



U.S. Department of the Interior

Bureau of Land Management

Wyoming State Office

Casper Field Office

April 2001



Belle Ayr 2000

Federal Coal Lease Application

Environmental Assessment (WYW151133)



MISSION STATEMENT

It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

BLM/WY/PL-01/009+1320

NOTE TO READERS:

This final EA is being published in abbreviated format. Reviewers will need the Draft Environmental Assessment for the Belle Ayr 2000 Coal Lease Application, BLM, December, 2000, for review of the complete EA.

Copies of the Draft EA may be obtained from:

Bureau of Land Management,
Casper Field Office, Attn: Nancy Doelger,
2987 Prospector Drive,
Casper, WY 82604

Phone: 307-261-7627

e-mail: Attn: Nancy Doelger at
"casper_wymail@blm.gov"

fax: Attn: Nancy Doelger at
(307)-261-7587



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Casper Field Office
2987 Prospector Drive
Casper, Wyoming 82604-2968

3425 (LBA)
WYW151133
Belle Ayr 2000

MAR 29 2001

Dear Reader:

This copy of the Final Environmental Assessment (EA) for the Belle Ayr 2000 Coal Lease Application, Bureau of Land Management (BLM) Serial Number WYW151133, is provided for your review and comments. This EA has been prepared to analyze the potential environmental and socioeconomic impacts of issuing a Federal coal lease for the Belle Ayr 2000 coal tract located adjacent to the Belle Ayr and Caballo surface coal mines in southeastern Campbell County, Wyoming.

This final EA is published in abbreviated format. Reviewers will need the Draft Environmental Assessment for the Belle Ayr 2000 Coal Lease Application, BLM, December, 2000, for review of the complete EA.

A formal public hearing on the proposed Belle Ayr 2000 coal lease application was held at 7:00 p.m., Thursday, January 18, 2001, at the Clarion Western Plaza Hotel (formerly the Holiday Inn), 2009 S. Douglas Highway, Gillette, Wyoming. The purpose of the hearing was to receive comments on the proposed coal lease sale, on the fair market value and maximum economic recovery of the Federal coal resources in the proposed Belle Ayr 2000 tract, and on the Draft EA. A copy of the transcript of the hearing is available for public review at the BLM Casper Field Office at the letterhead address, attention Nancy Doelger.

BLM received three written comments on the draft EA. These comment letters are reproduced in Appendix A of this final EA, with responses from BLM.

BLM will accept comments on this final EA, as well as on the issues of fair market value of the tracts, and maximum economic recovery of coal in the tracts until May 11, 2001, and will consider them in preparing the Decision Record for this proposed Federal coal lease. Comments received after May 11, 2001 will be considered in the Decision Record if time permits.

If you wish to comment on the Final EA, we request that you make your comments as specific as possible. Comments will be more helpful if they include suggested changes, sources, or methodologies. Opinions or preferences will not receive a formal response. However, they will be considered and included as part of the BLM decision-making process.

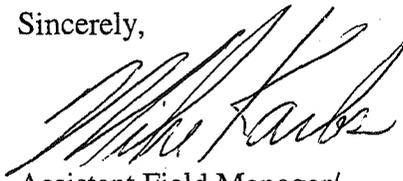
This EA was prepared pursuant to the National Environmental Policy Act and applicable regulations, and other applicable statutes, to address possible environmental and socioeconomic impacts that could result from this project. This EA is not a decision document. Its purpose is to inform the public of the impacts of leasing and mining the Federal coal proposed for lease in a maintenance coal lease application and to evaluate alternatives to leasing and mining the proposed maintenance coal lease application.

Comments, including names and street addresses of respondents, will be available for public review at the address listed below during regular business hours (7:45 a.m. - 4:30 p.m.), Monday through Friday, except holidays, and will be published as part of the Final EA. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Please send written comments to Bureau of Land Management, Casper Field Office, Attn: Nancy Doelger, 2987 Prospector Drive, Casper, WY 82604. Written comments may also be e-mailed to the attention of Nancy Doelger at "casper_wymail@blm.gov". E-mail comments must include the name and mailing address of the commentor to receive consideration. Written comments may also be faxed to the attention of Nancy Doelger at (307)-261-7587.

If you have any questions or would like to obtain a copy of the draft EA, or if you need additional copies of this final EA, please contact Nancy Doelger at (307) 261-7627 or at the above address.

Sincerely,



Assistant Field Manager/
Solid Minerals

FINAL

**ENVIRONMENTAL ASSESSMENT FOR THE
BELLE AYR 2000 LEASE APPLICATION
(FEDERAL COAL LEASE APPLICATION WYW151133)**

Prepared by

**U.S. Department of the Interior
Bureau of Land Management
Casper Field Office
Casper, Wyoming**

and

**U.S. Office of Surface Mining
Reclamation and Enforcement
Denver, Colorado**

and

**Environmental Solutions, Inc.
Gillette, Wyoming**

April 2001

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EXECUTIVE SUMMARY

On July 28, 2000, RAG Wyoming Land Company, Inc. (RAG) filed an application with the Bureau of Land Management (BLM) for a maintenance lease by application (LBA) for federal coal reserves located adjacent to the Belle Ayr Mine. This application was made pursuant to provisions of the Leasing on Application Regulations at 43 Code of Federal Regulations (CFR) 3425.1. The tract applied for, which is referred to as the Belle Ayr 2000 Tract, was assigned case number WYW151133.

The Belle Ayr 2000 Tract is located adjacent to the existing Belle Ayr Mine, approximately 11 miles south of Gillette in Campbell County, Wyoming (Figure 1). The tract covers approximately 243.61 acres and contains about 29 million tons of recoverable coal. The target coal bed in the Belle Ayr 2000 Tract is referred to as the Wyodak or Wyodak-Anderson seam. The coal is sub-bituminous and averages 72 feet in thickness. The active coal mine pit at Belle Ayr Mine is currently adjacent to the Belle Ayr 2000 Tract. Mining activities at Belle Ayr Mine will bypass the Belle Ayr 2000 Tract within the next two years.

The Belle Ayr 2000 Tract is also adjacent to the existing Caballo Mine and could be mined as a maintenance lease for that mine.

RAG applied for a maintenance LBA that encompasses the coal resources included in the Belle Ayr 2000 lease application as well as additional coal resources northwest of the Belle Ayr 2000 lease application area on March 20, 1997. They filed a request to modify the 1997 Belle Ayr LBA by withdrawing the lands included in the Belle Ayr 2000 application on July 28, 2000. RAG then filed a separate lease application for the lands withdrawn from the original LBA and included in Belle Ayr 2000 Tract. They requested that BLM consider the Belle Ayr 2000 application immediately so that the potential that the coal would be bypassed could be reduced.

The Powder River Regional Coal Team (RCT) reviewed the request to modify the Belle Ayr 1997 LBA application and the application for the Belle Ayr 2000 LBA application at their public meeting on October 25, 2000 in Cheyenne, Wyoming, and recommended that BLM process it.

This Environmental Assessment (EA) analyzes the potential environmental impacts of issuing a federal coal lease for the Belle Ayr 2000 Tract as required by NEPA and associated rules and guidelines. BLM will use the analysis in this EA to decide whether or not to hold a public, competitive, sealed-bid coal lease sale for the coal included in this tract and issue a federal coal lease. If a sale is held, the bidding at the sale will be open to any qualified bidder. The applicant, RAG, may not be the successful bidder.

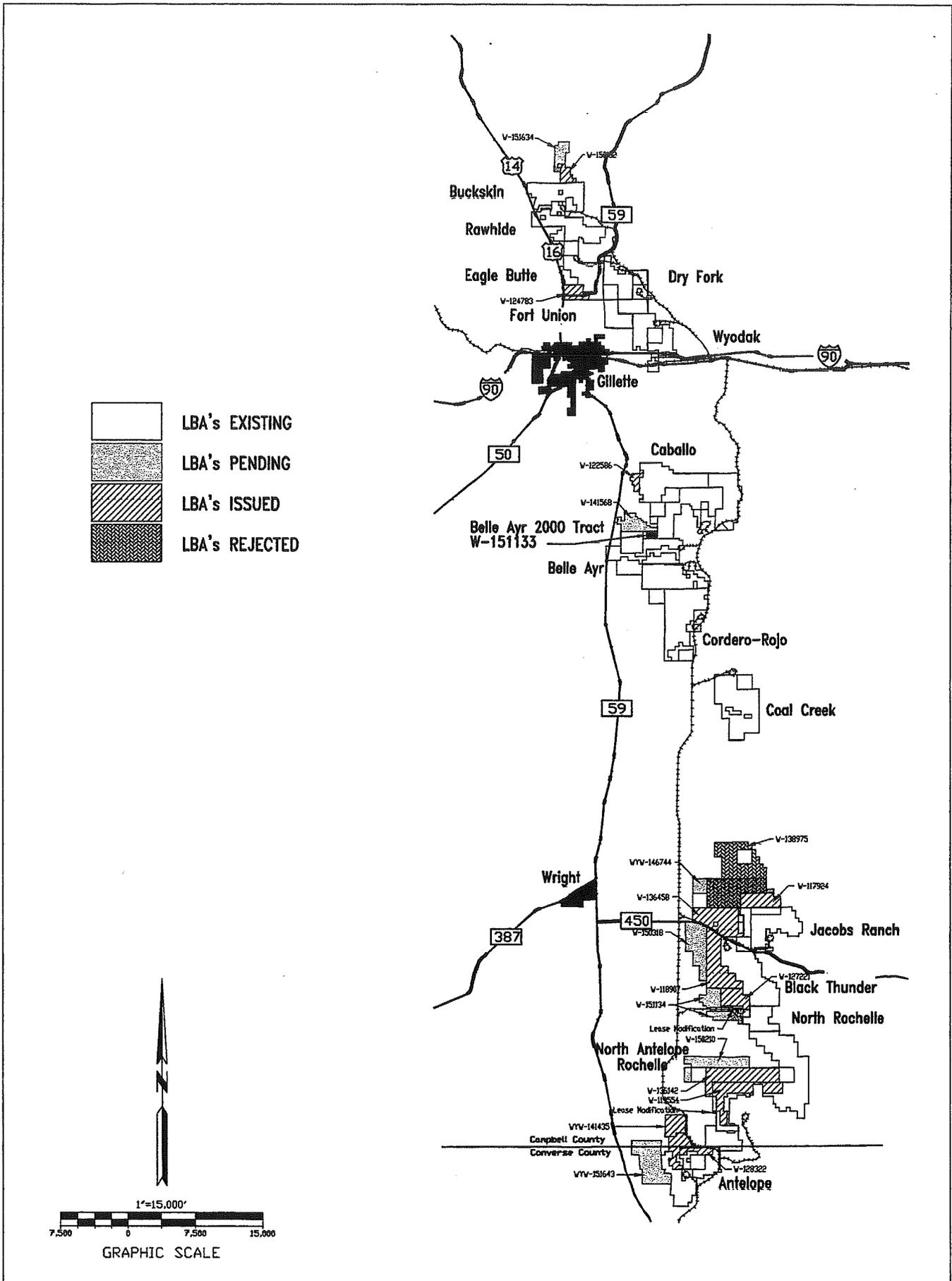


Figure 1. General Location Map with Federal Coal Leases and LBA's.

The Office of Surface Mining Reclamation and Enforcement (OSM) is a cooperating agency on this EA. If a lease is issued for the Belle Ayr 2000 Tract, OSM will use this analysis in evaluating whether to recommend approval, approval with conditions, or disapproval of the MLA mining plan to the Assistant Secretary of the Interior, Land and Minerals Management.

This EA analyzes two alternatives:

The Proposed Action is to hold a competitive lease sale and issue a lease to the successful bidder for the federal coal lands included in the Belle Ayr 2000 Tract, as applied for. Under the Proposed Action the Belle Ayr 2000 Tract would be mined as part of an existing mine using existing equipment, facilities and personnel. In early November, 2000, RAG announced that 48 workers would be laid off at the Belle Ayr and Eagle Butte Mines by the end of the year and that production would be cut in 2001 at both mines by about 6 million tons, with the biggest production cut occurring at the Belle Ayr Mine. The layoffs have taken place. The Belle Ayr Mine produced approximately 14.9 million tons of coal in 2000 and they are currently producing coal at a reduced rate. The mine estimates that the maximum production rate at which coal would be removed from the Belle Ayr 2000 Tract would be 10.2 million tons per year.

The active pit at the Belle Ayr Mine is currently adjacent to the Belle Ayr 2000 Tract and the current mining plan calls for backfilling adjacent to the Belle Ayr 2000 Tract until 2002, when mining would move west and south, away from the tract.

If a lease sale is held for the Belle Ayr 2000 Tract and RAG is the successful bidder, the Belle Ayr Mine could continue mining at the current production rate for two to three more years. The Belle Ayr 2000 Tract has lower overburden ratios which would result in less blasting and less overburden handling while the tract is being mined. Employment would not increase. Haul distances would be shorter from the Belle Ayr 2000 Tract to the existing Belle Ayr facilities than from the existing unmined Belle Ayr leases.

Portions of the LBA tract that are adjacent to existing leases at both the Belle Ayr and Caballo Mines will be disturbed under the current mining plans in order to recover the coal in the existing leases. If the Belle Ayr 2000 Tract as applied for is leased to an existing mine as a maintenance lease, the net area of surface disturbance would increase by 118 acres over the No Action Alternative.

If the Belle Ayr 2000 Tract is leased as applied for, Bishop Road would have to be relocated to allow mining of lands occupied by the road. Bishop Road has been realigned in the past to accommodate mining at Belle Ayr Mine and can be relocated again under existing agreements.

There are no federal oil and gas leases and no producing oil or gas wells included in the Belle Ayr 2000 Tract. The Wyoming Oil and Gas Conservation Commission has approved drilling permits for 4 coal bed methane (CBM) wells on the Belle Ayr 2000 Tract, but none of these wells have been drilled, and no pipelines are available in the immediate area. As the surface owner, RAG Wyoming Land Company, Inc. has negotiated agreements with the oil and gas operator that would allow removal of any coal bed methane wells that are completed prior to mining.

The Caballo Mine is also in a position to mine the Belle Ayr 2000 Tract as a maintenance lease. If they acquire the tract, the rate of coal production, mining sequence, equipment, facilities, and timing would be different than if RAG acquired the tract as a maintenance lease. However, if the tract is mined as a maintenance lease for the Caballo Mine, the area of disturbance and the impacts of removing the coal would not be significantly different from the area of disturbance and the impacts of RAG mining the tract.

Alternative 1, the No Action Alternative, is to reject the Belle Ayr 2000 lease application. Under this alternative, the Belle Ayr 2000 Tract would not be offered for sale at this time. Portions of the tract would be disturbed when the existing leases at the adjacent mines would be mined and reclaimed under the current approved mining plans.

Without the Belle Ayr 2000 Tract, Belle Ayr mining operations would begin moving into areas with increasing overburden-to-coal stripping ratios, but the capacity to remove overburden is limited by the existing shovel and truck fleets. With this fixed overburden removal capacity, coal production at the Belle Ayr Mine would decline as the stripping ratio increases.

It might not be economically feasible for Belle Ayr to re-enter this small peninsula and recover the coal in this tract if it is not acquired by the Belle Ayr Mine before their adjacent lease is mined and backfilled.

Other alternatives that were considered but not analyzed in detail include holding a competitive sale and issuing a lease to the successful bidder for a lease reconfigured by BLM to avoid bypassing coal or improve maximum economic recovery and/or fair market value and delaying the competitive sale of the tract.

The Belle Ayr 2000 Tract is surrounded on three sides by existing coal leases at the Belle Ayr and Caballo Mines (Figure 1). The coal included in the tract represents about three years of production at current mining rates at the Belle Ayr Mine. The surface of the LBA tract will be disturbed in order to remove the coal from these existing leases under the already approved mining plans for these two mines. Topography, and water, soil, vegetation and wildlife resources would be disturbed on an additional 118 acres in order

to remove the coal from the LBA tract. There are no alluvial valley floors or wetlands located on the tract. Air quality impacts would not increase while the tract is mined because production would remain at current levels, and the overburden is thinner and the haul distances are shorter on the tract than on the remaining unmined areas of the Belle Ayr Mine. Cultural resources on the tract would be impacted by mining, but adverse impacts would be mitigated through data recovery and/or avoidance of significant properties. No significant cultural or paleontological properties have been identified in the course of surveys that have already been done on the tract. To date, no Native American concerns have been identified on the tract. Noise and visual resource impacts related to mining the adjacent leases would be extended onto the tract. The surface of the tract is privately owned, so access to public lands would not be affected if the tract is leased and mined. There are no federal oil and gas leases and no existing oil and gas wells on the tract. Bishop Road, an active underground telephone line, and an overhead power line that cross the Belle Ayr 2000 Tract would have to be relocated in order to recover all of the coal included in the tract. The county, state, and federal governments would benefit from bonus payment, royalties, and taxes that would be paid if the coal is mined, and employment levels would be maintained at the Belle Ayr Mine for an additional two to three years.

Leasing the Belle Ayr 2000 Tract would slightly increase the total area that would be affected by mining but would not cause a cumulative change in daily impacts because it is an extension of an ongoing operation and mining disturbance is progressive with reclamation proceeding contemporaneously. There would be no major cumulative impacts related to mining the tract.

CHAPTER 1 ERRATA

Page No./Paragraph/Line	Errata
1-3 Last 6	The sentence should read: "Mining activities at Belle Ayr Mine will bypass the Belle Ayr 2000 Tract within the next two years. "(Insert space between 2000 and tract.)

CHAPTER 2 ERRATA

Page No./Paragraph/Line	Errata
2-5 5 4	Insert after first sentence: Coal production volumes are currently below the 14.9 mmtpy produced in 2000. Belle Ayr estimates that the maximum production rate at which coal would be removed from the Belle Ayr 2000 Tract would be 10.2 mmtpy.

CHAPTER 3 ERRATA

Page No./Paragraph/Line(s)	Errata
3-6 2	Regional groundwater movement in the coal seams is primarily to the north and west with little vertical movement.
3-8 5 1	The sentence should read: "Total dissolved solids (TDS) in Caballo Creek is high." (Insert space between TDS and in.)

Page No./Paragraph/Line(s)	Errata
3-13 Last 5-6	Combine last two sentences to read: "The vegetation inventory is presented in Appendix 2.8-1 of WDEQ Permit to Mine #214 and the vegetation types and sample locations are given on Map 2.8-1." This clarifies that Map 2.8-1 is part of WDEQ Permit #214.
3-18 3 1	Delete space between last word in sentence and period.
3-18 4 and 5	Insert line after sentence ending "...2 to 16 young," to separate paragraphs 4 and 5.
3-18 6 3-5	The sentence should read: "Because Swainson's hawks prey primarily on rodents, the recent decline in lagomorph populations probably has influenced that species' breeding success."
3-20 5 1	<p>Replace Section 3.10.7 with the following:</p> <p>Section 3.10.7 FISHES AND AMPHIBIANS</p> <p>"Draw No. 2, an ephemeral drainage, is the only potential body of water located on the Belle Ayr 2000 Tract. The drainage is not known to support persistent pools following rain events, so fish are highly unlikely to occur there. No incidental observations of fish were ever recorded during surveys for other fauna in the vicinity of Draw No. 2. Any aquatic habitat present in Draw No. 2 is limited in quantity, and is similar to habitat available elsewhere on the permit area and surrounding perimeter."</p>

Page No./Paragraph/Line(s)	Errata
	<p>“Three amphibians have been recorded on the Belle Ayr permit area, the boreal chorus frog (<i>Pseudacris triseriata maculata</i>), Northern leopard frog (<i>Rana pipiens</i>), and the Tiger salamander (<i>Ambystoma tigrinum</i>). The boreal chorus frog is heard throughout the permit area and surrounding perimeter throughout early spring and summer. Occurrences of all three species at the Belle Ayr Mine have been limited to larger, more persistent water bodies such as native and reclaimed reaches of Caballo Creek. Two other amphibian species common to Campbell County include the Plains spadefoot toad (<i>Scaphiopus bombifrons</i>) and the Great Plains toad (<i>Bufo cognatus</i>). Neither of these two species has been documented at Belle Ayr Mine.”</p>
<p>3-21 5 4</p>	<p>The sentence should read: “In mid-June, biologists saw one adult flying over the creek.”</p>
<p>3-23 3</p>	<p>Replace paragraph 3 with the following: “Native American tribes that have been identified as potentially having concerns about actions in Northern Wyoming have been contacted with requests to identify potentially significant religious or cultural sites on the LBA Tract. “</p>

CHAPTER 4 ERRATA

Page No./Paragraph/Line	Errata
<p>4-4 5 9</p>	<p>The sentence should read: “These plans are in place for the existing Belle Ayr Mine and would be developed for the Belle Ayr 2000 Tract if it is leased.”</p>

Page No./Paragraph/Line	Errata
4-8 6 2-4	The sentence should read: "Monitoring programs used to assess the probable hydrologic consequences of mining by detecting changes in the hydrologic balance are discussed in Sections 2.6 and 5.3 of the permit."
4-20 5 3	The sentence should read: "This would increase the time it would take for the postmining backfill in the area of the Belle Ayr Mine to reach equilibrium water levels and water quality."
4-24	The table has been reformatted so that header words don't wrap around lines. Corrected Table 4-4 is reprinted in this Final EA following this Errata section.
4-31 2 5-8	The sentence should read: "Construction of the proposed railroad line and power plants would not impact the geology or mineral resources in the area, so there would be no overlapping impacts related to these projects." (Delete paragraph break in the middle of the last sentence.)
4-38 5 7	Delete sentence 3 in this paragraph and replace with the following: "Using data compiled from ten surface coal mines in the eastern PRB, Martin et al. (1988) concluded that backfill groundwater quality improves markedly after the backfill is leached with one pore volume of water. The same conclusions were reached by Van Voast and Reiten (1988) after analyzing data from the Decker and Colstrip Mine areas in the northern PRB. Postmining groundwaters are therefore expected to be of better quality after one pore volume of water moves through the backfill than what is observed in the backfill today."

Page No./Paragraph/Line	Errata
4-39 2 4-9	These sentences should read: "The major current use of the water from the aquifers being replaced by the spoils (the Wasatch and Wyodak Coal aquifers) is for livestock because these aquifers are typically high in dissolved solids in their premining state (Martin, et al. 1988). According to monitoring data published by GAGMO (Hydro-Engineering 1991a, 1991b, 1992, 1993, 1994, 1995, 1996b, 1997, 1998, 1999, TDS values in backfill wells have ranged from 400 to 25,000 mg/l. (Add spaces between sentences.)
4-45 6 1-4	The sentence should read: "Additional discussions of cumulative impacts to wildlife from coal development and industrialization of the eastern Powder River Basin are discussed in BLM regional EIS's for the area (BLM 1974, 1979, 1981, 1984b), and these discussions are incorporated by reference into this EA."

CHAPTER 6 ERRATA

Page No./Paragraph/Line	Errata
6-4	Delete the following reference: Houghton, R.L., D.L. Fisher, and G.H. Groenewold, 1987, Hydrogeochemistry of the Upper Part of the Fort Union Group in the Gascoyne Lignite strip-mining area, North Dakota. U.S. Geological Survey Professional Paper 1340. 104 pages.

Table 4-4
Coal Production and Development Levels
Campbell and Converse Counties, Wyoming

	Coal Production (Million Tons)	Number of Active Coal Mines	Number of Existing Power Plants	Number of Active Coal Enhancement Facilities	Direct Coal Employment	Average Price-NE Wyoming
1979 Predictions for 1990	174.3	15	2	1	3,889	na
1981 Predictions for 1990	318.4	37	3	1	11,900	na
Actual 1990	162.6	18	3	1	2,862	\$6.86
Actual 1994	216.9	19	4	1	3,126	\$5.62
Actual 1995	246.5	19	4	1	3,177	\$5.60
Actual 1996	261.1	18	4	2	3,274	\$5.40
Actual 1997	264.1	18	4	2	3,164	\$5.03
Actual 1998	297.5	16	4	2	3,348	\$4.73
Actual 1999	319.9	15 ¹	4	2	3,362	\$4.66
Existing Power Plants:	PP&L Dave Johnson, PP&L Wyodak, Black Hills Simpson #1, and Black Hills Simpson #2					
Proposed New Power Plants	NAPG Two Elk, Calpine and Black Hills Wygen #1					
Existing Coal Enhancement:	ENCOAL-Buckskin (inactive), KFx-Fort Union (active), and Wyodak Earthco (active)					

¹ Includes the Dave Johnson Mine, which is not included in Table 4-3.

Sources: 1979 and 1981 BLM Powder River Basin Regional EISs, Wyoming State Geological Survey Geo-notes-1996-99, and Wyoming State Inspector of Mines Annual Reports, 1990-99,

APPENDIX A
COMMENT LETTERS AND RESPONSES





United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
4000 Airport Parkway
Cheyenne, Wyoming 82001

BUREAU OF LAND
MANAGEMENT
CASPER FIELD OFFICE
01 FEB -6 AM 11:11

ES-61411
pd/W.02/wy4336.pd

January 30, 2001

Memorandum

To: Nancy Doelger, Project Coordinator, Bureau of Land Management, Casper Field Office, Casper Wyoming

From: Mike Long, Field Supervisor, U.S. Fish and Wildlife Service, Wyoming Field Office, Cheyenne, Wyoming *Mike Long*

Subject: Environmental Assessment for the Belle Ayr 2000 Federal Coal Lease Application (WYW 151133)

Thank you for the Environmental Assessment (EA) for the Belle Ayr 2000 Federal Coal Lease Application (project): The EA addresses a coal lease request from RAG Wyoming Land Company, Inc. for 243.61 acres and 29 million tons of mineable coal in Campbell County, Wyoming.

The Endangered Species Act of 1973, as amended (Act), requires Federal agencies to ensure their activities will not jeopardize a listed or proposed species, or critical habitat, for actions under their discretion. Leasing this coal tract is a discretionary Federal action, and therefore, the Bureau of Land Management (BLM) needs to consult with the Fish and Wildlife Service (Service) if the proposed action (issuance of a mining lease), will negatively affect a listed species or jeopardize a proposed species. We understand the mine permitting process will provide opportunities to assess impacts to threatened and endangered species, if any. However, delaying resolution of threatened and endangered species concerns until the mine permitting stage does not satisfy consultation requirements under section 7 the Act. Additionally, the stipulation regarding threatened and endangered species (Appendix C) states that potential impacts to species protected by the Act which cannot be resolved through coordination with the Service could be restricted or constrained by the State regulatory authority (Wyoming Department of Environmental Quality (WDEQ)). If there will be adverse affects to species protected by the Act as a result of this action, or future actions which could be facilitated by the leasing action, the BLM needs to request a formal section 7 consultation for this project, and implement the results of that consultation in order to be in compliance with the Act. If the proposed action or future actions facilitated by the proposed action may affect, but is not likely to adversely affect listed species, then informal consultation with the Service will be necessary. If the BLM is transferring consultation responsibility to

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MANAGEMENT
CASPER FIELD OFFICE

Nancy Doelger

2

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WDEQ, then the BLM should advise WDEQ of their responsibilities under the Act, and the need to initiate section 7 consultation. The BLM should also provide our office with a contact person at WDEQ. However, BLM remains ultimately responsible for ensuring compliance with the Act.

If you have any questions, please contact Pat Deibert of my staff at the letterhead address or phone (307)-772-2374, extension 26.

cc: Statewide Habitat Protection Office, WGFD, Cheyenne, WY
Margot Zallen, FWS Solicitors Office, Denver, CO
Grady Towns, FWS NEPA Coordinator, Denver, CO

**Response to Comment Letter 1:
U.S. Fish and Wildlife Service**

BLM has concluded that leasing the Belle Ayr 2000 LBA tract is not likely to adversely affect any of the threatened, endangered, or candidate species that U.S. Fish and Wildlife Service advised may be present in the area of the Belle Ayr 2000 LBA Tract. This evaluation is summarized in Appendix C of the Belle Ayr 2000 Draft Environmental Assessment. The stipulation referenced in Appendix C is intended as a reminder to the lessee that the process of evaluating potential impacts to T&E species continues after a lease is issued. Specifically, it is intended as a notification to the lessee that continuing evaluation of potential impacts to threatened and endangered species will be part the process of obtaining and maintaining a permit to mine, and that mining operations can be restricted by the permitting agency if potential impacts to threatened, endangered or candidate species cannot be resolved.

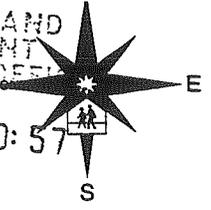


JIM GERINGER
GOVERNOR

State of Wyoming
Office of Federal Land Policy

Art Reese, Director

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MANAGEMENT
CASPER FIELD OFFICE
01 FEB -6 AM 10: 57



February 5, 2001

Nancy Doelger
BLM, Casper Field Office
2987 Prospector Drive
Casper, WY 82604

CORRECTED COPY

Re: Environmental Assessment for the Belle Ayr 2000 Lease Application , 2000-124

Dear Nancy:

On behalf of the State of Wyoming, this office has reviewed the referenced environmental assessment. We also provided the document to all affected state agencies for their review, in accordance with State Clearinghouse procedures. Enclosed you will find a letter from the Wyoming Game and Fish Department which resulted from their review. State agency comments are specific to their respective agency missions. While the State defers to their technical expertise in developing the State's position, the responsibility to ultimately articulate the official state policies and positions lies with the Governor or the Office of Federal Land Policy. This office submitted a letter to you dated January 29, 2001 which contained an error. Please replace that letter with this one.

The State supports the proposed action. Given that three sides of this tract are currently being mined, we would expect new environmental impact to the area would be limited. As well, if this tract is not leased it will result in a loss of revenue for the federal government and the State of Wyoming on twenty-nine (29) million tons of recoverable coal. In order to fully realize this resource we encourage the BLM to move swiftly on this LBA.

Please continue to provide this office with either a hard copy or electronic copy (submit to schild@state.wy.us) of continued information for review and distribution to interested agencies. Thank you for the opportunity to comment.

Sincerely,

Art Reese
Director

Enclosure

cc: Campbell County Commissioners
Wy. Game and Fish Department
Wy. State Geological Survey

WYOMING
GAME AND FISH DEPARTMENT

Jim Geringer, Governor



John Baughman, Director

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CASPER FIELD OFFICE

3

"Conserving Wildlife — Serving People" 01 FEB -6 AM 10: 57

January 22, 2001

WER 153.01
Bureau of Land Management
Casper Field Office
Draft Environmental Assessment
Belle Ayr 2000 Coal Lease Application
(WYW151133)

Art Reese, Director
Office of Federal Land Policy
Herschler Building, 1W
122 W. 25th Street
Cheyenne, WY 82002

Dear Mr. Reese:

These comments regarding the draft environmental assessment for the Belle Ayr Coal Lease Application (WYW151133) have been approved by the Director and are specific to this agency's statutory mission within State government which is "Conserving Wildlife, Serving People". In that regard these comments are meant to, in association with all other agency comments, assist in defining the Official State Position. These comments defer to and are subordinate to the Official State Position.

Regarding terrestrial wildlife, the environmental assessment appears to have adequately addressed wildlife issues and we have no additional comments or concerns.

Regarding aquatics, the document indicates at pages 3-20 (fishes) that because Draw No. 2 is ephemeral, no aquatic habitat exists. This is incorrect. Ephemeral streams can be very important habitats on a seasonal basis for amphibians and fishes. We suggest this section be changed to reflect this and any data on amphibians included.

These comments are reflective of a specific agency mission only. These comments defer to and are subordinate to the Official State Position.

BUREAU OF LAND
MANAGEMENT
CASPER FIELD OFFICE

01 FEB -6 AM 10: 58

Thank you for the opportunity to comment.

Sincerely,



BILL WICHERS
DEPUTY DIRECTOR

BW:TC:as

These comments are reflective of a specific agency mission only. These comments defer to and are subordinate to the Official State Position.

**Response to Comment Letters 2 & 3:
Wyoming Office of Federal Land Policy &
Wyoming Game and Fish Department**

Section 3.10.7 has been revised in the final EA to include information about fish and amphibians as follows:

Section 3.10.7 FISHES AND AMPHIBIANS

"Draw No. 2, an ephemeral drainage, is the only potential body of water located on the Belle Ayr 2000 Tract. The drainage is not known to support persistent pools following rain events, so fish are highly unlikely to occur there. No incidental observations of fish were ever recorded during surveys for other fauna in the vicinity of Draw No. 2. Any aquatic habitat present in Draw No. 2 is limited in quantity, and is similar to habitat available elsewhere on the permit area and surrounding perimeter.

Three amphibians have been recorded on the Belle Ayr permit area, the boreal chorus frog (*Pseudacris triseriata maculata*), Northern leopard frog (*Rana pipiens*), and the Tiger salamander (*Ambystoma tigrinum*). The boreal chorus frog is heard throughout the permit area and surrounding perimeter throughout early spring and summer. Occurrences of all three species at the Belle Ayr Mine have been limited to larger, more persistent water bodies such as native and reclaimed reaches of Caballo Creek. Two other amphibian species common to Campbell County include the Plains spadefoot toad (*Scaphiopus bombifrons*) and the Great Plains toad (*Bufo cognatus*). Neither of these two species has been documented at Belle Ayr Mine."

