

**UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS AND APPEALS
BOARD OF LAND APPEALS**

WILDEARTH GUARDIANS,)	
)	IBLA No. 2014-
Appellant)	Notice of Appeal, Spruce Stomp Coal Lease
)	by Application, COC-75916, EA #DOI-
)	BLM-CO-S050-2013-0010, Delta County,
)	Colorado
)	

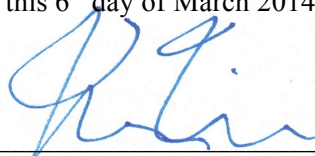
NOTICE OF APPEAL

Pursuant to 43 C.F.R. §§ 4.410, 4.411, and 4.413, WildEarth Guardians hereby files this Notice of Appeal of the Spruce Stomp Coal Lease by Application, which was approved by Barbara Sharrow, Field Manager for the Uncompahgre Field Office of the Colorado Bureau of Land Management (“BLM”). Ms. Sharrow’s decision authorizes the sale and issuance of the Spruce Stomp Coal Lease by Application, COC-75916, which was applied for by Bowie Resources, LLC and is meant to expand the company’s Bowie No. 2 underground coal mine in Delta County in western Colorado. This decision is documented in a Decision Record (“DR”) and Finding of No Significant Impact (“FONSI”) signed by Ms. Sharrow on February 4, 2014. The coal lease comprises 1,790 acres and approximately 8.02 million tons of coal. The DR and FONSI rely on Environmental Assessment (“EA”) Number DOI-BLM-CO-S050-2013-0010.

WildEarth Guardians will file a Statement of Reasons within 30 days in accordance with 43 C.F.R. § 4.412. In the Statement of Reasons, Guardians expects to challenge the apparent failure of the BLM to ensure State Director approval of the DR, FONSI, and EA, as required by the BLM’s Competitive Coal Leasing Handbook, H-3420-1, Chapter 3, Section II.E.6. Guardians also expects to challenge the BLM’s apparent failure to consider, or even mention for that matter, the impacts of exporting coal produced by Bowie Resources, LLC at the Bowie No. 2 Mine. On the same day as Ms. Sharrow issued her DR and FONSI, the Government Accountability Office released a report disclosing that the BLM in Colorado is not taking into account coal exports when leasing coal, an oversight with great significance in the context of the environmental impacts of coal leasing and the assessment of fair

market value. *See* U.S. Government Accountability Office, “Coal Leasing: BLM Could Enhance Appraisal Process, More Explicitly Consider Coal Exports, and Provide More Public Information,” GAO-14-140 (Feb. 4, 2014). Bowie Resources, LLC has been extremely open about its plans to export coal produced from its Colorado mine and recently attempted to secure a deal to ship coal from the Port of Oakland in California. *See* Exhibit 1, Bowe, R., “Coal export facility considered for Port of Oakland,” San Francisco Bay Guardians (Feb. 27, 2014). It is concerning that the BLM may not have adequately taken these and other impacts into account prior to approving the proposed lease by application. Given that a lease by application can only be approved if, based on environmental or other considerations, it is in the public interest (*see* 43 C.F.R. § 3425.1-8(a)(3)), we are concerned that in overlooking such important impacts, the public interest has not been effectively taken into account.

Respectfully submitted this 6th day of March 2014,



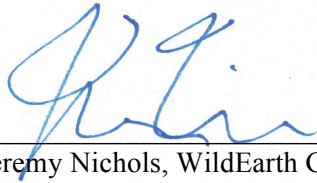
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CERTIFICATE OF SERVICE

I certify that on March 6, 2014, I served this Notice of Appeal by certified mail, return receipt requested, upon:

Bureau of Land Management
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Montrose, CO 81401

U.S. Department of the Interior
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Rocky Mountain Region
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Jeremy Nichols, WildEarth Guardians