

MODIFIED FORM LETTER COMMENTS FROM WILDEARTH WEB SITE<http://wg.convio.net/site/PageServer>

BLM received 1,862 form letter comments originating from the WildEarth Guardians web page. Of the 1,862 form letters, 146 were modified by the sender. Of the 146 modifications, 69 were modified to include additional comments. Below is a breakdown of the additional comments, and or comment issue, and how many people commented on that issue.

"It's time to find another answer to our country's energy needs." - Alternative energy sources. =19

A

"Environmental and public health protection should not be trumped by the coal industry's profit-over-people approach." -Public health. =11

B

- The BLM should not lease coal only so that coal companies can gain more profit. - Revenue. =11

C

"The Bureau of Land Management's proposal is contradictory to the need to protect public resources, communities, and the planet from the effects of atmospheric pollution." - Coal leasing is contradictory to the BLM Mission Statement. =10

D

"It is the obligation of the BLM to use science, not politics as the only consideration for determining such a lease." - The BLM decision should be based on science not politics. =9

E

"There is no such thing as clean coal. Until such time as true non-polluting methods for burning coal are developed and implemented in ALL coal plants -- whether existing or to be built -- the coal should stay in the ground. If and when mining occurs, stringent environmental safeguards need to be implemented to ensure the health and safety of the planet." "BLM needs to lease coal in greater than 2 year allotments, but BLM must also be careful when leasing coal in quantity until American power plant emissions come under more stringent controls by the EPA." - Postpone coal leasing until power plant emissions come under more stringent regulation. =4

F

"A lot of good jobs may come out of this which is what we need in this hard economic time." =3

G

"If you go ahead with your proposal, who's going to put the land back to its original landscape when the digging is all done? Is BLM going to do it? You writing in the contract that whoever gets the lease will?????" - Reclamation issues. =2

H

BLM RESPONSE:**7A:**

Renewable energy production is progressing in the United States. In 2006 when the Hay Creek II LBA was applied for, renewable energy consumption was at about 7% (<http://www.eia.doe.gov/fuelrenewable.html>), and in 2011 that development was at about 9% (<http://www.eia.gov/totalenergy/data/annual/perspectives.cfm>). In 2035, after the time that the Hay Creek II LBA will be mined, renewable energy production is projected to be about 15%

(http://www.eia.gov/forecasts/aeo/MT_electric.cfm#renewables). Electricity generation from Coal is projected to be between 39% and 38% respectively in 2020 and 2035 (http://www.eia.gov/forecasts/aeo/MT_electric.cfm#coal-fired).

Coal development is dependent on open market demand. This means that the more the demand for coal, the more coal development there will be, and the less the demand for coal the less coal development there will be. Most of the coal from the Powder River Basin is used in the production of electricity in the United States.

- Renewable energy generation is projected to be 16% in 2040, well past the time period the coal on the Hay Creek II tract would be mined (http://www.eia.gov/forecasts/aeo/er/early_elecgen.cfm).

According to the EIA, coal is not projected to be entirely removed from the U.S. energy budget. “Coal remains the largest energy source for electricity generation throughout the projection period, but its share of total generation declines from 42 percent in 2011 to 35 percent in 2040 (Figure12)

(http://www.eia.gov/forecasts/aeo/er/early_elecgen.cfm). Coal combustion facilities are, however, under greater scrutiny and are becoming under stricter emissions standards by the Environmental Protection Agency (EPA).

7B:

The issue of Public Health is covered in chapter 3 in the Socioeconomics section at section 3.17.9. This section describes how human health issues are addressed by each relevant resource in the EIS, and which federal or state agency is managing the human health impacts of that resource. Because the surface is private surface and not federal surface, BLM does not have management authority over surface issues. This is called split estate where the subsurface mineral rights are federal and the surface ownership is private and the private surface owners’ rights are not superseded by BLM. BLM does not lease subsurface coal under private surface without surface owner consent. Split estate is discussed in the EIS in section 4.2.10 Land Use and Recreation on page 4-92. The EPA, or State of Wyoming, has jurisdiction for regulation of environmental standards on private lands. If the State of Wyoming has more stringent standards, then the State of Wyoming is awarded the authority through management agreements with the EPA. The EPA delegates to the State of Wyoming, the management authority over human health concerns. This delegation is held thru a set of agreements with the federal or state agency which has the more stringent regulations setting the

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environmental standard for that resource. In the State of Wyoming, public health is managed by the state of Wyoming with the Department of Environmental Quality (DEQ).

7C:

The subject of revenue gained from coal leasing for both the State of Wyoming and the Federal Treasury is discussed in section 2.5 on page 2-20 of the final EIS. This section shows the amount of funds that would go to the State of Wyoming and to the Federal Treasury under each alternative. Table 2-5 – *Comparison of Coal Reserves, Lease and Permit Areas, Production, Mine Life, and Revenues by Alternative*, gives a projected dollar amount gained under alternative 2 for the State of Wyoming of \$250.2–\$300.4 million dollars and projected for the U.S. Federal Treasury \$191.0–\$241.1 million dollars based on the current split of 49% to 51% respectively. The revenue gained from the BLM coal leasing program is subject to review and audit by congress as ordered. The last audit was in 2012 by the Office of the Inspector General (OIG) and the Government Accountability Office (GAO).

7D:

Each Federal land management agency has a different mission statement. The U.S. Department of the Interior Bureau of Land Management National web page states the following:

“The Bureau of Land Management (BLM) may best be described as a small agency with a big mission: To sustain the health, diversity, and productivity of America’s public lands for the use and enjoyment of present and future generations. It administers more public land – over 245 million surface acres – than any other Federal agency in the United States. Most of this land is located in the 12 Western states, including Alaska. The BLM also manages 700 million acres of sub-surface mineral estate throughout the nation.

The BLM’s multiple-use mission, set forth in the Federal Land Policy and Management Act of 1976, mandates that we manage public land resources for a variety of uses, such as energy development, livestock grazing, recreation, and timber harvesting, while protecting a wide array of natural, cultural, and historical resources, many of which are found in the BLM’s 27 million-acre National Landscape Conservation System...”

The BLM coal leasing program conforms to the BLM’s multiple-use mission. The BLM National web page can be found at: http://www.blm.gov/wo/st/en/info/About_BLM.html

7E:

Before a coal lease decision is made, BLM completes an environmental impact statement (EIS) in order to allow decision makers to make an informed decision. The EIS uses science to analyze the environmental conditions of the lease area and to assess the consequences that could occur should a coal lease be sold and mined. The EIS process is part of the National Environmental Policy Act (NEPA) of 1969. Information about NEPA can be found at:

<http://www.blm.gov/wy/st/en/info/NEPA/aboutnepa.html>. The EIS process is a NEPA process which is specifically set forth in law. This EIS is an 827 page detailed disclosure report describing the potential effects of mining the Hay Creek II coal Lease by Application. The Buckskin Mine Hay Creek II Coal EIS can be found at: <http://www.blm.gov/wy/st/en/info/NEPA/documents/hpd/HayCreekII.html>

7F:

The issue of regulating CO₂e and other emissions from power plants which burn carbon based fuels is currently being addressed by the U.S. Environmental Protection Agency (EPA). In Wyoming, the Wyoming Department of Environmental Quality (WDEQ) is responsible for enforcing state and federal air quality environmental laws, including provisions of the Clean Air Act and its implementing regulations. The agreement on the regulation of GHG, particulates and other emissions between the EPA and WDEQ is such that whichever agency has the more stringent emissions standards will be the enforcing body for those standards. Power plants are subject to federal and state regulations regarding greenhouse gases, particulates, and other pollutants. In Wyoming, the WDEQ implements and enforces those standards.

Currently the EPA and the WDEQ are implementing regulations to address emissions from power plants and other large stationary sources. Specific information on these regulatory initiatives, as well as proposed regulations, can be found at <http://www.epa.gov/climatechange/EPAactivities/regulatory-initiatives.html> for the EPA and at <http://deq.state.wy.us/aqd/> for the WDEQ.

EPA regulatory initiatives include:

- The Proposed Carbon Pollution Standard for New Power Plants. On March 27, 2012, EPA proposed a Carbon Pollution Standard for New Power Plants that would, for the first time, set national limits on the amount of carbon pollution that power plants can emit. The proposed rule applies only to new hydrocarbon fuel fired electric utility generating units. For more information, go to <http://epa.gov/carbonpollutionstandard/index.html>.
- The Final Greenhouse Gas Tailoring Rule. On May 13, 2010, EPA set greenhouse gas emissions thresholds to define when permits under the New Source Review Prevention of Significant Deterioration and Title V Operating Permit programs are required for new and existing industrial facilities. This final rule "tailors" the requirements of these Clean Air Act permitting programs to limit covered facilities to the nation's largest greenhouse gas emitters: power plants, refineries, and cement production facilities. For more information, go to <http://www.epa.gov/NSR/actions.html#may10>.
- The Greenhouse Gas Reporting Program. The Greenhouse Gas Reporting Program collects greenhouse gas data from large emission sources across a range of industry sectors, as well as suppliers of products that would emit greenhouse gases if released or combusted. Greenhouse gas data are available

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through the Greenhouse Gas Reporting Program Data Publication Tool. For more information, go to <http://www.epa.gov/ghgreporting/>.

WDEQ rules and regulations include those listed on the Wyoming Air Quality Standards and Regulations web site which can be found at <http://deq.state.wy.us/aqd/standards.asp>, and the proposed rules which can be found at <http://deq.state.wy.us/aqd/proposedrules.asp> and includes regional haze at <http://deq.state.wy.us/aqd/regionalhaze.asp>.

7G:

If leased and mined as proposed, the Buckskin Mine Hay Creek II coal tract would extend the life of the Buckskin mine by approximately 2 years. Under alternative 2, the life of the Buckskin Mine could be extended by up to 6 years at an annual production rate of 25 million tons per year.

7H:

Reclamation is discussed in the Buckskin Mine Hay Creek II Coal Lease Application Environmental Impact Statement (EIS) in section 1.1.3.4 on page 1.13. The EIS document can be found on line at: <http://www.blm.gov/wy/st/en/info/NEPA/documents/hpd/HayCreekII.html>

In summary, reclamation activities would be consistent with those currently in use at the Buckskin Mine. Mined-out areas would be reclaimed according to an approved postmine plan. Any affected streams would be reclaimed to follow premine drainage patterns (section 3.5). In-channel stockponds and playas (shallow topographic depressions) would be replaced to provide livestock and wildlife watering sources. All postmining topography, including reconstructed drainages, must be approved by the WDEQ. After mining, the land is reclaimed to support the premining uses. Oil and gas wells, pipelines, and utility easements are reestablished as required.

All reclaimed areas are monitored for a minimum of 10 years to evaluate the success of vegetation growth and the establishment of a variety of native plant species prior to the final (Phase III) release of the reclamation bond. Other parameters, such as successful use of reclaimed areas by domestic livestock and wildlife, also must be demonstrated before Phase III bond release is achieved, as described in section 1.1.3.4.

The WDEQ requires that mining companies post a reclamation bond on all acres disturbed by their activities within their own permit boundary. The bond must be large enough to cover the cost of completing reclamation, should the company default on its obligations. One major condition for receiving final bond release is to document that the reclaimed area has achieved the vegetative cover and production, and plant species diversity equal to a predetermined native comparison area, the reference area. For example, if shrubs were present during baseline vegetative inventories, the reclaimed area must also have a shrub density of one plant per square meter over 20% of the area. The Buckskin Mine has a vigorous annual program of vegetation monitoring to

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ensure that reclamation efforts are proceeding in a positive manner to achieve final bond release.

Land Status categories are calculated on an annual basis and reported in the Annual Report to the WDEQ. The parameters of each phase of reclamation bond release are described in detail in WDEQ Guideline 20, available on the agency's website at <http://deq.state.wy.us/lqd/guidelines.asp>.