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RE: Final Environmental Impact Statement for the South Gillette Coal Lease Applications

Dear Bureau of Land Management ,

Clean Energy Action is writing to comment on the Final Environmental Impact Statement on the South Gillette Coal Lease Applications. While we appreciate the work that has been done to prepare the South Gillette FEIS we continue to have numerous concerns as follows:

**1) Readability:** The FEIS remains extremely dense and difficult to decipher with key information separated and not adequately cross-referenced. Until the EIS is reformatted and appropriately cross-referenced it fails to actually inform the public and key decision makers. Rather the FEIS as presently written and formatted serves to overwhelm and confuse. That is not the purpose of the National Environmental Policy Act.

**2) Lease by Application Process:** The Bureau of Land Management has attempted a lengthy rationale for why it is acceptable to lease approximately 700 million tons of federally owned coal from the Powder River Basin with increasing production and yet maintaining that the area is not a “coal producing region.” This is clearly unacceptable and in violation of the regulations governing coal leasing found at 43 CFR 3400 et seq.

**3) Reclamation:** The FEIS continues to assume that disturbed lands will be reclaimed and yet has provided no analysis of the extent and success of previous reclamation efforts. Generally, the Wyoming coal mines have only reclaimed a fraction of the lands they have mined and some acres will never be disturbed. Until there is a detailed analysis of existing reclamation efforts including maps and figures showing exactly which acres have been reclaimed and to what level and then the EIS is rewritten to reflect the actual situation with reclamation, the FEIS is not adequate to support any decision on leasing yet more federally owned coal from the Powder River Basin.

**4) Eagles and Raptors:** The FEIS is very confusing and misleading on the issue of eagle and raptor nests. All disturbed areas plus the appropriate buffers need to be considered, not just the lease application tracts and this needs to be consistently presented throughout the FEIS and the information in the Supplementary Volume needs to be included in both the body and Executive Summary of the FEIS. Buffer areas need to be clearly delineated and declared as unsuitable for coal leasing. Also, on page 3-168 the number “firty-five” (starting the second full paragraph) should be clarified.

**5) Sage Grouse:** There are numerous occupied sage grouse leks within three miles of these proposed leases. Sage grouse are known to nest within 3 miles of the lek where they were bred and the USFWS is reconsidering the listing of sage grouse and has noted the need to conserve sage grouse and sagebrush habitat. (See e.g. the Supplemental Information.) No decision should be made on leasing coal in the South Gillette area until the USFWS finishes their on-going status review of the Greater Sage Grouse (see e.g. page 3-173) and a new round of consultation has taken place. In addition, updated surveys are needed and no decision should be made until at least five years of surveys conducted at the appropriate times have been conducted with these surveys having been completed within six months of the decision date on coal leasing. Areas within three miles of sage grouse leks should be identified as unsuitable for leasing given the difficulties associated with recreating sagebrush habitat once it is destroyed.

**6) Visibility:** There are already numerous violations of visibility guidelines in Class I and Sensitive Class II areas (see e.g. page ES-42). Increased coal development will increase the number of visibility violations in these Class I and Class II areas. This is in contradiction of the mandates of the Clean Air Act to prevent future and remedy existing visibility violations in Class I areas. No decision should be made on leasing until these Clean Air Act provisions are recognized and complied with.

**7) Cumulative Hydrologic Impact Analysis:** A cumulative Hydrologic Impact Analysis needs to be completed before proceeding any further with coal leasing.

**8) Ute Ladies Tresses:** The number of surveys done for Ute Ladies Tresses has been inadequate. Until surveys are conducted several times a year for five consecutive years in both the lease area and all areas that could be disturbed, the leasing should not proceed.

**9) Blowout Penstemon:** No decision on leasing should proceed until full surveys have been done for this species (as described in comment letter 17 from the US Fish and Wildlife Service.) Surveys need to be completed before going any further because the chances of protecting this species once the coal is leased become extremely small since placing a “buffer” around a population when the surface ecosystems of thousands of acres of land will be destroyed for mining will be essentially impossible.

**10) Mountain Plovers:** No decision should be made on leasing coal until further surveys have been done for Mountain Plovers and until the USFWS has had an

opportunity to review the species to determine whether it should be listed as threatened or endangered. (see e.g. page 3-185).

**11) Migratory Bird Species of Management Concern:** The conclusions about migratory bird species are based in part on assumptions about reclamation that are not likely to hold true. Moreover, cumulative impacts from all the developments in the Powder River Basin need to be considered and that won't be possible until the Powder River Basin Coal Review is completed.

**12) Alluvial Valley Floors:** No decision on leasing should occur until all final determination of Alluvial Valley Floors has taken place.

**13) Section 7 Consultation on Endangered Species:** All needed consultations with the US Fish and Wildlife Service should be completed before making a decision on coal leasing and any previous consultations need to be updated to have occurred within 6 months of the leasing decision due to ongoing changes in interpretation of the Endangered Species Act.

**14) Cultural Resources:** Coal mining is likely to destroy numerous cultural sites. Further surveys are needed in all areas that will be disturbed—not just in the lease areas. No decision should be made until all sites are evaluated for National Register of Historic Place eligibility. Full consultation with the State Historic Preservation Officer should occur before moving ahead with any decision on leasing.

**15) Air Quality:** The sections on air quality continue to be very confusing and additional cross references between the many tables and figures are needed to help the reader decipher what is happening. As just one example, Table H-14 needs cross references to H-1 showing AAQS's. No coal leasing should take place that could lead to violations of National Ambient Air Quality Standards.

**16) Climate Change:** Concerns about climate change include the following:

- Failure to use the most up-to-date scientific information, including the many scientific studies submitted by Ms. Glustrom with her e-mail comments. These should all be summarized and cited in the EIS before making a decision on coal leasing.

- Failure to respond to all of Ms. Glustrom's comments and to summarize and reference the scientific documents submitted to the BLM.

- The need to update the literature survey as many important studies have been released since the Intergovernmental Panel on Climate Change report in 2007. One such study, the scientific paper entitled, "Irreversible climate change due to carbon dioxide emissions," by Susan Solomon et al and published in the *Proceedings of the National Academy of Sciences* will be sent by e-mail to the BLM. A thorough presentation of this paper and the irreversible impacts that come from increasing carbon dioxide emissions as a result of coal mining needs to be included.

- Carbon dioxide is a global pollutant. Global impacts of increased CO2 production as a result of mining 700 million tons of coal need to be addressed.

-These issues were discussed at length in Ms. Glustrom's comments on the Draft EIS but were not included in the Final EIS. Among other impacts, increased CO2 levels in the atmosphere can be expected to cause numerous species extinction around the planet. This should be thoroughly addressed before making a decision to lease the coal in the South Gillette area.

**17) Cumulative Impacts:** No decision should be made on leasing the coal until the the BLM completes the Powder River Basin Coal Review (see e.g. page Appendix E-7) and a proper assessment can be made of cumulative impacts to water, threatened and endangered species, migratory bird species, vegetation, soils, noxious species and all other environmental impacts.

**18) Failure to Respond to Ms. Glustrom's Comments on the Draft EIS:** The BLM completely failed to respond to Ms. Glustrom's comments submitted by e-mail on the Draft EIS. These comments included

**19) Irretrievable Loss of Resources:** Mining coal leads to the irreversible loss of numerous resources. The FEIS should include a clear list of the many resources that will be lost irretrievably and irreversibly. Presently these are, at best, buried in the endless dense text of the FEIS and so neither the decision maker nor the public is truly informed about what is at stake.

**20) Supplemental Information:** The supplemental information has only recently been made available to the public, and only to those that ask for it. Additional time is needed to determine how the Supplemental Information relates to that found in the FEIS and to ensure that the FEIS adequately represents the information and issues presented in the Supplemental Information.

While we recognize and appreciate the extensive work that was done in preparation of the FEIS, until the above issues are addressed and the public is given another chance to review these documents and the leasing process is conducted in full accordance with the applicable law and regulations, the BLM should not move ahead with the proposed coal leasing.

Sincerely,

Leslie Glustrom for Clean Energy Action