

**Sevier Lake Potash Mine Exploration Draft EA Comment-Response Table**

<b>List of Comments and Comment Responses on Peak Minerals Draft Exploratory Testing Environmental Assessment.</b>			
<b>#</b>	<b>Source</b>	<b>Comment</b>	<b>BLM Response</b>
<b>UTAH AUDUBON COUNCIL COMMENTS</b>			
1	Utah Audubon Council	I first became aware of the availability of this EA on 9/8/11. I am perturbed that your office did not see fit to notify the few of us who submitted comments on the Leasing EA of the availability of this related EA. While not legally required, such notification would not have been burdensome in the least and would have been an appropriate courtesy. One expects that the BLM is truly interested in citizen input in their environmental reviews so that a more informed decision might be made, but simply doing the minimum notification required hardly lends confidence to that assumption. One would hope that your office might consider a more inclusive effort in the future.	Comment noted.
2	Utah Audubon Council	That said, we would agree that there appear to be no significant impacts from the proposed testing. However, we would like to point out that there are some issues and concerns that should be addressed more fully.	Comment noted.
3	Utah Audubon Council	The EA states that the area where testing would take place does not have wilderness characteristics (p. 18). True, however it is our understanding that the Southern Utah Wilderness Alliance has proposed that the Sevier Dry Lake be considered for Area of Critical Environmental Concern status. Should this have been addressed in the EA?	The BLM has completed a preliminary evaluation of the proposal to identify the Sevier Dry Lake as an ACEC, and concluded that the area does not meet the requirements to be eligible as an ACEC. The Final Exploratory EA has been updated to include the conclusion of this evaluation.
4a	Utah Audubon Council	The air quality analysis is weak and cursory. Why is the Fugitive Dust Control Plan not included in the EA? In the Leasing EA, the planned mitigations and stipulations were included so that reviewers could attempt to assess whether those were adequate to avoid significant impacts. That's impossible to do here.	A Fugitive Dust Plan has been developed and incorporated into the Final Exploratory EA. Additionally, more detailed analysis of dust in the Project area has been conducted and incorporated into the Final Exploratory EA.

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4b	Utah Audubon Council	Also, why is the proposed location for the Meteorological Station (Figure 4) at the south end of the lakebed when the prevailing winds in the area are from west-southwest to east-northeast, toward populated areas (Delta, Wasatch Front)? If the intent is to monitor high dust events, wouldn't the more logical location for the Met Station be somewhere toward the northeast edge of the lake bed? Why does the EA not address this?	The meteorological station would not be located on BLM-administered land, and is not a connected part of the BLM Exploratory EA, so therefore was not analyzed (although it's location was provided on a figure). References to the meteorological station have been removed from the Final Exploratory EA. The purpose of the meteorological station will be to collect background climate data. No dust monitoring is being proposed at the meteorological station. A more detailed analysis of dust in the Sevier Valley is provided in the Final Exploratory EA.
5	Utah Audubon Council	The EA states that there is a moderate chance that additional prehistoric sites would be located in near the margins of the lake bed (p. 20), and that a Class II cultural resource survey will be conducted (p. 24, Team Checklist p. 1). Why hasn't the survey been done and made available for review in this EA?	A Class III survey will be conducted prior to ground-disturbing activities within the BLM leased areas under the Exploratory EA. The Class III survey will be conducted in accordance with the BLM Programmatic Agreement on file in the BLM Fillmore Field Office. Any sites that are found within the leased area would be avoided. The Final Exploratory EA has been updated to describe the inventory that will be conducted under the Programmatic Agreement.
6	Utah Audubon Council	The EA acknowledges that data demonstrating regional groundwater flow are uncertain (p. 21). Additional data which may help characterize groundwater flow may be obtained through this testing, which would be a positive benefit. However, we believe and wish to note that there is a need for greater understanding of this flow system before any operational mining is permitted.	Comment noted.
7	Utah Audubon Council	The required Wildlife Mitigation Plan for this exploration "will be included in the Exploration EA". But it isn't. Neither is baseline data from the special status plant species survey included in the Affected Environment section of this EA (both Team Checklist p. 6) This is similar to the problems noted above for air quality and cultural sites – this material is just not available for review within this EA.	A Wildlife Mitigation Plan has been included in the Final Exploratory EA.
8	Utah Audubon Council	These are issues and problems that ought to be addressed and corrected in a supplemental EA before a Record of Decision is issued.	Comment noted.
<b>SOUTHERN UTAH WILDERNESS ALLIANCE COMMENTS</b>			

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1	SUWA	As currently written, the EA fails to satisfy the requirements of environmental laws including the National Environmental Policy Act, 42 U.S.C. §§ 4321 et seq. (NEPA) and the Federal Land Policy and Management Act, 43 U.S.C. §§ 1701 et seq. (FLPMA), as well as the regulations that implement these laws. Unless and until the BLM remedies these shortcomings, the agency should deny the proposed action and choose the —No Action alternative. If BLM decides to proceed with this analysis, it must prepare an environmental impact statement to analyze the potentially significant direct, indirect, and cumulative effects of potash leasing and development.	The BLM notes SUWA's opinion regarding satisfaction of NEPA, FLPMA, and subsequent regulations that implement these laws. The BLM believes that with the additional information provided in the Final Exploratory EA, all requirements of NEPA have been attained through disclosure of the proposed project's proposed impacts, analysis of the impacts, and mitigation of the impacts as disclosed. See responses to additional comments from SUWA below, for detailed information regarding the adequacy of the review under NEPA, FLPMA, and subsequent regulations.
2	SUWA	Because the EA incorporates and relies heavily on the BLM's earlier environmental assessment prepared to analyze competitive potash leasing at Sevier Lake (DOI-BLM-UT-W020-2010-014-EA) (the —Leasing EA ), SUWA incorporates by reference the comments it and several other conservation groups and federal agencies submitted on the leasing EA. Those comments are attached hereto as Exhibit 1. (A hard copy of these comments with exhibits has been placed in today's United States mail addressed to your attention. Upon request, SUWA will provide the exhibits accompanying its Leasing EA comments. The Fillmore field office should already have these on file.) As such, SUWA expects that the BLM will respond to issues raised in those comments but not addressed in this EA such as the unique characteristics of Sevier Lake (including its importance to migrating waterfowl), climate change/early snowmelt and air quality.	The BLM has incorporated additional information regarding migrating waterfowl and air quality into the Final Exploratory EA. As analyzed in the Leasing EA (A-3), climate change effects were determined to be negligible, so were not analyzed further. The effect of dust production was further analyzed, information incorporated into the Final EA, and the effect on snowmelt considered. The comments provided to the BLM from SUWA were responded to and incorporated into the Leasing EA, with a Decision Record signed in February 2011.
		<b>Pending Appeal</b>	

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3	SUWA	As you know the Southern Utah Wilderness Alliance has appealed the BLM’s decision record and finding of no significant impact (DR/FONSI) for the Leasing EA to the Interior Board of Land Appeals. See Southern Utah Wilderness Alliance v. BLM, IBLA 2011-138 (appeal filed March 21, 2011). Owing in part to delays in producing the administrative record briefing of this appeal ongoing and will likely not conclude until the end of October 201 [sic ], with a decision by the Interior Board to follow. SUWA urges the BLM to delay its decision on the EA until the Interior Board issues its ruling. Should the Interior Board agree with SUWA and set-aside BLM’s leasing decision, the validity of Peak Minerals’ leases will be in question.	No stay was applied for or issued for the Leasing EA, so the BLM will continue processing proposed activities requiring NEPA analysis within the Sevier Dry Lake leasing area.
		<b>Current Lake Conditions</b>	
4	SUWA	<ul style="list-style-type: none"> <li>Based on SUWA’s review of the EA, we conclude that vast majority if not all of the field work and narrative was prepared in the winter or spring of 2011. The same is true for the Leasing EA which was prepared in the fall of 2010 and finalized in February 2011. This was before Sevier Lake was inundated with water from high spring and summer 2011 runoff. Thus, the discussion and analysis does not accurately reflect current lake conditions and BLM has failed to take a hard look at the issue.</li> </ul>	The Final Exploratory EA includes additional data collected since the draft was published, including description of the water present within the lake during summer 2011.
5	SUWA	<ul style="list-style-type: none"> <li>For example, there is no discussion about lake depth during this recent event – though the Leasing EA contained similar data for a 1986 event. See Leasing EA at 55.</li> </ul>	The presence of water in Sevier Dry Lake has been discussed in more detail in the Final Exploratory EA. There was an unusually high volume of water flowing into Sevier Dry Lake in 2011, when water extended over approximately half of the lake for a short period of time.
6	SUWA	<ul style="list-style-type: none"> <li>There is also no discussion about how the recent flooding has affected shallow groundwater below the lakebed. See Leasing EA at 56 (discussing shallow groundwater).</li> </ul>	There is not any current information regarding shallow groundwater under the lakebed; one outcome of the exploratory EA is to gather such data.

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7	SUWA	<ul style="list-style-type: none"> <li>• There is also no discussion about whether brine flies and/or brine shrimp are or were present in Sevier Lake during this recent flooding. See Leasing EA at 49 (discussing the identification of brine flies and brine shrimp in a 1987 study prepared by Crystal Peak Minerals). As the Audubon Society noted in its comments on the Leasing EA, brine shrimp and brine flies are an important resource for migrating waterfowl. The EA's assertion that there is —very low quality avian habitat within the lakebed is highly questionable without this information.</li> </ul>	As noted in the response to comments in the Leasing EA, there is no recent evidence of brine flies or shrimp in the Sevier Dry Lake. As stated in the response to comments (42): "Any water that now accumulates from primarily small tributaries adjacent to the playa and from precipitation becomes highly saline inhibiting the reproduction of brine fly and brine shrimp. Presently there is an absence of evidence to suggest a productive brine fly and brine shrimp occurrence." Gwynn - confirm no shrimp/flies present when study conducted. Include discussion of invertebrates in inventory plan - no need for field collection.
8	SUWA	<ul style="list-style-type: none"> <li>• The EA's discussion of surface water is insufficient because it does not take current lake conditions – or other recent flood events into account. EA at 21.</li> </ul>	See response to SUWA Comment 5.
9	SUWA	<ul style="list-style-type: none"> <li>• The EA generally mischaracterizes the lake bed as being dry. To the contrary, the Leasing EA notes that —[s]atellite imagery acquired from August 1999 through August 2002 shows the presence of water on the surface of Sevier Lake typically from November through April. Leasing EA at 32.</li> </ul>	See response to SUWA Comment 5.
<b>Connected and Cumulative Actions</b>			
10	SUWA	<ul style="list-style-type: none"> <li>• BLM should fully consider, analyze and disclose the impacts of Peak Minerals' development activities on adjacent and nearby lands managed by the Utah School and Institutional Trust Lands Administration. Claims by the company or SITLA that Peak Minerals' exploration activities on school trust lands are distinct from activities on BLM managed lands must be rejected. See 40 C.F.R. §§ 1508.7 &amp; 1508.25(a). See also Leasing EA at 30 (discussing Salada Minerals plans to develop SITLA and federal lands).</li> </ul>	The exploratory testing on SITLA lands was determined to be distinct from the testing proposed on BLM lands because 1) the testing precedes the work on BLM lands and would provide independent results, 2) the testing on SITLA lands could yield results such that no further work on SITLA lands might occur, independent of whether exploratory testing leads to extraction on BLM lands.
11	SUWA	<ul style="list-style-type: none"> <li>• BLM must fully consider, analyze and disclose the impacts of Peak Minerals' hydrologic investigation' discussed in the EA and Exploration Work Plan. As currently drafted, the EA does not do this. Peak cannot be allowed to pull out these integral aspects of its plans out of the EA and piecemeal them into a separate proposal(s).</li> </ul>	A description of the hydrologic investigation is provided in the exploratory EA, and analysis (Section 4) of the effects of the investigation are provided for the resource area which were carried forward as per the leasing EA.

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12	SUWA	<p>• BLM must fully consider, analyze and disclose the impacts of Peak Minerals' development plans for Sevier Lake in a single comprehensive environmental document. Peak and its related companies have been clear about their intentions to fully develop the potash resource on Sevier Lake. See Leasing EA at 73 ("As a result of these lands being made available for lease, it is likely that development of the potash resource would follow."). For example, the company has already filed water right applications with the state engineer to secure enough water (421,000 acre feet) for full scale potash development. See Leasing EA at 60 (discussing water right applications 69-103, 69-104 and 69-106). (Footnote: Notably, the leasing EA discusses all three water right applications as being related to Peak Minerals' plans to develop potash on Sevier Lake even though one of the applications, 69-104, is for 20,000 acre feet of water to develop Peak's SITLA leases. See Exhibit 2 (available online at <a href="http://www.waterrights.utah.gov/cblapps/wrprint.exe?wrnum=69-104">http://www.waterrights.utah.gov/cblapps/wrprint.exe?wrnum=69-104</a>). BLM and Peak's claims to the contrary, that such full scale development is speculative, must be rejected. In addition, Peak Minerals' parent company, EPM Mining Ventures, Inc., issued a press release this past Wednesday, September 7, 2011, announcing that it has entered into a Cooperative Development Agreement with LUMA Minerals, LLC to <b>develop</b> (not simply <i>explore</i>) both companies' leases in Sevier Lake. A copy of the press release is</p>	<p>As disclosed in Section 2.2 of the Exploratory EA, the proposed action is meant to provide data to better characterize the nature of the resource being considered for extraction. A plan to extract the brine resource is dependent upon various hydrogeochemical variables that cannot be anticipated without first conducting the testing being proposed. Only based on the results of the exploratory testing can an accurate operation plan be developed; prior to acquisition of results of the exploratory testing, any operation plan would be speculative in detail and extent. Therefore, as is common with NEPA analyses of exploratory testing and mining operation proposals on federal lands, the exploratory testing is analyzed independently from the operational proposal.</p>
		<b>Environmental Impact Statement</b>	
13	SUWA	<p>• CEQ regulations identify specific factors that an agency must evaluate in determining —significance. 40 C.F.R. § 1508.27(b). —[T]he existence of one or more significance factors can justify setting aside a FONSI and remanding either for further consideration of those factors or preparation of an EIS. Fund for Animals v. Norton, 281 F. Supp. 2d 209, 235 (D.D.C. 2003).</p>	<p>Comment noted.</p>

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14	SUWA	<ul style="list-style-type: none"> <li>The regulations also inquire about context: —This means that the significance of the action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. . . . [I]n the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant. 40 C.F.R. § 1508.27(a). As the U.S. Fish and Wildlife Service and Audubon Society noted in their comments on the Leasing EA, Sevier Lake is a critical waterfowl resource and easily meets this test. See Exhibit 1 (FWS Comments) (—The value of Sevier Lake should not be understated: in an arid region like the Great Basin, saline lakes provide vital resources for migratory birds. . . . [W]e conclude Sevier Lake is an important resource for migratory birds. ).</li> </ul>	<p>Upon review of the USFWS comments on the Draft Leasing EA, there is no mention of Sevier Dry Lake as a 'critical waterfowl resource.' The use of Sevier Lake by waterfowl is currently being studied through an avian monitoring program, and results from March through September 2011 indicate a very low use during spring and fall migration as well as during the summer period. The effect of the exploratory program (which is anticipated to be short-term (up to a year)) on birds is expected to be very low, as analyzed in the Exploratory EA.</p>
15	SUWA	<ul style="list-style-type: none"> <li>BLM must prepare an EIS to fully evaluate and consider the potentially significant impacts from this proposed development. See, e.g., Ocean Advocates v. U.S. Army Corps of Eng'rs, 361 F.3d 1108, 1124 (9th Cir. 2004) (—[A]n EIS must be prepared if "substantial questions are raised as to whether a project . . . may cause significant degradation of some human environmental factors.") (emphasis in the original). To trigger the requirement to prepare an EIS, parties —need not show that significant effects will in fact occur,' [but] raising "substantial questions whether a project may have a significant effect' is sufficient.' Id. (citations omitted).</li> </ul>	<p>The analysis of effects of the Exploratory EA on protected resources concluded that there would not be any significant impacts. No substantial questions regarding whether any impact could be significant have been identified from the proposed exploratory testing program. Note that an operational mining proposal would be reviewed under NEPA.</p>

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16	SUWA	<p>preparation of an EIS:</p> <p><b>- The degree to which the proposed action affects public health or safety. 40 C.F.R. § 1508.27(b)(2):</b> As detailed below and in SUWA’s comments on the Leasing EA, wind blown dust from Sevier Lake has a direct, significant and adverse effect on local and regional air quality. In addition, Millard County’s protest over Emerald Peak Minerals’ water right applications 69-104 and 69-106 identify potential adverse effects from potash development to air quality and public health in Millard County, as well as Utah and Salt Lake counties. See Affidavit of Protest, Millard County re: Application to Appropriate No. 69-104 ¶ (March 31, 2009) (“Emerald Peak Minerals’ proposal to withdraw groundwater will lower the water table to such an extent that it will substantially reduce groundwater dependent vegetation, which will destabilize soils and contribute to blowing dust from the Sevier Lake area resulting in reduced air quality in both the immediate Millard County area and northward into Juab, Tooele, Utah, Salt Lake, and other counties. Air quality is especially impacted by the alkali nature of the soils in the Sevier Lake area resulting in public health impacts and other social costs.”) (attached hereto as Exhibit 5). See also Affidavit of Protest, Millard County re: Application to Appropriate No. 69-106 ¶ 5 (May 26, 2009) (attached hereto as Exhibit 6). These issues have not been addressed at all in the EA.</p> <p>BLM should consider and analyze this issue in an EIS.</p> <p><b>- Unique characteristics of the geographic area such as proximity to</b></p>	<p>The comments from Millard County regarding groundwater withdrawal and subsequent potential for dust production are applicable to an operational mining proposal, rather than to the current Exploratory EA, so are not relevant. As noted in the Exploratory EA (Section 4.1.6), no wetlands will be affected by the proposed exploratory testing. The BLM is not aware of any ecologically critically areas within the area of disturbance proposed for exploratory testing. While the BLM recognizes that there are waterbodies that are important to migratory birds in the Great Basin, data collected from March to September 2011 do not support the assertion that the Sevier Lake is a critical resource. Further, the Exploratory EA constitutes a relatively low level of activity with respect to the time that will be spent disturbing areas within the leased area. See response to Comments 14, 21, and 23.</p>
		<b>Biology</b>	

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17	SUWA	It is not clear from the EA that Peak Minerals has submitted and BLM has approved the wildlife and plant inventory plan and wildlife mitigation plan as required by lease stipulation 9 (wildlife and plant species). This information should be available for public review in a supplemental comment period. Without these plans, it is impossible for the public to determine whether the surveys conducted to support exploration activities were conducted at the right time or year and/or at the right locations. Compare Leasing EA at 49 (discussing ferruginous hawks observed in 1997 throughout the leased area) with EA at 22-23. See also EA at 25 (discussing surveys for migratory birds and asserting that “[u]se of the leased areas by birds is very low.”).	The wildlife and plant inventory plan and wildlife mitigation plan are included in the Final Exploratory EA.
18	SUWA	The EA should be revised to include a map of the identified pronghorn antelope crucial year long habitat. See EA at 22 (discussing pronghorn antelope habitat). The EA should also specify the year of the UDWR data being used to identify pronghorn and other animal habitat. BLM must rely on the most current data for the EA and not on outdated information in the Warm Springs RMP. The EA should also discuss in more detail how the proposed surface disturbing activities (including off-lease test wells) will affect this important resource and what steps Peak will take to minimize impacts. This information should be available for public review in a supplemental comment period.	The Final Exploratory EA includes additional information on pronghorn antelope habitat. The disturbance to pronghorn habitat would be temporary; the majority of disturbed areas would be in the lake bed, which are not pronghorn habitat areas, or adjacent to roadways.

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19	SUWA	<ul style="list-style-type: none"> <li>The EA should be revised to include a map of mule deer habitat in the Cricket Mountains and House Range. See EA at 22 (discussing mule deer habitat). The EA should also discuss in more detail how the proposed surface disturbing activities (including the drilling of off-lease test wells) will affect this important resource and what steps Peak will take to minimize impacts. This information should be available for public review in a supplemental comment period.</li> </ul>	The Final Exploratory EA includes additional information on mule deer habitat. The disturbance to mule deer habitat would be temporary; the majority of disturbed areas would be in the lake bed, which are not deer habitat areas, or adjacent to roadways.
20	SUWA	BLM should consult with the Utah Division of Wildlife Resources regarding potential effects of this exploratory drilling program. See EA at 30 (Table 5-1, List of all Persons, Agencies and Organizations Consulted).	The UDWR has been consulted since publication of the draft Exploratory EA, and information from this consultation has been incorporated into the Final Exploratory EA.
21	SUWA	The EA indicates that bird surveys were conducted from March through June 2011. EA at 20. It is not clear whether the lake was inundated at this point or whether this was the correct time to conduct such surveys. If not, the surveys should be conducted again this fall and next spring before any surface disturbing activity is permitted. The EA should also respond to concerns raised by the Audubon Society in its comments on the Leasing EA regarding waterfowl and their use of Sevier Lake when inundated.	Additional data from bird monitoring has been incorporated into the Final Exploratory EA. The monitoring was conducted during the time when water was present. Additional information regarding inundation of Sevier Lake has been included in the Final Exploratory EA.
22	SUWA	SUWA directs BLM compare Sevier Lake to Owens Lake in California, particularly for that body of water's importance to migratory birds. See, e.g. Owens Lake Project (available online at <a href="http://www.owenslakeproject.com/">http://www.owenslakeproject.com/</a> ).	Comment noted.
		<b>Riparian and Wetlands</b>	
23	SUWA	It does not appear that Peak Minerals has prepared an inventory for riparian and wetlands resources as required by lease stipulation 16. This information should be prepared and made available for public review in a supplemental comment period.	The BLM has surveyed the Sevier Dry Lake, and found no wetland areas within the leased areas identified in the Leasing EA (Section 4.2.1.8). A field inventory for wetlands was conducted in Peak Mineral's leased parcels, and no wetlands were found. The EA has been revised to reflect this additional information

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24	SUWA	The Leasing EA noted that the Sevier River is typically dry between the town of Delta and Sevier Lake. Leasing EA at 55-56. This is not the case in 2011 and as recently as September 5, 2011, water was observed in the Sevier River just north of Highway 50 and flowing into Sevier Lake. The EA should be updated to reflect this and any additional riparian vegetation or wetland conditions.	As described in the Draft Exploratory EA (Section 3.2.1), the Sevier River does flow periodically during high run-off periods. See response to comment 23.
		<b>Wilderness Character</b>	
25	SUWA	The proposed Candland bedrock aquifer well, see EA at Figure 4, is located within the Cricket Mountain proposed wilderness area, an area proposed for wilderness designation in America’s Red Rock Wilderness Act, H.R. 1916/S. 979. SUWA will provide BLM with a shapefile of this proposed wilderness area upon request. Pursuant to FLPMA § 201, 43 U.S.C. § 1711, and as it has done for other mineral proposals in the Fillmore field office, the BLM should inventory the Cricket Mountains proposed wilderness area, determine whether it has wilderness characteristics, and then decide whether the current management plan adequately assesses and protects those characteristics. If it does not, the project must be modified or deferred. In a recent letter to State Director Juan Palma, the Paiute Indian Tribe of Utah expressed its support for wilderness designation of the —units surrounding Sevier Lake which is important to the Kanosh Band. See Letter from Jeanine Borchardt, Chairwoman – Paiute Indian Tribe of Utah to Juan Palma, State Director – Utah BLM (July 25, 2011). A copy of this letter is attached as Exhibit 7.	The proposed well location is not within the citizen's proposal for the America's Red Rock Wilderness, or any other proposed wilderness area.
		<b>Cultural Resources</b>	

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26	SUWA	The Southern Utah Wilderness Alliance appreciates BLM’s invitation to participate as a consulting party in the Section 106 review process. In the unlikely event that it does not concur in the final programmatic agreement, SUWA reserves the right to submit additional comments on this issue.	Comment noted.
		<b>Air and Climate</b>	
27	SUWA	The EA fails to fully consider and quantify the likely impacts of this massive drilling project. Although the BLM knows the location of the planned wells— which could number nearly 750 wells—it has not shown that same precision and thoughtfulness in its analysis of impacts to air quality. This oversight is significant as the Sevier Lake playa is a significant source of windblown dust in the region, likely contributes to early snowmelt, and may even contain harmful nuclear fallout.	The Final Exploration EA has been revised to more fully analyze the impacts to air quality of the Proposed Action, including fugitive dust and "tailpipe emissions" from exploration/drilling activities and associated vehicle access.
28	SUWA	The EA acknowledges that this area is highly susceptible to wind erosion. EA at 19. However, it has done nothing to analyze or quantify the potential windborne erosion that could result from this project, though such techniques are commonly known and routinely used by the BLM. The EA’s reference to a dust control plan is not helpful as that plan is either nonexistent or unavailable for public review. See EA at 15 (mentioning a dust control plan but providing no information or detail on its contents). Furthermore, the EA does not contain enough information to demonstrate how drilling and the accompanying activity will comply with federal air quality standards.	See responses to comments 4a and 27.

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29	SUWA	To comply with NEPA's "hard look" requirement, BLM must explain how its actions will or will not comply with environmental laws and policies. 40 C.F.R. § 1502.2(d); see also id. § 1508.27(b) (stating federal agencies must consider "[w]hether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment"). In fact, BLM is required to comply with federal air quality standards by the Federal Land Policy and Management Act. 43 U.S.C. § 1712(c)(8) (requiring BLM to "provide for compliance with applicable pollution control laws, including State and Federal air ... pollution standards"); 43 C.F.R. § 2920.7(b)(3) (requiring that BLM "land use authorizations shall contain terms and conditions which shall ... [r]equire compliance with air ... quality standards established pursuant to applicable Federal or State law") (emphasis added).	The Final Exploratory EA has been revised to include a more detailed analysis of air quality (see responses to comments 4a and 27). Note that the additional analysis did not alter the conclusion that the effect of exploratory testing on air quality is not significant.
30	SUWA	Congress has developed national ambient air quality standards (NAAQS) for pollutants that have a significant effect on public health. See, e.g., 42 U.S.C. §§ 7408, 7409; 40 C.F.R. §§ 50.4 – 50.13. Among those pollutants are particulate matter, which includes windblown dust. See, e.g., Idaho Department of Environmental Quality, Air Quality: Controlling Fugitive Dust, <a href="http://www.deq.idaho.gov/air/prog_issues/pollutants/dust.cfm">http://www.deq.idaho.gov/air/prog_issues/pollutants/dust.cfm</a> (last visited Oct. 24, 2010).	Comment noted.

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31	SUWA	The Sevier Lake playa is already the source of significant, problematic dust storms that create poor air quality on the Wasatch Front. See, e.g., Utah Division of Air Quality, PM10 Exceptional Wind Event, Event Date – April 15, 2008 (attached as Attachment 9 to SUWA’s Leasing Comments); Blowing Dust Leads to ‘Red’ Air Alert, Deseret News (Apr. 15, 2008) (attached as Attachment 10 to SUWA’s Leasing Comments).	The BLM recognizes that exceptional events do occur, but at a low periodicity and not as regular events (by definition). As such, exploratory testing would not yield a greater number or extent of exceptional events. The Final Exploratory EA has been revised with greater analysis of air quality. Note that the additional analysis did not alter the conclusion that the effect of exploratory testing on air quality is not significant.
32	SUWA	The EA improperly limits its discussion of dust suppression to drilling tailings. See EA at 24. However, there is no discussion of how the BLM will eliminate dust production from mechanized equipment accessing the well sites. Nor does the EA include a discussion of what will happen when the tailings piles dry out and are no longer saturated, thereby becoming a source of fugitive dust. Nor does the EA discuss dust suppression related to off-lease drilling.	See responses to comments 4a and 27.
33	SUWA	The EA completely fails to quantify or model the fugitive dust and particulate matter emissions that will result from this project. These emissions will result from surface disturbing activities, such as drilling and vehicle use, as well as the tailpipe emissions from the drilling rigs and service vehicles. Without quantifying these emissions or modeling them the BLM cannot know how this project will effect air quality.	See responses to comments 4a and 27.

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34	SUWA	<p>The BLM routinely prepares such models and quantifies such emissions. In a recent analysis for an exploratory drilling program in the Vernal Field Office, the BLM indicated that drilling projects can result in tailpipe emissions—which it quantified and modeled—as well as fugitive dust emissions—which it quantified and modeled. See Environmental Assessment and Biological Assessment for the Tumbleweed II Exploratory Natural Gas Drilling Project, DOI-BLM-UTG010-2009-0090-EA, at 70-74, App. D (June 2010) (excerpts attached as Exhibit 8).</p> <p>Furthermore, the EPA’s AP-42 provides formulas for estimating emissions from vehicle and drill rig tailpipes as well as fugitive dust emissions from vehicle travel. These formulas are routinely applied by the BLM. See, e.g., Tumbleweed II at App. D. These formulas also include calculations for increased wind erosion from soils that have been disturbed but are not currently being impacted. See id.</p>	See responses to comments 4a and 27.
35	SUWA	<p>Neither the EA nor the exploration work plan contain any provisions or specifics on how any dust suppression will be accomplished, let alone all dust suppression. Furthermore, neither of these plans contain any provisions for limiting or eliminating tailpipe emissions from work vehicles and drill rigs.</p>	See responses to comments 4a and 27.

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36	SUWA	<p>Fugitive dust emissions from drilling and service vehicles can be significant. In one small Vernal Field Office drilling project—composed only of nine wells—the BLM estimated that 82.9 tons per year (tons/year) of coarse particulate fugitive dust would result. See Tumbleweed II at App. D. Likewise, well development emissions and servicing can also be significant. In that same project, the BLM estimated that these emissions from drilling would add up to 20 tons/year of nitrogen oxides, 12.4 tons/year of carbon monoxide, and 69.7 tons/year of coarse particulates. See id. If emissions could be this substantial for a nine-well drilling project, they are likely to be much larger for this planned drilling project of 748 wells.</p>	<p>See responses to comments 4a and 27.</p>
37	SUWA	<p>Exacerbating the issue is the potential for nuclear fallout in the project area. Southwestern Utah has been exposed to significant amounts of nuclear fallout as a result of atomic weapons testing in the Nevada desert. See, e.g., Utah, Utah History to Go, Nuclear Testing and the downwinders, available at <a href="http://historytogo.utah.gov/utah_chapters/utah_today/nucleartestingandthedownwinders.html">http://historytogo.utah.gov/utah_chapters/utah_today/nucleartestingandthedownwinders.html</a> (last visited on Sept. 8, 2011). Such fallout can pose risks to human health. See, e.g., Steven L. Simon et al., Fallout from Nuclear Weapons Test and Cancer Risks, <i>The American Scientist</i>, Vol. 94 (2006) (attached as Exhibit 9). The BLM must evaluate whether the soils of the Sevier Lake playa contains radionuclides of cesium-137, carbon-14, and strontium-90 to determine the potential cancer risk from airborne soil. See id. at 51-55.</p>	<p>The BLM is aware that atomic weapons testing occurred in the Nevada desert, but has not been provided with any data supporting the contention that there are radioactive elements present in the soils within the Fillmore Field Office resource area to justify testing. At the time when such data are provided, the BLM would consider evaluation of radioactive elements when analyzing surface disturbing activities under NEPA.</p>

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38	SUWA	The BLM has not provided the public with a dust control plan for the area. It is unclear how successful a dust control plan in this region could be. Recent BLM efforts to prevent dust at the nearby Milford Flat fire area often exacerbated eolian erosion. See, e.g., Mark Miller et al., Wind Erosion and Post-Fire Rehabilitation Strategies: Lessons Learned from the Milford Flat Fire, Presentation, 16th Wildland Shrub Symposium: Threats to Shrubland Ecosystem Integrity, Utah State University (May 18-20, 2010) (explaining that some of BLM’s soil stabilization treatments had the effect of increasing soil erodability and decreasing soil resistance); Jayne Belnap, U.S. Geological Survey, Dust in Low Elevation Lands: What Creates It and What Can We Do About It?, Presentation, Grand Junction, Colorado (Sept. 18, 2009), available at <a href="http://www.crwcd.org/media/uploads/2009_09_18_Belnap_Seminar.pdf">http://www.crwcd.org/media/uploads/2009_09_18_Belnap_Seminar.pdf</a> (explaining that BLM’s treatments on some portions of the Milford Flat fire burn site resulted in greater dust production and erosion than if the areas had not been treated). This dust production at the Milford Flat fire site has led to extremely large dust storms that impact air quality on the Wasatch Front. See, e.g., Mark Miller, U.S. Geological Survey, Images of 4 March 09 Dust Storm, North End of Milford Flat Fire, <a href="http://sbsc.wr.usgs.gov/crs/news_info/dust_storms/files/MFF_4Ma">http://sbsc.wr.usgs.gov/crs/news_info/dust_storms/files/MFF_4Ma</a>	See responses to comments 4a and 27. The BLM was not provided with the references cited, so cannot evaluate the relevance of these documents.
39	SUWA	The EA does not satisfy BLM’s duty to demonstrate compliance with federal air quality standards, particularly given the concerns related to particulate matter pollution from this area in the Wasatch Front. The EA does nothing to quantify the potential significant amounts of dust that could result from this exploratory drilling program.	See responses to comments 4a and 27.
40	SUWA	The quantification of fugitive dust likely to result from this project is also important for its potential impacts on nearby mountain snowpack. The EA has not discussed the potential impacts of this decision on the snowpack of mountain ranges downwind of the Sevier Lake, locations such as the Wasatch Mountains and the Wasatch Plateau as well as the Pahvant Range.	See responses to comments 4a and 27.

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41	SUWA	Human activity, such as the proposed surface disturbing activities associate with potash development, lead to higher-than-normal dust production from arid locations such as the Great Basin. See, e.g., J.C. Neff et al., Increasing Eolian Dust Deposition in the Western United States Linked to Human Activity, Nature Geoscience (Feb. 24, 2008) (attached as Attachment 11 to SUWA’s Leasing Comments). This disturbed desert dust, when deposited on mountain snowpack, leads to early snowmelt and increased regional temperatures. See Thomas Painter et al., Impact of Disturbed Desert Soils on Duration of Mountain Snow Cover, Geophysical Research Letters (June 23, 2007) (attached as Attachment 12 to SUWA’s Leasing Comments). Furthermore, recently-released research shows that this phenomenon is leading to a significant overall loss of water. See Thomas Painter et al., Response of Colorado River Runoff to Dust Radiative Forcing in Snow, Proceedings of the National Academy of Sciences (2010) (attached as Attachment 13 to SUWA’s Leasing Comments). This recent research also highlights at the Great Basin is a significant source of dust leading to early snowmelt in the Upper Colorado River Basin. See id.	The Final Exploratory EA has been revised to incorporate additional analysis of dust production. The level of dust production from the exploratory testing would constitute a negligible proportion of total dust production from the Sevier Valley. As a negligible proportion of total eolian dust, the effect of exploratory testing could not yield a measurable increase in the rate of early snowmelt.
42	SUWA	The EA has not evaluated the potential contributions to the problem of disturbed desert dust leading to early snowmelt from this proposed drilling project and its direct fugitive dust emissions as well as the increased wind erosion that could result from soil susceptibility.	See response to comment 41

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43	SUWA	The dust that this drilling program and its accompanying disturbance could produce could lead to large reductions in overall runoff in the downwind mountain ranges, thereby affecting water supply. The Sevier Lake is already generating a significant amount of dust. See, e.g., PM10 Exceptional Wind Event (documenting a dust storm generated from the Sevier Lake playa). U.S. Geological Survey scientists recommend that susceptible soils, such as the Sevier Lake playa, are best left undisturbed in order to limit dust generation. See, e.g., Belnap, Dust in Low Elevation Lands. At the very minimum, an environmental impact statement must be prepared to analyze these significant impacts. However, to fully protect snowpack and water supply, BLM should choose the no action alternative.	The Final Exploratory EA has been revised to incorporate additional analysis of dust production. The level of dust production from the exploratory testing would constitute a negligible proportion of total dust production from the Sevier Valley, and thus an immeasurably small increase in runoff and change in water supply patterns. See response to comment 38.
44	SUWA	The EA makes no mention of climate change or greenhouse gasses. SUWA's prior comments prepared for the BLM's leasing analysis highlight the importance of considering this issue. The EA has done nothing to inventory or quantify likely greenhouse gas emissions that will be produced by the drilling equipment used for this project. The EA also fails to consider how climate change might impact the Sevier Lake area and beyond and how those changes will interact with the results of this planned drilling project.	See responses to comments 4a and 27. Note that the leasing EA concluded that even operational mining would not yield significant levels of greenhouse gases (A-3).
		<b>Meteorological Station</b>	
45	SUWA	The EA has not fully considered the rationale or purpose of locating a meteorological station on the southern end of Sevier Lake. See EA at 10, Figure 4 (indicating that a meteorological station will be constructed and mapping that location). In fact, the EA contains no discussion of the potential impacts that might result from a meteorological station on the south shore of Sevier Lake or the purpose for such a station. Meteorological stations could be helpful for providing data regarding wind storms in the area which can produce significant amounts of dust.	See response to comment 4b.

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46	SUWA	If this is the case, it is important for the BLM to identify the prevailing wind patterns in the area to determine the typical wind direction. The Sevier Lake Competitive Potash Leasing Proposal Environmental Assessment stated that prevailing winds in this area are out of the southwest. DOI-BLM-UT-W020-2010-014-EA, at 28 (Feb. 2011). An optimal location for wind towers would be at the side of the project where winds typically enter and the side where winds typically leave the project area. The entrance location could be used to establish a baseline and the location where prevailing winds leave the project could be used to verify and determine whether the project is impacting meteorological data. The southern end of Sevier Lake is the windward side of the project and an appropriate wind exiting-side location might be adjacent to US Highway 50/6 where it could be serviced more easily and is within the area of an existing disturbance.	See responses to comments 4a, 4b, and 27.
47	SUWA	The BLM should discuss the purpose of a meteorological tower in the area, identify the proper sites for such a location based on prevailing wind directions, and identify an addition location so that both ends of the project will provide data.	See response to comment 4b.
<b>Terry Morasco</b>			
1	Morasco	L, I didn't see an analysis of dust generation from the mining plan on Sevier lake. Has this been analyzed?	No mining plan has been proposed for the leased parcels on Sevier Dry Lake. See response to comments 4a and 27, which pertain to the Draft Exploratory EA.