

Dated: May 27, 2004.

**David W. Anderson,**

*Assistant Secretary—Indian Affairs.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[WY–040–1320–EL; WYW154595]

#### Notice of Availability of a Final Environmental Assessment (EA) on a Coal Lease by Application (LBA) Received for a Federal Coal Tract in the Decertified Green River/Hams Fork Coal Production Region, Wyoming

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of availability (NOA).

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA) and 43 Code of Federal Regulations (CFR) § 3425.4, the Bureau of Land Management (BLM) announces the availability of the Ten Mile Rim Coal Tract Final EA.

The Final EA analyzes and discloses direct, indirect, and cumulative environmental impacts of issuing a Federal coal lease on the eastern flank of the Rock Springs Uplift. These lands are located in Sweetwater County, Wyoming.

**DATES:** Written comments on the Final EA will be accepted for 30 days following the date this notice is published in the **Federal Register**.

**ADDRESSES:** Please address questions, comments, or concerns to the Rock Springs Field Office, Bureau of Land Management, Attn: Teri Deakins, 280 Highway 191 North, Rock Springs, Wyoming 82902; fax them to 307–352–0329; or send electronic comments to Teri Deakins at [teri\\_deakins@blm.gov](mailto:teri_deakins@blm.gov).

A copy of the Final EA has been sent to the affected Federal, State, and local government agencies; persons and entities identified as potentially being affected by a decision to lease the Federal coal in this tract; and to persons who indicated to the BLM that they wished to receive a copy of the Final EA. Copies of the Final EA are available for public inspection during business hours at the following office locations:

- Bureau of Land Management, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82009.

- Bureau of Land Management, Rock Springs Field Office, 280 Highway 191 North, Rock Springs, Wyoming 82901.

An electronic copy of the Final EA may be viewed or downloaded at the

following Web site: <http://www.wy.blm.gov/rsfo>.

**FOR FURTHER INFORMATION CONTACT:** Teri Deakins or Jeff Clawson at the above address, or telephone 307–352–0256.

**SUPPLEMENTARY INFORMATION:** On September 28, 2001, Bridger Coal Company applied for a coal lease for approximately 7,054.34 acres in one tract (approximately 110 million recoverable tons of coal) adjacent to the Bridger Coal Mine in Sweetwater County, Wyoming. The tract is referred to as the Ten Mile Rim Tract, and was assigned case number WYW154595. Based on exploratory drilling results, the Ten Mile Rim Tract was modified and decreased in acreage. The modification was filed on February 11, 2003, reducing the amount of acreage to 2,242.18 acres containing approximately 44 million tons of in-place coal reserves.

The following lands are contained in the modified lease application in Sweetwater County, Wyoming:

#### Sixth Principle Meridian, Wyoming

T. 21 N., R. 100 W.

Section 6: Lots 8 through 14, S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>.

T. 22 N., R. 100 W.

Section 30: Lots 5 through 8, E<sup>1</sup>/<sub>2</sub>W<sup>1</sup>/<sub>2</sub>, E<sup>1</sup>/<sub>2</sub>.

T. 22 N., R. 101 W.

Section 26: Lots 1 through 16

Section 34: Lots 1, 2, 6, 7, 8, 13, NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>

Containing 2,242.18 acres, more or less.

According to the modified application, the coal would be mined and sold to the Jim Bridger electrical power generating plant located adjacent to the existing mine and would therefore extend the life of the existing mine. The mine adjacent to the tract described above has an approved mining and reclamation plan from the Wyoming Department of Environmental Quality (WYDEQ) Land Quality Division, and an approved air quality permit from its Air Quality Division.

A draft EA was released for review and comment in early February 2004. The public comment period ended March 4, 2004. On March 9, 2004, a public hearing was held at the Rock Springs Field Office, Rock Springs, Wyoming. In addition to soliciting for comments on the draft EA, the purpose of the hearing was to solicit comments from the public on (1) the proposal to issue a Federal coal lease; (2) the proposed competitive lease sale; (3) the fair market value of the Federal coal; and (4) maximum economic recovery of the Federal coal included in the Ten Mile Rim tract. Eight written comment letters were received and are included in the Final EA with BLM's responses.

The Final EA analyzes two alternatives: the Proposed Action of leasing the tract and the No Action Alternative of rejecting the application to lease Federal coal. Consistent with the coal leasing regulations, BLM identified and considered other alternative tract configurations that would (1) add or subtract Federal coal to avoid bypassing coal, or (2) increase the estimated fair market value of the unleased Federal coal in this area. These were eliminated from detailed study in the EA. A decision to adopt either the Proposed Action or No Action Alternative would conform to the 1997 Green River Resource Management Plan.

The Office of Surface Mining Reclamation and Enforcement (OSM) is a cooperating agency in the preparation of the Final EA. If the tract is leased, it must be incorporated into the existing mining and reclamation plan for the adjacent Bridger coal mine. Before the Federal coal in this tract can be mined, the Secretary of the Interior must approve each revision to the MLA (Mineral Leasing Act) mining plan. OSM is the Department of the Interior agency that would be responsible for recommending approval, approval with conditions, or disapproval of the revised MLA plans to the Secretary of the Interior.

The BLM asks that those submitting comments make them as specific as possible with reference to page numbers and chapters of the Final EA. Comments that contain only opinions or preferences will not receive a formal response; however, they will be considered and included as part of the BLM decisionmaking process. Comments, including names and street addresses of respondents, will be available for public review at the address listed above during business hours (7:45 a.m. through 4:30 p.m.), Monday through Friday, except holidays. Individual respondents may request confidentiality. BLM will not accept anonymous comments. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials or organizations or businesses, will be made available for public inspection in their entirety.

**Authority:** 43 CFR 3425.4.

Dated: April 19, 2004.

**Robert A. Bennett,**

State Director.

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[WY-920-1320-EL; WYW151634]

#### Notice of Availability of West Hay Creek Lease by Application (LBA) Final Environmental Impact Statement (FEIS), Wyoming

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of availability (NOA) of Final Environmental Impact Statement (FEIS) for the West Hay Creek LBA tract, for Federal coal in the decertified Powder River Federal Coal Production Region, Wyoming.

**SUMMARY:** Under the National Environmental Policy Act (NEPA) implementing regulations and other applicable statutes the Bureau of Land Management (BLM) announces the availability of the West Hay Creek LBA FEIS. The FEIS analyzes the impacts of issuing a Federal coal lease in the Wyoming portion of the Powder River Basin.

**DATES:** The FEIS will be available for review for 30 calendar days from the date the Environmental Protection Agency (EPA) publishes its NOA in the **Federal Register**. The BLM can best utilize your comments and resource information submissions within the 30 day review period provided above.

**ADDRESSES:** Please address questions, comments, or concerns to the Casper Field Office, Bureau of Land Management, Attn: Patricia Karbs, 2987 Prospector Drive, Casper, Wyoming 82604, fax them to 307-261-7587, or send e-mail comments to [casper\\_wymail@blm.gov](mailto:casper_wymail@blm.gov). Attn: Patricia Karbs. Copies of the FEIS are available for public inspection at the following BLM office locations:

- Bureau of Land Management, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82009.

- Bureau of Land Management, Casper Field Office, 2987 Prospector Lane, Casper, Wyoming 82604.

The FEIS is also available electronically on the Internet at <http://www.wy.blm.gov/cfo/minerals.htm#docs>.

**FOR FURTHER INFORMATION CONTACT:** Patricia Karbs or Nancy Doelger; BLM

Casper Field Office, 2987 Prospector Lane, Casper, Wyoming 82604. Ms. Karbs and Ms. Doelger may also be contacted by telephone at 307-261-7600.

**SUPPLEMENTARY INFORMATION:** On August 31, 2000, Triton Coal Company (Triton), a subsidiary of Vulcan Intermediary, LLC, filed an application for a coal lease maintenance tract in an area adjacent to the company's Buckskin Mine including approximately 933 acres and containing approximately 135 million tons of Federal coal. This tract has been assigned case number WYW151634, and is known as the West Hay Creek tract. On November 5, 2001, BLM received a request from Triton to modify the West Hay Creek tract to include the following lands in Campbell County, Wyoming:

T. 52 N., R. 72 W., 6th P.M., Wyoming  
 Section 17: Lots 5 (S $\frac{1}{2}$  S $\frac{1}{2}$ ), 6 (S $\frac{1}{2}$  S $\frac{1}{2}$ ), 7 (S $\frac{1}{2}$  S $\frac{1}{2}$ ), 8 (S $\frac{1}{2}$  S $\frac{1}{2}$ ), 9-14;  
 Section 18: Lots 13 (E $\frac{1}{2}$ ), 20 (E $\frac{1}{2}$ );  
 Section 19: Lots 5 (E $\frac{1}{2}$ ), 12 (E $\frac{1}{2}$ ), 13 (E $\frac{1}{2}$ ), 20 (E $\frac{1}{2}$ );  
 Section 20: Lots 2 (W $\frac{1}{2}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ ), 3-6, 7 (W $\frac{1}{2}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ ), 10 (W $\frac{1}{2}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ ), 11-14.

Containing 838.0975 acres, more or less.

In May 2003, Arch Coal purchased Vulcan Coal Holdings, LLC including the Buckskin Mine operations. To maintain continuity with the original application, Notice of Intent (NOI) and Draft EIS, the applicant is referred to as Triton in this Notice as well as the FEIS.

The Buckskin Mine and West Hay Creek tract are located in Campbell County, Wyoming. The tract was applied for as an LBA tract under the provisions of 43 Code of Federal Regulations (CFR) 3425.1. Triton proposes to mine the modified West Hay Creek LBA tract as a maintenance tract for the Buckskin Mine and estimates that the tract includes an estimated 145 million tons of in-place Federal coal. At Buckskin's proposed mining rate of 25 million tons of coal per year this amount of recoverable coal would extend the life of the Buckskin Mine by approximately 6 years.

The Powder River Regional Coal Team (RCT) reviewed this competitive application at public meetings held on October 25, 2000, in Cheyenne, Wyoming, and May 30, 2002, in Casper, Wyoming. The RCT recommended that BLM continue to process this LBA. The BLM published an NOI in the **Federal Register** to prepare an Environmental Impact Statement (EIS) on June 25, 2002.

On March 21 and March 28, 2003, respectively, the BLM and the EPA each published an NOA in the **Federal Register** announcing that the Draft EIS

was available for public review and comment. Pursuant to 43 CFR 3425.4, a formal public hearing on the West Hay Creek tract application was held on April 16, 2003, in Gillette, Wyoming. The purpose of the hearing was to solicit public comments on the Draft EIS and on: (1) The fair market value, (2) the maximum economic recovery, and (3) the proposed competitive sale of the coal included in the proposed tract. The 60-day review and comment period on the Draft EIS ended on May 27, 2003.

The FEIS analyzes leasing the West Hay Creek tract as applied for as the Proposed Action (Alternative 3). As part of the coal leasing process, to avoid bypassing coal or to increase potential competitive interest in the tract, the BLM will evaluate the tract configuration, and may decide to add or subtract Federal coal. The preferred tract configuration that BLM has identified for this tract is described and analyzed as Alternative 2 in the EIS. The EIS also analyzes the alternative of rejecting this application to lease this tract of Federal coal as the No Action Alternative.

The Final EIS for the West Hay Creek tract analyzes the effects of three alternatives:

- Alternative 1, the No Action Alternative;
- Alternative 2, the Preferred Alternative; and,
- Alternative 3, the Proposed Action.

The No Action alternative assumes that the coal lease application would be rejected and the West Hay Creek Federal coal tract would not be offered for competitive sale. Under the Preferred Alternative the size of the tract as applied for would be reconfigured and increased, and the larger tract would be offered for competitive sale. The Proposed Action alternative assumes that the size and configuration of the tract of coal as proposed and included in Triton's application would remain the same and would be offered for competitive sale.

The Agency-preferred Alternative: The BLM's preferred alternative is Alternative 2.

If implemented, the Proposed Action or any of its alternatives considered in the EIS would be in conformance with the "Approved Resource Management Plan for Public Lands Administration by the Bureau of Land Management Buffalo Field Office" (April 2001, amended 2003).

The Buckskin Mine adjacent to the lease application area has an approved mining and reclamation plan from the Wyoming Department of Environmental Quality (WYDEQ), Land Quality