



Welcome

Public Meeting and Hearing for
the Regional Environmental
Impact Statement for Surface
Coal and Lignite Mining in
Texas.

Bienvenidos

Reunión Pública y Audiencia
para el Estudio del Impacto
Ambiental Regional sobre las
Operaciones de Minería de
Carbón Superficie y de Lignito
en Texas.



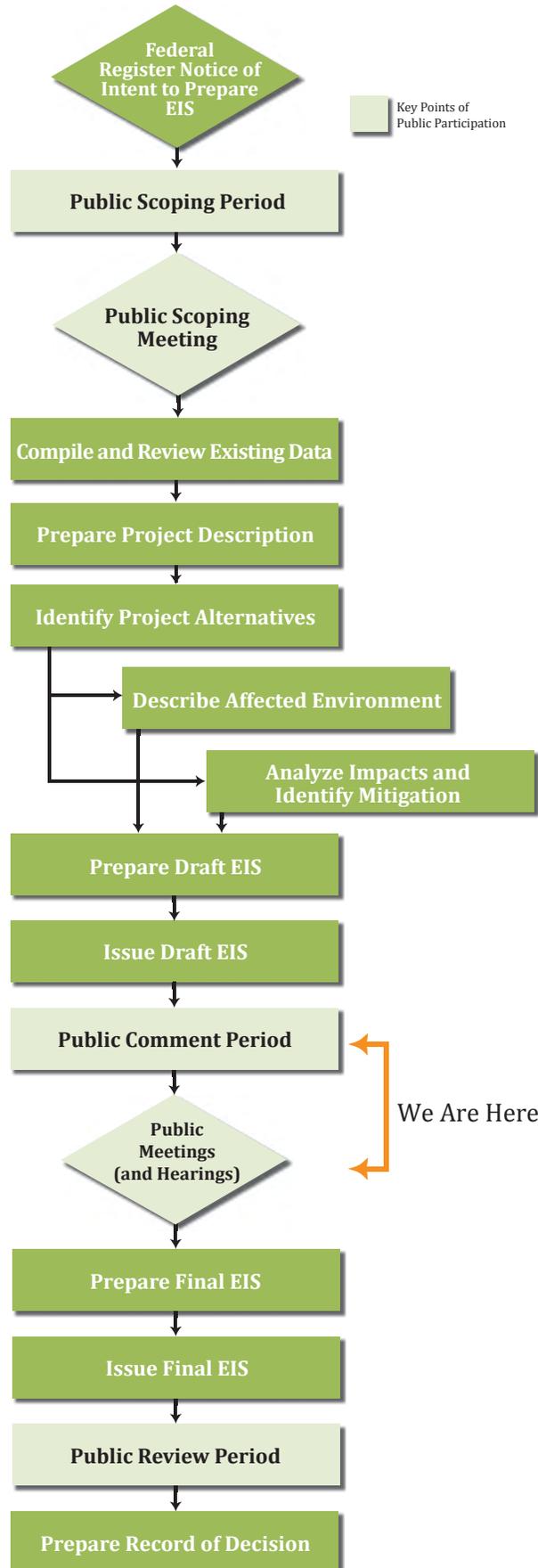


- Fort Worth District U.S. Army Corps of Engineers (USACE) is the lead federal agency to identify and evaluate potential impacts within geographic areas of Texas that may be affected by permit decisions for future mining activities. [Draft REIS Section 1.0, page 1-1]
- Surface coal, including lignite mines in Texas provide fuel to existing nearby power plants. As existing permitted mines reach the limits of permitted mine areas, expansion will be required to continue to meet supply obligations. [Draft REIS Section 1.2, page 1-2]
- Most coal mining proposals involve large areas of earth disturbance that will result in impacts to waters of the U.S. Waters of the U.S. are regulated by the USACE under Section 404 of the Clean Water Act and include areas such as wetlands, streams, rivers, and ponds. Therefore, work in waters of the U.S. involves a permit evaluation process that is performed by the USACE. The USACE also requires permits for work in or affecting navigable waters under Section 10 of the RHA of 1899.
- The combined state and federal permitting process for coal mines is currently lengthy. It involves identifying and evaluating a great deal of information on environmental resources and coordinating with several agencies. The USACE has prepared this REIS to gather and evaluate information on environmental and other resources on a regional scale, in order to eliminate the need to prepare duplicate information. Preparing this REIS will likely reduce timeframes associated with permit evaluations. [Draft REIS Section 1.2, page 1-4]
- The purpose for the REIS is to provide a robust evaluation of potential impacts to environmental and human resources, including the aquatic environment, that could be affected by future coal mine permit decisions. [Draft REIS Section 1.2, page 1-4]
- This REIS will act as an umbrella document. This means it will provide a great deal of information that would then be added to by tiering or supplementation* of future project-specific coal mine permit applications. The specific projects would use this REIS for much of the needed information and would provide only information unique to that project, thus avoiding duplication of information. [Draft REIS Section 1.2, page 1-4]

* For an explanation of tiering and supplementation, see Draft REIS Section 1.0, page 1-2.



NEPA Process Flow Chart





The USACE Fort Worth District's goals for the REIS are to:

- Provide a scientifically-based regional environmental analysis, including an interdisciplinary cumulative impacts assessment, of all relevant resources within the defined geographic regions that is in compliance with the federal National Environmental Policy Act (NEPA);
- Develop datasets to assist with the formulation of a categorized permit process;
- Facilitate future NEPA tiering or supplementation for the evaluation of future project-specific Section 404/10 permit applications for surface coal and lignite mines;
- Establish a cohesive framework for stream mitigation, establish sound performance metrics, and enhance monitoring efforts;

- Assist in streamlining the NEPA aspect of USACE Fort Worth District Section 404/10 permitting for surface coal and lignite mines so that the process is more consistent and efficient; and
- Address, as feasible, other agency issues related to resource mitigation.

The REIS will:

- Not render a decision on any specific mine project;
- Not provide complete NEPA compliance for future proposed surface coal or lignite mine expansion areas or satellite mines; and
- Not provide NEPA documentation for any new power plants.





Draft REIS Table 2-1. Existing Regulatory Framework

Permit Type	Acreage Limit	Linear Footage Limit	Agency Coordination Requirement	Resource Limitations
Nationwide Permit (NWP) 21	0.5	300 linear feet of stream (perennial, ephemeral, or intermittent), unless waived for ephemeral and intermittent streams	Coordination for waiver	No regional conditions limiting use
NWP 49 – Coal Remining Activities ¹	None	None	No	Mine, reclamation and mitigation plan must result in a net increase in aquatic resource functions
Letter of Permission (LOP)-3	20 acres	20,000 linear feet of stream, with no more than 1,000 linear feet for perennial streams	Yes ²	Forested wetlands cannot make up more 50 percent of the waters of the U.S. impact area
Individual Permit (IP)	>20 acres	No limit	Yes	None

1 May be authorized for mining and reclamation of lands previously mined for coal/lignite if the proposed activities are currently authorized, or are in the process of being authorized, under the Surface Mining Control and Reclamation Act of 1977. New coal/lignite mining activities may be authorized in conjunction with the remining activities if: 1) the proposed new mining disturbance is 40 percent or less of the proposed total disturbance and 2) the overall mining plan would result in a net increase in aquatic resource functions.

2 LOP-3 requires agency concurrence.

Draft REIS Table 2-2. Proposed Regulatory Framework

Permit Type	Acreage Limit	Linear Footage Limit	Agency Coordination Requirement	Resource Limitations (type)
NWP 21 ¹	0.5	300 linear feet of stream (perennial, ephemeral, or intermittent), unless waived for ephemeral and intermittent streams	Coordination for waiver	No regional conditions limiting use
NWP 49 – Coal Remining Activities ^{1,2}	None	None	No	Mine, reclamation and mitigation plan must result in a net increase in aquatic resource functions
Regional General Permit (RGP)	0.5 – 10 acres	Study Areas 1-4: 20,000 linear feet all stream types, with no more than 1,000 total linear feet for perennial streams Study Areas 5-6: 30,000 linear feet all stream types, with no more than 1,000 total linear feet for perennial streams	No	Forested wetlands cannot make up more than 50 percent of the waters of the U.S. impact area; no impacts to bogs; no impacts to bald cypress-tupelo swamps
LOP	10 – 25 acres	No limit ³	Yes	Forested wetlands cannot make up more than 50 percent of the waters of the U.S. impact area
IP	>25 acres	No limit	Yes	None

1 Reflects existing thresholds and resource limitations for the NWP 21 and NWP 49; no changes are proposed.

2 May be authorized for mining and reclamation of lands previously mined for coal/lignite if the proposed activities are currently authorized, or are in the process of being authorized, under SMCRA. New coal/lignite mining activities may be authorized in conjunction with the remining activities if: 1) the proposed new mining disturbance is 40 percent or less of the proposed total disturbance and 2) the overall mining plan would result in a net increase in aquatic resource functions.

3 USACE Fort Worth District will review each proposed action on a case-by-case basis.



CATEGORY 1

- Projects that meet the criteria for a Nationwide Permit (NWP), Regional General Permit (RGP), or Letter of Permission (LOP) (See Draft REIS Table 2-2).
- Limited to not more than 10 acres or not more than 1,000 linear feet of impacts to waters of the U.S.
- No net anticipated significant impacts, as determined by the USACE under the authority as the lead federal agency for NEPA compliance.
- Typically, in addition to the permit application, project would require a basic environmental assessment (EA) with a Finding of No Significant Impact (FONSI).

CATEGORY 2

- Projects that would result in impacts to waters of the U.S. in excess of the LOP criteria specified in Draft REIS Table 2-2.
- No net anticipated significant impacts, as determined by the USACE under the authority as the lead federal agency for NEPA compliance.
- Typically, in addition to the permit application, project would require an Individual Permit (IP) and a more robust EA with a FONSI or mitigated FONSI.

CATEGORY 3

- Projects that would result in impacts to waters of the U.S. in excess of the LOP criteria specified in Draft REIS Table 2-2.
- Projects would have the potential for significant impacts, as determined by the USACE under the authority as the lead federal agency for NEPA compliance.
- Typically, in addition to the permit application, project would require an IP and an EIS.

In accordance with the requirements of NEPA, if an EA analysis of projects in Categories 1 or 2 results in the identification of previously unanticipated significant impacts that cannot be mitigated, a subsequent EIS would be required. USACE, as the lead federal agency for NEPA compliance, has the authority to require an EIS without the preparation of an EA as appropriate.

USACE Fort Worth District Compensatory Mitigation Guidelines [Draft REIS Section 2.2, pages 2-2 and 2-3]

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- Compensatory Mitigation is the restoration, creation, enhancement, and preservation of waters of the U.S. that are negatively affected by projects permitted under the USACE permitting process.
- Waters of the U.S. are aquatic resources that serve important ecological functions. Some of these functions include serving as important wildlife habitat, benefitting water quality, absorbing stormwater, and reducing potential impacts.
- The purpose of compensatory mitigation is to off-set or compensate, in other words to “pay back” for the adverse effects to ecological functions resulting from development activities that negatively affect waters of the U.S.
- The USACE is required to follow a particular regulation, known as the 2008 Mitigation Rule for all projects.
- Compensatory Mitigation Plans are a set of plans and detailed descriptions of the work an applicant plans to do in order to offset impacts. The plan is provided to the USACE for review as part of the permit application. If approved, the permittee must perform the work identified in the Compensatory Mitigation Plan to ensure compensation for waters of the U.S. lost or negatively impacted by their project.
- Compensatory Mitigation Plans include the following:
 - Goals, objectives, and implementation plans for compensatory mitigation
 - Long-term protection of compensatory mitigation sites through an acceptable and appropriate real estate covenant (like a conservation easement)
 - Financial assurance of compensatory mitigation success through an acceptable and appropriate financial instrument (such as escrow account, letter of credit, or performance bond)
 - Long-term monitoring of sound, measurable, ecologic condition-based performance metrics used as success criteria for compensatory mitigation projects
- The REIS identifies several steps to further ensure aquatic resource mitigation success.



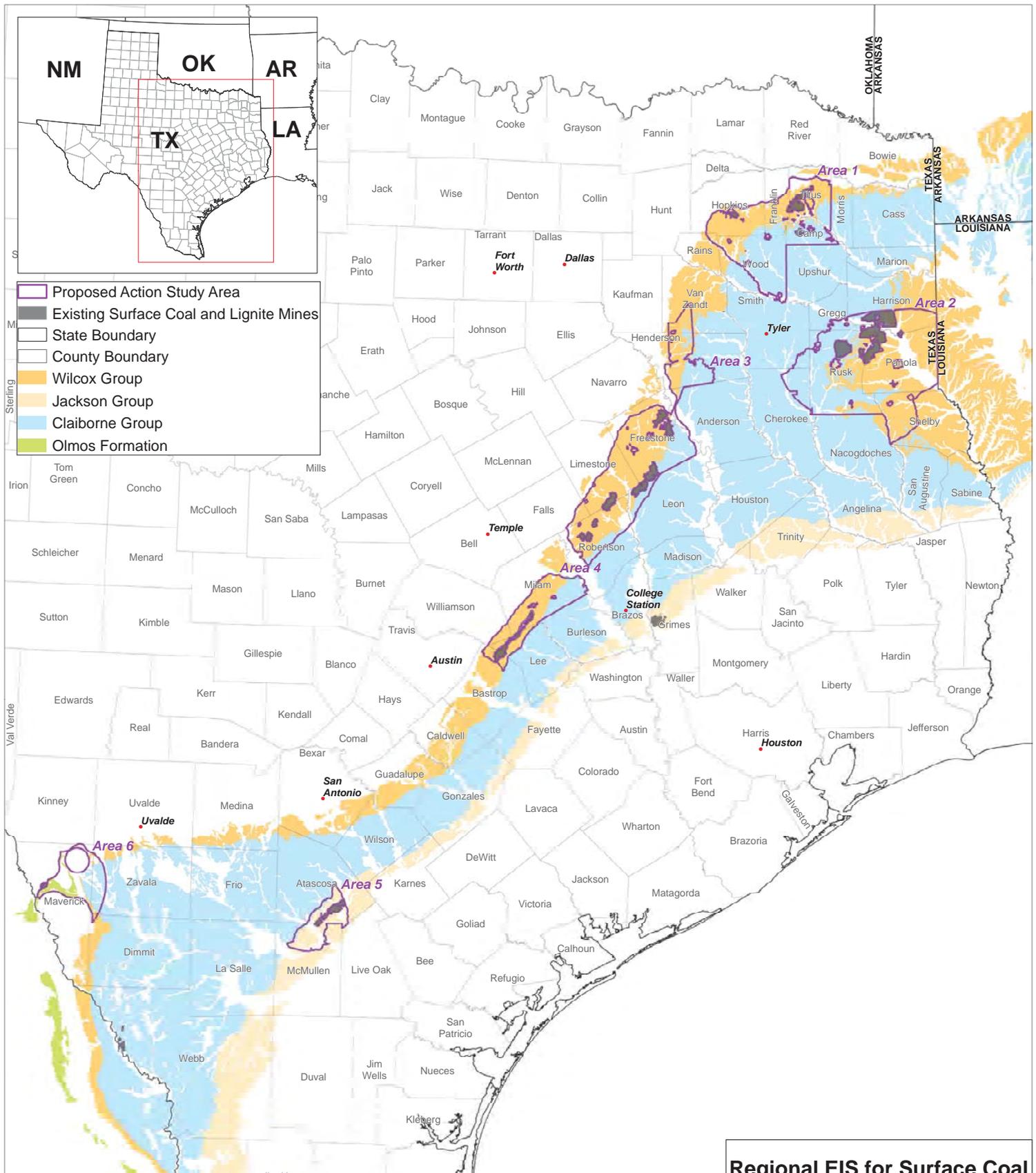


Draft REIS Table 2-3. Summary of Study Areas

Proposed Action Study Areas	Approximate Total Acreage in Study Area	Estimated Maximum Disturbance Acreages Associated with Potential Requests for Future Authorizations	Estimated Percent of Study Area Potentially Disturbed under Anticipated Requests for Future Authorizations
Study Area 1	912,500	13,500	1.5
Study Area 2	1,449,300	50,200	3.5
Study Area 3	1,219,200	50,600	4.2
Study Area 4	365,300	9,800	2.7
Study Area 5	180,800	9,500	5.3
Study Area 6	252,300	25,000	9.9
Total	4,379,400	158,600	3.6

- The REIS considers 6 study areas along the coal-bearing formations in Texas that run from southwest Texas to northeast Texas. The study areas encompass locations within the coal/lignite belt in Texas that were determined to be close to existing surface coal and lignite mines with potential for future expansion. [Draft REIS Section 1.1, page 1-2]
- **Excluded** from the study areas are locations that would not be available for future surface coal or lignite mine development, including:
 - Existing development areas (e.g., existing mines, towns, reservoirs, etc.)
 - Parks (federal, state, and local)
 - National Wildlife Refuges

The total acreage of each study area, the estimated maximum disturbance acreage associated with projected future surface coal and lignite mining authorizations, and the estimated percent of each study area that may be affected are identified in Draft REIS Table 2-3. [Draft REIS Section 2.2.3, page 2-5]



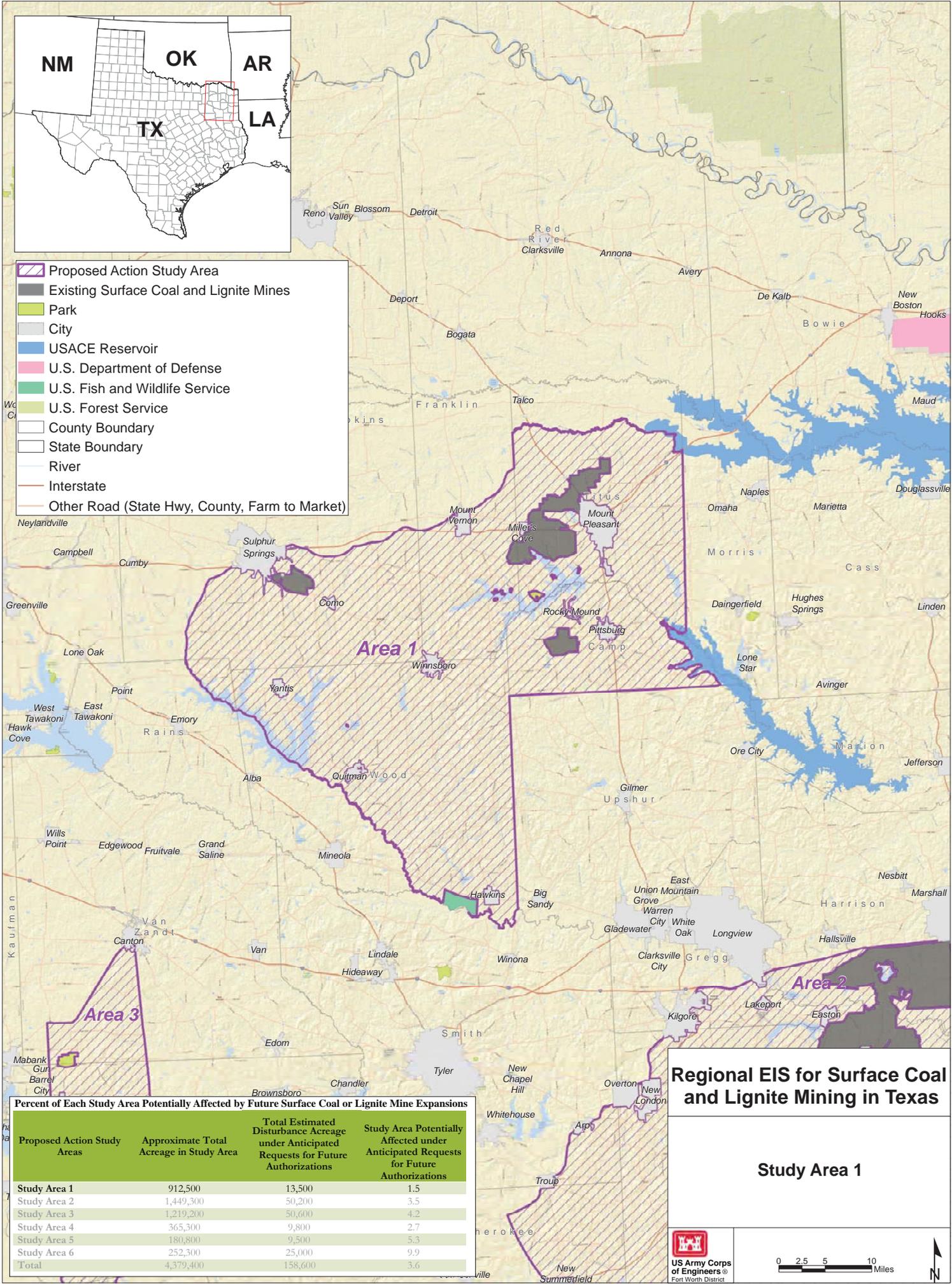
Percent of Each Study Area Potentially Affected by Future Surface Coal or Lignite Mine Expansions

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Regional EIS for Surface Coal and Lignite Mining in Texas

Study Area Overview





- Proposed Action Study Area
- Existing Surface Coal and Lignite Mines
- Park
- City
- USACE Reservoir
- U.S. Department of Defense
- U.S. Fish and Wildlife Service
- U.S. Forest Service
- County Boundary
- State Boundary
- River
- Interstate
- Other Road (State Hwy, County, Farm to Market)

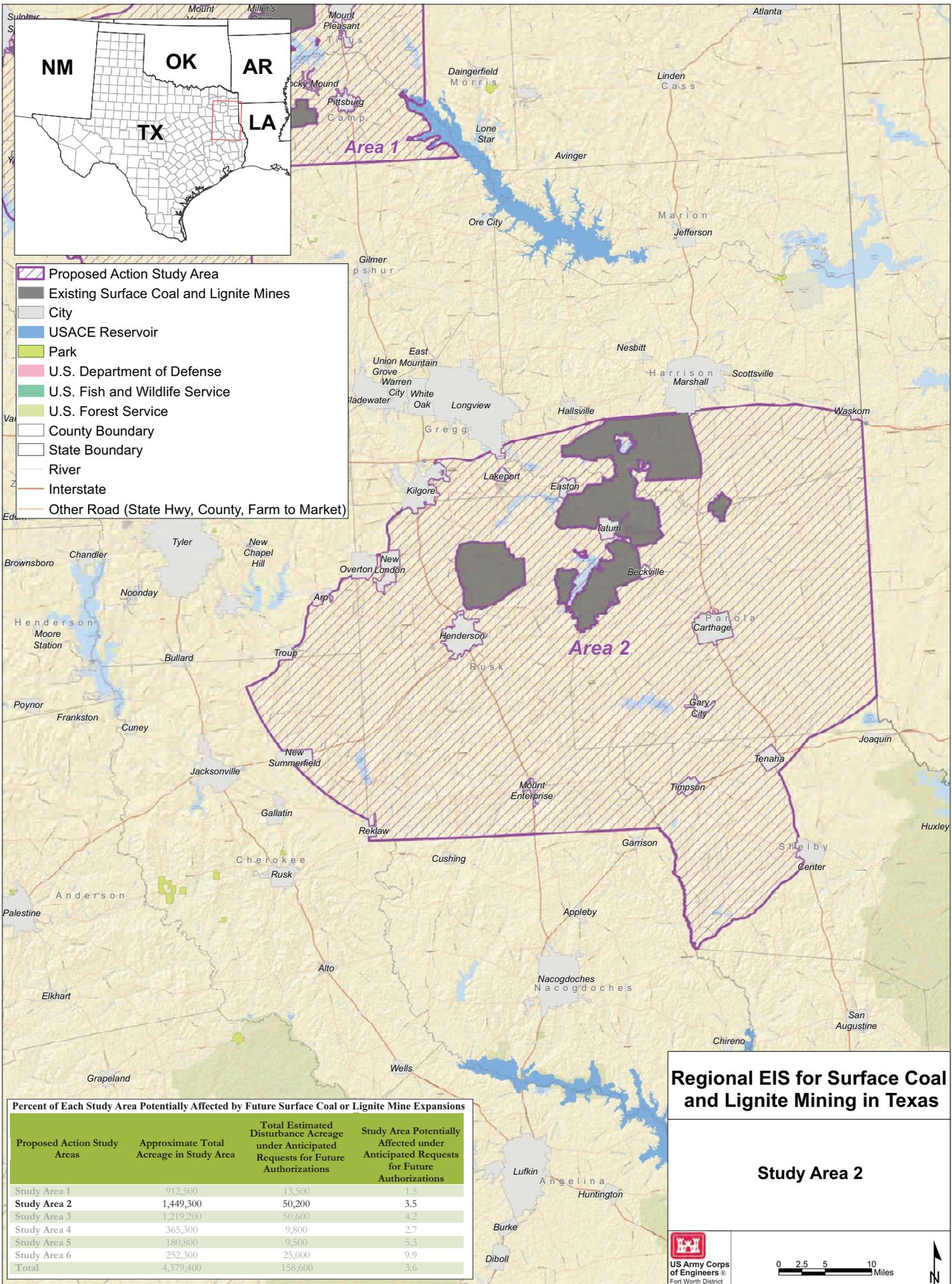
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Regional EIS for Surface Coal and Lignite Mining in Texas

Study Area 1





- Proposed Action Study Area
- Existing Surface Coal and Lignite Mines
- City
- USACE Reservoir
- Park
- U.S. Department of Defense
- U.S. Fish and Wildlife Service
- U.S. Forest Service
- County Boundary
- State Boundary
- River
- Interstate
- Other Road (State Hwy, County, Farm to Market)

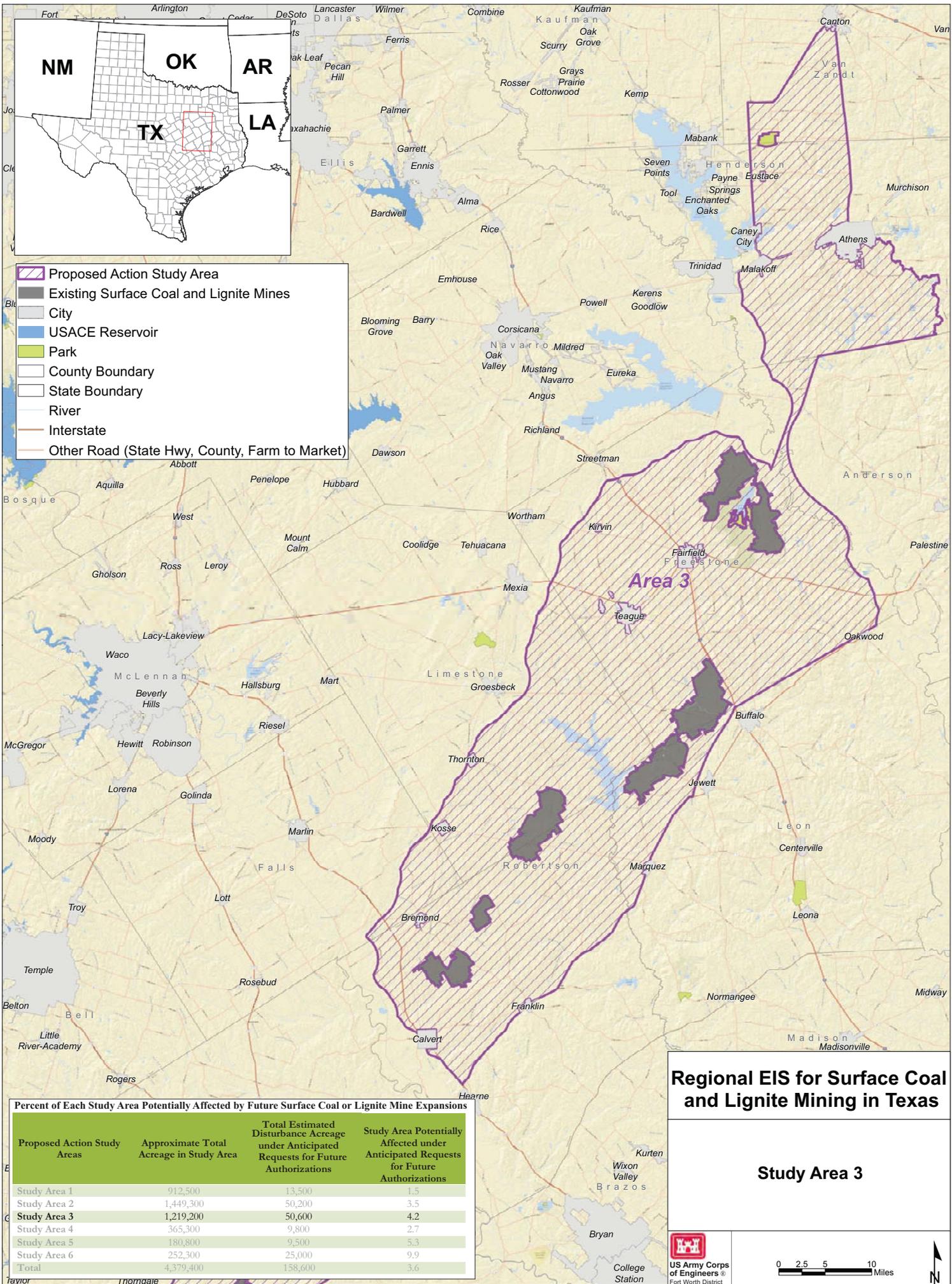
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Regional EIS for Surface Coal and Lignite Mining in Texas

Study Area 2





- Proposed Action Study Area
- Existing Surface Coal and Lignite Mines
- City
- USACE Reservoir
- Park
- County Boundary
- State Boundary
- River
- Interstate
- Other Road (State Hwy, County, Farm to Market)

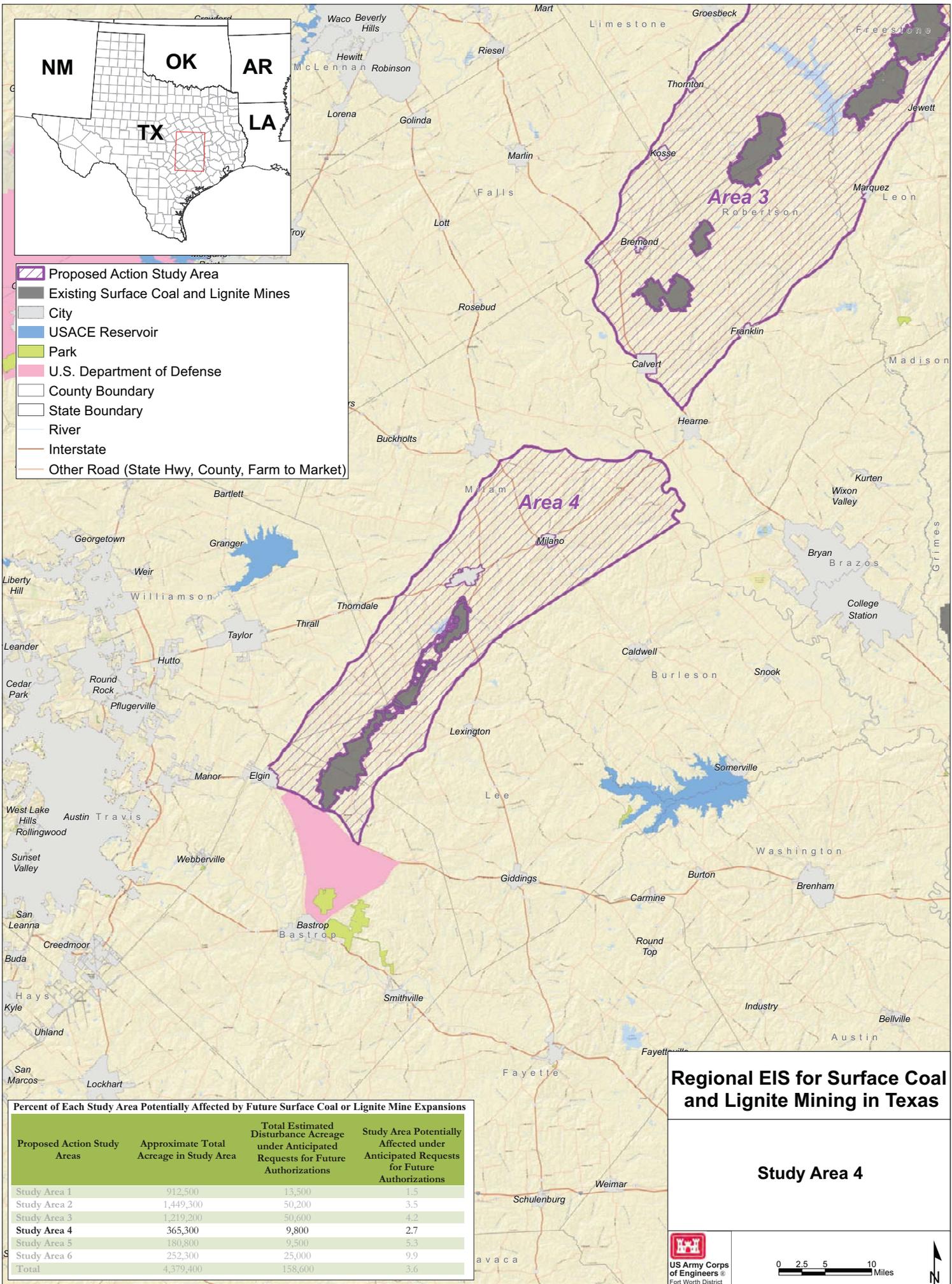
Percent of Each Study Area Potentially Affected by Future Surface Coal or Lignite Mine Expansions

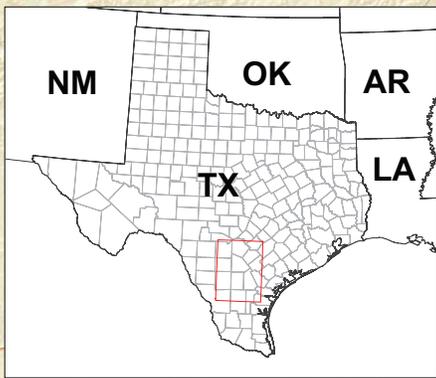
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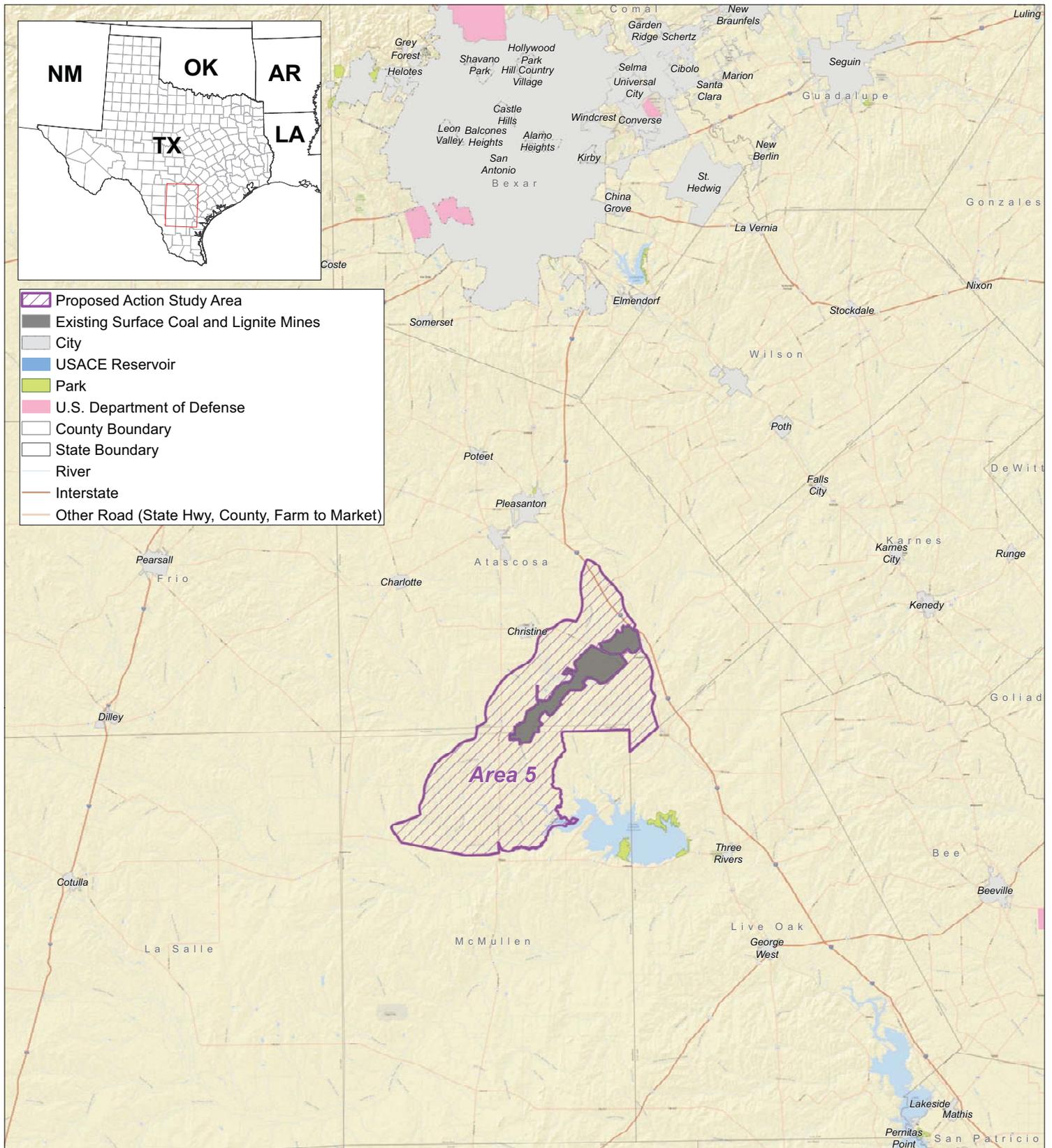
Study Area 3







- Proposed Action Study Area
- Existing Surface Coal and Lignite Mines
- City
- USACE Reservoir
- Park
- U.S. Department of Defense
- County Boundary
- State Boundary
- River
- Interstate
- Other Road (State Hwy, County, Farm to Market)

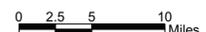


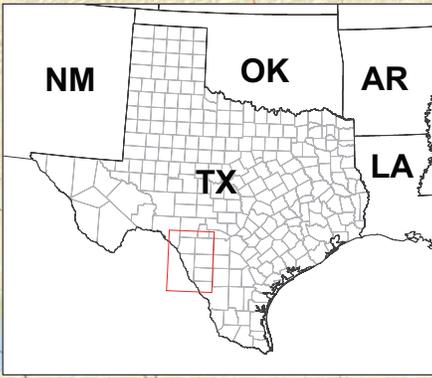
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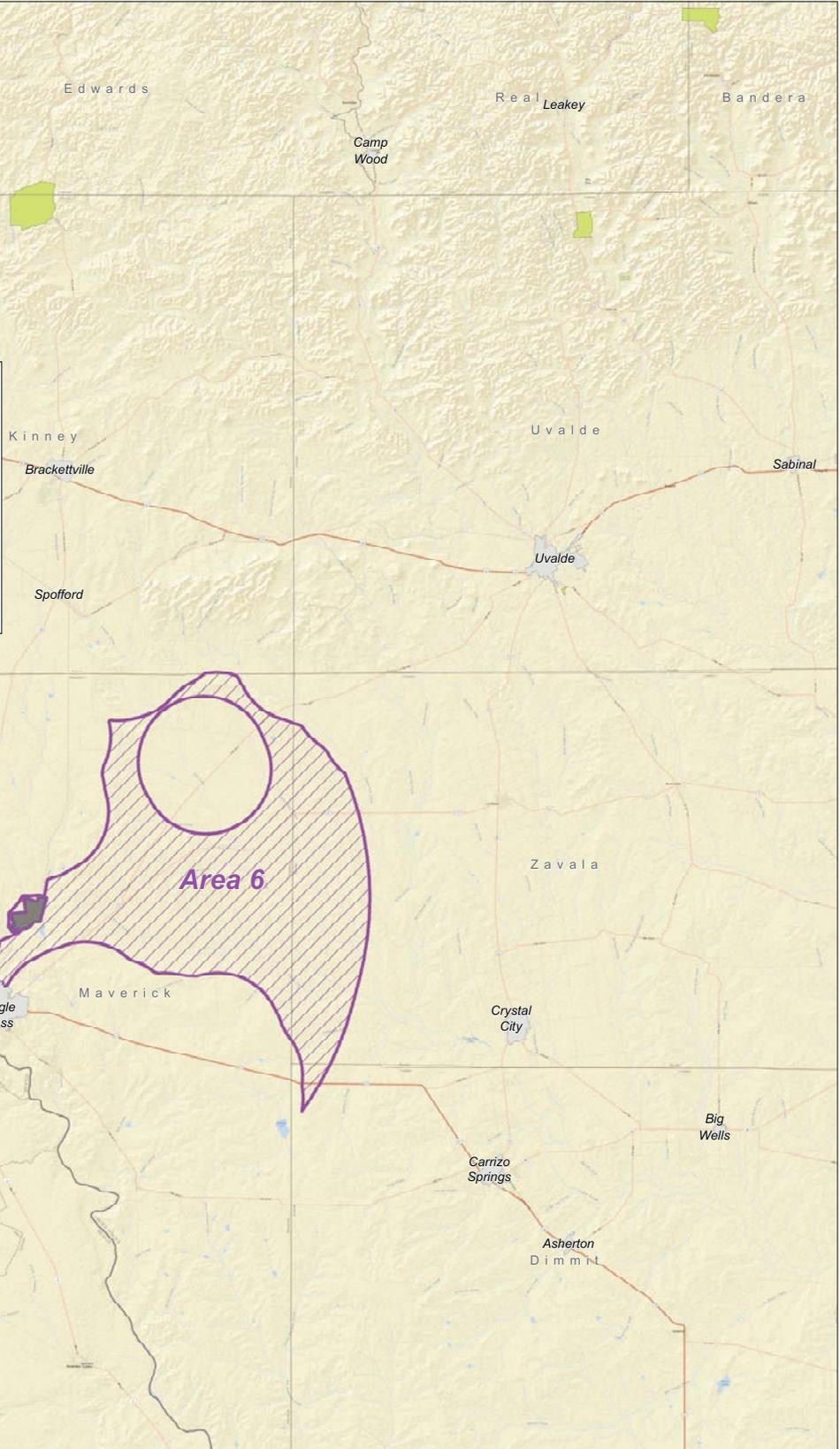
Regional EIS for Surface Coal and Lignite Mining in Texas

Study Area 5





-  Proposed Action Study Area
-  Existing Surface Coal and Lignite Mines
-  City
-  Park
-  USACE Reservoir
-  County Boundary
-  State Boundary
-  River
-  Interstate
-  Other Road (State Hwy, County, Farm to Market)



Percent of Each Study Area Potentially Affected by Future Surface Coal or Lignite Mine Expansions

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Regional EIS for Surface Coal and Lignite Mining in Texas

Study Area 6





- Under Section 404 of the Clean Water Act (CWA), the USACE is responsible for regulating the discharge of dredged or fill material into waters of the U.S.
- Under Section 10 of the River and Harbors Act (RHA) of the USACE regulates all work and structures in, or affecting, the course, condition, or capacity of navigable waters of the U.S.
- Waters of the U.S. are defined by regulations found at 33 CFR 328.3. Changes to the definition of waters of the U.S. are currently proposed in a final rule defining the scope of waters protected under the CWA, published on June 29, 2015 (Federal Register Vol. 80, No. 124, 37054). (Draft REIS Section 3.2.5, pages 3.2-84 and 3.2-85).
- Navigable waters are defined as waters that are presently used, or have been used in the past, or may be susceptible to use for transport of interstate or foreign commerce (33 CFR Part 329). (Draft REIS Section 3.2.5, page 3.2-85)
- To evaluate possible impacts to aquatic resources the USACE must first gather information on the existing condition of resources. The USACE then evaluates the projected impacts to aquatic resources that would occur as a result of a project.(Draft REIS Section 3.2.4.2, page 3.2-73)
- Section 404 of the CWA requires that projects are designed to avoid or minimize impacts to waters of the U.S. The USACE works with permit applicants to avoid impacts to higher quality aquatic resources such as wetlands, perennial streams, and intermittent streams with perennial pools. (Draft REIS Section 3.2.4.2 , page 3.2-72)
- There are several kinds of impacts to waters of the U.S. that may result from future mining projects. These include filling wetlands and streams, re-routing or re-directing streams, and excavation or removal of surface or underground water flow that supplies wetlands and streams. (Draft REIS Section 3.2.5.2, page 3.2-92)
- The USACE has three options for each permit application (Draft REIS Section 3.2.4.2, page 3.2-75):
 1. to issue the permits,
 2. deny the permit, or
 3. issue the permit with conditions. Conditions may include compensatory mitigation to make up for affected or lost aquatic resource functions.
- Before making a permit decision for all except general permits, the USACE must identify the “least environmentally damaging practicable alternative.”



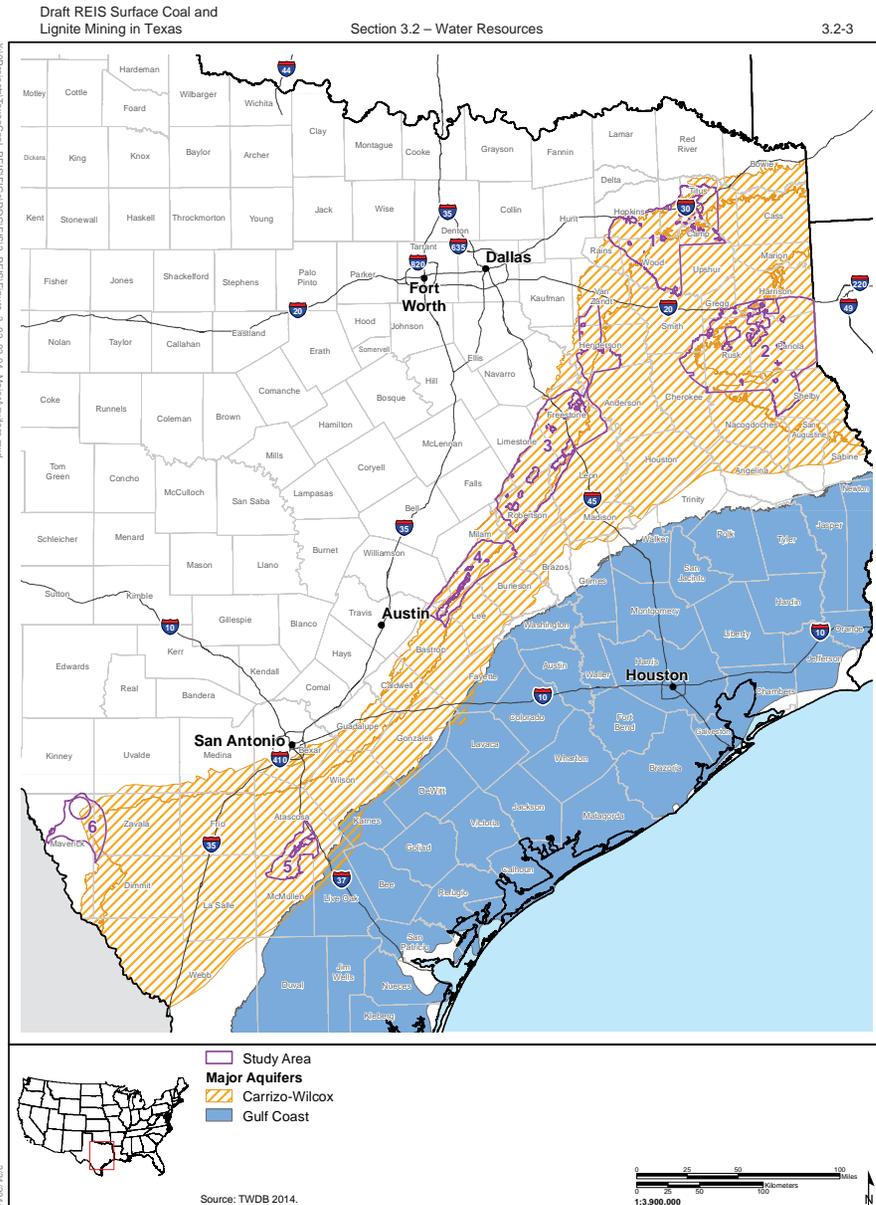
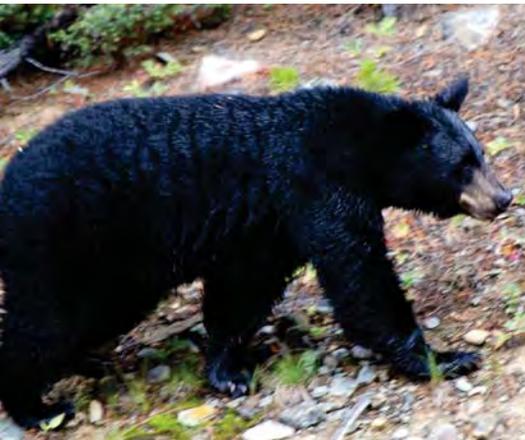


Figure 3.2-1 Carrizo-Wilcox Aquifer

- In the Texas Coal Region, there is one major aquifer (Carrizo-Wilcox aquifer system) and four minor aquifers (Yegua-Jackson, Queen City, Sparta, and Brazos River alluvial aquifer). (Draft REIS Section 3.2.3.1, page 3.2-2)
- Groundwater can interfere with the removal of coal. In order to mine coal, some coal deposits need to be dewatered before mining can begin. This is accomplished by the pumping of groundwater. The withdrawal of groundwater can negatively impact aquifers by causing a drawdown or drop in aquifer levels; reduction of groundwater for industrial, municipal, agricultural, and private use; and reduction of groundwater that supplies surface water such as wetlands, streams, and springs. (Draft REIS Section 3.2.3.2, page 3.2-16)
- Each aquifer has some unique characteristics, so it is not possible to draw one set of conclusions on extent of drawdown. The USACE uses modeling to predict effects, and monitoring that measures actual effects at various mines in study areas.
- The available information suggests that groundwater drawdown at a typical mine in Study Areas 1 through 5 would be expected to range from 0.5 mile to several miles from the mine. No groundwater drawdown is expected to occur in Study Area 6. (Draft REIS Section 3.2.3.2, study area subsections)
- In the event water supply wells were to be affected by mining operations, the Railroad Commission of Texas (RCT) would require mine operators to provide replacement water supplies (Draft REIS Section 3.2.3.2, study area subsections)
- After coal is removed, areas are backfilled with soil and returned to approximately original grade. The quality of groundwater in backfilled areas may be poorer than the groundwater in undisturbed areas. As groundwater flow patterns become reestablished, poorer water quality from backfilled areas may migrate, negatively affecting groundwater quality in adjacent undisturbed areas. Although this decline in water quality may occur, analyses by RCT for various mines in the study areas suggests the differences in water quality are likely to be minimal. (Draft REIS Section 3.2.3.2, study area subsections)
- Groundwater impacts from future mine expansion areas and satellite mines would be assessed as they are proposed, and permitting would involve the collection of site-specific information available at that time. (Draft REIS Section 3.2.3.2, page 3.2-16)



- Special status species are those listed as federally threatened, endangered, proposed for listing, or are considered as candidates for listing by the U.S. Fish and Wildlife Service (USFWS) under the Endangered Species Act, as well as those species that are listed as threatened or endangered by Texas Parks and Wildlife Department (TPWD). Federally designated critical habitat also receives protection.
- State-listed species are protected by several state laws and regulations (Draft REIS Section 3.5.1.1, page 3.5-6)
- During the permit evaluation, the USACE evaluates the likelihood that a project would affect federal special status species. State agencies who provide comments on permit applications evaluate potential impacts to state listed species. (Draft REIS Section 3.5.1.1, page 3.5-1; Section 3.5.1.2, page 3.5-18)
- Adverse impacts to special status terrestrial species (Draft REIS Section 3.5.2.1, page 3.5-40 through 3.5-55) may include:
 - Loss of suitable habitat and habitat fragmentation resulting from mine construction and operations;
 - Effects of human presence, noise, and light;
 - Potential collision of birds with transmission lines;
- Effects of mine water discharge on aquatic habitats;
- Effects of mine-related groundwater drawdown on surface waters and associated habitats.
- If mine-related work occurs in water bodies that provide habitat for special status aquatic species, these habitats could be removed permanently or affected temporarily. In some cases, these habitats can be successfully replaced as part of reclamation after mining is completed. (Draft REIS Section 3.5.2.2, page 3.5-56)
- Damage or alteration of habitat for special status species may result in reduced population numbers in the affected area especially if the affected habitat is used for critical life stages.
- Specific environmental protection measures are typically used to minimize adverse impacts to special status species. (Draft REIS Section 3.5.2.2, page 3.5-58; Section 3.5.2.1, various)
- The REIS presents general information on special status species within the Study Areas. However, specific information will be collected to describe species present at the time mine permit applications are submitted. (Draft REIS Section 3.5.2.1, page 3.5-40; Section 3.5.2.2, page 3.5-58)





- Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to consider the effects on historic properties of any federal undertaking. (Draft REIS Section 3.6.1.1, page 3.6-1)
- The National Register of Historic Places (NRHP) is the list of historic properties deemed worthy of preservation based on historical significance and integrity. (Draft REIS Section 3.6.1.1, page 3.6-1)
- State Historic Preservation Offices (SHPOs) administer the national historic preservation program at the state level and Tribal Historic Preservation Officers (THPOs) administer the national historic preservation program on tribal lands.
- Federal agencies conduct government-to-government consultation with federally recognized Indian tribes and Native Hawaiian organizations concerning the identification of cultural values, religious beliefs, and traditional practices that may be affected by federally approved actions.
- Federal agencies consult with SHPOs and THPOs when developing Programmatic Agreements. Programmatic Agreements are used

when the effects of an undertaking are not fully known and as a tool for implementing approaches that do not follow the common Section 106 process. (Draft REIS Section 3.6.1.1, page 3.6-1)

- The primary adverse impacts to historic properties eligible for the NRHP as a result of future mining would occur if the properties or their contexts are physically altered or destroyed, directly or indirectly. Implementation of the environmental protection measures required by federal and state regulations and permits would minimize those adverse effects to cultural resources. (Draft REIS Section 3.6.2.1, page 3.6-25)
- In accordance with Section 106, site records searches and field investigations would be performed prior to any ground-disturbing activities. Any NRHP-eligible sites would be treated in accordance with the Programmatic Agreement to ensure successful monitoring, avoidance, or mitigation. (Draft REIS Section 3.6.4, page 3.6-29; Section 3.6.2.1, page 3.6-25)
- The Draft Programmatic Agreement for the proposed expansion of coal mines is included as Appendix C of the Draft REIS.





- Air quality standards established under the federal Clean Air Act (CAA) and Texas CAA are implemented by the U.S. Environmental Protection Agency and Texas Commission on Environmental Quality. Criteria for some pollutants have been established through the national and state Ambient Air Quality Standards (AAQS) to protect public health and welfare. (Draft REIS Section 3.7.1, page 3.7-1; Section 3.7.1.1, page 3.7-1)
- Construction and operations at a typical mine would be sources of particulates in the air. Fuel burning from mine operation equipment such as trucks and draglines would emit low levels of gaseous pollutants. Typical mine reclamation activities also would result in a temporary increase in fugitive and gaseous emissions in the local area. (Draft REIS Section 3.7.2.1, page 3.7-36)
- Earth disturbance activities result in the creation of dust in the air, called fugitive dust. Fugitive dust would be controlled by proper dust control measures such as limiting the acreage of mining disturbance at any given time, promptly revegetating reclaimed lands, and applying water sprays, chemical dust suppressants, or slow-curing liquid asphalt as allowed by TCEQ. (Draft REIS Section 3.7.2.1, page 3.7-36)
- Greenhouse gases released by equipment during typical mine construction, operation, and reclamation work would be a very small fraction of total annual greenhouse gas emissions for the region. In terms of global emissions, mines would cause insignificant levels and effects that would be too small to measure relative to global climate effects. (Draft REIS Section 3.7.2.1, pages 3.7-37 and 3.7-39)
- Following closure and final reclamation, air emissions from a mine would cease, and pollutant concentrations would return to background levels. (Draft REIS Section 3.7.2.1, page 3.7-37)
- Air quality impacts from future site-specific mine locations would be assessed as required by applicable regulatory requirements at the time they are proposed. (Draft REIS Section 3.7.2, page 3.7-36)





How to Get More Information and Submit Comments

- See project website at:

<http://www.swf.usace.army.mil/Missions/Regulatory/Permitting/REISforLigniteMininginTexas.aspx>

- Request a copy of the Executive Summary
- Pick up a comment card and leave at the meeting or send to the person listed below
- Take home a copy of handout, *Tips for Providing Effective Comments*
- Request copies of hearing transcripts or get more information from:



Mr. Darvin Messer
Regulatory Project Manager
Regulatory Branch, CESWF-DE-R
U.S. Army Corps of Engineers, Fort Worth District
P.O. Box 17300
Fort Worth, TX 76102-0300
or



via email: Texas_REIS_Comments@usace.army.mil

Como Obtener Mas Información y Enviar Comentarios

- Visite la página del proyecto:

<http://www.swf.usace.army.mil/Missions/Regulatory/Permitting/REISforLigniteMininginTexas.aspx>

- Solicitar una copia del Resumen Ejecutivo
- Recogiendo una carta de comentario y dejándola en la reunión, o mandándola a la persona indicada abajo
- Llevando a casa una copia del folleto, *Consejos Para Proveer Comentarios Efectivos*
- Solicitar copias de transcripciones de audición, o obteniendo mas información de:



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