

**APPENDIX G:
COMMENT LETTERS
AND RESPONSE ON THE DEIS**

APPENDIX G: COMMENT LETTERS AND RESPONSE ON THE DEIS

1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII
999 18TH STREET - SUITE 500
DENVER, COLORADO 80202-2466

97 JAN 13 PM 1:52

JAN 10 1997

Ref: SEPR-EP

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

RE: North Rochelle Coal Lease
Application (WYW127221)
DEIS

Dear Ms. Doelger:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the Region VIII Office of the Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the referenced project. We offer the following comments for your consideration.

The Proposed Action is to hold a competitive lease sale for the federal coal lands as applied for (approximately 1,440 acres of federal coal reserves containing an estimated 144 million tons of coal), subject to the standard coal lease stipulations and to special coal lease stipulations developed for the Wyoming Powder River Basin (PRB). The DEIS provides an analysis of environmental impacts associated with a combination of dozer, truck-shovel and dragline conventional surface mining action. Further, the Bureau of Land Management (BLM) will use the analysis to decide whether or not to hold a competitive lease sale and issue a federal coal lease.

We commend the Bureau of Land Management for a well organized and informative document. In particular, the discussion related to surface and ground water issues and impacts is quite thorough. We do have concerns with the Air Quality discussion as well as some other issues and analysis. Please refer to the enclosure for our specific comments and recommendations.

Based on the procedures the EPA uses to evaluate the adequacy of the information in the EIS and the environmental impacts of the proposed action, the DEIS for the North Rochelle Coal Lease Application (WYW127221) will be listed in the Federal Register in category EC-2 (environmental concerns, additional information needed).

This rating indicates that our review has identified the need for additional information, data and discussion in the final EIS (FEIS).

The EPA appreciates the opportunity to review and comment on the DEIS. If we can provide further explanation of our concerns please contact Mike Hammer of my staff at (303) 312-6563.

Sincerely,

Carol L. Campbell
Carol L. Campbell, Director
Ecosystems Protection Program

Enclosure

SPECIFIC COMMENTS AND RECOMMENDATIONS ON THE NORTH ROCHELLE COAL LEASE APPLICATION DEIS

1. Many figures in the DEIS showing the LBA tract and the existing leases have no distance scale (i.e. Figures ES.1, ES.2, ES.4, 2.1, 2.3 and 3.1).

Recommend that a distance scale showing milage increments and kilometer increments be added to all figures indicating the spacial relationship of the LBA tract and existing leases (mines). If the squares on some of the figures indicate a one square mile cross section, then include this information in the key for the figure.

2. The final sentence on page ES-11, "Ongoing groundwater mitigation plans appear to be adequately mitigating impacts..." is confusing. How do plans mitigate impacts?

Recommend that the sentence be changed to discuss what ongoing groundwater actions are mitigating impacts.

3. The final sentence on page 3.9 compares average TSP and PM10 concentrations in the PRB relative to coal and overburden removal. It is unclear whether these averages are based on an annual period or a 24-hour period.

Recommend that the sentence be changed by adding the word "annual" to describe the averages. (e.g. "Annual average TSP and PM10 concentrations") Also, in figure 3.5 on page 3-11, the title should state "Coal Production vs. Annual Average Particulate Concentrations".

4. Section 3.5 AIR QUALITY, has no meteorological wind data. The first paragraph on page 3-10 states that average annual particulate levels have remained relatively constant even though coal production has increased. It would be helpful to know the location of Basin Mine Monitors and the Gillette SLAMS with respect to the mining locations. Also, the percentage of the year that wind direction is such that the monitors are downwind of mining operations needs to be addressed.

Recommend that a wind rose representative of the assessment area be included in Section 3.5. Section 3.5 should include a figure showing the location of the monitors with respect to current mining operations.

5. The last sentence of the first paragraph on page 3-11 states, "The EPA has not yet established an increment for PM10 under the Prevention of Significant Deterioration regulations: however..."

The EPA has established a PSD increment. Recommend that the above sentence be changed to state that under 40 CFR 52.21(c) - Ambient Air Increments, the EPA does have an established increment for PM10 which applies for both an annual arithmetic mean and a 24-hr standard. Also, Table 3.3 needs to be revised to list the EPA's PM10 increment. Additionally, in Table 3.3, the units for Maximum Allowable Increment are incorrect. Revise the units from (ug/m2) to (ug/m3). A footnote should be added to the Table to state the origin of the information.

6. On page 3-11, the last paragraph before section 3.6 WATER RESOURCES, states, "The historical record of TSP emissions demonstrates the increased mining activity has not exceeded the allowable increments (Figure 3.5)." This sentence is unclear since Figure 3.5 discusses particulate concentrations (ug/m3) and the above sentence discusses TSP emissions (i.e. tons/yr). Also, the PSD increment is based on air dispersion modeling results and not on monitored results.

Recommend that this sentence be deleted or clarified to discuss air dispersion modeling results. In addition, Section 3.5 should discuss what the current permitting scenario is for the North Rochelle mine. If there is a current PSD permit for the mine, will a new/amended PSD permit be required for the LBA tract?

7. On page 4-22, the fourth paragraph starting with, "Figure 4.2 is from the Black Thunder..." Do the modeled PM10 concentrations include background levels as shown in Figure 3.5? If these PM10 concentrations are annual average concentrations, then this should be stated in the paragraph and in the title to figure 4.2 (Typical Modeled PM10 Annual Average Concentrations...). What modeling analyses have been completed to show compliance with the PM10 24-hr average standard as listed in table 3.2?

APPENDIX G: COMMENT LETTERS AND RESPONSE ON THE DEIS

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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
215 NORTH 17TH STREET
OMAHA, NEBRASKA 68102-4978
November 20, 1996

Planning Division

Mr. Alan R. Pierson, State Director
U.S. Department of the Interior
Bureau of Land Management
Wyoming State Office
P.O. Box 1828
Cheyenne, Wyoming 82003-1828

NOV 26 1996

RD	REP/EM
ASD	MA/EA
DEA	DES
ESD	CF
AW	LEAD/REG

9228

Dear Mr Pierson:

We have reviewed the Draft Environmental Impact Statement for the North Rochelle Coal Lease Application in Campbell County, Wyoming, reference Federal Coal Lease Application WYW127221.

We have no comments on the proposed coal lease.

Thank you for the opportunity to review this proposal. Please contact Ms. Jeanette Conley of our staff at (402) 221-3133 for questions or comments.

Sincerely,

Candace Thomas
Candace M. Thomas
Chief, Environmental Analysis Branch
Planning Division

RECEIVED
NOV 26 AM 10:00
BUREAU OF LAND MANAGEMENT
CORPS OF ENGINEERS
WASHINGTON, DC 20315

APPENDIX G: COMMENT LETTERS AND RESPONSE ON THE DEIS



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
215 NORTH 17TH STREET
OMAHA, NEBRASKA 68102-4978
December 3, 1996



95 DEC -6 PH 2: 02

Fact Sheet #21

33 CFR Section 330.6 Nationwide Permits

(b) Authorized Activities:

(21) Surface Coal Mining Activities. Activities associated with surface coal mining activities provided they are authorized by the Department of the Interior, Office of Surface Mining, or by states with approved programs under Title V of the Surface Mining Control and Reclamation Act of 1977 and provided the permittee notifies the district engineer in accordance with "Notification" general condition. For discharges in special aquatic sites, including wetlands, the notification must also include a delineation of affected special aquatic sites, including wetlands. (Sections 10 and 404)

(c) General Conditions: The following general conditions, where applicable, must be complied with for the Nationwide Permit authorization to remain valid:

- (1) Navigation. No activity may cause more than a minimal adverse effect on navigation.
- (2) Proper maintenance. Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.
- (3) Erosion and siltation controls. Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills must be permanently stabilized at the earliest practicable date.
- (4) Aquatic life movements. No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water.
- (5) Equipment. Heavy equipment working in wetlands must be placed on mats or other measures must be taken to minimize soil disturbance.
- (6) Regional and case-by-case conditions. The activity must comply with any regional conditions which may have been added by the division engineer and any case specific conditions added by the Corps.
- (7) Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
- (8) Endangered Species. No activity is authorized under any

Wyoming Regulatory Office
2232 Dell Range Blvd., Suite 210
Cheyenne, Wyoming 82009

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

Dear Ms. Doelger:

This is in response to your agency's November 7, 1996 scoping notice requesting comments on North Rochelle Coal Mine's proposed expansion.

A review of the provided information indicates that waters of the U.S., including wetlands, may be impacted by the mine's operations. This triggers the need for authorization of the project in accordance with Section 404 of the Clean Water Act. The Corps has established a Nationwide Permit for surface coal mining activities. Under that permit, the applicant is required to conduct a detailed wetland delineation and identification of all waters of the U.S. contained in the mine permit area. They have previously accomplished this task for the existing mine. That delineation must be accomplished in accordance with the 1987 Corps of Engineers Delineation Manual. I have enclosed a copy of the permit's fact sheet for your information.

If you have any questions concerning this matter, please contact Chandler Peter at (307) 772-2300. Your file number is 199540006.

Sincerely,

Matthew A. Bilodeau
Program Manager
Wyoming Regulatory Office

Enclosure

Nationwide Permit which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the district engineer if any listed species or critical habitat might be affected or is in the vicinity of the project and shall not begin work on the activity until notified by the district engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. Information on the location of threatened and endangered species and their critical habitat can be obtained from the U. S. Fish and Wildlife Service and National Marine Fisheries Service.

(9) Historic properties. No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the district engineer has complied with the provisions of 33 CFR 325, appendix C. The prospective permittee must notify the district engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historical Preservation Office and the National Register of Historic Places.

SECTION 404 ONLY CONDITIONS

In addition to the General Conditions, the following conditions apply only to activities that involve the discharge of dredged or fill material and must be followed in order for authorization by the nationwide permits to be valid:

- (1) Water Supply Intakes. No discharge of dredged or fill material may occur in the proximity of a public water supply intake except where the discharge is for repair of the public water supply intake structures or adjacent bank stabilization.
- (2) Suitable material. No discharge of dredged or fill material may consist of unsuitable material (e.g., trash, debris, car bodies, etc.) and material discharged must be free from toxic pollutants in toxic amounts.
- (3) Mitigation. Discharges of dredged or fill material into waters of the United States must be minimized or avoided to the maximum extent practicable at the project site (i.e. on-site), unless the district engineer has approved a compensation mitigation plan for the specific regulated activity.
- (4) Spawning areas. Discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.
- (5) Obstruction of high flows. To the maximum extent practicable, discharges must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters).
- (6) Adverse impacts from impoundments. If the discharge creates an impoundment of water, adverse impacts on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable.
- (7) Waterfowl breeding areas. Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.
- (8) Removal of temporary fills. Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

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United States Department of the Interior

U.S. GEOLOGICAL SURVEY
Reston, Virginia 22092

In Reply Refer To:
Mail Stop 423

JAN 13 1997

MEMORANDUM

To: Nancy Doelger, Minerals Environmental Specialist
From: James F. Devine *James F. Devine*
Senior Advisor for Science Applications
Subject: Review of Draft Environmental Impact Statement for the North Rochelle Coal Lease Application, as applied for by Bluegrass Coal Development Company (Federal Coal Lease Application WYW127221), Campbell County, Wyoming

As requested by the Bureau of Land Management, the U.S. Geological Survey has reviewed the subject draft environmental impact statement (EIS) and offers the following comment:

The EIS should explain the significance of a "five foot drawdown" (page 4-26). Is this a regulatory standard?

Copy to: District Chief, Water Resources Division, Wyoming

5



97 JAN 13 PM 2:11

STATE OF WYOMING
OFFICE OF THE GOVERNOR

JIM GERINGER
GOVERNOR

STATE CAPITOL BUILDING
CHEYENNE, WY 82002

January 10, 1997

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

Dear Ms. Doelger:

On behalf of the State of Wyoming, please be advised that we have reviewed the Draft Environmental Impact Statement for the North Rochelle Coal Lease Application. In accordance with our own comment period given to all affected state agencies, I have attached comments from the Geological Survey, the State Historic Preservation Office, and the Game and Fish Department for your review. I trust you will give them due consideration.

Thank you for the opportunity to comment.

Sincerely,

Paul R. Kruse
Paul R. Kruse
Assistant Director
Office of Federal Land Policy

PK:jh
Enclosures

INTERNET: GOVERNOR@MISGO.STATE.WY.US • TELEPHONE: (307) 777-7431 • FAX: (307) 632-1800

6

DIVISION DIRECTOR

Karyl Denison Robb, Ph. D.

WYOMING

DIVISION OF CULTURAL RESOURCES

State Historic Preservation Office
6101 Yellowstone Road
Cheyenne, WY 82002

(307) 777-7697
FAX (307) 777-6421

96 NOV 18 PM 1:58
RECEIVED
STATE HISTORIC PRESERVATION OFFICE
CHEYENNE, WY 82002

November 14, 1996

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

RE: Draft Environmental Impact Statement for the North Rochelle Coal Lease Application (Federal coal Lease Application WYW127221); SHPO #0991RLB001

Dear Ms. Doelger:

Richard Currit of our staff has received information concerning the aforementioned impact statement. Thank you for allowing us the opportunity to comment.

Management of cultural resources on application projects is conducted in accordance with Section 106 of the National Historic Preservation Act and Advisory Council regulations 36 CFR Part 800. These regulations call for survey, evaluation and protection of significant historic and archeological sites prior to any disturbance. Provided the Bureau of Land Management (BLM) follows the procedures established in the regulations, we have no objections to the project. Specific comments on the project's effect on cultural resource sites will be provided to the BLM when we review the cultural resource documentation called for in 36 CFR Part 800.

Please refer to SHPO project control number #0991RLB001 on any future correspondence dealing with this project. If you have any questions contact Richard Currit at 307-777-5497 or Judy Wolf, Deputy SHPO, at 307-777-6311.

Sincerely,

John Z. Keck
John Z. Keck
State Historic Preservation Officer

JTK:RLC:jh

THE STATE OF WYOMING
Jim Geringer, Governor



DEPARTMENT OF COMMERCE
Gene Bryan, Director

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WYOMING
GAME AND FISH DEPARTMENT



December 23, 1996

WER 6016.01
Bureau of Land Management
Casper District Office
Draft Environmental Assessment
North Rochelle Coal Lease Application as
Applied for by Bluegrass Coal Development
Company (Federal Coal Lease Application
WYW127221)
SIN: 96-068
Campbell County

WYOMING STATE CLEARINGHOUSE
OFFICE OF FEDERAL LAND POLICY
ATTN: JULIE HAMILTON
HERSCHLER BUILDING, 3W
CHEYENNE, WY 82002

Dear Ms. Hamilton:

The staff of the Wyoming Game and Fish Department has reviewed the draft environmental impact statement for the North Rochelle Coal Lease Application as applied for by Bluegrass Coal Development Company. We offer the following comments.

The Draft Environmental Impact Statement has adequately addressed potential and actual environmental impacts relative to wildlife resources. Numerous mitigation measures required by state and federal statutes will assure these impacts are entirely or partially mitigated for most wildlife species. We have no other comments relative to this proposal.

Thank you for the opportunity to comment.

Sincerely,

Bill Wichers
BILL WICHERS
DEPUTY DIRECTOR

BW:TC:as
cc: USFWS

Headquarters, 1400 Poudre Boulevard, Cheyenne, WY 82001-0001
Tel: (307) 777-6111

APPENDIX G: COMMENT LETTERS AND RESPONSE ON THE DEIS



WYOMING STATE GEOLOGICAL SURVEY
 BOX 3008, UNIVERSITY STATION • LARAMIE, WYOMING 82071-3008
 (307) 766-2286 • FAX 307-765-2625 • E-MAIL: wsgs@wsgs.wyo.edu

STATE GEOLOGIST - Gary B. Glass

GEOLOGICAL SURVEY BOARD
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Approved:
 Nancy M. Doelger
 Victor R. Houtzner
 Stephen L. Payne

MINERAL ECONOMICS (ECONOMIC RESEARCH) W. Don House	STAFF GEOLOGISTS - Chief Vacant	Geological Research James C. Cook	Resource Mapping Alden J. Van Pelt	Fossiliferous Resources/Leisure Bob E. Harte	Oil and Gas Rebecca H. De Bruin	PUBLICATIONS (EDIT) Richard W. Jensen
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December 6, 1996

MEMORANDUM

TO: Julie Hamilton, Wyoming State Clearinghouse

FROM: Gary B. Glass, P.G., State Geologist

SUBJECT: Draft Environmental Impact Statement for the North Rochelle Coal Lease-by-application (State Identifier #96-068)

We have reviewed this draft environmental impact statement and have the following comments:

We can support either the proposed action or the BLM's amended version called Alternative A. The leasing of this tract could be very important to the mine life of either the North Rochelle or the Black Thunder coal mines. Because it is adjacent to both mines, there is likely to be keen interest in the tract, which should help assure that fair market value is received.

- 1 In the Mineral Resources section on page 3-3; however, the average analysis of the lower split of the Wyodak-Anderson coal bed is incorrectly attributed to an article by Glass and Jones in the 1991 Field Conference Guidebook of the Wyoming Geological Association. While we cannot dispute the correctness of the analysis that is given, it did not come from that reference.

It is also more correct to note that this average coal analysis is at least partially on an as-received basis (i.e., all but the moisture content). Also, the term "volatiles" should be "volatile matter", and the term "carbon" has to be "fixed carbon". The latter correction is more important because the use of "carbon" refers to an ultimate analysis of coal. With the exception of the moisture and sulfur contents, this average analysis is part of a proximate analysis, not an ultimate analysis. Because the reported moisture content is not as high as it would have been for this average proximate analysis, we assume it may be an equilibrium moisture as noted in the text. The sulfur content may be part of an ultimate analysis, or more likely it was run as a separate analysis.
- 2 The document identifies possible conflicts with deeper oil and gas development that might occur on the tract, although there are currently no APDs in the area. The document states that 52% of the oil and gas rights are privately owned, while all of the coal rights are Federal. We could find no clear discussion of how potential conflicts between mining and oil and gas exploration would be handled, considering this mixed mineral ownership.

If you have questions on our comment, please direct coal-related questions to me and oil and gas-related questions to Rod DeBruin.

Serving Wyoming Since 1933

9



POWDER RIVER BASIN RESOURCE COUNCIL

23 North Scott • Sheridan, WY 82801 • (307) 672-5809
 P.O. Box 1178 • Douglas, WY 82633 • (307) 358-5002

January 10, 1997

Fax Transmission

Bureau of Land Management
 Ms. Nancy Doelger
 1701 East E Street
 Casper, WY 82601

RE: Comments on the Draft EIS for the North Rochelle Coal Lease

Dear Ms. Doelger,

The Powder River Basin Resource Council would like to submit the following comments regarding the impacts of the proposed North Rochelle coal lease and the cumulative impacts of all development in the Powder River Basin.

PRBRC realizes the important role coal plays in our economy and we support the responsible development of these public reserves as long as it is carried out with proper planning, in accordance with the law, involves the public and mitigation practices are fully implemented. We are concerned that mitigation efforts have not been fully explored or documented in this EIS and that the EIS understates some of these impacts in certain places in the document. These are also no discussion in the document regarding proposed coal power plants at this mine and an adjacent mine. These proposals will also impact the area and must be considered in the final document. Finally, we realize from this document we will be sacrificing water quality, habitat diversity and cultural resources in order to develop this coal. Who decides whether this is a legitimate trade off? We also question whether it is in the best interest of the public to lease coal when prices are at or near an all time low.

Environmental Consequences:

- 2 On page 4-1 the document states: "Advances in reclamation technology and mitigation measures have become standard industry practice." Could you please explain in more detail what technology and mitigation measures you are referring to?

On page 4-2 you define moderate impact as one that would produce a modest change to the quality of the human environment and a significant impact as one that would result in a substantial change in the quality of the human environment. The document goes on to discuss several impacts some moderate and some that we would deem significant yet, these impacts are never defined as significant. Why not? Following are specific examples:

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 BUREAU OF LAND MANAGEMENT
 CASPER, WY

Groundwater:

- 3 Under the Groundwater section you state that the proposed lease would extend the duration of the drawdown in the coal aquifer for 11 years. You state that it may take as long as 100 years for the water level in the spoil aquifer to reach premining levels. Studies indicate that the establishment of water quality to premining conditions would take much longer, more than 11,000 years according to a study at the Rochelle Mine. Again, in residual impacts section you reiterate that the coal aquifer will be permanently removed, that it would take an estimated 100 years for the water in the overburden to reach premining levels and the reduction in water quality would be longterm? (11,000 years)
- 3 Given these facts how can you state on pages 2-17 through 2-19 that the impacts to water resources will be moderate over the shorter, longterm and permanently? One hundred years is at least three generations and 11,000 years is not even conceivable in human time. These are significant impacts and should be recognized as such.
- 4 The document also notes that a total of 282 wells would be impacted, 50 of which are noncoal related wells. According to the document these wells will be impacted by direct removal or indirectly by water level drawdown. You state these wells would be replaced according to Wyoming regulations and SMCRA. Could you please provide more details about how this will be conducted? Who has the burden of proof? How long will it take? etc.
- 5 In many instances the EIS places mitigation in the hands of other agencies. For example, the document says the Wyoming DEQ would develop mitigation plans for water resources, specifically, what detailed mitigation plans would be developed by the WDEQ?
- 6 Under the Cumulative impacts section the document states, "The proximity of the coal bed methane development to the coal mines creates the potential for overlapping impacts to groundwater." This statement completely ignores the fact that there already have been overlapping impacts and overlapping impacts are anticipated. The document also fails to analyze these impacts. This is a major deficiency in the document and must be corrected.
- 7 What will be done when there are conflicting claims about whether coalbed methane or coal mining caused the impact to a water well? How will this be handled and the issue mitigated?
- 8 Regarding cumulative groundwater impacts the BLM refers to the Cumulative Hydrologic Impact Assessment (CHIA) update that is currently going on and states that results of this study are not available. The EIS then fails to address the cumulative impacts and again puts this responsibility off on the Wyoming DEQ. The document also fails to analyze the cumulative impacts of proposed power plants in the area. The CHIA update must be included in the EIS analysis.

Cultural Resources & Native American Concerns:

- 9 The document states that five prehistoric and historic sites have been recorded in the lease tract and that these sites are not presently considered eligible for inclusion in the National Register of Historic places. You also state that consultation with the State Historic Preservation Office is required for concurrence. When will this be done? Will this be addressed in the final EIS? The document also states

that no mitigation measures are recommended for Native American Concerns beyond what is required by state and federal law. What are these requirements? Please list them.

- 10 This same statement regarding no mitigation beyond what is required by state and federal law is also made regarding visual resources, noise, transportation and socioeconomic impacts. What are the mitigation requirements? Please list these also.

Wildlife:

- 11 The document states that habitat for various species would be displaced and in some cases the diversity of species after mining would be much less due to mining. Given these statements, the cumulative impacts to several species will be significant. The mitigation section defines several measures to minimize impacts, however many of these measures are not being implemented. For example, reclamation at most mines in the Powder River Basin is far behind, further extending the time and amount of habitat available and affected. There is also extensive and ongoing discussions on whether the industry is required to plant a diverse mixture of grasses. There is no discussion in the EIS about these facts. Why not?

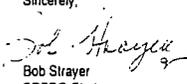
Residual Impacts

- 12 Residual Impacts are listed as unavoidable impacts that cannot be mitigated and would remain following mining and reclamation. According to the EIS these include: a reduction in water quality, a permanent loss of habitat diversity and the loss of cultural resource sites. Based on these statements and the fact that these impacts are more or less permanent, why are they listed on Tables 2.4 through 2.7 as moderate or negligible.

These are significant impacts and should be shown as such. It is a distortion to list them as moderate when there are long lasting "residual impacts". Also, please include a better explanation about why these impacts are unavoidable and cannot be mitigated.

We look forward to you addressing our concerns in the final EIS.

Sincerely,


 Bob Strayer
 PRBRC Chair

APPENDIX G: COMMENT LETTERS AND RESPONSE ON THE DEIS

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BIGHORN AUDUBON SOCIETY

BUREAU OF LAND MANAGEMENT
97 JAN 10 PM 1:18



P.O. Box 535 Sheridan, WY 82801

December 28, 1996

Bureau of Land Management
Casper District Office
Attn: Nancy Doelger
1701 East "E" Street
Casper, WY 82601

Dear Nancy:

Thank you for the opportunity to comment on the Executive Summary Draft EIS for North Rochelle Coal Lease Application

Bighorn Audubon Society is a chapter of the National Audubon Society, a non profit organization working to protect wildlife and wild lands, ensure clean air and water, and conserve energy.

In our local chapter, we are concerned about endangered, threatened and sensitive species of plants and animals, birds and the ecosystems in which they thrive (especially neotropical migratory birds), riparian areas, wetlands, old growth forest, and recycling. We often focus on education and enjoyment of birds and nature through discussions, field trips, projects, volunteer efforts, chapter programs and by keeping in touch with current affairs on the public lands in our membership area.

We appreciate your efforts to recognize impacts to resources on this draft EIS. It is important to the public to know what trade offs are made when we allow mining or any other activity to occur on public lands.

We request that the coal companies who want to mine this area employ a biologist and/or ecologist or a reputable company to assist them with high quality reclamation work.

We have concerns about how this mine will affect neotropical migratory bird habitat, raptor habitat and grouse habitat. As you may have heard, National Audubon Society has published a "WatchList" of bird species that are declining nation-wide because of habitat fragmentation and decimation. Enclosed is the WatchList for your information.

North Rochelle Coal Lease EIS Comments

Page Two

2 We have no objection to removing the coal, but we do request that the overburden and vegetation be replaced as it was before the mining began (excluding non-native vegetation) to assure that bird and wildlife habitat is as diverse and productive as pre-mining conditions. We recommend that the company remove first the top six inches of topsoil to a reserved place to be reapplied on top when the mining activity is completed. This fertile top six inches should not be mixed with other soil from a lower depth. We ask you to do all you can to work with the Wyoming Game and Fish or any other organization to obtain this result.

3 One other concern is wetland mitigation. It is our understanding that when human activities on public lands remove a wetland, then another wetland must be created or designated to replace it. This is crucial to bird habitat, especially in our dry climate. New made wetlands are not as viable as wetlands that have existed for years, because it takes years for the dynamic processes that occur in a wetland to enrich the soil enabling it to provide for the diversity of life that is the inherent value of a wetland. In short, it is not acceptable for a new made wetland to be a mud hole with weeds around it. Every effort should be made to ensure that a mitigation wetland become a viable living, working, wetland in as short a time as possible. Again, do all you can to work with the Wyoming Game and Fish or any other organization to obtain this result.

We hope our comments are helpful. We look forward to hearing from you. Thanks again for the opportunity to comment.

Sincerely,

Carol Herr, President

Enclosure: WatchList

11 BURLINGTON RESOURCES

MID-CONTINENT DIVISION

BUREAU OF LAND MANAGEMENT
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January 8, 1997

VIA FAX

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

RE: Draft Environmental Impact Statement
North Rochelle Coal Lease Application WYWI27221
Campbell County, Wyoming

Dear Ms. Doelger:

Burlington Resources Oil and Gas Company ("BR"), previously known as Meridian Oil Inc., appreciates the opportunity for involvement in the public participation process on the proposed subject draft environmental impact statement (DEIS).

BR is the largest independent (non-integrated) oil and gas company in the United States in terms of total domestic proved equivalent reserves. Those reserves were estimated at 6.7 TCFE on December 31, 1995. We are the lessee of approximately ten percent of the federal leases held by production and operate approximately ten percent of all wells located on federal oil and gas leases.

BR is currently the operator of numerous wells and lessee of a vast amount of acreage located near the North Rochelle Coal Lease and within the Powder River Basin. Specifically, BR's Porcupine Field is located within townships 42 through 43 and range 71, Campbell County. We ask that you consider our existing facilities; wellsites, flowlines, access roads, etc., as well as our leased acreage, throughout the NEPA process for the DEIS for the North Rochelle Coal Lease Application.

BR certainly endorses opportunities for energy and mineral exploration and production operations of various kinds; however, this may prove to be a case of conflicting resource values. Please consider the potential for damage to the recovery of existing developed hydrocarbon and future reserves when planning for the coal extraction in the North Rochelle Coal Lease Area.

Again, we appreciate the opportunity for comment and we look forward to hearing from you.

Sincerely,

Eileen Danni Dey
Regulatory Compliance Supervisor

3300 N "A" St., Bldg. 6, 79705-5406, P.O. Box 51810, Midland, Texas 79710-1810, Telephone 915-688-6800

APPENDIX G: COMMENT LETTERS AND RESPONSE ON THE DEIS

RESPONSES TO COMMENTS RECEIVED ON NORTH ROCHELLE DEIS

Letter 1: Environmental Protection Agency, Denver Colorado

The comments received from the EPA on the North Rochelle Draft Environmental Impact Statement provide an important perspective to BLM on the adequacy of the document. Revisions have been made to the draft document in response to the EPA's comments. It is important to note, however, that some of the topics included in the EPA's comments are not addressed in detail in this document because they are the responsibility of other state and federal agencies, and they will be addressed prior to mining, during the permitting process. The mining plan described in the draft and final EIS is based on general mining practices in the Powder River Basin and at the North Rochelle Mine, and is speculative at this time. Surface coal mining is an established industry in the Powder River Basin, and much information has been collected on the natural resource characteristics of the area, on the impacts of mining in this area, and on what types of mitigation are most effective. In the NEPA analyses at the leasing stage, the BLM and Forest Service assume that all regulatory requirements will be enforced as they are now, regardless of which agency has responsibility for them; and that the mining practices that have been successfully utilized to monitor and mitigate environmental impacts and reclaim the area after mining will continue to be used. During the leasing impact analysis, we try to identify shortcomings in the existing mitigation procedures, or potentially unusual or unique characteristics of the proposed tracts that might require special mitigation measures if the tracts are leased or might even preclude leasing. After a tract is leased, when a mining permit amendment that includes detailed plans for mining that tract is submitted for approval, mitigation and monitoring can be designed to comply with the regulatory requirements at that time, based on an actual mining proposal. The mine will be required to comply with all current air quality regulations before their mining plan amendment is approved and the public will have opportunity to comment during this permitting process.

Responses to detailed comments by the EPA:

1. Distance scales have been added to figures as suggested.
2. The text has been modified. The sentence was intended to point out that the specific procedures included in the existing groundwater mitigation plans have adequately mitigated impacts.
3. TSP concentrations are annual geometric-averaged 24-hour concentrations of TSP and PM_{10} concentrations are annual arithmetic-averaged PM_{10} concentrations. The text has been modified to indicate this.

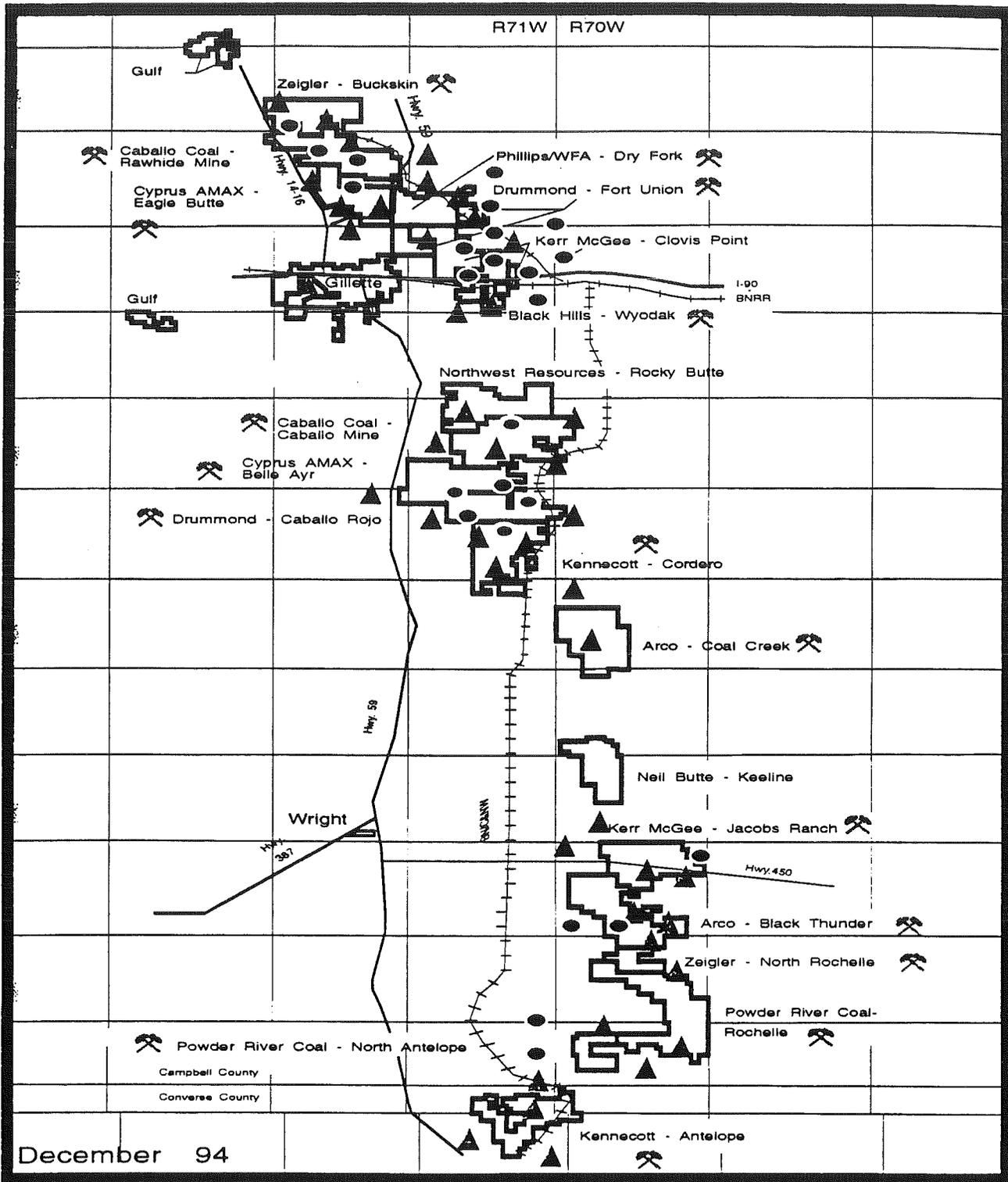
Figure 3.5 of the DEIS is Figure 3.6 of the FEIS. The title has been changed as recommended.

4. A summary of wind data and other meteorological information about the project area is included in Section 3.1 of the draft and final EIS. A wind rose for this area is included as figure 3.2 in the FEIS.

Mine operators must comply with EPA and Wyoming Department of Environmental Quality, Air Quality Division (WDEQ/AQD) monitoring and reporting requirements. Placement of air quality monitors is determined by WDEQ/AQD and the mines. A map showing the location of air quality monitors at the Powder River Basin mines in December 1994, is included with this response.

5. The regulations concerning PSD increment have changed since the draft EIS was written. The final EIS has been revised to reflect the changes.
6. The last paragraph of Section 3.5 has been revised to reflect the EPA's comment. The North Rochelle Mine currently has an approved air quality permit to mine the existing lease. If they acquire the LBA tract, they will have to amend this permit to include the LBA tract prior to mining the tract. This is discussed in Section 4.1.4.
7. The title of Table 4.2 has been changed to reflect your comment.

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AIR QUALITY MONITORING SITES

- INACTIVE SITE
- ▲ ACTIVE SITE
- ⚒ ACTIVE MINE

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Letters 2 and 3: Department of the Army, Corps of Engineers, Omaha, Nebraska and Cheyenne, Wyoming

Army Corps of Engineer's review of the coal leasing documents, including the North Rochelle draft EIS, also provides BLM with an important perspective on the adequacy of the documents. As you indicated in your comment letter, the North Rochelle Mine has conducted a detailed wetland delineation and identification of waters of the U.S. for the area within their existing mine permit. If they acquire the LBA tract, they will be required to extend this analysis onto the LBA tract prior to mining it, during the mining permit amendment process.

Letter 4: U.S. Geological Survey, Reston Virginia

Determination of the extent of the five-foot drawdown contour is required as part of Wyoming Department of Environmental Quality's mine permitting process (WDEQ/LQD Guideline No. 8 - Hydrology, P. IV, B, 1). This has been clarified in the final EIS.

Letter 5: State of Wyoming, Office of the Governor

The involvement of the state of Wyoming is important to the BLM's federal coal leasing process. Revisions have been made to the final EIS in response to comments made by state agencies.

Letter 6: State of Wyoming, Division of Cultural Resources

As indicated in Appendix D of the draft and final EIS, both the BLM and the Forest Service attach special stipulations to all federal coal leases that require the lessee to conduct Class III cultural surveys on currently uninventoried parts of federal leases prior to surface disturbing activities. These stipulations require the lessee to report any cultural resource discovered as a result of surface operations. Also, as indicated in Section 4.1.12 of the EIS, formal SHPO consultation will be required to determine eligibility of all sites located within the LBA tract for inclusion on the National Register of Historic Places prior to mining. These provisions are intended to ensure that the regulatory requirements are met. Please advise the BLM and the Forest Service if you have any concerns with the current procedures.

Letter 7: State of Wyoming, Game and Fish Department

The comments of the Wyoming Game and Fish Department on previous coal leasing NEPA documents have improved the analysis of wildlife impacts in those documents. Please advise the BLM and the Forest Service in the future if there are additional wildlife issues that need to be addressed.

Letter 8: State of Wyoming, Geologic Survey

1. The coal quality information provided in Section 3.3, under Mineral Resources (on page 3-3 of the draft EIS) has been changed in the final EIS to a direct citation from a more recent reference.
2. A discussion of how potential conflicts between oil and gas development and coal mining was included in Section 2.1 of the draft EIS (page 2-6, first column), and this discussion has been expanded in the final EIS. In general, the process relies on good faith negotiations between the oil and gas and coal lessees. This is a very complicated issue, however, and the negotiation process is not always successful. Please contact Nancy Doelger at the Casper District Office of the BLM if you would like to discuss this issue further, as the state's interest is sometimes involved in terms of state income that may be lost if the negotiations are not successful.

Letter 9: Powder River Basin Resource Council

1. Comment 1a: "We are concerned that mitigation efforts have not been fully explored or documented in the EIS and that the EIS understates some of these impacts in certain places in the document."

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Response: Many of the requirements of SMCRA (administered by the Office of Surface Mining Reclamation and Enforcement) and state laws regulating surface coal mining (regulated by the Wyoming Department of Environmental Quality) are intended to ensure that surface coal mining impacts are mitigated. Mitigation and monitoring measures that are required by these and other regulations are considered to be part of the Proposed Action and the alternatives. The mitigation practices that are used have been developed during the past 15+ years of mining in the Powder River Basin. Some of these practices are described in the "Handbook of Western Reclamation Techniques", a publication that was supported in part by the Abandoned Coal Mine Lands Research Program at the University of Wyoming, as well as the Office of Surface Mining and some of the Powder River Basin Mines. Copies of this publication are available for viewing at the BLM Offices in Casper, Cheyenne, and Buffalo. Mine-specific measures are developed during the mining permit process, when specific mining plans are proposed. These mine-specific mitigation plans are described in detail in the mining permit document for each mine.

If shortcomings in current mitigation practices are identified that cannot be mitigated within the range of authority of SMCRA or state law, BLM develops mitigation measures that are designed to address the shortcomings, describes them in the leasing EAs and EISs, and includes them as stipulations on the leases when they are issued. No shortcomings in current mitigation practices that need to be addressed by BLM have been identified in the case of the North Rochelle LBA tract.

Comment 1b: "There is also no discussion in the document regarding proposed coal power plants at this mine and an adjacent mine."

Response: These projects were proposed after the preparation of the DEIS, but they have been included in the FEIS.

Comment 1c: "Finally, we realize from this document we will be sacrificing water quality, habitat diversity and culture resources in order to develop this coal. Who decides whether this is a legitimate trade off? We also question whether it is in the best interest of the public to lease coal when prices are at or near an all time low."

Response: NEPA regulations require that the impacts of a federal action be evaluated and disclosed before a decision is made to approve or disapprove that action, and that the public has the ability to comment on the action. The North Rochelle draft and final EIS's describe the following impacts of surface coal mining if the LBA tract is leased, mined, and reclaimed: water on the 1,400-acre LBA tract will be available for premining uses although there will be long term changes in water quality and quantity; there will be reduced habitat diversity on the 1,400-acre LBA tract (primarily reduced sagebrush density) and also potentially reduced carrying capacity; and that data will be recovered if significant cultural properties are found on the LBA tract and cannot be avoided. The decision to lease the federal coal in the LBA tract will be made by the authorized officer of the BLM, after review of the North Rochelle DEIS, FEIS, and public comments. BLM has the responsibility and regulatory authority to require that the government receive fair market value for the coal, and that is carefully evaluated during the leasing process. BLM does not have the regulatory authority to limit coal supply in order to manipulate the market to obtain higher prices for federal coal. It also should be pointed out that higher prices for Wyoming coal would benefit the coal companies, the state of Wyoming and the Federal government, but they would also probably lead to higher electricity prices for consumers in many parts of the country, since 97% of the coal that is mined in Wyoming is used for power generation.

2. The statement regarding advances in reclamation technology and mitigation measures is a general one. Examples are discussed later in chapter 4 of the DEIS, and include building sedimentation structures to trap eroded soil and serve as a replacement for stock ponds for waterfowl use (see sections 4.1.3, 4.1.5, and 4.1.9), revegetation of topsoil and overburden stockpiles to reduce wind erosion (see section 4.1.3), testing of overburden unsuitability and placement of unsuitable overburden to minimize adverse impacts (see Section 4.3.2), monitoring of revegetation growth and application of appropriate soil amendments (see Section 4.3.3), use of fabric filtration or wet scrubbing of coal storage silo and conveyor vents to mitigate generation of particulates (see Section 4.3.4), and creation of depressions and rockpiles on reclaimed areas with special planting procedures to add topographic and vegetation community diversity (see Sections 4.3.8 and 4.3.9). These procedures are explained in more detail in the mining permit documents for each mine. As indicated in response 1A, a discussion of reclamation

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techniques used in the Powder River Basin can also be found in the "Handbook of Western Reclamation Techniques."

3. The Groundwater discussion in Section 4.1.5 of the DEIS states the following:

Page 4-6, 1st column, 1st full paragraph:

"..., it may take as long as 100 years for the water level in the entire spoil aquifer to reach premining levels. However, based on the backfill monitoring data that is currently available, it is likely that by the time surface reclamation is completed and the LBA tract is restored to rangeland, sufficient saturated material would be present to supply a stock well, particularly in the areas that were first mined."

Page 4-6, 1st column, 2nd full paragraph:

"TDS in the spoil water on the mined LBA tract may increase from the premining range of 800-3,900 mg/liter to a postmining range of 1,500-5,000 mg/liter. However, the postmining TDS concentrations would still be suitable for anticipated postmining land use (livestock water)."

Page 4-6, 2nd column, top paragraph:

"This study (i.e., the study at the Rochelle Mine) indicated that this process (i.e., dissolving all of the newly exposed minerals and restoring premining water quality in the entire mined and reclaimed area) would take more than 11,000 years for the entire mined out area, although premining water quality would be reached along the edges of the mined out area more quickly and would gradually move in toward the center."

In other words, although it may take 100's or even 1,000's of years to return every pore volume of the mined-out and reclaimed 1,400 acres under consideration for leasing in this tract to equilibrium premining conditions, the impact to the human environment is not expected to be significant because water of quantity and quality suitable for premining human uses should be available by the time the mined-out area is restored to rangeland. This conclusion is supported by the data that has been collected from the monitoring wells completed in the backfill, which is summarized on pages 4-26 and 4-30 of the DEIS in the cumulative impact discussion in Section 4.5.5. Furthermore, The 1,400-acre LBA tract is not a significantly large part of the basin, and adding it to the area to be mined does not represent a significant change to the already permitted activity in the basin.

4. The document indicates that there are 282 water wells within 3 miles of the LBA tract; and that 50 of these wells are non-coal wells, of which one is permitted for domestic use, 15 are permitted for stock use, and the remainder (34) are USFS or Water Resources Institute monitoring wells. It further states that the majority of those wells will likely be impacted by mining at the North Rochelle and adjacent mines.

Water rights impacted by mining operations are covered in W.S. 35-11-416, Protection of the surface owner of the Wyoming Environmental Quality Act, and Chapter 4, Section 2(w) of WDEQ's Coal Rules and Regulation states that "The operator shall...assure the protection or replacement of water rights..". SMCRA addresses this issue in 30 CFR 816.41(h), Water rights and replacement. Wells that are likely to be impacted by a particular mine or group of mines are identified in advance through required modeling to predict the extent of water drawdown in the coal and overburden aquifers. Actual impacts to the wells, and the validity of the modeling are evaluated by the required monitoring. The modeling and monitoring data are the proof that wells must be replaced in accordance with the regulations because they have been impacted by surface coal mining.

5. SMCRA and Wyoming State Law both include regulations requiring mitigation of surface coal mining impacts, and they are administered by other agencies. The required mitigation measures are considered to be part of the proposed action. They are developed during the mining permit process, when specific mining plans are submitted to WDEQ for approval, and they are described in the mining permit documents. Please refer also to the response to Letter 1 from the Environmental Protection Agency, and the response to item #1a of your letter for additional discussion related to this comment.

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6. The North Rochelle FEIS has been revised to include the map from the 15-year GAGMO report (Figure 4.4), which shows the area of overlapping groundwater impacts related to coal and coal bed methane development, and a discussion of the overlapping impacts. The area of overlapping impacts is west of the middle group of mines (located south of Gillette, see Figure 4.4 in the FEIS). There are currently no coal bed methane wells in proximity to the North Rochelle LBA tract, none are currently proposed and there are no anticipated overlapping groundwater impacts as a result of existing coal bed methane development, and mining the LBA tract. The impacts of projected coal bed methane development south of Gillette, which may result in coal bed development near the North Rochelle Mine in three to five years, are being evaluated by BLM in an EIS at this time. BLM requires coal bed methane operators to drill monitoring wells as part of the federal well approval process. If an actual federal coal bed methane drilling proposal is received adjacent to the North Rochelle Mine, mitigation and monitoring requirements specific to that proposal will be determined at that time.

7. Data from the coal bed methane monitoring wells combined with the data from the existing mine monitoring wells will be used to identify the source of impact to water wells. If the impact is related to surface coal mining, mitigation will be handled as described above in response 4. The pending South Gillette EIS will describe mitigation for impacts related to coal bed methane development. That mitigation will draw on the agreements and procedures that have already been developed in areas where coal bed methane development has already occurred. In areas of overlap, the responsibility for mitigation will probably have to be shared.

8. On page 4-5, the DEIS states: "Mining of the LBA tract should not increase the areal extent of current and anticipated drawdowns in the coal aquifer (see Section 4.5.5) because the LBA tract does not extend the area of coal removal farther west than the existing West Black Thunder lease and the rate of production is not anticipated to increase beyond that already permitted, but it would extend the duration of the drawdown for 11 years." This is the anticipated cumulative impact, because it reflects all anticipated mining in the area. The WDEQ has the responsibility to enforce the regulations that require mitigation of the impacts of surface coal mining in Wyoming. The impacts of the proposed power plants are discussed in the FEIS, however, that information was not available when the DEIS was prepared. The EIS analysis is required to use and is using the best data that is currently available.

9. Management of cultural resources on this project will be conducted in accordance with Section 106 of the National Historic Preservation Act and Advisory Council regulations 36 CFR Part 800, which call for survey, evaluation, and protection of significant historic and archaeological sites prior to disturbance. In accordance with those regulations, the entire tract will be surveyed, and consultation with the SHPO for concurrence with the eligibility of the five historic/prehistoric sites that are known to be on the LBA tract, and any others discovered in future surveys will be accomplished prior to any disturbance of those sites. The result of the consultation is not addressed in the FEIS because consultation has not occurred, however, SHPO concurrence is mandated by law prior to disturbance of the sites, and failure to comply with these requirements results in fines.

As stated in Section 3.14 of the DEIS and the FEIS, Native American consultation is conducted during the review periods for the DEIS and FEIS. This is required under the legislation cited above. Certified letters with copies of the DEIS were sent to potentially affected tribes requesting their comments concerning any religious or cultural areas within or near the LBA tract, and this process will be repeated with the FEIS. If any sites are identified, there will be consultation with the affected tribe to determine how to handle the area of concern. To date, no sites or areas of religious or cultural interest have been identified as being affected by this project.

10. Mitigation that is required by regulation and is administered by other agencies is considered to be part of the proposed action, as stated previously in responses 1 and 4, above. The mitigation requirements are described in the applicable federal and state regulations and the mitigation plans are included in the mining permit document for each mine. Examples of some of these mitigation requirements are included in leasing impact analyses such as the North Rochelle DEIS and FEIS to illustrate the extent of mitigation that is required by the regulations in the case of surface coal mining.

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11. The DEIS states that "many species of wildlife would be displaced to other areas" (Section 4.1.9), and that "alterations in the topography and vegetative cover, particularly the reduction in sagebrush density, would cause a decrease in carrying capacity and diversity on the LBA tract after mining and reclamation." Although final reclamation has proceeded more slowly than predicted by the BLM in the previously prepared regional EISs, wildlife monitoring data at the mines do not indicate that this has impacted the wildlife populations in the vicinity of the mines more significantly than was predicted in the regional EISs.

There are ongoing discussions as to what an ideal seed mix is for revegetating reclaimed mine lands and to what extent the shrub component should be replaced. The final seed mixture that is planted, however, is and will continue to be subject to the approval of the WDEQ, and will be reviewed by other agencies (for example, Forest Service on surface lands they manage) prior to that approval.

The EIS also recognizes that replacement of native-grass-shrublands with cultivated crops has also impacted wildlife (Section 4.5.9), and that most of the lands in the proposed project area are privately owned (Section 4.5.11). Once reclamation/revegetation on these lands has met the standards set by WDEQ, they will return to private ownership. At that time, the private landowner will have the right to manage vegetative cover on these lands according to his/her needs.

12. As stated previously (see responses to PRBRC's comments 1, 3, 7, 8, and 10): If the tract is mined, water quality and quantity would be reduced, but water that is suitable for premining will still be available; habitat diversity would be reduced but not permanently lost; and information from cultural sites would be recovered if they cannot be avoided. And, the action being considered in this EIS would affect 1,400 acres; it would not significantly change the impacts that will occur as a result of already approved actions, and it would not result in an increase in impacts over what was predicted in the previously prepared regional coal leasing EISs.

Response to Letter 10 from the Bighorn Audubon Society

1. Reclamation procedures are regulated by the Wyoming Department of Environmental Quality, Land Quality Division (WDEQ/LQD). These procedures are addressed in detail in the mining and reclamation permit. The coal lessee must obtain approval of their mining and reclamation plan prior to any mining disturbance. The mining and reclamation permit approval process includes a public notice and a 60-day public comment period.

2. The reclamation procedures required by WDEQ/LQD include topsoil salvage for subsequent use in reclamation and the use of an approved seed mixture for revegetation.

Topsoil thicknesses are variable, and the thickness of the topsoil layer that is salvaged is varied accordingly. A description of the process of topsoil identification, removal and stockpiling is included in the "Handbook of Western Reclamation Techniques", a publication that was supported in part by the Abandoned Coal Mine Lands Research Program at the University of Wyoming, as well as the Office of Surface Mining and some of the Powder River Basin Mines. Copies of this publication are available for viewing at the BLM Offices in Casper, Cheyenne, and Buffalo.

The seed mixture to be used is included in the mining and reclamation permit, which is reviewed by the Forest Service and the US Fish and Wildlife Service, among others, prior to WDEQ approval.

3. Prior to mining, a detailed wetland inventory and a wetland mitigation plan would be required as part of the mining permit process. The U.S. Army Corps of Engineers must review and approve the mitigation plan prior to disturbance.

These processes are not described in the Executive Summary, but there is more information in the DEIS and FEIS documents (general reclamation practices are described in Section 2.1 and wetlands are discussed in Sections 3.8 and 4.1.7).

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Response to Letter 11 from Burlington Resources:

As indicated in the DEIS and FEIS, there are no existing wells or rights-of-way for oil and gas pipelines on the LBA tract (Section 2.1). In the event that oil and gas resources are developed on the tract prior to mining, BLM policy is to encourage negotiation and resolution of those conflicts between the conflicting parties.