



August 30, 2010

BY E-MAIL

Wyoming High Plains District Office
Bureau of Land Management
Attn: Sarah Bucklin
2987 Prospector Drive
Casper, WY 82604
Wright_wy@blm.gov

Re: Comments on Final Environmental Impact Statement for Wright Area Coal Project

Dear Ms. Bucklin:

WildEarth Guardians, the Sierra Club, and Defenders of Wildlife submit the following comments in response to the Bureau of Land Management's ("BLM's") Final Environmental Impact Statement ("FEIS") for the Wright Area Coal Project, notice of availability of which was published on July 30, 2010. *See* 75 Fed. Reg. 44978-44979.

We have already provided extensive feedback on the BLM's proposal through comments on the Draft EIS for the Wright Area Coal Project. We are disappointed to see that many of our concerns, for example the issue of whether the ongoing decertification of the Powder River Basin as a coal production region, remains appropriate. We hereby incorporate by reference and restate our prior comments on the Draft EIS for the Wright Area Coal Project, including WildEarth Guardians' August 25, 2009 comments on the draft EIS and Defenders of Wildlife's August 25, 2009 comments on the Draft EIS.

We are particularly disappointed given the significance of the proposed actions. The BLM is proposing to offer six lease-by-applications ("LBAs") that collectively would allow corporations to strip mine upward of 4.3 billion tons of coal from the Powder River Basin of northeastern Wyoming (hereafter "Wright LBAs"), leading to a number of environmental impacts, including the release of nearly 8.0 billion tons of carbon dioxide ("CO₂") (based on an emission factor of 1.82922 tons of CO₂/ton of coal), a heat trapping greenhouse gas that is fueling global warming, once the leased coal is mined and burned. *See* Table below.

Proposed LBAs, Acreage, Tonnage, CO2 Emissions, and Mine Company Proponent.¹

Lease by Application	Acreage	Tons of Coal	Tons of Carbon Dioxide from Burning	Mine Company Proponent (Mine and Rank in U.S. Production)
North Highlight Field	2,613.50	669,300,000	1,224,296,946	Arch (Black Thunder, #2)
South Highlight Field	1,976.69	320,000,000	585,350,400	Arch (Black Thunder, #2)
West Highlight Field	2,370.52	1,056,100,000	1,931,839,242	Arch (Black Thunder, #2)
West Jacobs Ranch	5,944	1,142,100,000	2,089,152,162	Rio Tinto Energy America (Jacobs Ranch, #3)
North Porcupine	5,795	777,400,000	1,422,035,628	Peabody (North Antelope/Rochelle, #1)
South Porcupine	3,185.95	405,400,000	741,565,788	Peabody (North Antelope/Rochelle, #1)
TOTALS	21,866.44	4,370,300,000	7,994,224,166	

The proposed action is unprecedented. The BLM has never offered to lease such a large amount of coal through a single EIS for at least the last 20 years. What's more, the BLM is offering to lease such a large amount of coal in a day of age where scientific knowledge of human-caused global warming is more advanced than ever. This growing body of knowledge points to human-caused releases of greenhouse gases, like carbon dioxide, as key drivers of global warming. Global warming is dramatically changing the climate, threatening economic stability, national security, public health, and natural ecosystems. In recognition of the need to confront global warming, a number of states in the American West, including Colorado and New Mexico, have adopted ambitious greenhouse gas reduction goals. Even the U.S. Environmental Protection Agency ("EPA") has finalized a national finding that greenhouse gases are an endangerment to public health and welfare. *See* 75 Fed. Reg. 66496-66546.

Despite this, the BLM continues to refuse to make any effort to address the global warming impacts of the Wright Area LBAs and worse, continues to make excuses for avoiding taking any responsibility for addressing the environmental impacts of its actions. Although the BLM can cite no authority for turning a blind eye to the global warming impacts of the Wright Area LBAs, the BLM's unwillingness to take action is particularly galling in light of clear direction handed down from the Secretary of the Interior on this very issue. As set forth by Secretarial Order 3226, agencies within the Department of Interior "shall, in a manner consistent and compatible with their respective missions...[c]onsider and analyze potential climate change impacts when...making major decisions affecting DOI [Department of Interior] resources." Secretarial Order 3226, Amendment 1, Section 4(a) (January 16, 2009). In this case, we are extremely hard pressed to believe that the disposition of 4.3 billion tons of coal is not a "major decision affecting DOI resources."

¹ Acreage and tonnage figures based on DEIS; CO2 emissions based on Energy Information Administration factor of 212.7 lbs/mmBtu of coal; production ranking from Energy Information Administration.

We particularly hard pressed in light of the cumulative impacts of pending coal leasing in the Powder River Basin. As WildEarth Guardians documented in its report, "UnderMining the Climate," the BLM is currently considering offering 12 LBA proposals that could collectively shows that together with other pending lease by applications, the Wright Area LBAs will contribute to the release of up to 10.6 billion tons of carbon dioxide (9.63 billion metric tons)—more than was released by all fossil fuel combustion in the U.S. in 2007. *See UNDERMINING THE CLIMATE*, Exhibit 1 at 24.

Thus, we reiterate every single one of the concerns raised in our prior comments. In addition, we raise the following comments in further response to the FEIS.

1. Nitrogen Dioxide Impacts

It is unclear how the BLM analyzed and assessed the direct, indirect, and cumulative impacts to the short-term nitrogen dioxide National Ambient Air Quality Standards ("NAAQS"). On February 9, 2010, the EPA finalized strengthening the nitrogen dioxide NAAQS, supplementing the current annual standard of 53 parts per billion with a 1-hour standard of 100 parts per billion. *See Primary National Ambient Air Quality Standards for Nitrogen Dioxide, Final Rule, 75 Fed. Reg. 6474-6537 (Feb. 9, 2010)*. These NAAQS were originally proposed on July 15, 2009. *See Primary National Ambient Air Quality Standards for Nitrogen Dioxide, Proposed Rule, 74 Fed. Reg. 34404-34466 (July 15, 2009)*. These NAAQS became effective on April 12, 2010.

The BLM seems to recognize that the nitrogen dioxide NAAQS were strengthened, but there is no analysis and assessment of the direct, indirect, and cumulative impacts of the Wright Area LBAs to these NAAQS. This is particularly problematic because the FEIS discloses that cumulative hourly NO₂ concentrations in Montana are expected to be as high as 442.7 micrograms/cubic meter, nearly twice the NAAQS of 188.1 micrograms/cubic meter.² Clearly there is a potential for the NAAQS to be exceeded, meaning the BLM needs to model the short-term nitrogen dioxide impacts of the logical consequence of development of the Wright Area LBAS to ensure compliance with the NAAQS.

2. Ozone Impacts

The BLM recognizes that the EPA has proposed to strengthen the ozone NAAQS from the current standard of 0.075 parts per million to between 0.060 and 0.070 parts per million. The EPA expected to finalize these NAAQS in August of 2010, but now expects to finalize them in October 2010. This means that any decision to authorize any of the Wright Area LBAs will be issued after the ozone NAAQS are strengthened.

Currently, the three year average of the fourth highest ozone readings a the Thunder Basin ozone monitor in Campbell County is 0.069 parts per million, based on the years 2007-2009, meaning the County is likely to fall into violation of any new NAAQS adopted by the

² We cannot understand why BLM expresses the nitrogen dioxide NAAQS in units of micrograms/cubic meter when the NAAQS are expressed as parts per million. This only makes the BLM's analysis confusing as nobody discusses nitrogen dioxide concentrations in the context of the NAAQS using micrograms/cubic meters.

EPA, a very significant impact. This means that before the BLM issues decisions on the Wright Area LBAs, the Agency must address any potentially significant ozone impacts in the context of the EPA's final NAAQS.

The need for the BLM to address ozone impacts is very straightforward. For one thing, the Federal Land Policy and Management Act ("FLPMA") requires the BLM to ensure compliance with state and federal air quality standards. See 43 U.S.C. § 1712(c)(8). FLPMA specifically states that the BLM shall, "provide for compliance with applicable pollution control laws, including State and Federal air, water, noise, or other pollution standard or implementation plans." *Id.* FLPMA provides that BLM's land use plans must "provide for compliance with applicable pollution control laws, including State and Federal air, water, noise, or other pollution standards or implementation plans." 43 U.S.C. § 1712(c)(8). Here, BLM's applicable land use plan—the Buffalo Resource Management Plan—explicitly provides for such compliance. The RMP states that BLM will "minimize emissions that could result in acid rain, violations of air quality standards, or reduced visibility," and that the Agency will ensure its decisions are "conditioned to avoid violating Wyoming and national air quality standards." BLM, APPROVED RESOURCE MANAGEMENT PLAN FOR PUBLIC LANDS ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT BUFFALO FIELD OFFICE, (April 2001) at 3, available at http://www.blm.gov/pgdata/etc/medialib/blm/wy/programs/planning/rmps.Par.94672.File.dat/2001rmp_update.pdf (last visited Aug. 30, 2010).

Furthermore, according to the BLM, emissions of ozone precursors are expected to be significant from any future mining operations tied to the Wright Area LBAs. Emissions of nitrogen oxides ("NOx") just from blasting are expected to be as high as more than 10,000 tons annually, making these mining operations the largest source of NOx emissions in Campbell County.³ See Table below.

NOx Emissions Projected from Blasting at Wright Area LBAs (tons/year).⁴

Leases	Low Estimate (date)	High Estimate (date)
North and South Porcupine	3,323 (2012)	3,856 (2017)
West Jacobs Ranch	1,447 (2006)	1,450 (2013)
North, South, and West Hilight Field	4,507 (2015)	4,743 (2017)
TOTAL	9,277	10,049

The BLM cannot postpone, or worse ignore, the potentially significant impacts of authorizing what will become the largest source of NOx emissions in Campbell County as the region struggles to come into compliance with the EPA's new ozone NAAQS. Coupled with its legal authority and duties, BLM must adopt special stipulations to ensure that any new coal mining

³ According to EPA, the largest source of NOx emissions in Campbell County, Wyoming—the Wyodak power plant—releases 4,697 tons annually. See http://iaspub.epa.gov/airsdata/adnet_ranking?geotype=co&geocode=56005&geoinfo=co~56005~Campbell+Co%2C+Wyoming&pol=NOX&year=2002&fld=percent&fld=pl_name&fld=addr&fld=county&fld=state&fld=sic&rpp=25.

⁴ See Wright Area FEIS at 3-83—3-86.

controls NOx emissions to keep ozone pollution in check and ensure compliance with the ozone NAAQS.

3. How does BLM Intend to Address Cumulative Air Quality Violations?

In light of the BLM's duties under FLPMA to provide for compliance with federal air quality standards and ensure consistency with its RMP, we question how the BLM can authorize the Wright Area LBAs in light of the Agency's own disclosure that, cumulatively, approval of the Wright Area LBAs will lead to violations of the annual PM_{2.5} NAAQS, the 24-hour PM_{2.5} NAAQS, and the 24-hour PM₁₀ NAAQS. *See* FEIS at 4-47. Although the BLM may simply claim that the State of Wyoming will ensure protection of the NAAQS, this is a self-serving argument of convenience. There is nothing in the FEIS that indicates the State of Wyoming has any mechanism in place to ensure that the NAAQS are not violated. This is particularly true for the 24-hour PM₁₀ NAAQS. Although the State of Wyoming relies on monitoring data in lieu of modeling, the State has yet to adopt and enforce any limits on PM₁₀ emissions from the North Antelope, Black Thunder, or Jacobs Ranch in response to the numerous exceedances of the 24-hour PM₁₀ NAAQS that have been recorded over the years at these mines. Put simply, the State of Wyoming makes every effort to avoid taking any action to address air quality problems in the Powder River Basin. The BLM cannot reasonably rely on such an approach to protecting air quality, particularly when the Agency has an explicit and independent mandate to provide for compliance with air quality standards.

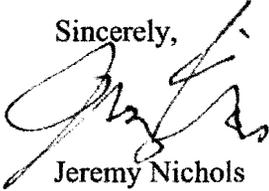
To this end, we are also question how the BLM will ensure compliance with visibility requirements in its RMP. Indeed, the Buffalo RMP is clear that BLM will "minimize emissions that could result in acid rain, violations of air quality standards, or reduced visibility." BLM, APPROVED RESOURCE MANAGEMENT PLAN FOR PUBLIC LANDS ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT BUFFALO FIELD OFFICE, (April 2001) at 3, *available at* http://www.blm.gov/pgdata/etc/medialib/blm/wy/programs/planning/rmps.Par.94672.File.dat/2001rmp_update.pdf (last visited Aug. 30, 2010). Yet the FEIS discloses that visibility in a number of Class I areas and sensitive Class II areas will be degraded. In the case of the Northern Cheyenne Indian Reservation, a Class I area, the BLM projects that visibility will be degraded for an additional 60 days—or two months—as a cumulative effect of authorizing the sale and issuance of the Wright Area LBAS. *See* FEIS at 4-51. This not only seems to pose serious environmental concerns, but serious environmental justice concerns, particularly since it is not evident that the BLM has made any effort at all to communicate to the leaders and residents of the Northern Cheyenne Indian Reservation that their air quality will be fouled to such a significant degree.

4. Impacts to Mountain Plover

It is not clear whether the BLM has yet conferred with the U.S. Fish and Wildlife Service over the impacts of the Wright Area LBAS to the mountain plover, a species that was proposed for listing on June 29, 2010 (*see* 75 Fed. Reg. 37353-37358 (June 29, 2010)). The BLM is obligated under the ESA to ensure that its actions do not jeopardize the continued existence of the plover in accordance with 16 U.S.C. § 1536(a)(4) and 40 C.F.R. § 402.10.

The BLM must analyze and assess the direct, indirect, and cumulative impacts of its actions to ensure that the Wright Area LBAS are not likely to jeopardize the continued existence of the mountain plover. If the existence of the mountain plover may be jeopardized, the BLM must confer with the U.S. Fish and Wildlife Service regarding the impacts of its actions in Wyoming to the mountain plover.

Sincerely,



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cc: Ken Salazar, Secretary of the Interior