



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

DIRECTIVES SYSTEM

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Subject: Findings and Determinations for Revisions and Renewals of Federal Permits

Approval:

Title: Director

To clarify requirements for compliance with the National Environmental Policy Act (NEPA) for making findings and determinations for revisions and renewals of Federal permits, the following changes are made.

Paragraph

Change

- 3.a. Replace the third sentence of the introductory paragraph which reads "National Environmental Policy Act (NEPA) compliance requirements do not apply to permit renewals" with "In most cases, the environmental impacts of continued mining under a permit renewal will have been adequately analyzed in a previous environmental document. Thus, for National Environmental Policy Act (NEPA) compliance, only a categorical exclusion determination is required for permit renewals as long as none of the 10 exceptions listed in 516 DM 2, Appendix 2 in the OSM NEPA Handbook Appendix III apply. An example of a categorical exclusion determination is given in Appendix 1 of this directive. Consult section 2.A. of the OSM NEPA Handbook (Directive REG-1) for further guidance on appropriate NEPA compliance documentation and circumstances where a categorical exclusion under 516 DM 6, Appendix 8, part 8.4.B.(11) is not appropriate for permit renewals."
- 3.b.(1) Replace the last sentence of this paragraph which reads "NEPA compliance requirements do not apply to minor revisions" with "The approved application for a coal mining permit has already been subject to NEPA compliance. In most cases, a minor permit revision does not alter the original environmental document findings. In those instances where the environmental impacts are adequately analyzed in a previous environmental assessment (EA) for the mining operation, an environmental reevaluation and Finding of No Significant Impact (FONSI) is sufficient NEPA documentation, provided that the FONSI is based on adequate analysis in the EA to justify its findings. An example of an environmental reevaluation and FONSI is given in Appendix 3 of this directive. Consult section 2.A. of the OSM NEPA Handbook (Directive REG-1) for further guidance on appropriate NEPA compliance documentation."

CHANGE NOTICE

ParagraphChange

5. Change "OSMRE, 1981" to "Directive REG-1, OSM NEPA Handbook, 1989."

Appendix 1 Insert as a separate section before the paragraph that begins with the word "Therefore" the following:

CATEGORICAL EXCLUSION DETERMINATION

This permit renewal action has been reviewed by OSM, and it has been determined to be categorically excluded from further environmental documentation under the National Environmental Policy Act of 1969 according to the Department of the Interior (DOI) Departmental Manual, 516 DM 6, Appendix 8, section 8.4.B.(11), since none of the exceptions listed in the DOI Departmental Manual, 516 DM 2, Appendix 2.1 to 2.10 apply to its implementation. The categorical exclusion applies because this is a 5-year permit renewal of life-of-mine plans under (the Federal lands program or the Federal program for (Name State)) where the environmental impacts of continued mining have been adequately analyzed in a previous environmental document for the mining operation. (Cite the previous environmental document.)

Appendix 3 Insert as a separate section before the paragraph that begins with the word "Therefore" the following:

ENVIRONMENTAL REEVALUATION AND FINDING OF NO SIGNIFICANT IMPACT

This permit revision action has been reviewed by OSM, and it has been determined that it involves a decision for a minor revision to a permit where the environmental impacts of the permit approval have been adequately analyzed in a previous environmental document for the mining operation, and the actions proposed in the minor revision do not change the environmental impacts. The discussion of environmental impacts in (cite the previous environmental document) remain current and adequate for OSM to take action on this permit revision for the following reasons: (See p.2-41, Attachment 2.3, Section C. Reasons, in the OSM NEPA Handbook for guidance on reasons.)