

U.S. DEPARTMENT OF THE INTERIOR  
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT  
FINDING OF NO SIGNIFICANT IMPACT

Antelope Mine  
Federal Coal Lease WYW-177903  
Mining Plan Modification

**A. Introduction**

Navajo Transitional Energy Company, LLC (NTEC) is seeking approval from the Assistant Secretary for Land and Minerals Management (ASLM) for a mining plan modification that would allow NTEC to recover coal associated with the modified Federal Coal Lease WYW-177903. NTEC operates the Antelope Mine, located in Campbell and Converse Counties, Wyoming, approximately 20 miles south-southeast of Wright, Wyoming. NTEC operates the Antelope Mine under Wyoming Department of Environmental Quality, Land Quality Division (WDEQ-LQD) Permit No. 525 in accordance with the approved Wyoming State Coal Regulatory Program (30 CFR part 950). NTEC filed an application for a coal lease modification with the Bureau of Land Management (BLM) on November 29, 2012. The BLM prepared *Environmental Assessment WY-060-EA13-147, West Antelope II South Lease Modification WYW – 177903*, to analyze the impacts of the proposed lease modification and signed a Finding of No Significant Impact and the Decision Record on January 5, 2018. BLM issued the modified coal lease on February 1, 2018. The currently approved permit boundary includes the entire West Antelope II South Modification tract. WDEQ-LQD approved the permit revision incorporating the West Antelope II South Modification tract on January 31, 2022, with the condition that NTEC may not mine coal from Federal Coal Lease WYW-177903 until it receives a mining plan modification approval from the ASLM.

The proposed mining plan modification would authorize Antelope Mine to conduct coal removal on approximately 856.6 acres of federal lands within Federal Coal Lease WYW-177903 to recover approximately 14.5 million tons (Mt) of the 15.8 Mt of mineable Federal coal. Approximately 879.5 acres of disturbance would result from the proposed federal mining plan modification. Antelope Mine estimates that at the projected average annual production rate of 30 million tons per year (Mtpy), mining this coal would extend the life of the mine by about 0.5 of a year. All of the Federal coal included in the Proposed Action would be shipped to electric utilities and industrial customers in the United States. Under the proposed mining plan modification, the West Antelope II South Modification tract would be mined as an integral part of the Antelope Mine. Because the tract would be an extension of the existing Antelope Mine, the facilities and infrastructure would be the same as those identified in the WDEQ-LQD Permit No. 525 and the BLM Resource Recovery and Protection Plan and described in Section 1.2.1 of the environmental assessment (EA) prepared by the Office of Surface Mining Reclamation and Enforcement (OSMRE) for this project. The area included within this proposed mining plan modification would be reclaimed according to the approved Surface Mining Control and Reclamation Act of 1977 (SMCRA) permit.

The Federal coal lands within the Affected Area are as described:

Township. 40 N., Range. 71 W., Sixth Principal Meridian, WY

**Section 7:** lots 5 (NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>), 11 (SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>), 12 (NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>), and 18 (SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>);

**Section 8:** lots 4 (NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>), 5 (SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>), 12 (NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>), and 13 (SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>);

**Section 17:** lots 1 (NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>), 2 (NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>), 3 (NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>), 4 (NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> 39.47), 5 (SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> 39.41), 6 (SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>), 7 (SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>), 8 (SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>), 9 (NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>), 10 (NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>), 11 (NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>), and 12 (NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>);

**Section 18:** lots 5 (NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>) and 12 (E<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>).

Total number of acres: 856.61 acres

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

OSMRE prepared the *Environmental Assessment Antelope Mine, Converse County, Wyoming, Mining Plan for Federal Coal Lease WYW-177903* (hereinafter, the EA) to satisfy OSMRE's responsibilities under the National Environmental Policy Act (NEPA), and OSMRE incorporates that document by reference in this FONSI. OSMRE prepared the EA to evaluate the environmental effects resulting from approving the federal mining plan modification for Federal Coal Lease WYW-177903 (the Proposed Action). OSMRE incorporated by reference analyses included in the 2008 West Antelope II EIS (hereafter 2008 WAIL EIS) and the 2014 West Antelope II South Lease Modification EA (hereafter 2014 WAIL South EA) prepared by the BLM. The Proposed Action would authorize recovery of approximately 15.8 million tons (Mt) of coal at an estimated rate of 30.0 million tons per year (Mtpy). Total affected area is estimated to be approximately 879.5 acres. The No Action alternative would not authorize mining of the Federal coal. As part of the evaluation process, OSMRE will make a recommendation to the ASLM on a new decision to approve, disapprove, or approve the mining plan modification with special conditions.

OSMRE is the lead federal agency responsible for development of the EA because it has the responsibility to make a recommendation to the ASLM for the proposed federal mining plan modification under the Mineral Leasing Act of 1920 (MLA). The EA was prepared by a third-party consulting firm at the direction of OSMRE. During the development of the EA, OSMRE independently reviewed the document to ensure that it complied with the requirements of NEPA, consistent with the President's Executive Order (EO) 14154, *Unleashing American Energy* (Jan. 20, 2025), and a Presidential Memorandum, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity* (Jan. 21, 2025); DOI's NEPA regulations at 43 CFR part 46, as amended on July 3, 2025; DOI's NEPA Handbook, 516 DM 1 (June 30, 2025); and other applicable guidance and policy documents. OSMRE considered all environmental issues disclosed in the EA and also those identified in comments received from the public. OSMRE takes full responsibility for the accuracy, scope, and the content of this document.

The undersigned has determined that, per DOI's and OSMRE's regulations and guidance, the public involvement requirements have been met. OSMRE conducted public outreach and received

scoping comments about the project and preparation of the EA for a 30-day period, ending December 3, 2019. An initial EA and draft unsigned FONSI were made available to the public for review during a 30-day comment period starting May 8, 2020. All substantive public comments received to date have been fully considered in the EA and in reaching this FONSI (see EA appendix B). On April 24, 2025, OSMRE mailed tribal consultation letters to the 26 tribes inviting the tribes to engage in government-to-government consultation before issuing the final EA and before deciding whether there would be a FONSI. No tribes requested government-to-government consultation.

### **C. Reasons for Finding of No Significant Impact**

As stated in the certification included in the EA, OSMRE considered the factors mandated by NEPA. The EA represents OSMRE's good-faith effort to prioritize its analysis to cover the most important considerations required by NEPA within the congressionally mandated page and time limits. This prioritization reflects OSMRE's expert judgment, and any effects addressed briefly or left unaddressed in the EA were, in OSMRE's judgment, not of a substantive nature and would not meaningfully inform the consideration of environmental effects and the resulting decisions on how to proceed. The EA considers the proposed action and a reasonable range of alternatives to the proposed action, discloses the potential environmental effects of the proposed action and reasonable alternative, and provides sufficient evidence and support for this FONSI.

In determining that the proposed action will not have a significant impact on the human environment, OSMRE considered both short-term and long-term effects and whether those effects would have a beneficial or adverse effect on the environment. OSMRE has not identified significant effects that would result from the proposed action. In addition to considering the effects outlined in Chapter 4 of the EA, 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 project area is located entirely on private surface lands, and the mining activities do not cross any public roads. Public access to the area affected by mining is strictly controlled by the mine, and, under SMCRA, the mine must be operated in a manner that protects the environment. Precautions for public health and safety would also be implemented during transport of equipment along public roads to and from the project area. Emissions and effluent limits are within approved standards, as required by state permits, which limits potential impacts to public health. Noise levels at the nearest residences are expected to be well below levels that would affect human health (EA sections 4.4, 4.14, and 4.16). After full reclamation has occurred, no public health or safety concerns are expected, and the surface would be suitable for its premining uses of grazing, wildlife, and recreational uses.

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

As discussed in Section 3.0 of the 2008 WAIL EIS, which is incorporated by reference, there are no park lands, wilderness, wild and scenic rivers, prime or unique farmlands, or ecologically critical areas within the project area. Based on the results of the wetland delineations, there are no jurisdictional wetlands within the project area and only 4.8 acres of aquatic features within and adjacent to the tract. Disturbed non-jurisdictional aquatic features would be replaced during the reclamation phase of mining (EA section 4.7).

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:*

Surface coal mining and reclamation activities are highly regulated and subject to extensive and comprehensive requirements established by SMCRA and its implementing regulations, which are 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. Wyoming applied for, and the Secretary of the Interior approved, Wyoming's coal mining program in 1980, managed by WDEQ-LQD. In 1986, Wyoming and OSMRE entered into a cooperative agreement to allow WDEQ-LQD to issue State permits on federal lands, as defined in SMCRA. OSMRE recently approved an amendment to Wyoming's State program that would allow inert decommissioned wind turbine blades and towers to be disposed of in some mine sites if certain procedures are followed. 90 FR 2614 (Jan. 13, 2025). The Proposed Action does not contemplate such disposal activities on the federal lands analyzed in this EA. If NTEC proposes such disposal for federal lands analyzed in this EA in the future, additional analyses and another mining plan modification may be required.

The Proposed Action would not violate any known federal, state, local, or tribal laws or requirements imposed for the protection of the environment. federal, state, local, and tribal interests were given the opportunity to participate in the EA process. OSMRE received comments from the public, including comments from the local counties. OSMRE considered and addressed all comments. Based on the analysis in the EA, OSMRE determined that the Proposed Action is consistent with applicable plans, policies, and programs.

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 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). The mining and reclamation plan contained within the State SMCRA permit, including reclamation design features, would reduce the effects

on the environment or, in some cases, would improve the current condition (e.g., soils, vegetation, and wildlife habitat). OSMRE did not identify any anticipated effects that are uncertain.

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

The project area was surveyed for cultural and historic resources. According to information provided in the EA, two cultural resources sites (48CO3077 and 48C03078) were identified within the survey area as eligible for listing in the National Register of Historic Places (NRHP) under the National Historic Preservation Act of 1966 (NHPA) (EA sections 3.12 and 4.12). Only one of the two sites determined to be eligible within the tract has been classified as eligible for the NRHP. Because this site would not be disturbed under the Proposed Action, no mitigation would be required.

OSMRE provided multiple opportunities to Indian tribes to comment on actions in accordance with section 106 of the NHPA. In March 2025, OSMRE determined that the action was eligible under Executive Order 14156: Declaring a National Energy Emergency for the use of NHPA emergency procedures at 36 CFR 800.12(b)(2). On April 24, 2025, additional letters of consultation were sent to 26 Indian tribes/tribal representatives. In response, the Northern Arapaho Tribal Historic Preservation Officer (THPO) responded indicating that if traditional cultural properties, rock features, or human remains are found during excavation or ground disturbance, the THPO requests future consultation. OSMRE received no other tribal responses at the time of this finding. OSMRE also sent additional notice to the State Historic Preservation Officer (SHPO) and the SHPO responded indicating that the 2020 concurrence of 'no historic properties affected' remains in effect. Because OSMRE used the 36 CFR 800.12(b)(2) emergency procedures, OSMRE was required to send a notice to the Advisory Council on Historic Preservation (ACHP), and the ACHP responded and requested OSMRE to alert it if any additional information is obtained from consulting parties or project plan changes, or if any additional historic properties are discovered.

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):*

OSMRE prepared a Biological Assessment (BA) that analyzed how the Proposed Action may affect threatened, endangered, and proposed species. The BA was prepared in accordance with legal requirements set forth under section 7 of the ESA (16 USC 1536(c)). One threatened and two proposed species were identified as having the potential to occur in Converse County based on the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) report generated for the area impacted by the Proposed Action on in May 2025. (Appendix A). The species considered in the BA include the Ute Ladies'-tresses (*Spiranthes*

*diluvialis*) (threatened), monarch butterfly (*Danaus Plexippus*) (proposed), and Suckley's cuckoo bumble bee (*Bombus suckleyi*) (proposed).

OSMRE consulted with the USFWS on May 8, 2025, and the USFWS concurred with OSMRE's determination that the project "may affect but is not likely to adversely affect" the Ute Ladies'-tresses and will not jeopardize the continued existence the Monarch butterfly or Suckley's cuckoo on May 15, 2025. Surveys conducted in potential habitats on the Antelope Mine permit area and the tract found no Ute ladies'-tresses and the USFWS has not designated any critical habitat for this species in the vicinity of the Antelope Mine at this time (EA Section 3.9.1). The monarch butterfly is proposed to be listed as threatened through the conterminous United States. Recent wildlife reports indicate that there are habitats in the Antelope Mine permit that support monarch butterflies during migration (presence of milkweed and large cottonwood trees). The Suckley's cuckoo bumble bee is proposed to be listed as endangered in 20 states, including Wyoming. As of February 2025, the USFWS is working on developing consultation guidance for the bumble bee.

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 4, 2019, OSMRE sent outreach letters to 26 Indian tribes that could be impacted by the Proposed Action. The outreach letters described the Proposed Action to be analyzed under NEPA and solicited comments. On April 24, 2025, OSMRE mailed tribal consultation letters to the 26 Indian tribes inviting the tribes to engage in government-to-government consultation before issuing a recommendation to the ASLM. On May 29, 2025, OSMRE received one response from the Comanche Nation indicating that no historic properties are present, but the Comanche Nation did not provide any other responses or request for government-to-government consultation. As mentioned above, THPO indicated that if traditional cultural properties, rock features, or human remains are found during excavation or ground disturbance, it requests future consultation, but OSMRE received no other tribal responses or requests for government-to-government consultation.

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 Indian tribes that have been reserved through treaties, statutes, or Executive Orders.

8. *Socioeconomic Effects:*

The social and economic study area for the proposed lease action and associated mining includes Converse and Campbell counties and the communities of Douglas, Gillette and Wright. These three communities are home to more than 95 percent of the mine's current workforce, as well as most of the mining services, retail and business, and consumer service establishments in the area. The Antelope Mine presently has a workforce of 359 full-time employees. No major change in direct employment is anticipated at the Antelope Mine as a result of the Proposed Action;

however, approval of the Proposed Action would allow the miners and the surrounding communities to benefit from continued employment of the miners for an additional 0.5 year.

Energy resource development has been the primary stimulus behind a significant economic expansion across Wyoming in recent years. Mining, including the oil and gas industry, accounts for 30 percent of the total employment and 45 percent of the total payroll in Campbell County and 15 percent of employment and 25 percent of the total payroll in Converse County. Coal mining is the major constituent portion of the region's mining industry, unlike many other areas of Wyoming, where oil and gas development is the primary constituent. The sale of coal from Campbell County in 2024 resulted in an estimated \$409,348,003 of federal revenues and \$512,039,718 in state revenues.

#### 9. Effects on the quality of life of the American people:

State, counties, cities, school districts, and many other governmental entities across the state receive revenues derived directly and indirectly from taxes and royalties on the production of Federal coal, including revenue from the Antelope Mine. Such revenues include ad valorem taxes, severance taxes, royalty payments, sales and use taxes on equipment and other taxable purchases, and portions of required contributions to the federal Abandoned Mine Lands program and Black Lung Disability Trust Fund.

The Proposed Action will increase domestic coal production, which would support electric grid reliability, enhance energy security, and help insulate the U.S. from possible global supply disruptions. As a key part of the national energy mix, coal is essential for ensuring grid stability, especially during peak demand, emergencies or supply disruption from other sources.

#### **D. OSMRE's Finding of No Significant Impact and Recommendation to ASLM**

Based upon the information contained in the referenced EA completed in accordance with the NEPA, which includes information obtained through NHPA, tribal considerations, and ESA processes, the undersigned person has determined that approval of a federal mining plan modification authorizing continuation of mining operations for approximately 0.5 more years and additional surface disturbance of approximately 856.6 acres to recover the Federal coal would not have a significant impact on the quality of the human environment under section 102(2)(C) of NEPA, 42 USC 4332(2)(C); therefore, an Environmental Impact Statement (EIS) is not required. In addition, the proposed mining plan modification would not normally require an EIS under the Departmental Manual (DM) because all three elements are not met. 516 DM 13.4(A)(4).

Pursuant to 30 CFR part 746, OSMRE is recommending selection and approval of the Proposed Action with a condition that the mining plan approval does not authorize disposal of decommissioned wind turbine blades and towers as backfill within the mining plan area and that,

if in the future the operator chooses to accept this material as backfill, the operator must notify Wyoming LDY and OSMRE because additional federal authorizations may be required.

**E. Approval**

This FONSI is effective upon date of signature.

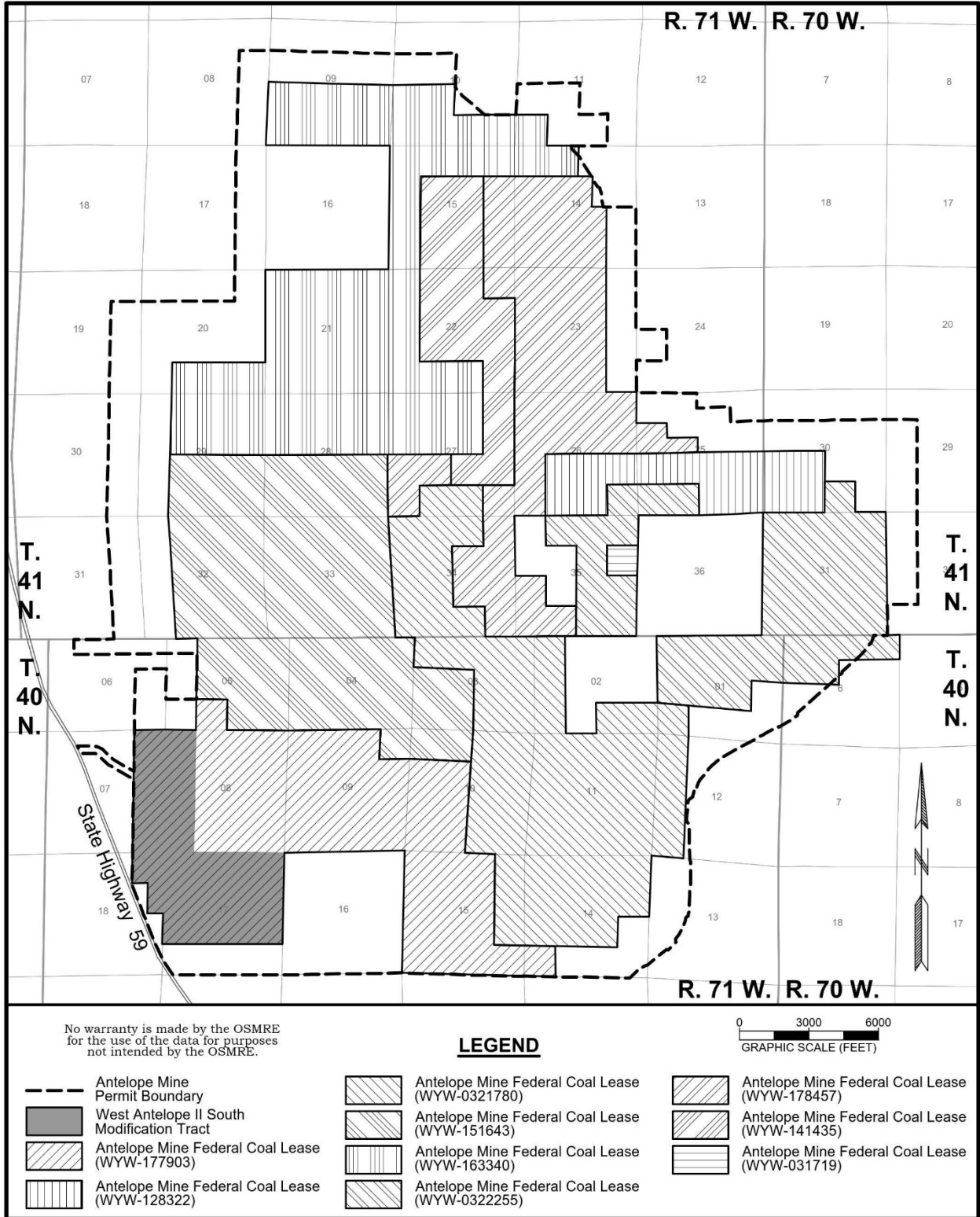
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Marcelo Calle,  
Acting Regional Director  
U.S. Department of the Interior, Regions 5, 7-11  
Office of Surface Mining Reclamation and Enforcement.

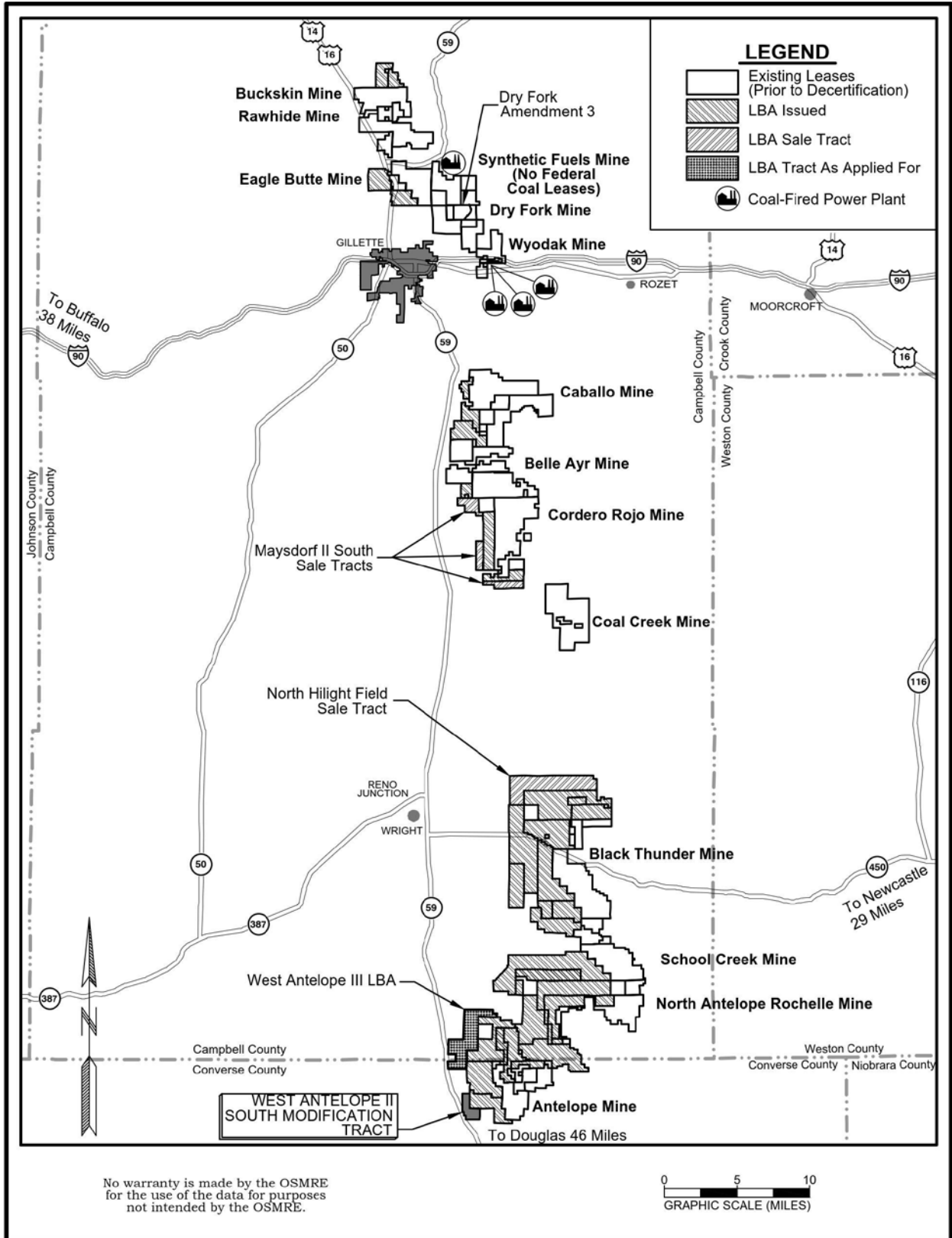
Contact: For additional information on this FONSI and EA, please contact Marcelo Calle, [mcalle@osmre.gov](mailto:mcalle@osmre.gov); Phone (303) 236-2929.



Attachment A



**Antelope Mine's Federal Coal Leases**



**General Location Map with Federal Coal Leases**