

This chapter describes specific actions taken by the U.S. Bureau of Land Management (BLM) to consult and coordinate with tribes, government agencies, and interest groups and to involve the interested general public during preparation of the Draft Environmental Impact Statement (DEIS). A Notice of Intent (NOI) published in the Federal Register on July 27, 2006 formally announced the intent of BLM to prepare an EIS for the proposed Red Cliff Coal Mine, railroad spur line, and other associated surface facilities in Garfield County and Mesa County, Colorado. Publication of the NOI initiated the scoping process and invited participation of affected and interested agencies, organizations, and the general public in determining the scope and issues to be addressed by alternatives and analyses in the EIS. A copy of the NOI is included in Appendix E, Coordination and Consultations. Additional detail regarding actions taken by BLM to involve the public and consult and coordinate with Native American tribes, government agencies, and interest groups is provided in the following sections.

## 5.1 CONSULTATION AND COORDINATION

This section documents the consultation and coordination efforts undertaken by the BLM throughout the process of developing the Draft EIS (DEIS). Title II, Section 202, of the Federal Land Policy and Management Act (FLPMA) directs the BLM to coordinate efforts with Native American tribes, other federal agencies, and agencies of the state and local governments as part of its land-use planning process. The BLM is also directed to integrate National Environmental Policy Act (NEPA) requirements with other environmental review and consultation requirements to reduce paperwork and delays (40 *Code of Federal Regulations* [CFR] 1500.4-5). The BLM accomplished coordination with other agencies and consistency with other plans through ongoing communications, meetings, and collaborative efforts with the Interdisciplinary Team, which includes BLM specialists and federal, state, and local agencies.

### 5.1.1 Cooperating Agencies

The Grand Junction Field Office extended cooperating agency status to the U.S. Army Corps of Engineers (USACE); Office of Surface Mining, Reclamation, and Enforcement (OSM); Colorado Department of Natural Resources – Division of Reclamation, Mining, and Safety (DRMS); and Division of Wildlife (CDOW); Mesa County; and Garfield County. The BLM invited these agencies to participate because they have jurisdiction by law or because they offer special expertise. The cooperating agencies have actively participated in cooperators' meetings leading up to the development of the DEIS.

BLM formally invited the cooperating agencies to participate in the development of alternatives and to provide existing data and other information relative to their agency responsibilities, goals, mandates, and expertise. Cooperating agencies provided input during the initial scoping process on issues of special expertise or legal jurisdiction and consulted with BLM periodically throughout the revision process to provide additional input. In addition, cooperating agencies participated in an agency scoping meeting on August 24, 2006 and reviewed draft information and documents.

### 5.1.2 Agency Scoping and Coordination Meetings

BLM held an agency scoping meeting on August 24, 2006 with cooperating agencies and other interested agencies to discuss the project description, purpose and need, other needed permits, key environmental issues, and agency concerns. Representatives from the following agencies attended the meeting: U.S. Fish and Wildlife Service (USFWS), Mesa County, DRMS, U.S. Bureau of Reclamation (BOR), City of Fruita, Colorado State Parks, Colorado Department of Transportation (CDOT), USACE, and the OSM.

Following the agency scoping meeting, negotiations between the proponent, the cooperating agencies, and BLM resulted in modifications to the Proposed Action and identification of alternatives to address unresolved issues. In July, August, and September of 2007, BLM held coordination meetings with the proponent and with the cooperating agencies so that the evolving Proposed Action and alternatives could be accurately described in the EIS.

### 5.1.3 U.S. Fish and Wildlife Service Consultation

The USFWS is responsible for administering the Endangered Species Act, which provides for the protection and conservation of threatened and endangered species. The Grand Junction Field Office contacted the USFWS, requesting a list of threatened and endangered species that may be impacted by the Red Cliff Mine Project. The USFWS provided the following species list to the Grand Junction Field Office:

- Species List and Comments Regarding Preparation of an Environmental Impact Statement for the Proposed Central Appalachia Mining Red Cliff Coal Mine Project, CO-130-1150, dated September 5, 2006 (USFWS 2006)

The BLM has prepared a Biological Assessment, and asked the USFWS for a Biological Opinion. The Biological Assessment and transmittal letter are located in Appendix E, Coordination and Consultations.

The consultation letters between the USFWS and the Grand Junction Field Office are located in Appendix E, Coordination and Consultations.

### 5.1.4 Section 106 Consultation

Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires federal agencies to take into account the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. Section 106 consultations with the Colorado State Historic Preservation Officer (SHPO) are conducted as required by the NHPA.

BLM contacted the Colorado SHPO in December 2006 regarding this project. The Colorado SHPO concurrence letter was received on September 24, 2007. The consultation letters between the Colorado SHPO and the Grand Junction Field Office are located in Appendix E, Coordination and Consultations.

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### 5.1.5 Section 404 Consultation

Section 404 of the Clean Water Act delegates authority to the USACE to issue permits, after notice and opportunity for public hearings, for the discharge of dredged or fill material into Waters of the U.S. (WOUS) at specified disposal sites. Wetlands are areas considered to be within the jurisdiction of the USACE under Section 404 of the Clean Water Act. Areas of potential USACE jurisdiction consist of WOU.

The project area was examined to determine areas of potential USACE jurisdiction during the 2006 and 2007 field seasons. Requests for USACE concurrence with the findings, referred to as a Jurisdictional Determination (JD) were filed with USACE on December 5, 2007 and January 31, 2008. A copy of the JD filing is contained in Appendix E, Coordination and Consultations.

The JD request concluded that no potentially jurisdictional WOUS were present in the project area north of the Highline Canal. South of the Highline Canal, several wetlands and one Relatively Permanent Water (RPW) were identified. Most of the wetlands are related directly to application of irrigation water on agricultural lands, and on the basis of March 2007 USACE Regulatory Branch Memorandum 2007-1 (USACE 2007) were considered to be non-jurisdictional. Several wetlands were found to be related to groundwater seeps that are also likely related to irrigation water application. However, since no existing scientific data are available to demonstrate this relationship to irrigation, these wetlands were considered to be potentially jurisdictional. The RPW, Mack Wash, was also considered to be jurisdictional.

The USACE concurred with the recommendations of the JD request. Consultation letters can be found in Appendix E, Coordination and Consultations.

### 5.1.6 Native American Interests

Consultation with Native American tribes is part of the NEPA scoping process and a requirement of FLPMA. The Grand Junction Field Office took multiple steps to contact the tribes and include them in the scoping process. On February 12, 2008, the following federally recognized tribes with an established interest in the project area were invited to participate as consulting parties:

- Northern Ute Indian Tribe
- Southern Ute Indian Tribe
- Ute Mountain Indian Tribe

Subsequently, each tribe was contacted by BLM to see if they would be interested in discussing the Proposed Action in person. Consultation letters can be found in Appendix E, Coordination and Consultations.

## 5.2 PUBLIC INVOLVEMENT

The BLM decision-making process is conducted in accordance with the requirements of the NEPA, Council on Environmental Quality (CEQ) regulations implementing NEPA, and the U.S. Department of the Interior and BLM policies and procedures implementing NEPA. NEPA and the associated regulatory and policy framework require that federal agencies involve the interested general public in their decision-making. In accordance with CEQ scoping guidance,

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the BLM provided avenues for public involvement as an integral part of preparing the EIS. CEQ scoping guidance defines scoping as the “process by which lead agencies solicit input from the public and interested agencies on the nature and extent of issues and impacts to be addressed and the methods by which they will be evaluated” (CEQ 1981). The scoping report, entitled “Public Scoping Report for the Environmental Impact Statement: Proposed Red Cliff Mine Project near Mack, Colorado (December 2006),” (BLM 2006) summarizes issues identified during the scoping process and is available upon request from the BLM Grand Junction Field Office.

The intent of the scoping process is to provide opportunity for the general public, tribes, other government agencies, and interest groups to scope the Proposed Action and to identify issues to be addressed by alternatives or analysis in the EIS. In general, public involvement assists the agencies by the following:

- Broadening the information base for decision-making
- Informing the public about the DEIS and potential impacts associated with various management decisions
- Ensuring that public needs and viewpoints are brought to the attention of the agency

### 5.2.1 Scoping Period

Publication of the NOI on July 27, 2006 initiated the scoping period and announced the BLM’s intention to prepare a DEIS. Scoping for the DEIS took place from July 27, 2006 to September 25, 2006.

The BLM utilized the public scoping process to identify issues to direct (drive) the formulation of alternatives and to frame the scope of analysis in the EIS. A total of 53 written comments were received during the scoping period. The scoping report provides a general summary of the issues found in these letters.

### 5.2.2 Scoping Notice

The BLM prepared a public scoping notice and mailed it to federal, state, and local agencies; interest groups; and members of the general public. In the scoping notice, the BLM solicited written comments on the EIS, issues, and impacts and invited the public to a public scoping meeting. In addition, the scoping notice provided general information on the project area, background information on the EIS process, and date and location scheduled for the public scoping meeting.

A display advertisement was placed in the Grand Junction daily newspaper, *The Daily Sentinel*, on Friday, August 11, 2006. This ad briefly described the project and the need for the public meeting. It gave the meeting time and place as well as stating the scoping period end date of September 25, 2006.

A postcard/mailer was mailed to all individuals on the BLM mailing list, CAM–Colorado, LLC (CAM) mailing list, and specific property owners whose property fell within 0.5 mile on either side of the proposed rail spur line right-of-way.

A press release was issued by the BLM to their media contacts for immediate release on July 28, 2006. Included in the press release was a brief project description, information about when and

where the public scoping meeting was to be held, the purpose of the meeting, and the duration of the scoping period.

### 5.2.3 Scoping Meeting

A public scoping meeting was held at the City of Fruita Council Chambers on Thursday, August 24, 2006. The meeting consisted of brief presentations of the project and the NEPA process by BLM and CAM, followed by an open house-style question and answer period. Handouts included the project description, map, and comment sheet.

### 5.2.4 Opportunities to Comment

The BLM provided a variety of avenues through which the public could submit comments during the scoping period. These avenues included:

- Mail – The NOI and the scoping notice invited interested parties to submit comments by mail to the Grand Junction Field Office.
- E-mail – The NOI provided the following e-mail address for submitting comments electronically: David\_Lehmann@blm.gov.
- Online – The project website, located at <http://www.blm.gov/rmp/co/redcliffmine/index.htm>, contained an e-mail address for submitting comments (RedCliffMineEIS@urscorp.com) as well as contact information for questions about the project.
- Telephone – The NOI and scoping notice provided a phone number so interested parties could call and submit verbal comments.
- In Person at the Scoping Meeting – The BLM provided the public the opportunity to comment at the public meeting, both verbally and through use of the comment sheet. Handouts included contact information for submitting both verbal and written comments.

For a description and summary of the comments received at the public meeting, see the public scoping report (BLM 2006).

### 5.2.5 Future Public Involvement

Public participation is ongoing throughout the EIS process. Members of the public have the opportunity to comment on the content of the DEIS during the specified 60-day comment period. A public hearing and open house is being held to present information to the public and accept comments. The Final EIS will consider all substantive oral and written comments received during the 60-day comment period. The Record of Decision will be issued by the BLM upon completion and approval of the Final EIS.

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A copy of the DEIS has been provided to the following agencies and entities:

Michael Ramsey, Federal Railroad Administration	Mitchell Leverette, BLM, Division of Solid Minerals
Dwight Burgess, Colorado Department of Transportation	Willie Taylor, Office of Environmental Policy and Compliance, U.S. Department of the Interior
Karl Johnston, Office of Surface Mining	Natural Resources Library, U.S. Department of the Interior
Mike Boulay, Colorado Division of Reclamation, Mining, and Safety	Robert Stewart, Regional Environmental Officer, U.S. Department of the Interior
Joanna Kramer and Sandy Brown, Colorado Division of Reclamation, Mining, and Safety	Corey Heaps, Rhino Energy, LLC
Glenn Wallace, BLM Colorado State Office	Mike Klish, WestWater Engineering
Bill Ypsilantis, BLM National Operations Center	Jim Stover, J.E. Stover & Associates
Dean Riggs, Colorado Division of Wildlife	Pete Baier, Mesa County
Jesse Smith, Garfield County	Kurt Larsen, Mesa County
Judith Jordan, Garfield County	Randy Price, Mesa County
Ronda Sandquist, Jackson Kelly	Steve Don, Grand Valley Power
Terry Stroh, Bureau of Reclamation	David Rightley, Exponential Engineering Company
Mesa County Public Library	Ken Jacobsen, U.S. Army Corps of Engineers, Colorado West Regulatory Branch
Mesa County Public Library - Fruita Branch	Rick Krueger, U.S. Fish and Wildlife Service, Ecological Services
Garfield County Library - Parachute Branch	U.S. Environmental Protection Agency, Office of Federal Activities, EIS Filing Section
Catherine Robertson, BLM Grand Junction Field Office	Phil Lowe, U.S. Department of the Interior - Office of the Solicitor
Shannon Stewart, BLM, Division of Decision Support, Planning & NEPA (WO-210)	Larry Svoboda, NEPA Program Chief, EPA Region 8