

Grand Staircase Escalante Partners  
745 East Highway 89  
Kanab, Utah 84741

January 27, 2012

Keith Rigtrup  
Bureau of Land Management  
Kanab Field Office  
669 South HWY 89A  
Kanab, Utah 84741

Dear Mr. Rigtrup,

We submit the following comments for the Alton Coal Lease Draft EIS. Grand Staircase Escalante Partners (GSEP), a friends group whose mission is to inspire people to understand and experience the beautiful landscape and unique scientific record of Grand Staircase-Escalante National Monument through the dedication of volunteers and resources to research, conservation, stewardship and education. GSEP is committed to protecting the majestic and unspoiled character of the Monument. The organization meets this mission by working with BLM, other agencies, universities and other partner organizations within the Monument and on public lands within the greater landscape region of the Monument, and with other units of the National Conservation Lands System that are managed by the BLM.

The GSEP vision for the future is to protect intact habitats and natural and cultural heritage resources; use scientific research to enlighten and invigorate land-management policies; offer a balance of managed recreational opportunities, commercial uses and visitor services that sustain healthy ecosystems and enhance public appreciation, enjoyment and education; and encourage residents of gateway communities, as well as national and international visitors, to support ongoing conservation and sustainable use in the above areas of interest. The expansion of the Alton coal lease onto lands administered by the Kanab Field Office (KFO) falls under the interest GSEP has on BLM lands adjacent to the Monument.

We are concerned that the expansion of the Alton Coal Lease from its limited scale on private land, to a scale of 2,280 acres of Federal land and 1,296 acres of split estate administered by the KFO will cause unacceptable harm to social, economic, mineral and non-mineral natural resources plus cultural resources of the area and region, including resources on GSENM.

Please consider the following major issues we have identified.

1. Air Quality: Insufficient analysis is given in the Draft EIS to contamination of regional air quality. Further impairment to air quality and increased haze over Bryce Canyon NP, and Grand Staircase-Escalante NM, by particulates from emissions and coal dust due to strip mining in Alton is an unacceptable impact on health and visibility resources.

Bryce Canyon National Park is a Class 1 Airshed. The proper air quality standards do not appear to have been used for the Alton Coal Draft EIS. (Page 3-19) GSEP is aware that in 2010, the Department of Interior released the Federal Land Managers Air Quality Related Values Work Group Report (FLAG Report 2010) that superseded the 2000 Report. Did the analysis completed in the section on impacts to air quality follow the requirements of FLAG 2010? If not, this is a substantive flaw.

2. Impacts on Tourism: The Draft EIS fails to adequately address the negative impact of a massive scale coal mine upon the dominant industry of the region which is tourism. Substantial region-wide traffic on US highway 89, identified as the coal haul route, consists of families and individuals traveling to the region's National Parks, Forests and Monuments, including GSENM. More than 750,000 visitors experienced GSENM in 2011. It is reasonable to assume that the vast majority of these visitors travel along Highway 89 to access one or more of GSENM's four visitor centers, and to travel between the region's National and State Parks.

The number and frequency of coal haul trucks on US 89 will cause unacceptable accident hazards for the traveling public including tourists, and will interfere with their experience and enjoyment of the historic values and natural beauty of the region while sightseeing, and jeopardize their safe passage to the National Parks, Forests and Monuments. For this reason and many others, a massive coal strip mine is out of character and out of place in the heart of southern Utah's Color Country.

GSEP suggests that a variation of the discarded Alternative O be analyzed. If there is a restriction on coal truck traffic for the first 2 to 3 hours after sunset and the corresponding 2-3 hours before sunrise, this condition would enhance conditions of highway safety compared to Alternatives B and C. Twilight hours can be most dangerous time to drive due to flat natural light, glare of the sun, reduction in headlight functionality and early evening driver fatigue returning from long hours in the parks, the end of a long trip or a long day at work. These are also the hours where wildlife is most active increasing the likelihood of truck/animal accidents with the animals more prone to being killed on the roads.

3. Night Sky Impacts: In the Alton Draft EIS, insufficient value is placed on protecting the quality of night skies at Yovimpa Point in Bryce Canyon National Park. This location is considered by Dark Sky Partners to be the 2<sup>nd</sup> or 3<sup>rd</sup> darkest location in the continental United States, to which visitors can drive on a paved road to view night skies. To appreciate night skies fully, one's view is not just straight up into the stars, but to see the Milky Way Galaxy from horizon to horizon. Even under the best circumstance, and counting on the attempts to mitigate impacts to night skies from expanded mining operations on Federal land, there is going to be a lessening of quality from horizon to horizon.

We are concerned that the mitigation attempts described in Section 4.2.5 will fail. Who is going to monitor the lighting at the mine site to be sure it is in compliance with the mitigation? Are the metal halide lights proposed on page 4-15, the best choice for night

sky, as well as for bats and insects? Acknowledging that we are not experts on night/bat/insect friendly lighting systems, a search of the Internet found studies that claim switching from metal halide to low pressure sodium vapor lights would reduce insect swarming and night sky impacts by a high percentage. Another article talked about the quality of amber LEDs or amber-filtered LED lights providing more operator safety and lessening swarming of insects and night sky impacts. Assess whether there is a more nature friendly, night-sky compliant and energy efficient lighting source than metal halide.

Please do more research on this issue. The night sky at Yovimpa is a world-class experience and since it is “one of the best”, all alternatives must be employed to preserve it to the maximum.

4. Kanab Creek Water Quality: Many who live in Kanab, and who may use irrigation water derived from Kanab Creek around their homes and on their agricultural fields, are concerned that the Draft EIS fails to adequately assess the impacts to the water quality of Kanab Creek. Under the proposed alternative, more than one mile of Kanab Creek will be entirely within the mining operation, which may result in an unacceptable degradation of water quality from mineralization with toxic elements from coal dust and spillage, and have negative cumulative affects downstream during the life of the mine, including Kanab’s new Jackson Flat Reservoir. Who is going to monitor the water quality in Kanab Creek?

Impacts to sensitive soils for example, as described in 4.13.3.1, would significantly contribute to sedimentation of Kanab Creek, and as indicated in the last paragraph of this section of the Draft EIS, there can be no assurance that remediation and reclamation of disturbed, erosion-prone soils would be successful under increasingly arid conditions as found presently, and anticipated in the future under climate change predictions for the region.

5. Destruction of Resources on Public Land: GSEP is greatly concerned about the destruction of resources on Public Land to accommodate the extraction of coal.
  - Page 4-70: “In the Alton area, it is anticipated that a large number of significant fossils would be destroyed or removed from context particularly in the Tropic Shale.”
  - Page 4-42: “Unavoidable impacts, or impacts that exist even after mitigation measures have been taken, would principally manifest through the destruction of all cultural resources in areas targeted for open pit disturbance.” “...actual mining of coal would have the combined effect of destroying sites as well as increasing threats (such as looting) to sites outside of the actual disturbance areas through increased traffic and public access.” “Natural forces such as erosion (caused by mining) would also continue to affect cultural resources, and it is likely that these resources would suffer deterioration and loss of data as a result.”

Even under described mitigation efforts the following statements are made on page 4-43: “Loss of the sites that are not included in the sample to be excavated would result

in an irreversible loss of data from these sites. In addition, for sites that are excavated, even though data would be recovered through scientific research, excavation and subsequent destruction through mining activities would result in an irreversible commitment of resources.”

Page 3.23 through 3-26 lists 132 identified archaeological sites that have been identified, with only 21 sites not eligible for the National Register of Historic Places. A potential of 121 archaeological sites eligible could be destroyed. This is **NOT** acceptable.

- Page 4-162: “Unavoidable adverse impacts would occur where the loss of wildlife or special status species occurs during mining pit disturbance, soil stockpiling, road and infrastructure development or regular mine operations.”  
“Unavoidable loss of wildlife and special status species due to non-detection or inadvertent adverse impacts would also occur.” The Draft EIS is talking about loss of species not habitat. This is **NOT** acceptable.
- Sage Grouse in particular: In western USA, the BLM and USFS is initiating a “National Greater Sage-Grouse Planning Strategy (Issue No. 1 Dec. 2011) with the direction to “...aid conservation of the greater sage-grouse and avert a potential listing under the ESA.” Locally, the BLM would be extending the coal leasing of the land suitable for sage grouse, allowing the destruction of leks where “...the Alton-Sink Valley population is highly susceptible to extirpation due to environmental or demographic stochastic events...” (Page 4-137). Map 4.2 shows the substantial impact to brooding habitat. Page 4-183, states “...development of the Alton Coal Tract could result in the displacement of the location population in the short term or the loss of the local population in the long term. (emphasis added) **The Agency contradicts its own policies, creating an interesting dichotomy between two BLM initiatives, and pointing out a significant flaw in the Alton Coal EIS.**
- “Approximately 914-982 acres (57% to 61%) of the pygmy rabbit’s...habitats would be removed...” Approximately 914-982 acres (57% to 61%) of the kit fox...habitats would be removed...” “Raptor nesting sites would likely be reduced by the removal of 694-969 acres...” “Woodpecker nesting habitat in the tract would be reduced by the removal of 49% to 68%...habitats...” “...direct adverse impacts to migratory birds would occur from the direct removal, alteration, or fragmentation of habitat during surface mining and associated activities... Under the Proposed Action, approximately 1,975-2,377 acres (56%-67%) of migratory bird habitat would be disturbed by surface mining over the life of the mine.” (25 years – emphasis added.)

We question how these species can survive in this area without direct and aggressive conservation efforts by BLM staff?

6. Mitigation for destruction of public resources: Page 4-78 states that “Over the 25-year mine life, recovery values would be approximately \$1.49 to \$1.57 billion...” (Emphasis added.) Refer to the impacts listed above. The calculation of recovery values does not

include impacts on public resources such as water, soil, vegetation, etc. **Is BLM going to permit these significant destruction to public resources without demanding cash mitigation so BLM staff will have the resources to aggressively apply conservation efforts to reduce the above impacts?**

Page 4-68 discusses opportunities to offset the unavoidable loss of significant resources by establishing a \$100,000 donation made by the mine operator to support scientific research on Late Cretaceous paleontology within the BLM-KFO. Why are such a conditions not put in place for the conservation of Greater Sage-Grouse, cultural resources, kit fox, pygmy rabbit, migratory birds, raptors, etc.? We suggest that the minimum acceptable level for a **Conservation Mitigation Fund** be \$1million to \$2.5 million, still a tiny fraction of the estimated value of recoverable coal.

Page 136 talks about “Voluntary mitigation measures which would be provided by the proponent have also been proposed...” for the Sage Grouse. This is the time not just to **propose** such a mitigation fund, **but to require it** as condition for the destruction of 1,750--2,152 acres of pit disturbance (page 2-5), some of which occurs to a depth of over 300 feet. All this destruction over the course of 25 years! Private land owners are getting paid for the destruction of their land. Why is BLM not requiring similar compensation for the destruction of federal land and public resources?

Please don't argue that this fund cannot be established! If the mine owner wants to gross \$1.49 to \$1.57 BILLION, they will agree to a \$2.5 Million mitigation fund, or even larger. A \$1.5 million fund would be less than 1/10<sup>th</sup> of 1% of the gross!

7. GSENM, a unit of BLM's National Landscape Conservation System, appears on only two of six regional-scale maps, Map 3.4 and Map 3.5 in Appendix A, indicating that impacts to resource values on GSENM may not have been sufficiently addressed in the document.

Within Chapter 4 of the Draft EIS, as evidenced by the proposed action Alternative B and Alternative C, in every case, environmental impacts resulting from implementation are considered acceptable. Given the assumptions listed in 4.17.3 in evaluating impacts and unavoidable and cumulative adverse impacts, expecting *acceptable or insignificant* impacts across the full range of impacts exceeds credulity on more than 3,000 acres over 25 years.

The Alton Coal Tract Lease by Application Draft EIS contains an unacceptably high level of flawed reasoning and assumptions that must be re-examined to assure NEPA compliance. For one more indicative example, we cite the last paragraph in Section 4.12.3.4 in this regard.

If the above concerns and the proposed mitigations cannot be put in place as a condition of expanding the mine lease, expanding the Alton open pit strip mine beyond its present scale **will not** serve the best interests of public resources and tourism in the local area for the long term. Furthermore, we believe that BLM analysis of the impacts of the project on a wide range of resource values as reflected in the Draft EIS is insufficient. We therefore recommend that at this time, BLM approve Alternative A; the No Action Alternative.

Thank you for giving us the opportunity to comment on this important Draft EIS. If you have any questions about our comments please don't hesitate to contact me.

Sincerely,

//signed Noel R. Poe//

Noel R. Poe  
President