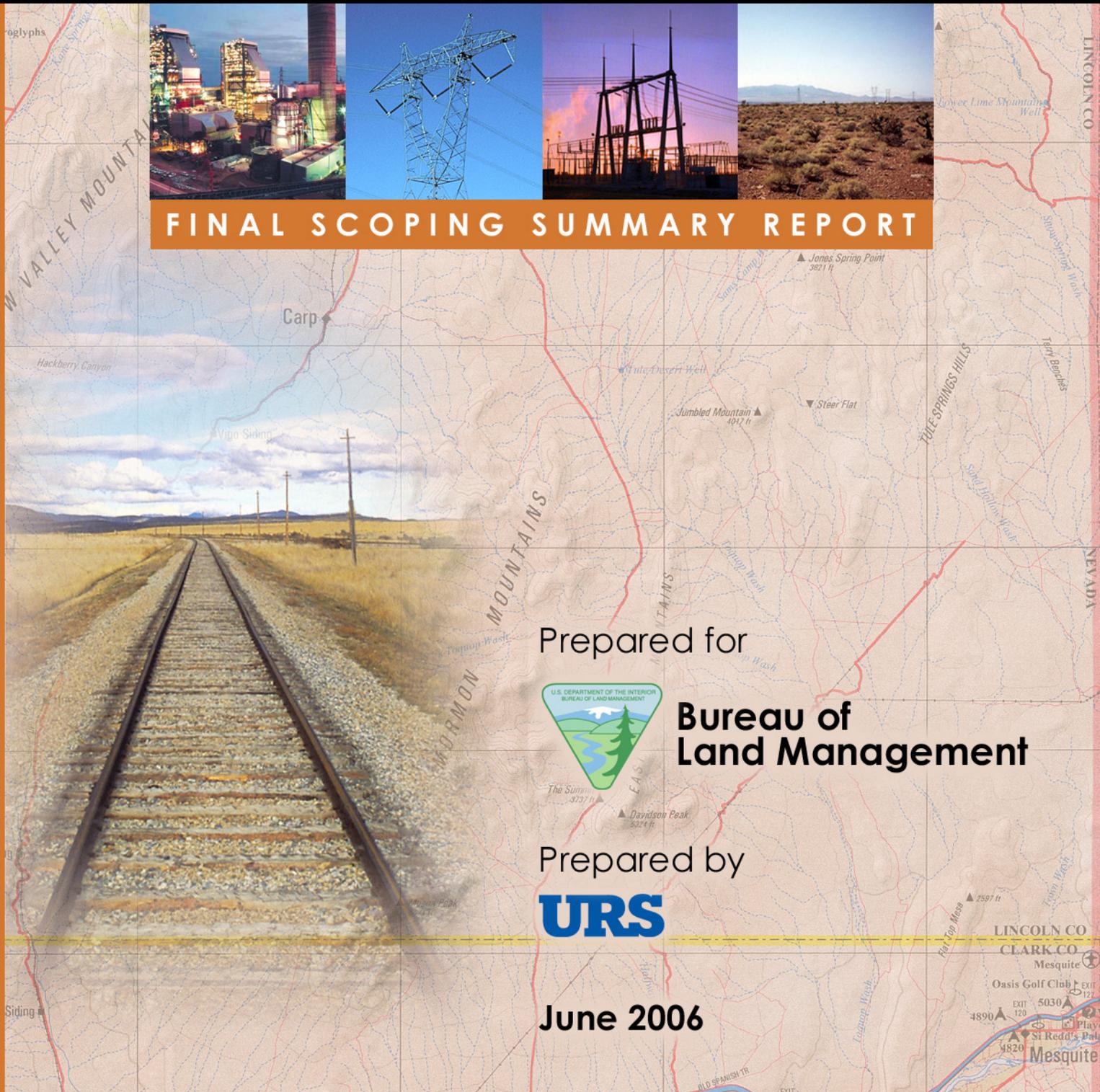


# Toquop

## ENERGY PROJECT EIS



### FINAL SCOPING SUMMARY REPORT



Prepared for



**Bureau of  
Land Management**

Prepared by



**June 2006**

**TOQUOP ENERGY PROJECT  
ENVIRONMENTAL IMPACT STATEMENT**

**FINAL SCOPING  
SUMMARY REPORT**

*Prepared for:*  
**U.S. Department of Interior  
Bureau of Land Management  
Ely Field Office  
Ely, Nevada**

*Prepared by:*  
**URS Corporation**

**June 2006**

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## LIST OF ACRONYMS

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ACEC	Area of Environmental Concern
BLM	Bureau of Land Management
CCS	carbon capture storage
CFR	Code of Federal Regulations
CO <sub>2</sub>	carbon dioxide
COPD	chronic obstructive pulmonary disease
DEIS	Draft Environmental Impact Statement
EIS	Environmental Impact Statement
FLPMA	Federal Land Policy and Management Act
FR	Federal Register
FTP	File Transfer Protocol
FWS	U.S. Fish and Wildlife Service
GIS	geographic information system
I-15	Interstate 15
IGCC	integrated gasification combined cycle
kV	kilovolt
MW	megawatt
NEPA	National Environmental Policy Act of 1969
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service
OHV	off-highway vehicle
PRB	Powder River Basin
SHPO	State Historic Preservation Office
Sithe	Sithe Global Power, LLC
SO <sub>2</sub>	sulfur dioxide
TCP	Traditional Cultural Property
TEP	Toquop Energy Project
USACE	U.S. Army Corps of Engineers
U.S.C.	U.S. Code
WSA	Wilderness Study Area

## 1.0 INTRODUCTION

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### 1.1 OVERVIEW

The U.S. Department of the Interior, Bureau of Land Management (BLM), Ely Field Office is preparing an environmental impact statement (EIS) to identify the potential effects of the construction, operation, and maintenance of the Toquop Energy Project's proposed 750-megawatt (MW) coal power generating facility and ancillary facilities in southern Lincoln County, Nevada. The EIS is being prepared in compliance with the National Environmental Policy Act of 1969 (NEPA) and associated regulations.

This report is a summary of the scoping process and results for the Toquop Energy Project. Scoping is the first step and an integral part of the EIS process. It is "an early and open process for determining the issues to be addressed and for identifying the significant issues related to a proposed action" (Title 40 Code of Federal Regulations [CFR] Part 1501.7). During scoping, BLM actively seeks to engage potentially affected or interested federal, state, and local agencies; American Indian tribes; and the public. Scoping for this EIS commenced on February 21, 2006 with publication of a notice in the *Federal Register* (Appendix A), and concluded on March 23, 2006. However, comments received after the close of scoping (through April 21, 2006), were reviewed and included in this report.

### 1.2 BACKGROUND

Toquop Energy, Inc., a subsidiary of Sithe Global Power, LLC (Sithe), a privately held, independent power company, proposes to construct a 750 MW coal-fired power plant in Lincoln County, Nevada on public land administered by the BLM Ely Field Office. The power plant would be constructed on the same site as and instead of a power plant that was approved by the BLM Ely Field Office in April 2003. The Final EIS issued for the previous Toquop Energy Project, proposed by Toquop Energy, Inc., analyzed a 1,100 MW natural gas-fired electric power generation plant and associated facilities. Rapid population growth in the Southwest has resulted in increasing demand for additional power-generation sources as well as a corresponding need for sufficient transmission interconnects to deliver power to the growing markets.

Another consideration is the growing unpredictability of natural gas fuel supply. Since 2003, the price of natural gas has increased substantially. It is anticipated that prices will remain unstable and may even rise due to increasing demand for natural gas and higher exploration and development costs. Coal, however, provides a more secure fuel source and new technology has increased the efficiency of modern coal-fired plants, providing a more stable cost basis for power than that of natural gas.

The purpose of the Toquop Energy Project is to (1) contribute to meeting demand in the Western Electricity Coordinating Council service area, including the Las Vegas metropolitan area and the Arizona-New Mexico-southern Nevada area generally, and deliver competitively priced base-load power to these markets; (2) increase the predictability of prices for fuels and protect against fuel-supply disruptions by using coal, which can be stored on site, as the plant fuel source (3) relieve dependence on gas-fired power plants, and (4) provide a more economically stable and predictable power supply for Desert Southwest

utilities. An additional need served by the project is to support economic development in Lincoln County by providing employment opportunities and revenue cash-flow streams from the proposed project.

The BLM has determined that although an EIS for the original gas-fired power plant was completed, the newly proposed coal-fired plant has a number of components that are different from the previously proposed gas-fired technology. These differences, summarized below, warrant the preparation of a new EIS.

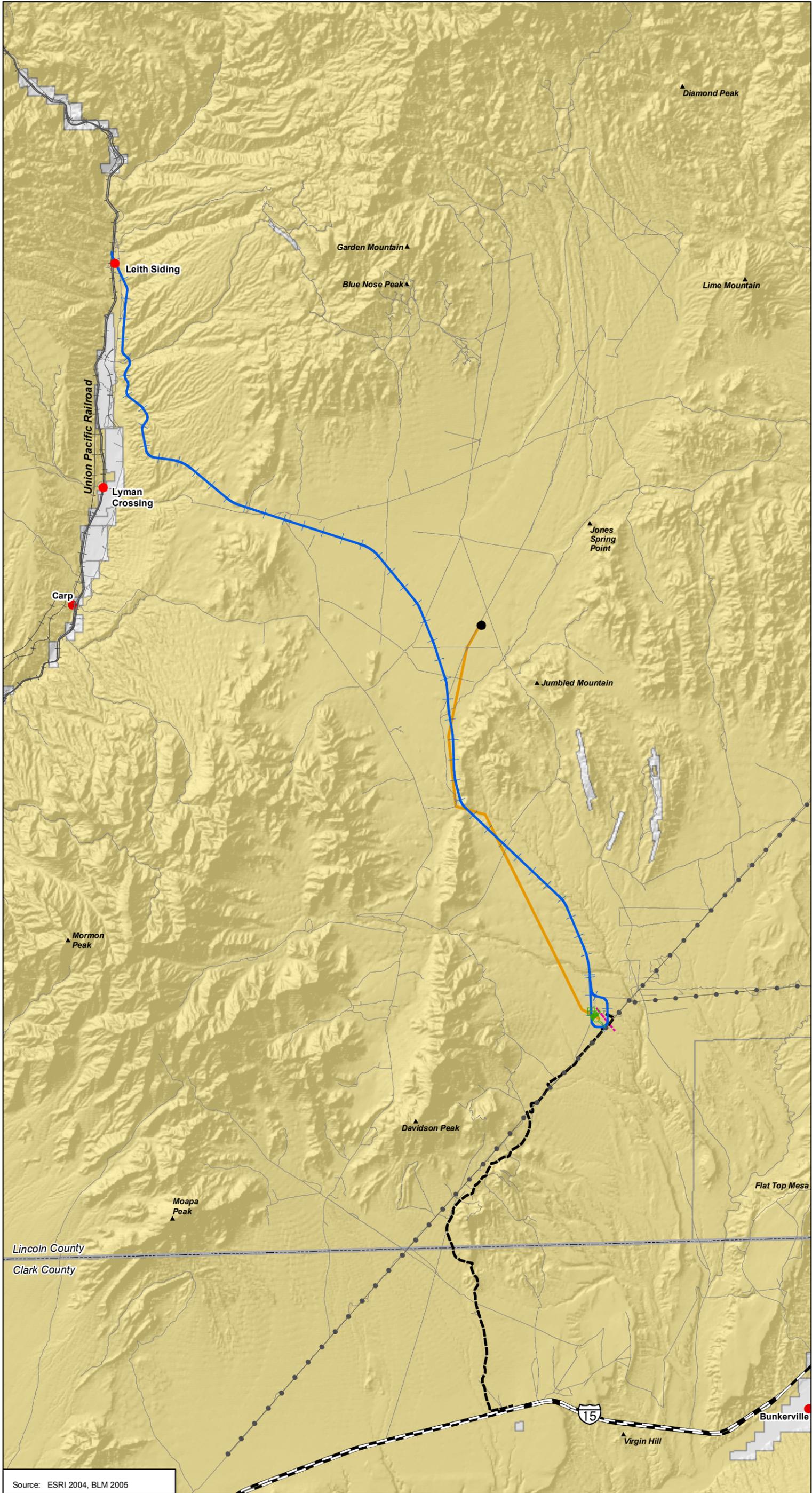
- Plant capacity would decrease from 1,100 MW to 750 MW (to reduce the potential for emissions due to the change to coal-fired power generation)
- Proposed coal-fired power plant has a different and larger site plan than the previously addressed gas-fired plant to accommodate the coal storage and coal-handling facilities.
- A 31-mile-long rail spur would be constructed for transporting coal to the power plant site.
- The change in fuel source and implementation of air pollution control technology would affect the emissions from the proposed project.

The primary components of the proposed project are as follows:

- One 750-MW coal-fired generation unit and associated facilities including plant dry-cooling system, storage area for coal and other materials, waste-management operations, safety systems such as lighting, fire protection, monitoring and alarm systems
- Rail spur from the existing Union Pacific Railroad line to the plant site
- Water intake structures, distribution pipelines, and evaporation ponds
- Power transmission interconnection facilities, connecting the plant to existing 345-kilovolt (kV) and 500kV transmission lines as studied in the previous EIS
- Use of up to 2,500 acre-feet per year of water for cooling and other plant operations to be delivered through a water supply pipeline addressed in the previous EIS
- Access roads, one from Interstate 15 (I-15) to the plant site and another to access the water pipeline and well field, as addressed in the previous EIS

### **1.3 PROJECT LOCATION**

The power plant site is located on a 640-acre parcel near Toquop Wash, approximately 50 miles south-southeast of Caliente, Nevada and 12 miles northwest of Mesquite, Nevada (Map 1-1). A new rail spur would be constructed to transport coal from the Union Pacific Railroad to the plant site approximately 31 miles to the southeast.

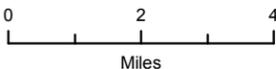


# Base Map

Toquop Energy Project EIS  
Lincoln County, Nevada

- Surface Management**
- Bureau of Land Management
  - Private
- General Features**
- Proposed Plant Site
  - Proposed Railroad Spur
  - Permitted Well Field
  - Permitted Water Pipeline
  - Permitted Natural Gas Pipeline and Transmission Line Interconnection
  - Permitted Access Road

- Reference Features**
- Existing Road
  - Interstate
  - Existing Railroad
  - Existing Transmission Line
  - Existing Pipeline
  - Town



Source: ESRI 2004, BLM 2005

## 2.0 SCOPING PROCESS

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This section provides a summary of the objectives of scoping and a description of the scoping process and agency coordination for the Toquop Energy Project EIS.

### 2.1 OBJECTIVES

The objectives of the scoping process include:

- Coordinate with affected federal, state, and local agencies, affected American Indian tribes, and the public to:
  - Invite agencies to participate as cooperators in the EIS process
  - Establish a process to integrate and expedite environmental reviews
  - Establish the planning and decision-making schedule
- Determine the scope of the project, including the range of actions, alternatives, and impacts to be considered in an EIS
- Identify:
  - Issues that have been covered by prior environmental review and can be eliminated from detailed study
  - Any public environmental assessments and other EISs that are being or will be prepared that are related to but are not part of the scope of the EIS under consideration
  - Other environmental review and consultation requirements (i.e., Endangered Species Act, Historic Preservation Act) so the required analyses and studies can be prepared and integrated with the EIS

### 2.2 DESCRIPTION OF THE SCOPING PROCESS

The following section describes methods used to involve the public, notify them of scoping meetings, and facilitate exchange of updated project information throughout the planning process.

#### 2.2.1 Announcements

##### 2.2.1.1 Notice of Intent

The public was notified of the project and upcoming scoping meetings through the notice of intent published in the *Federal Register* on February 21, 2006 (Appendix A). The notice announced the intent to hold scoping meetings in Reno, Caliente, Mesquite, and Las Vegas, and advised that specific dates, locations, and times would be announced through mail distribution and the local media. In addition, the notice provided project information including a description of proposed facilities and project location, summary of the 2003 EIS and why a new EIS is being prepared, information on how to submit comments and why they are important, and BLM contact information.

### 2.2.1.2 Newsletters

The public and many agencies were notified of the scoping period and comment opportunities through a newsletter (Appendix A) distributed to approximately 315 people on February 24, 2006. The mailing list was developed using the Ely Field Office mailing list for the previous Toquop Energy Project, which was updated with addresses of current local elected or municipal officials, federal and state agencies, potentially interested American Indian tribes, and other interested parties. Information to contact BLM Project Manager Bill Morrill directly was provided in the newsletter. The mailing list will be supplemented throughout the project as people notify BLM of their interest in the project through the project website, direct requests to BLM, or through scoping comments.

### 2.2.1.3 Media Contacts

The public also was notified of the scoping meetings through display advertisements published in the papers listed in Table 2-1 (refer to Appendix A for a copy of the display advertisement). The table provides information on the publication, area of coverage, and print dates for the advertisements. Advertisements were timed to meet the 15-day notification requirement outlined in NEPA.

**TABLE 2-1  
DISPLAY ADVERTISEMENT SUMMARY**

<b>Publication</b>	<b>Area of Coverage</b>	<b>Print Date</b>
Lincoln County Record	Caliente, Nevada	Thursday, March 2
Desert Valley Times	Mesquite, Nevada	Friday, March 3
St. George Spectrum	St. George, Utah and surrounding area	Friday, March 3
Reno Gazette-Journal	Reno, Nevada metropolitan area	Friday, March 3
Las Vegas Review Journal	Las Vegas, Nevada metropolitan area	Friday, March 3

Additionally, press releases were distributed to newspapers or printed publication outlets, radio stations, and television stations on February 24, March 2, and March 10, 2006 to assist them with public notification. Press releases were distributed to the media outlets identified in Appendix A. A copy of the press release also is included in this appendix.

### 2.2.2 Public Scoping Meetings

Four public scoping meetings were held for the Toquop Energy Project EIS. At each scoping meeting, the public was instructed on the NEPA process by a BLM spokesman and a spokesman for Toquop Energy, Inc. provided a presentation on the proposed project. Display boards contained information on the project purpose and need, project description, planning process, purpose of the scoping process, and public comment opportunities. Before and after the presentation, an open house atmosphere was maintained during which attendees could browse the information on the boards and speak informally to representatives from the BLM; Toquop Energy, Inc.; and URS Corporation (the contractor assisting with the EIS).

Questions and comments were discussed during and after the presentation, and in small groups or individually during the open house. These comments were recorded on flip charts and by individual

notetakers, and were discussed among the project team after each meeting. These verbal comments were reviewed in conjunction with written comments to ensure that all issues were identified in this report (as discussed in Section 3). In addition, comment forms were available at each meeting for attendees to provide written comments at the time of the meeting, or to return by mail. Locations, dates, and attendance of each public meeting are shown in Table 2-2. Copies of scoping meeting materials are provided in Appendix B.

**TABLE 2-2  
PUBLIC SCOPING MEETING ATTENDANCE**

<b>Location</b>	<b>Date</b>	<b>Attendance</b>
Caliente, Nevada – Caliente Youth Center	March 20, 2006	12
Mesquite, Nevada – City Council Chambers	March 21, 2006	59
Las Vegas, Nevada – BLM Las Vegas Field Office	March 22, 2006	36
Reno, Nevada – Meadowwood Courtyard	March 23, 2006	6
Total attendance at scoping meetings		113

### **2.2.3 Project Website**

A Toquop Energy project web site, ([www.toquopenenergy.com](http://www.toquopenenergy.com)), has been maintained since late February 2006. The site provides project information, including downloadable versions of the notice of intent, project newsletter, and scoping meeting materials. Interested parties also are able to send a comment to the project team via the web site, and contact information is provided to reach project managers for BLM and URS directly. The website address was provided to meeting attendees. The website will be maintained to provide updated project information and meeting announcements throughout the project. Following the scoping meetings, copies of the display boards and meeting presentation were added to the website. A copy of this scoping report was added to the project website in June 2006.

## **2.3 AGENCY COORDINATION**

### **2.3.1 Cooperating Agencies**

In mid-March 2006, letters were sent to various agencies at the federal, state, and county levels with potential interest in serving as cooperating agencies during EIS preparation. In addition to extending the offer of formal cooperation, the letter described the proposed project including facilities and reasons for the need to prepare a new EIS. Copies of this letter and the mailing list recipients are included in Appendix C. The Nevada Department of Wildlife has expressed interest in participating as a cooperating agency during preparation of the EIS.

### **2.3.2 Agency Coordination and Consultation**

During the EIS process, various consultation efforts will occur related to environmental and archaeological resources or historic properties potentially affected by the proposed project. Agency consultation is an ongoing effort throughout the EIS. As resources are identified, more agencies may be consulted to help characterize the sensitivity of resources to project activities as well as to help determine

mitigation measures to ensure that effects on resources are minimized. The following sections discuss archaeological and biological resource consultation efforts.

### **2.3.2.1 Nevada State Historic Preservation Office**

The Nevada State Historic Preservation Office (SHPO) was invited to participate as a cooperating agency, through the cooperating agency notification (discussed in Section 2.3.1). Section 106 consultation required by the National Historic Preservation Act (Title 16 U.S. Code [U.S.C.] Section (§) 470 *et seq.*) will be initiated later in the process, and will be conducted in accordance with the Nevada BLM Protocol Agreement with the Nevada SHPO. Section 106 stipulates that federal agencies responsible for planning and implementing undertakings consult with the appropriate SHPO and other interested parties to determine if the undertaking would affect historic properties, and consider measures to avoid, reduce, or mitigate any identified adverse effects. Historic properties are districts, sites, buildings, structures, and objects included in or eligible for the National Register of Historic Places. BLM will continue to consult with the Nevada SHPO throughout the EIS process. Depending on how the area of potential effect is defined, other SHPOs, involved agencies, and interested tribes would be invited to participate in the Section 106 consultations.

### **2.3.2.2 U.S. Fish and Wildlife Service**

Consultation with the U.S. Fish and Wildlife Service (FWS) is required by the Fish and Wildlife Coordination Act (16 U.S.C. § 661 8 *et seq.*) and Endangered Species Act of 1973 (16 U.S.C. § 1531 *et seq.*) prior to initiation of a project that may affect any federally listed special status species or its habitat. The Toquop Energy Project is considered a major federal action and, in accordance with Section 7 of the Endangered Species Act, consultation was initiated through a letter sent on April 21, 2006. As part of scoping, a list of federally listed species that may occur in the vicinity of the project area was requested of FWS through the April letter (Appendix C). A biological assessment will be completed in coordination with FWS prior to issuing the Final EIS.

### **2.3.2.3 U.S. Army Corps of Engineers**

Coordination with the U.S. Army Corps of Engineers (USACE) is required to complete a jurisdictional delineation to formally define whether washes in the study area are jurisdictional waters of the United States, identify permit requirements under Sections 401 and 404 of the Clean Water Act, and mitigate potential impacts as the design of the proposed project goes forward. Initial consultations regarding Clean Water Act requirements will occur, and will facilitate future coordination and permitting activities and the project moves forward. Communication with the USACE was initiated through the cooperating agency letter distributed in mid-March.

## **2.3.3 Tribal Consultation**

In recognition of the relationship of American Indian tribes with the U.S. Government, agencies are to consult with tribal governments at an official, government-to-government level. Tribes were notified

officially of the proposed project through a tribal consultation letter sent on March 2, 2006. Copies of this letter and the mailing list of recipients are included in Appendix C.

A tribal information meeting was held on February 23, 2006 in Ely, Nevada with the purpose of introducing the project to interested tribes and identifying issues regarding the project. This meeting was conducted in conjunction with regular bi-monthly meetings held by the Ely Field Office, and members of the Duckwater and Ely Shoshone tribes were in attendance in addition to staff from the BLM. Formal consultation will initiate at the request of the tribes, and coordination meetings will continue throughout the EIS process. Coordination with the Nevada SHPO regarding archaeological resources and historic properties (Section 2.3.2) will be integrated with tribal consultation as appropriate.

## **3.0 SUMMARY OF SCOPING COMMENTS**

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### **3.1 INTRODUCTION**

This section provides a summary of the method used to organize and analyze comments; a quantification of how many comments were received and how many issues were identified within those comments; a summary of issues identified during scoping, and BLM management concerns that were identified independent of public or agency scoping comments; and issues that will not be identified in the EIS with justification as to why they will not be addressed. Although BLM will continue to consider comments throughout the EIS process, all of the scoping comments documented in this report were received or postmarked by April 21, 2006.

Comments regarding the proposed action and alternatives to the proposed action will be considered by BLM in refining the project description and alternatives that will serve as the basis for assessment of impacts. The Council on Environmental Quality regulations implementing NEPA require a rigorous analysis of alternatives prior to selecting a preferred course of action. Some input on alternatives will be included into the analysis and text of the EIS. Chapter 2 of the EIS also will describe which alternatives were considered but not carried forward for detailed analysis in the EIS.

The Council on Environmental Quality regulations require an analysis of the impacts of a project on the “human environment.” These impacts include effects on natural, human, and cultural resources. Discussions with affected public or agencies, such as those that have occurred through this scoping effort, help to define and evaluate effects of the different alternatives on the human environment. Comments relating to environmental impacts will be considered by BLM in developing the scope of EIS technical studies. Chapters 3 (Affected Environment) and 4 (Environmental Consequences) of the EIS will address the issues incorporated into the study. Concerns about the EIS studies and decision-making processes will be considered in refining and modifying these processes throughout the remainder of the EIS preparation.

Some suggestions may be considered outside of the scope of this EIS if the issue relates to facilities not included in this project, if the issue is not within the jurisdiction of BLM to resolve, or if the issue cannot be reasonably addressed within the scope of this process or is being addressed through a separate NEPA process. Those issues that will not be addressed are identified by issue or resource under Section 3.4.

### **3.2 COMMENT ORGANIZATION**

The comment forms, website submittals, mailed letters, and verbal comments received at each scoping meeting and through April 21, 2006 were reviewed, documented, and entered into a database to facilitate organization, sorting, analytical review, and management of the comments in several different ways. Verbal comments recorded on flip charts at public scoping meetings also were recorded in the database. The database is structured to organize comments into separate issue categories, identify the type (e.g., letter, electronic mail, comment form, project website submission), and source (e.g., agency, special

interest group, citizen) of submittal, and tally the number of comments using various combinations of identifiers.

Using the experience and professional judgment of the study team, the comments were organized according to 14 major issue categories as they relate to the EIS. These 14 main issues are as follows.

**Actions and Alternatives:** Includes comments about various aspects and components of the proposed project, as well as suggestions for and concerns about alternative facilities or decisions that people feel should be considered in the EIS. Comments also identified topics relative to the planning and EIS preparation process, including public review opportunities. Identified issues include the following:

- Project Description
- Project Purpose and Need
- Project Alternatives
- Planning Process

**Environmental Impacts:** Includes comments about the project's potential impacts on natural resources, human resources, cultural resources, and about social and economic concerns that people feel should be addressed in the EIS. Topic categories include the following:

- Air Quality
- Water Resources
- Biological Resources (Vegetation and Wildlife)
- Archaeology and Historic Preservation (note that issues regarding American Indian government-to-government coordination were included under this category)
- Visual Resources
- Noise
- Land Use, Recreation, and Transportation
- Hazardous Materials and Safety
- Socioeconomics
- Cumulative Effects

### 3.3 SUMMARY OF PUBLIC COMMENTS

A total of 31 comment submissions were entered into the project database. The comments were classified into the 14 main categories of issues (discussed in Section 3.2 above), and 56 categories of sub-issues. For example, if a comment stated that they were concerned about mercury from the air emissions, the comment was listed under the main issue of air quality, sub-issue of mercury. Similarly, if a comment questioned impacts on vegetation from mercury, biological resources was the main issue, specifically vegetation, with mercury as the sub-issue. This organization allowed the project team to identify, quantify, and analyze public concern during preparation of this Scoping Report and the EIS. It also allowed team members to identify issues at a very detailed level while maintaining the context of each

comment. If a comment mentioned multiple issues, it was categorized as belonging to each of those issues. These comments and issues are summarized in Section 3.4 along with a sample of representative quotations.

Within the 31 comment submissions received, 620 issues were identified and categorized into the 14 main issue categories. In some instances, a single letter may mention the same issue multiple times through various statements. Each statement was entered into the project database and categorized as to issue and sub-issue. Table 3-1 summarizes the volume of comments received on each of the 14 main issue categories.

**TABLE 3-1  
SUMMARY OF TOTAL ISSUES IDENTIFIED**

Main Issue	Total Issues Identified in Comment Submissions	Percent Based on Total Issues Identified*
Project Description	62	10.0
Project Need	22	3.5
Project Alternatives	62	10.0
Planning Process	62	10.0
Air Quality	115	18.5
Water Resources	62	10.0
Biological Resources	76	12.0
Archaeology and Historic Preservation	6	1.0
Visual Resources	15	2.0
Noise	5	1.0
Land Use, Recreation, and Transportation	31	5.0
Hazardous Materials and Safety	31	5.0
Socioeconomics	31	5.0
Cumulative Effects	38	6.0
<b>Total Issues Identified in Comments</b>	<b>620</b>	<b>99.0</b>

NOTE: \*Due to rounding and comment submissions not relevant to issue categories (i.e., mailing list submissions), total does not equal 100 percent.

As noted in the table above, air quality was the most frequently mentioned main issue, appearing in 18.5 percent of total issues received, followed by biological resources (impacts on vegetation and wildlife) at 12 percent. Air quality also was provided as a sub-issue under other main categories, such as cumulative impacts, visual resources, and vegetation. Air quality occurred as a sub-issue under such resources as biological or visual particularly regarding concerns such as haze, mercury, and climate effects from emissions. Air quality as a sub-issue accounted for an additional 7 percent of comments, bringing the overall total for air issues, (both as an issue and sub-issue), to 25 percent. Because water impacts also appeared as a sub-issue (under cumulative effects, biological resources, and project alternatives), and accounts for an additional 3 percent of identified issues, water could be considered the second highest issue of concern at a total of 13 percent (both as an issue and sub-issue).

Although quantifying comments and issues is helpful in summarizing comments for public review and helping to guide future EIS studies, it is important to note that the level of importance of comments to BLM or to the decision-making process is not influenced by the frequency of a specific issue. In some

cases, for example, a person may have attended several scoping meetings or mentioned the same issue several times in their letter; therefore, his or her issues may have been recorded several times. In contrast, if only one comment was made about a certain issue, it will have the same level of importance as any other comments made.

### **3.4 ISSUES IDENTIFIED DURING SCOPING**

The following section provides a summary of issues identified during scoping including a sample of representative quotations, BLM management concerns that were identified independent of public or agency scoping comments, and issues that will not be addressed in the EIS with justification as to why they are considered to be outside of the scope of the EIS. Management concerns were not identified for all issues. The method used to identify and categorize issues is discussed in Sections 3.2 and 3.3.

#### **3.4.1 Actions and Alternatives**

##### **3.4.1.1 Project Description**

Many questions were received regarding the project description. Of those issues identified as relevant to project description, 26 percent related to technology to be used. Additional comments or questions were received on the expected life span of the plant, source of the coal, and the kind of transmission lines that would be required. Comments also were received on project cost, primarily in relation to requests that the cost of the plant be used instead for renewable energy generation. Some comments also requested documentation of firm contracts to purchase power and Toquop Energy, Inc.'s ability to fund construction.

##### *Representative Quotations*

- “I have been working at older coal plants in engineering and maintenance and I’m interested in new coal plant technology.”
- “What is the expected life of this [coal] source? Is there a firm contract for this coal?”
- “We were told that the source of coal for the Toquop plant is Powder River Basin [PRB] coal, which is less polluting than coal from the eastern U.S. We understand that PRB coal also produces less energy, so more PRB coal must be used to produce the same amount of energy. Please explain the tradeoff.”
- “When new this plant may be clean, but as parts need replacing will the pollution increase?”
- “Will additional transmission power lines be needed for the Toquop project? Where will they be placed? What are the impacts, direct and indirect, of these power lines?”
- “Please consider the source and amount of lime, limestone, or other sorbent to be used in the SO<sub>2</sub> [sulfur dioxide] scrubber.”
- “State how many kilowatts \$1.2 billion would buy in wind and in solar.”

- “Please ensure Sithe Energy and/or Toquop Energy Power has or will have committed sufficient capital expenditures over the next 5 to 7 years to construct the project.”
- “Please consider impacts to specific mines in the Powder River Basin (“PRB”) or elsewhere that would supply the coal. Please consider also contractual and supply stability by including in the EIS specific mines from which coals is to be acquired and completed contracts for coal acquisition.”

#### *Issues Outside the Scope of the EIS*

An EIS is intended to evaluate environmental impacts. It is beyond the scope of this effort to evaluate loans for capital expenditures or Toquop Energy, Inc.’s financial history; therefore, these comments will not be addressed in the EIS. In addition, impacts on coal mines or contracts for coal acquisition also are beyond the scope of this effort and will not be addressed in the EIS.

While Toquop Energy, Inc. will apply for the interconnection permit, it is responsibility of Nevada Power Company to evaluate the need for (and construct) any additional transmission lines. The proposed project does not include the construction of new transmission lines; power would be distributed utilizing existing transmission lines. Transmission lines are therefore outside the scope of the EIS.

#### **3.4.1.2 Project Purpose and Need**

Several comments were received on the potential consumers of energy to be produced by the plant, questioning if the project is needed. Some comments focused on whether the power could be sold in California due to requirements that California purchase “clean” energy. Other comments stated more generally that there appears to be enough power, and may even be more power than can be transmitted through existing transmission lines.

#### *Representative Quotations*

- “There is no indication that the Toquop Energy Project is actually needed in Nevada or surrounding states...We question the need for this proposed action since there are no customers.”
- “Is it possible that part of what is occurring here is that the coal-fired plant is simply a front for Vidler to construct extended aquifer de-watering well fields in the Tule Desert?”
- “Provide documentation of demand for produced energy, excluding California as a possible customer.”
- “What will be the impact of this plant on the transmission capacity of the existing power lines? At what point will additional capacity be needed?”
- “California will not buy energy from coal-fired power plants because of concerns with global warming and greenhouse gases.”

- “It appears that there is so much new power development proposed that there may be a power glut.”
- “Is there existing capacity to transmit power produced by the Toquop plant?”
- “Sithe/Toquop Energy Power should produce firm power purchase contracts for the economic life of the plant to demonstrate both a need and market for the proposed electricity.”

### *Issues Outside the Scope of the EIS*

Although BLM will be evaluating impacts from water use on the aquifer, the extension of water rights is subject to state authority and additional permitting requirements. While an evaluation of purpose and need is appropriate for inclusion in the EIS, discussion on whether California or others would purchase power from this plant would be speculative. Therefore, it is beyond the scope of this effort to evaluate specific power purchase contracts.

#### **3.4.1.3 Alternatives**

A number of comments requested a exploration of non-fossil fuel and renewable energy options such as wind- and solar-power technologies as alternatives to the proposed coal-fired plant, as well as other alternatives that would not contribute to global warming or that may include integrated gasification combined cycle (IGCC) technologies. In fact, 45 percent of comments on project alternatives were regarding renewable energy. People expressed dissatisfaction that the development of renewable energy sources is not being pursued, given that wind and solar are available resources in southern Nevada. Other comments regarding project alternatives focused on alternative locations, alternatives that use less water, or operational alternatives that reduce emissions.

### *Representative Quotations*

- “We urge BLM to live up to its duty under FLPMA [the Federal Land Policy and Management Act], and reject his proposal, and choose the No Power Plant, No Rail line, No De-watering proposal.”
- “Coal fired electrical generation is old technology that should be replaced by wind and solar.”
- “All the money being invested could be used for solar or wind or some combination with the coal burning plant to reduce impact on the environment and prepare for future energy needs.”
- “Please look at other sites away from fast growing population.”
- “This is a great idea for Lincoln County and a bad idea for Mesquite. How about moving this plant further north in Lincoln County so they can reap all the rewards.”
- “This project should offset CO<sub>2</sub> [carbon dioxide] emissions with some sort of green tag trading system.”
- “Consider alternatives that would use less water.”

- “What are the advantages of this site compared to one closer to Las Vegas, adjacent to the existing Union Pacific rail line, power transmission line and I-15?”
- “Provide alternatives to full operations if the emissions control systems are not successful.”
- “A new coal-fueled IGCC power plant with CCS [carbon capture storage] could well be feasible and profitable in the region...the net costs of an IGCC plant are similar to a pulverized coal unit when the option value of carbon capture and sequestration is factored in.”
- Natural gas is clean burning, emitting fewer pollutants than other fossil fuels, especially coal...BLM should evaluate existing, proposed, and possible gas-fired electric generating plants contracted to take capacity from these and other pipes in the western states in analyzing this alternative.”
- “At least one alternative which should be considered is a railroad spur line from the railroad tracks along I-15, rather than from the railroad in Meadow Valley Wash.”

#### *Issues Outside the Scope of the EIS*

A gas-fired power plant and associated facilities were previously analyzed in detail in the 2003 EIS. Therefore, natural gas as a fuel alternative will not be addressed as a new alternative in this EIS. The gas-fired power plant that has already been approved by the BLM will be the No Action Alternative for this EIS. The analysis from the 2003 EIS will be referenced in the new EIS as appropriate.

#### **3.4.1.4 Planning Process**

Comments were received on the adequacy of the EIS prepared in 2003 for the gas-fired plant. Information provided during the scoping period was considered by some to be insufficient to base substantial comments on. Other comments focused on the future public availability of project information, studies, and other permit applications and documentation. In addition, a couple of comment submissions outlined in detail various laws, studies, and procedures that should be incorporated into the EIS studies or mitigation development. Of the comments received on the planning process, 68 percent related to EIS studies and the availability of public information. The majority of these comments were contained in a letter signed by 11 different special interest groups, who made numerous requests for project studies and results to be made available prior to publication of the draft EIS, in addition to suggestions for how various modeling activities and other studies should be conducted.

As noted in 40 CFR 1502.1, “agencies shall focus on significant environmental issues and alternatives and shall reduce paperwork and the accumulation of extraneous background data.” Further, 40 CFR 1502.2(a) states, “environmental impact statements shall be analytic rather than encyclopedic.” It is the intent of the BLM to provide a draft EIS that allows the public to adequately assess project impacts in compliance with NEPA and other applicable regulations. Background information on the NEPA process was provided during a presentation at each of the four scoping meetings held in March 2006.

### *Representative Quotations*

- “This is an extraordinary amount of infrastructure, and the previous evaluation for the gas-fired plant was woefully deficient and can not be used for this goliath undertaking.”
- “The NPS [National Park Service] believes that the potential water resources impacts associated with the Toquop Energy Project were not correctly assessed during the previous EIS and that these need to be revisited and properly addressed during this new effort.”
- “There is no map with the FR [Federal Register] notice, the map with the Scoping Notice mailed by Ely is insufficient to allow understanding.”
- “We would have been able to make more effective comments at that time [of the scoping meetings] if the information had been available before the scoping meetings...since the scoping meeting in Reno was scheduled to start after the comment deadline of 5PM, March 23, we are concerned that BLM and the project proponent are not interested in informed public input into this EIS.”
- “Allow additional scoping comments from the public when the project description is more detailed and specific.”
- “A copy of the scoping document should also be available at the Mesquite, Bunkerville, Moapa, and Caliente Libraries.”
- “Please include a peer oversight process of DEIS [Draft EIS] environmental reports independent of Sithe funding.”
- “Please make all information public as it becomes available, including hard copy(ies) to local and regional libraries and a the BLM field and state offices and in electronic format to a public website. Because the BLM website is often unavailable, please create a public website or FTP site separate from the blm.gov system for this purpose. As it/they become(s) available means prior to publication of the Draft Environmental Impact Statement.”

### *Issues Outside the Scope of the EIS*

The adequacy of the 2003 EIS prepared for the gas-fired power plant is outside of the scope for this EIS. Additionally, permits required by other federal or state agencies are outside the jurisdiction of BLM and subject to separate permitting processes; as such, preparation and public availability of those permit applications will occur independent of the preparation of this EIS.

## **3.4.2 Environmental Impacts**

### **3.4.2.1 Air Quality**

The majority of the comments received were focused on air quality. Some specific concerns focused on general emissions effects, health effects from emissions, where the effects would be experienced (downwind), emissions that contribute to global warming, and technology that could reduce emissions.

Some comments specifically requested modeling and monitoring information on air quality. Many comments focused specifically on the effects of mercury, with some expressing specific concern about effects of mercury on vegetation, wildlife, water, and soils. Overall, concerns about mercury accounted for 3 percent of identified issues. Some of these concerns are discussed further under “Biological Resources.”

Several comments also focused on air quality effects to visibility, particularly in Class I national parks and other special designations (e.g., Grand Canyon-Parashant National Monument, Zion National Park, Beaver Dam Mountains and Paiute wilderness areas). Some of these comments also are discussed under “Visual Resources.”

In general, comments on air quality requested a thorough evaluation of the current air quality conditions, the expected air quality impacts resulting from the proposed action, and the cumulative effects the proposed action would have on air quality, considering the current conditions including existing power plants, future conditions such as development, and the use of emission control technology.

#### *Representative Quotations*

- “How will a new coal-fired plant at Toquop contribute to visibility impairment in these [national parks] Class 1 areas?”
- “We believe that a technological solution [IGCC] is now available that would allow use of coal to generate electricity without the large quantities of emissions associated with pulverized coal-fired boilers.”
- “Do you even realize the health impact of a coal plant?? Mercury and arsenic and countless other chemicals put into the air!!”
- “Considering the forty-year life of the proposed project, how much mercury will be emitted into the air and entering our water system?”
- “Please analyze air pollutants and possible effects to visibility, view shed and other air quality related values as resource topics in the Environmental Impact Statement.”
- “It seems to me that a coal fired plant is not environmentally friendly for a person with asthma or COPD [chronic obstructive pulmonary disease] or any other breathing difficulty, nor is it good for small children and old people.”
- “Where is downwind? That is, where will the pollution go and how bad will it be?”
- “Global warming is a real and increasing problem.”
- “How much will this project’s emissions contribute to global warming?”
- “Please identify all air pollution control technologies to be employed by the Toquop coal plant.”

- “Please ensure all modeling assessments are based on common practice and procedure for proper air quality analyses as detailed in EPA’s [U.S. Environmental Protection Agency] Guidelines on Air Quality Modeling.”
- “Please disclose the air quality monitoring data in the draft EIS. What air quality monitoring will be done if the plant is built?”

### *Issues Outside the Scope of the EIS*

The emissions from the plant will be assessed in accordance with relevant federal, state and local air quality regulations. A determination of impacts will largely correlate to whether or not the expected emissions meet standards or other regulations, as these regulations are assumed to form the basis for whether detrimental effects would occur.

Because of the uncertainties and global factors associated with global warming, it would be outside of the scope of this EIS to attempt to isolate the contribution to global warming that would be represented by this power plant.

### **3.4.2.2 Water Resources**

A majority of the comments received regarding water resources were from people urging that the EIS fully study all impacts on groundwater, surface water, water flow in springs, shallow water tables, and within connected water systems, as well as water rights. When sub-issues are factored into the total occurrence of water concerns in public comment, water is the second most frequently mentioned issue in public comment.

### *Representative Quotations*

- “Air cooling the water in a hot environment will not work well so water consumption will probably be higher than discussed.”
- “Groundwater removal for this proposed project may affect springs, in-stream flows, and riparian habitats and dependent species.”
- “IGCC has one more additional and very significant benefit in the arid West – it uses far less water than a PC boiler.”
- “The impacts of groundwater pumping and withdrawal in the Colorado River Flow System areas of the carbonate aquifer should be studied in the EIS.”
- “Please consider the frequency, extent, and duration of flooding that occurs as a result of surface runoff and determine how that affects the estimated discharge from the groundwater.”
- “Please consider the amount and characteristics of any wastewater discharged from plant operation processes and during project construction.”

- “There is a known connection between groundwater and surface water flows in the Beaver Dam Wash and Virgin River.”
- “To date no pumping has been conducted by Vidler within the Tule Desert Hydrographic area...Logic dictates, therefore, that no new water rights could be granted until Vidler has pumped their 2,100 afy [acre-feet per year] for sufficient time that the degree of impacts can be assessed.”
- “Please consider the impacts of changing the period of use of the water rights which may decrease or eliminate the natural recovery period.”

### *Issues Outside the Scope of the EIS*

Although impacts on water resources from the proposed project are appropriate to evaluate in the EIS, the BLM does not have the authority to make decisions regarding water rights. The water rights for 2,100 acre-feet per year of water have been granted by the Nevada State Engineer for use by the Toquop Energy Project. Because that decision was completed and the water resources are already permitted, it will not be evaluated as part of the proposed action in this project. In addition, the rights-of-way for the well field and the water pipeline that will transport water to the plant site were granted by BLM in September 2003. Although these facilities are part of the overall project, since those facilities will not be changed from what was approved based on the previous EIS they are not included in the proposed action to be evaluated in this EIS.

### **3.4.2.3 Biological Resources (Vegetation and Wildlife)**

Activities or aspects of the project that were identified as having potential impacts that should be addressed in the EIS are noted below. The majority of biological resource comments (24 percent) mentioned only general effects on wildlife. However, other topics of concern for this resource were emissions effects to vegetation and wildlife (18 percent) and potential impacts on special status species (22 percent). Many of the comments regarding special status species discussed the desert tortoise and tortoise habitat.

- Construction activities and the associated impacts of habitat disturbance, noise, encroachment of invasive species, and storm water run-off
- Air emissions (e.g., mercury and other heavy metals) accumulated directly in the vegetation, water, and wildlife
- Cooling towers and transmission lines and their potential impacts on birds
- Alteration of water quality (related to mercury deposition and consumption by humans)
- Disturbance to special status species or habitat (including fragmentation) during project construction and operation of the rail spur line.

### *Representative Quotations*

- “How will the plant and towers be designed to minimize bird strikes?”
- “There is also a wildlife corridor that insures population mix between geographical areas. It is important to maintain this wildlife corridor for all species.”
- “The TEP [Toquop Energy Project] is located on the border of a designated Desert Tortoise Area of Environmental Concern (ACEC), and the access road is within this ACEC.”
- “Identify the effects of continuous train traffic to the wildlife of the area.”
- “Emissions from coal-fired power plants may contribute to the bioaccumulation of mercury in some native species.”
- “Any degradation of air quality and/or increases in bio-contaminants would likely lead to adverse effects to riparian dependent special status species.”
- “What will be done to control the spread of noxious weeds along all the right-of-way?”
- “How will these additional power lines affect the raven population and the raven’s impact on the tortoise population?”

In addition to scoping comments, the BLM project team identified additional concerns to be addressed in the EIS, as follows:

- Review special status species lists to identify any species listed since the 2003 EIS.
- Evaluate effects related to noxious weeds. Las Vegas buckwheat may have been identified in Toquop Wash, and Sahara mustard is moving northward from Clark County. Consider whether standard best management practices may be adequate to mitigate potential impacts.
- Crossings along the rail corridor are needed for tortoise, cattle, and to maintain existing access.
- The development of better access roads might promote an increase in people entering the area for recreation and to help preserve existing archaeological resources and historic properties. The EIS could consider the effects of this traffic and mitigation for tortoises and other access-related concerns relative to wildlife and vegetation.

### *Issues Outside the Scope of the EIS*

Please note that some of the issues cited above also relate to water resources and air quality, and any out-of-scope items should be described under those sections. Other biological issues that were identified will be addressed in the EIS.

#### **3.4.2.4 Archaeological Resources and Historic Preservation**

There were only minimal comments made regarding archaeological resources and historic properties, primarily requesting that these resources be considered in the EIS in relation to potential impacts from project construction and operation. Archaeological resources and historic properties will be addressed through the consultation with the Nevada SHPO, under Section 106 of the National Historic Preservation Act and as guided by the Nevada BLM Protocol Agreement with the Nevada SHPO, and the results of the consultation will be documented in the EIS.

##### *Representative Quotations*

- “What are the impacts of a railroad through undisturbed desert areas on...cultural resources?”
- “Please consider traditional and historic land use patterns.”
- “Please consult with all Native American groups claiming historic and traditional affiliation with the region on all project components in addition to identifying Traditional Cultural Places (“TCPs”).”

##### *Issues Outside the Scope of the EIS*

Archaeology and Historic Preservation will be evaluated in the EIS; no issues raised are considered to be outside the scope of the EIS.

#### **3.4.2.5 Visual Resources**

Comments on visual resources focused primarily on potential effects on dark sky attributes, specially designated areas (Lake Mead National Recreation Area, Zion National Park, Grand Canyon- Parashant National Monument, Beaver Dam Mountains and Paiute wilderness areas), and the potential for regional haze effects that could affect visual resources (as a result of air emissions).

##### *Representative Quotations*

- “Please analyze the effects of the proposed Toquop Facility upon the dark night sky attributes...”
- “We believe that maintaining clean air, dark night skies, and high visual quality is an important component for public enjoyment of these natural, remote, and primitive characteristics.”
- “Haze from coal-fired power generation is a potential concern in Zion National Park because it could result in distant features being lost from view entirely and nearby features losing detail...”
- “How does haze impact recreational uses, and local or regional economies?”
- “Concerned about air quality impacts including visibility downwind in St. George, Utah; Cedar Breaks National Monument; and Zion National Park.”

### *Issues Outside the Scope of the EIS*

Visual resources will be evaluated in the EIS; no issues raised are considered to be outside the scope of the EIS.

#### **3.4.2.6 Noise**

Few comments were received regarding noise. Those comments received generally mentioned concerns over noise produced by both the power plant and coal-haul train, and requested that potential effects be considered in the EIS.

#### *Representative Quotations*

- “The railroad will...result in noise pollution.”
- “Please consider the projected peak and 1-hour average and maximum noise levels at the fence line in noise analyses.”

### *Issues Outside the Scope of the EIS*

Noise issues will be evaluated in the EIS; no issues raised are considered to be outside the scope of the EIS.

#### **3.4.2.7 Land Use, Recreation, and Transportation**

Most of the comments received regarding land use focused on potential impacts on special designations (29 percent) or recreation within those areas, such as impacts on ACECs, wilderness areas, and wilderness study areas, in addition to some comments on special status habitats or species (discussed in Biological Resources). Many of the comments regarding special designations were in relation to potential impacts on air quality (refer to Air Quality or Visual Resources for representative quotations). The second most frequently mentioned land use concern (19 percent) was access during and after construction. Potential impacts resulting from increased traffic, both roadway traffic (local trucks and along I-15), and rail traffic also were mentioned.

#### *Representative Quotations*

- “Will the associated railroad maintenance road be open or closed to the public? Provide access for ATVs and other off-road vehicles into pristine desert areas?”
- “What new proposed roadways/routes will be established?”
- “What are the grazing allotments, and what is the current health and condition of the lands in all areas where this infrastructure may be constructed, or where other impacts for the undertaking may occur?”
- “How might coal transport increase traffic on the railroad this other rail development will be linked to?”

- “Please consider the number of daily truck trips required for both project construction and operation...and impacts of those trips.”
- “Please consider impacts to local and regional recreation.”
- “The revision of the 2003 EIS should include the recent Lincoln County legislation of 2004. Specifically, the impact on the designated wilderness in the area, visual and audible, and the increase in demand for this type of recreation.”
- “Critical missing information on this project includes a land status map showing the proposed site and rights-of-way in relation to the three Desert Tortoise ACECs in Nevada and Utah.”
- “[Concerned with] national monuments, wilderness areas, and WSAs [Wilderness Study Areas]. Zion and other national parks.”

BLM identified management concerns for land use and transportation, listed below.

- Need to identify rail crossings and consider potential impacts on existing access. Underpass locations along the rail line will need to be identified in GIS. Crossings may be necessary to maintain access.
- Review the minerals potential information, particularly gypsum, mineral materials, and other bulk mineral deposits, and consider potential effects on the ability to extract these resources in high potential areas.
- Off-highway vehicle (OHV) use occurs in the area, and is pushing farther north from Mesquite as development occurs. There is evidence of substantial OHV use in washes.
- The development of better access roads might promote increases in people entering the area to collect mineral materials. Improved or new roads also could result in better access to sensitive archaeological resources or historic properties, resulting in impacts to those resources. The EIS could consider the effects of this traffic and mitigation for dust other access-related concerns.

#### *Issues Outside the Scope of the EIS*

Concerns regarding OHV use in the area, particularly as the use pushes further north from Mesquite, may not be within the scope of this EIS (with the possible exception of the cumulative effects analysis), as the Lincoln County Land Act developments would be more closely related to the northward migration of recreational OHV use. However, the extent of impact that can be related to this project will be identified and evaluated.

#### **3.4.2.8 Hazardous Materials and Safety**

Several comments expressed concern about hazardous materials, particularly the transport of hazardous materials adjacent to populated areas, and storage of materials on site. Many of comments also expressed concern about increased fire hazard from the transport of coal, other materials hauled to or stored on the site, or the spread of noxious weeds that would increase fire danger. The level of concern about material

transport and fire hazard was nearly identical, with fire hazards receiving only one more comment than material transportation. Some comments also specifically addressed plant byproducts and how they would be stored or disposed of.

#### *Representative Quotations*

- “Identify for residents along the transportation corridor, the safety network Site Global will have in place for transporting and storing the needed hazardous materials for production and waste product disposal.”
- “Please identify the dust control precautions, preventative explosion measures (2/04 Sooner Power Plant) and fire hazard mitigations.”
- “What safety or fire hazards might the additional coal traffic result in?”
- “This rail line has the potential to be the ignition source for large-scale repeated fires that will consume vast acreages, and destroy native ecosystems.”
- “Will any toxic substances be hauled on this line, or is linked to any proposals to do so?”
- “Please identify all hazardous materials that will be used at the site, the amount that is used and stored, and the mode of transport to the site.”
- “[Concerned with] disposal of plant waste—fly ash, lime, waste water, etc.”

#### *Issues Outside the Scope of the EIS*

Hazardous materials and safety will be addressed in the EIS; no issues raised are considered to be outside the scope of the EIS.

#### **3.4.2.9 Socioeconomics**

About 23 percent of the comments on socioeconomic issues focused on the potential for impacts on the local area due to work force influx. Comments also were received questioning local economic benefits from the project, with some comments emphasizing that the project provides regional benefits but few local benefits, while locally the impacts would be most pronounced. A few of those who commented requested that local or union labor be used for project construction. Additional issues included analyzing the potential increases in the demand for health services in Mesquite as a result of increased population (e.g., workers and families during the construction and operation of the proposed power plant) and as a result of any health effects that could be associated with the plant’s emissions. In addition, it was stated that environmental justice concerns should be addressed.

#### *Representative Quotations*

- “Build it union to build it right!”
- “Mesquite will be heavily impacted with traffic and people.”

- “A coal-fired plant within five miles of housing tracts and golf courses in Lincoln County is as good as a death warrant for those homes.”
- “We don’t receive cheaper power from this plant, as you are aware, we don’t receive any power from this plant.”
- “Please identify the social, economic, and environmental benefit this project offers the City of Mesquite and its residents.”
- “How will construction worker housing be provided in an area with a shortage of affordable housing?”
- “Please provide plans to assist local agencies with infrastructure issues related to the work force of the project construction and plant operation, e.g., water, sewerage, fire fighting, hospitals, schools, roads, etc.”
- “Please make a factual finding that the Toquop Energy Plant and project will or will not have disproportionately high and adverse human health or environmental effects on minority and low income populations.”

#### *Issues Outside the Scope of the EIS*

The composition of the labor force is outside the scope of this EIS and therefore will not be addressed.

#### **3.4.2.10 Cumulative Effects**

Although some comments received mentioned cumulative effects only generally, comments regarding cumulative effects to air were most prevalent, accounting for 39 percent of issues related to cumulative effects. In the context of effects to air and water, some comments specified that effects could result from numerous power plants, developments, or other projects and actions. In fact, issues regarding cumulative effects on air quality, groundwater, and other resources from other power plants, existing and proposed, accounted for 21 percent of issues relative to cumulative effects. Some comments also mentioned cumulative effects on visibility, or the potential for this project to displace or prevent the development of renewable energy projects that could be developed in the future.

#### *Representative Quotations*

- “We request that...this analysis include a thorough cumulative effects analysis in conjunction with other new sources of air pollution in the area.”
- “The EIS must analyze cumulative impacts on air quality including additional growth impacts.”
- “Please consider in the proposed project’s cumulative impact analysis, other water resource projects such as the [Southern Nevada Water Authority] SNWA’s proposed Clark, Lincoln and White Pine Groundwater Development Project.”

- “You are robbing Peter to pay Paul (local water to facilitate energy export to other more distant places).”
- “We are concerned that this proposed new coal-fired power plant, in combination with a number of other existing and proposed coal-fired power plants in this region, may cause a cumulative deterioration in air quality and visual resources in national monuments, wilderness areas, and wilderness study areas.”
- “The pollution that will be spewed by this plant will mix with mercury pollution from Nevada gold roasting operations, pollution from California, pollution transported from Asia, and most importantly—pollution from several other Nevada energy plants planned for development.”
- “The following items need to be address in the EIS...cumulative negative impacts on visibility in Zion National Park due to this project.”
- “What are the cumulative effects of other proposed or foreseeable coal-fired plants, other major sources of mercury or harmful pollutants, ground water pumping, etc. that are underway or foreseeable in these lands, or that may affect the same aquifers.”
- “Consider the extent to which development of the Sithe facility would either displace, prevent, or postpone the development of such renewable resources.”

*Issues Outside the Scope of the EIS*

Cumulative impacts will be addressed for reasonably foreseeable future actions or projects.

## 4.0 SUMMARY OF FUTURE STEPS IN THE EIS PROCESS

The process for the EIS requires a team of interdisciplinary resource specialists to complete each step. An important part of the BLM planning process is engaging the public and relevant agencies from the earliest stages of and throughout the planning process to address issues, comments, and concerns. The steps of the planning process and agency authority and decisions to be made are described below; Figure 4-1 provides a summary of the EIS process and schedule.

**FIGURE 4-1  
PLANNING PROCESS FLOW CHART**



### 4.1 IDENTIFICATION OF ISSUES

Issues were identified through the scoping process, which initiated the planning process. The scoping process and the issues identified are documented in this Scoping Report, which is also available on the project website ([www.toquopenenergy.com](http://www.toquopenenergy.com)) and from the BLM Ely Field Office.

### 4.2 DATA INFORMATION AND COLLECTION

Much of the data and information, which form the baseline resource inventory, will be compiled and used from existing data on file at BLM Ely Field Office, BLM Nevada State Office, or through other local agencies and academic institutions. Other data and information will be obtained from current studies being conducted by BLM and through relevant sources to update and/or supplement BLM's data. Particularly, data included in the 2003 EIS will be used during preparation of this EIS and in the analysis of resources and project facilities.

Data include published and unpublished reports, maps, and digital format for use in a geographic information system (GIS). Generally, the resources and resource uses to be addressed include the following:

- Land use (including grazing)
- Recreation and access

- Wilderness (including special management areas)
- Ground- and surface-water resources
- Climate and air quality
- Biological resources (including vegetation, wildlife, special status species, wild horses and burros, noxious weeds and invasive species)
- Geology, soils, and minerals
- Noise
- Archaeological resources, historic properties, and paleontological resources
- Visual resources
- Social and economic conditions
- Environmental justice
- Public health and safety, hazardous materials and waste

During the data- and information-collection step of the process, BLM will initiate specific coordination with agencies, including the FWS for Section 7 consultation and SHPO for Section 106 consultation, to ensure these processes are completed in conjunction with the EIS process. In addition, a summary of all tribal coordination and consultation will be included in Chapter 5, Consultation and Coordination, of the draft EIS.

#### **4.3 ASSESS IMPACTS AND PLAN MITIGATION**

The impacts that could result from implementing the project, or any of the alternatives will be analyzed and measures to mitigate those impacts will be identified.

#### **4.4 DRAFT EIS AND PUBLIC REVIEW**

A summary of the scoping process, data collection efforts, and the findings of the impact assessment and mitigation planning will be documented in a Draft EIS. The Draft EIS will be made available for public review, which is expected to be in late 2006 or early 2007. The availability of the Draft EIS will be announced in the *Federal Register* and advertised in local media. Public comments will be accepted for a minimum of 45 days, during which time public meetings will be held to receive comments on the adequacy of the Draft EIS.

#### **4.5 PREPARE FINAL EIS AND ISSUE RECORD OF DECISION**

BLM will review comments received on the Draft EIS and prepare responses to each. The EIS may or may not be modified based on public comments; however, all comments and responses will be incorporated into the Final EIS.

The Final EIS also will be made available for the public to review for a period of 30 days, estimated for spring 2007. The availability of the Final EIS will be announced in the *Federal Register* and advertised in

local media. Following the 30-day period, BLM will address any protests and/or issue a Record of Decision, likely in mid-2007.

#### **4.6 AGENCY AUTHORITIES AND DECISIONS TO BE MADE**

Prior to and during the scoping process, BLM anticipated the actions that would need to be addressed in the EIS, and decisions related to those actions. A preliminary list of potential decisions and actions required by federal agencies for each component of the proposed project including the power plant site and associated facilities, coal haul route, access roads, and transmission line corridor include:

- BLM issuance of grants for rights-of-way for the rail line
- U.S. EPA issuance of Prevention of Significant Deterioration permit
- FWS issuance of a biological opinion as a result of consultation under Section 7 of the Endangered Species Act
- Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470 et seq.), BLM is required to consult with SHPO; consultation will be initiated in conjunction with preparation of the EIS (refer to Section 2.3.2). Other interested parties (e.g., American Indian tribes) may participate in the consultation process.
- The Archaeological Resources Protection Act of 1979 (ARPA) requires the protection of archaeological resources on public or Indian land and the cooperation and exchange of information between governmental authorities. Pursuant to ARPA and implementing regulations (43 CFR 296), BLM has the permitting authority to restrict access to archaeological resources on public land only for scholarly research or resource preservation. BLM will require that permit applicants meet specific professional standards, that all recovered archaeological materials be curated at a facility that meets specific standards, and that all cultural materials recovered under an ARPA permit remain Federal property in perpetuity.
- USACE issuance of Clean Water Act Section 404 permits for potential wash crossings
- USACE issuance of a National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities, and a NPDES Storm water Industrial Permit required for the operational phase of the project