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Keith Rigtrup
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RE: Alton Coal Lease Environmental Impact Statement

Dear Mr. Rigtrup,

Thank you for the opportunity to comment on the Alton Coal Lease Draft Environmental Impact Statement (DEIS).

As described in the DEIS, Alton Coal Development has applied to lease land from the Bureau of Land Management (BLM) to operate a surface/strip coal mine near the town of Alton and within the alluvial valley of Kanab Creek. The Proposed Action includes 3,576 acres of land, 2,280 of which are under public management by the BLM. The Alton Coal lease would be adjacent to the Coal Hollow Mine, which is currently operational, but is located on the adjacent non-federal lands.

Great Salt Lake Audubon (GSLA) has a longstanding mission to ***protect and enhance habitat for wild birds, animals and plants, and to maintain healthy and diverse environments for wildlife and people throughout the State.***

With this mission in mind, we have concluded our review of the DEIS with reference to the National Environmental Policy Act (NEPA), 42 U.S.C. 4321, Council for Environmental Quality Regulations (CEQ), 40 C.F.R. 1508.27, and other applicable federal laws. Based on our review of the impact areas described below, we have identified that all of the action-based alternatives analyzed in the Alton Coal Lease DEIS, as currently stated, fail to protect and enhance, or adequately mitigate damage to the human environment and wildlife. Specifically we have identified unacceptable impacts to the greater sage-grouse (sage-grouse, *Centrocercus urophasianus*) population; and to the environment of the region, including an identified population of Native Americans in Iron County. We thus request that the BLM expand its range of alternatives to include less environmentally destructive options, or choose the "No-Action" Alternative as provided in the DEIS.

Based on GSLA's mission to protect habitat and the environment for both people and wildlife; we

submit the following supporting comments for your consideration. GSLA will focus our comments on three issues: environmental justice, human health, and the impact from the proposed action on the sage-grouse.

I. Environmental Justice

Environmental Justice (EJ) is an initiative that culminated with President Clinton's February 11, 1994 Executive Order (EO) 12898. The EO directs each federal agency "to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." A Presidential Memorandum accompanying the EO directs federal agencies to analyze "the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority communities and low-income communities, when such analysis is required by NEPA, 1969."

The Presidential Memorandum states that the EPA "shall ensure that the involved agency has fully analyzed environmental effects on minority communities and low-income communities, including human health, social, and economic effects."

While the DEIS specifically identifies one qualifying (but unnamed) Native American EJ community in Iron County, presumably the Paiute people, the evaluation does not indicate how it accounted or discounted other potentially qualifying low income or ethnic minority groups in the region. Regarding the qualifying EJ community, the DEIS does not demonstrate the necessary baseline health impact information or analysis in a variety of resource areas to make any impact assessment. Without this information, BLM is disabled from taking a requisite hard look at the potentially disproportionate impacts to the community and/or other potential EJ communities of the Southern Utah region.

BLM did not indicate how, pursuant to EO 12898, it meaningfully involved the known EJ community of Iron County in its planning process. BLM needs to indicate how it fully complied with EO 12898.

Recommendation:

BLM should procedurally and substantively re-evaluate its EJ approach and analysis to conform to the spirit of EO 12898 and according to CEQ's *EJ NEPA Guidance* for identifying and addressing environmental justice under NEPA. BLM should integrate analyses of EJ concerns in an appropriate manner so as to be clear, concise, and comprehensible within the general format suggested by 40 C.F.R. § 1502.10.

When conducting its environmental review of the Alton Coal Lease, BLM must provide comprehensive and meaningful public participation of the identified EJ communities in a manner that addresses the unique needs of their communities. EPA should also demonstrate the requisite baseline health data for identified EJ communities such that a hard look at potentially disproportionate health impacts can occur.

II. Human Health

A. Air Quality/Climate Change

In addition to the emission of criterion pollutants; coal-burning power plants contribute to emissions of hazardous air pollutants (HAPS) such as mercury, a highly toxic and bio-accumulating contaminant to humans and wildlife. GSLA's objectives are in line with National Audubon on the issue of coal as a source of energy. We find that coal-burning power plants contribute to emissions of mercury, a highly toxic contaminant to humans and wildlife. Surface coal mining, as indicated by the DEIS, will also contribute to the emission of benzene and other HAPS which are also toxic to humans and the environment. Given their known impacts to public health impacts that unfortunately not given a hard look in the DEIS or prior planning documents, GSLA is concerned that the leasing of public land to support activities related to coal mining is not a suitable use of public resources. The DEIS also states that emissions from the Proposed Action would contribute to the increasing atmospheric concentrations of GHGs (i.e., vapor, CO₂, CH₄, nitrous oxide, ozone, and several chlorofluorocarbons), which in turn will contribute to global climate change. The mining of over 38 million tons of coal would thus provide only short-term benefits that would possibly have long-term effects on air quality and global climate change.

It is unclear from the supporting documents how a suitability determination for surface coal mining was made within the BLM Kane Field Office Resource Management Plan (2008) without a comprehensive air quality and GHG impact modeling/analysis at the resource management planning stage. BLM should indicate the foundation for the suitability determination and where in its tiered planning process that a comprehensive air quality analysis has occurred. In light of the rural wintertime rural ozone issues currently demonstrated in areas such as the Uintah Basin, BLM needs to demonstrate where it has comprehensively, at the planning/suitability determination stage, taken into account past, present and future, as well as trans-boundary and other sources of air quality pollution in establishing a baseline for its decision making. Given the known EJ population of Native Americans in vicinity of the project area, BLM's obligations in this area are enhanced.

B. Health Impacts

Health is one of the specific effects that must be considered in an EIS. See 40 CFR 1508.8(b), 40 C.F.R. Sec. 1508.27(b)(1), 40 C.F.R. Sec 1508.14. The DEIS does not include a health impact assessment. This will need to be remedied in the final evaluation of impacts, and will require that baseline health data be provided for the local populations potentially impacted by the proposed action; with special attention given to the potentially disproportionate impacts faced by the known EJ population of Native Americans who are likely to be impacted by the action.

A lack of appropriate health data and health impact assessment has historically complicated efforts to understand how observed illness trends are determined by ongoing development activities. However, the potential risk that this proposed project has on the population(s) it is nearest to must be evaluated using regional baseline health data and accepted mechanisms of health and disease in order to adequately assess the potentially significant impacts and benefits to public health. It is only then that appropriate mitigation measures can be developed to ensure that health benefits are maximized and negative impacts are minimized. Given that there is an identified EJ community

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who will be likely impacted by the proposed action (further described below), BLM has an obligation to acquire the appropriate baseline Native American health data.

The rationale for evaluating public health in the DEIS is to assess how these types of strip-coal mining activities may directly or indirectly affect the health of the populations in the area, specifically the population of Alton; as well as all the downstream communities. The DEIS does not appear to contain a health impact assessment. We are thus unaware of the specific health impacts potentially associated with the action and are incapable of contributing any potential health protecting mitigation measures that may mitigate the impacts identified in that document.

C. Water Quality

For practical biological purposes, the project area is within the alluvial valley floor of Kanab Creek. Although the regulatory definition of alluvial valley floor has changed in recent years to make areas suitable for surface coal mining that were once unsuitable, this should not change the impact analysis which occurs. BLM should consider this area to be an alluvial valley floor and analyze all impacts accordingly.

Additionally all water quality impacts should be considered directly as they relate to human health. The only way for this to be achieved, given the myriad of impacts associated with this action, is for the BLM to follow CEQ guidelines and perform a health impact assessment.

III. Wildlife/Greater Sage Grouse

GSLA is highly concerned with the proposed action's potential impacts to wildlife populations; specifically, the Alton-Sink sage-grouse population and lek site.

GLSA understands that in 2010, the U.S. Fish and Wildlife Service (USFWS) determined that listing of the greater sage-grouse on the Endangered Species Act (ESA) was "Warranted but Precluded" (75 Fed. Reg. 13910, March 23, 2010). The USFWS directed the BLM to incorporate objectives and adequate conservations measures into BLM resource management plans, "The BLM National Greater Sage-Grouse Land Use Planning Strategy," in order to avoid listing the greater sage-grouse as threatened or endangered. GLSA understands that the BLM manages greater sage-grouse to "*promote their conservation and to preclude the need for listing under the ESA.*"

The Alton-Sink sage-grouse population and lek is at the most southerly extent of the current range of the species (Curtis and Frey 2007, BLM 2008). GSLA understand this population of sage-grouse uses the Alton-Sink lek site and surrounding area as brooding and wintering habitat.

Adjacent to the proposed project, the Coal Hollow Mine is operated by Alton Coal Development LCC and is on 665 acres of private land. This mine was approved by the Utah Division of Oil, Gas and Mining in 2009 and began operations in 2011. The Alton greater sage-grouse lek is found on private property managed by the Alton Coal Development LLC.

In the years following the development of the Coal Hollow Mine, GSLA understands that the Alton-Sink sage-grouse lek numbers have been very low since mine operations began and the lek site is no longer supporting a sustainable population of sage-grouse. In addition to the impacts to the

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Alton-Sink sage-grouse population from operations of the Coal Hollow Mine, sage-grouse populations are declining rapidly (Personal Communication, Frey 2009 as cited by DEIS, Frey et al. 2006) due to environmental stress from drought, disease, and fluctuations in prey species.

In an effort to mitigate the impacts to sage-grouse from developing and operating a coal mine on private property, GSLA understands the state, BLM, and Alton Coal Development LCC conducted research and management activities in an effort to create suitable habitat that would provide an “escape route” for sage-grouse at the Alton-Sink lek site to disperse to the Hoyt’s Lek site to the north (Frey and Heaton 2009).

The DEIS states that while the Alton-Sink lek site does not overlap with the Proposed Action, habitat adjacent to the lek and essential to the life history of the sage-grouse will be eliminated. Due to the development and operation of the Coal Hollow Mine, the Alton-Sink lek site no longer functions as a sustainable lek site. The cumulative impacts of the lek destruction (i.e., due to the development of the Coal Hollow Mine) and elimination of “brood-rearing and wintering habitat and habitat resources adjacent to the lek” from the Proposed Action would cause local extirpation of sage-grouse.

The DEIS states that the Proposed Action and associated indirect impacts will result in displacement and loss of individual birds. Because the Alton sage-grouse population is already stressed from environmental conditions and the currently operating Coal Hollow Mine, the conservation of individual birds may be important. Additionally, the DEIS states that, even despite reclamation actions, “development of the coal mine could result in the short-term or long-term displacement or loss of the local population.” Based on the facts presented in the DEIS and various resources cited, GSLA believes that if the Proposed Action is permitted, the most southerly population in the range of the sage-grouse will be eliminated. If the BLM’s management objective is to promote sage-grouse conservation in order to avoid their being listed as an Endangered Species, the impacts from the Proposed Action should be considered unacceptable.

Based on the data provided in the DEIS and other resources presented, the most southerly population of sage-grouse will be eliminated if the Proposed Action is approved by the BLM. GSLA finds that if the BLM approves the Proposed Action, they are at odds with the USFWS mandate to incorporate adequate protections for sage-grouse, and therefore, preclude their listing as an endangered species.

In summary, GLSA does not believe that valued public natural resources should be sacrificed to support an energy source that contributes to global climate change, environmental and human health degradation, and loss of wildlife populations. We thus respectfully request that BLM take the time to re-visit its evaluation and adequately analyze the impacts to the human environment and its wildlife; that BLM expand its range of alternatives to embody more environmentally protective options; and that BLM, in lieu of expanding its range of alternatives, select the “No Action” alternative as evaluated in the DEIS.

Sincerely,



Heather Dove

President
Great Salt Lake Audubon

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Curtis, R., and S. N. Frey. 2007. Alton and Long Valley greater Sage-grouse report. Unpublished report, Southern Utah University and Utah State University Extension Berryman Institute.

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