

## 1.0 INTRODUCTION

On February 14, 1997, ACC<sup>1</sup> filed an application with the BLM for federal coal reserves located north of and adjacent to the Antelope Mine in Converse County, Wyoming. The application area is located in southern Campbell County and northern Converse County, Wyoming, approximately 20 miles southeast of Wright, Wyoming (Figure 1-1). The federal coal reserves were applied for as a maintenance tract for the Antelope Mine under the regulations at 43 CFR 3425, Leasing On Application. The Antelope Mine is operated by ACC, a subsidiary of the Kennecott Energy Company.

ACC's coal lease application, which was assigned case file number WYW141435, was reviewed by the BLM Wyoming State Office Division of Mineral and Lands Authorization. They determined that it met the regulatory requirements for a lease by application or LBA. The tract is referred to as the Horse Creek LBA Tract.

The Horse Creek LBA Tract is located within the Powder River Federal Coal Region, which was decertified in January 1990. Although the Powder River Federal Coal Region is decertified, the PRRCT, a federal/state advisory board established to develop recommendations concerning management of federal coal in the region, has continued to

meet regularly and review all federal lease applications in the region. The PRRCT reviewed the Horse Creek application at their April 23, 1997 public meeting in Casper, Wyoming, and recommended that the BLM process the Horse Creek federal coal lease application as an LBA.

On May 1, 1998, ACC filed an application with the BLM to modify the Horse Creek LBA Tract configuration. BLM reviewed the modified tract configuration, and notified the members of the PRRCT by letter in July of 1998.

In order to process an LBA, the BLM must evaluate the quantity, quality, maximum economic recovery, and fair market value of the federal coal and fulfill the requirements of NEPA by evaluating the environmental impacts of leasing the federal coal. BLM does not authorize mining by issuing a lease for federal coal, but the impacts of mining the coal are considered in this EIS because it is a logical consequence of issuing a lease. This EIS has been prepared to evaluate the site-specific and cumulative environmental impacts of leasing and developing the federal coal included in the application area. Scoping for the Horse Creek lease application was initially conducted from November 1 to November 30, 1997, and a public scoping meeting was held in Gillette, Wyoming on November 13, 1997. After BLM received the application to modify the lease application area, BLM requested additional scoping comments on the modified Horse Creek LBA Tract. The second scoping

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Refer to page vii for a list of abbreviations and acronyms used in this document.

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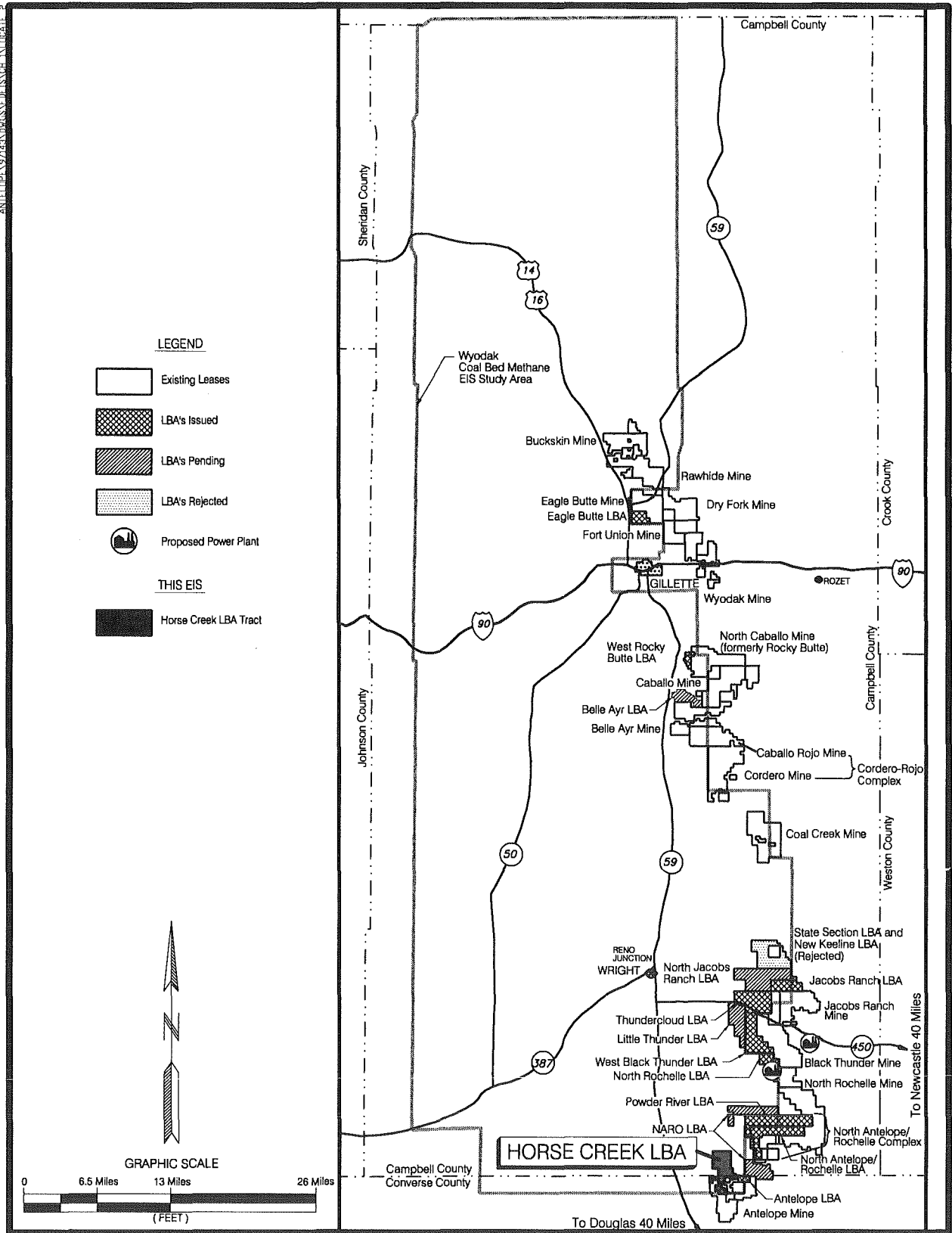


Figure 1-1. General Location Map with Federal Coal Leases, LBA's, and Wyodak Coal Bed Methane EIS Study Area.

period was from June 18 through July 24, 1998. BLM will use the analysis in this EIS to decide whether or not to hold a public, competitive, sealed-bid coal lease sale for the coal tract and issue a federal coal lease. If the sale is held, the bidding at the sale is open to any qualified bidder; it is not limited to the applicant. If the lease sale is held, a lease will be issued to the highest bidder at the sale if a federal sale panel determines that the high bid meets or exceeds the fair market value of the coal as determined by BLM's economic evaluation and if the U.S. Department of Justice determines that there would be no antitrust violations if a lease is issued to the high bidder.

Since decertification of the Powder River Federal Coal Region, nine federal coal leases have been issued in the Wyoming portion of the region using the LBA process (Table 1-1). One of these leases was issued to ACC after they submitted the successful bid for a maintenance tract also adjacent to the Antelope Mine on December 4, 1996 (Figure 1-1 and Table 1-1). As shown in Table 1-2, six additional applications, including the Horse Creek application, are currently pending. One application (New Keeline LBA) was rejected in 1997. The applicant for the New Keeline LBA appealed the rejection to the IBLA and submitted a new application covering the same area in January 2000 (State Section LBA). The appeal is still pending.

Other agencies may use this analysis to make decisions related to leasing and mining the federal coal in this tract. OSM, the federal agency

responsible for regulating surface coal mining operations, is a cooperating agency on this EIS. OSM will use this EIS to make decisions related to the mining and reclamation plan for this tract, if a lease is issued.

The Horse Creek LBA Tract as applied for and the existing federal coal leases in the adjacent Antelope Mine are shown in Figure 1-2. As applied for, the Horse Creek LBA Tract includes approximately 2,838 acres and an estimated 357 million tons of in-place coal reserves. Not all of the coal included in the tract is mineable, however. For example, some of the coal included in the tract is located within the BN & UP railroad right-of-way. This coal will not be mined because it has been determined to be unsuitable for mining according to the coal leasing unsuitability criteria (43 CFR 3461), but it was included in the tract to allow maximum recovery of the mineable reserves adjacent to the right-of-way. ACC estimates that approximately 264.5 million tons of mineable coal reserves are included in the Horse Creek LBA Tract as applied for.

If ACC acquires a federal coal lease for these lands, the coal will be mined, processed, and distributed as part of ACC's permitted Antelope Mine. The Horse Creek LBA Tract is contiguous with the Antelope Mine. The area applied for is substantially similar to the adjacent mine for which detailed site-specific environmental data have been collected and for which environmental analyses have previously been prepared to secure the existing leases and the necessary mining permits.

Table 1-1. Leases Sold Since Decertification, Powder River Basin, Wyoming

LBA/Exchange Name Lease # Applicant or Applicant Mine	Application Date Effective Date	Acres <sup>1</sup>	Mineable Tons of Coal <sup>1</sup>	Successful Bid	Successful Bidder (Mine)
Jacobs Ranch LBA WYW117924 Jacobs Ranch Mine	10/10/89 10/1/92	1708.620	147,423,560	\$20,114,930.00	Jacobs Ranch Mine
West Black Thunder LBA WYW118907 Black Thunder Mine	12/22/89 10/1/92	3,492.495	429,048,216	\$71,909,282.69	Black Thunder Mine
N. Antelope/Rochelle LBA WYW119554 N. Antelope/Rochelle Mine	3/2/90 10/1/92	3,064.040	403,500,000	\$86,987,765.00	North Antelope/ Rochelle Mine
West Rocky Butte LBA WYW122586 No Existing Mine <sup>2</sup>	12/4/90 1/1/93	463.205	56,700,000	\$16,500,000.00	Rocky Butte Mine
Eagle Butte LBA WYW124783 Eagle Butte Mine	8/1/95 7/25/98	1059.175	166,400,000	\$18,470,400.00	Eagle Butte Mine
Antelope LBA WYW128322 Antelope Mine	1/29/92 2/1/97	617.20	60,364,000	\$9,054,600.00	Antelope Mine
North Rochelle LBA WYW127221 North Rochelle Mine	7/22/92 1/1/98	1,481.930	157,610,000	\$30,576,340.00	North Rochelle Mine
Powder River LBA WYW136142 N. Antelope/Rochelle Mine	3/23/95 9/1/98	4,224.225	532,000,000	\$109,596,500.00	North Antelope/ Rochelle Mine
Thundercloud LBA WYW136458 Jacobs Ranch Mine	4/14/95 1/1/99	3,545.503	412,000,000	\$158,000,008.50	Black Thunder Mine
EOG (Belco) I-90 Lease Exchange WYW150152 EOG (formerly Belco)	Issued pursuant to Public Law 95-554, lease effective 4/1/00	599.17	106,000,000	Exchanged for rights to Belco I-90 Lease (WYW0322794)	EOG (Belco)
<b>TOTALS</b>		<b>20,255.563</b>	<b>2,471,045,776</b>	<b>\$521,209,826.19</b>	

<sup>1</sup>Information from Sale Notice<sup>2</sup>The West Rocky Butte Lease is now owned by the Caballo Mine

Table 1-2. Pending LBA's and Lease Exchange, Powder River Basin, Wyoming

PENDING LBA's				
LBA Lease# Applicant Mine	Application Date	Acres	Estimated Tons of Coal <sup>1</sup>	Status
Horse Creek LBA WYW141435 Antelope Mine	2/14/97	2,837.91	356 mm	Draft EIS released 11/12/99
Belle Ayr LBA WYW141568 Belle Ayr Mine	3/20/97	1,579.00	200 mm	PRRCT Reviewed on 4/23/97 & 10/27/99
N. Jacobs Ranch LBA WYW146744 Jacobs Ranch Mine	10/2/98	4,821.19	519 mm	PRRCT Reviewed on 2/23/99 & 10/27/99
State Section <sup>2</sup> WYW14988 New Start Mine	1/31/00	About 3,753 net acres added (8,494 acres applied for minus 4,741 acre overlap with WYW146744)	About 193 mm net tons added (712 mm tons applied for minus overlap with WYW146744)	Waiting on PRRCT review
NARO (WYW150210) North Antelope/ Rochelle	3/10/00	4,501.0 Total N. Parcel = 2,368.3; S. Parcel = 2,132.7	564 mm Total N. Parcel = 323 mm S. Parcel = 241 mm	Waiting on PRRCT review
Little Thunder (WYW150318) Black Thunder	3/23/00	2,709.5	About 384 mm	Waiting on PRRCT review
<b>TOTAL PENDING</b>		<b>20,203</b>	<b>2,216 mm</b>	

<sup>1</sup> Estimated coal reserves for the Horse Creek and N. Jacobs Ranch tracts are the estimated geologically in-place coal reserves included in those tracts. Estimated coal reserves for the Belle Ayr, NARO, and Little Thunder tracts are the estimated mineable reserves.

<sup>2</sup> The State Section Tract includes all of the New Keeline Tract (WYW138975) which was applied for in 1996 and rejected in 1997. The rejection is under appeal to the IBLA. The Station Section LBA includes all but 80 acres of the pending N. Jacobs Ranch Tract. The areas of overlap of acres and tons of coal applied for have been estimated so that the overlap between the State Section and N. Jacobs Ranch tracts is not counted twice.

## EXCHANGES PENDING

P&M Coal	Proposed exchange of private surface for federal coal	Acres offered to be determined by fair market value analysis	Tons of coal offered to be determined by fair market value analysis	Presented to PRRCT at 10/27/99 meeting
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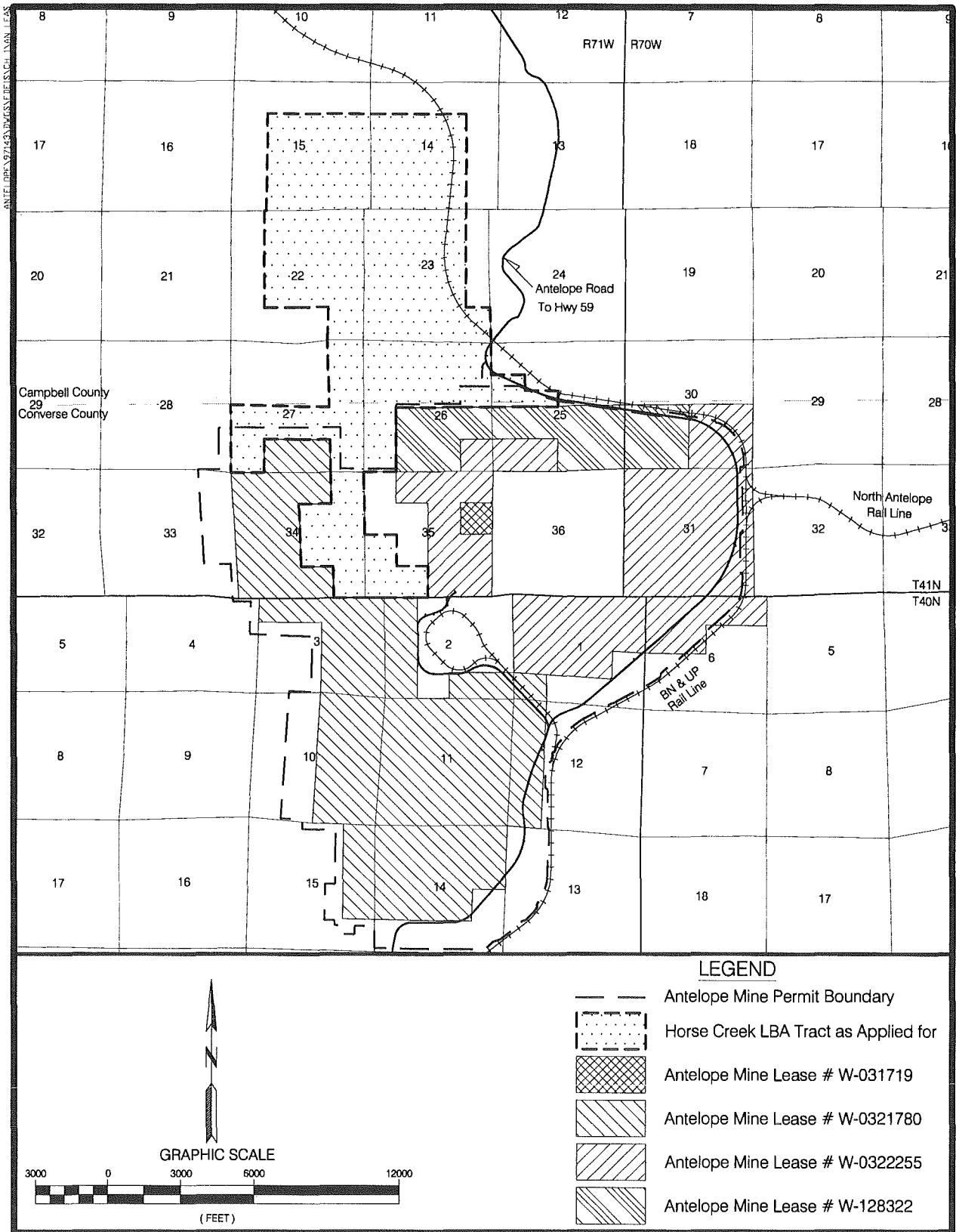


Figure 1-2. Antelope Mine Federal Coal Leases and Horse Creek LBA Tract as Applied for.

The surface of the Horse Creek LBA Tract is owned by ACC, Powder River Coal Company and Jerry and Barbara Dilts.

As applied for, the Horse Creek LBA Tract coal resources would be mined as a maintenance tract to extend mine life at the Antelope Mine. The mining method would be a combination of truck and shovel and dragline, which are the mining methods currently in use at this mine.

After mining, the land would be reclaimed for livestock grazing and wildlife use as is the current practice at the Antelope Mine.

### **1.1 Purpose and Need for Action**

BLM administers the federal coal leasing program under the Mineral Leasing Act of 1920. A federal coal lease grants the lessee the exclusive right to obtain a mining permit for, and to mine coal on, the leased tract subject to the terms of the lease, the mining permit, and applicable state and federal laws. In return for receiving a lease, a lessee must make a bonus payment to the federal government when the coal is leased, make annual rental payments to the federal government, and make royalty payments to the federal government when the coal is mined. Federal bonus, rental and royalty payments are equally divided with the state in which the lease is located.

The Antelope Mine, as permitted, includes 7,683 acres and originally contained approximately 462.5 million tons of mineable coal. As of

January 1, 2000, ACC had an estimated 174.8 million tons of mineable coal reserves remaining at the mine, and the company estimates that approximately 161 million tons of those remaining reserves are recoverable. ACC has an air quality permit approved by WDEQ/AQD to mine up to 30 million tons of coal per year, however, the mine produced approximately 22.7 million tons of coal in 1999. ACC estimates that, under their current mine plan, the existing recoverable reserves at the Antelope Mine will be depleted within 7 years. The company has applied for the coal reserves in the Horse Creek LBA Tract to extend the life of the Antelope Mine. The mineable coal resources included in the LBA tract as applied for would allow the Antelope Mine to operate for approximately eight additional years at a mining rate of 30 mmtpy. If the LBA tract is leased to ACC as a maintenance tract, the permit area for the adjacent mine would have to be amended to include the new lease area before it can be disturbed. This process takes several years to complete. ACC is applying for federal coal reserves now so that they can negotiate new contracts and then complete the permitting process in time to meet anticipated new contract requirements.

This EIS analyzes the environmental impacts of issuing a federal coal lease and mining the federal coal in the Horse Creek lease application as required by NEPA and associated rules and guidelines. The decision to hold a competitive sale and issue a lease for the lands in this application is a prerequisite for mining the Horse

Creek LBA Tract but is not in itself the enabling action that will allow mining, as discussed above. The most detailed analysis occurs after a lease has been issued but prior to mine development, when the lessee files a permit application package with the WDEQ/LQD and OSM for a surface mining permit and approval of the federal mining plan. Authorities and responsibilities of the BLM and other concerned regulatory agencies are described in the following sections.

### **1.2 Regulatory Authority and Responsibility**

The ACC coal lease application was submitted and will be processed and evaluated under the following authorities:

- MLA, as amended;
- the Multiple-Use Sustained Yield Act of 1960;
- NEPA;
- FCLAA;
- FLPMA; and
- SMCRA.

The BLM is the lead agency responsible for leasing federal coal lands under the MLA as amended by FCLAA and is also responsible for preparation of this EIS to evaluate the potential environmental impacts of issuing a coal lease. For the Horse Creek application, the BLM must decide whether to hold a competitive, sealed-bid lease sale for the tract as applied for, hold a competitive sealed bid lease sale for a modified tract, or reject the lease application and not offer the tract for sale.

The Horse Creek LBA Tract is located within the area covered by the *Medicine Bow National Forest and Thunder Basin National Grassland Land and Resource Management Plan* (USFS, 1985) and some of the lands included in the tract were formerly managed by the USFS; however, as a result of a recent land exchange, there are currently no federal surface lands managed by the USFS included in the Horse Creek LBA Tract. As a result, the USFS is not a cooperating agency on this EIS and USFS consent will not be required if a lease sale is held. (See Section 1-4 of this EIS for additional discussion of the former USFS lands included in the tract.)

OSM is a cooperating agency on this EIS. After a coal lease is issued, SMCRA gives OSM primary responsibility to administer programs that regulate surface coal mining operations and the surface effects of underground coal mining operations. Pursuant to Section 503 of SMCRA, the WDEQ developed, and in November 1980 the Secretary of the Interior approved, a permanent program authorizing WDEQ to regulate surface coal mining operations and surface effects of underground mining on nonfederal lands within the state of Wyoming. In January 1987, pursuant to Section 523(c) of SMCRA, WDEQ entered into a cooperative agreement with the Secretary of the Interior authorizing WDEQ to regulate surface coal mining operations and surface effects of underground mining on federal lands within the state.

Pursuant to the cooperative agreement, a federal coal lease holder

in Wyoming must submit a permit application package to OSM and WDEQ/LQD for any proposed coal mining and reclamation operations on federal lands in the state. WDEQ/LQD reviews the permit application package to insure the permit application complies with the permitting requirements and the coal mining operation will meet the performance standards of the approved Wyoming program. OSM, BLM, and other federal agencies review the permit application package to insure it complies with the terms of the coal lease, the MLA, NEPA, and other federal laws and their attendant regulations. If the permit application package does comply, WDEQ issues the applicant a permit to conduct coal mining operations. OSM recommends approval, approval with conditions, or disapproval of the federal mining plan to the Assistant Secretary of the Interior, Land and Minerals Management. Before the federal mining plan can be approved, the BLM must concur with this recommendation.

If the proposed LBA tract is leased to an existing mine, the lessee would be required to revise their coal mining permit prior to mining the coal, following the processes outlined above. As a part of that process, a new mining and reclamation plan would be developed showing how the lands in the LBA tract would be mined and reclaimed. Specific impacts which would occur during the mining and reclamation of the LBA tract would be addressed in the mining and reclamation plans, and specific mitigation measures for

anticipated impacts would be described in detail at that time.

WDEQ enforces the performance standards and permit requirements for reclamation during a mine's operation and has primary authority in environmental emergencies. OSM retains oversight responsibility for this enforcement. BLM has authority in those emergency situations where WDEQ or OSM cannot act before environmental harm and damage occurs.

BLM also has the responsibility to consult with and obtain the comments of other state or federal agencies which have jurisdiction by law or special expertise with respect to potential environmental impacts. Appendix A presents other federal and state permitting requirements that must be satisfied to mine this LBA tract.

### **1.3 Relationship to BLM Policies, Plans, and Programs**

In addition to the federal acts listed under Section 1.2, guidance and regulations for managing and administering public lands, including the federal coal lands in the ACC application, are set forth in 40 CFR 1500 (Protection of Environment), 43 CFR 1601 (Planning, Programming, Budgeting), and 43 CFR 3400 (Coal Management).

Specific guidance for processing applications follow BLM Manual 3420 (Competitive Coal Leasing, BLM 1989) and the 1991 *Powder River Regional Coal Team Operational Guidelines For Coal Lease-By-Applications* (BLM

1991). The *National Environmental Policy Act Handbook* (BLM 1988) has been followed in developing this EIS.

#### **1.4 Conformance with Existing Land Use Plans**

FCLAA requires that lands considered for leasing be included in a comprehensive land use plan and that leasing decisions be compatible with that plan. The RMP for the BLM Buffalo Resource Area (BLM 1985a) governs and addresses the leasing of federal coal in Campbell County and the Platte River Resource Area RMP and its associated EIS (BLM 1985b) is the plan which governs the management of BLM-administered lands and minerals in Converse County. *The Medicine Bow National Forest and Thunder Basin National Grassland Land and Resource Management Plan* (LRMP) (USFS 1985) governs and addresses the management of USFS (public) lands in the area. There are currently no USFS-administered lands on the Horse Creek LBA Tract. However, portions of the tract were formerly part of the TBNG and were included in the LLCLE (Fiddleback Ranch) Land Exchange. These lands were part of the TBNG in 1985 when the LRMP (USFS 1985) was prepared. Therefore, management decisions concerning these respective lands must comply with the BLM RMP's, but general guidance for these decisions may also be obtained from the LRMP.

Coal land use planning involves four planning screens to determine whether the subject coal is acceptable

for further lease consideration. The four coal screens are:

- development potential of the coal lands;
- unsuitability criteria application;
- multiple land use decisions that eliminate federal coal deposits; and
- surface owner consultation.

Only those federal coal lands that pass these screens are given further consideration for leasing. These coal screens were applied to federal coal lands in Campbell and Converse Counties in the early 1980s by the BLM and USFS. The results were published in the Buffalo RMP and the Medicine Bow and Thunder Basin National Grassland LRMP in 1985. The Horse Creek LBA tract is located in the area covered by the USFS analysis published in the LRMP in 1985. These screens were again applied to federal coal lands in Campbell and Converse Counties by BLM and USFS in 1993, but the report of this analysis has not been completed.

For the RMP's, only in-place coal with beds at least five ft thick, stripping ratios of 15:1 or less, and less than 500 ft of overburden were addressed and carried forward. The lands in this coal lease application pass this test and were generally addressed in the BLM RMP's, although the Horse Creek Tract was not specifically covered. The TBNG formerly included lands in the Horse Creek LBA Tract, and the 1985 LRMP did contain findings specific to the Horse Creek Tract and nearby areas.

The coal leasing unsuitability criteria listed in the federal coal management regulations (43 CFR 3461) have been applied to high to moderate coal potential lands in the BLM resource areas. Appendix B of this EIS summarizes the unsuitability criteria, describes the general findings for the Buffalo and Platte River RMP's and the LRMP and presents a validation of these findings for the Horse Creek Tract.

As indicated in Appendix B, the lands in the Horse Creek LBA Tract within the BN & UP railroad ROW were found to be unsuitable for mining under Unsuitability Criterion Number 2 (USFS 1985). These lands are included in the LBA tract to allow recovery of all of the mineable coal outside of the rights-of-way and associated buffer zones and to comply with the coal leasing regulations which do not allow leasing of less than 10-acre aliquot parts. A stipulation stating that the portion of the lease within the BN & UP ROW cannot be mined will be added if a lease is issued. The exclusion of the coal underlying the ROW from mining activity by lease stipulation honors the finding of unsuitability for mining under Unsuitability Criterion Number 2 for the BN & UP ROW.

Surface owner consultation was completed during preparation of the 1985 LRMP, and qualified private surface owners<sup>2</sup> with land over federal

coal were provided the opportunity to have their views considered by the USFS during land use planning. A portion of the lands in this application were a part of the TBNG in 1985 and were addressed in the LRMP and carried forward as acceptable for further lease consideration based on satisfactory surface owner consultations at that time. Based on updated surface ownership provided by ACC, the surface on the Horse Creek LBA Tract is owned by the ACC, Powder River Coal Company and Jerry and Barbara Dilts. All lands in the tract that were federally owned when the LRMP was prepared were determined acceptable for further lease consideration. If a lease sale is held, BLM will review the current surface ownership in the tract, and any private surface owners who are determined to be qualified will be consulted prior to the sale.

As part of the coal planning for the LRMP and Buffalo and Platte River RMP's, a multiple land use conflict analysis was completed to identify and "eliminate additional coal deposits from further consideration for leasing to protect resource values of a locally important or unique nature not included in the unsuitability criteria," in accordance with 43 CFR 3420.1-4e(3). The multiple use conflict evaluation in the Buffalo RMP identified approximately 221,000 acres within Campbell, Converse, and Johnson counties that

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The natural person or persons (or corporation, the majority stock of which is held by a person or persons who 1) hold legal or equitable title to the land surface, 2) have their principal place of residence on the land or personally conduct farming or ranching operations upon a

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farm or ranch unit to be affected by surface mining operations, or receive directly a significant portion of their income, if any, from such farming or ranching operations, and 3) have met the conditions of 1 and 2 for a period of a least 3 years prior to granting of any consent to mining of their lands.

were potentially affected by multiple use conflicts in four categories (producing oil and gas fields, communities, recreation and public purpose facilities, and cultural resources). None of the multiple use conflict areas identified in the Buffalo RMP are included in the Horse Creek LBA Tract. The LRMP multiple use analysis concluded that: "there are no multiple land use conflicts of such magnitude that would require any of the lands in the review area to be withdrawn from leasing considerations." The USFS multiple use conflict review area includes all of the lands in the Horse Creek LBA Tract (USFS 1985).

In summary, all of the lands in the ACC coal lease application have been subjected to the four coal planning screens and determined acceptable for further lease consideration. Thus, a decision to lease the federal coal lands in this application would be in conformance with the BLM Buffalo Resource Area and Platte River Resource Area RMP's, and also with the USFS LRMP.

## **1.5 Consultation and Coordination**

### **Initial Involvement**

BLM received the Horse Creek coal lease application on February 14, 1997. The application was initially reviewed by the BLM, Wyoming State Office, Division of Mineral and Lands Authorization. The BLM ruled that the application and lands involved met the requirements of regulations governing coal leasing on application (43 CFR 3425).

The BLM Wyoming State Director notified the Governor of Wyoming on February 26, 1997, that ACC had filed a lease application with BLM for the Horse Creek LBA Tract. A notice announcing the receipt of the ACC coal lease application was published in the *Federal Register* on March 18, 1997. Copies were sent to voting and nonvoting members of the PRRCT, including the governors of Wyoming and Montana, the Northern Cheyenne Tribe, the Crow Tribal Council, the USFS, OSM, USFWS, National Park Service, and USGS.

The lease application was reviewed by the PRRCT at their April 23, 1997 public meeting in Casper, Wyoming, at which time ACC presented information about their existing mine and pending lease application to the PRRCT. The PRRCT recommended that BLM process the coal lease application as an LBA. The major steps in processing an LBA are shown in Appendix C.

The BLM filed a Notice of Scoping in the *Federal Register* on October 31, 1997. The filing served as notice that the ACC coal lease application had been received and public comment was requested.

A public scoping meeting was held on November 13, 1997 in Gillette, Wyoming. At the public meeting, ACC personnel orally presented information about their mine and their need for the coal. The presentation was followed by a question and answer period, during which several oral comments were made. The scoping period extended from November 1 through November

30, 1997, during which time BLM received eight written comments. As a result of the application by ACC to modify the size of the Horse Creek LBA Tract, a second scoping period was conducted from June 18 through July 24, 1998. A notice of intent to prepare an EIS and notice of additional scoping was published in the *Federal Register* on June 18, 1998. The members of the PRRCT were notified of the application to modify the size of the tract by letter in July 1998. A total of 13 written comment letters were received from nine entities during the two scoping periods. (Several commentors restated their initial comments during the second comment period).

Chapter 5.0 provides a list of other federal, state, and local governmental agencies that were consulted in preparation of this EIS (Table 5-1) and the distribution list for this EIS (Table 5-3).

### **Issues and Concerns**

Issues and concerns expressed by the public and government agencies relating to the ACC coal lease application included:

- cumulative impacts on air quality;
- cumulative impacts on wildlife;
- impacts on endangered species;
- impacts on raptors;
- potential impacts on cultural and paleontological resources;
- wetland impacts;
- water quality impacts and effects on fisheries, migratory birds, and threatened or endangered species;

- short- and long-term impacts on fish and wildlife;
- impacts to surface and groundwater quantity and quality;
- acreage disturbed vs. acreage reclaimed;
- impacts on public access for recreational use and wildlife-related recreation;
- impacts on Native American cultural resources;
- impacts on existing oil and gas wells and gas-gathering systems;
- impacts to existing oil and gas rights in the lease application area;
- loss of natural resources, and
- impacts on agricultural producers, the agriculture industry, and the overall economy of the area.

### **Draft EIS**

Parties on the distribution list were sent copies of the DEIS, and copies were made available for review at the BLM offices in Casper and Cheyenne. A notice announcing the availability of the DEIS was published in the *Federal Register* by the EPA on November 12, 1999. The BLM published a Notice of Availability/Notice of Public Hearing in the *Federal Register* on November 10, 1999. The 60-day comment period on the DEIS commenced with publication of the Notice of Availability on November 12, 1999 and ended on January 12, 2000. The BLM *Federal Register* notice announced the date and time of the public hearing and solicited public comments on the DEIS and on the

fair market value, the maximum economic recovery, and the proposed competitive sale of coal from the LBA tract. The formal public hearing was held on December 8, 1999 at the Holiday Inn in Gillette, Wyoming.

anti-trust laws. The Department of Justice is allowed 30 days to make this determination. If the Attorney General has not responded in writing within the 30 days, the BLM can proceed with issuance of the lease.

### **Final EIS and Future Involvement**

All comments received on the DEIS have been included, with agency responses, in this FEIS (Appendix F). Availability of the FEIS will be published in the *Federal Register* by the BLM and the EPA. After a 30-day availability period, BLM will make a decision to hold or not to hold a competitive lease sale and issue a lease for the federal coal for this tract. A public ROD for the tract will be mailed to parties on the mailing list and others who commented on this LBA during the NEPA process. The public and/or the applicant can appeal the BLM decision to hold or not to hold a competitive sale and issue a lease for the tract. The BLM decision must be appealed within 30 days after it is signed. The decision can be implemented at that time if no appeal is received. If a competitive lease sale is held, the lease sale will follow the procedures set forth in 43 CFR 3422, 43 CFR 3425, and BLM Handbook H-3420-1 (Competitive Coal Leasing).

### **Department of Justice Consultation**

After the competitive coal lease sale, but prior to issuance of the lease, the BLM will solicit the opinion of the Department of Justice on whether the planned lease issuance creates a situation inconsistent with federal