

# Public Scoping Report II

Western Energy Company Area F Rosebud Mine EIS  
Colstrip, Montana

December 23, 2013



Consultants in Natural Resources and the Environment

**PUBLIC SCOPING REPORT II  
WESTERN ENERGY COMPANY AREA F ROSEBUD MINE EIS  
COLSTRIP, MONTANA**

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# WESTERN ENERGY EIS

## PUBLIC SCOPING REPORT II

### INTRODUCTION

The Montana Department of Environmental Quality (DEQ) and the Office of Surface Mining Reclamation and Enforcement (OSM) are preparing a joint Environmental Impact Statement (EIS) to disclose the potential environmental impacts of the proposed Area F expansion of the Rosebud Coal Mine in Colstrip, Montana. A single EIS is being prepared to meet the requirements of the Montana Environmental Policy Act (MEPA) and the National Environmental Policy Act (NEPA). The EIS will help DEQ managers determine if Western Energy Company's (Western Energy) mine permit application for Area F should be approved. The EIS will also help OSM managers prepare the Mining Plan Decision Document for U.S. Department of Interior Assistant Secretary for Land and Minerals (DOI ASLM) approval, disapproval, or conditional approval.

Under MEPA and NEPA, the first phase in preparing an EIS is to conduct "scoping." Scoping is designed to help determine the scope or the number, range, magnitude, and importance of issues and alternatives to be addressed in the EIS.

During the formal public scoping phase of the project, DEQ and OSM sought input from the public and interested organizations and agencies. DEQ held its public scoping period between October 5 and November 5, 2012, and hosted two scoping open houses in Colstrip, Montana on October 16, 2012. The results from that public scoping process are documented in the February 2013 *Public Scoping Report* prepared by ERO Resources Corporation (ERO).

OSM published a Notice of Intent to prepare an EIS and initiated public scoping via the *Federal Register* on August 27, 2013. OSM and DEQ hosted an open house and public hearing in Colstrip, Montana on September 12, 2013. OSM's public scoping period was scheduled to conclude on October 11, 2013, but due to the federal government shutdown, which occurred from October 1 through October 16, OSM extended the public scoping period through November 8. This report documents the results from the 2013 OSM public scoping process and provides summary information from the 2012 DEQ public scoping process.

The main sections of this report are:

- Project background information
- Public scoping activities
- Scoping results
- Summary of future actions

### PROPOSED PROJECT

The Rosebud Mine extends from east of Colstrip to about 12 miles west of Colstrip in Rosebud County. Situated in the northern Powder River Basin, the mine is generally north of the Little Wolf Mountains. Western Energy, a subsidiary of Westmoreland Coal Company, operates the

Rosebud Mine. As it currently exists, the Rosebud Mine is a 25,576-acre surface coalmine producing 8 to 10.25 million tons of low-sulfur subbituminous coal annually. The four-unit, 2,100-megawatt Colstrip Steam Electric Station east of the mine uses most of the coal production, which is delivered by conveyor systems.

Area F is a proposed expansion of the Rosebud Mine. It would add coal reserves to the existing Rosebud Mine and extend mine life by an estimated 19 years. The proposed permit boundary for Area F would include an additional 6,746 acres (approximately 4,287 acres would be disturbed) in Township 2 North-Range 38 and 39 East, and Township 1 North-Range 39 East.

The land within the proposed Area F permit boundary is owned by federal, state, and private entities. Current land uses include grazing land, pastureland, cropland, and wildlife habitat.

Tributaries of Horse Creek and West Fork Armells Creek, including Black Hank Creek, Donley Creek, Robbie Creek, and McClure Creek, all of which lie within the drainage of the Yellowstone River, drain the proposed mine area. The ridge system that divides the Horse Creek and West Fork Armells Creek drainages lies in the western portion of the proposed mine area.

A county road, a gas transmission pipeline, and two high-voltage electric transmission lines cross the proposed Area F. Key features of the proposed Area F mine area include the mine pits, scoria pits, soil stock piles, spoil piles, haul roads, haul road ramps, and the area of disturbance.

The Rosebud Mine staff, administration, and operations are based on-site and supported by the Westmoreland offices in Englewood, Colorado. The Rosebud Mine includes the following existing facilities.

- Four active mine operations – Area A, Area B, Area C, and Area D
- A coal processing facility
- Conveyor belt systems
- Maintenance and operations complex
- Haul roads with aggregate surface
- Mine offices
- Mine entrance guard shack and vehicle weighing scale
- Four electric-powered draglines, front-end loaders, excavators, and a fleet of haul trucks for removal of overburden, coal excavation, and coal transportation to the conveyor belt system

Beginning in 2015, Western Energy proposes to mine 2,164 acres within the proposed 6,746-acre Area F permit area and would complete mining operations by 2034. The coal mining method proposed for Area F would be the same area strip mining method that Western Energy currently uses in other permitted areas of the Rosebud Mine.

As proposed, initial operations in 2015 would be limited to mine passes in the northeastern portion of Area F and would sequentially progress toward the southwest then north to the final cuts. As mining progresses to each new portion of Area F, a boxcut would be made to expose the coal seam. Overburden stockpiles, soil stockpiles, and scoria pits would be developed adjacent to the active boxcut pit area. After the initial cut, spoil from succeeding mine passes

would be deposited in previous passes, including the boxcut. The sequence of operations is as follows:

- Sediment control
- Soil salvage
- Access and haul roads
- Blasting
- Overburden removal
- Coal recovery
- Highwall reduction
- Backfilling and recontouring
- Revegetation

Reclamation would be concurrent with and following mining and would facilitate the following post-mine land uses: grazing land, pastureland, cropland, and wildlife habitat.

## **PUBLIC SCOPING ACTIVITIES**

Public scoping provides an opportunity for public and agency involvement during the early planning stages of the NEPA/MEPA analysis. The intent of the scoping process is to gather comments, concerns, and ideas from those who have an interest in or that may be affected by the proposed action.

Several methods were used to inform the public of the proposed project and to solicit comments. These methods included a press release and legal notice, distribution of a scoping newsletter, and a public open house and hearing. Each of these public involvement activities is described below.

### **Media Advisory and Legal Notice**

On September 3, 2013, OSM sent a media advisory announcing the scoping period and public open house and hearing to 48 media outlets and the Montana Governor's Office via email (Table 1). Notice of the scoping period extension was published in the same media outlets on October 24, 2013.

Legal notices of the scoping period and open house and hearing were placed in the *Billings Gazette* and *Forsyth Independent Press* on September 2, 2013. Legal advertisements for the scoping period extension also were placed in both sources on October 30, 2013.

Associated Press	KCFW-TV	KUSM-TV
The Billings Gazette	KCHH-FM	KWOL-FM
The Billings Outpost	KECI-TV	KWYB-TV
Bozeman Daily Chronicle	KFBB-TV	KXGN-TV
The Daily Inter Lake	KHMT-TV	KXLF-TV
Forsyth Independent Press*	KJJR-AM	KXLH-TV
Hysham Echo	KMMS-AM	KYPC-FM
High Plains News Service	KMTF-TV	KYPF-FM
Helena Independent Record	KPAX-TV	KYPW-FM
KAJ-TV	KRTV-TV	KYUS-TV
KBBJ-TV	KSVI-TV	KYYA-AM
KBGF-TV	KTMF-TV	Miles City Star
KBLG-AM	KTVH-TV	Montana Public Radio
KBOZ-AK	KTVM-TV	Newslink
KBUL-AM	KTVQ-TV	Northern Broadcasting Systems
KBZK-TV	KUFM-TV	Western Environmental Trade Association

\*Known media that ran stories based on the media advisory.

## Scoping Newsletter

OSM sent a newsletter announcing the public scoping period and the open house and hearing to a mailing list comprised of the following:

- Elected officials and local governments
- Federal and state agencies
- Tribes
- Adjacent and nearby landowners
- Individuals who had expressed previous interest in the Rosebud Mine

The newsletter was distributed to about 75 people via postal mail and about 350 people via email on August 30, 2013. The newsletter briefly described the proposed Area F expansion of the Rosebud Mine, identified the project location and major linear facilities, provided the environmental review timeline, and provided information for the public open house and hearing planned for September 12. A written comment form was included as a newsletter insert. A copy of the scoping newsletter and comment form is provided in Appendix A.

## Public Scoping Open House and Hearing

OSM and DEQ held a scoping open house and hearing for the public to attend at the Isabel Bills Community Center in Colstrip, Montana on Thursday, September 12, 2013. Representatives of government agencies, elected officials, news media, businesses, and individuals attended the scoping open house and hearing. The event, held from 3:00 pm to 7:00 pm, had an attendance of 11. A list of attendees is in Appendix B.

The open house portion of the meeting was held from 3:00 pm to 4:00 pm. Beginning at 4:00 pm, OSM's project coordinator gave a brief introduction of agency and Western Energy representatives at the meeting and provided a PowerPoint presentation describing the NEPA process. DEQ's MEPA coordinator then gave a brief description of the state's MEPA/permitting processes, which was followed by a description of Western Energy's mine operations by a company representative.

Following the presentations, ERO, the third-party consultant assisting OSM and DEQ with preparation of the EIS, facilitated the oral testimony process. Four people gave oral testimony in front of a certified court reporter. Written testimony was also accepted during the meeting.

Informational handouts were provided to attendees, including the scoping newsletter and comment form (Appendix A). Resource-specific exhibits were on display around the room (Appendix C) and attendees were invited to visit each exhibit, gather information, write comments, and ask questions of resource specialists. The resource specialists included staff from OSM, DEQ, BLM, and ERO.

## **SCOPING RESULTS**

### **Methods for Comment Collection and Analysis**

The objective of the scoping process was to gather comments, questions, and concerns from the public regarding the proposed Area F expansion of the Rosebud Mine. OSM collected comments in the form of oral comments at the public hearing and written submissions sent via U.S. mail, email, facsimile, and the comment forms distributed at the public scoping open house/hearing.

### **Scoping Results**

During the course of the public scoping process, OSM received 259 comment submissions. These comments came from one federal agency (U.S. Department of the Interior National Park Service); four organizations (Northern Plains Resources Council, WildEarth Guardians, ForceChange.com, and the Western Environmental Law Center (WELC), which acted on behalf of the Montana Environmental Information Center (MEIC) and the Sierra Club); two businesses (PPL Montana, LLC and Booth Land & Livestock); and 259 individuals (seven submissions listed two signatories).

As with the DEQ scoping process, a majority (91%) of the comment submissions were a form letter (form letter 3 – see Appendix D). In total, 235 submissions were based on form letter 3. The remainder of submissions, 24 or 9% of the total received, were unique letters or oral comments. A list of all of those who submitted comments during the OSM scoping period can be found in Appendix D. A master list of all of those who submitted comments during either the DEQ or OSM scoping periods can be found in Appendix E.

Content analysis codes developed for and used to code and group comments from the DEQ public scoping process were used to code and group comments from the OSM public scoping process as well. New codes (marked with an asterisk below) were also developed based on an initial review of all recent submissions. Some codes from the DEQ scoping process were modified slightly to better capture comments given during both the DEQ and OSM scoping processes. A summary of the comments from both scoping processes is included in the next



section. The content analysis codes, along with coded submissions (one representative of form letter 3 and unique submissions) from the OSM scoping process are included in Appendix D. All comment submissions from both the DEQ and OSM scoping processes can be found in the Project Record and copies can be requested from either the DEQ or OSM Project Coordinators.

## Summary of Scoping Comments

Public scoping comments are summarized below and grouped into categories to assist review. Following each summary statement is a corresponding content analysis code (e.g., "AIR 100"), the number of submittals for each scoping period (OSM or DEQ) that included a comment similar to the summary statement, and the total number of submittals that included a comment similar to the summary statement. Note: Because some comment codes were developed for the OSM scoping process (marked with an asterisk below), the term "N/A" is used in place of a submittal number for the DEQ scoping period.

### Air Quality

- Thoroughly evaluate and disclose impacts on air quality.  
(AIR 100)      OSM: 4      DEQ: 10      Total: 14
- Compliance with air quality standards, such as those for mercury and SO<sub>2</sub>, should be evaluated and disclosed.  
(AIR 110)      OSM: 1      DEQ: 341      Total: 342
- Thoroughly evaluate and disclose the potential for and impacts of methane emissions as a result of strip mining Area F, including economic (lost methane emissions) and the feasibility to recapture methane.  
(AIR 120)      OSM: 1      DEQ: 1      Total: 2
- The Area F EIS should take into consideration air quality analyses in previous EISs.  
(AIR 130)      OSM: 1      DEQ: 1      Total: 2

### Acid Rain

- Thoroughly evaluate and disclose the potential for acid rain as a result of coal combustion.  
(AR 200)      OSM: 0      DEQ: 1      Total: 1

### Agriculture

- Thoroughly evaluate and disclose impacts on agricultural production and surface use (general).  
\*(AG 14000)      OSM: 5      DEQ: N/A      Total: 5
- Thoroughly evaluate and disclose impacts on ranching and grazing access.  
\*(AG 14010)      OSM: 1      DEQ: N/A      Total: 1

## Alternatives

- Consider other potential consumers of Area F coal in addition to PPL's Colstrip Station and the means by which coal could be shipped to those potential consumers, such as by train.  
(ALTS 300) OSM: 0 DEQ: 3 Total: 3
- Consider an alternative that limits tonnage and/or acreage to be mined.  
\*(ALTS 310) OSM: 1 DEQ: N/A Total: 1
- Consider an alternative that requires underground mining instead of surface strip mining.  
\*(ALTS 320) OSM: 1 DEQ: N/A Total: 1
- Consider alternatives to continued coal energy generation at Colstrip, such as renewable energy or conservation.  
\*(ALTS 330) OSM: 1 DEQ: N/A Total: 1
- Consider alternative uses of the land (besides mining) that are environmentally and economically more stable.  
\*(ALTS 340) OSM: 235 DEQ: N/A Total: 235

## Bonding and Financial Assurance

- Thoroughly evaluate and disclose Western Energy's ability to pay for reclamation (general).  
(BOND 400) OSM: 1 DEQ: 1 Total: 2
- Consider proposed use and disposal of coal combustion waste (fly ash, scrubber sludge, and bottom ash) on the mine site in reclamation bond calculations.  
(BOND 410) OSM: 1 DEQ: 1 Total: 2
- The EIS should consider and disclose bonding and financial assurances sufficient to cover the cost of remediation of coal combustion waste use and disposal (past, present, and future) at PPL's Colstrip Station.  
(BOND 420) OSM: 0 DEQ: 1 Total: 1
- Bond should be released on reclaimed portions of other permit areas at the Rosebud Mine.  
\*(BOND 430) OSM: 2 DEQ: N/A Total: 2
- Bond calculations should account for inflation.  
\*(BOND 440) OSM: 1 DEQ: N/A Total: 1
- The EIS should consider and disclose bonding and financial assurances sufficient to cover the cost of restoring the hydrologic balance.  
\*(BOND 450) OSM: 2 DEQ: N/A Total: 2

## Climate Change

- Consider the impacts of coal mining on climate change (general).  
(CLIM 500) OSM: 239 DEQ: 9 Total: 248

- Thoroughly evaluate and disclose greenhouse gas emissions and impacts on climate from coal combustion in power plants.  
(CLIM 510) OSM: 5 DEQ: 344 Total: 349
- Thoroughly evaluate and disclose the impacts of climate change on the land and resources within the state of Montana.  
(CLIM 520) OSM: 1 DEQ: 340 Total: 341
- Thoroughly evaluate and disclose the impacts of climate change on Montana’s economy and society.  
(CLIM 530) OSM: 1 DEQ: 339 Total: 340
- Include a description of impacts currently occurring due to climate change in the EIS affected environment section.  
(CLIM 540) OSM: 0 DEQ: 1 Total: 1
- Thoroughly evaluate and disclose effects of climate change, such as extreme weather events and abrupt climate change, and how these effects may exacerbate mine and/or power plant effects.  
\*(CLIM 550) OSM: 1 DEQ: N/A Total: 1

**Colstrip and Rosebud Power Plants**

- Thoroughly evaluate and disclose the direct (primary), indirect (secondary), and cumulative impacts of PPL’s Colstrip Power Plant and/or the Rosebud Power Plant (general).  
(CSES 600) OSM: 3 DEQ: 1 Total: 4
- Identify coal ash disposal locations (i.e., backfill in the mine and use on roads and parking lots).  
(CSES 610) OSM: 0 DEQ: 1 Total: 1
- The EIS should consider how mercury pollution (water and air) from Colstrip Power Plant is impacting downgradient and downwind water resources.  
(CSES 620) OSM: 1 DEQ: 2 Total: 3
- The EIS must address past, present, and future storage of coal combustion waste (fly ash, scrubber sludge, and bottom ash) generated by the Colstrip Power Plant, including storage facilities at the power plant, permitting, use, and disposal of it at the Rosebud Mine, and transportation of it to other locations.  
(CSES 630) OSM: 2 DEQ: 2 Total: 4
- Thoroughly evaluate and disclose the likelihood of a sale or closure of the Colstrip Power Plant and the effects.  
\*(CSES 640) OSM: 1 DEQ: N/A Total: 1

**Cooperating Agencies**

- OSM should request that the EPA participate as a cooperating agency in the preparation of the EIS, including the scoping process.  
\*(CA 13000) OSM: 1 DEQ: N/A Total: 1

### Cultural and Historic Resources

- Thoroughly evaluate and disclose the impacts on cultural resources and historic landscapes.  
(CULT 700) OSM: 2 DEQ: 2 Total: 4
- Ensure compliance with Section 106 of the National Historic Preservation Act.  
(CULT 710) OSM: 0 DEQ: 1 Total: 1
- Thoroughly evaluate the impacts on the cultural/historical resources of the Northern Cheyenne, Crow, and other pre-European native peoples.  
(CULT 720) OSM: 0 DEQ: 1 Total: 1
- Consult with neighboring tribes to determine what values should be focused on for the cultural resources impacts analysis.  
(CULT 730) OSM: 0 DEQ: 1 Total: 1
- For the impacts analysis, a historical baseline that starts prior to any coal development should be used.  
(CULT 740) OSM: 0 DEQ: 1 Total: 1

### Economics

- The socioeconomic cost of mining (at the Rosebud Mine) and burning coal (general), including externalities, should be quantified (monetary amount) and evaluated in the EIS.  
(ECON 800) OSM: 3 DEQ: 341 Total: 344
- The socioeconomic benefits of mining coal (at the Rosebud Mine) and burning coal (at the Colstrip and Rosebud power plants) should be evaluated and disclosed in the EIS.  
(ECON 810) OSM: 3 DEQ: 1 Total: 4
- Thoroughly evaluate and disclose the cost of coal-generated energy at the Colstrip and Rosebud power plants versus the cost of alternative forms of energy development, including conservation and efficiency.  
\*(ECON 820) OSM: 2 DEQ: N/A Total: 2

### Environmental Justice

- The EIS should address health problems on nearby tribal lands and adjacent landowners that may be caused by pollution from the Rosebud Mine/Colstrip Station energy complex.  
(ENJ 900) OSM: 1 DEQ: 2 Total: 3
- The EIS should include data from Indian Health Services and other medical facilities/agencies on the current health of tribal members on nearby reservations.  
(ENJ 910) OSM: 0 DEQ: 1 Total: 1
- When discussing effects of toxins, the EIS should use an impacts analysis area that includes the Northern Cheyenne and Crow reservations.  
(ENJ 920) OSM: 0 DEQ: 1 Total: 1

- The EIS should address the impacts of resources development on native cultures (e.g., economic, cultural and lifestyle losses, loss of identity, health losses, traditional ecological knowledge, and lost opportunities for alternative development).  
(ENJ 930) OSM: 0 DEQ: 1 Total: 1
- EIS public meetings should be held in Lame Deer to include Native American Community members.  
(ENJ 940) OSM: 0 DEQ: 1 Total: 1
- Thoroughly evaluate and disclose the historic negative economic impacts of the mine-power plant complex on the Northern Cheyenne and whether continued operations of the mine-power plants will continue these impacts (specific).  
\*(ENJ 950) OSM: 1 DEQ: N/A Total: 1
- Thoroughly evaluate and disclose the potential impacts of climate change on environmental justice, particularly for Native American Communities.  
\*(ENJ 960) OSM: 1 DEQ: N/A Total: 1

### Health and Safety

- Health hazards (general) of burning coal should be considered.  
(HLTH 1000) OSM: 4 DEQ: 8 Total: 12
- In regard to shipping coal by train, the potential for derailments and other health and safety hazards, such as coal dust, should be evaluated and disclosed.  
(HLTH 1010) OSM: 2 DEQ: 7 Total: 9
- Thoroughly evaluate and disclose the health risks of storing, using (pollution controls at the power station), and transporting toxic chemicals at the Rosebud Mine/Colstrip Station energy complex.  
(HLTH 1020) OSM: 0 DEQ: 1 Total: 1
- Thoroughly evaluate and disclose the impact of arsenic on local populations (in terms of cancer risks).  
(HLTH 1030) OSM: 0 DEQ: 1 Total: 1
- Thoroughly evaluate and disclose the potential hazards of storage (in ponds) and transportation (by pipeline) of coal mining waste (slurry).  
(HLTH 1040) OSM: 0 DEQ: 1 Total: 1
- Thoroughly evaluate mercury levels in fish and disclose human health impacts.  
\*(HLTH 1050) OSM: 1 DEQ: N/A Total: 1

### Impacts Analysis

- The EIS must consider direct (primary), indirect (secondary), and cumulative impacts of the mine on all resources.  
(IA 1100) OSM: 237 DEQ: 1 Total: 238
- The cumulative impacts analysis in the EIS must include related past, present, and future mining projects (general).  
(IA 1110) OSM: 2 DEQ: 1 Total: 3

- Do not include consumption of Area F coal in impacts analysis.  
(IA 1120) OSM: 1 DEQ: 1 Total: 2
- For NEPA analysis, consider the Colstrip and/or Rosebud power plants as connected actions to the Rosebud Mine.  
\*(IA 1130) OSM: 2 DEQ: N/A Total: 2
- The scope of EIS analysis should include the development (past, current, and future) of all lands that Western Energy currently leases (specific).  
\*(IA 1140) OSM: 1 DEQ: N/A Total: 1

### Land Pollution

- Thoroughly evaluate and disclose the potential for land pollution.  
(LND 1200) OSM: 0 DEQ: 2 Total: 2

### Light Pollution

- Thoroughly evaluate and disclose the potential for light pollution.  
(LIT 1300) OSM: 0 DEQ: 1 Total: 1

### Maps and Figures

- Include recognizable landmarks and other orienting tools on EIS maps/figures.  
\*(MAP 15000) OSM: 1 DEQ: N/A Total: 1

### Miscellaneous

- Other topics, not easily categorized.  
(MISC 1400) OSM: 0 DEQ: 3 Total: 3

### Mitigations and Stipulations

- The EIS should consider ways to mitigate secondary and cumulative impacts (deterioration of air quality/climate change) resulting from combustion of Area F coal.  
(MIT 1500) OSM: 1 DEQ: 1 Total: 2
- The EIS should propose mitigation measures for water pollution caused by coal combustion waste (fly ash, scrubber sludge, and bottom ash) from the power plant.  
(MIT 1510) OSM: 0 DEQ: 2 Total: 2
- The EIS should analyze a means to decrease existing SO<sub>2</sub> emissions.  
(MIT 1520) OSM: 0 DEQ: 1 Total: 1
- Require the use of equipment that produces less or no emissions.  
\*(MIT 1530) OSM: 1 DEQ: N/A Total: 1
- Require off-site mitigation and/or compensation to offset carbon dioxide emissions from the Rosebud Mine and the Rosebud and Colstrip power plants.  
\*(MIT 1540) OSM: 1 DEQ: N/A Total: 1

## Noise

- Thoroughly evaluate and disclose noise impacts.  
(NSE 1800) OSM: 1 DEQ: 1 Total: 2

## Position Statements

- The Rosebud Mine should be expanded.  
(PS 1900) OSM: 0 DEQ: 0 Total: 0
- The Rosebud Mine should not be expanded.  
(PS 1910) OSM: 6 DEQ: 12 Total: 18

## Purpose and Benefit/Need

- Thoroughly evaluate and disclose the proposed use and the location of the use of coal from Area F, including alternatives such as Asian markets.  
(PURP 2000) OSM: 0 DEQ: 2 Total: 2
- Thoroughly evaluate and disclose the need for coal and coal-fired power production in the U.S.  
(PURP 2010) OSM: 235 DEQ: 4 Total: 239
- Consider alternatives to coal (in terms of energy production).  
(PURP 2020) OSM: 1 DEQ: 8 Total: 9
- Thoroughly evaluate and disclose who will benefit from mining coal in Area F.  
(PURP 2030) OSM: 0 DEQ: 1 Total: 1
- Thoroughly evaluate and disclose the short-term benefits (i.e., local employment) versus long-term costs (i.e., reduced ranching potential or environmental degradation) to communities in Rosebud and Treasure counties if Area F is permitted.  
(PURP 2040) OSM: 0 DEQ: 5 Total: 5
- Given that coal from the Rosebud Mine is contracted to the Colstrip and Rosebud power plants, the statement of purpose and need for the project should be the generation of electricity, and the impacts analysis and the development of alternatives should reflect this statement (specific).  
\*(PURP 2050) OSM: 2 DEQ: N/A Total: 2

## Reclamation

- Thoroughly evaluate and disclose the potential for successful reclamation (revegetation).  
(RECL 3000) OSM: 1 DEQ: 4 Total: 5
- Reclamation should be completed and standards should be attained in other mine permit areas prior to approval of mine expansion.  
\*(RECL 3010) OSM: 2 DEQ: N/A Total: 2
- Consider climate change when evaluating the potential for successful reclamation.  
\*(RECL 3020) OSM: 1 DEQ: N/A Total: 1

## Recreation

- Thoroughly evaluate and disclose the impacts on recreational opportunities in the Area F permit area, such as hunting.

(REC 4000) OSM: 0 DEQ: 2 Total: 2

## Regulatory Issues

- Thoroughly evaluate and disclose whether Montanans' Constitutional right to a clean and healthful environment will be impacted.

(REG 5000) OSM: 0 DEQ: 3 Total: 3

- DEQ's MEPA analysis should be prepared in cooperation with any required federal NEPA analysis to ensure that the environmental analysis meets both federal and state requirements.

(REG 5010) OSM: 0 DEQ: 1 Total: 1

- The EIS should include an explanation of how the Rosebud Mine will comply with the CWA and SMCRA.

(REG 5020) OSM: 0 DEQ: 1 Total: 1

- A MEPA analysis should be done for the coal lease.

(REG 5030) OSM: 0 DEQ: 1 Total: 1

## Soils

- Collect baseline soils data on dryland and subirrigated hay bottoms.

\*(SOIL 16000) OSM: 1 DEQ: N/A Total: 1

## Thank You for Your Comment

- Not Substantive – Comment Noted.

(THY 6000) OSM: 6 DEQ: 8 Total: 14

## Toxic Waste

- The EIS should disclose the current release of and storage of toxic waste at both the mine and power station.

(TOX 7000) OSM: 0 DEQ: 1 Total: 1

- The EIS should disclose who will be financially liable for toxic waste at closure and decommissioning of both the mine and the power plant.

(TOX 7010) OSM: 1 DEQ: 1 Total: 2

## Transportation

- Thoroughly evaluate and disclose the current condition of rail infrastructure and the impacts coal shipments will have on it (shipping coal by train).

(TRANS 8000) OSM: 2 DEQ: 2 Total: 4

- Thoroughly evaluate and disclose the current condition of road transportation routes and the impacts of coal transport on them.

\*(TRANS 8010) OSM: 3 DEQ: N/A Total: 3



- Thoroughly evaluate and disclose the impacts of coal handling, hauling, and transport (including conveyor systems).  
\*(TRANS 8020) OSM: 2 DEQ: N/A Total: 2

### Visual Resources

- Thoroughly evaluate and disclose the impacts on visual resources, such as an undeveloped landscape.  
(VSUL 9000) OSM: 1 DEQ: 1 Total: 2

### Water

- Thoroughly evaluate and disclose the impacts on water (general).  
(WTR 10000) OSM: 241 DEQ: 12 Total: 253
- Thoroughly evaluate and disclose the impacts on surface water quality.  
(WTR 10010) OSM: 4 DEQ: 340 Total: 344
- Thoroughly evaluate and disclose the impacts on ground water quality.  
(WTR 10020) OSM: 3 DEQ: 341 Total: 344
- Thoroughly evaluate and disclose the impacts on surface water quantity.  
(WTR 10030) OSM: 2 DEQ: 2 Total: 4
- Thoroughly evaluate and disclose the impacts on ground water quantity.  
(WTR 10040) OSM: 3 DEQ: 2 Total: 5
- The EIS should identify all point sources associated with the mine and power plant.  
(WTR 10050) OSM: 0 DEQ: 1 Total: 1
- Thoroughly evaluate and disclose the impacts from storm water discharges from all industrial operations at the Rosebud Mine/Colstrip Station energy complex.  
(WTR 10060) OSM: 0 DEQ: 1 Total: 1
- Cumulative impacts of the leaking ash ponds and the leaking surge pond (Castle Rock Lake) should be considered in the impacts analysis for the Armells Creek Drainage.  
\*(WTR 10070) OSM: 2 DEQ: N/A Total: 2
- Thoroughly evaluate and disclose the potential for successful restoration of the hydrologic balance (specific).  
\*(WTR 10080) OSM: 240 DEQ: N/A Total: 240
- Thoroughly evaluate and disclose the impacts on alluvial valley floors.  
\*(WTR 10090) OSM: 236 DEQ: N/A Total: 236
- Make a determination regarding East Fork Armells Creek in the EIS: is it or was it ever ephemeral, what reaches are/were ephemeral, and what impact has past/current strip-mining had on this creek? (specific)  
\*(WTR 10100) OSM: 1 DEQ: N/A Total: 1

### Wetlands and Vegetation

- Thoroughly evaluate and disclose the impacts on wetlands.  
(WET 11000) OSM: 1 DEQ: 1 Total: 2

- Thoroughly evaluate and disclose impacts on rare and/or threatened plant species.  
\*(WET 11010) OSM: 2 DEQ: N/A Total: 2

## Wildlife

- Thoroughly evaluate and disclose the impacts on wildlife (general).  
(WLDF 12000) OSM: 0 DEQ: 3 Total: 3
- Thoroughly evaluate and disclose the impacts on threatened, endangered, or candidate species that reside in Area F or that will be impacted by the direct, secondary, or cumulative effects of expansion.  
(WLDF 12010) OSM: 3 DEQ: 1 Total: 4
- Include an assessment of any potential for take of any listed or candidate species. The analysis area should include the Rosebud Mine/Colstrip Station energy complex area.  
(WLDF 12020) OSM: 0 DEQ: 1 Total: 1
- Thoroughly evaluate and disclose the impacts on wildlife habitats and migration corridors.  
(WLDF 12030) OSM: 1 DEQ: 2 Total: 3
- Thoroughly evaluate and disclose the impacts on aquatic species, particularly those that are rare or imperiled (e.g., pallid sturgeon).  
\*(WLDF 12040) OSM: 3 DEQ: N/A Total: 3
- Include potential impacts from the Colstrip power plant, including disposal of coal combustion waste, in the impacts analysis for threatened, endangered, or candidate terrestrial, aquatic, and plant species.  
\*(WLDF 12050) OSM: 1 DEQ: N/A Total: 1

## SUMMARY OF FUTURE ACTIONS

Information collected during the scoping process will assist DEQ and OSM in the development of alternatives and the impact analysis for the Draft EIS (DEIS). DEQ and OSM will develop alternatives or modifications in the DEIS that would appreciably accomplish the same objectives or results as Western Energy’s proposal and reduce or eliminate impacts.

There will be a review period after the DEIS is released during which time the public can submit comments on the DEIS. Open houses may also be planned for the DEIS comment period to provide the public the opportunity to ask DEQ and OSM resource specialists questions about the DEIS and to allow the public to directly submit their oral or written comments to DEQ and OSM representatives. The tentative EIS schedule is included in Table 2.

<b>Table 2. Tentative EIS Schedule</b>		
<b>EIS Stage</b>	<b>Timeframe</b>	<b>Public Information or Involvement</b>
1. Initiate EIS Process	Completed	Notice of Intent in the Federal Register and Newsletter
2. Hold Agency and Public Scoping Meetings (MEPA)	Completed	Agency and public scoping open houses – October 16, 2012
3. Hold Agency and Public Scoping Meeting (NEPA)	Completed	Agency and public scoping open house and hearing – September 12, 2013
3. Identify Alternatives to be Studied	Winter 2013 – Spring 2014	
4. Release Draft EIS	Summer 2014	Notice of Availability in the Federal Register and public open houses – Summer 2014
5. Release Final EIS and Issue Record of Decision	Spring 2015	

**Note: EIS schedule is tentative and subject to change. This is the anticipated schedule as of November 2013.**



Consultants in Natural Resources and the Environment