMRE

---

Date



