

**APPENDIX 4**

**PUBLIC COMMENTS ON THE FEIS AND  
BLM RESPONSES**

## Responses to Comments

The availability period for the Final Environmental Impact Statement (EIS) for the Eagle Butte West Coal Lease Application began when the EPA published the Notice of Availability for the final EIS on August 31, 2007, and ended on October 1, 2007. BLM received a letter from Wyoming Game and Fish Department, indicating that their previous comments had been addressed in the final EIS and that they have no further comment. BLM also received a series of email and attachments from one member of the public, Leslie Glustrom. Although the information provided to BLM by Ms Glustrom was not received while the EIS was being prepared, it was reviewed and evaluated during preparation of the ROD and will be considered in the preparation of future NEPA documents. Excerpts from the comments received from Leslie Glustrom are reprinted below in a **bold** font and the responses are in a regular font. The excerpts reprinted below were selected as representative of the issues and concerns expressed by Ms Glustrom in her comments.

### **Comment Response 1: Email Messages and Attachments from Leslie Glustrom**

**“A very considerable number of the hundreds of scientific papers on climate change (as well as those on mercury and other pollutants) should have been considered in the FEIS.”**

**“In addition, there does not appear to be any analysis of the serious environmental implications of coal ash management and disposal in the EIS.”**

**“While the EIS Team has done a commendable job of analyzing and organizing the Wyoming-specific impacts, unfortunately they have failed to give anywhere near adequate consideration to the most important issue, which is what happens when the coal that would be leased as a result of the expansion of the Eagle Butte Mine is burned. There are massively serious environmental consequences and it is an oversight of monumental proportions to have given them little or no consideration.”**

**Buried on pages 3-181 and 3-182, the FEIS acknowledges the existence of greenhouse gases and the role of coal burning in contributing to GHG emissions, but it fails to provide any further analysis of the consequences of the accumulation of greenhouse gases in our atmosphere.**

**The implications of the burning of 200 million metric tons of coal and the resultant increase in CO<sub>2</sub> in the atmosphere and the effect on the temperature of the planet should be considered before issuing a final decision to lease over 200 million metric tons of coal in the Eagle Butte West Coal Lease Application.”**

As stated in the Dear Reader Letter, the purpose of the Final EIS for the Eagle Butte West Coal Lease Application is to inform the public and the BLM decision makers of the impacts of leasing the Eagle Butte West LBA Tract to an existing mine and to evaluate alternatives to leasing the Federal coal included in the tract as applied for. The EIS evaluates the impacts of mining the coal because that is a logical consequence of issuing a lease to an existing mine, although BLM is not

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authorizing mining operations by issuing a lease and is not the authorizing agency for those operations.

The EIS identifies global warming as an issue of concern and identifies greenhouse gases emitted by coal-burning power plants as contributing to global warming. It also estimates the percentage of greenhouse gases that can be attributed to burning the coal that is produced in the Powder River Basin to generate power. Specifically, the FEIS states that coal produced in the Powder River Basin is estimated to have been responsible for approximately 12.5% of the estimated anthropomorphic CO<sub>2</sub> emissions in 2005, based on reports published by the Energy Information Administration. The EIS does not identify the proportion of those estimated emissions that would be attributable to the Eagle Butte Mine. Based on the fact that the Eagle Butte Mine produced approximately 6.2 percent of the total coal produced in the PRB in 2005, according to the Annual Report of the Wyoming State Inspector of Mines, the Eagle Butte Mine is estimated to have been responsible for approximately 0.8 percent of the US anthropomorphic CO<sub>2</sub> emissions in 2005.

There are numerous coal-fired power plants and numerous sources of coal for those power plants in this country and around the world. There are variations in the chemical composition of the emissions and the solid wastes produced by burning coal from different sources, due to the amount, type, and chemical form of the various trace elements in the coal. However, the impacts of burning coal to generate electricity (emissions of greenhouse gases, mercury and other hazardous substances, creation of solid waste, etc.) are similar, regardless of the source of the coal.

The EIS does not address those impacts in detail because the ability of coal-fired power plants to continue operations is not dependent on a decision by BLM to issue a lease for the Federal coal in the Eagle Butte West LBA Tract or in other maintenance tracts in the Powder River Basin. It is true that coal produced by the Eagle Butte Mine is currently being burned to generate electricity and is contributing to U.S. anthropomorphic CO<sub>2</sub> emissions as a result. It is also true that, if a decision is made to lease the Federal coal included in the Eagle Butte West LBA Tract and if that coal is sold to generate electricity when it is mined, emissions of greenhouse gases attributable to coal from the Eagle Butte Mine would occur for a longer period of time. It is not true that a decision by BLM to reject the Eagle Butte West Coal Lease Application would have the effect of proportionately reducing greenhouse gas emissions caused by burning coal, now or in the future. Coal is burned to generate electricity in response to demand from consumers and businesses and in compliance with existing policies, rules, and regulations. Eliminating one source of coal would not affect that demand and there are numerous other sources which can supply the coal, if the demand for the energy is there and compliance with the policies, rules, and regulations can be achieved.

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Additionally, the use of the Federal coal is not determined when it is leased or when a new coal lease is permitted for mining. The use of coal is determined when it is mined and sold. Although almost all of the coal that is being mined in the Powder River Basin is currently used by existing pulverized coal-fired power plants to generate electricity, that may not be the case when the Federal coal in the Eagle Butte West LBA Tract is actually mined and sold. After an application to lease Federal coal is received, it takes several years for BLM to complete the required procedures and issue a lease. After a Federal coal lease is issued, it takes several years for the operator to get a permit to mine the coal. In Wyoming, that permit comes from the Wyoming Department of Environmental Quality Land Quality Division (WDEQ/LQD). Once the mine has an approved permit, additional time is required to uncover and start removing the coal. BLM estimates that the Eagle Butte West LBA Tract contains approximately 255 millions tons of mineable Federal coal. As indicated in the EIS, the Eagle Butte Mine has a permit to produce up to 35 million tons of coal annually and they are currently producing coal at a rate of about 25 million tons per year. Assuming that the Eagle Butte Mine is the successful bidder at a coal lease sale, it would take them from seven to ten years to recover the Federal coal included in the tract at those rates of production. There are new technologies being developed which would produce electricity from coal with fewer emissions and sequester CO<sub>2</sub>. Plants using those technologies may be in operation by the time the Federal coal in the Eagle Butte West LBA Tract is actually mined and sold. There is no commitment at the time of leasing as to how the coal will be used when it is mined.

Finally, regulatory limits on emissions by coal-fired power plants have been, are currently being, and will undoubtedly continue to be enacted. Congress is proceeding with proposals to limit U.S. emissions linked to global warming and the likelihood that this will happen is already affecting plans to build new pulverized coal-fired power plants as well as proposals to build coal gasification plants (References: Washington Post, 10/4/2007, “Lawmakers Will Proceed on Climate Plan,” by Juliet Eilperin, and Casper Star Tribune, 10/11/2007, “Clean-Coal Investors Plead for Regulation,” by Dustin Bleizeffer). The EPA implemented rules in 2005 to reduce emissions of mercury by power plants, which were then challenged by various states and groups who want more stringent rules. It seems very likely that regulatory limits will continue to be imposed on emissions of greenhouse gases and those limits will affect the use of and emissions from the Federal coal in the Eagle Butte West LBA Tract at the time it is actually mined.

**“On page 3-182, the FEIS merely concludes:**

**...”leasing the Eagle Butte West LBA Tract to an existing mine under the Proposed Action of Alternative 1 would not be expected to result in increased or new emissions of CO<sub>2</sub> from coal-fired power plants.”**

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**This statement is incorrect and completely inadequate. The mining of new coal will certainly lead to new emissions of CO<sub>2</sub> and to fail to recognize that –and to recognize the cumulative impacts of the release of CO<sub>2</sub> and their impact on the environment of the entire planet is a gross oversight that must be corrected.**

**A similar error in logic and analysis occurs on page 3-182 with respect to emissions of mercury.**

**Similarly, there are many other pollutants (both criteria pollutants and hazardous ones) that arise when coal is burned and these have serious and deleterious effects on the environment, including very serious cumulative impacts, and these must all be addressed before issuing a decision on the FEIS.”**

Under the Proposed Action and Alternative 1, the EIS assumes that the estimated 255 million tons of mineable Federal coal included in the Eagle Butte West LBA Tract will be mined by the existing Eagle Butte Mine at currently permitted levels, which would extend coal production at the Eagle Butte Mine for an additional seven to ten years at currently permitted rates. The discussions about CO<sub>2</sub> and mercury emissions in Section 3.18 of the FEIS identify that burning coal to generate electricity produces greenhouse gas emissions that contribute to global warming and mercury emissions that have adverse health effects; that coal mined in the PRB and burned in coal-fired power plants contributes to the emissions of greenhouse gases and mercury; and that the Eagle Butte Mine plans to produce the coal included in the Eagle Butte West LBA Tract at currently permitted levels. This leads to the conclusion that emissions of greenhouse gases and mercury attributable to the Eagle Butte Mine would be extended for seven to ten additional years at approximately current levels if the Federal coal included in the Eagle Butte West LBA Tract is leased, mined at currently permitted levels, and used to generate electricity by a coal-fired power plant. Issuing a Federal coal lease for the Eagle Butte West LBA Tract would not result in the creation of new sources of anthropomorphic greenhouse gas or mercury emissions and the rates of anthropomorphic greenhouse gas or mercury emissions would not be expected to increase. Although the information leading to this conclusion is presented in the FEIS, the conclusion is not clearly stated. This conclusion has been restated in the ROD.

As discussed above, the impacts of burning coal to generate electricity (emissions of greenhouse gases, emissions of hazardous materials including mercury, and creation of solid waste from coal combustion) are similar, regardless of the source of the coal, and there are other sources of coal which would be available to meet the demand for power if the BLM made a decision to reject the application to lease for the Federal coal in the Eagle Butte West LBA Tract.

**“Also, to comply with the National Environmental Policy Act, the EIS must consider the ability to produce electricity in other, carbon, and hazardous pollutant free means—including the production of electricity from solar, wind, and geothermal**

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**resources—with special attention paid to the ability to produce electricity using Concentrated Solar Power which produces the steam for steam turbines using various arrays of “sunlight and mirrors” to produce the steam. My comments will provide further information on these alternatives—as well as the ability of energy efficiency to avoid all of the extremely serious environmental impacts that result from the burning of coal. These must all be carefully analyzed as alternatives before issuing a decision on the FEIS for the Eagle Butte West Coal Lease Application.**

**It would be silly to take over 200 million metric tons of coal out of the ground and turn it into CO<sub>2</sub> and release all the hazardous and other pollutants just to boil water and produce steam if we have commercially available technologies that can produce electricity without burning coal and avoid all of these environmental problems.**

**Before approving the Eagle Butte West Coal Leasing Application, the possibility of using energy efficiency to avoid turning all that coal into CO<sub>2</sub> and releasing mercury and all the other pollutants should be considered.”**

Section 1502.14 of the National Environmental Policy Act (NEPA) regulations require Federal agencies to consider all reasonable alternatives to a proposal in preparing an EIS. The regulations also instruct agencies to include a no action alternative and to include reasonable alternatives even if they not within their jurisdiction. In the Council on Environmental Quality (CEQ) memorandum to agencies entitled “Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations”, response 2a states: “Reasonable alternatives include those that are practical or feasible from a technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant.”

The proposal being analyzed in the Eagle Butte West Coal Lease Application EIS is the application from Foundation Coal West, Inc. to lease Federal coal adjacent to the Eagle Butte Mine. In response to this proposal, BLM can decide whether to offer the Federal coal for lease, which is analyzed under the Proposed Action and Alternative 1 in the EIS, or to reject the application, which is analyzed under Alternative 2 (the No Action Alternative) in the EIS. There are no decisions BLM can make with regard to this proposal which would determine how power would be generated by means other than burning coal or how energy could be used more efficiently. A decision by BLM to either lease or not lease the coal does not impact either the ability to generate power by means other than burning coal or to use energy more efficiently. As a result, those topics are not analyzed as alternatives in the EIS.

Development of alternate technologies for producing power and techniques for using energy more efficiently are progressing based on technical merit, economic feasibility, current and probable future restrictions on emissions which limit the use of fossil fuel-based technologies, and concerns about global warming.

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Leasing or not leasing the Eagle Butte West LBA Tract will not affect that progress. Also, as discussed above, not leasing the Eagle Butte would not result in a proportionate reduction in the amount of coal burned to produce electricity because there are other sources of coal available to the coal-fired power plants.

**“Attached are some recent opinion polls on climate change and energy. They were issued before the Final EIS on the Eagle Butte West Coal Lease Application was released in August 2007 so they should have been part of what was considered in the EIS process.”**

As discussed above, the purpose of the Final EIS for the Eagle Butte West Coal Lease Application is to inform the public and the BLM decision makers of the impacts of leasing the Eagle Butte West LBA Tract to an existing mine and to evaluate alternatives to the proposal to lease the Federal coal included in the tract. Opinion polls do not provide factual scientific, technical or socioeconomic information that would help either a BLM decision maker or a member of the public understand the impacts of a decision to lease or not to lease a tract of Federal coal. As a result, the BLM did not consider opinion polls in preparing the Eagle Butte West Coal Lease Application EIS.