

**APPENDIX I**

**COMMENT LETTERS ON THE DRAFT EIS  
AND RESPONSES**



Lesley Collins/CFO/WY/BLM/DOI  
11/13/2006 08:46 AM

To Nancy Doelger/CFO/WY/BLM/DOI@BLM, Mike Karbs/CFO/WY/BLM/DOI@BLM  
cc  
bcc  
Subject Fw: public comment on eis for eagle butte west coal lease application wyw 155132 oct

Lesley A. Collins

----- Forwarded by Lesley Collins/CFO/WY/BLM/DOI on 11/13/2006 08:46 AM -----



Bk1492@aol.com  
11/12/2006 04:39 AM

To casper\_wymail@blm.gov, comments@whitehouse.gov, vicepresident@whitehouse.gov  
cc  
Subject public comment on eis for eagle butte west coal lease application wyw 155132 oct

my comments are for the public record on this lease. i have comments as to each page:  
es-2 shows an area so torn up its firtually all destroyed by profiteering. i totally object to this lease. this land should be left undisturbed. the effect on wildlife, birds/vegetation is totally horrendous. the mining affects air all across this country. the polluted air goes east across the entire united states.

1

page 2-26 the impacts are enormous. this project should not go forward. i think only mining profiteers that have equipment that doesnot blast out nox should ever be allowed anywhere. why would blm allow a company that uses equipment that blasts out nox be allowed to operate on national taxpayer owned land? to poison us all?

pg 3-46 - this equipment causes acid rain. the health of people, birds, animals, trees are all negatively impacted by this kind of development. why should we die for these profiteers?

national taxpayers own this land. blm is allowing developers to usurp what should be used to protect all americans, not used to enrich local profiteers. the effects on animals, birds, people are highly toxic. dont give this lease.

2

pg 3-125 - a "promise" is made to "relocate" raptor nests. what a fake and lie. raptors do not "relocate" based on human intervention. in fact they avoid humans totally

big game animals live where the food and cover are. this a lie flat and outright when this report says they are "highly mobile". yes, they can starve to death when "highly mobile" too.

pg 3-108 - so many species will be wiped out by this blm atrocity. this is taxpayer owned land . blm forgets it works for the entire american public and should be working for its protection, not its demise at the hands of profiteers.

3

this plan is extremely risky with this lessee being able to rape and pillage this land and then go out of business, leaving -once again - the national taxpayers holding the poisoned land and paying to clean it up. there is no guarantee of clean up by a corporation which can go out of buisness at the drop of a hat.

blm is an extremely nasty agency - look at its treatment of wild horses. which are seized from their home lands and thrown in to slaughterhouses where they die grisly deaths. any agency with such a nasty, horrific agenda shows that it does not protect american interests. this agency is as bad as terrorists.

page b-2 - wyoming negligence in not considering any birds or animals threatened shows the worst environmental record in the entire u.s. how can this state be so negligent? are they not aware this country is finite?

b. sachau  
15 elm st  
florham park nj 07932



# United States Department of the Interior

2

U. S. GEOLOGICAL SURVEY

Reston, VA 20192

In Reply Refer To:  
Mail Stop 423

November 21, 2006

Ms. Nancy Doelger  
Bureau of Land Management  
2987 Prospector Drive  
Casper, WY 82604

RE: Draft Environmental Impact Statement for the Eagle Butte Mine in the Wyoming Powder River Basin

Dear Ms. Doelger:

The U.S. Geological Survey has reviewed the draft environmental impact statement and has no comments.

Sincerely,

*/Signed/*

Lloyd H. Woosley, Jr., P.E.  
Chief, Environmental Affairs Program

Cc: EAP Chron, MS 423  
USGS:WRD:LWOOSLEY:bjjohnso:x6832:11/21/06



# WYOMING GAME AND FISH DEPARTMENT

5400 Bishop Blvd. Cheyenne, WY 82006

Phone: (307) 777-4600 Fax: (307) 777-4610

Web site: <http://gf.state.wy.us>

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3

December 6, 2006

WER 319.03  
Bureau of Land Management  
Casper Field Office  
Draft Environmental Impact Statement  
Eagle Butte West Coal Lease Application  
WYW155132  
Campbell County

Nancy Doelger  
Bureau of Land Management  
Casper Field Office  
2987 Prospector Drive  
Casper, WY 82604-2968

Dear Ms. Doelger:

The staff of the Wyoming Game and Fish Department has reviewed the Environmental Impact Statement for the Eagle Butte West Coal Lease Application WYW155132 in Campbell County. We offer the following comments for your consideration.

We provided terrestrial wildlife and aquatic comments on this project in a letter dated July 19, 2005, and those remain valid. It appears the BLM has considered impacts to wildlife and wildlife-related recreation in the Draft EIS. We recommend the Final EIS and Record of Decision include the recommended mitigation for negative impacts.

1 { We have two minor editorial comments to improve the accuracy of the document. On several pages, the document refers to "critical [big game] ranges" (e.g., pages 3-108 and 3-134). "Critical" is a federal designation for T&E species habitat. Our agency designates "crucial" ranges for big game. For clarification, we recommend making that change. Also, on page 3-118, the graph refers to "No. Males per Lek." For accuracy and clarification, this should read "Average No. Males per Lek."

Ms. Nancy Doelger  
December 6, 2006  
Page 2 - WER 319.03

Thank you for the opportunity to comment.

Sincerely,

  
JOHN EMMERICH  
DEPUTY DIRECTOR

JE:VS:gfb

cc: USFWS



# Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor

John Corra, Director

4

December 11, 2006

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

RE: Response to Eagle Butte Coal LBA Draft EIS

Dear Ms. Doelger:

These comments regarding the Eagle Butte Coal LBA Draft EIS are specific to this agency's mission within State government which is protection of public health and the environment. In that regard, these comments are meant to, in association with all other agency comments, assist in defining the Official State Position. Any comments regarding Land Quality Division concerns will be under separate cover.

We appreciate the opportunity to comment in this process and look forward to working with you in the future. If you have any questions, please feel free to contact me at 307-777-7555.

Sincerely,

Todd Parfitt  
Deputy Director

Enclosure

cc: Governor's Planning Office  
Kelly Bott  
Darla Potter

307-777-7555  
307-777-7555



**DRAFT EIS COMMENT FORM**

Reviewer: **Darla Potter / Kelly Bott** Agency: **WDEQ - AQD** Date: **10/31/2006**  
 Contact (phone/email): **307-777-7346 / -6088** **dpotte@state.wy.us kbott@state.wy.us** Comments Due: **12/18/2006**

Page	Section	Paragraph	Line	Comment	Follow up to Comment
3-23	3.4.1.1	Table 3-3		Please remove reference to 1-hour Averaging Time for Ozone in the table or include text in the EIS that provides the following explanation. EPA published a final rule on August 3, 2005 identifying areas for which the 1-hour ozone standard was revoked. In that notice, the 1-hour ozone standard was revoked, effective June 15, 2005, for all areas of Wyoming. The WDEQ-AQD then completed the process to remove the 1-hour standard from Wyoming Air Quality Standards & Regulations. That action was completed and the effective date for the removal from the regulations was January 30, 2006. As a result, there is no federal 1-hour ozone standard that applies to Wyoming and there is no state 1-hour ozone standard that applied to Wyoming.	
3-23	3.4.1.1	Table 3-3		Please update the PM2.5 standards. On September 21, 2006, EPA announced final revisions to the National Ambient Air Quality Standards for particulate matter, which were published in the Federal Register on October 17, 2006 and take effect on December 18, 2006. The revision strengthens the 24-hour PM2.5 standard from 65 to 35 ug/m3 and revokes the annual PM10 standard of 50 ug/m3. EPA retained the existing annual PM2.5 standard of 15 ug/m3 and the 24-hour PM10 standard of 150 ug/m3. After the final rule becomes effective, the State of Wyoming will enter into rulemaking to revise the Wyoming Ambient Air Quality Standards. It is our understanding that the final EIS will be released in 2007, after the new National Ambient Air Quality Standards for particulate matter become effective.	
3-30	3.4.2.1	1st Column, last sentence		Prior to the last sentence in the column, beginning "Wyoming's ambient air standards...", please include the following statement: "On September 21, 2006, EPA announced final revisions to the National Ambient Air Quality Standards for particulate matter, which were published in the Federal Register on October 17, 2006 and take effect on December 18, 2006. The revision strengthens the 24-hour PM2.5 standard from 65 to 35 ug/m3 and revokes the annual PM10 standard of 50 ug/m3. EPA retained the existing annual PM2.5 standard of 15 ug/m3 and the 24-hour PM10 standard of 150 ug/m3. After the final rule becomes effective, the State of Wyoming will enter into rulemaking to revise the Wyoming Ambient Air Quality Standards."	

307-777-7346  
 10/31/2006  
 10:00 AM



5

U.S. Department of the Interior - Bureau of Land Management  
COMMENT FORM  
Public Hearing  
Eagle Butte West Coal Lease Application Draft EIS  
Gillette, Wyoming  
November 14, 2006

LEAVE COMMENTS AT REGISTRATION TABLE. You can also mail them to: Bureau of Land Management; Nancy Doelger, Project Manager; Casper Field Office; 2987 Prospector Drive, Casper, Wyoming 82604. They can be faxed to the attention of Nancy Doelger at 307-261-7587, or emailed to the attention of Nancy Doelger at casper\_wymail@blm.gov.

Please Read Carefully

Comments, including names and street addresses of respondents will be available for public review at the Casper Field Office; 2987 Prospector Drive, Casper, Wyoming during regular business hours (7:30 a.m. to 4:30 p.m.) Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. 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.

Name/Organization: Gayle + Ginny Nannemann

Address: 1810 GOLD DR

Zip Code: 82716

Comments:

- 1 Correction on households in T50N R72W Sec.8  
Maps show one. There are three households
- 2 We are concerned with the effect mining will  
have on our water, both domestic and livestock.
- 3 Air Quality - The brown haze that hangs in the  
valley already
- 4 Blasting - damage to foundations and underground  
pipes etc already felt when they were blasting.

Signature: Ginny Nannemann

ENCOURAGING RESPONSIBLE DEVELOPMENT TODAY ~ FOR TOMORROW

934 N. MAIN ST. SHERIDAN, WY 82601 (307) 672-5809 FAX (307) 672-5800  
INFO@POWDERRIVERBASIN.ORG WWW.POWDERRIVERBASIN.ORG



December 18, 2006

Bureau of Land Management  
Casper Field Office  
Attn: Nancy Doelger  
2987 Prospector Drive  
Casper, WY 82604  
[casper\\_wymail@blm.gov](mailto:casper_wymail@blm.gov)

RE: Draft EIS Eagle Butte Coal Lease Application

Dear Ms. Doelger:

Thank you for the opportunity to review and present our comments and concerns on the proposed Eagle Butte Coal Lease Application.

The Powder River Basin Resource Council has a long history of involvement working for responsible coal leasing and mining in the Powder River Basin. We have members living in and around the Eagle Butte mine that have been negatively impacted in the past and whose health and welfare have been threatened by dangerous levels of NOx gases and by poor air quality emissions from the Eagle Butte Mine.

- 1 { Alternatives: We request that the proposed lease expansion carefully consider an alternative to reduce the impacts to nearby landowners and members of the public. We believe the BLM should consider an alternative that reviews a lease boundary that ensures the least impact to public locations, including the airport, the highway and Rawhide school and to private landowners. We request a broader alternatives review in the final EIS that provides a lease boundary with a larger buffer to the airport, Rawhide School and private landowners.
- 2 { Please provide more analysis of potential impacts to the airport and please provide information regarding FAA regulations and any restrictions regarding proximity to mining operations.

Site Specific NOx emissions: - the Draft EIS contains incorrect information in the executive summary and on page 3-47 and 3-51 where the document states: "To date,

3

there have been no reported events of public exposure to NO2 from blasting activities at the Eagle Butte Mine.” and “Residents in the area have reported observing blasting clouds coming off of blasts at the mine, but there have been no events of public exposure to NO2 from blasting activities at the Eagle Butte Mine reported to WDEQ/LQD through 2005. Contrary to these statements, in the past several years there have been several reported events of public exposure to NO2 from blasting activities at the Eagle Butte Mine where large orange clouds drifted off the site and engulfed nearby homeowners. It was these events and exposures that lead to the public outcry and concerns brought to the DEQ, the Land Quality Advisory Board, the Environmental Quality Council, the Office of Surface Mining and the EPA.

4

Further, regarding NOx emissions the EIS should evaluate whether or not there is an increased potential for NOx emissions in the proposed area to be mined and ensure if those locations are closer to public areas like schools and airports and ensure that there are protections in place for the public from NOx blasting gases. The EIS should also evaluate what conditions, wetter coal, might exist that would lead to increased NO2 gas emissions during blasting operations.

5

Air Quality and Particulate Matter - This organization has received repeated complaints and concerns over the years regarding the degraded and poor air quality caused to nearby landowners from the dust and other emissions coming off the Eagle Butte Mine. Please provide more discussion regarding both site specific air quality impacts to the area and threats to health. Also, please provide more discussion regarding the cumulative impacts to air quality from all sources including coal mining, coal plants, CBM development and other sources. Also, please provide more information regarding the impact to nearby Class I airsheds and adequate air quality monitoring to demonstrate the impacts from all cumulative sources. Where impacts are noted to exceed standards please provide required mitigation measures to reduce those impacts.

6

A matter that receives little discussion in this EIS is the issue of mercury emissions. The DEIS states that leasing the Eagle Butte West LBA tract will not result in increased or new emissions of mercury. Please explain and justify this statement. Will the Eagle Butte West LBA tract result in longer term mercury emissions? Please provide more discussion on the impacts of mercury to wildlife and human health.

Another matter that BLM completely ignores is the issue of CO2 emissions from burning coal. Please provide a discussion of the impacts of burning coal and the resultant greenhouse gas issues. What role does burning coal play in the build up of greenhouse gas emissions in the atmosphere? What impacts are predicted for climate change? How will a potential carbon tax which is being discussed in order to address greenhouse issues impact the proposed mining of coal?

7

Groundwater drawdown and loss - The discussion on groundwater fails to note the number of water wells in the area that have been impacted over the years and have been replaced due to overlapping impacts from coal mining and CBM development. The

{ DEIS also fails to discuss the growing demand for water in the Gillette area and the issue of where this water supply will be met.

8

{ Wildlife Issues – the DEIS fails to mention that elk have been documented and killed in the past several years on a more frequent basis in the area of the proposed LBA north and east of the airport. Please provide more up to date information on elk usage in the area.

9

{ Sage Grouse leks are known to historically occur in and near the proposed area. Please provide updated information on the status of the leks and the sage grouse in this area. Given the critical nature of this species please provide protection for the leks and buffer areas to protect this species. Please provide a map showing the leks and known sage grouse populations in the area in the Final EIS. Please state the impacts to the bird from the proposed Eagle Butte LBA.

Thank you for the opportunity to review and comment on the Proposed Eagle Butte LBA. We look forward to your responses and to the reviewing the Final EIS.

Sincerely,



Jill Morrison  
Powder River Basin Resource Council



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

999 18<sup>TH</sup> STREET- SUITE 300  
DENVER, CO 80202-2466  
Phone 800-227-8917  
<http://www.epa.gov/region08>

7

Ref: 8EPR-N

DEC 18 2006

Ms. Nancy Doelger  
Bureau of Land Management, Casper Field Office  
2987 Prospector Drive  
Casper, Wyoming 82604

Re: Draft Environmental Impact Statement for  
Eagle Butte West Coal Lease Application  
Campbell County, Wyoming  
CEQ # 20060430

Dear Ms. Doelger:

Thank you for forwarding a copy of the Eagle Butte West Coal Lease Application Draft Environmental Impact Statement (DEIS) to the U.S. Environmental Protection Agency Region 8 (EPA) for review. In accordance with our responsibilities under the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4321, et. seq., and Section 309 of the Clean Air Act, EPA Region 8 has reviewed the DEIS and offers the following comments.

The DEIS assesses both the site-specific and cumulative environmental impacts of leasing and developing federal coal included in the Eagle Butte West Lease by Application (LBA) Tract. Under the Proposed Action, BLM would hold a competitive lease sale and issue a maintenance lease for a 1,397.6 acre tract. The DEIS also considers an alternative to expand the proposed lease area to 2,372.6 and a no action alternative. The area under consideration is located adjacent to the existing Eagle Butte Mine, approximately three miles north of Gillette, Wyoming, and includes Rawhide Elementary School, several occupied dwellings, and a public road. The DEIS indicates that the coal underlying these structures is considered unsuitable for mining. However, mining operations may still occur within close proximity of the buildings under the lease areas added by the Proposed Action and Alternative 1.

1 { After careful review of the DEIS, EPA's primary concerns are assuring that air quality in the Powder River Basin does not exceed the Clean Air Act standards and minimizing potential localized air quality impacts from blasting and mining activities to the surrounding school and homes. The air quality modeling conducted under the Powder River Coal Review indicates a potential for cumulative impacts to exceed significant thresholds for the National Ambient Air Quality Standards (NAAQS) for particulate matter as PM<sub>10</sub> and some increments under the Prevention of Significant Deterioration (PSD) regulations. While air monitoring stations near the Eagle Butte Mine have not measured exceedances of the 24-hour PM<sub>10</sub> standard, other monitoring stations in the Powder River Basin have. Consequently, both monitoring data and

modeling results suggest potentially significant cumulative PM<sub>10</sub> impacts caused by existing or future development. Given the magnitude of the predicted PM<sub>10</sub> violations, nearly three times the level of the 24-hour PM<sub>10</sub> NAAQS, Best Available Work Practice mitigation should be required for this project.

2 { The FEIS should identify all relevant, reasonable mitigation measures for air quality impacts, even if they are outside the jurisdiction of BLM. In addition, EPA recommends the FEIS identify a strategy to assure compliance with the 24-hour and annual PM<sub>10</sub> NAAQS. Specifically, the FEIS should identify both regulatory and non-regulatory processes that are in place to address air quality concerns in the Powder River Basin, as well as mitigation measures. EPA strongly recommends BLM consider addressing additional source and fugitive dust control at the regional level. This effort should involve BLM's Casper and Buffalo Field Offices in cooperation with Wyoming Department of Environmental Quality (DEQ) and EPA. As expressed in our comment letter on the Maysdorf Coal Lease Application DEIS dated July 26, 2006, we have coordinated these comments with EPA Region 8's Air Program and suggest we convene a meeting with BLM, DEQ, and EPA to discuss these issues.

3 { EPA is also concerned about the proximity of the mining operation to homes and the Rawhide Elementary School. Children may be especially susceptible to the health effects of NO<sub>2</sub> and fine particulates. Children have greater exposure to air pollution because of their faster breathing rates and the amount of time spent playing outdoors. Particulates and NO<sub>2</sub> can aggravate asthma, irritate airways, coughing and cause breathing difficulties. The Final EIS should detail mitigation and monitoring measures that will be undertaken to minimize exposure to particulates and NO<sub>2</sub> for children at the nearby elementary school.

It is EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of the project. Since the DEIS was published, BLM has identified a preferred alternative that closely approximates the Proposed Action. However as the preferred alternative was not identified in the DEIS, EPA is rating the DEIS based on both the Proposed Action and Alternative 1. Under both of these alternatives BLM would hold a competitive coal lease sale and issue a maintenance lease to the successful bidder. EPA is rating this DEIS as Environmental Concerns - EC, Insufficient Information - 2 (EC-2). The EC rating means that EPA's review of the proposed alternatives has identified environmental impacts to air quality that should be avoided in order to fully protect the environment. Mitigation measures should be identified and implemented to reduce the environmental impact. The 2 rating means the DEIS does not contain sufficient information to fully assess the environmental impacts that should be avoided in order to fully protect the environment. A full description of EPA's EIS rating system is enclosed.

If you have any questions regarding the NEPA process or this rating, please contact Joyel Dhieux at 303-312-6647 or me at 303-312-6004. Also, please make note that the EPA Region 8 office will be moving in January 2007. After January 5, 2007, all mail, FedEx and UPS shipments should be sent to our new mailing address:

US EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

Sincerely,



Larry Svoboda  
Director, NEPA Program  
Office of Ecosystems Protection and Remediation

Enclosures

cc: Cindy Cody, EPA Region 8 Air Quality Planning and Management Program  
Darla Potter, Wyoming Dept. of Environmental Quality

# U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements

## Definitions and Follow-Up Action\*

### Environmental Impact of the Action

**LO - - Lack of Objections:** The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

**EC - - Environmental Concerns:** The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

**EO - - Environmental Objections:** The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

**EU - - Environmentally Unsatisfactory:** The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

### Adequacy of the Impact Statement

**Category 1 - - Adequate:** EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

**Category 2 - - Insufficient Information:** The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

**Category 3 - - Inadequate:** EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment, February, 1987.

**Detailed Comments by the Region 8 Environmental Protection Agency  
Draft Environmental Impact Statement for the Eagle Butte West Coal Lease Application  
Campbell County, Wyoming**

*Air Quality*

EPA commends BLM for undertaking the Powder River Coal Review to help evaluate the cumulative impacts of coal and other energy development in the Powder River Basin. In an area with rapidly expanding energy development, such as the Powder River Basin, cumulative impact analysis is a dynamic process. For example in August 2006, Medicine Bow Fuel and Power LLC announced it had awarded a contract to an engineering firm to develop, design and construct a coal-to-liquids plant in northern Carbon County, Wyoming, beginning in the fourth quarter 2006. As other coal mining or gas development is proposed in the Powder River Basin, the cumulative air impacts analysis will need to be revisited and updated to reflect the rapidly expanding energy development.

One of EPA's primary concerns is assuring that air quality in the Powder River Basin does not exceed the Clean Air Act standards. Potential cumulative impacts modeled by BLM in the Powder River Coal review are disclosed in Chapter 4 of this EIS. Projected cumulative impacts exceed the National Ambient Air Quality Standards (NAAQS) for particulate matter as  $PM_{10}$  and some of the increments under the Prevention of Significant Deterioration (PSD) regulations. While air monitoring stations near the Eagle Butte Mine have not measured exceedances of the 24-hour  $PM_{10}$  standard, other  $PM_{10}$  stations in the Powder River Basin have. Consequently, both monitoring data and modeling results suggest potentially significant cumulative  $PM_{10}$  impacts caused by existing or future development.

Section 4.2.3 includes reference to a January 24, 1994, Memorandum of Agreement (MOA) between EPA and the Wyoming Department of Environmental Quality (DEQ) which allows the Wyoming DEQ to conduct air quality monitoring in lieu of short term modeling for assessing the significance of coal mining impacts in the Powder River Basin. However, this same agreement requires Wyoming DEQ to implement "Best Available Work Practice" mitigation measures at any mine where an exceedance of the  $PM_{10}$  NAAQS has occurred. Exceedances have occurred at other Wyoming coal mines in recent years and given the magnitude of the predicted 24-hour  $PM_{10}$  violations, nearly three times the level of the  $PM_{10}$  NAAQS, Best Available Work Practice mitigations should be required for this project.

It should also be noted that the 1994 MOA does not apply to modeled violations of the annual  $PM_{10}$  NAAQS because modeled predictions tend to be more accurate for annual averages. The DEIS also predicts violations of the annual average NAAQS. Even without the predicted 24-hour  $PM_{10}$  NAAQS violations, the predicted annual NAAQS violations are a strong indication of the need for Best Available Work Practice mitigation of  $PM_{10}$  emissions throughout the Powder River Basin.

As noted in Section 3.4.2.3 of the DEIS, increased activity by operators of coal bed natural gas projects and dry conditions have contributed to fugitive dust problems. EPA strongly recommends BLM consider addressing additional source fugitive dust control at the regional level of the Casper and Buffalo Field Offices. BLM should coordinate with the Wyoming Department of Environmental Quality, Air Quality Division, to identify and track cases where monitoring shows exceedances of air quality standards for particulate matter, and give priority to activities that the Air Quality Division issues Notices of Violation.

The third paragraph of Section 3.4.1.1 (page 3-22) includes the following description of the NAAQS and Wyoming Ambient Air Quality Standards (WAAQS): “The NAAQS and WAAQS set the absolute upper limits for specific air pollutant concentrations at all locations where the public has access.” EPA recommends that the FEIS clarify the statement to prevent any misunderstanding. For example, BLM’s recent Draft EIS for the Pit 14 Coal Lease-by-Application (Black Butte Mine) has the following wording: “The NAAQS and WAAQS are health-based criteria for the maximum acceptable concentrations of air pollutants at all locations to which the public has access.”

#### *Proximity to Residences and Elementary School*

EPA is concerned about the potential health risk to the public associated with short term exposure to NO<sub>2</sub> from blasting emissions. The proposed Eagle Butte West mine is closer to population centers, such as schools, bus stops, roads and dwellings, than the other major coal mining operations in the Powder River Basin and we believe this factor increases the potential risk to the public. In Section 3.4.3.3, the DEIS discusses various mitigation strategies that have been used historically to mitigate NO<sub>2</sub> exposures in the Powder River Basin, but does not commit to any specific mitigation strategy. The DEIS acknowledges that while no one single procedure has consistently proven successful in mitigating blasting-related NO<sub>2</sub> emissions, the most successful control measure has been to reduce the size of the cast blasting shots.

EPA recommends blasting restrictions similar to those adopted by the Wyoming Environmental Quality Council (EQC) for the existing Eagle Butte Mine be applied to proposed mine extension. This would include the use of low NO<sub>2</sub> blasting techniques (bore hole liners, improved blasting agents/additives etc.), no blasting when winds are blowing toward populated areas, and limiting the blast size to 50,000 pounds or less. In addition, all public access should be restricted at the time of the blast to within a safe setback distance. Given the proximity of the blasting to the Rawhide Elementary School, EPA further recommends the FEIS detail specific mitigation and monitoring measures that will be undertaken to minimize NO<sub>2</sub> exposure to children at the nearby elementary school. EPA also encourages BLM to explore and include mitigation measures to minimize particulate matter exposure.

### *Wetlands*

Executive Order 11990 directs all Federal Agencies to provide leadership and take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands. Indirect draining of, or direct disturbance of, wetland areas should be avoided if at all possible. If there may be wetlands in the project area, EPA recommends consultation with the U.S. Army Corps of Engineers to determine whether any of the project activities require a Clean Water Act (CWA) Section 404 permit. If disturbance is unavoidable, EPA suggests BLM require a commitment to replace *in kind* such impacted wetlands. As studies indicate that traditional mitigation is generally not successful in fully restoring wetland function, EPA suggests that BLM require a two-to-one mitigation of wetland disturbance. Due to the time it can take to adequately reclaim disturbed wetlands and the potential life of this project, BLM may consider requiring mitigation to begin concurrently with the disturbance.

### *Noxious Weeds*

Noxious weeds are becoming an increasingly difficult problem to manage on western lands, including in the Powder River Basin. The FEIS should list the noxious weeds and exotic plants that occur in the resource area. EPA recommends the FEIS detail a strategy for prevention, early detection of invasion, and control procedures for each species of noxious weed that may pose a threat in the project area.



December 19, 2006

Nancy Doelger  
EIS Coordinator  
Bureau of Land Management  
Casper District Office  
2987 Prospector Drive  
Casper, WY 82604

RE: Draft EIS Comments – Eagle Butte

Dear Nancy:

Please accept the following comments on the Draft EIS. All the following comments refer to Section 3.10 Wildlife. I have not included the comments that arose during the Public Hearing as I assume those are already being addressed.

During the past several years there have been numerous discussions centered on concerns related to sage-grouse populations. Therefore I think it is important to provide some input on those sections that discuss sage-grouse. Much of this discussion centers on information specific to Eagle Butte Mine.

Although sage-grouse leks (historic and recently active) are present within the LBA tract and surrounding perimeter, the Final EIS should clarify the difference between documented display grounds (i.e., breeding) and actual nesting within the tract. As described in the Draft EIS, the LBA tract and lands included within BLM Alternative 1 have been included in annual wildlife monitoring for the Eagle Butte mine since such studies began in 1986, due to their proximity to the mine. No confirmed sage-grouse nests were discovered in that area during at least the last 14 years of annual monitoring, and only one suspected nesting attempt (in 1998) was recorded during that period (refer to 1993-2006 Annual Wildlife Reports for the Eagle Butte Mine, on file with WDEQ-LQD in Sheridan, WY). Review of earlier reports may reveal similar results in numerous additional years, but those documents were not examined when preparing these comments.

Although specific nest searches were not conducted as part of the annual monitoring program at Eagle Butte, biologists did regularly walk and drive through potential nesting habitat throughout spring and summer incidental to surveys for other species. Additionally, specific surveys for sage-grouse broods were conducted twice annually from 1993 through 2002 for the Eagle Butte mine. Those efforts included the entire reach of Little Rawhide Creek as it flows through the eastern portion of the LBA tract. No sage-grouse or their sign

(droppings, feathers) were ever recorded along that drainage during those surveys. The only sage-grouse broods documented within the Eagle Butte monitoring area over the last 14 years were approximately 2.4 mile northeast of the LBA tract under BLM Alternative 1, and 3.0 mile northeast of the LBA tract as applied for (refer to 1997 Annual Wildlife Report for the Eagle Butte Mine, on file with WDEQ-LQD in Sheridan, WY).

We believe these long-term data should be better explained in all discussions of sage-grouse throughout the Wildlife Section when the Final EIS is released, to more accurately depict: the low population of sage-grouse in the proposed LBA area; the documented limited and largely season-specific use of the area by those grouse that are present; and the minimal (28% of total) potential habitat available and thus likely to be impacted by mining for this important species. The inclusion of this information will consequently affect discussions regarding current and future carrying capacity for grouse and other sage obligates, and should be considered during revisions of relevant sections of the EIS (existing conditions, effects sections, etc.).

The general discussion of the Affected Environment accurately describes the area's "predominant natural habitat" as sagebrush grassland (pg. 3-105). However, it fails to remind the reader that only 28% of the entire LBA tract is comprised of this habitat type, whereas 48% is described as Agricultural Pasture (see pp. ES14-15). Given the importance of sagebrush grassland to numerous species of concern in subsequent discussions in this section, we submit that it is important to state and clarify the lower presence of sagebrush habitat within the tract at the beginning of this section to help the reader understand the potential impacts to sage obligates that could, or are known to, occur in the study area. Failure to do so leads to misinterpretation and overstatement of these potential negative effects on sage obligates in the area.

Additionally, the decline in sage-grouse lek attendance at Eagle Butte preceded physical disturbance within 2-3 miles of those sites, and thus cannot be attributed to mine-related activities. Those activities would preclude birds from returning to mined-out leks and nesting habitat. Conversely, increased residential housing developments have affected potential nesting habitat near the Schiermeister lek in recent years, and thus may have contributed to declines in male attendance at that lek during that period (refer to 1993-2006 Annual Wildlife Reports for the Eagle Butte Mine, on file with WDEQ-LQD in Sheridan, WY). Furthermore, long-term attendance patterns at the Barbour lek are beginning to suggest that it is a satellite site to a larger source lek beyond the wildlife monitoring area, as it only appears to be used during years when regional populations are high. That might explain the apparently minimal use of the LBA tract as nesting habitat for hens attending that lek; perhaps more suitable nesting habitat is present within the 2-3 mile radius west of the lek site, beyond the monitoring perimeter for the mine.

Figure 3-14: This figure might be more accurate if the legend indicated that the three-mile radius applied only to leks that have been active in recent years: Rawhide School Satellite, Barbour, and Schiermeister. Additionally, the use of "Historic" for leks sites only applies to those that have been inactive for 10 consecutive years (per WGFD definition). Thus, the former locations for both the Barbour and Schiermeister leks should not be defined in text or figure as "historic".

Pg. 3-120: Cerovski et al. should be 2001. Specific surveys for migratory bird species of management concern are conducted in spring and summer vs. winter through summer as described on this page. The same was true for former MBHFI surveys.

Pg. 3-120: Please include the reference documenting McCown's longspurs, chestnut-collared longspurs, and sage-thrashers as "species that have been recorded nesting in the area". Those species are not listed as known nesters in the document referenced as the source for this information (the Eagle Butte West LBA Wildlife Baseline Report, a.k.a., supplementary information document to this Draft EIS). The presentation of these species as known nesters in the area directly conflicts with the discussion of Level 1 species nesting vs. observed in the area on page 3-122.

Pg. 3-125: Include inactive nests in third bullet, as active nests are rarely relocated. Note also that permits are required and obtained for all nest relocations, not just those implemented for golden eagles. Bullet #11: MBHFI species are no longer included in Monitoring and Mitigation Plans; Eagle Butte and other mines now use birds on the list of Migratory Bird Species of Management Concern for Coal Mines in Wyoming.

Pg. 3-126: The first bullet item should be deleted because it is incorrect. Eagle Butte no longer conducts surveys for winter resident and migrant avian species, and the nesting reference in that bullet is incorrect. Surveys for nesting birds are adequately described in subsequent bullets in that section.

Pg. 3-126: Fourth bullet in first column should describe reclamation of creek channel vs. river channel. Also, annual wildlife monitoring has been conducted at Eagle Butte since 1986, vs. mid-1970s, though baseline work and periodic monitoring for other reasons was done during that earlier period.

Pg. 3-126: Eagle Butte has voluntarily conducted annual and/or periodic surveys for numerous additional species not included in the annual monitoring bullets on this page. Those efforts should be acknowledged in this document, as they provide valuable information relevant to presence/absence of various wildlife species of concern and the potential impacts of mineral extraction on those species, as illustrated in the previous comments. The following bullets should therefore be included in this section:

- winter surveys for big game on and surrounding the permit area (alternate years);
- annual surveys for migrating and nesting waterfowl, shorebirds, and other water obligate avian species;
- breeding bird surveys (previously periodic, now annual);
- periodic small mammal trapping (1986-2001).

Pg. 3-127: Clarify that, although big game surveys are no longer required as part of the annual wildlife monitoring program, FCW recognizes the value of maintaining some level of effort to track big game populations and their use of native and reclaimed habitats within the survey area, as described in a bullet above, and has voluntarily continued these surveys on a reduced but regular schedule.

Please consider the following comments and feel free to contact me with specific questions.

Sincerely,

William L. Boger  
Environmental Manager



"Boger, William L.\(BE)  
3410"  
<WBoger@foundationcoal.com>

12/19/2006 05:09 PM

To <Nancy\_Doelger@blm.gov>

cc <kcollier@wwcengineering.com>

bcc

Subject Comments on DEIS

Nancy;

Please find attached comments on the DEIS. It looks like I'm late so consider what you can. All the comments refer to Section 3.10 Wildlife. I assumed the comments identified in the public hearing are already being addressed. I know Ken has been working on some of them. Please consider the comments related to sage-grouse as the most important as that topic has certainly been a focal point in recent years.

Call if you have any questions.



Bill <<drafteiscomment.doc>> drafteiscomment.doc

## **Responses to Comment Letter 1**

### **B. Sachau**

**Comment Response 1:** Air emissions, including nitrogen dioxide emissions, are regulated and monitored. As discussed in Section 3.4.3.3 of the Final and Final EIS documents, the Eagle Butte Mine mining permit includes conditions regarding procedures that the mine must follow when conducting blasting operations. These procedures are designed to control or limit both emissions of nitrogen dioxide and public exposure to nitrogen dioxide.

As discussed in Section 3.11, the coal is owned by the federal government but the surface of the land included in the tract under the BLM's preferred tract delineation is owned by the applicant for the coal lease, not by the state or the federal government.

**Comment Response 2:** The statements in the EIA regarding impacts to wildlife as a result of surface coal mining are based on monitoring that has been and continues to be required and has been conducted for more than 20 years in this area.

The relocation of raptor nests that will be impacted by surface coal mining is a requirement of the raptor monitoring and mitigation plan for each mine. Approval by the US Fish and Wildlife Service and the Wyoming Department of Environmental Quality is required before mining can occur within buffer zones of active raptor nests. Territorial occupancy and nest productivity are monitored annually. Raptor nest relocations have been successfully conducted by the Eagle Butte Mine and by other mines in the area.

The Wyoming Game and Fish Department reviewed monitoring data on big game species in and around the mine sites in the Powder River Basin in 1999 and concluded that the monitoring indicated a lack of impacts to big game on existing mine sites. No severe mine-caused mortalities had occurred and no long-lasting impact to big game had been noted on existing mine sites.

**Comment Response 3:** Lands that are disturbed to recover coal must be reclaimed following mining in accordance with the requirements of state and federal law. The mines are required to post substantial bonds to cover the cost of reclamation; the final reclamation bond is not released until a minimum of 10 years has elapsed after the reclaimed area is seeded with a final seed mixture. Reestablished vegetation would be dominated by species mandated in the reclamation seed mixtures, which would be approved by the Wyoming Department of Environmental Quality. The majority of the approved species are native to the LBA tract. After reclamation the reclaimed lands support the same uses as they did before mining.

Recently, one of the coal mines and the Rocky Mountain Elk Foundation signed an agreement to create a Conservation Easement for wildlife on lands that were mined for coal and reclaimed in the Powder River Basin. Wyoming Game and

Fish Department has designated about 1,000 of the reclaimed land as crucial winter elk habitat.

**Response to Comment Letter 3**  
**Wyoming Game and Fish Department**

Thank you for providing information to improve the accuracy of the document. We have made the changes you recommended.

**Response to Comment Letter 4**  
**Wyoming Department of Environmental Quality**

We have incorporated the information that you provided into the Air Quality section of the EIS.

**Response to Comment Letter 5**  
**Gayle and Ginny Nannemann**

**Comment Response 1:** Figure 3-8 has been corrected to show multiple dwellings in Section 8, T. 50 N., R. 72 W.

**Comment Response 2:** SMCRA and Wyoming state law require surface coal mine operators to provide the owner of a water right whose water source is interrupted, discontinued, or diminished by mining with water of equivalent quantity and quality.

**Comment Response 3:** The mines are required to conduct long-term air quality modeling to show that their proposed operations will comply with the National and Wyoming Ambient Air Quality Standards, and they are required to monitor to demonstrate that their actual air emissions do not exceed the standards. In the case of the Eagle Butte Mine, the mine permit includes specific blasting control measures that the mine must use to control blasting emissions.

**Comment Response 4:** Blasting by surface coal mines is conducted in accordance with Chapter 6 of the Wyoming Department of Environmental Quality Rules and Regulations. These regulations establish vibration standards that have been developed to protect buildings and other structures such as pipelines and bridges. The Eagle Butte Mine's blasting program is designed to comply with these regulations and has not exceeded the vibration standards designed to protect these structures. Home owners can request pre-blast surveys, which can be used to verify damage that occurs after blasting begins.

**Response to Comment Letter 6**  
**Powder River Basin Resource Council**

**Comment Response 1:** Alternative 1 of the EIS identifies a study area, consisting of the tract as applied for and adjacent unleased federal coal. The

BLM generally considers providing for more efficient coal recovery, increasing competitive interest in the tract, reducing the potential that federal coal will be bypassed, and comments received in the Final EIS in identifying a preferred tract delineation, which is identified in the final EIS. The regulations at 43 CFR 3425.1-9 state: “The authorized officer may add or delete lands from an area covered by an application for any reason he/she determines to be in the public interest.” As a result, under Alternative 1, BLM could select a preferred tract delineation that would either enlarge or reduce the size of the tract as applied for.

BLM’s preferred tract configuration under Alternative 1, which is discussed in Section 2.2 and shown in Figure 2-2 of the final EIS, is to add approximately 30 acres to the northeast corner of the tract as applied for. BLM did not reduce the size of the tract because the tract as applied for is configured to allow recovery of the federal coal while maintaining the required setback distances for conducting blasting operations established by WDEQ/LQD for safety purposes. BLM contacted the WDEQ/LQD to ask if these setback distances would be maintained if the Eagle Butte West LBA Tract is leased and mined. The WDEQ/LQD has indicated that, if the tract is leased, permit conditions designed to control or limit public exposure to NO<sub>2</sub> and flyrock from blasting operations would be no less stringent than the permit conditions for the existing Eagle Butte Mine. There may be coal included in the tract that is considered mineable under the current permit conditions, but would not be considered mineable and would not be recoverable under more stringent permit conditions.

**Comment Response 2:** Additional information regarding the airport’s concerns, expressed during the scoping process, is included in Appendix H of the final EIS. The FAA is included on the mailing list and was provided with a copy of the Final EIS and will be provided with a copy of the Final EIS.

**Comment Response 3:** The Final EIS did incorrectly make the statement that there have been no reported events of public exposure to NO<sub>2</sub> from blasting activities at the Eagle Butte Mine. The Final EIS did, however, identify that residents in the area had brought concerns about blasting practices at the Eagle Butte Mine to the Environmental Quality Council and that control measures to limit public exposure to NO<sub>2</sub> from blasting had been instituted at the mines following those complaints. The statement about reported events has been corrected in the final EIS.

According to WDEQ/LQD, since these control measures were implemented, they have received one report of an orange-tinged blasting cloud at the mine, but no visible NO<sub>2</sub> fumes were reported to have left the mine permit area during that incident.

**Comment Response 4:** The final EIS (Sections 3.4.2.2.1, 3.4.3.2.1, and 3.14.2.1) identifies that the distance between the area that would be mined in the Eagle Butte West LBA Tract (as applied for or under BLM’s preferred tract configuration) and the occupied dwellings and the airport would be similar to,

and not less than, the distance between the federal coal that has previously been recovered from the existing Eagle Butte Mine leases and the dwellings and airport. It also identifies that the distance between the coal that would be mined in the Eagle Butte West LBA Tract (as applied for or under BLM's preferred tract configuration) would be closer to Rawhide Elementary School than the federal coal included in any of the existing Eagle Butte Mine leases. As discussed above, the WDEQ/LQD has indicated that, if the tract is leased, permit conditions designed to control or limit public exposure to NO<sub>2</sub> and flyrock from blasting operations would be no less stringent than the permit conditions for the existing Eagle Butte Mine.

Section 3.4.3.2.1 identifies potential conditions that could lead to increased NO<sub>2</sub> emissions and Section 3.4.3.3 identifies the measures that are used to reduce NO<sub>2</sub> emissions during blasting.

**Comment Response 5:** The Final and final EISs identify that BLM received comments from local residents indicating that blowing dust from operations at the Eagle Butte Mine has affected air quality around their residences and that they have concerns about dust impacts in the future (Section 3.4.2.2.1). Additional information about potential threats to health from particulate matter is included in the final EIS.

The Final and final EIS identify measures that are required and are in place to control particulate emissions at the Eagle Butte Mine (Section 3.4.2.3). If the Eagle Butte West LBA Tract is leased, measures specific to mining operations on the tract will be determined during the permitting process, however, the measures listed in Section 3.4.2.3 are representative of the types of control measures that are required at the Powder River Basin mines. There have been no monitored exceedances of the 24-hour or annual PM<sub>10</sub> Wyoming Ambient Air Quality Standards at the Eagle Butte Mine. PM<sub>10</sub> monitors located at the active mines in the Wyoming Powder River Basin are now required by WDEQ/AQD to sample air quality for a 24-hour period every three days.

Projected cumulative impacts to air quality from all sources, including coal mining coal plants, conventional and CBNG development, and other sources, as well as projected impacts to Class I airsheds, are discussed in Chapter 4, Section 4.2.3. The measures that Wyoming Department of Environmental Quality, Air Quality Division has implemented or is proposing to implement to prevent exceedances of the National and Wyoming Ambient Air Quality Standards by surface coal mines is discussed in Chapter 3, Section 3.4.2.3.

**Comment Response 6:** Additional information about mercury and CO<sub>2</sub> emissions, which are addressed in Section 3.18, has been added to the final EIS. The information that the applicant (Foundation Coal West) provided to BLM during preparation of this EIS indicates that they plan to produce the coal included in the LBA tract at currently permitted levels using existing production and transportation facilities if the Eagle Butte West LBA Tract is leased and mined as proposed. As a result, leasing the Eagle Butte West LBA

Tract under the Proposed Action or Alternative 1 should not be expected to result in increased or new emissions of mercury or CO<sub>2</sub> from coal-fired power plants; however, as stated in Section 3.18, mining operations would be extended if the tract is leased.

Approximately 51.1 percent of electric power in the United States is provided by coal, and the Wyoming Powder River Basin produced about 37.6 percent of the coal used for power generation in 2005. Given this reliance on coal as a source of electric power, if a carbon tax is enacted, it is likely that it will have to be phased in to avoid disruptions in the power supply. Coal could also be needed to power new types of coal-fired power plants designed to reduce emissions in the future. As a result, if a carbon tax is enacted, it is not likely that it would affect demand for the coal included in the Eagle Butte West LBA Tract.

**Comment Response 7:** The Final EIS describes the projected drawdown in the coal and overburden aquifers (Section 3.5.1.2.1), acknowledges that private water supply wells in this area have been impacted by past surface coal mining as well as CBNG development (Section 3.5.3.2.1), identifies the non-mine groundwater and surface water rights that would potentially be affected if the Eagle Butte West LBA Tract is leased and mined (Section 3.5.3 of the Final and Final EIS and the Supplementary Information Document), and identifies that there is a regulatory requirement for surface coal mine operators to provide the owner of a water right whose water source is interrupted, discontinued, or diminished by mining with water of equivalent quantity and quality (Section 3.5.3.3).

Water use in Gillette and the surrounding area is discussed in Sections 3.17.5.1 and 4.2.12.7. If the Eagle Butte West LBA Tract is leased, Foundation Coal West does not project any increases in employment or production rates in order to recover the coal in the tract. Therefore, there would be no projected additional demands on Gillette's water supply capacity or projected increased use of water by the mine under the Proposed Action or Alternative 1, but the existing levels of employment and water use would be extended for a longer period of time.

**Comment Response 8:** Elk are addressed in Section 3.10.2 of the EIS. Although isolated elk sightings have been reported in the area of the proposed Eagle Butte West LBA Tract, the Wyoming Game and Fish Department classifies this area as being outside of the normal elk use range, and big game surveys conducted in this area support this classification.

**Comment Response 9:** The occurrence of sage grouse and the status of the sage grouse leks in this area is described in the Final and final EIS in Section 3.10.5 and Figure 3-14 of the Final and final EIS shows the locations and status of the leks in this area. There are no active leks on the LBA tract itself but there are three active leks within three miles of the tract. Sagebrush is a component of both the Sagebrush/Grassland and Agricultural Pasture 2 vegetation communities, which occupy about 40 percent of the vegetation

analysis area. The only documented presence of sage-grouse broods from 1993 to 2002, when specific brood surveys were conducted, occurred three miles northeast of the LBA tract as applied for or BLM's preferred tract configuration under Alternative 1.

### **Response to Comment 7** **Environmental Protection Agency**

**Comment Response 1:** While the air quality modeling conducted for the Powder River Coal Review does indicated a potential for cumulative impacts to exceeds the National Ambient Air Quality Standards for PM<sub>10</sub>, it does not project exceedances of any increments under the PSD regulations. As is noted in the Final and final EIS, the modeling analysis did not separate PSD increment-consuming sources from those that do not consume increment. The PSD-increment comparison is provided for information purposes only and cannot be directly related to a regulatory interpretation of PSD increment consumption.

The impacts of mining the coal are considered in the Eagle Butte West Coal Lease Application EIS because it is a logical consequence of issuing a maintenance lease to an existing mine, however, BLM's issuance of a lease for the Eagle Butte West LBA Tract does not authorize mining operations on that lease. If a lease is issued for Eagle Butte West LBA Tract, the lessee would be required to file a permit application package with the Wyoming Department of Environmental Quality-Land Quality Division (WDEQ/LQD) and the Office of Surface Mining (OSM) for a surface mining permit and approval of the Mineral Leasing Act mining plan prior to mining the tract. A new coal mine or a modification to an existing mine must also be permitted by the WDEQ Air Quality Division (AQD) under Chapter 6, Section 2 of the Wyoming Air Quality Standards and Regulations (WAQSR) and must demonstrate that the proposed mining operations will comply with all applicable aspects of WAQSR. The mitigation measures that would be required to control air emissions would be developed at that time, based on an analysis of a detailed site-specific mining and reclamation plan.

According to the WDEQ/AQD, the circumstances associated with the monitored exceedances of the 24-hour PM<sub>10</sub> standard in the Powder River Basin prior to 2007 provided adequate reason to believe that high wind events and blowing dust have caused exceedances of the ambient air quality standards that otherwise would not have occurred. In response to the measured exceedances of the 24-hour PM<sub>10</sub> ambient air quality standards and in anticipation of conditions that would potentially lead to future exceedances, the WDEQ/AQD has collaborated with the Wyoming Mining Association to develop a Natural Events Action Plan for the coal mines of the Powder River Basin, based on EPA Natural Event Policy guidance. A report describing the plan has been submitted to EPA. Additional information regarding the plan and the proposed measures that would be implemented as a part of the plan, as well as the dust control measures that are considered to be Best Available

Control Measures is described in the Air Quality section (specifically Sections 3.4.2.1.1 and 3.4.2.3) of the Final EIS.

**Comment Response 2:** Mitigation measures for air quality impacts and the strategy proposed by WDEQ/AQD to address mining-related air quality impacts are identified in Sections 3.4.2.3 and 3.4.3.3 of the EIS. As indicated in the response to your comment letter in the Final Environmental Impact Statement for the Maysdorf Coal Lease Application, BLM is considering scheduling a federal and state agency briefing on the status of the PRB Coal Review. The main topics of that briefing would be an update on the status of the Powder River Basin Coal Review water and air quality modeling analyses and the database for tracking development activities. This might provide an opportunity to set up a meeting as suggested in your comment letter. Please advise us if you schedule such a meeting to discuss additional source and fugitive dust control in the PRB.

**Comment Response 3:** The EIS identifies control measures that are in place to minimize public exposure to particulates and NO<sub>2</sub>. The specific mitigation and monitoring measures that will be required for operations on the Eagle Butte West LBA Tract will be determined during the permitting process, which is when mining operations on the tract will be authorized. BLM contacted the Land Quality Division (LQD) of the WDEQ regarding conditions that would be included in the mining permit if the Eagle Butte West LBA Tract is leased and mined. WDEQ/LQD indicated that, if the tract is leased, permit conditions designed to control or limit public exposure to NO<sub>2</sub> and flyrock from blasting operations would be no less stringent than the permit conditions for the existing Eagle Butte Mine.

### Detailed Comments by the Region 8 Environmental Protection Agency

#### *Air Quality*

Sections 3.4.1.1.1 and 4.2.3 have been revised to include the requirement to implement “Best Available Work Practice” mitigation measures that is part of the 1994 Memorandum of Agreement.

As discussed above, WDEQ/AQD believes that exceedances of the 24-hour PM<sub>10</sub> standard that have been measured in the Powder River Basin are related to high wind events. In response, the WDEQ/AQD has collaborated with the Wyoming Mining Association to develop a Natural Events Action Plan for the coal mines of the Powder River Basin, based in EPA Natural Event Policy guidance, which includes measures to prevent future exceedances. Information about the Natural Events Action Plan and associated measures is included in the Final Environmental Impact Statement.

The Natural Events Action Plan currently proposed by WDEQ/AQD only includes measures for control of coal mine sources since it is the ambient monitoring systems around the large surface coal mines that have recorded the exceedances of the 24-hour PM<sub>10</sub> NAAQS. If it is demonstrated that there are

non-coal sources contributing to elevated measurements in an area of concern, WDEQ/AQD indicated that they may address these additional sources separately from the proposed Natural Events Action Plan or as a future update of the plan.

The statement about the National Ambient Air Quality Standards has been revised in the final EIS.

### *Proximity to Residences and Elementary School*

As discussed above, the specific control measures for blasting operations on the Eagle Butte Mine would be developed during the permitting process, when mining operations are authorized. The Eagle Butte Mine has never conducted cast blasting operations and, according to the applicant, they do not plan to conduct cast blasting in the future.

According to WDEQ/LQD, since the current blasting restrictions were implemented, they have received one report of an orange-tinged blasting cloud at the mine, but no visible NO<sub>2</sub> fumes were reported to have left the mine permit area during that incident. As indicated above, BLM contacted WDEQ/LQD to ask if blasting restrictions would be maintained if the Eagle Butte West LBA Tract is leased and mined. WDEQ/LQD indicated that, if the tract is leased, permit conditions designed to control or limit public exposure to NO<sub>2</sub> and flyrock from blasting operations would be no less stringent than the permit conditions for the existing Eagle Butte Mine.

### *Wetlands*

Restoration of jurisdictional wetlands is required and consultation with the U.S. Army Corps of Engineers would be completed during the permitting process. There are special required permitting procedures to assure that after mining there will be no net loss of wetlands.

### *Noxious Weeds*

There are few occurrences of noxious weeds in the mine areas, because WDEQ/LQD rules and regulations require surface coal mine operators to control and minimize the introduction of noxious weeds, in accordance with federal and state requirements. The mining and reclamation plan for the existing Eagle Butte Mine includes steps to control invasion from such species and the mining and reclamation plan for the Eagle Butte West LBA Tract would also include steps to control invasion from such species.

A list of the plants that the State of Wyoming has designated as noxious weeds is included in Section 4.2.7.3. Campbell County does not have a declared county list of weeds.

**Response to Comment 8**  
**Bill Boger, Foundation Coal West**

The information provided in your comment letter has been considered in the preparation of the final EIS.