

**APPENDIX A:  
COMMENT LETTERS ON THE DRAFT  
EA AND RESPONSES**



1



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, OMAHA DISTRICT  
215 NORTH 17TH STREET  
OMAHA, NEBRASKA 68102-4978

April 7, 1995

REPLY TO  
ATTENTION OF  
Wyoming Regulatory Office  
2232 Dell Range Blvd., Suite 210  
Cheyenne, Wyoming 82009

95 APR 12 PM 12:03

ENVIRONMENTAL  
MANAGEMENT  
CORPS

Ms. Nancy Doelger  
Bureau of Land Management  
Casper District Office  
1701 E Street  
Casper, Wyoming 82601

Dear Ms. Doelger:

This is in reference to your March 29, 1995 request for comments on the Draft Environmental Assessment for the Antelope Coal Lease Application.

The Corps of Engineers regulates the discharge of dredged and fill material into waters of the United States (including wetlands) as authorized primarily by section 404 of the Clean Water Act (33 U.S.C. 1344).

This office previously responded to your request for comments concerning the project proposal in a letter dated June 22, 1994. That correspondence indicated that we had confirmed a delineation of special aquatic sites and other waters of the U.S. for the mine. Clarification of that statement is needed. The draft EA indicates that our verification is not valid for any part of the expansion area. Antelope Coal will need to completely delineate the expansion area prior to filing for authorization under Section 404 of the Clean Water Act. You may want to require this action be completed before your final decision is made to ensure all impacts are addressed on your selected option. Note that regardless of the alternative selected, the applicant's proposal will likely meet the requirements of the Corps' Nationwide permit program, specifically Nationwide Permit 21.

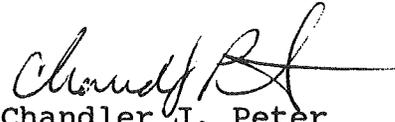
a

It should also be noted that Antelope is not authorized to be operating the remainder of the mining operation since they have not met the requirements of Nationwide Permit 21.

b

If you have any questions regarding this matter, please contact me at (307) 772-2300. Be sure to reference file number 199340126.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chandler J. Peter". The signature is written in black ink and is positioned above the typed name.

Chandler J. Peter  
Project Manager  
Wyoming Regulatory Office

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2466

BUREAU OF LAND MANAGEMENT  
CASPER DISTRICT OFFICE

95 MAY -4 AM 11:45

MAY 2 1995

Ref: 8WM-EA

Ms. Nancy Doelger  
Bureau of Land Management  
Casper District Office  
1701 East E Street  
Casper, Wyoming 82601

Re: Environmental Assessment for  
Antelope Coal Company coal lease  
application.

Dear Ms. Doelger:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the Region VIII Office of the Environmental Protection Agency has the following comments concerning the subject project.

a The subject document indicates that the project would eliminate Horse Creek through the mined area and about five acres of associated valley bottom wetlands. The document also indicates that wetland mitigation would be developed after obtaining the lease. While this document is an Environmental Assessment (EA), it is not possible for us to concur with a Finding Of No Significant Impact (FONSI), should that be the decision, without the ability to review the wetland and stream mitigation plan to determine if they will be successful. Further wetland and stream mitigation details should be included in the EA prior to a FONSI.

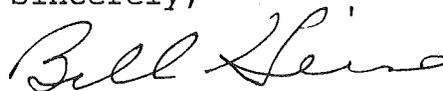
b The EA also indicates that there would be major groundwater withdrawal during the life of the mine. There should be further discussion of how this withdrawal will affect springs within the cone of influence. Additional mitigation would need to be included should these springs be adversely affected.

c The distance from the mining disturbance boundary to date and the lease application area is over a mile. This area is undisturbed to date. It appears that this intervening area is planned to be mined at some time in the future. If this is so there should be some type of cumulative impact analysis which addresses this reasonably foreseeable action.



EPA appreciates the opportunity to review the subject document and all the effort which went into the preparation of it. If you have any questions, please contact Carl Heskett of my staff, at (303) 293-1557.

Sincerely,

A handwritten signature in cursive script that reads "Bill Geise".

J. William Geise, Jr.  
Acting Chief  
Environmental Assessment Branch  
Water Management Division



PEABODY DEVELOPMENT COMPANY

BUREAU OF LAND MANAGEMENT  
CASPER DISTRICT OFFICE

95 MAY 26 PM 12:14

247 Russell Avenue  
P.O. Box 706  
Douglas, Wyoming 82633  
(307) 358-6803  
FAX: (307) 358-6805

May 24, 1995

Casper District Office - BLM  
ATTN: Ms. Nancy Doelger  
1701 East "E" Street  
Casper, Wyoming 82601

**RE: Antelope Coal Lease Application (WYW-128322)**

Dear Ms. Doelger:

The Powder River Coal Company owns certain surface lands in T41N-R71W, Sections 23 and 26 directly north and adjacent to the Antelope Coal Company's Lease by Application WYW-128322 and alternate tract configurations #2 and #3. Based on the legal descriptions contained in the Draft Environmental Assessment, the surface lands owned by Powder River Coal Company would fall within the 1/2 mile buffer zone surrounding the Lease by Application WYW-128322 and the two alternate tract configurations.

**a** While the Powder River Coal Company has contacted Antelope Coal Company regarding the probable need for some form of surface use or overstripping agreement, at the present time such an agreement is not in place nor has surface owner consent been obtained from Powder River Coal Company. This information is provided to you for consideration in reviewing the Antelope Coal Company Federal Coal Lease Application WYW-128322. Thank you.

Sincerely,  
PEABODY DEVELOPMENT COMPANY

Victor E. Garber  
Manager of Land-West

VEG/lka

c: W. I. Burget (PRCC)  
W. C. Jennings (PRCC)  
L. H. Fox (PRCC)  
J. L. Lautenschlager (PDC)  
T. B. Petrosky (PDC)  
R. M. Tew (PRCC)  
N. H. Wilmsmeyer (PDC)  
File

4



BUREAU OF LAND MANAGEMENT  
CASPER DISTRICT OFFICE

95 JUN -5 AM 11:54

STATE OF WYOMING  
OFFICE OF THE GOVERNOR

JIM GERINGER  
GOVERNOR

June 2, 1995

STATE CAPITOL BUILDING  
CHEYENNE, WY 82002

Nancy Doelger, Environmental Specialist  
Bureau of Land Management  
Casper District Office  
1701 East "E" Street  
Casper, Wyoming 82601

Dear Nancy:

On behalf of the State of Wyoming, Please be advised that we have reviewed the Draft Environmental Assessment for the Antelope Coal Lease Application and we support the proposed action. In accordance with our own comment period given to affected state agencies, I have attached two (2) comments for your review.

a I would like to commend you for the study done on this proposal. In addition, I would encourage you to look at the prospects of Alternative #2 in the assessment which increases the size of the lease by 206 acres. This proposal appears quite convincing to me as I read where an additional 13.6% of surface is disturbed while recovered coal resource is increased by 43% to 82 million tons. This would alleviate our great concern that smaller leases increase the possibility of by-passed coal. This by-passed coal will become worthless as the economies of scale are just not there to mine the resource. Your prediction of no new mine starts on this acreage confirms this fact.

Greater attention should be given to the economics of these proposals as it will prevent waste of our national natural resources.

Thank you for the opportunity to comment on the above assessment.

Sincerely,

Jim Magagna  
Director of Federal Land Policy

JM:sdj  
Enclosures


*Public Service Commission*

700 W. 21ST STREET

 (307) 777-7427  
 FAX (307) 777-5700  
 TTY (307) 777-7427

CHEYENNE, WYOMING 82002

**STEVE ELLENBECKER**  
 CHAIRMAN  
**DOUG DOUGHTY**  
 DEPUTY CHAIRMAN  
**BIL TUCKER**  
 COMMISSIONER

**STEPHEN G. OXLEY**  
 ADMINISTRATOR  
**ALEX J. ELIOPULOS**  
 CHIEF COUNSEL AND  
 COMMISSION SECRETARY

**MEMORANDUM**

 TO: MS JULIE L. HAMILTON  
 POLICY ANALYST  
 GOVERNOR'S OFFICE

 FROM: JON F. JACQUOT  
 ENGINEERING SUPERVISOR  
 PUBLIC SERVICE COMMISSION

DATE: MAY 10 1995

 RE: DRAFT ENVIRONMENTAL ASSESSMENT FOR THE ANTELOPE COAL  
 LEASE APPLICATION, STATE IDENTIFIER NO. 94-013

Thank you for the opportunity to comment on the referenced matter. The Commission requests that no unreasonable restrictions be placed on the provision of utility service or on the construction of utility and pipeline facilities as a result of the development or implementation of the referenced plan.

**a** The Commission requests that, when coal leasing is being done, the costs of relocating any utility and pipeline facilities to accommodate coal production be borne by the lessee. If these costs are not borne by the lessee, those costs would fall unfairly on the rate payers of the affected utility or pipeline.

If you should have any questions regarding this matter, please let me know.

WYOMING  
GAME AND FISH DEPARTMENT

Jim Caringer, Governor



John Talbott, Acting Director

May 30, 1995

EIS 183  
Bureau of Land Management  
Wyoming State Office  
Draft Environmental Assessment  
Antelope Coal Lease  
Application  
SIN: 94-013  
Converse County

JULIE L. HAMILTON  
WYOMING STATE CLEARINGHOUSE  
OFFICE OF THE GOVERNOR  
STATE CAPITOL BUILDING  
CHEYENNE, WY 82001

Dear Ms. Hamilton:

The staff of the Wyoming Game and Fish Department has reviewed the draft environmental assessment for the Antelope Coal Lease Application. We apologize for the lateness of these comments. Due to a clerical error, we were not aware the comment's were due earlier than May 30. We sincerely hope these comments can still be considered.

In 1992, Antelope Coal Company (ACC) filed a lease application to obtain federal coal reserves just north of the Antelope Mine. The lease would encompass 617.2 acres of federal coal. The EA is a decision document for both the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS). The first decision is for the BLM to lease the coal. The second decision is for the USFS to permit surface access for lands of the Thunder Basin National Grasslands. Three alternatives to the proposed action are being considered. The first would be to lease a larger acreage (822.8 ac) through competitive sale to prevent potential bypass of coal. Another alternative would be to reduce the tract to 455.4 acres, with the potential to lease the additional acreage at a later date. The third alternative is no action.

The baseline wildlife information appears adequate. The Lease-by-Application is within the existing mine permit boundary

and comprehensive wildlife data has been collected there for several years. Big game seasonal ranges are correctly identified in the EA. Our comments follow:

1. RE: Cumulative Habitat Losses. On page 112, the amount of big game habitat loss as a result of this lease and other coal activities in the surrounding areas has been quantified at approximately 1% of occupied habitat in Campbell and Converse Counties. Why is Converse County included in the total area? Antelope Creek is the south boundary for the Highlight Antelope Herd and the entire lease is north of the Creek. Also, most other coal activities are within the Highlight Herd Unit. Political subdivisions such as counties are not appropriate ecological units for impact analysis. Impact analysis should be done on a watershed or herd unit basis.

**a**

Reclamation does not immediately replace habitat value (i.e. sagebrush), therefore cumulative losses of these habitats are much greater than indicated in the draft EA. BLM should consider the cumulative impact of mine reclamation as historic land uses (ranching, grazing) resume. Moderate to heavy grazing will limit the habitat effectiveness of typical reclamation because the shrub component will be a small fraction (less than 12 percent) of shrub abundance prior to mining (current LOD shrub standard). Sagebrush will be reduced to an even smaller percent. Since the capability of reclamation to sustain habitat value under prevailing land use is an impact of the proposed action, it should receive full treatment in the analysis. BLM should also consider the effects of cumulative habitat losses on species other than big game, especially those vulnerable to habitat fragmentation [40 C.F.R. 1502.16(a) and (b); 40 CFR 1508.8; and 40 CFR 1508.7].

2. RE: Recreation Mitigation. The proposed lease will reduce availability of public lands for recreation (p 112). BLM and USFS should require the company to secure other lands for public use to mitigate lost access over the next 15 to 20 years of mining and through the bonding period [40 CFR 1500.2; 40 CFR 1502.14(f); 40 CFR 1502.16(h); 40 CFR 1505.2(c); 40 CFR 1508.20; 40 CFR 1502.2(d); and Sec 101(b)(3) of P.L. 91-190]. Since the limitation of public recreation on public land is an impact of substantial concern, and since there are practicable methods and alternatives available to mitigate it, such mitigation

Ms. Julie L. Hamilton  
May 30, 1995  
Page 3 - EIS 183

alternatives should be developed and rigorously explored by  
the analysis.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joe White". The signature is written in black ink and is positioned above the typed name.

JOE WHITE  
DEPUTY DIRECTOR

JW:TC:as  
cc: Wildlife, Fish, HATS Divisions

7



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Fish and Wildlife Enhancement  
4000 Morrie Avenue  
Cheyenne, Wyoming 82001



IN REPLY REFER TO:

FWE-61411

June 30, 1995

### MEMORANDUM

To: District Manager, Casper District Office, BLM, Casper, WY  
 Attn: Nancy Doelger

From: Field Supervisor, ES, Cheyenne, WY (ES-61411)

Subject: Draft Environmental Assessment - Antelope Coal Lease Application (WYW128322), Powder River Coal Region

This responds to your agency's request for comments on the Draft Environmental Assessment regarding the proposed leasing of the Antelope Coal Tract in the Powder River Coal Region south of Gillette.

In reference to the unsuitability criteria application for criterions Numbers 9 and 11 through 14 for the subject lease, BLM, Forest Service, and U.S. Fish and Wildlife Service biologists conducted an onsite evaluation to determine the protection needs for important habitat that may be contained in the tract for ferruginous hawks, mountain plovers, and the threatened plant, Ute ladies'-tresses (Spiranthes diluvialis). Pertaining to the ferruginous hawk and mountain plover habitat contained in the subject coal tract, we recommend that the lease be conditioned to require replacement of important habitat for these species. Prior to mining of the area, the replacement plan should be coordinated with and approved prior by our respective agencies and the Forest Service. Since there is potential habitat for the Ute ladies'-tresses along Horse and Antelope Creeks, it was the recommendation of agency's biologists that the area be surveyed and, if the plant was present, the unsuitability criteria be applied to protect the species and its habitat.

We appreciate the opportunity to comment on this proposal. If we can assist further, please contact Art Anderson of my staff at the letterhead address or phone 772-2374.

*Charles P. Davis*  
Charles P. Davis

cc: Director, WGFD, Cheyenne, WY  
Area Manager, BLM, Casper, WY

SEARCHED	
JUL - 5 '95	
DM	MN
ADM	FL
PA	SI <i>CA</i>
AO	BRA
GPR	NRA
LRR	PRA
POB	Local Resp

Seven comments were received on the Draft Environmental Assessment for the Antelope Coal Lease Application. These comment letters and responses to those comments are included on the following pages. The responses were jointly prepared by the BLM and the US Forest Service. The Forest Service has addressed the comments that apply to use of the National Grassland Surface, and BLM has addressed the comments that apply to the decision to lease the coal

#### Response to Letter 1: Corps of Engineers

- (a). Before any mining can occur on the LBA, the existing Antelope mining permit will have to be amended to include the LBA. This mining permit amendment must be approved by the Wyoming Department of Environmental Quality/Land Quality Division and the Assistant Secretary of the Interior, Land and Minerals Management. WDEQ/LQD will require wetland delineation verification and detailed wetland mitigation plans during the mining permit amendment process. Corps of Engineers concurrence, as well as BLM and US Forest Service concurrence, with the proposed mining permit amendment is required during the amendment approval process.

The Clean Water Act must be reauthorized by Congress in 1996, and the reauthorization process could result in substantial changes in wetlands delineation requirements. Since initial disturbance on the LBA tract will not occur until 1998, wetlands delineation and mitigation plans on the LBA tract can be completed during the mining permit amendment process, in accordance with any changes in wetlands delineation requirements that result from reauthorization of the Clean Air Act in 1996.

- (b). The Antelope Mine submitted a Nationwide Permit No. 21 notification package which comprehensively described wetlands disturbances on the existing mine during the 1992-1997 period to the Army Corps of Engineers on June 29, 1995. The Corps of Engineers reviewed the package and responded with a concurrence letter dated July 19, 1995.

The mine has an April 28, 1993 concurrence letter from the Corps of Engineers verifying the wetlands delineations of the current permit area, which includes the LBA area. Additional review of the LBA area and designations of Other Waters of the U.S. will be completed during the mining permit amendment process.

## Response to Letter 2: Environmental Protection Agency

- (a) Please see response (a) to Letter 1 from the Army Corps of Engineers. As indicated in that response, detailed wetlands delineation and mitigation plans will be required during the mining permit amendment process, and the LBA tract cannot be mined until the mining permit amendment is approved. The mining permit approval process, which is administered by the Wyoming Department of Environmental Quality/Land Quality Division (WDEQ/LQD), includes a public notice process and a 60-day public comment period. The BLM is preparing a letter to WDEQ/LQD, requesting them to add your office to their mailing list for notification of permit actions. A copy of this letter will be sent to you.
- (b) This EA was prepared to evaluate the impacts of adding the lease application area to the mine, it does not evaluate the impacts of the existing mine. The impacts and mitigation for the existing mine have been addressed in previous NEPA documents and the approved mining permit documents. This EA must evaluate if adding the LBA tract to the area to be mined will significantly increase the impacts that will be caused by the existing mine. In the case of springs within the area, the EA must evaluate if there will be a significant increase in the impacts to springs in the area as a result of mining and dewatering the LBA.

The draft EA on page 36 (final EA, page 37) indicates that the Wasatch Formation (the overburden) is not a regional aquifer due to its discontinuous lithology, the overburden contains little water in the Antelope Mine permit area, and there are no springs and seeps in the Wasatch Formation within the LBA tract. Seeps outside of the mine permit area are not generally affected by mining activities because of the discontinuous lithology. These seeps are generally associated with perched aquifers which are not in communication with the coal, or with other aquifers in the overburden.

There is discharge of groundwater from the Anderson Coal Seam into Antelope Creek upstream from the Antelope Mine (draft EA, pages 39-40; final EA, pages 40-41). The impacts to the flows in Antelope Creek as a result of mining the Anderson coal seam are analyzed in the existing approved Antelope Mine Permit, and summarized in the draft and final EAs (pages 84 and 86-87, respectively). As indicated in the EA, these impacts will not be significantly different as a result of mining the LBA.

- (c) The area between the current mining disturbance boundary and the lease application area is part of the existing Antelope Mine permit area. Detailed mining plans for all disturbance within the existing mining permit area are

included in the existing approved mining permit documents. The impacts of mining and reclamation at the Antelope Mine were specifically analyzed in the draft (1981) and final (1982) Proposed Mining Plan and Reclamation EISs prepared by the Office of Surface Mining prior to approval of the mining permit. The cumulative impacts of the Antelope Mine were considered in several of the regional coal environmental impact statements referenced in the EA (see Sections 4.6 and 4.6.1, and Table 16 in the draft and final EAs). Cumulative hydrologic impacts of surface coal mining in the eastern Powder River Basin, including the Antelope Mine, were analyzed in U.S. Geological Survey Water-Resources Investigations Report 88-4046, also referred to as the CHIA (see discussion under Section 4.6.3.1 in the draft and final EAs). Cumulative air quality impacts of surface coal mining in the Powder River Basin, including the Antelope Mine, were included in a 1983 technical report on air quality environmental consequences prepared for BLM by PEDco Environmental, Inc. (see discussion in Section 4.6.4 of the draft and final EAs).

#### Response to Letter 3: Peabody Development Company

- (a) The draft EA (page 12) and final EA (pages 12 and 48) both state that ACC does not currently have agreements with all surface owners along the north boundary of the LBA tract, and that such agreements would be necessary to allow recovery of the coal up to the lease boundaries.

#### Response to Letter 4: State of Wyoming, Office of the Governor

- (a) The BLM recognizes that the 206 acres of federal coal that would be added under Alternative 2 in the draft and final EAs could be bypassed if not mined by the Antelope Mine. The BLM did not choose this as its preferred alternative for the following reasons:
  - 1. There are several workable alternatives for adding this federal coal to the Antelope Mine; it could be added to the mine as part of an LBA in the future, or it could be added to the existing leases at the Antelope Mine via the coal lease modification process; and
  - 2. The coal in that area would be mined near the end of the life of the mine, according to the current mining plan. As a result, its current value would be relatively low when the fair market value of the tract under Alternative 2 is calculated. This coal could have a higher fair market value if it is leased closer to the time that it would be mined.

Response to Letter 5: Wyoming Public Service Commission

- (a) Utility and pipeline facilities will be relocated by the coal lessee except in areas where pre-existing easements and rights-of-way or other legal obligations state otherwise.

Response to Letter 6: Wyoming Game and Fish Department

- (a) The 1979 regional EIS covered Campbell and Converse counties, and the Antelope EA uses that area as a basis of comparison for predicted versus actual impacts of surface coal mining. Also, the Antelope Mine and the Antelope LBA are located in Converse County.

Since the LBA tract and the Antelope Mine are located in the Lance Creek Herd Unit, the cumulative impacts of mining on pronghorn habitat in the Lance Creek Herd Unit are discussed several paragraphs later. More specific impacts of mining the Antelope LBA tract on pronghorn habitat in the Lance Creek Herd Unit are discussed in Section 4.1.6. of the draft and final EAs.

- (b) The draft EA recognizes that habitat value is not immediately or completely replaced by reclamation. Specifically, the following is stated on page 114 of the draft EA (page 117 of the final EA): "Reclaimed acreage may experience reduced winter/yearlong use by pronghorn due to topographic moderation (which is permanent) and reductions in shrub density (not permanent). This may result in reduced carrying capacity for pronghorn on reclaimed lands; however pronghorn habitat is not completely eliminated on reclaimed land."

While post-mining vegetation will be different than pre-mining vegetation, the effect on the habitat and its use in the LBA tract should not be significant. This is based on the facts that: 1) the shrub component within this area is short (less than 1.5 feet tall), providing very little height advantage when covered with snow during the winter; 2) during periods of deep snow or major weather events, big game will not be in this area as it is neither crucial winter range nor sever winter relief range; and 3) therefore, although there is a difference in nutritional value between shrubs and residual dried grass, during the period that this area is used, habitat effectiveness should be changed very little. This area would be used much as a burned over area is used, drawing animals in early as the grasses green up and supplying forage until weather conditions move the animals to other areas. Surrounding sagebrush

shrub areas should provide adequate shrub densities to meet normal forage needs required in year long habitat.

- (c) The EA acknowledges the following: the limitation of public recreation on public lands is a significant issue in the Powder River Basin; the surface coal mines in Campbell and Converse counties increase the area that is unavailable for recreation use; and leasing the Antelope LBA includes some Thunder Basin National Grassland lands which will generally not be available for public access during the life of the mine (draft EA, pages 111-112; final EA, pages 114-115). The action being evaluated in this case (the addition of the Antelope LBA to the Antelope Mine) does not represent a significant incremental or cumulative increase to the already existing limitations on recreational access.

Antelope Coal Company has allowed hunting on restricted inactive portions of the permit area in the past when hunting did not jeopardize the safety of mine operations staff, hunters, or the public. No hunting was allowed during the last hunting season, due to safety considerations. The mine has indicated that hunting on the permit area in the future will probably be sporadically allowed, based on the existing safety considerations.

Response to Letter 7: U.S. Fish and Wildlife Service

- (a) Based on previous meetings with the federal and state agencies responsible for the coal leasing and permitting process, the BLM and the US Forest Service have concluded that the Wyoming Department of Environmental Quality, the Office of Surface Mining, and the U.S. Fish and Wildlife Service have the necessary authority and mission to establish appropriate mitigation measures for replacing important habitat for Threatened and Endangered Species and for Migratory Birds of High Federal Interest during the permitting process. We have not been advised of any cases where appropriate mitigation measures have not been required as a part of the permitting process. Since the established process is working, we do not feel it is necessary or appropriate to condition the lease, and thereby add an additional layer of compliance and oversight responsibility to the process.
- (b) The BLM and Forest Service recommended to the Antelope Mine that a survey for Ute Lady's Tresses be conducted during the appropriate season in 1995. This survey was conducted on August 2, 1995, by Walter Fertig of The Nature Conservancy/Wyoming Natural Diversity Database. As reported in Section 3.2.4.1 of the EA, no populations of *Spiranthes diluvialis* were found at the LBA site, and that "it appears unlikely that suitable habitat is present for this species in the LBA area."