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U·S· DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
DIRECTIVES SYSTEM

Subject Number: INE 31-2

Transmittal Number: 607

Date: APR 16 1990

Subject: Termination of Federal Permits

Approval: [signature] Title: Director

To clarify requirements for compliance with the National Environmental Policy Act (NEPA) when terminating a Federal permit that overlaps or duplicates a State permit for surface coal mining operations on Federal lands pursuant to the terms of a full-delegation cooperative agreement with a State, the following change is made.

Change paragraph 3.c. to read:

c. NEPA Compliance. The approved application for a Federal coal mining permit has already been subject to NEPA compliance. In most cases, terminating the Federal permit would not alter the original environmental document findings since the State permit will have incorporated all necessary permit conditions.

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 1 to this Change Notice. Consult section 2.A. of the OSM NEPA Handbook (Directive REG-1) for further guidance on appropriate NEPA compliance documentation.

Add Appendix 1, attached.

CHANGE NOTICE

Appendix 1

ENVIRONMENTAL REEVALUATION AND FINDING OF NO SIGNIFICANT IMPACT

[Federal Permit Number]
[State Permit Number]
[Company Name]
[Mine Name]

This action has been reviewed by OSM, and it has been determined that terminating the Federal permit does not alter the original environmental document findings since the State permit has incorporated all necessary permit conditions. The discussion of environmental impacts in (cite the previous environmental document) remains current and adequate for OSM to take action on this permit termination for the following reasons: (See p.2-41, Attachment 2.3, Section C. Reasons, in the OSM NEPA Handbook for guidance on reasons.)

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(Chief, Federal Programs Division, Western Field Operations or Chief, Division of Tennessee Permitting) Date