

**APPENDIX H**

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

Information Washington/WO/BLM/DOI

Sent by: Peggy S Britell

05/26/2006 08:51 AM

1A

To  
jean public [jeanpublic@yahoo.com](mailto:jeanpublic@yahoo.com)  
cc  
Casper WYMail/CFOWY/BLM/DOI@BLM  
Subject  
Re: PUBLIC COMMENTON FEDERAL REGISTER OF 5/26/06 VOL 71 #102 PG 30447

Your email has been forwarded to our Casper, Wyoming, office.

jean public <[jeanpublic@yahoo.com](mailto:jeanpublic@yahoo.com)>

05/26/2006 10:50 AM

To  
WOINFO@BLM.GOV, FOE@FOE.ORG  
cc  
Subject  
PUBLIC COMMENTON FEDERAL REGISTER OF 5/26/06 VOL 71 #102 PG 30447

FED REG DOC E6 8108  
WYW 143159  
WY920 1310 EI

TO LEASE NATIONALLY OWNED TAXPAYER LAND FOR \$5.00 ACRE  
PER YEAR AND DESTROY IT - THAT IS OBSCENE. - THE WILD } 1  
HORSES HAVE NO PLACE TO LIVE AND BLM SAYS IT HAS NO }  
LAND ON WHICH THEY CAN LIVE SO THEIR NUMBERS ARE DOWN } 2  
TO 23,000 FROM 60,000 SO IT IS CLEAR WHEN BLM TAKES }  
THIS ACTION IT IS IN FACT LYING TO AMERICANS WHO OWN }  
THIS LAND. THIS KIND OF LOW COST FLEECING OF THE }  
AMERICAN TAXPAYER IS BEING ALLOWED BY AN AGENCY FAR }  
TOO CLOSELY ALLIED WITH PROFITEERS AND DESTROYERS OF }  
OUR NATIONALLY OWNED BY TAXPAYER LAND..

I OPPOSE THIS LEASE. THIS IS THE FLEECING OF AMERICA }  
AND IT IS DOWNRIGHT UNAMERICAN TO THROW THOSE WILD } 2  
HORSES OFF LAND LIKE THIS AND ALLOW ITS DESTRUCTION }  
FOR OIL AND GAS PROFITEERS WHO PAY THEIR EXECUTIVES }  
\$246 MILLION DOLLARS A YEAR = SUCH GREED IS }  
UNCONSCIONABLE AND THIS IS MY OPINION.

SOMETHING IS DREADFULLY WRONG AT BLM TO LEASE ANY LAND  
IN AMERICA FOR \$5.00 PER ACRE PER YEAR.  
B. SACHAU  
15 ELM ST  
FLORHAM PARK NJ 07932

Lesley A. Collins

----- Forwarded by Lesley Collins/CFO/WY/BLM/DOI on 05/26/2006 09:00 AM -----

jean public <jeanpublic@yahoo.com>

05/26/2006 08:44 AM

To

WOINFO@BLM.GOV, FOE@FOE.ORG, CASPER\_WYMAIL@BLM.GOV

cc

Subject

PUBLIC COMMENT ON FEDERAL REGISTER OF 5/26/06 VOL 71 #102 PG 30445

1B

FED REG DOC E6 8085

W4060 1320-EL

WYW154432

NOA COAL MAYS DORF LEASE APPLICATION - DEIS HEARING WY  
POWDER RIVER BASIN DESTRUCTION - 2200 ACRES PLUS

I OPPOSE THE COAL EXPLORATION LICENSE FOR 2,000 PLUS  
ACRES BEING PROPOSED BY BLM AND ITS APPLICANT CORDERO  
MINING. I WANT THIS OPPOSITION RECORDED IN THE  
RECORDS. I NOTE THAT BLM SEEMS TO LOSE MY OPPOSITIONS  
TO THEIR ACTIONS, LIKE THE SCALING PROPOSAL PASSED  
TODAY.

I WANT WILD HORSES TO BE ALLOWED TO BE ON THIS LAND.  
THIS DISGUSTING AGENCY CONSISTENTLY SAYS THERE IS NO  
LAND FOR THESE HORSES, AND THEIR NUMBERS ARE DOWN TO  
23,000 FROM 60,000 JUST A FEW YEARS AGO. } 2

THE CONCENTRATION OF BLM ON DESTRUCTION OF THE  
ENVIRONMENT, WHICH IS OWNED BY NATIONAL TAXPAYERS AND  
IS BEING RAPED DAILY BY ACTIONS OF THIS AGENCY IS  
ABSOLUTELY HORRENDOUS.

I CERTAINLY DO OPPOSE THIS ACTION.

B. SACHAU

15 ELM ST

FLORHAM PARK NJ 07932



## 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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DAVE FREUDENTHAL

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CLIFFORD KERR  
KERRY POWERS

2

RECEIVED

JUL 07 2006

Bureau of Land Management  
Casper Field Office

July 6, 2006

WER 277.03  
Bureau of Land Management  
Casper Field Office  
Draft Environmental Impact Statement  
Cordero Rojo Mine  
Maysdorf Tract lease application  
Campbell County

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

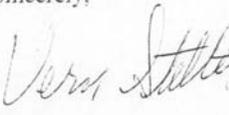
Dear Ms. Doelger:

The staff of the Wyoming Game and Fish Department has reviewed the Draft EIS for the Maysdorf Tract lease by Cordero Rojo Mine in Campbell County.

We provided terrestrial wildlife and aquatic comments on this project in a letter dated March 31, 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.

Thank you for the opportunity to comment.

Sincerely,

  
for JOHN EMMERICH  
DEPUTY DIRECTOR

JE:VS:gfb

cc: USFWS



United States Department of the Interior

3

U. S. GEOLOGICAL SURVEY

Reston, VA 20192

In Reply Refer To:  
Mail Stop 423

July 17, 2006

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

RE: Review of a Draft Environmental Impact Statement for Maysdorf Tract, to the Cordero Rojo 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:x6832:7/17/06



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services  
5353 Yellowstone Road, Suite 308A  
Cheyenne, Wyoming 82009

*C. J. Field 7/24/06*

4

BUREAU OF LAND  
MANAGEMENT  
CASPER, WYOMING

05 JUL 24 PM 2:

JUL 21 2006

In Reply Refer To:  
ES-61411/W.02/WY06TA167

Memorandum

To: Joseph Meyer, Assistant Field Manager, Bureau of Land Management, Casper Field Office, Casper, Wyoming  
*Attm: Nancy Doelger*

From: Brian T. Kelly, Field Supervisor, U.S. Fish and Wildlife Service, Wyoming Field Office, Cheyenne, Wyoming  
*B. T. Kelly*

Subject: Maysdorf Coal Lease Application, Draft Environmental Impact Statement

Thank you for submitting the Draft Environmental Impact Statement (DEIS) and Draft Biological Assessment (BA) for the Maysdorf Lease by Application (LBA) to the U.S. Fish and Wildlife Service (Service) for comments. The proposed Bureau of Land Management (BLM) action is a competitive coal lease sale and issuance of a maintenance lease to the successful bidder of the Maysdorf LBA Tract, as applied for by the Cordero Mining Company. The proposed Maysdorf LBA Tract is comprised of approximately 2,219 acres in sections 8, 21, 28, and 33 in T 47N/R 71W and Sections 4, 10 and 11 in T 46N, R 71W in Campbell County, Wyoming. In response to your request, our office has reviewed the Maysdorf LBA Tract DEIS and Draft BA and is providing the following comments pursuant to section 7(a)(2) of the Endangered Species Act of 1973, as amended (Act) (50 CFR §402.13).

The threatened and endangered species addressed in the Maysdorf LBA Tract DEIS and Draft BA are the threatened bald eagle (*Haliaeetus leucocephalus*), the endangered black-footed ferret (*Mustela nigripes*), and the threatened Ute ladies'-tresses (*Spiranthes diluvialis*). You have made a preliminary 'may affect, not likely to adversely affect' determination for the bald eagle and Ute ladies'-tresses. You have made a 'no effect' determination for the black-footed ferret.

**Bald Eagle:** As stated in the Maysdorf LBA Tract draft BA, bald eagles are commonly observed in the general vicinity of the Maysdorf LBA Tract during winter. During the winters of 2004-2005 and 2005-2006, bald eagles established a winter roost site in the trees of a large windbreak, on the existing Cordero Rojo Mine permit area, in the NW ¼ of Section 22 in T 47N/R 71W. As documented in the BA, a maximum of 29 bald eagles were observed at the roost site on February 16, 2005. It is not known why eagles began roosting at this site. As stated in the BA, two factors may affect the foraging opportunities for eagles using this roost. Lagomorph populations have been higher than normal in the area during the past two years, and eagles may opportunistically scavenge sheep carcasses from a ranching operation that is adjacent to the

BUREAU OF LAND MANAGEMENT  
FIELD OFFICE

mine's western boundary. Eagles typically leave the area in the spring, and no bald eagle nests are known to occur within 20 miles of the Maysdorf LBA Tract.

1. { To facilitate the evaluation of the potential effects to bald eagles from the leasing of the tract, the Service recommends that the BLM include an overlay of the Maysdorf Coal Lease Tract with a map that includes the following information: (1) the location of the bald eagle roost in the NW ¼ of Section 22 in T 47N/R 71W, (2) the location of the sheep ranching operation where eagles are known to forage, (3) the location of any other foraging concentration areas within 4 miles, (4) the location and type of current mining disturbance within 1 mile of the roost, and (5) the location of powerlines within one mile of the roost.

2. { The Service recommends that if the lease of the Maysdorf Coal Tract will provide the opportunity for additional mining disturbance within 1 mile of the bald eagle roost, the BLM determine whether that disturbance will adversely affect bald eagles. The Service is concerned with future impacts resulting from the issuance of the coal lease, including the potential of powerlines associated with coal mining to cause collision mortality of bald eagles. We recommend the BLM evaluate if the lease of the Maysdorf Coal Tract will result in adverse effects to eagles due to future powerline construction. If powerlines may be built in areas with high eagle use, or across areas with frequent flight paths of eagles, the Service recommends burying those lines to avoid potential bald eagle mortality.

Black-footed ferret: The Service has no concerns with the Draft BA evaluation of effects from the leasing of the Maysdorf Coal Tract on black-footed ferrets.

3. { Ute ladies'-tresses: As documented in the Draft BA, no Ute ladies'-tresses orchids were found during surveys of suitable habitat in the Maysdorf Coal Lease Tract in 2005. The Service acknowledges that the Draft BA documents the BLM's intent to conduct a second year survey for Ute ladies'-tresses for 2006, in all suitable habitat in the Maysdorf Coal Lease Tract, for inclusion in the Final BA. The Service considers 2 years of surveys for Ute ladies'-tresses, by a trained botanist, to be sufficient to determine its presence or absence in the Maysdorf Coal Lease Tract.

We appreciate the BLM's Casper Field Office efforts to ensure the conservation of endangered, threatened, and candidate species in Wyoming. If you have any questions regarding this letter, please contact Trish Sweanor at the letterhead address or phone (307) 772-2374 extension 39.

cc: BLM, Casper FO, Wildlife Biologist, Casper, WY (J. Wright)  
WGFD, Statewide Habitat Protection Coordinator, Cheyenne, WY (V. Stelter)  
WGFD, Non-Game Coordinator, Lander, WY (B. Oakleaf)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18<sup>TH</sup> STREET- SUITE 200

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

JUL 26 2006

5

BUREAU OF LAND  
MANAGEMENT  
CASPERS DISTRICT OFFICE

06 JUL 31 AM 7:35

Ref: 8EPR-N

Nancy Doelger  
Casper Field Office, Bureau of Land Management  
2987 Prospector Drive  
Casper, WY 82600

Re: Draft Environmental Impact Statement for  
the Maysdorf Coal Lease Application,  
Campbell County, Wyoming  
CEQ # 20060203

Dear Ms. Doelger:

The United States Environmental Protection Agency -- Region 8 (EPA) has reviewed the *Draft Environmental Impact Statement for Maysdorf Coal Lease Application*. The DEIS assesses the environmental impacts of lease by application (LBA) tracts submitted by several coal mines located southeast of Gillette, Wyoming. We submit the following comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

EPA's main concern is assuring that air quality in the Powder River Basin (PRB) doesn't exceed the Clean Air Act standards. This coal mine is one of many sources in the PRB contributing to air quality degradation, especially of particulate matter (known as PM<sub>10</sub>), which originates at coal mines.

The Draft EIS presents air quality modeling information disclosing potential cumulative impacts from other reasonably foreseeable development including expanding and new coal mines, coal-fired power plants, and coal bed methane development. Based on this modeling of the cumulative impacts, there is the potential to exceed the National Ambient Air Quality Standards (NAAQS) for PM<sub>10</sub> and some of the increments under the Prevention of Significant Deterioration (PSD) regulations. Air monitoring stations near the proposed Maysdorf tract have not measured exceedances of either the 24-hour or annual PM<sub>10</sub> standard. However, other PM<sub>10</sub> stations in the PRB have shown a number of exceedances of the 24-hour standard, including violations as recently as 2004 at two air monitoring stations. Consequently, both monitoring data and modeling results suggest potentially significant cumulative PM<sub>10</sub> impacts caused by existing development when combined with other reasonably foreseeable future development. We understand that increased activity by operators of coal bed methane projects and drought conditions have contributed to fugitive dust problems and these unregulated activities contribute to the modeled exceedances of the NAAQS.

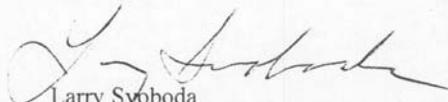
This LBA process is one of several dozen LBAs in the PRB. Between 1992 and 2005, approximately 18 LBAs and other coal land exchanges have been completed in the PRB. It appears that at least nine more LBA processes have been initiated since that time. However, this DEIS is the first in this series to present modeling predictions of cumulative impacts that show the potential to exceed the NAAQS. Potential impacts on air quality from future LBAs and other development will require additional efforts to control point sources and fugitive sources of PM<sub>10</sub> to prevent the PRB from becoming a Clean Air Act non-attainment area.

1 { The FEIS should identify all relevant, reasonable mitigation for air quality impacts, even if they are outside the jurisdiction of BLM. The probability of the mitigation measures being implemented should also be discussed. Furthermore, EPA believes that the FEIS should indicate a path to assure compliance with the PM<sub>10</sub> NAAQS. Specifically, the FEIS should outline both regulatory and non-regulatory processes that are in place to address air quality concerns in the PRB, as well as include all mitigation. We strongly recommend that BLM consider addressing additional source and fugitive dust control by the Casper and Buffalo Field Offices in cooperation with Wyoming DEQ and EPA. We have coordinated these comments with EPA's Regional Air Program and suggest we convene a meeting with BLM, DEQ, and EPA (NEPA and Air) to discuss these issues.

Based on the procedures EPA uses to evaluate the potential effects of proposed actions and the adequacy of the information in the DEIS, the proposed alternative will be listed in the Federal Register in the category EC-2 (EC - Environmental Concerns, 2 - Insufficient Information). This rating means that EPA's review of the proposed actions has identified environmental impacts to air quality that should be avoided in order to fully protect the environment and the DEIS does not contain sufficient information to thoroughly assess environmental impacts that should be avoided to fully protect the environment. Corrective measures may require changes to the proposed action or application of mitigation measures that can reduce the environmental impact, and the inclusion of additional information in the FEIS. Please see the enclosed detailed comments for specifics on our environmental and information concerns.

We appreciate your interest in our comments. If you have any further questions, please contact Weston Wilson of my staff at 303/312-6562.

Sincerely,



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

Enclosure

cc: David Finley, Wyoming DEQ, Cheyenne

**Environmental Protection Agency - Region 8 Detailed Comments  
Draft Environmental Impact Statement for the Maysdorf Coal Lease Application,  
Campbell County, Wyoming**

**Air Quality**

1. The last sentence of the second paragraph of section 3.4.1.1 (page 3-20) 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." The reference to "absolute upper limits" is misleading. 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." We recommend that the FEIS have similar wording.
2. BLM should bring the information on the NAAQS and WAAQS for particulate matter as PM<sub>2.5</sub> up to date. Section 3.4.2.1 of the DEIS states that "the State of Wyoming will not enforce that standard until EPA has completed its review of the PM<sub>2.5</sub> standard and has determined to retain and enforce the standard as promulgated on July 18, 1997." EPA issued official designations of areas not attaining the PM<sub>2.5</sub> standard on December 17, 2004 and made modifications in April 2005.
3. The cumulative impact analysis should include additional coal and energy development activities. The reasonably foreseeable future activities list on page 4-5 only looks at projects with firm plans. However, it is apparent from the history of the area, current trends, existing infrastructure, and coal and other energy reserves that coal mining and energy development will continue to expand. For example, recently the Wyoming Infrastructure Authority (WIA) announced it was formally soliciting a demonstration of electricity production using the coal gasification technology. The WIA is seeking a public-private partnership to convert PRB coal to electricity using integrated gasification combined cycle (IGCC) technology. WIA is seeking funding from the Department of Energy under the Energy Policy Act of 2005.

BLM should also acknowledge that the 16 active coal mines are in a row from north of Gillette to the David Johnston mine and thus it appears likely that these mines will continue to expand and fill in this area creating a continuous strip of mines and reclaimed mines for approximately 100 miles. Estimating a width of mining of 10 miles, this potential strip of coal mines would cover one thousand square miles. Given the huge scale of energy development in this area, there is a strong potential for permanent large-scale impacts for habitat (fragmentation, loss of vital habit) ground water, riparian ecosystems, wetlands and

noxious weeds. Area wide air and water quality impacts from such development would also be significant.

This broader cumulative impact analysis should also factor in the likelihood of success of reclamation/mitigation plans for various resources. Mining reclamation works well for restoring some aspects of resources such as grazing livestock and wildlife, and visual aesthetics. Other resource values (e.g., wetlands, groundwater, and unique habitats) may take a long time to return to a full function or may not be restorable at all.

#### **Noxious weeds**

Noxious weeds are an increasingly difficult problem on western lands. It appears that with coalbed methane development, noxious weeds will be an increasingly greater problem in the PRB. We note in particular that there are already several weeds identified in the grazing section which are on Wyoming's restricted list (poverty weed) or on other states' lists of noxious weeds (cheat grass). If the drought continues, this area may begin to experience cheat grass/fire cycles forcing out even more desirable plant species. The FEIS should address if additional mitigation is needed to control the spread of noxious weeds and what types of programs are being developed on an area wide basis to prevent the spread of seeds along roads via mining/construction/drilling equipment.

#### **Wetlands Mitigation**

The wetlands mitigation plan should be amended to compensate for the long-term loss of wetlands values during and following mining. The mitigation ratios may need to be increased to compensate for the temporal loss of wetlands. Wetlands obviously cease to function during the 10 to 20 years of mining. However, wetlands fed by groundwater will not regain function until the ground water table recovers. We recommend that additional mitigation be established to compensate for the long-term loss of wetland values. The mitigation plans for previous or current reclamation may provide good locations for increasing wetlands in the area. Alternatively, the mining company could improve other wetlands damaged by over grazing, poorly constructed roads or off-road vehicle damage. It is not clear from the DEIS if all wetland impacts will be mitigated. Executive Order 11990 requires that all Federal Agencies protect wetlands. The DEIS implies that reclamation costs may be a factor in determining whether all wetlands will be restored. The FEIS should clarify if all wetlands will be mitigated.



## 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.

**Response to Comment 1A & B:  
B. Sachau**

**Comment Response 1:** The rental payment on federal coal leases is actually \$3.00 per acre per year; however, the rental payments represent a very minor portion of the money received by federal, state, and local governments when federal coal is leased and mined. As discussed in Section 1.1 of the EIS, at the time the coal is competitively leased, the lessee must pay a bonus that meets or exceeds the fair market value of the coal as determined by an economic evaluation completed by BLM. The lessee must also pay a royalty equal to 12.5 % of the sale price of the coal when it is mined. The bonus and royalty payments are shared with the state, with the federal half of the money going into the general fund. The surface coal mines also pay severance and ad valorem taxes to the state and property taxes to the local governments. The estimated revenue to the federal, state, and local governments is discussed in Section 3.17 of the EIS.

Since 1990, federal coal lessees have paid \$2,683,014,027.69 in bonus payments for the 44,409.736 acres of federal coal that has been leased in the Wyoming Powder River Basin. The tracts that have been leased are listed in Table 1-1 of the EIS. The bonus payments to date represent an average of more than \$60,000 per acre; however, the bonus price paid per acre has been increasing with time. At the most recent federal coal lease sale, the federal government received a bonus bid of almost \$113,000 per acre. According to the Minerals Management Service website (<http://www.mrm.mms.gov>), the federal government received \$397,150,902.89 in royalty payments for one year of production of federal coal in Wyoming during the most recent fiscal year.

Lands are disturbed to recover coal; however, they must be reclaimed following mining in accordance with the requirements of state and federal law. The mines are required to post 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 approved by the state regulatory agency. After reclamation the lands support the same uses as they did before mining. Most of the surface of the land in the Powder River Basin is privately owned, as discussed below, and the prevalent land uses in this area are grazing and wildlife. The picture on the front cover of the Maysdorf Environmental Impact Statement shows an area that was disturbed by mining operations and has since been reclaimed.

**Comment Response 2:** The Powder River Basin in northeast Wyoming was homesteaded in the early 1900's. Although the federal government retained ownership of the minerals underlying the surface in many areas, the surface of most of northeast Wyoming, including most of the Maysdorf Tract, is privately owned. The private surface owner determines how the surface is used,

including whether or not to have wild horses on his or her land. There are no federal wild horse management areas in northeastern Wyoming and, because the surface is privately-owned, BLM is not in a position to establish wild horses or herd management areas in this part of the state of Wyoming. Wild horse herds have not lived in this part of Wyoming for many years, there were no wild horse herds in this area when surface coal mining began 25 to 30 years ago, and there are no wild horses on the Maysdorf Tract.

**Response to Comment 4**  
**U.S. Fish and Wildlife Service**

**Comment Response 1:** A map has been added to the biological assessment which shows the information requested.

**Comment Response 2:** Leasing the Maysdorf LBA Tract would provide an opportunity for mining disturbance within one mile of the area where the bald eagles have roosted for the last two years. However, as we discussed when we met with you on November 20, 2006, the area where the eagles have been roosting lies within the currently approved mine permit area for the Cordero Rojo Mine. Under the approved mining and reclamation permit, the federal coal in this area is scheduled to be mined starting in 2010. Topsoil stripping would occur prior to coal mining. The disturbance of the area where the eagles have been roosting will occur prior to initiation of any mining operations on the Maysdorf LBA Tract, if it is leased. As a result, mining the Maysdorf LBA Tract, if it is leased as proposed, is not the federal action that will affect the trees where eagles were observed roosting during the winters of 2004-2005 and 2005-2006.

**Comment Response 3:** A second survey for Ute ladies'-tresses was conducted in August of 2006 and the biological assessment has been updated to reflect that.

**Response to Comment 5**  
**U.S. Environmental Protection Agency**

**Comment Response A:** Mitigation measures for air quality impacts related to surface coal mining are identified in Sections 3.4.2.3 and 3.4.3.3 of the EIS for the Maysdorf LBA Tract. They are, as your comment suggests, outside of the jurisdiction of the BLM. They are under the jurisdiction of the Wyoming Department of Environmental Quality (WDEQ), which has implemented the described measures in the past and has indicated that they will continue to do so in the newly leased areas. In the Final EIS, additional information has been added to Section 3.4.2.3 regarding the Natural Events Action Plan for the Coal Mines of the Powder River Basin developed by the Air Quality Division of the

WDEQ and the Wyoming Mining Association. As discussed in the Final EIS, the Natural Events Action Plan identifies additional potential control measures for protecting public health and minimizing exceedances of the PM<sub>10</sub> NAAQS. According to the Natural Events Action Plan report, which can be accessed on the internet at <http://deq.state.wy.us/aqd/NEAP.asp>, the Natural Events Action Plan only includes measures for control of coal mine sources because it is the coal mines' monitoring systems that have recorded the exceedances of the PM<sub>10</sub> NAAQS. However, the Air Quality Division of the Wyoming DEQ may address non-coal sources separately or as an update of this Natural Events Action Plan if it is demonstrated that non-coal sources are contributing to elevated measurements in the future. BLM held a State and Federal Agency briefing to present information concerning the pending coal lease applications and our plans for processing them on November 20, 2006, in at the BLM State Office in Cheyenne. It is unfortunate that that a representative from EPA was not able to attend that meeting, as it might have provided an opportunity to discuss this topic. BLM is contemplating scheduling another federal and state agency briefing on the status of the PRB Coal Review this summer. The main topics of that briefing would be an update on the status of the PRB Coal Review water and air quality modeling analyses and the database for tracking development activities. In the meantime, please advise us if you schedule a meeting to discuss additional source and fugitive dust control in the PRB.

### **Detailed Comment Responses:**

#### **Air Quality**

1. The FEIS wording in Section 3.4.1.1 has been revised as suggested.
2. Section 3.4.2.1 has been revised to include updated information on the status of the PM<sub>2.5</sub> standard.
3. As indicated in Section 4.0 of the Maysdorf EIS, the cumulative impact analysis in the EIS is based on the PRB Coal Review, which is a regional technical study to assess cumulative impacts associated with past, present, and reasonably foreseeable development in the Powder River Basin. The study, which is almost completed at this point, was conducted for BLM by the ENSR Corporation of Fort Collins, Colorado. The reasonably foreseeable development scenario included in the EIS is based on projected levels of mineral production for 2010, 2015, and 2020. The development projections include coal mine development, coal-related activities, and non-coal related activities. The development levels projected in the PRB Coal Review are based on projected coal and other energy demand. The rationale for determining the reasonably foreseeable coal and energy development scenario summarized in the Maysdorf EIS is discussed in more detail in the Task 2 report of the PRB Coal Review, which can be accessed on the BLM Wyoming website at: <http://www.wy.blm.gov/minerals/coal/prb/prbdocs.htm>.

There have been and will continue to be many coal and energy development project proposals in the PRB. In the past, some proposals have been developed and some have been abandoned. It is likely that this pattern will continue. While the Wyoming Infrastructure Authority has formally solicited a demonstration of electricity production using coal gasification technology and there is funding available from the Department of Energy under the Energy Policy Act of 2005, there is not yet a proposal using that technology which can be evaluated in terms of potential site specific or cumulative impacts.

As part of the PRB Coal Review, BLM and ENSR developed a database to use in tracking development activities in the PRB. BLM plans to update this database annually in order to continually update the reasonably foreseeable development scenario for the basin.

The following comment in your July 26, 2006 comment letter was previously included in EPA comments on the Draft South Powder River Basin Coal EIS, dated April 16, 2003:

“The BLM should also acknowledge that the 16 active coal mines are in a row from north of Gillette to the Dave Johnston Mine and thus it appears likely that these mines will continue to expand and fill in this area creating a continuous strip of mines and reclaimed mines for approximately 100 miles. Estimating a width of mining of 10 miles, this potential strip of coal mines would cover one thousand square miles.”

This statement assumes that the entire 1,000 square mile area is underlain by economically recoverable coal beds, which is not supported by the geologic data that have been collected in this area. As BLM indicated in its response in the Final South Powder River Basin Coal EIS, the coal deposits in the Wyoming PRB do not form one continuous thick mineable unit stretching from north of Gillette to the Dave Johnston Mine. The currently operating mines are grouped into three areas, which are characterized by thick coal deposits. The coal splits into thinner beds and the quality of the coal deteriorates in the areas between the existing groups of surface coal mines. That is why there are not existing mining operations in those areas and why the existing mines have not leased and are not currently proposing to lease in those areas.

The Dave Johnston Mine is not located in the three mine groups described above. It is located approximately 25 miles south of the southernmost mine in the three groups. As indicated in both the South Powder River Basin Coal EIS and the Maysdorf EIS, the Dave Johnson Mine is no longer in operation. It has relinquished its federal coal leases and is in the process of final reclamation of areas of mining disturbance.

Accordingly, the BLM does not consider the scenario presented in your comments to be reasonably foreseeable. The disturbance area that is analyzed in the PRB Coal Review and presented in the EIS is based on the disturbance that would occur as a result of the projected levels of production discussed above.

The likelihood of reclamation success for various resources and the fact that some resource values may take a long time to return to full function or may not be restored is discussed in the environmental consequences and residual impacts sections in Chapter 3 in the EIS.

### **Noxious Weeds**

The existing approved reclamation plan for the Cordero Rojo Mine includes steps to control invasion by noxious (invasive nonnative) plant species, as discussed in the Vegetation section (Section 3.9) of the EIS. If the Maysdorf tract is leased, the reclamation plan would have to be amended to include operations on the tract and the amended plan would also include steps to control invasion by invasive nonnative plants. Additional discussion of noxious weeds and the mitigation being used to control their spread has been added to the vegetation discussions (Sections 3.9 and 4.2.7) in the FEIS.

The Draft EIS for the Maysdorf Coal Lease Application does not include the references to poverty weed or cheat grass discussed in your comment letter.

### **Wetlands Mitigation**

If the Maysdorf LBA Tract is leased, a wetlands mitigation plan will be developed before disturbance is authorized during the process of amending the Cordero Rojo mining and reclamation permit to include the Maysdorf tract. Issuance of the lease will not authorize any disturbance. Jurisdictional wetlands will be reclaimed in accordance with the requirements of the Army Corps of Engineers. Mitigation for impacts to non-jurisdictional wetlands located on the tract will be specified during the permitting process as required by the authorized state or federal agency (which may include Wyoming DEQ, the Office of Surface Mining and Reclamation, or the Federal Surface Managing agency, if any federal surface is included in the tract) or the private surface owner. In this area, BLM or Forest Service may be the federal surface managing agency. A portion of the surface of the Maysdorf LBA Tract (approximately 400 acres) is federal surface which is administered by the BLM. If the Maysdorf LBA Tract is leased, BLM will evaluate mitigation requirements for any wetlands that are located on the federal surface as part of the permitting process, before disturbance is authorized on the tract.