

Letter 82

TCEQ

Fax: 512-239-4420

Nov 5 2002 14:37

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

Mr. Wayne Lea, Branch Chief
U.S. Army Corps of Engineers
Regulatory Branch CESWF-EV-R
P.O. Box 17300
Fort Worth, Texas 76102-0300

Attn: Ms. Jennifer Walker

Re: USACE Permit Application No. 199900331

Dear Sir:

The Texas Commission on Environmental Quality (TCEQ) has reviewed the Draft Environmental Impact Statement (DEIS) dated August 2002 for the Three Oaks Mine project proposed by the applicant, Alcoa, Inc. The DEIS also contains the 401 Questionnaire and the Alternatives Analysis Checklist which was requested by the TCEQ. The TCEQ is providing the following comment, consistent with the requirements of Title 30, Texas Administrative Code (TAC), Chapter 279, in response to the DEIS and to address the potential impacts to water in the state. After reviewing the DEIS, the TCEQ has determined that insufficient information is contained in the DEIS to complete a water quality certification determination. The following issues must be addressed before a certification can be completed.

1. The TCEQ is concerned that there may be secondary impacts to waters in the state outside of the permit boundary from proposed watershed modifications. The applicant proposes to significantly modify the watershed within the permit area by leaving partially unfilled mine pits and reclaiming them into large end lakes. The proposed project would also pump groundwater from the Simboro aquifer for mine depressurization in order to facilitate mining. The watershed impact is greatest in waters which have a direct connection between surface water and groundwater, and to waters directly downstream of the proposed lakes. In general, some of the surface waters of the state within the project region which may be affected include: ponds, springs, streams, creeks, wetlands, and marshes. More specifically, waters that may be affected include: waters associated with gaining reaches, recorded and potential unrecorded springs, wetlands supported by springs, and waters downstream of proposed TPDES discharges. Figure 2-12 of the DEIS report illustrates the projected end lake construction and Figure 3.2-24 illustrates the estimated groundwater drawdown for the study area. Watershed modifications

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82-1

The concerns expressed in this comment are addressed in a number of text revisions in the Final EIS and in several responses to general and specific comments. The potential impact of additional flooding in downstream drainages is addressed in the response to general comment SW-3 and in text changes beginning on page 3.2-71 of the Final EIS. Effects to currently gaining reaches of local drainages are addressed in the response to general comment GW-6 and in text revisions on pages 3.2-46 and 3.2-80 of the Final EIS. Some perennial and seasonal pools in these reaches may be affected by groundwater drawdown in the Simsboro aquifer. These effects are likely to result in reduced persistence of such pools, causing some to change from perennial to seasonal. Such effects are expected to be rather limited in extent and magnitude; therefore, no specific mitigation measures have been proposed. Mitigation of effects to local springs and seeps is addressed in new mitigation measure SW-5 on page 3.2-98 of the Final EIS. Effects to local isolated waters of the state are identified on page 3.2-68 of the Draft EIS and include 31.4 acres of non-jurisdictional stock ponds within the area to be physically disturbed by mining activities. Although some of these ponds are large enough to contain water throughout the year, many are ephemeral or seasonal use impoundments that dry up during extended dry periods. No specific mitigation measures have been proposed for impacts to these isolated ponds. However, it is expected that the proposed mitigation measures discussed in Alcoa's Mitigation Plan and the development of other water resources throughout the mine area, even discounting the end lakes, would offset the losses of these ponds. In addition, Alcoa has agreed to place deed restrictions on 30,498 linear feet of reclaimed riparian corridor along the reconstructed channels of Willow Creek and Mine Creek. Willow Creek is the largest stream to flow through the area to be mined; its reconstruction would provide the opportunity to establish high quality aquatic habitats.

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- 82-1 have the potential to lower or eliminate the existing aquatic life use for waters which are not augmented by depressurization water releases and are outside the permit boundary. According to the DEIS, depressurization would start approximately in year 2004 and end in year 2030. Flow augmentation to Big Sandy Creek and Middle Yegua Creek from depressurization would start in year 2004 and cease in year 2013. Between year 2004 and year 2013, TCEQ is concerned about the potential loss of existing aquatic life use to waters which will not receive relief from depressurization discharges. After year 2013, TCEQ is concerned for the potential loss of aquatic life use to waters due to continued watershed modifications. The construction of large retention end lakes have the potential to curtail the natural hydrology necessary to maintain existing aquatic life uses to streams. TCEQ recommends that the Final Environmental Impact Statement (FEIS) estimate secondary impacts to all waters in the state, including hydrologically isolated wetlands, and mitigate for them.
- 82-2 2. The DEIS describes that the applicant is unable to deed restrict on-site mitigation (reclaimed) areas due to issues related to the uncertainty of numerous right-of-way and easements on the property, and the fact that the applicant leases the property but does not own the property. The TCEQ emphasizes that the proposed on-site reclamation areas are the centerpiece of the applicant's mitigation plan. As such, it is important that the applicant, or others who are directly or indirectly involved with this project area, work together to assure protection of these waters by deed restricting or placing the mitigation areas into a conservation easement. Deed restriction is a common protection measure that the Corps and the TCEQ have required for other projects. Although the Corps may not require on-site deed restriction for mining projects, the TCEQ recommends that all mitigation (on-site or off-site) proposed by this project be protected in perpetuity. If the applicant is ultimately unable to deed restrict reclamation areas, the TCEQ recommends that the applicant offer alternative mitigation to replace impacts to waters in the state.
- 82-3 3. The TCEQ recommends that the following additional mitigation measures which are under consideration (Table 2-15) be added to this permit: for surface water, add SW-1, SW-2, SW-3, and SW-4; and, for fish and wildlife, add FW-3. For FW-3, TCEQ would prefer that the data collected for this measure be adaptable to the application of statewide and regional metric scoring for aquatic life use. The TCEQ requests that the Corps coordinate with TCEQ to obtain the applicable methodology and scoring criteria.
- 82-4 4. Appendix E in the DEIS does not include performance standards for waters of the U.S. which would be permanently created after reclamation. The TCEQ requests that performance standards be included in the FEIS for these waters of the U.S.
- 82-5 5. The reporting requirement (in Appendix E of the DEIS) does not include a tally of the project's actual creation of waters of the U.S. The TCEQ requests that this item be included in the reporting requirement in the FEIS.

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- 82-2 Deed restrictions would be in place for the off-site Middle Yegua and Big Sandy Mitigation Sites. The reclaimed mitigation sites (both on-site and off-site) would be subject to regulations under Section 404. Alcoa and CPS also have agreed to deed restrict 70.0 acres and 30,498 linear feet of the on-site reclaimed riparian corridor within the mine area. Willow Creek flows through a portion of the area to be mined and would be reconstructed as part of the reclamation plan. The creek itself would become a USACE jurisdictional area and thus be protected, but the riparian areas around it would not be protected without deed restrictions. The above referenced riparian areas would be deed restricted.
- 82-3 Table 2-15 has been revised in the Final EIS to reflect Alcoa's commitment to perform aquatic monitoring at two locations on Middle Yegua Creek in accordance with the guidelines outlined in TCEQ's Receiving Waters Assessment Procedures Manual.
- 82-4 The Mitigation Plan has been revised to include performance standards for waters of the U.S. (see Appendix E of the Final EIS).
- 82-5 The Mitigation Plan has been revised to include the collection of data to demonstrate the acreages of waters of the U.S. actually created (see Appendix E of the Final EIS).

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82-6 [6. TCEQ staff attended the Corp public hearing on the DEIS on October 2, 2002. The TCEQ requests that a copy of the transcripts and a summary of the written comments be furnished to TCEQ.

82-7 [7. The DEIS describes issues that may relate to water rights. TCEQ recommends that the applicant discuss potential water rights issues with the TCEQ Water Rights Permitting Section at (512) 239-4691. This letter will be copied to TCEQ water rights staff.

82-8 [The TCEQ looks forward to receiving and evaluating other agency or public comments related to the DEIS. The TCEQ is committed to reviewing the response to this comment letter, and other agency or public comments before making a 401 certification decision. Please provide any agency comments, public comments, as well as the applicant's comments, to Mr. John Trevino of the Water Quality Division, P.O. Box 13087, Austin, Texas 78711-3087 MC-150. Mr. Trevino may also be contacted by phone at (512) 239-4590, or by e-mail at jtrevino@tceq.state.tx.us.

Sincerely,



Mark Fisher, Manager
Water Quality Assessment Section
Water Quality Division
Texas Commission on Environmental Quality

MF/JT/mh

ccs: Alcoa, Inc., P.O. Box 1491, Rockdale, Texas 76567
Mr. Lee Sherrod, Horizon Environmental Services, 2600 Dellana Lane, Suite 200, Austin, Texas 78746
Mr. Doyle Mosier, MC-160, Water Rights Permitting Section, TCEQ, P.O. 13087, Austin, Texas 78711

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82-6 The USACE has provided TCEQ with a copy of the transcripts and the public comments on the Draft EIS.

82-7 Alcoa's mine sedimentation ponds are exempt from water rights per the Texas Water Code 11.142(d), see below. The water used by the mine primarily would be from dewatering and/or depressurization operations. If any surface water is needed in the future, for end lakes or other uses, Alcoa would apply for the proper permits with the TCEQ.

§ 11.142. Permit Exemptions

(a) Without obtaining a permit, a person may construct on the person's own property a dam or reservoir with normal storage of not more than 200 acre-feet of water for domestic and livestock purposes. A person who temporarily stores more than 200 acre-feet of water in a dam or reservoir described by this subsection is not required to obtain a permit for the dam or reservoir if the person can demonstrate that the person has not stored in the dam or reservoir more than 200 acre-feet of water on average in any 12-month period. This exemption does not apply to a commercial operation.

Text of subsec. (b) as inserted by Acts 2001, 77th Leg., ch. 966, § 2.09

(b) Without obtaining a permit, a person may construct on the person's property a dam or reservoir with normal storage of not more than 200 acre-feet of water for fish and wildlife purposes if the property on which the dam or reservoir will be constructed is qualified open-space land, as defined by Section 23.51, Tax Code. This exemption does not apply to a commercial operation.

Text of subsec. (b) as inserted by Acts 2001, 77th Leg., ch. 1427, § 1

(b) Without obtaining a permit, a person may construct on the person's property in an unincorporated area a dam or reservoir with normal storage of not more than 200 acre-feet of water for commercial or noncommercial wildlife management, including fishing, but not including fish farming.

(c) Without obtaining a permit, a person who is drilling and producing petroleum and conducting operations associated with drilling and producing petroleum may take for those purposes state water from the Gulf of Mexico and adjacent bays and arms of the Gulf of Mexico in an amount not to exceed one acre-foot during each 24-hour period.

(d) Without obtaining a permit, a person may construct or maintain a reservoir for the sole purpose of sediment control as part of a surface coal mining operation under the Texas Surface Coal Mining and Reclamation Act (Article 5920-11, Vernon's Texas Civil Statutes).

Amended by Acts 1977, 65th Leg., p. 2207, ch. 870, § 1, eff. Sep t. 1, 1977; Acts 1985, 69th Leg., ch. 718, § 1, eff. June 14, 1985; Acts 1995, 74th Leg., ch. 335, § 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1010, § 2.11, eff. Sept. 1, 1997.

Amended by Acts 2001, 77th Leg., ch. 966, § 2.09, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1427, § 1, eff. Sept. 1, 2001.

82-8 All of the agency and public comments on the Draft EIS and the USACE's responses are provided in Appendix H of this Final EIS.

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FAX NO. 5124636095

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**TEXAS
HISTORICAL
COMMISSION**

The State Agency for Historic Preservation

FAX

RICK PERRY
GOVERNOR

JOHN L. NAU, III
CHAIRMAN

F. LAWRENCE OAKS
EXECUTIVE DIRECTOR

Date: November 5, 2002

Fax Number: 817.886.6493

Number of pages (including cover sheet): 3

To: Jennifer Walker, FIS Manager, U.S. Army Corps of Engineers

From: F. Lawrence Oaks

Comments:

*The Texas
Historical
Commission
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preserve the
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Responses to Letter 83

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**TEXAS
HISTORICAL
COMMISSION**

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR
JOHN L. NAU, III, CHAIRMAN
F. LAWRENCE OAKS, EXECUTIVE DIRECTOR

November 5, 2002

Ms Jennifer Walker, EIS Manager
U.S. Army Corps of Engineers (USACE)
Fort Worth District
819 Taylor Street
P. O. Box 17300
Fort Worth, Texas 76102-0300

Re: *Project review under Section 106 of the National Historic Preservation Act of 1966
Three Oaks Mine EIS, Lee and Bastrop Counties. (COE/106)*

Dear Ms. Walker:

The Texas Historical Commission has reviewed the draft Environmental Impact Statement (EIS) for the above project. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The review staff, led by Pam Opicla, has completed its review of the project documentation provided. The draft EIS does not fully address the potential effects of the proposed undertaking on properties that are listed or eligible for listing in the National Register of Historic Places, including properties in surrounding communities. The undertaking has the potential to adversely affect historic properties outside the footprint of the proposed Three Oaks Mine in a number of ways, including the following.

- 83-1 [1. The proposed mining operation may increase traffic in nearby communities, including traffic on CR 3000, which runs through the Elgin Commercial National Register Historic District. An increase in truck traffic associated with the mining operation could have an adverse effect on National Register eligible and listed historic properties. Potential noise and vibration effects should be considered, as well as potential effects that an increase in truck traffic might have on the continued use and preservation of historic properties.
- 83-2 [2. The rerouting of Highway 696 may influence traffic volumes, patterns, and future development near historic properties, and has the potential to directly affect historic properties.
- 83-3 [3. Effects on air quality resulting from the mining process should be considered, since this may affect the continued use and preservation of listed and eligible National Register historic properties.

- 83-1 Please see the response to general comment T-2 in Section 4.5.7 of the Final EIS relative to potential traffic-related effects on the Elgin National Register Historic District.
- 83-2 Please see the response to general comment T-1 in Section 4.5.7 of the Final EIS relative to traffic patterns associated with the rerouting of FM 696.
- 83-3 Please see the response to general comment CR-1 in Section 4.5.11 of the Final EIS relative to potential air quality effects on the Elgin National Register Historic District.

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FAX NO. 5124R36095

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83-4 [4. Activities directly associated with the mining operations should be considered in regard to potential audible effects the activities may have on properties listed or eligible for listing in the National Register of Historic Places.

83-5 [Our receipt of and comment on this draft EIS does not constitute the legally required initiation of the Section 106 review process and it does not fulfill the U.S. Army Corps of Engineers' obligation under the National Historic Preservation Act, 16 U.S.C. Section 470(f), to initiate and complete the Section 106 review process. Please contact our office to begin review of this project in accordance with Advisory Council on Historic Preservation Section 106 regulations, 36 CFR Part 800.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If you have any questions concerning our review or if we can be of further assistance, please contact Pam Opiela at 512/463-6218.**

Yours truly,



F. Lawrence Oaks, State Historic Preservation Officer

cc: Kay Wesson, Bastrop CHC
Amy Miller, Elgin CLG, Main Street Program

FLO/PO

Responses to Letter 83

83-4 As described in Section 3.7.2.1 of the Draft EIS, four of the five sites determined to be eligible to the National Register of Historic Sites (NRHP) are located within the area to be mined. A fifth NRHP-eligible historic site is located in the vicinity of the proposed transportation and utility corridor and has the potential to be visually affected by mining activity. As no blasting is proposed and this site is over 2 miles from the mine area, it is unlikely that noise or vibration associated with mining activity would affect this site. Mitigation for potential impacts to all of the NRHP-eligible sites, including potential noise or vibration impacts, would be developed through an agreement document in coordination with the THC, USACE, and RRC.

83-5 The process of cultural coordination on this project pre-dates USACE involvement. Since USACE involvement, the USACE has coordinated with the State Historic Preservation Office (SHPO) regarding NRHP issues, completeness of inventories, and development of agreement documents.

Letter 84

Victoria Saxl
346 Pleasant Grove Road
Elgin, TX 78621
vsaxl@aol.com

November 05, 2002

Ms. Jennifer Walker
US Army Corps of Engineers
Fort Worth District
Via e-mail: 3oakseis@swf.usace.army.mil

Dear Ms. Walker and interested others:

84-1 I live four miles (or perhaps slightly less) from the southwest corner of proposed Three Oaks Mine site. I raise and care for horses on roughly 12 acres of grassland. If you stand on my front porch and look to the right, you see the Acme Brick factory, which basically marks the southwest edge of the mine site. If you look to the left, on a clear day, you can see the Alcoa smelter stack emissions. In other words, I will have a 180 degree panoramic view of the entire mine site from my front porch. The bulk of the mine support and operational facilities will be located within four to six miles of my house, directly upwind of my place for the better part of each year.

84-2 While I understand that there are many complicated factors involved in the mine issue, I believe that a little common sense and concern can go a long way in resolving seemingly difficult issues. I also believe that common sense and concern are the first things to evaporate in cases such as this. I offer the following general observations and comments:

- 1) The mine is proposed in an area already settled by others who do not welcome or need it.
- 2) Twenty-five years is not "temporary" in most people's lives.
- 3) A strip mine is a strip mine is a strip mine. It'll take a lot of mascara and lipstick to make it acceptable to anybody other than its creator.
- 4) Texas environmental law and policy is woefully lacking, and cannot be relied upon when endeavoring to be either environmentally or morally responsible.
- 5) Alcoa is more clever and much richer than most of us, and very determined.
- 6) Many neighborhood people who are concerned with and will be affected by the proposed mine operations have neither the time nor the resources or the stamina to spend participating in the permitting process.

That being said, because of the above factors and others, I believe it falls squarely on USACE to design the mining permit in such a way as to minimize the unhappiness of all concerned.

84-3 Personally, my biggest concern is the noise pollution the site will generate. I have visited the Sandow mine site and heard the dragline. It has a whine reminiscent of scraping one's teeth on a blackboard. To think that such a sound, combined with that generated by the loaders, transport vehicles, crushers and stockpile dumping, will be ongoing, 24/7/365/25, is heartbreaking. With the dense concentration of the proposed crushing, loading and administrative facilities on the border of the permit area, combined with draglines, and factoring in the prevailing southeasterly winds blowing the sound immediately offsite to downwind properties, I'm sure that noise will be a substantial hardship upon the whole neighborhood for miles around, not just me. Additionally, Alcoa's use of several small, local county roads for convenient

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84-1 Comment noted.

84-2 Comment noted.

84-3 Comment noted. Please see the new noise table (Table 3.12-1a) on page 3.12-7 of the Final EIS. Please also note the discussion of the transient nature of noise sources from the Three Oaks Mine in Section 3.12.2.1 of the Draft EIS. Also see the response to comment 17-22.

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84-3 | ingress and egress to this concentration of facilities will only exacerbate the total neighborhood noise problem.

84-4 | The predicted noise levels are unconscionable. Noise levels of greater than about 40 decibels are considered annoying by most standards, and the proposed mine site will generate much more than that. Noise is dangerous at levels greater than 65 decibels. Constant noise has also been shown to substantially hinder learning in children exposed to it during school. I believe that the noise generated by the mining operations can and should be mitigated. Please, *please* take a look at this Australian study of strip mine noise; it is very enlightening: <http://australiancoal.csiro.au/pdfs/bengalla.pdf>

84-5 | I believe one straightforward way that the neighborhood noise pollution can be substantially mitigated is by disallowing facilities concentration on the border of the mine site. Alcoa should be required to locate the bulk of their operational facilities within the core area of the proposed mine site, so that their own property bears the brunt of their operational pollution.

84-6 | Please do not downplay or disregard the effects of the noise pollution certain to be created by the proposed Three Oaks Mine. Please reconsider the quite negative impact noise generated by the mining operations will have on surrounding areas, and use the authority given to USACE through the permitting process to require that Alcoa minimize the noise it generates. I trust you will.

Sincerely,

Victoria Saxl

Responses to Letter 84

84-4 | Please see the response to comment 59-16. Also, see the revised text in mitigation measure N-2 on page 3.12-24 of the Final EIS.

84-5 | Comment noted. Please see the response to comment 84-4.

84-6 | Comment noted.

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Nov-06-02 12:39P Wetlands Conservation Pro 5123898059

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November 6, 2002

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Ms. Jennifer Walker
Regulatory Branch, CESWF-PER-R
U.S. Army Corps of Engineers
P.O. Box 17300
Fort Worth, TX 76102-0300

Re: Permit Application Number 199900331
Aluminum Company of America

Permit number 199900331, dated August 23, 2002, requests authorization to discharge dredge and fill material into waters of the United States in conjunction with the construction and operation of the proposed Three Oaks Mine. The proposed mine, a surface lignite operation, would disturb a total of 8,648 acres within a 16,062 acre permit area over the 25-year life of the mine. An additional 6 acres would be disturbed outside the permit area for road relocations. In addition to the mine pits, the project would include a central blending facility, a haul road and overland conveyor, surface water control features, power lines, a substation, road relocations, maintenance facilities, offices, and groundwater wells. The proposed project is located in Lee and Bastrop Counties, Texas.

Impacts from this proposed project include 5.3 acres of wetlands, 23.6 acres (37 miles) of ephemeral and intermittent streams, and 38.5 acres of on-channel ponds. Additionally, 73.5 acres of waters of the U.S. may be affected within the Simsboro outcrop where aquifer depressurization may affect surface water availability. Mitigation would include restoration of at least 23.6 acres of stream channel, 5.3 acres of wetlands, and 57.8 acres of on-channel ponds within the impact area plus 5.3 acres of created wetlands and 20.6 acres of enhanced stream channel/riparian area within a nearby mitigation area on Middle Yegua Creek.

TPWD has several concerns regarding impacts of the proposed Three Oaks Mine project on water resources of the area. In general, the role of groundwater in shaping and maintaining the biotic communities of the study area is unknown. Lowering of the water table will probably have localized rather than regional effects. However, these effects could be pronounced, especially if they involve unique or threatened biotic resources. Increased groundwater use will result in a lowering of aquifer levels and, more than likely, a reduction in flow for the existing springs in the area. As groundwater pumping exceeds recharge; springs, bottomland, wetland, and riparian habitats are at the greatest risk of impact. The

85-1

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85-1 It should be noted that no unique or threatened biotic resources have been identified in Big Sandy or Middle Yegua Creeks.

Stream baseflows have been quantified for the EIS; this information is presented in Section 3.2.4 of the Draft EIS. Additional inspection of USGS gaging information has been done subsequent to issuing the Draft EIS. The latter review further supports the baseflow approximations presented in the Draft EIS. The text has been modified on pages 3.2-71 through 3.2-71c of the Final EIS to indicate these subsequent assessments and results. The potential effects on fish and wildlife resources were described in the Draft EIS and are expected to remain consistent with those descriptions. Recent field inspections indicate that little or no effect on riparian canopies is evident from baseflow modifications in the Sandow Mine area. Unique or threatened biotic resources have not been identified in Big Sandy or Middle Yegua Creeks.

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85-1 removal of groundwater from the mine site, and the subsequent export of that water to San Antonio, has the potential to effect springs, spring habitat, and the species that depend upon spring systems in the project vicinity. In addition, withdrawal of large amounts of groundwater could lead to decreases in the natural base flow of streams that receive groundwater discharges. This amount should be quantified, and the effects on fish and wildlife resources and water quality evaluated.

85-2 In addition, the effects of operation of the project reservoirs including the end reservoirs on the impounded streams should be examined more fully. While the reservoirs are essential to protect downstream water quality, impoundment of high-energy flows can have profound effects on channel morphology. Since the initial characterization of the area's streams was conducted during drought conditions, additional reconnaissance of downstream habitat may be needed to fully evaluate potential project effects.

85-3 In general, surface aspects of impacts and mitigation relative to vegetation communities and fish and wildlife resources are well addressed in the project description and mitigation plans. Construction of permanent stream channels will incorporate floodplain terraces, appropriate sinuosity, and a variety of micro-topographical features to increase habitat diversity. TPWD recommends channel design be based on a calculated bankfull discharge for each watershed area. Overall, stream restoration should incorporate principles of fluvial geomorphology into channel and floodplain design. A survey of existing stream channels relative to their watershed characteristics would also be helpful in arriving at appropriate stream morphology.

85-4 The recommended species list for planting is generally very good, but TPWD staff has the following recommendations. Cattails should be avoided if possible, even in temporary sedimentation ponds, because they are likely to spread to other wetlands where they are less desirable and they tend to establish dense monoculture stands. Water lotus should be used sparingly in specific situations because it can also be problematic in shallow ponds. Japanese millet should be replaced with other *Echinochloa* species or other seed-producing plants. Honey mesquite and sugarberry are invasive plants that should not be planted because they will likely be introduced naturally at rates greater than desirable. Plants that might be added to the recommended species list include big bluestem (*Andropogon gerardii*), little bluestem (*Schizachyrium scoparium*), eastern gamagrass (*Tripsacum dactyloides*), and smartweeds (*Polygonum* sp.).

85-5 Section 3.4.1.4, regarding weeds and invasive species, should include a reference to the state lists of harmful or potentially harmful exotic fish, shellfish and aquatic plants. Under TAC, Title 31, Part 2, Chapter 57, Subchapter A, Rule 57.111, Texas Parks and Wildlife Department maintains these lists of species that cannot

85-2 The characteristics of end lake outflows were described in the Draft EIS, as an outcome of the RESOP modeling conducted to examine this issue. In general, the frequencies of some flows would be reduced, but the largest high energy flows (i.e., floodplain shaping events) would still occur.

The ongoing baseline surface water inventory has now been conducted for over 3 years. Review of precipitation levels indicate that total rainfall has been well above average in the past 2 years. Flow data collected in the area reflect this. The text on page 3.2-61 of the Final EIS has been revised to describe baseline conditions in the overall context of the inventory period, which has been expanded in the Final EIS. Re-inspection of the Draft EIS discussion was done to reflect the additional data. The overall conclusion is (as stated above) unchanged. Mitigation (see pages 3.2-97 and 3.2-97a of the Final EIS) is recommended to protect the stream reaches downstream of the end lakes.

85-3 The proposed stream channel restoration basically follows these concepts. The proposed program is described in Appendix E of the Final EIS, Chapter 6.0. The language in that section is not meant to portray that braided stream channels *per se* would be replaced, but that the low-flow portion of the overall channel width would be allowed to braid (or form shallow anabranches) comparable to those that may occur naturally in existing low-flow sections. Details of this approach are depicted in Figure 6-5 of the appendix, and are shown in context with the proposed overall stream channel restoration approach in Figure 6-6.

85-4 Please see the response to comment 61-1.

85-5 As a result of the comment, text and Table 3.4-2 were added to Section 3.4.1.4 of the Final EIS relative to harmful or potentially harmful exotic aquatic plant species that may occur in the project area.

Text has been added on page 3.5-21 of the Final EIS relative to exotic fish, shellfish, or aquatic plants.

Letter 85 Continued

Nov-06-02 12:40P Wetlands Conservation Pro 5123898059

P.03

Ms. Walker, page 3
Permit Application 199900331

85-5 | be used without a permit and that should be controlled if they are found to occur within the project area.

Questions can be directed to Tom Heger (512-389-4583) or Rollin MacRae (512-389-4639) in Austin.

Sincerely,


for Robert W. (Bob) Spain
Assistant Director, Resource Protection Division

RWS:TGH:JRM:msf

Letter 86

86

November 5, 2002

Via Electronic Mail and U.S. Mail

Jennifer Walker
Regulatory Branch, CESWF-PER-R
U.S. Army Corps of Engineers
P.O. Box 17300
Fort Worth, Texas 76102-0300

Re: Comments on the U.S. Army Corps of Engineers Draft Environmental Impact Statement prepared for the proposed Alcoa Three Oaks Mine, August 2002

Dear Ms. Walker:

On behalf of the Brazos River Authority ("BRA"), I submit the following comments on the U.S. Army Corps of Engineers ("Corps") Draft Environmental Impact Statement ("DEIS") for the proposed Alcoa Three Oaks Mine site. BRA has reviewed the Three Oaks Mine DEIS and appendices. BRA commends the Corps and Alcoa on a thorough and detailed study. To the limited extent that BRA has questions, we present them here for your consideration.

Water Quality

- 86-1 [1. The information provided in Appendix C, Table C-12 (Water Quality Analyses for Area Streams [April 1999 - April 2001]) does not indicate elevated metals levels in streams surrounding the Three Oaks Mine Site. However, a review of other literature discussing various lignite mining operations nationwide, shows elevated metals in streams surrounding these types of mining operations. What accounts for the difference between the proposed Three Oaks Mine site and other similar mines nationwide?
- 86-2 [2. Why is Beryllium not included in area stream sampling and analysis results? Beryllium is an inorganic chemical commonly discharged from coal-burning factories.

Water Quantity

Responses to Letter 86

86-1 Water quality monitoring for metals at the Sandow Mine indicates that most metals constituents occur at low or undetectable levels in the discharges. A similar result is anticipated for the Three Oaks Mine. The proposed Three Oaks Mine would operate under a separate TPDES permit, and thus would be separated from the Sandow complex both physically and from a regulatory compliance perspective.

On a larger scale, there are several major reasons why stream conditions in the Three Oaks area (and in the region overall) differ from conditions in other coal mining regions. These factors primarily include differences in geology, mining methods, changes in regulatory programs over time, and land uses within the overall watersheds. The various geologic depositional environments account for differences in the chemical constituents of coal and in the overburden and interburden around it. These variations can result in geochemical issues at one site that are not present at another. Lithology, mineralogy, groundwater factors, and land uses all influence the nature of undisturbed stream flows, oxidation/reduction processes, potential acid-generation, and toxicity characteristics between sites and regions.

Mining methods also affect drainage. Many of the extensive water quality problems in the Appalachian coalfields are due to uncontrolled acid drainage from old, underground mines. Generally contaminant mitigation was unavailable or was not made available because of older mining practices and the lack of environmental regulations. The latter might have prevented many of the water quality problems that exist there today. In contrast, the more recent expansions in the Rocky Mountain and Gulf Coast coal fields have been largely conducted as surface mining, and are highly regulated to manage salinity, alkalinity, acid generation, toxicity, and other considerations.

86-2 The proposed project does not involve the TXU/Sandow power generation facilities, so coal burning is not an issue for analysis in the EIS.

Letter 86 Continued

- 86-3 3. Daily mining operations could impact the interruptible water supply component available to BRA under downstream water rights in normal and wet years. The DEIS does not adequately address interruptions in baseflow downstream of the proposed Three Oaks Mine or the mitigation of downstream water rights. The DEIS and its appendices contain no quantification or identification of impacts on inflows and sediment loads to Lake Somerville from ALCOA's current and proposed mining operations at the Sandow Mine and the Three Oaks Mine. We suggest that such quantification of impacts should be performed for each of the three pumping scenarios presented in the DEIS, which are municipal pumping with: (1) Three Oaks Mine only; (2) SAWS only; and (3) Three Oaks Mine and SAWS. Also, any such reports or studies should quantify the impact to the Firm Yield of Lake Somerville.
- 86-4
- 86-5 4. No groundwater drawdown mitigation plan is included in the DEIS or its appendices. Groundwater drawdown mitigation is mentioned on page 3.2-95 of the DEIS (in section 3.2.4.3). The DEIS states that riparian rights adversely affected by mine-related groundwater drawdown would be mitigated or compensated per Railroad Commission regulations. In the Railroad Commission permit application, the mitigation plan addresses the impact to landowners adjacent to the mining operation. Possible measures to mitigate impacts on downstream water rights were not specifically addressed. A mitigation plan should be provided as an appendix to the DEIS and should address impacts to downstream water rights and the impact on Lake Somerville firm yield.

The BRA appreciates the opportunity to comment on the DEIS. If you have any questions about these comments, please call me at (512) 472-8021.

Sincerely,

Lisa McClain

Responses to Letter 86

86-3 Although these concerns are understandable given the locations of Alcoa's projects, the Proposed Action would have minimal effect on interruptible water supplies at Somerville Lake. As shown in EIS Figure 3.2-4 in the Draft EIS, drawdown from pumping is anticipated to have measurable effects on baseflows only in the upper reaches of Middle Yegua Creek and its tributaries to the northeast. From the baseline inventory data, total baseflows from these areas are probably on the order of 1 or 2 cfs (725 to 1,450 acre-feet per year). Given the losses of channel flows between the Simsboro outcrop and Somerville Lake, it is quite unlikely that these flows would reach the lake. The primary loss mechanisms include evapotranspiration and seepage from the channel bed.

Vegetation inventories indicate that approximately 4 percent of the permit area is occupied by riparian woodland communities. (Based on aerial photography review, this is probably a minimum value for the watershed areas downstream). Using potential evapotranspiration values and crop correction factors from Texas A&M University and another source (Lull 1964), and a 240-day growing season (per NRCS Sandow soil series description), it can be estimated that 15,000 to 20,000 acre-feet per year could be consumed by this streamside community in the watershed above the USGS gage for Middle Yegua Creek near Dime Box. Based on these values alone, the effects on contributions to Somerville Lake's interruptible supply from Simsboro baseflows in Middle Yegua Creek would be negligible.

Among the major streams contributing to Somerville Lake are Middle Yegua Creek and East Yegua Creek. Review of streamflow data at the USGS gage for Middle Yegua Creek at Dime Box, which is just upstream of Somerville Lake, indicates that baseflows are probably on the order of 3 to 5 cfs (2,175 to 3,625 acre-feet per year). This station represents approximately 235 square miles of watershed and is downstream of the Carrizo outcrop. These factors, and occasional mine pumping discharges, would account for the baseflows. Even with these contributions, the creek has gone dry for a month or so in over half of the years of record, probably from evapotranspiration demands. In its natural state, East Yegua Creek probably would show similar conditions. However, it was not used for this review because of more extensive augmentation effects. These are generally discernible in the USGS gaging data for the creek. Pumping discharges from the Sandow Mine into East Yegua Creek have probably contributed on the order of 2 to 5 cfs (1,450 to 3,625 acre-feet per year) to the flow into Somerville Lake for a decade or more. The return to background conditions with the cessation of Sandow Mine contributions to Somerville Lake is described in Section 3.2.4.3 of the Draft EIS.

86-4 Sediment yield and potential downstream erosion impacts are described in the Draft EIS. Discharge water quality, including TSS, would be monitored in accordance with RRC regulations and the TPDES permit. Remedial actions would take place if water quality standards and permit provisions were not met.

The vast majority of rainfall runoff supplied from the upper Middle Yegua watershed will still contribute to Somerville Lake. For purposes of comparison, the total watershed area at Somerville Lake is approximately 1,000 square miles. Major contributing streams are Middle Yegua Creek and East Yegua Creek. At the USGS gages near Dime Box, just upstream from the lake, both creeks have watershed areas of approximately 235 square miles. Farther upstream, Middle Yegua Creek at baseline monitoring station LMY has a watershed area of approximately 55 square miles, of which approximately 22.5 square miles (at station LMC) would occur in the permit area or nearby. Still less area would be affected by proposed mining and reclamation. Overall additional disturbance to the Somerville Lake watershed and its average yield would be minimal. These factors and potential impacts have been described and quantified in the Draft EIS to the extent possible from existing federal data and the more comprehensive inventories in Alcoa's project areas.

Responses to Letter 86

- 86-5 As clarification, the referenced text of the Draft EIS states that riparian rights that are adversely affected by mine-related groundwater drawdown would be mitigated or compensated for by Alcoa in accordance with RRC regulation. As such, mine-related impacts would be mitigated as stipulated by RRC. A detailed mitigation plan relative to downstream riparian rights was not considered necessary for this EIS process.

Letter 87

Responses to Letter 87

87

November 5, 2002

Jennifer Walker
Regulatory Branch, CESWF-PER-R
U.S. Army Corps of Engineers
Post Office Box 17300
Fort Worth, Texas 76102-0300

Re: Comments on the Draft Environmental Impact Statement (DEIS) concerning the Section 404 Clean Water Act Dredge and Fill Permit for the Three Oaks Mine in Lee and Bastrop Counties, Texas

Dear Ms. Walker:

The Clean Air Task Force wishes to provide the following comments on the DEIS for the Three Oaks Mine in Lee and Bastrop Counties, Texas. We have outlined our substantive concerns over the disposal of CCW in this mine previously on the scoping document for this EIS and will continue to focus on this issue.

87-1 This document's discussion of the disposal of nonmine industrial solid wastes such as the coal combustion waste, in particular bottom ash from the electricity generating units for Alcoa's Rockdale Smelter and the Texas Utilities Sandow Generating Station in the proposed Three Oaks Mine is woefully deficient. The amount of ash to be dumped or beneficially used and then dumped directly into groundwaters in the mine is not specified under any alternative but apparently can be quite large. Yet the need for the use or disposal of any coal ash in the Three Oaks Mine is not addressed other than by vague and unsubstantiated assertions to use ash for building roads and achieving approximate original contour. Furthermore there is no data provided allowing the reader to understand the chemistry of this ash. There is no discussion of monitoring results at other surface coal mines in Texas such as the adjacent Sandow Mine where ash disposal has occurred nor any discussion of adverse impacts to water quality from ash disposal that have been documented at mines in other states. There is no discussion of safeguards that should be in place to protect water supplies and post mine land uses from adverse impacts that may occur from ash disposal in the Three Oaks Mine.

87-2 1) **A very large amount of coal combustion waste is to be disposed in the Three Oaks Mine.** The DEIS indicates in Chapter 3 that Alcoa proposes to use bottom ash from the Rockdale power generating station for the construction of roads in the Three Oaks Mine and subsequently to backfill this ash into the mine's pits. Approximately 350,000 tons of bottom ash are generated annually by the coal combustion units at Rockdale power generating station (DEIS, page 1-6). Nowhere does the DEIS indicate what will be done with some 525,000 tons of fly ash generated annually at this power station (page 1-6). Further ALCOA has made previous requests to the TNRCC to use or dispose of this fly ash in the Sandow Mine which the Three Oaks Mine will replace. Therefore we are left to assume that anywhere from 350,000 tons to 875,000 tons of coal combustion

87-1 Please see the response to general comment PA-1 in Section 4.5.3 of the Final EIS relative to bottom ash recycling and disposal.

87-2 Please see the response to general comment PA-1 in Section 4.5.3 of the Final EIS relative to bottom ash recycling and disposal.

Letter 87 Continued

waste (CCW) could be transported to the Three Oaks Mine each year to be used and eventually dumped into its pits, much of it in direct contact with groundwaters in the Calvert Bluff aquifer systems.

87-2 These volumes of CCW may increase yet again, substantially if flue gas scrubbers or fluidized bed boiler technology is installed at the Rockdale Power Generating Station to meet new air permit emission limits and comply with recent enforcement actions by the US EPA and TNRCC (DEIS, page 1-6). Even without changes in combustion technology or pollution controls at the Rockdale Station that would increase waste generation, if the mineable lignite in the permit area is 175 million tons and its average ash content is 19.1%, (DEIS, page 3.1-12) neighbors of the Three Oaks mine could eventually be looking at a 33 million ton ash dump.

Despite assertions of poor water quality in the Calvert Bluff aquifers, the fact remains that these aquifers are being used for domestic and agricultural consumption inside the permit area (DEIS, pages 3-2-18 & 19). A cursory review of information made available by the Task Force and the Hoosier Environmental Council to the U.S. EPA will show that there are many cases involving groundwater contamination, surface water pollution, and the abandonment of domestic wells that resulted from the lax use and/or disposal of far smaller volumes of coal combustion wastes than are proposed in this instance at the Three Oaks Mine.

- 2) **The use or disposal of such large amounts of CCW in the Three Oaks Mine is not justified.** Nowhere in Chapter 2's discussion of the alternatives considered or elsewhere in the DEIS is the use or disposal of such a large amount of a CCW in the Three Oaks Mine justified. Alcoa has not demonstrated why it needs to use or dispose of any coal ash in the Three Oaks Mine. There is no data or information presented indicating that the removal of lignite from the mine will exceed the swelling of overburden remaining as spoil to the extent that bottom ash will be needed as a fill material to achieve approximate original contour.

87-3 Lignite CCW is a nonmine waste with elevated levels of metals and other pollutants that are far more likely to leach than they were from the lignite originally extracted from the mine. This unstable characteristic will be further enhanced by acid drainage as a result of the exposure of pyrites from mining to the atmosphere. The permit that has been issued to mine at Three Oaks specifically allows for a period of time five times longer that is normally allowed for this exposure to occur. There is ample evidence of damage caused by CCW in mine settings and elsewhere that the USACE has overlooked in the DEIS. It has also misrepresented the US EPA's concerns regarding CCW to be limited to "surface impoundments that lack adequate controls (e.g., groundwater monitoring, liners)." (DEIS page 3.14-1) On the other hand the USACE does at least state that, "In light of the uncertainties of impacts from the disposal of coal combustion wastes, the US EPA is considering the development of federal regulations for

Responses to Letter 87

- 87-3 Please see the response to general comment PA-1 in Section 4.5.3 of the Final EIS relative to bottom ash recycling and disposal. Please also see the response to comment 33-4.

Letter 87 Continued

disposal of fossil fuel combustion materials, but not as hazardous waste (Federal Register 2000).” (DEIS, same page)

Given these concerns, the failure of this DEIS to justify the need for placement of CCW in the Three Oaks Mine to any degree would appear to contradict the basic intent of the National Environmental Policy Act.

87-3

The use and disposal of ash is mentioned in Chapter 2 as an unspecified, avoided cost if alternative fuels such as western coal or natural gas are used for the Rockdale Power Station (DEIS, Pages 2-8 & 2-9). In fact by credibly examining the potential for environmental harm from CCW disposal and requiring responsible safeguards for its use and disposal in the Three Oaks Mine as conditions to any approval of a Clean Water Act 404 Permit, the USACE would make an objective examination of alternatives to this mine more attractive to Alcoa and ensure that such ash disposal if it occurs will not harm the environment or future quality of life in this area.

- 3) **The DEIS contains no data that would allow for an examination of the characteristics of the waste to be used or disposed in the Three Oaks Mine.** With the exception of two sentences on page 3.2-29 vaguely describing the Toxicity Characteristic Leaching Procedure test performed on bottom ash (the date of the test(s) was not specified although presumably they were performed on the bottom ash relevant to this DEIS), there is not one word that would inform the reader of the chemical characteristics of this ash in the DEIS or its Appendices. These sentences indicate barium and selenium are the primary constituents removed from bottom ash by the acid leaching test, but that the leachate from bottom ash does not meet the regulatory definition of a hazardous waste. Equally as egregious as the dearth of relevant information on ash chemistry, is the next sentence, “As a result, burial of bottom ash in the reclaimed pits should not degrade water in the nearby undisturbed Calvert Bluff aquifer.”

87-4

First, water becomes degraded well before levels of one or more of the eight RCRA metals measured in the TCLP test reach concentrations 100 times the drinking water standard. Second, sulfates, chlorides, boron, sodium, iron, manganese, pH, and TDS are a few examples of common constituents that readily leach from coal ash and that routinely degrade water and destroy water supplies. Yet there are no legal levels in the TCLP test for these constituents that would classify the leachate of a coal ash as a regulatory hazardous waste. The same can be said for a host of other heavy metals and radionuclides, harmful levels of which are routinely found in groundwaters downgradient and downstream from coal ash disposal sites. In addition to causing documented harm to aquatic life, vegetation, property and the environment, these levels have forced the abandonment of dozens of drinking water and domestic water supply wells in Pines, Indiana, Waukesha, Wisconsin, Zullinger Quarry, Pennsylvania, Chisman Creek, Virginia, Farmington, New Mexico and other sites. In few if any of these

87-5

Responses to Letter 87

- 87-4 Please see the response to general comment PA-1 in Section 4.5.3 of the Final EIS relative to bottom ash recycling and disposal.

- 87-5 Please see the response to general comment PA-1 in Section 4.5.3 of the Final EIS relative to bottom ash recycling and disposal.

Letter 87 Continued

cases, would the coal ash leachate in question meet the regulatory definition of a hazardous waste.

87-5

The DEIS must examine total concentrations of all constituents in the bottom ash and any other ash waste stream that has the potential to be disposed in the Three Oaks Mine under any alternative. It should also examine the leachability of those constituents by requiring leaching tests that use a liquid to solid leaching ratio and a leaching fluid that approximate the disposal conditions in the Three Oaks Mine. The Clean Air Task Force would be pleased to provide examples of tests and testing conditions that will meet these requisites. Given the proposal to dump huge volumes of bottom ash without any safeguards, directly and permanently into groundwaters in the Three Oaks Mine, understanding the chemical characteristics of this ash becomes crucially important.

- 4) **This DEIS should examine monitoring data from CCW disposal in other surface lignite mines and account for documented impacts to groundwaters and surface waters that have occurred from CCW use and disposal in surface coal mines.** There is no discussion of what data has been collected or whether any impacts have been monitored at the adjacent Sandow Mine where ash disposal has occurred since 1989 and ramped up to a major scale during the past three years. This despite the fact that Alcoa has been collecting groundwater monitoring data at the Sandow Mine for many years including data in the vicinity of ash disposal sites there.

87-6

There is no discussion of adverse impacts to water quality from ash disposal that have been documented in state water quality monitoring programs at mines in other states. While there is a paucity of effective groundwater monitoring programs in surface coal mines, for starters, please review state water quality monitoring records and related reports for ash disposal sites in the Center Mine in North Dakota (a surface lignite coal mine), the BHP San Juan Mine in Farmington, New Mexico, the Universal Mine in Vigo County, Indiana, the Cambria Reclamation Corporation's Earnest Mine in Indiana County, Pennsylvania, Laurel Land Development's McDermott Mine in Cambria County, Pennsylvania, and the E.P. Bender Coal Company Surface Mine also in Cambria County, Pennsylvania.

Rather than relying on the US EPA to provide information that it has never collected, it is incumbent upon the preparers of this DEIS to go to the source of this information, the files of state mining regulatory agencies. In this case, the USACE may need to uncover such monitoring information for the Sandow Mine, from the files of the mine operators itself, Alcoa.

87-7

- 5) **The USACE must ensure proper safeguards are in place to protect water supplies at the Three Oaks Mine before granting a 404 permit for this mine.** We note that the discussion of surface water control facilities in section 2.5.1.1, (DEIS, pages 2-27 through 2-29) fails mention that any monitoring let alone

Responses to Letter 87

87-6

Please see the response to general comment PA-1 in Section 4.5.3 of the Final EIS relative to bottom ash. The USACE has determined that the information presented in this general response is adequate to determine potential impacts associated with the use and disposal of bottom ash at the Three Oaks Mine.

87-7

Additions to the EIS text have been made with respect to water quality monitoring requirements; see Appendix C of the Final EIS. Other considerations are discussed in the response to general comment SW-1 in Section 4.5.5 of the Final EIS.

Letter 87 Continued

87-7

enforceable controls will be required for many common constituents in coal ash, such as sulfates, chlorides, boron, and sodium. It does not discuss any controls that would be placed on the RCRA metals and other trace elements that might migrate from coal ash to surface waters. The discussion in Chapter 2 and Table 2-15, "Committed Environmental Protection Measures and Additional Mitigation Measures Under Consideration," also makes it clear that Alcoa is not even considering a groundwater monitoring plan in its Mine Permit designed to detect impacts from coal ash. Table 2-16 which compares the impacts of the proposed action to approve a 404 permit without safeguards to monitor and respond to impacts from ash disposal to the no action alternative mistakenly and egregiously omits any recognition of the potential for serious water quality impacts from ash disposal under the proposed action.

87-8

Please refer to our letter dated September 27, 2001 to the USACE and the TNRCC on the scoping for this EIS for a detailed discussion of the safeguards that should be ensured as conditions in a 404 permit granted for the Three Oaks Mine. We would be happy to discuss these once again in further detail at an appropriate time.

Thank you.

Jeffrey Stant
Clean Air Task Force
5601 Lowell Avenue
Indianapolis, IN 46219

Responses to Letter 87

87-8 Comment noted.

Letter 88

Teresa Hubbard / Alexander Birchler
Photography and Video Productions

117 Central Avenue
Elgin, TX 78621 USA
Phone/Fax: ++ 512 281 57 86
email: thubbard@mail.utexas.edu

88

October 30, 2002

Ms. Jennifer Walker
EIS Project Manager
US Army Corps of Engineers (USACE)
Fort Worth District
819 Taylor Street
P.O. Box 17300
Fort Worth, Texas 76102-0300

Dear Ms. Walker:

After reviewing the US Army Corps of Engineers Environmental Impact Statement on the Three Oaks lignite coal mine proposed by Alcoa, I have some concerns I would like to have addressed prior to the final report of the EIS.

I am a property owner and resident in Elgin's downtown National Register Historic District. After reviewing the EIS I became alarmed that there was no review of the potential impacts of not only the downtown National Register District, but no review of the potential impacts of any historic property in the city limits or in the county area of the proposed site.

I have several concerns I believe need to be addressed. Those concerns are the impacts on the National Register District, on the historic areas surrounding downtown and on other historic farmsteads/homes in the county. My concerns are increased traffic, noise pollution and air pollution. I ask that these concerns be addressed and any other issues that may have negative impact on the historic resources of our area.

I read the review of the archaeological resources in the EIS, but saw no mention of the historic built fabric and therefore request that a Section 106 review be done on all historic properties in the impact area including but not limited to Elgin's downtown National Register Historic District.

I appreciate your consideration of my concerns.

Sincerely



Alexander Birchler

Responses to Letter 88

88-1 Please see the responses to general comments T-2 and CR-1 in Sections 4.5.7 and 4.5.11, respectively, of the Final EIS relative to effects to the Elgin National Register Historic District.

88-1

Public Information Meeting

TRANSCRIPT OF PROCEEDINGS BEFORE THE
U.S. ARMY CORPS OF ENGINEERS
FORT WORTH DISTRICT

PUBLIC INFORMATION)
MEETING FOR ALCOA'S) THREE OAKS MINE
APPLICATION FOR A) DRAFT EIS
SECTION 404 PERMIT)

PUBLIC INFORMATION MEETING
TUESDAY, OCTOBER 1, 2002

BE IT REMEMBERED THAT at 6:00 p.m., on
Tuesday, the 1st day of October 2002, the
above-entitled matter came on for meeting at the
Elgin Independent School District, 1400 County
Line Road, Elgin, Texas; and the following
proceedings were reported by Kim Pence, a
Certified Shorthand Reporter of:

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Public Information Meeting

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Public Information Meeting

Responses

Transcript
1

P R O C E E D I N G S

TUESDAY, OCTOBER 1, 2002

(Recess: 6:00 p.m. to 7:13 p.m.)

MS. WILSON: Mary Wilson, 152

Ragtime Ranch Road, Elgin, Texas 78621. I've been employed with the Elgin Independent School District for ten years and have seen a dramatic increase in the use of inhalers for asthmatic children, seen a dramatic increase in symptoms of -- showing of asthma in children. When I first started, I maybe only had -- out of 200 kids maybe two or three inhalers, and now it's doubled or tripled that; a lot of kids with those types of symptoms, and I really think it's -- the air quality is very much diminished now in our society, and especially the pollutants being put out by the smokestacks at Alcoa, and I think that needs to be addressed. That's all.

T1-1 Comment noted.

T1-2 Comment noted. Please see the response to general comment NEPA-2 in Section 4.5.1 of the Final EIS regarding the existing Rockdale facilities.

Transcript
2

(Recess: 7:14 p.m. to 7:20 p.m.)

MR. REESE: Sammy Reese, 304

Country Aire, Round Rock, Texas 78664. I've given a deposition once before. I think it was Judge Walston, and I own property between Elgin and Bastrop. Big Sandy flows through my

T2-1 Comment noted.

Public Information Meeting

Responses

T2-1

1 property on both sides, which I've already
2 stated that I have the maps to prove it, and I
3 run cattle on the property, and just built a
4 bridge on the property. I plan to live there,
5 and soil/sand does wash. There's no
6 compactability to sand.

T2-2

7 I'd just like to know who I can talk
8 to. The Army Corps of Engineers have not
9 offered me any good answers on what they're
10 going to do, what they're going to present to
11 Alcoa, but I'd like to be able to talk to
12 somebody that can tell me and give me some kind
13 of answers because my land is no value -- it's
14 been in my family too long for me not to see
15 anything.

T2-3

16 I own both sides of the creek that
17 flows into the Colorado River. If my cattle
18 dies -- I can't stop them from drinking the
19 water, and provided Alcoa lets some type of
20 polluters come through or poison -- I'm not
21 about to give them drinking water out of my
22 water. The creek is their water. So thank you
23 very much.

Transcript
3

24 (Recess: 7:22 p.m. to 7:42 p.m.)
25 MR. SARGENT: My name is Lloyd

T2-2 Please see the first page of the Final EIS, which shows the USACE project manager's name, address, and telephone number.

T2-3 Please see Section 3.2.3.2 of the Draft EIS relative to potential surface water quality impacts.

Public Information Meeting

5

1 Sargent, P.O. Box 805, Elgin Texas 78621, and I
2 have several comments that I would like to make.

T3-1

3 The first being is I did not feel that the
4 wildlife study was done adequately. There was
5 no mention about heavy metals in wildlife. In
6 talking to the biologist, he said that had not
7 been done. When I asked about the criteria for
8 the studies that were submitted by Alcoa and the
9 people that Alcoa had hired, he said that most
10 of it had been included, and I asked what was
11 not included, and he said that he was not
12 sure -- well, back up.

T3-2

13 He said that most of it, if not all,
14 was included, and I asked what the criteria was,
15 and he kind of hedged on that, and I did not
16 feel that that was adequate, that the EIS should
17 have been more thorough and used a more rigorous
18 criteria in judging what should and what should
19 not have been included.

T3-3

20 When talking to the folks concerning
21 the amount of light pollution, I was real
22 concerned that there was no criteria for what
23 was acceptable and what was unacceptable light
24 pollution. All that was required was that there
25 be covers over the light. This we know is

Responses

T3-1 As discussed in Section 3.2.3.2 of the Draft EIS, no impacts to surface water quality are anticipated relative to dissolved or total metals, metalloids, or non-metals. As a result, the potential for bioaccumulation of heavy metals in wildlife species was not identified as an issue for this EIS. Please also see the responses to general comments SW-1 and SW-5 in Section 4.5.5 of the Final EIS regarding surface water quality monitoring and interpretation of the TRI data.

T3-2 The decision regarding inclusion of wildlife baseline data and the scope of the impact analysis were based on the issues identified during the public and agency scoping process for the EIS.

T3-3 Please see the analysis of visual impacts associated with increased night lighting in Section 3.12.2.1 of the Draft EIS.

Public Information Meeting

Responses

6

T3-3

1 unacceptable as California has had to do similar
2 things for -- pardon me -- in order to reduce
3 the amount of electricity when electricity was
4 very high, they revamped the entire street
5 lighting structures as they found that a large
6 percentage of the light was going straight up.
7 If this also occurs at the Alcoa mine site,
8 we're going to lose a large portion of our night
9 sky, which is very important as to our quality
10 of life, to a large number of people out here in
11 rural Texas. I believe that's all for the
12 moment. Thank you.

13 (Recess: 7:45 p.m. to 8:00 p.m.)

14 (Meeting concluded at 8:00 p.m.)

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Public Information Meeting

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1 C E R T I F I C A T E

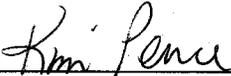
2 STATE OF TEXAS)

3 COUNTY OF TRAVIS)

4 I, Kim Pence, a Certified Shorthand
5 Reporter in and for the State of Texas, do
6 hereby certify that the above-mentioned matter
7 occurred as hereinbefore set out.

8 I FURTHER CERTIFY THAT the proceedings
9 of such were reported by me or under my
10 supervision, later reduced to typewritten form
11 under my supervision and control and that the
12 foregoing pages are a full, true and correct
13 transcription of the original notes.

14 IN WITNESS WHEREOF, I have hereunto set
15 my hand and seal this 15th day of October 2002.

16
17
18
19 
20 _____
21 KIM PENCE
22 Certified Shorthand Reporter
23 CSR No. 4595-Expires 12/31/03
24 Kennedy Reporting Service, Inc.
25 Cambridge Tower
1801 Lavaca Street, Suite 115
Austin, Texas 78701

Public Hearing

TRANSCRIPT OF PROCEEDINGS BEFORE THE
U.S. ARMY CORPS OF ENGINEERS
FORT WORTH DISTRICT

PUBLIC HEARING)
FOR ALCOA'S) THREE OAKS MINE
APPLICATION FOR A) DRAFT EIS
SECTION 404 PERMIT)

PUBLIC HEARING
WEDNESDAY, OCTOBER 2, 2002

BE IT REMEMBERED THAT at 6:32 p.m., on
Wednesday, the 2nd day of October 2002, the
above-entitled matter came on for meeting at the
Elgin Independent School District, 1400 County
Line Road, Elgin, Texas; and the following
proceedings were reported by Kim Pence and Nancy
Salinas, Certified Shorthand Reporters of:

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Public Hearing

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Public Hearing

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PROCEEDINGS

WEDNESDAY, OCTOBER 2, 2002

(6:32 p.m.)

MR. MORRIS: Good evening, ladies and gentlemen, and welcome to the public hearing on the draft environmental impact statement for the Three Oaks Mine. Thank you for attending this evening. I'm Lieutenant Colonel Robert Morris, the deputy district engineer of the United States Army Corps of Engineers, Fort Worth district. For the record, let me state that this hearing is being convened at 6:32 on October 2, 2002 in the Elgin High School in the city of Elgin, Bastrop County, Texas.

As most of you know, the Corps released a draft environmental statement -- impact statement on August 23, 2002 on the application for United States Army Corps of Engineers permit to discharge dredged and fill material into the waters of the United States associated with the construction and operation of the Three Oaks Mine proposed by the Aluminum Company of America, Incorporated, also known as Alcoa.

We are holding this public hearing to accept comments on the draft environmental

Public Hearing

5

impact statement and the associated permit action. We have a court reporter here tonight who will prepare a word-for-word transcript so that we will have an accurate record of this hearing. Your comments here tonight and any written statements submitted through October 22, 2002 -- the close of the comment period -- will be reviewed and incorporated, as appropriate, into the final environmental impact statement.

Alcoa proposes to construct and operate a surface lignite mine in Lee and Bastrop Counties, Texas. The proposed mine will supply an average of approximately 7 million tons of lignite per year to four electrical power generating facilities located near the city of Rockdale in Milam County, Texas. The project will also include the construction of surface water control facilities, a blending facility, offices, maintenance facilities and the installation of groundwater wells that would pump approximately 12,000 acre-feet of groundwater per year. Development of the Three Oaks Mine is proposed as a fuel source replacement for Alcoa's Sandow Mine which will cease operations by 2005. I had an opportunity

Public Hearing

6

1 to tour the site earlier today by ground and
2 helicopter and have a good understanding of the
3 scope of the proposed project.

4 Before I discuss the groundrules for
5 the conduct of the meeting, there are a few
6 things I would like to say to help people
7 understand the purpose of tonight's proceedings.
8 Tonight we are conducting a public hearing
9 associated with the draft environmental impact
10 statement. Alcoa applied to the Corps of
11 Engineers for a permit under Section 404 of the
12 Clean Water Act to discharge dredged and fill
13 material into 67.4 acres of waters of the United
14 States in conjunction with the Three Oaks Mine
15 construction and operation. Section 404 of the
16 Clean Water Act requires the Corps to conduct a
17 public interest review to determine the
18 potential impacts of our decision of the public
19 interest.

20 In addition, the National Environmental
21 Policy Act, or NEPA, requires all federal
22 agencies undertaking an action that might
23 significantly impact the quality of the human
24 environment to evaluate the potential impacts of
25 the proposed project and document these

Public Hearing

7

1 potential impacts in an environmental impact
2 statement.

3 A public notice on the proposed project
4 was issued on July 20, 2001. The Corps is
5 neither a proponent nor an opponent of this
6 project. It is our role, ultimately, to decide
7 if issuing a permit for the proposed project
8 coincides with or is contrary to the public
9 interest. As such, we are trying to gather as
10 much relevant information as possible in a
11 timely manner to allow us to make an informed
12 decision. Tonight we are soliciting comments on
13 the draft environmental impact statement and on
14 Alcoa's permit application.

15 I would like to introduce the following
16 persons from the Fort Worth engineer district:
17 Mr. Bill Fickel, chief of our planning
18 environmental regulatory division; Mr. Wayne
19 Lee, chief of the regulatory branch; Mr. Presley
20 Hatcher, chief of the permits section within the
21 regulatory branch; Ms. Jennifer Walker, the
22 regulatory project manager for the proposed
23 Three Oaks Mine; Ms. Dava Kaitala, office of the
24 counsel; Ms. Anita Horkey, public affairs
25 specialist, in the back. I'd also like to

Public Hearing

8

1 introduce Ms. Valerie Randall, project manager
2 of ENSR International -- over here -- the
3 third-party contractor responsible for preparing
4 the draft environmental impact statement.

5 All of you should have filled out a
6 registration card at the table located near the
7 entrance. If you have not, please do so so that
8 we can maintain an accurate record of attendance
9 for -- attendees at this hearing. If you wish
10 to speak, you should also have checked the box
11 indicating so on the registration card. These
12 registration cards will be used to determine the
13 order of the speakers this evening in accordance
14 with the order in which the cards -- completed
15 cards were received. We are here to listen to
16 your comments and appreciate every one of them.

17 The format of tonight's hearing will
18 begin with some brief opening remarks describing
19 the proposal from Mr. Tommy Hodges, Alcoa's mine
20 manager, representing the permit applicant.
21 Then Ms. Valerie Randall of ENSR International
22 will give a presentation on the NEPA process and
23 the draft environmental impact statement. I
24 will then turn the program over to Mr. Presley
25 Hatcher and Ms. Anita Horky.

Public Hearing

9

1 As a courtesy, we will -- I'm sorry.
2 After -- we will call five people up at a time
3 to speak. Once your name is called, please
4 proceed to the chairs in your front left up
5 here. When it is your turn, you will be called
6 to the microphone. Each speaker will be given
7 three minutes to make their presentation. The
8 timekeepers will be monitoring the time and will
9 let you know when you have one minute left and
10 when your time is up, and our timekeeper is
11 seated to the front -- to my left.

12 When your time ends, please step down
13 to allow the next person the opportunity to
14 speak. Once all five have spoken, the next five
15 will be called on and so on. Everyone who has
16 indicated a desire to speak will have the
17 opportunity to do so. Please keep your time to
18 three minutes or less. If you don't need the
19 full three minutes, help us to move the process
20 along by only taking the time that you need.

21 Let me remind you that we have a court
22 reporter recording a transcript of tonight's
23 proceedings to ensure that everything presented
24 is included in the official record. So when we
25 call your name, please come to the microphone,

Public Hearing

10

1 state your name and speak clearly and distinctly
2 so we can get an accurate account of your
3 statement.

4 A couple of additional groundrules:

5 You may make comments or ask questions about
6 information presented in the draft environmental
7 impact statement. However, we will not be
8 addressing your questions here tonight. We will
9 respond to your comments and questions in the
10 final environmental impact statement.

11 You may not defer your time to others.
12 If you have additional comments you'd like to
13 submit beyond what you're able to address during
14 your time, please submit those in writing. You
15 should understand that written comments, whether
16 received tonight or any time during the comment
17 period, are just as valid and count the same as
18 verbal comments made during this evening. You
19 may submit written comments this evening by
20 dropping them in the comment boxes in the
21 entrance hallway to your rear. You may also
22 submit written comments to our office at
23 Regulatory Branch, CESWF-PER-R, U.S. Army Corps
24 of Engineers, P.O. Box 17300, Fort Worth, Texas
25 76102-0300. The address is also posted on the

Public Hearing

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1 back wall as you're going out and also in the
2 entrance foyer out front.

3 You may send your comments via
4 electronic mail to -- and I'll say this
5 slowly -- 3oakseis@swf02.usace.army.mil. Again,
6 that's on both signs as well. In order for your
7 comments to be considered, they must be received
8 no later than October 22, 2002.

9 In addition, we have a second court
10 reporter here tonight located in the entrance
11 hallway who will record statements of those
12 individuals who wish to make their comments
13 privately.

14 Tonight's public hearing is being
15 conducted in English. However, we have the
16 Spanish interpreter here who will sit next to
17 the court reporter in the entrance hallway. She
18 will provide assistance to those who speak
19 Spanish and would like to make comments on the
20 draft environmental impact statement tonight.

21 (Spanish spoken)

22 MR. MORRIS: Let me emphasize that
23 we're not here this evening to take a vote on
24 the merits of the application. We're here to
25 gather as much new information as we can to help

Public Hearing

12

1 us make our decision. Once someone has made a
2 particular point regarding the draft
3 environmental impact statement or the permit
4 application, there is no need to repeat the same
5 point.

6 One final ground rule: Please be
7 courteous. Everyone deserves the opportunity to
8 be heard this evening, and I ask for your help
9 in doing that. We will have a ten-minute break
10 at eight o'clock and every hour thereafter as
11 long as we have speakers.

12 At this point, I'm going to introduce
13 Mr. Tommy Hodges, Alcoa's mine manager, who will
14 provide a brief overview of the proposed
15 project.

16 MR. HODGES: Thank you, Colonel
17 Morris. I have a few slides to help me
18 introduce the project to the audience. First of
19 all, let me outline the purpose and need of the
20 Three Oaks Mine. This is a photograph of
21 Alcoa's industrial complex at Rockdale, Texas.
22 This is an integrated facility. It consists of
23 a lignite surface mine, a power plant and an
24 aluminum manufacturing facility for smelting and
25 aluminum production.

Public Hearing

13

1 The power plant is just under 1,000
2 megawatts of capacity. The aluminum
3 manufacturing facility generates -- produces 1.7
4 million pounds of aluminum a day. That's
5 244,000 metric tons a year. There are over
6 2,000 people employed directly at this facility.
7 There are over \$2.5 million in ad valorem taxes
8 annually, and the facility generates over \$250
9 million in expenditures and services annually.

10 This plant was located at this site
11 because of lignite. Lignite satisfies one of
12 the requirements for aluminum manufacturing
13 around the world. It's a field source that is
14 stable, long term and predictable.

15 This graph represents every aluminum
16 manufacturing facility in the world. They
17 appear on this graph on that blue line. The red
18 line is very simple. That is the current price
19 aluminum is sold on the london metal exchange.
20 If you are located in this area above the red
21 line, you are not producing aluminum at a cost
22 that covers what it costs you to -- or you can't
23 sell it for what it costs you to make. Those
24 below that red line, however, can sell their
25 product at costs greater than what it costs them

Public Hearing

14

1 to make it. Currently, Rockdale operations is
2 on this chart right here.

3 We have looked at alternative fuel
4 supplies, natural gas, grid power, Wyoming coal,
5 all of which place us above the red line in a
6 noncompetitive position. Three Oaks, on the
7 other hand, secures our position in the
8 competitive range.

9 The proposed action: The Sandow Mine
10 has been in existence for 50 years supplying
11 fuel to this industrial complex, which was built
12 in 1952. As Colonel Morris said, the life of
13 the Sandow Mine is short. We expect that at
14 that reserve we will be winding down in
15 2005/2006 time frame.

16 The Three Oaks Mine is located here.
17 Three Oaks is contiguous, connects to the Sandow
18 Mine. It's the same type of reserve. This
19 affords us the opportunity to move our mining
20 equipment between the two mines to transport the
21 coal effectively and efficiently to the power
22 plant operation.

23 This is a simplified cross-section of
24 the geology in the area. We have lignite seams.
25 Those are the black seams. There are -- some

Public Hearing

15

1 certain amount of overburden covering them, and
2 there's the Simsboro Aquifer that is the aquifer
3 underneath the coal seams.

4 A simplified mining process: We have a
5 mining excavation to remove the overburden,
6 exposing the coal. That overburden, once
7 removed, creates that excavation. There is a
8 certain amount of hydraulic pressure we call
9 "static pressure" exerted on the bottom of our
10 mining excavation. We do a certain amount of
11 depressurization of the aquifer with
12 depressurization wells to reduce the pressure as
13 shown in this chart.

14 This is our main mining equipment,
15 surface draglines. There's a pair of these that
16 have 110-yard buckets. These are the machines
17 we'll use to remove the overburden.

18 We will transport the coal either
19 through coal haulers on an internal corridor
20 between the two mines or by conveyer. All of
21 this is confined to the permit boundaries of the
22 mine.

23 A few slides on reclamation: Once we
24 complete the removal of the overburden, removal
25 of the coal, we commence grading back to

Public Hearing

16

1 original contour, planting, replanting the
2 vegetation, shrubs and trees and proceed with
3 revegetation over a five-, ten-, fifteen-year
4 period.

5 One of the things with Three Oaks is
6 that there are highways, roads that are in the
7 middle of the reserve. This is U.S. -- or
8 Farm-to-Market Road 696. This is Farm-to-Market
9 Road 619. The ore body is located right in this
10 area. One of our proposals is to relocate those
11 two roads where we would move 696 up here
12 connecting to 619 and reconnect the adjoining
13 county roads as necessary.

14 The Three Oaks project has economic
15 benefit. This mining operation generates
16 roughly \$77 million a year in economic benefit
17 directly based upon labor, wages, services,
18 taxes.

19 I'd like to take this opportunity to
20 thank the Corps and their consultant ENSR on the
21 production of the EIS and a very worthwhile
22 product. Thank you very much, Colonel.

23 MR. MORRIS: At this time, I'd
24 like to introduce Ms. Valerie Randall, the
25 project manager from ENSR International.

Public Hearing

17

1 MS. RANDALL: Thank you,
2 Colonel Morris. As part of the environmental
3 permitting process for the proposed Three Oaks
4 Mine, Alcoa must obtain a permit from the U.S.
5 Army Corps of Engineers for the discharge of
6 dredged and fill material into waters of the
7 U.S. under Section 404 of the Clean Water Act.
8 The Corps must evaluate the environmental
9 consequences of its permitting actions and
10 disseminate relevant environmental information
11 in accordance with the National Environmental
12 Policy Act known as NEPA.

13 The Corps has determined that the
14 projected project has the potential to
15 significantly affect the quality of the human
16 environment. Therefore, the Corps, in
17 accordance with NEPA, has prepared this draft
18 environmental impact statement, or EIS, for the
19 Three Oaks -- for the proposed Three Oaks Mine.

20 The NEPA process began with Alcoa's
21 submittal of an application for a Section 404
22 permit and a description of the proposed project
23 to the Corps, and the Corps is the federal
24 agency responsible for preparing the EIS, and as
25 Colonel Morris mentioned, ENSR, working as a

Public Hearing

18

1 third-party contractor selected by the Corps,
2 has prepared the draft EIS under the Corps'
3 direction.

4 Prior to preparation of the draft EIS,
5 public and agency scoping was conducted to
6 determine the issues to be addressed in the
7 document. The scoping processes included
8 federal, state and local agency and public
9 scoping meetings to disseminate and gather
10 information, as well as a formal 60-day written
11 comment period. The EIS process requires
12 identification and documentation of the
13 environmental factors associated with the
14 proposed project, viable alternatives and
15 potential direct, indirect and cumulative
16 impacts of the project interrelated with past,
17 present and reasonably foreseeable future
18 actions in the area.

19 Alternatives to the proposed action
20 were identified based on information provided by
21 Alcoa, information received during scoping,
22 review of information during preparation of the
23 EIS. Viable alternatives should avoid or
24 minimize adverse effects of the proposed action,
25 satisfy the purpose of the proposed project, not

Public Hearing

19

1 be speculative and be technically and
2 economically feasible. In accordance with NEPA,
3 since viable alternatives that meet these
4 criteria were not identified for this project,
5 the alternative to the proposed action that is
6 analyzed in the EIS is the no-action
7 alternative. Also in accordance with NEPA,
8 rationale is provided in the document for the
9 alternatives that were considered but eliminated
10 from detailed consideration.

11 An EIS provides for disclosure of the
12 impacts and documents the information necessary
13 for the decision maker, in this case the Corps,
14 to make a reasoned decision after weighing the
15 risks of harm to the human environment against
16 the benefits to be derived from the proposed
17 action, as well as to make a reasoned choice
18 among alternatives. Thus, the EIS is being used
19 by the Corps as a decision-making tool.

20 The impact assessment takes into
21 account Alcoa's committed environmental
22 protection measures to minimize potential
23 affects, and additional monitoring or mitigation
24 measures have been addressed in the EIS. These
25 measures are not part of Alcoa's proposed

Public Hearing

20

1 project, but could be added as special
2 conditions to any 404 permit that may be issued
3 by the Corps.

4 The draft EIS has been made available
5 to the public for review and comment, and I
6 should mention that on these slides, the green
7 areas indicate the areas that are opportunities
8 for public comment throughout the process.

9 A formal 60-day comment period is
10 underway, which began with publication of a
11 notice of availability of the draft EIS in the
12 Federal Register on August 23. During this
13 comment period, written comments on the draft
14 EIS can be submitted to the Corps via mail or
15 e-mail, as Colonel Morris indicated. All
16 written comments and oral comments submitted
17 during last night's public information meeting
18 and tonight's public hearing will be considered
19 in preparing the final EIS; and also, as Colonel
20 Morris mentioned, the address is on signs at the
21 back of the building, and it's also in the
22 handout that's available for you to take with
23 you. Note that only substantive comments, i.e.,
24 comments addressing the adequacy of the draft
25 EIS will be responded to in the final EIS.

Public Hearing

21

1 Following the draft EIS comment period,
2 a final EIS will be prepared. The final EIS
3 will present all comments received on the draft
4 EIS along with the Corps' response to each
5 substantive comment. In addition, any necessary
6 text revisions to the draft EIS will be
7 included.

8 The final EIS will be made available to
9 the public for a 30-day period starting with
10 publication of notice of availability in the
11 Federal Register, and during this period,
12 additional written comments on the final EIS may
13 be sent to the Corps. Following the final EIS
14 availability period, the Corps will prepare the
15 record of decision, and based on the findings in
16 the EIS, the Corps can either issue the Section
17 404 permit, issue the permit with conditions or
18 deny the permit.

19 If the Corps decision is to issue a
20 Section 404 permit or to issue a permit with
21 conditions, then the record of decision will
22 document the mitigation measures that will be
23 incorporated into the permit. If, based on the
24 EIS analysis, the Corps determines that a permit
25 can be issued for the project, then the agency

Public Hearing

Responses

22

1 will do so subsequent to preparation of the
2 record of decision.

3 In addition to the Section 404 permit
4 and the EIS, other federal, state and local
5 environmental permits and approvals, as well as
6 coordination with specific agencies, are
7 required for the construction, operation,
8 reclamation and closure of the proposed Three
9 Oaks Mine. Alcoa has obtained or is in the
10 process of obtaining all of these permits and
11 approvals. Thank you.

12 MR. MORRIS: At this time, I'll
13 turn the floor over to Mr. Hatcher who will
14 facilitate the comments along with Ms. Horky.

15 MR. HATCHER: Okay. As Colonel
16 Morris indicated earlier, I'll call five people
17 up at a time. If you'd come on up to the front
18 row here to my right, the first person, then the
19 middle, I would appreciate that. The first name
20 is Sammy J. Reese; the second one is Mary
21 Wilson; the third is J.S. Duncan; the fourth is
22 Tom Puccio; and the fifth one is Wallace
23 Jones -- I'm sorry, I'm sorry -- yes, the fifth
24 one will be Wallace Jones. Okay. Mr. Reese?

25 MR. REESE: First of all, I would

Transcript
4 25

Public Hearing

Responses

T4-1 1 like to say good evening. I didn't come here
2 tonight to ask for reparation. I came for
3 answers and someone to talk to me rather than
4 helicopters flying and me not knowing what's
5 going on. My property lies on both sides, and
6 it's in sand. I have 50-foot banks on my
7 property, water eroding already. Sand, it
8 doesn't take a rocket scientist to understand
9 sand washes. There's no solvency to hold sand.
10 I'm already having 50-foot banks, and I just
11 built a bridge across because I don't live on
12 the property.

T4-2 13 All I'm asking is -- we need to sit
14 down and talk and come to an understanding on
15 the situation and what environmental impact it
16 would have on people's lives.

T4-3 17 I could have drilled a well on my
18 property. It was about 80 foot versus 4,000
19 foot. I paid a lot of money for a water tap
20 here in Bastrop County, and I'm going to have to
21 lay water lines, but all I want is some answers
22 and to be truthful and not trying to play mind
23 games. Come talk to me so we can come to an
24 understanding. Thank you.

25 MR. HATCHER: Thank you,

T4-1 Mitigation has been developed to address potential downstream erosion impacts; see mitigation measure SW-2 on page 3.2-97 of the Final EIS.

T4-2 It should be noted that subsequent to the public hearing, Alcoa arranged to meet with the commenter and help evaluate his particular situation.

T4-3 Comment noted.

Public Hearing

Responses

Transcript1

5

Mr. Reese. The next speaker is Mary Wilson.

2

MS. WILSON: I represent the

3

apathetic silent majority. We are the people

4

who are very busy earning a living, taking care

5

of our children, involved with school and

6

community activities. We pay our taxes, and we

7

salute our flag with pride.

8

My husband and I have lived in the

9

Elgin area for over 20 years. We have been a

10

friend to man and to animals. We have been a

11

friend to our fellow man by caring for foster

12

children for the past 20 years giving them a

13

better chance of life. We've rescued abandoned

T5-1

14

and injured animals off our county roads giving

15

them humane help. Like our neighbors, we have

16

spent our time and efforts building our

17

homesteads and community making it a better

18

place to live.

19

For 20 years, our way of life has been

20

affected by people living outside our community.

21

First, it was the city of San Antonio purchasing

22

huge parcels of land, taking it off the tax

23

rolls, thereby increasing and shifting all of

24

Bastrop County's and Lee County's tax burden on

25

the citizens residing there. It is the citizens

T5-1 Comment noted.

Public Hearing

T5-1 1 of these counties that have built the roads and
2 the water systems.

T5-2 3 Second, the lease agreement between the
4 city of San Antonio and Alcoa to stripmine the
5 land and pump the water from the aquifer
6 somewhere else is not a favorable and good
7 neighborly thing to do. Alcoa being one of the
8 richest companies in all our world could choose
T5-3 9 to burn a cleaner fuel for its smelters rather
10 than lignite, but here we are tonight speaking
11 against the stripmining of our surrounding
12 lands, and that they cause our water supply to
T5-4 13 drop in pressure and draw down water wells in
14 the area. Good neighbor? Not.

T5-5 15 Third, there will be a massive kill and
16 displacement of wildlife on the 16,000-acre
17 mining site. Bird nests with baby birds
18 tumbling to the ground as their tree homes are
19 pushed over with huge bulldozers and crushing
20 their fragile bodies. Squirrels, possums,
21 bobcats, skunks, raccoon, deer running away from
22 the frightening sounds with no where to hide.

T5-6 23 The pecan bottom lands with thousands of pecan
24 trees pushed over and destroyed without a
25 thought of future generations to come. A good

Responses

T5-2 Comment noted.

T5-3 Please see the response to general comment Alternatives-1 in Section 4.5.2 of the Final EIS for additional information regarding alternative fuel sources.

T5-4 Please see Section 3.2.3.2 of the Draft EIS regarding projected groundwater impacts. Also see the response to comment 17-6 relative to required mitigation for mine-related impacts to wells.

T5-5 As discussed in Section 3.5.2.1 of the Draft EIS, the Proposed Action would result in direct impacts to area wildlife due to lost habitat and indirect impacts as a result of increased noise and human presence. However, disturbance would occur incrementally over the 25-year life of the mine and is not expected to result in a marked increase in wildlife dispersal. As presented in Table 2-15 of the Final EIS, Alcoa has committed to a number of environmental protection measures to reduce potential impacts to breeding birds. These measures would include the clearing of vegetation (or potentially suitable nesting habitat) outside of the nesting period or conducting breeding bird surveys within potentially suitable habitat prior to construction activities.

T5-6 Please see Section 3.4.2.1 of the Draft EIS relative to potential impacts to vegetation resources and Section 3.12.2.1 Draft EIS relative to noise impacts.

Public Hearing

Responses

26

T5-6

1 neighbor? I think not.
2 Fourth, there will be noise pollution
3 from 47 decibels --

4 MR. HATCHER: Ms. Wilson, your
5 time is up.

6 MS. WILSON: Okay.

7 MR. HATCHER: Remember, if you
8 don't have time to say everything you want to
9 that you can submit your written comments.

10 Thank you very much.

11 The next speaker is Mr. J.S. Duncan.

Transcript
6

12 MR. DUNCAN: Colonel Morris and
13 various other staff. My name is J.S. Duncan.
14 I'm a member of the board of directors of the
15 Manville Water Supply Corporation. Our Chairman
16 apologizes he cannot be here tonight because
17 he's attending the annual water conference, and
18 the board has asked me to appear and read this
19 statement.

20 "I'm sure you're aware that Manville is
21 a member-owned water utility that serves this
22 area, serving about 6,000 families and
23 businesses in the four-county region in Travis,
24 Lee, Bastrop and Williamson Counties. We
25 believe that the draft environmental impact

T6-1 Comment noted.

T6-1

Public Hearing

Responses

27

1 statement underestimates the economic impact on
2 central Texas if this permit is not granted.
3 Although it focuses on the impact of
4 unemployment in Milam County, effects
5 significant in and of itself, the DEIS overlooks
6 the impact on Manville's four-county service
7 area if the permit is not granted.

8 "Alcoa has committed itself to being a
9 key partner in the ongoing challenge to ensure
10 an adequate water supply in the region. As a
11 by-product of this mining operation, Alcoa pumps
12 substantial quantities of groundwater. Many
13 companies might simply lease this water, but
14 Alcoa has offered Manville water at little or no
15 cost for public utility purposes. We recently
16 entered into an agreement that will provide us
17 with 1,000 acre-feet of per year of water at no
18 charge with an option to buy another 1,000
19 acre-feet at a lower rate.

20 "With the anticipated growth in this
21 part of central Texas, this water could well
22 mean the difference between a safe and
23 dependable water supply for families and
24 businesses in our service area or a system
25 that's forced to impose severe seasonal

T6-1

Public Hearing

Responses

28

1 rationing and curtailments.

2 "Coupled with the potential price
3 increases and the inability to meet future
4 demands, lack of availability of this water
5 could be devastating. Simply put, we need this
6 water to continue to serve our customers in a
7 manner in which they're accustomed and to be
8 able to serve new families and businesses in our
9 area.

10 "By taking the action that it has,
11 Alcoa has become an integral part of the area's
12 water resource management efforts. Availability
13 of this water along with our own well fields in
14 Lee County, has allowed Manville to commit
15 itself to the largest project in our history,
16 nearly a 10-million-dollar pipeline that will
17 bring the water westward that will be put into
18 productive use.

19 "Before we entered into this agreement
20 with Manville, the board toured the Alcoa
21 operations, and we asked many hard questions.
22 We were impressed with Alcoa's environmental
23 initiatives, especially the reclamation efforts
24 that concerned the species habitat and the
25 measures taken to protect the quality of water

T6-1

Public Hearing

Responses

29

1 that leaves the mine area. We are most notably
2 impressed that Alcoa took initiative to assure
3 that a significant portion of that water
4 produced by its mining operations would not be
5 wasted and would instead be made available to
6 citizens of Texas.

7 "We realize that mining is an
8 emotional issue. We also know that emotions can
9 overshadow scientific, technical aspects of
10 these operations including the reclamation
11 indication of water conservation efforts. We
12 believe that the mitigation measures described
13 in the EIS will minimize long-term consequences,
14 they are worthy of support, and we, therefore,
15 urge you to issue the permit without delay."

16 MR. HATCHER: Thank you,
17 Mr. Duncan. The next speaker is Mr. Tom Puccio,
18 and remember, I'll do my best with the
19 pronunciations, but make sure to state your name
20 when you get to the microphone so we have --
21 make sure we have the accurate pronunciation on
22 the record. Thank you.

23 MR. PUCCIO: My name is Tom
24 Puccio. At this time, I'd like to thank Colonel
25 Morris and his staff of the Corps of Engineers

T6-1

Transcript
7

Public Hearing

Responses

30

1 for allowing me to speak publicly tonight.

2 I'm the owner of a small company that
3 provides contract personnel to the
4 Alcoa-Rockdale facility. I've provided contract
5 personnel from my facility for over 15 years.
6 I've read the draft environmental impact
7 statement. The executive summary was clear and
8 gave me a very good understanding of the
9 project. I commend the firm that prepared this
10 unbiased report. They did a very thorough and
11 responsible job of looking at all the facts and
12 issues.

T7-1 13 This report shows no long-term effects
14 of mining the Three Oaks lignite. The report
15 emphasizes that Texas lignite is the only
16 economically-feasible fuel for Alcoa. This will
17 allow Alcoa to continue its production
18 facilities in central Texas. Alcoa has shown in
19 the past to be a good steward of the land that
20 it mines.

21 The Texas Railroad Commission
22 unanimously voted its approval of the Three Oaks
23 Mine. I believe that Alcoa should be granted
24 the right to mine the lignite at Three Oaks.
25 Thank you.

T7-1 Comment noted.

Public Hearing

Responses

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Transcript
8

1 MR. HATCHER: Thank you,
2 Mr. Puccio. The next speaker is Mr. Wallace
3 Jones.

4 MR. JONES: Thank you. Thank you
5 for allowing me the time. I'm Wallace Jones,
6 and I'm the Mayor of Rockdale. I'm on record
7 with the Railroad Commission in supporting Alcoa
8 and the Three Oaks Mine, and I would like to
9 inform you the same, that I do support Alcoa and
10 the Three Oaks Mine.

T8-1 Comment noted.

T8-1

11 I'm a lifelong resident of Rockdale. I
12 grew up around this operation, and I know that
13 they're good a neighbor. There's a lot of work
14 put in on the environmental study, the impact
15 statement, and I want to commend you for that.
16 In reading the statement, I could not find
17 anything in there that would permit -- that
18 would not permit the mining or the opening of
19 Three Oaks.

20 Several things that caught my eye is at
21 the end of reclamation, the many ponds and
22 wetlands and all that will be established for
23 habitat. The water from the mining operation
24 will be clean, will not be harmful to our lakes
25 and rivers, that the mining can continue without

Public Hearing

Responses

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1 any harm to endangered species.

2 Now, things that I do know about
3 firsthand is the reclamation. I see it daily.
4 I've been on a number of tours through their
5 operation, and it's fascinating what they do. I
6 look out on some property that I have over the
7 rolling hills and the pasturelands, and they do
8 an excellent job.

9 The other thing is the people side of
10 it. Approximately 2,000 people are employed at
11 Alcoa, many of which live in Rockdale. We don't
12 receive a direct tax revenue from Alcoa, but
13 however, these people do live in our community.
14 They own their homes. They put their children
15 through our schools. They attend our churches
16 and support our communities. So it's important
17 we get this Three Oaks Mine open. So I
18 encourage you today to grant the Section 404
19 permit to Alcoa for the Three Oaks Mine. Thank
20 you.

21 MR. HATCHER: Thank you,
22 Mayor Jones. Okay. I'll call the next five
23 names, and if you'd come up front, I'd
24 appreciate it. First is Lee Wray Russell; the
25 next is Gaye Bland; the next is Earline Cloudt;

T8-1

Public Hearing

Responses

33

1 the next is Gerald Niemtschk; and then the final
2 one would be Vester Crocker.

3 Okay. The first of this group would be
4 Mr. Lee Wray Russell.

5 MR. RUSSELL: My name is Lee Wray
6 Russell, and my comments will be focused on
7 three points regarding the environmental impact
8 study: The executive summary; number two, the
9 ripple effect if no action is taken; number
10 three, positive environmental effect if the
11 permit is granted.

12 Number one, our company has a very high
13 level of appreciation for those people who have
14 worked and are working on the permit for the
15 Three Oaks Mine. In today's world of a highly
16 complex environment of political, legal,
17 scientific technology, natural and human
18 aspects, it is indeed an arduous task to address
19 every aspect of the permitting process. We
20 believe the executive summary "is clear and
21 gives a good understanding of the project."

22 Number two, it would be devastating to
23 private and local government entities if no
24 action is taken. This would not only impact the
25 local geographical area, but ripple into the

T9-1 Comment noted.

Transcript

9

T9-1

Public Hearing

Responses

1 regional and national areas as well.
2 Our company as well as others who are
3 here who are currently providing support
4 services in this Sandow Mine have a great need
5 to know that the permit will be issued. Service
6 companies and suppliers have to deal with
7 logistical time issues in order to make the
8 support infrastructure work in the Three Oaks
9 Mine. Significant time is necessary to plan for
10 employment, capital, equipment and supplies in
11 order to meet the anticipated startup in 2003.
12 While the executive summary is primarily focused
13 on the local area, all of the above mining
14 support services are generated from resources
15 across the country.

T9-1

16 Number three, we have the knowledge and
17 the technology to extract energy resources and
18 at the same time improve the environment. It is
19 currently being done in the Sandow Mine and
20 across the country. Improvements are occurring
21 in natural environments such as water, forestry,
22 fish and wildlife habitat. Sustainable economic
23 environment is stronger for the local
24 geographical area. A strong environmental
25 economy leads to choices for people, choices for

Public Hearing

Responses

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T9-1

1 quality-of-life issues. We are currently doing
2 good things that represent an improvement in the
3 mining industry over the past, and we can
4 continue to do good things at the Three Oaks
5 Mine.

6 MR. HATCHER: Thank you,
7 Mr. Russell. I apologize. I had the order
8 backwards. Mr. Crocker will be the next
9 speaker.

Transcript
10

10 MR. CROCKER: My name is Vester
11 Crocker with Crocker Reclamation and
12 Maintenance, and I've read the summary, and I
13 agree with the EIS and the U.S. Army Corps of
14 Engineers, and I'd like to make a few statements
15 about the reclamation of the planting we do in
16 the company.

T10-1

17 We plant the coastal, the wheat. We
18 plant all native grasses, and we do all of this
19 on contour where the soil won't erode. We also
20 mulch and crimp those the same way, and if
21 you'll look at the mine, if you see it today,
22 that it's in good shape where you don't see much
23 of that erosion anywhere, and the wildlife -- I
24 probably see more of it than anybody. I'm on
25 the mine all the time, and we see a lot of duck

T10-1 Comment noted.

Public Hearing

Responses

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T10-1

1 and deer and all kinds of wildlife. So the ones
2 that think we disturb the wildlife, they're
3 wrong. Thank you.

Transcript
11

4 MR. HATCHER: Thank you,
5 Mr. Crocker. The next speaker is Mr. Gerald
6 Niemtschk.

7 MR. NIEMTSCHK: Good evening,
8 Colonel Morris and staff. My name is Gerald
9 Niemtschk. I'm the Mayor of Thorndale.

T11-1 Comment noted.

T11-1

10 Thorndale has 99 people working for Alcoa.
11 Alcoa is concerned with the environment. Alcoa
12 for the last five years has had a 1 million tree
13 program, that is, they have given trees such as
14 pecan, red oak, live oak or crape myrtle for the
15 employees of the plant at their homes, and if
16 there are any remaining trees left, they donate
17 them to the area organizations.

18 The land Alcoa has mined is put back in
19 better shape than what it was before. Animals
20 and birds are plentiful in these areas, and also
21 ponds are stocked with fish. I support Alcoa.
22 Thank you.

Transcript
12

23 MR. HATCHER: Thank you, mayor.
24 The next speaker would be Ms. Earline Cloudt.

25 MS. CLOUDT: Good evening. My

Public Hearing

Responses

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1 name is Earline cloudt, and I'm the economic
2 development chamber director for the city of
3 Cameron, and I appreciate the opportunity to
4 come before you tonight and voice my support for
5 Alcoa's permit application. I represent the
6 Cameron Chamber of Commerce and Cameron
7 Industrial Foundation and wish to go on record
8 with the Railroad Commission of Texas as
9 supporting Alcoa's application to open the new
10 Three Oaks Mine in Lee and Bastrop Counties.

11 The Cameron Chamber of Commerce and
12 Industrial Foundation are concerned about
T12-1 13 Alcoa's future in a rural area of central Texas.
14 Alcoa's Rockdale plant employees or contracts
15 with over 2,000 people, producing employee
16 earnings of over 100 million per year. Of
17 course this makes them the largest employer in
18 our area. With only a couple of years of
19 lignite left in its Alcoa mine, the new Three
20 Oaks Mine is a must to fuel Alcoa's Rockdale
21 smelter to keep it and all of these jobs in this
22 area.

23 Should this permit not be issued, it
24 would have a devastatingly negative impact on
25 the economy in central Texas and in particular

T12-1 Comment noted.

Public Hearing

Responses

38

1 Milam County. It is well known that rural
2 communities already struggle to survive and
3 provide jobs for their local citizens. Without
4 Alcoa providing this significant number of jobs
5 for our community, many individuals might be
6 forced to move away from Cameron to seek
7 employment elsewhere. Please consider the
8 negative impact this would have on all of
9 central Texas and the quality of life Alcoa
10 employees would be forced to give up.

11 We have reviewed the U.S. Army Corps of
12 Engineers draft environmental impact statement,
13 and we find nothing in the findings or
14 conclusions that would alter our support for
15 Alcoa's proposed new lignite mine. The DEIS
16 points out positive measures Alcoa has taken in
17 its land reclamation projects and water quality
18 protection areas. However, it does not
19 adequately describe the dedication and the pride
20 the workers put into these efforts, and the
21 state and federal recognition they have received
22 as a result of these projects. Awards like they
23 have received are given only to individuals or
24 companies who do more than is expected or excel
25 above and beyond what their competitors are

T12-1

Public Hearing

Responses

1 doing. Alcoa is also very supportive of
2 countless local nonprofit organizations and
3 their projects in all of the surrounding
4 communities for which we are very grateful.

5 I mention these points because we want
6 the U.S. Army Corps of Engineers to know that
7 Alcoa is a good neighbor, and they are an asset
8 to our area, and we feel they will also be an
9 asset to Lee and Bastrop Counties should you
10 grant them this permit. On behalf of the
11 Cameron Chamber of Commerce and Cameron
12 Industrial Foundation, I respectfully request
13 and urge that the U.S. Army Corps of Engineers
14 grant the Section 404 permit to Alcoa as soon as
15 possible. Thank you for your time.

16 MR. HATCHER: Thank you
17 Ms. Cloudt. Okay. The next speaker is Ms. Gaye
18 Bland.

19 MS. BLAND: Hello. My name is
20 Gaye Bland, president of the Rockdale
21 Independent School District Board of Trustees.
22 On behalf of the board, I would like to thank
23 you for allowing me to speak to you this evening
24 on record.

25 I, along with other administrators of

T12-1

Transcript

13

T13-1

T13-1 Comment noted.

Public Hearing

Responses

40

1 the district, have reviewed the U.S. Army Corps
2 of Engineers draft and environmental impact
3 statement and find even more reason to support
4 the new mining operation. We concur with the
5 Corps' finding of no significant adverse impact
6 on the water, air, land, vegetation, wildlife,
7 transportation and other areas. We support the
8 findings of the award-winning reclamation
9 efforts, the impressive measures to protect the
10 quality of water and how economically feasible
11 lignite mining is in the state of Texas. We
12 would like you to know that besides being the
13 largest taxpayer in our school district, Alcoa's
14 Rockdale operation has been a major supporter
15 since the beginning of production in 1952.

16 It's also important for you to know
17 that Alcoa and the Alcoa Foundation provide
18 money, manpower and a wealth of knowledge to
19 improve our facilities and to enhance the
20 learning process for our students and the staff.
21 At our September 16 school board meeting, the
22 board of trustees unanimously passed a
23 resolution that I'd like to present to you this
24 evening for the record asking the Corps to issue
25 the requested Section 404 permit to Alcoa at the

T13-1

Public Hearing

Responses

T13-1

1 earliest date possible. I would like to commend
2 the people who spent countless hours putting
3 together this draft environmental impact
4 statement. This is a very thorough document
5 which addresses the areas of concern that the
6 public has identified. Thank you for your time.

7 MR. HATCHER: Thank you,
8 Ms. Bland. Okay. The next five would be
9 Mr. James Foster, Billy Woods, Ms. Cathy Snider,
10 Chris Dyess and W.P. Hogan. Okay. The first
11 would be Mr. Foster.

Transcript
14

12 MR. FOSTER: Good evening. My
13 name is James Foster. I'm here tonight
14 representing the Minerva Water Supply
15 Corporation. Minerva is a small community
16 located near the center of Milam County.
17 Minerva is on record as supporting Alcoa and
18 their efforts to gain mining permits in Three
19 Oaks.

T14-1

20 From what I read from the Army Corps of
21 Engineers environmental impact study, there does
22 not appear to be any long-term detrimental
23 consequences to mining this area. Alcoa has
24 been in the surface mining business for many
25 years with their Sandow Mine in Milam County, as

T14-1 Comment noted.

Public Hearing

Responses

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1 well as other mining operations around the
2 world. They've gotten very good at mining and
3 reclamation, returning the land to just as good
4 or better than pre-mine condition. Alcoa has
5 already set the standard for surface mining at
6 their Sandow Mine in Milam County. They've
7 received a number of awards in excellence for
8 mining practices, and we believe that Alcoa
9 will -- Alcoa's expansion into its Three Oaks
10 Mine will live up to the same standards. I'm
11 sure you're aware of some of the prestigious
12 awards that Alcoa has received for their land
13 reclamation work in the Sandow Mine.

T14-1

14 Therefore, we the board of directors of
15 Minerva Water Supply Corporation urges the Army
16 Corps of Engineers to grant Alcoa the requested
17 issue -- Alcoa's requested Section 404 permit to
18 mine lignite coal in Lee and Bastrop Counties.
19 Thank you, sir.

20 MR. MORRIS: Thank you,
21 Mr. Foster. The next speaker is Ms. Billie
22 Woods.

Transcript
15

23 MS. WOODS: My name is Billie
24 Woods. I'm speaking tonight on behalf of
25 Neighbors for Neighbors. We will be submitting

Public Hearing

Responses

1 extensive written comments to the Corps at a
2 later date.

3 The heavy hand of Alcoa is all over
4 this document. We have found sentences and
5 statistics, many of them inaccurate or
6 misleading, lifted directly from Alcoa-sponsored
7 reports. We have seen Alcoa's markup of an
8 earlier draft and documentation of extensive
9 changes with Alcoa representatives. Yet in
10 spite of their involvement, we do not see a
11 single Alcoa employee or consultant named in the
12 list of preparers and reviewers.

13 The DEIS shifts its perspective from
14 close-up to wide-angle lens when the details are
15 not convenient to Alcoa. For example,
16 mentioning reasonably steady population growth
17 without noting that Bastrop County is now the
18 30th fastest growing county in the entire
19 nation. The DEIS also reflects convenient

20 decisions -- convenient for Alcoa that is -- as
21 to what information can be included and what
22 must be excluded. Alcoa's Rockdale smelting
23 operation is included on the positive side of
24 the balance sheet. In fact, it is the major
25 consideration for justifying approval of Alcoa's

T15-1

T15-2

T15-3

T15-1 Please see the response to general comment NEPA-1 in Section 4.5.1 of the Final EIS regarding the use of baseline information provided by Alcoa. Please see the response to comment 76-16 regarding Alcoa review of the Preliminary Draft EIS.

T15-2 Please see the response to comment 76-18.

T15-3 Please see the response to comment 76-19.

Public Hearing

Responses

T15-3

1 plans. Yet the DEIS excludes analysis of
2 impacts from the smelting operation on the
3 negative side of the balance sheet. The DEIS
4 declines to speculate on potential land use if

T15-4

5 Three Oaks is not approved, conveniently
6 sidestepping a complete economic analysis of a

T15-5

7 no-stripmine scenario. Consideration of the
8 cumulative effects of Alcoa's water pumping
9 plans is similarly restricted.

T15-6

10 The Corps has also been selective in
11 its attention to Alcoa's own substantiated
12 promises and threats. The DEIS notes that Alcoa
13 is planning to cut its air pollution at the
14 Rockdale complex, ignoring Alcoa's stated option
15 of shutting down its power plant units instead.
16 The DEIS takes seriously Alcoa's threat that the
17 smelter will close if the new stripmine is not
18 permitted, yet ignores similar threats that the
19 smelter may close if the government tightens
20 regulation of other pollutants, such as mercury.

T15-7

21 The DEIS organized information to
22 Alcoa's benefit such as lumping together
23 Bastrop, Lee and Milam Counties and calling them
24 a "regional economy." Texas Utilities is one of

T15-8

25 Alcoa's power stations when convenient,

T15-4

Please see the response to comment 76-19. Section 2.6.2.5 of the Draft EIS addresses future population growth as a reasonably foreseeable future action with or without the proposed Three Oaks Mine.

T15-5

Please see the response to general comment NEPA-3 in Section 4.5.1 of the Final EIS regarding the relationship between the proposed Three Oaks Mine and the Alcoa/SAWS and CPS/SAWS contracts.

T15-6

Please see the response to general comment NEPA-1 relative to reliance on Alcoa information. See the response to comment 76-3 regarding smelter closure.

T15-7

Please see the response to comment SE-2 in Section 4.5 .10 of the Final EIS regarding data aggregation.

T15-8

Comment noted.

Public Hearing

Responses

T15-8

1 otherwise forgotten. The DEIS is simply a
2 document accommodation. Federal law demands
3 better work than this, and the citizens of this
4 region deserve better treatment. Thank you.
5 Say no to Alcoa.

6 (Applause)

7 MR. HATCHER: Thank you Ms. Woods.

Transcript
16

8 The next speaker is Ms. Cathy Snider.

9 MS. SNIDER: Thank you. My name

10 is Cathy Snider. I would like to comment on
11 what I see is a major deficiency in the Corps of
12 Engineers consideration of the public health
13 effects of this mine, especially as it relates
14 to groundwater pollution.

T16-1

15 The draft EIS disregards the human
16 health risks associated with the improper
17 disposal of coal combustion waste, including
18 bottom ash, which Alcoa plans to use as
19 backcover at the Three Oaks Mine. These wastes
20 are highly toxic. They contain concentrated
21 levels of metals like arsenic, chromium, nickel
22 and selenium. They persist in the environment
23 and can contaminate groundwater use for human
24 consumption. The DEIS glosses over legitimate
25 concerns about this danger by noting that the

T16-1 Please see the response to general comment PA-1 in Section 4.5.3 of the Final EIS relative to bottom ash.

Public Hearing

Responses

46

1 EPA had not "identified a case where placement
2 of coal waste can be determined to have actually
3 caused increased damage to groundwater," and
4 from this, they concluded that the use of bottom
5 ash at mine fill is -- that means it going to be
6 dumped into the mine pits -- that it's not
7 expected to degrade groundwater quality, and
8 thus not expected to pose a health risk.

9 Interestingly, the same document from
10 which that sentence is excerpted, which is
11 public comment and agency response to the EPA
12 report to Congress on wastes from the combustion
13 of fossil fuels, the EPA also says, "We have
14 determined that the establishment of national
15 regulations is warranted for coal combustion
16 waste when they're placed in surface or
17 underground mines because we find that these
18 wastes when mine filled have the potential to
19 present a danger to human health and the
20 environment." I have a lot of other comments,
21 but I'm going to present them in writing.

22 Surely the judgment of the EPA that
23 these coal combustion wastes when mine filled
24 have the potential to present danger to human
25 health deserves a more rigorous investigation by

T16-1

Public Hearing

Responses

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T16-1 1 the U.S. Army Corps of Engineers. Thank you.

2 MR. HATCHER: Thank you,

3 Ms. Snider.

4 (Applause)

5 MR. MORRIS: The next speaker is

Transcript 6 Mr. Chris Dyess.

17 7 MR. DYESS: Hello. My name is

8 Chris Dyess. I work as mechanical maintenance
9 for Alcoa at the Sandow Mine and have for the
10 last, oh, 20 years, and have read the draft
11 environmental impact study, and I can say that I
12 was impressed with not only the scope of the
13 study, but also the amount of details included.

14 I think the U.S. Army Corps of Engineers has
15 done a very good job in preparing the draft
16 document.

T17-1 17 I just wanted to say that I've been
18 part of this community. I live within eight
19 miles of the mine, I have for the last 22 years,
20 and I know that they're a good neighbor. I've
21 seen a lot of this stuff firsthand on the
22 reclamation. We employ educated, enthusiastic
23 employees that are passionate about the
24 environment and wildlife, and it isn't just
25 doing a job to make the government standards.

T17-1 Comment noted.

Public Hearing

Responses

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1 They take pride in what they're doing, and I
2 believe that they'll continue to do that if
3 they're issued this permit to mine Lee and
4 Bastrop Counties.

T17-1

5 Alcoa has always been a good neighbor,
6 and I believe they will continue to do that when
7 we operate the Three Oaks Mine in Lee and
8 Bastrop Counties. I'd like to urge the Army
9 Corps of Engineers to submit the approval for
10 the permit so that we can mine Three Oaks.
11 Thank you.

Transcript
18

12 MR. HATCHER: Thank you,
13 Mr. Dyess. The next speaker is Mr. W.P. Hogan.

14 MR. HOGAN: My name is W.P. (Red)
15 Hogan, and I have been a citizen of Rockdale for
16 62 years. I have owned and operated several
17 businesses in Milam County, including an auto
18 dealership, an oil company, real estate,
19 insurance and so forth. I'm not saying how old
20 I am, but I am probably the oldest old codger
21 around that is still active in the business
22 community. At over 91, I still work everyday,
23 including Saturdays.

T18-1

24 I want to give you a rundown about what
25 happened here in the '50s. I was Mayor of

T18-1 Comment noted.

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1 Rockdale when we received the news that a
2 multinational corporation, Alcoa, was coming to
3 town to build a \$100 million aluminum plant to
4 make metal for the Korean war effort. Thirteen
5 months later, the first was aluminum was
6 produced.

7 We were a sleepy little village around
8 1900 with absolutely nothing going on, with
9 little hope for the future and no jobs to keep
10 our young people around. Our city and school
11 budgets was bare bones. Alcoa officials
12 immediately called for a town meeting that was
13 attended by hundreds of people from all over.
14 To our surprise, they didn't ask for anything,
15 no tax abatements, no free land, no favors,
16 nothing. They told us what we would need to do
17 about expanding our city, extension of
18 facilities, paving new street and bod issues for
19 both city and school. When asked if we could
20 handle it, the response was tremendous. That
21 meeting was attended by hundreds and hundreds of
22 people from all over the country.

23 Our population has tripled, our schools
24 have been rebuilt and expanded, and we have --
25 went from 600 students to over 1800 students,

T18-1

Public Hearing

Responses

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1 and we are a thriving, prosperous little
2 community with all the modern facilities
3 available to everybody.

4 I can remember several things that
5 Alcoa did to help our town that we couldn't do
6 for ourselves. They donated \$100,000 to the
7 volunteer fire department, built a new city
8 park, and paying half the cost of a new swimming
9 pool for the city, donated land for the schools
10 for expansion, donated land for a new hospital.
11 It was \$112,000 cash to help the construction,
12 and donated a 100-year lease on approximately
13 150 acres of land for a golf course and a
14 building for the clubhouse and furnished the
15 manpower and equipment to finish the country
16 club, and the list goes on and on and on.

17 The only bad thing I can remember while
18 being mayor was we had to build a new jail.
19 Some of those construction workers were pretty
20 raunchy in those days, and we didn't have enough
21 room for everybody.

22 (Laughter)

23 MR. HOGAN: Anyway, after I was
24 mayor for 6 years, then I got on the school
25 board for 21 years, 14 years as president, and

T18-1

Public Hearing

Responses

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1 also a ten years on the hospital board. I point
2 that out because we had the opportunity to work
3 with Alcoa people all those years.

4 MR. HATCHER: Mr. Hogan, your time
5 is up. I'm going to have to stop you, sir.

6 MR. HOGAN: They were there every
7 step of the way.

8 MR. HATCHER: Thank you very much.
9 I need to stop you. I apologize, but if you'd
10 like to submit some written comments, you're
11 welcome to do so. We need to kind of move along
12 and kind of hold everybody to three minutes.

13 MR. HOGAN: Okay.

14 MR. HATCHER: Thank you very much.

15 MR. HOGAN: I'd like to recommend
16 that the permit be granted.

17 MR. HATCHER: Thank you very much.
18 Okay. The next five would be Travis Brown,
19 Nathan Smith, Denice Doss, Larry Fisher and Joan
20 Ratliff.

21 Okay. The first would be Travis Brown.

22 MR. BROWN: My name is Travis
23 Brown. I'm a resident of Lee County, a member
24 of Neighbors for Neighbors, and I'll be
25 submitting extensive written comments on what

T18-1

Transcript
19

Public Hearing

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1 I'm going to talk about as part of Neighbors'
2 comments later on.

3 I want to discuss real briefly the EIS'
4 discussion of transportation issues and the
5 impacts that Alcoa's proposed changes to the
6 roads out there will have. I think that the way
7 these roads issues -- the transportation is
8 dealt with in the EIS is symptomatic of the
9 whole problem with the EIS. There's numerous
10 flaws, faulty conclusions and significant
11 omissions that are in there, much to Alcoa's
12 benefit. A specific example, that is, the EIS
13 goes into great detail analyzing traffic impacts
14 on specific county roads and state roads out
15 there. It goes and has measurements of a number
16 of trips taken on all these roads out there,
17 except it doesn't measure the most traveled road
18 out there, which is County Road 90. The EIS
19 doesn't even mention it, doesn't talk about how
20 much traffic is going to be on there.

21 The reason that's important is that
22 that road is already used as a shortcut from
23 travelers on FM 696 into Elgin, into Austin. If
24 Alcoa gets what it wants and moves 696 a mile to
25 the west, that's going to mean even a greater

Responses

T19-1 Please see the response to general comment T-1 in Section 4.5.7 regarding potential impacts to CR 90.

T19-1

Public Hearing

Responses

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1 amount of traffic on the road. That is a tiny,
2 narrow, winding county road just recently
3 blacktopped. In some places there's a bridge
4 only narrow enough for one car. In one place it
5 runs right between a rancher's house and his
6 garage there.

7 The reason this is important, the EIS
8 is supposed to measure all these impacts. Well,
9 that's going to have a tremendous impact on the
10 people who live on that road, travel on that
11 road, and the county is going to have to spend a
12 lot of money to make improvements out there and
13 make it safe.

14 Like I said, I think -- this is a minor
15 matter, and there are like dozens of these just
16 in the transportation section alone that are --
17 like I said, conveniently leave out important
18 facts, and I think that one of the problems as
19 has been mentioned, the EIS has relied too much
20 on just information from Alcoa. The consultants
21 and the Corps didn't come out and talk to the
22 people who live out there, who are going to be
23 impacted, or they would know about County Road
24 90. They would have talked about that.

25 This even can lead us, you know,

T19-1

T19-2

T19-2 Please see the response to general comment NEPA-1 relative to reliance on Alcoa information.

Public Hearing

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Responses

T19-3

1 obviously to the biggest lie of all, the biggest
2 problem of all, the whole EIS relies on Alcoa's
3 claim that they're going to shut that plant down
4 if they don't get this permit. Well, we all
5 know that Alcoa can well afford to do what's
6 right. They can well afford -- these
7 alternatives are going to cost more, that's
8 right, it's going to bite into their bottom
9 line, but they should have to do that instead of
10 having to bite into our butts by making more
11 money out there. Anyway, thank you.

12 MR. MORRIS: Thank you, Mr. Brown.

13 (Applause)

14 MR. HATCHER: The next speaker
15 will be Nathan Smith.

Transcript 16
20

17 MR. SMITH: I'm Nathan Smith,
18 president of N.L. Smith Construction, Inc. We
19 do contracting work at Alcoa, and I would like
20 to congratulate the Corps for their findings in
21 the EIS, and I'll note firsthand that Alcoa will
22 take the extra step to be a good neighbor. I've
23 seen it done, and I know they will continue to
24 do it, and I ask that you-all will grant their
25 permit as soon as possible. Thank you.

T20-1

MR. HATCHER: Thank you,

T19-3 Please see the response to comment 76-3 regarding smelter closure. Please see the response to general comment Alternatives-1 in Section 4.5.2 of the Final EIS for additional information regarding alternative fuel sources.

T20-1 Comment noted.

Public Hearing

Responses

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Transcript
21

1 Mr. Smith. Okay. The next speaker is
2 Denice Doss.

3 MS. DOSS: I'm Denice Doss. I'm
4 president of the Rockdale Chamber of Commerce.
5 The Rockdale Chamber is already on record for
6 supporting Alcoa, and after reading the draft
7 environmental impact study, we find even more
8 reason to our stance in support for Alcoa.
9 Alcoa has always been a good neighbor and a good
10 friend to the Milam County area.

11 I've seen the reclamation firsthand,
12 and I'm always impressed with the responsible
13 way that Alcoa has gone to great lengths to
14 reclaim the land, and in some cases make it
15 better than it was before. Alcoa is involved in
16 our schools, our organization and our community.
17 They are an important part of our area, and
18 without them, the economic loss would be
19 devastating.

20 The Rockdale Chamber of Commerce
21 supports Alcoa and encourages the Army Corps of
22 Engineers to issue the Section 404 permit to
23 Alcoa as soon as possible. Thank you.

24 MR. HATCHER: Thank you, Ms. Doss.
25 The next speaker is Larry Fisher.

T21-1 Comment noted.

T21-1

Public Hearing

Responses

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Transcript
22

1 MR. FISHER: Good evening. My
2 name is Larry Fisher. I've been employed by
3 Alcoa for 33 years and presently work as an
4 electrician for the Rockdale operations. As a
5 local citizen, I have some of the same concerns
6 as the people in the affected proposed mining
7 area.

8 After reviewing the Corps of Engineers
9 draft environmental impact statement, my
10 concerns are in the future of the mine site, and
11 also being of Native American heritage, I have
12 done research on early Native American life and
13 customs in this area. I would hope to see the
14 preservation of the burial sites and campgrounds
15 be kept. As my ancestors did in the past, I
16 still enjoy my pastime of hunting, fishing and
17 outdoor activities such as camping and hiking.

18 According to my research of this mining
19 area and confirmed by the Corps of Engineers
20 study, early Native Americans used this area for
21 hunting and gathering due to the lay of the
22 land. Without higher elevation for ridges and
23 outlooks, this land was of no great importance
24 for hence -- for use as permanent camps. Thus
25 there's no permanent camps in this area. It was

T22-1 Comments noted.

T22-1

Public Hearing

Responses

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1 used mostly for hunting and gathering and as a
2 way to get to better areas for their livelihood.

3 Later inhabitants were German farm
4 immigrants. These were early homesteaders of
5 the area. These folks let the Indians pass
6 through to meet in larger more urban communities
7 in Bastrop further to the south, and the land
8 was really not conducive for farming. So they
9 migrated to Lee County for this activity.

10 This land may not be conducive for
11 farming, but it has been mined and used for such
12 since the late 1800s, to mine clay for pottery
13 in the McDade area, and the clay still used
14 today for bricks. Artists in this area still
15 use clay for custom pottery.

16 As I stated earlier, I'm an avid hunter
17 and fisherman. I've hunted quail, deer and dove
18 in this area that have been considered for the
19 Three Oaks Mine. This land consists of shallow,
20 sandy topsoil with a clay base, post oaks,
21 mesquite. There's a lot of buildings out there
22 that will not only -- be improved by the
23 reclamation that will result from this mining
24 project. I know this because I have enjoyed
25 hunting and fishing on Alcoa property, and find

T22-1

Public Hearing

Responses

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1 that they are excellent stewards of the land
2 that they use for the mining operations.
3 I'm excited about the prospect of an
4 additional 3200 acres of aquatic habitat.
5 Outdoor activities and ranching ventures will
6 vastly be improved with the addition of wetlands
7 and revegetation of natural grasses and native
8 trees on reclaimed land. I hope the Corps of
9 Engineers will grant the opportunity to Alcoa to
10 harvest the natural resources, which they own,
11 and prove to the people of Bastrop and Lee
12 Counties that their county land will be restored
13 or taken and enhanced by this venture. Thank
14 you.

T22-1

15 MR. HATCHER: Thank you,
16 Mr. Fisher. The next speaker is Joan Ratliff.

Transcript
23

17 MS. RATLIFF: Good evening. My
18 name is Joan Ratliff, and I am the president of
19 the Richards Memorial Hospital District Board of
20 Trustees, and I'm here on their behalf tonight
21 to voice our support of Alcoa and the permit to
22 mine Three Oaks.

T23-1

23 We have reviewed the Corps of Engineers
24 draft environmental impact statement and applaud
25 you for doing such a thorough study. We agree

T23-1 Comment noted.

Public Hearing

Responses

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1 that Alcoa will be a good steward of the
2 environment, which is something that we actually
3 have known for a while and have actually
4 experienced through their efforts of their
5 current mine project.

6 We believe that Alcoa should be allowed
7 to mine Three Oaks. We strongly urge the Army
8 Corps of Engineers and the board in preparing
9 the final EIS, and we support your efforts, and
10 we support Alcoa's efforts to sustain a viable
11 business in Central Texas.

T23-1 12 In addition to representing the
13 hospital district, I am here as a private
14 citizen and business owner in Rockdale. My
15 husband and I own a family business that's been
16 around for eight years, and we support Alcoa.
17 Thank you.

18 MR. HATCHER: Thank you. Okay.
19 So you'll know, we've been through 20 speakers
20 now, and right now I have 47 cards so you'll
21 just have some idea of how things are
22 progressing.

23 The next five are -- the first one is
24 Nena Simpson; then Sandy Murphree; then Donna
25 Blackstone; Michelle McFaddin; and then Barry

Public Hearing

Responses

Transcript
24

1 Williams. Okay. The first is Nena Simpson.

2 MS. SIMPSON: Good evening, and
3 thank you for giving me the time to speak. I

4 only have just a short message. My name is Nena
5 Simpson, and I've lived in Lee County most of my
6 life, and I feel like the rerouting of
7 Farm-to-Market 696 will be a great improvement
8 for those of us who travel this corridor on a
9 regular basis.

10 Besides the safety issue of a
11 straighter and better road, the burden of cost
12 will not be left upon the taxpayers. Also, if
13 the roads are not rerouted, the taxpayers may be
14 liable for the coal beneath the current roads.
15 Someone will have to absorb the cost of the
16 inaccessible coal. From what I understand, that
17 amount is quite large. I feel the taxpayers
18 might be held accountable for this cost. I hope
19 everyone will take this into consideration and
20 grant the rerouting and the permit that Alcoa is
21 asking for. Thank you.

22 MR. HATCHER: Thank you,
23 Ms. Simpson. The next is Sandy Murphree.

24 MS. MURPHREE: Colonel Morris and
25 staff, good evening. My name is Sandy Murphree

T24-1 Comment noted.

T24-1

Transcript
25

Public Hearing

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1 from Elgin. I am concerned that the agencies
2 charged with evaluating and approving Alcoa's
3 plans, including the U.S. Army Corps of
4 Engineers, have allowed Alcoa to present what is
5 essentially a moving target.

6 As an example, there are substantive
7 inconsistencies between the stripmining plans
8 assessed by the Corps in this draft
9 environmental impact statement and the plans
10 recently approved by the Texas Railroad
11 Commission. The DEIS references three
12 supplements to Alcoa's initial permit
13 application, but Alcoa submitted a total of five
14 supplements to the Railroad Commission, the most
15 recent barely a month ago. The fourth and fifth
16 supplements outlined in the alternate mining
17 plan is nowhere addressed in this DEIS. I think
18 that's an interesting omission.

19 Also, Alcoa's wastewater handling and
20 discharge plans as described in the company's
21 permit application to the Texas Commission on
22 Environmental Quality failed to match the
23 provisions of the stripmining permit. The
24 permit application is the basis for the DEIS
25 analysis of wastewater-related impacts of mining

Responses

T25-1 Please see the response to general comment Alternatives-3 in Section 4.5.2 of the Final EIS regarding analysis of Alcoa's Alternate Mine Plan.

T25-2 The wastewater handling and discharge plans are designed to incorporate the maximum 8 million tons-per-year mine plan. The estimated discharge rates and the water management system described in the EIS are based on these designs and potential impacts of this mining rate.

Public Hearing

Responses

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T25-2

1 approximately 6 million tons of lignite per
2 year. Yet Alcoa's more recent plans call for
3 mining up to 8 million tons of lignite per year.
4 Is it possible that mining up to one-third more
5 lignite could have no effect on the requirements
6 for wastewater handling and discharge? Is there
7 no internal review process before you put out an
8 opinion? Do you not have sufficient staff to
9 check your work?

T25-3

10 The bottom line is the citizens who
11 would be most affected by Alcoa's proposed plans
12 are not being given the protection to which we
13 are entitled under federal and state law. To be
14 responsive to the mandate of the National
15 Environmental Protection Act, the Corps needs to
16 thoroughly re-examine Alcoa's plans.

T25-4

17 The absence of professional-quality
18 work on this report should be an embarrassment
19 to the Corps of Engineers. I had hoped that you
20 would take the high road and be fair and
21 accurate. This is truly a disappointment to me
22 and to all the others who are counting on you.

23 (Applause)

24 MR. HATCHER: Thank you, Ms.
25 Murphree. The next speaker is Donna Blackstone.

T25-3 Comment noted.

T25-4 Comment noted.

Public Hearing

Responses

Transcript
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T26-1

1 MS. BLACKSTONE: I'm Donna
2 Blackstone from Bastrop County, and I'm a member
3 of Neighbors for Neighbors. The draft
4 environmental impact statement fails to
5 acknowledge a critical factor that would
6 substantially alter projected aquifer drawdowns
7 within the three cumulative impact scenarios
8 described in the report. In listing the
9 reasonably foreseeable future actions, the Corps
10 does not address the fact that much of this
11 region will soon be included within groundwater
12 conservation districts. Several of these
13 districts anticipate that they will pass
14 confirmation election next month, including the
15 Lost Pines District, which covers Lee and
16 Bastrop Counties.

17 Wells that are permitted for surface
18 mining operations fall under the authority of
19 the Railroad Commission of Texas, but those same
20 wells become subject to groundwater district
21 regulations if they're no longer used for mining
22 or if they are used to pump more water than is
23 needed for mine purposes. This mean that the
24 wells at Alcoa's Sandow Mine will become subject
25 to rules of the local groundwater conservation

T26-1 Please see the response to general comment GW-5 in Section 4.5.4 of the Final EIS relative to groundwater conservation districts.

Public Hearing

Responses

T26-1

1 districts once Sandow closes and the wells are
2 used for the SAWS contract or other purposes.
3 After confirmation, groundwater
4 districts adopt management plans and coordinate
5 efforts with the neighboring districts to manage
6 groundwater resources. Such plans can include
7 provisions for restricting pumping in response
8 to aquifer impacts. It is the very purpose of
9 groundwater districts to manage the resource
10 responsibly, for example, by placing special
11 protections on more sensitive shallow parts of
12 aquifers and on outcrops and recharge zones.

T26-2

13 The Lost Pines District has
14 specifically indicated that it intends to manage
15 groundwater resources on a sustainable basis
16 rather than adopting a schedule for eventual
17 depletion. The DEIS' cumulative impact analysis
18 appears to assume that all of the SAWS pumping
19 would come from depressurization wells at Sandow
20 and Three Oaks. As a result, impacts from the
21 thousands of acre-feet withdrawn for the
22 proposed mine are overshadowed by the assumed
23 concurrent pumping of 40,000 acre-feet from the
24 Sandow wells. The impact analysis should
25 include the likelihood of restrictions on

T26-2 Potential direct impacts as a result of the proposed Three Oaks Mine are addressed in Section 3.2.3.2 of the Draft EIS. Please see the response to general comment NEPA-3 in Section 4.5.3 of the Final EIS relative to SAWS.

Public Hearing

Responses

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T26-2

1 pumping in the shallow part of the aquifer where
2 Alcoa's depressurization wells are located. If
3 the majority of the groundwater pumping for the
4 SAWS contract were to come from other deeper
5 parts of the aquifer, resulting drawdowns would
6 be different than those presented in the DEIS,
7 and the impacts of Three Oaks pumping could not
8 be so easily dismissed as inconsequential.

9 MR. HATCHER: Thank you,
10 Ms. Blackstone. The next speaker is Michelle
11 McFaddin.

Transcript
27

12 McFADDIN: Good evening. My name
13 is Michelle McFaddin, and I represent Neighbors
14 for Neighbors. We appreciate your attention
15 this evening.

T27-1

16 In the surface mining and reclamation
17 permit application for Three Oaks Mine site,
18 Alcoa proposes to continue to reuse and dispose
19 of enormous volumes of coal combustion wastes
20 generated in its steam/electric generating
21 plants and smelter facility in Rockdale as mine
22 fill and road base. There are no liner and
23 monitoring requirements.

24 Although the draft DEIS only mentions
25 these reuse and disposal practices in passing,

T27-1 Please see the response to general comment PA-1 in Section 4.5.3 of the Final EIS relative to bottom ash.

Public Hearing

Responses

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T27-1

1 the draft EIS indicates more than 800,000 tons
2 per year of ash is being recycled at Alcoa's
3 lignite mining site, Sandow. Neighbors for
4 Neighbors is very concerned about the impact
5 these reuse and disposal activities will have on
6 the quality of the surface water and groundwater
7 resources in and around the Three Oaks mine
8 site. Not only can hazardous chemical
9 constituents leach into the groundwater from
10 unlined pits, landfills and mine fill areas,
11 stormwater runoff from these areas can
12 contaminate both surface water and groundwater
13 supplies. Moreover, rain dispersal of these
14 materials may disperse these hazardous
15 constituents throughout the countryside.

T27-2

16 Why are we concerned? In recent EPA
17 regulatory determinations on coal combustion
18 waste released in May 2000 and March 1999, the
19 EPA determined that, one, no data is available
20 on the organic constituents such as dioxins that
21 may be present in coal combustion waste
22 generated by nonutility facilities such as
23 Alcoa; no data is available on the quantities of
24 this waste that are being reused at mine sites
25 as mine fill; further study is needed on the

T27-2 Please see the response to general comment PA-1 in Section 4.5 .3 of the Final EIS relative to bottom ash.

Public Hearing

Responses

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T27-2

1 risks associated with disposing of these wastes
2 at mine sites since activities can result in the
3 leaching of hazardous constituents into the
4 groundwater and surface water supplies; further
5 study is needed of the risk posed by elevated
6 levels of arsenic and mercury in its waste
7 materials.

8 Finally, in its May 2000 regulatory
9 determination, the EPA states, "It will
10 establish national regulations under RCRA
11 Subtitle D for coal combustion waste disposed of
12 in surface impoundments and landfills used as
13 mine fills."

T27-3

14 We have attempted to obtain analytical
15 information about Alcoa's waste. We have been
16 able -- unable to find any recent, thorough
17 analytical profile of any of the ash that's
18 being disposed of at the mine sites either by
19 Alcoa or Texas Utilities. We, therefore, urge
20 the Corps to request additional information from

T27-4

21 Alcoa and TXU on the quantities of industrial
22 waste they're sending out to these mine sites
23 for "recycling," and they obtain additional
24 analytical information regarding the physical
25 and chemical composition of these materials

T27-3 Please see the response to general comment PA-1 in Section 4.5.3 of the Final EIS relative to bottom ash, including available bottom ash data.

T27-4 Comment noted. Please see the response to general comment PA-1 in Section 4.5.3 of the Final EIS relative to bottom ash.

Public Hearing

Responses

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T27-4

1 before any further action is taken to finalize
2 the environmental impact statement. Thank you.

3 (Applause)

4 MR. HATCHER: Thank you,
5 Ms. McFaddin, and the next speaker is Barry
6 Williams.

Transcript
28

7 MR. WILLIAMS: Colonel Morris,
8 Corps staff, thank you for the opportunity to
9 speak. My name is Barry Williams. I work for
10 City Public Service. CPS is San Antonio's
11 municipal electric and natural gas utility. We
12 provide power and much of the natural gas for
13 more than 1 million citizens in San Antonio and
14 Bexar County, Texas area.

T28-1

15 CPS is a primary land and mineral owner
16 in the proposed Three Oaks mine area. The
17 lignite reserves represent significant CPS
18 effort and investment to secure a fuel source
19 for electric generation. The Corps of
20 Engineers' action on the proposed mine will
21 significantly impact CPS and our customers.

22 CPS planned for many years to mine its
23 lignite reserves. In 1998, faced with a long
24 planning horizon for mining, CPS decided to
25 lease the reserves to Alcoa. Under the lease,

T28-1 Comment noted.

Public Hearing

Responses

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1 CPS retains the option to take lignite for its
2 power generation needs and the lease protects
3 the returns and investment CPS made on behalf of
4 its customers. The lignite option helps
5 maintain CPS' diverse fuel supply, a critical
6 fuel management practice that CPS uses to
7 reliably and cost-effectively meet customer
8 needs.

9 In leasing the lignite, CPS found, from
10 a landowner perspective, that Alcoa demonstrated
11 their ability and commitment to prudently mine
12 and reclaim the lands. CPS and Alcoa held
13 discussions, reached agreement and outlined a
14 cooperative approach in addressing reclamation
15 of CPS lands to specific post-mine resources.
16 Additionally, Alcoa's Sandow reclamation stands
17 as a prime example of their reclamation ability.
18 Over the many years CPS spent assembling the
19 lignite project, all information convinced CPS
20 the project could be successfully mined and
21 reclaimed.

22 The Texas Railroad Commission, with
23 unanimous approval of Alcoa's Three Oaks permit,
24 underscores the project feasibility, that it can
25 be successfully mined and reclaimed and that

T28-1

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Responses

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T28-1

1 impacts can be mitigated. Likewise, the Corps'
2 draft EIS identifies no impacts that preclude
3 the development of Three Oaks Mine. CPS is
4 encouraged that findings to date of two
5 significant permitting agencies, the Corps and
6 the Texas Railroad Commission, are consistent
7 with findings from the years of study, effort
8 and planning by Alcoa and by CPS. We are
9 confident that the Corps' final EIS results will
10 be the same. Thank you.

11 MR. HATCHER: Thank you,
12 Mr. Williams. I have five minutes until eight
13 o'clock. We'll take a break and start again
14 probably at five after eight. Thank you.

15 (Recess: 7:55 p.m. to 8:05 p.m.)

16 MS. HORKY: We will now, begin --
17 continue with our public hearing. Just as a
18 reminder, when you enter this evening, you
19 should have filled out a registration card. If
20 you have not, please do so so that we can
21 maintain an accurate record of attendees at this
22 hearing. If you have changed your mind -- if
23 you originally marked that you did not want to
24 speak on your card and you have changed your
25 mind, just see our staff at the tables, and they

Public Hearing

Responses

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1 can check that off for you and get that
2 corrected.

3 We are going to proceed as before. I
4 will call five people up at a time to speak.
5 Once your name is called, please proceed to the
6 chairs in the front row. When it is your turn
7 to speak, I will call you to the microphone.
8 Please state your name and speak clearly and
9 distinctly so we can get an accurate account of
10 your statement.

11 As a reminder, each speaker will be
12 given three minutes to make their presentation.
13 The timekeeper will be monitoring the time and
14 will let you know when you have one minute left
15 and when your time is up. When your time ends,
16 please step down to allow the next person the
17 opportunity to speak. If you need to make
18 further comment, you can do so tonight with the
19 court reporter in the hallway, as well as by
20 providing any written comments tonight or by
21 mailing them after this or by providing them by
22 e-mail.

23 Our next five speakers -- we are on
24 Speaker No. 26, for your information. We have
25 Ken Cooke, Sherri Korsmo, Noah Silva, Kerry

Public Hearing

Responses

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1 Starnes, and Burke Baverschlag.

2 MR. SILVA: I didn't ask to speak.

3 MS. HORKY: I'm sorry, Mr. Silva?

4 MR. SILVA: No.

5 MS. HORKY: Randy Henderson, if
6 you will join us in the front. Ken Cooke, if
7 you would proceed to the microphone, please.

Transcript 8 MR. COOKE: Good evening, staff.

29 9 My name is Ken Cooke. I'm chairman of the
10 Rockdale Chamber of Commerce. I'm also current
11 president of the Rockdale Rotary Club. Alcoa
12 has been a valuable partner to our community for
13 its 50-year history. We know that they will be
14 good partners with the communities that surround
15 the Three Oaks Mine. We acknowledge the large
16 number of jobs and the economic impact Alcoa has
T29-1 17 on central Texas, as noted in the EIS report.
18 And their economic region extends well beyond
19 the city limits of Rockdale.

20 The report, which is very thorough,
21 shows that Alcoa strives to do the right thing
22 in all areas, and we respectfully ask that this
23 permit be granted as soon as possible. Thank
24 you.

25 MS. HORKY: Sherri Korsmo.

T29-1 Comment noted.

Public Hearing

Responses

Transcript

30

1 MS. KORSMO: My name is Sherri
2 Korsmo. I am the representative and
3 spokesperson for IBEW 2078 on matters concerning
4 the Three Oaks Mine project. Thank you for
5 giving us the opportunity to speak. IBEW 2078
6 represents the full-time operational workers at
7 Sandow Mine, as well as workers at the Alcoa
8 power plant, TXU power plant and Reeve Minerals.

T30-1

9 I have reviewed the entire
10 environmental impact statement draft presented
11 by the U.S. Army Corps of Engineers, and IBEW
12 2078 overall agrees with and supports the
13 findings in this statement, as well as the
14 proposed Three Oaks mining project. Thank you.

T30-1 Comment noted.

Transcript

31

15 MS. HORKY: Kerry Starnes.

16 MR. STARNES: My name is Kerry
17 Starnes, and I've been a resident of Rockdale
18 for over 20 years. The last 15 years, I have
19 lived basically in Alcoa's backyard, about a
20 mile-and-a-half from the fence and directly
21 across the street from the mines.

T31-1

22 As far as any health or environmental
23 concerns, I have raised four children right next
24 to those mines. We have experienced no health
25 problems, no asthma, nothing of any kind of

T31-1 Comment noted.

Public Hearing

Responses

74

1 nature like that. I feel totally safe living
2 right next to the mines. As close as I am to
3 the mines, I have always been able to just leave
4 my windows open. The dust control is very
5 adequate in Alcoa.

6 And living just off of the plant's
7 entrance road, I do experience some traffic but
8 which is nothing compared to most other roads
9 and highways in Texas today, and I certainly
10 enjoy the substantial roadway improvements which
11 have been of importance to me since my wife and
12 children are on that road a lot.

13 I have reviewed the environmental
14 impact study, and I believe that there will be
15 no adverse environmental effect, and I believe
16 the impact study is correct when it says the
17 Texas lignite is the only remaining fuel source.
18 I'm here as a friend of my friend, Alcoa, and I
19 strongly urge you to grant this permit.

20 MS. HORKY: Burke Baverschlag.

21 MR. BAVERSCHLAG: Hi, I'm Burke
22 Baverschlag. I'm a county commissioner in Milam
23 County. I'm Commissioner in Precinct 4, which
24 is the southwest quarter of the county, about
25 where the smelter and the electric generating

T31-1

Transcript

32

T32-1

T32-1 Comment noted.

Public Hearing

Responses

75

1 and operation is and where currently the
2 majority of the mining is taking place.

3 Alcoa -- I'm 55 years old. Alcoa has
4 been a part of my life for 50 years. They've
5 been a good neighbor and a good friend and a
6 good steward of the environment. I have
7 reviewed the U.S. Army Corps of Engineers
8 environmental impact statement and saw nothing
9 that would alter my support for Alcoa proposed
10 dredging for lignite mining.

11 Surface mining means change, and
12 anybody that's dealt with the public any length
13 of time knows that people don't like change.
14 But change is the only -- one of the few
15 constants in the world. It's inevitable, and
16 whether it be manmade or a cause of nature,
17 things constantly change.

18 The DEIS describes many mitigation
19 measures that would help minimize the adverse
20 changes that could result. To my knowledge,
21 Alcoa has mitigated every problem that has ever
22 arisen to the mutual satisfaction of all parties
23 involved. I support reasonable mitigation
24 measures, such as those included in the DEIS.

25 I would like to urge the Corps of

T32-1

Public Hearing

Responses

76

T32-1

Transcript
33

1 Engineers to grant this Section 404 permit to
2 Alcoa as soon as possible. Thank you.

3 MS. HORKY: Randy Henderson.

4 MR. HENDERSON: Ladies and
5 gentlemen, members of the U.S. Army Corps of
6 Engineers, I thank you for the opportunity and
7 privilege to come here to speak tonight to voice
8 my opinion.

9 My name is Randy Henderson. I'm a
10 resident of Lee and San Saba counties. I have
11 been employed by Alcoa for 14 years. I have
12 worked in the Sandow Mine for over 22 years. I
13 have read the environmental PowerPoint impact
14 study that has been provided, and I find that I
15 am in agreement with their findings concerning
16 the impact that it will have on the area in
17 question.

T33-1

18 In my years of employment with Alcoa, I
19 have had the privilege of working on several
20 projects in which the same concerns in the EIS
21 had to be addressed, and it was Alcoa's first
22 priority to do so. I have come to believe and
23 have been witness to that Alcoa is a good
24 steward of the land and the environment around
25 it.

T33-1 Comment noted.

Public Hearing

Responses

77

T33-1

1 I realize that man nor machinery can
2 create beauty the way Mother Nature has, but she
3 does allow us to work with her so that we may
4 utilize the resources she has provided so that
5 we as a society may function. I ask you, U.S.
6 Army Corps of Engineers that you grant the
7 required permits so that Three Oaks Mine will
8 become a reality.

9 Thank you.

10 MS. HORKY: Our next five
11 speakers: Lisa Davidson Gerthe, Rick Stewart,
12 Floyd Brockenbush, Cullen Tittle -- I'm sorry if
13 I pronounced that wrong -- and Billy Gillum.
14 Please proceed to the front.

15 Lisa Davidson Gerthe.

Transcript
34

16 MS. GERTHE: Good evening. I'm
17 Lisa Davidson Gerthe. I'm a real estate agent
18 with Carol Matous-Jim Currey Realty. I'm on
19 record with the Texas Railroad Commission as
20 supporting Alcoa's application to expand the
21 current Sandow Mine and open the new Three Oaks
22 Mine in Lee and Bastrop counties.

T34-1

23 My compliments to the U.S. Army Corps
24 of Engineers and its contractor on an excellent
25 job of researching the potential impact of the

T34-1 Comment noted.

Public Hearing

Responses

78

1 new Three Oaks Mine. As a life-long resident of
2 Rockdale, I was raised on farms that shared
3 fence lines with the Alcoa Sandow Mine. During
4 my childhood, I spent a great deal of time
5 helping my father pen cattle and horses that
6 were grazing on property we leased to the Sandow
7 Mine.

8 Each time I visit Alcoa, I am in awe at
9 the transformation that the land has taken from
10 when I used to ride horses on it. Each person
11 responsible, whether an Alcoa or project
12 employee, should be proud that their dedication
13 to reclaiming the land has been recognized time
14 and time again through numerous awards.

15 Surface mining does mean changes, and
16 in my opinion the property in the Sandow Mine is
17 much more appealing to the eye after reclamation
18 than before mining took place. As I stated in
19 my remarks to the Texas Railroad Commission, I
20 am almost saddened by the realization that
21 change is going to occur in the skyline just
22 southwest of Rockdale.

23 You see, growing up so close to the
24 Sandow Mine, I've become accustomed to hearing
25 the faint sounds in the distance of the changes

T34-1

Public Hearing

Responses

1 on the buckets of the drag lines or the backup
2 alarm on one of the mega machines. To me, that
3 meant times were good, and those sounds meant
4 someone was making a living to support their
5 family.

6 I chose to remain in my hometown and
7 raise my two children on our farm which is
8 heavily wooded with post oak and blackjack trees
9 and is located north of Rockdale. We often see
10 deer, fox, coyotes and hawks. Our sole source
11 of water is a well that we drilled almost ten
12 years ago. I have not experienced any effects
13 of the current pumping of groundwater from the
14 Sandow Mine.

T34-1

15 My parents did experience difficulty
16 with their water well, but Alcoa drilled them a
17 new one. Alcoa has been an excellent employer
18 and neighbor to the Rockdale area, and they
19 continually strive to be the leaders in their
20 industry, as well as the benchmark for others in
21 safety and quality.

22 Many hours have gone into the
23 permitting process, including the Corps' draft
24 environmental impact statement and numerous
25 lives are on hold while the task of permitting

Public Hearing

Responses

80

T34-1

1 the Three Oaks Mine continues. I am here this
2 evening to ask the U.S. Army Corps of Engineers
3 to prepare its final report as soon as possible
4 and issue the requested permit to Alcoa.

5 Thank you for your time.

Transcript
35

6 MS. HORKY: Rick Stewart.

7 MR. STEWART: I would like to
8 thank you for giving me this opportunity to
9 speak at this time. My name is Ricky Stewart.

10 And I'd like to say I live south of Rockdale.
11 My wife and I actually live right next to the
12 mine. How close? Well, there's a barbed wire
13 fence that separates our backyard from the mine
14 itself. When we first moved there, all you
15 could see was post oaks and mesquites. There
16 was not much wildlife around.

T35-1

17 Now that it's been mined and reclaimed,
18 my wife and I spend our evenings sitting in the
19 backyard watching coyotes, deer, an occasional
20 bobcat, quail. And to be quite honest, it's
21 real nice and peaceful.

22 At this time, I'd like to say that I've
23 reviewed Three Oaks draft environmental impact
24 statement, including the summary, and we support
25 both the statement and the summary.

T35-1 Comment noted.

Public Hearing

Responses

1 Thank you.

2 MS. HORKY: Floyd Brockenbush.

Transcript 3
36

4 MR. BROCKENBUSH: Thank you for
5 letting me have this opportunity to speak. My
6 name is Floyd Brockenbush. I live in Milam

T36-1

7 County. I have been employed with Sandow Mine
8 for 25 years. I, firsthand, see everyday what
9 good work Alcoa does, how they take care of the
10 environment. I've been a resident -- I was born
11 in Rockdale. I have been drinking well water
12 all my life, 52 years and hadn't stunted my
13 growth, hadn't hurt four kids I've raised. I've
14 read the environmental impact summary for Three
15 Oaks Mine, and I support the study and the Three
16 Oaks Mine project.

T36-1 Comment noted.

16 Thank you.

17 MS. HORKY: Cullen Tittle.

Transcript 19
37

18 MR. TITTLE: That's pretty close.
19 Good evening. My name is Cullen Tittle. I work
20 for Texas Cooperative Extension. I'm a county
21 extension agent for agriculture and natural
22 resources.

T37-1 Comment noted.

T37-1

23 As a state employee, I'm not allowed to
24 recommend nor endorse a single person, product
25 or company. I'm -- nor am I professional

Public Hearing

Responses

82

1 hydrologist. So what the heck am I going to
2 talk about here this evening? I've ruled
3 everything out for the most part.

4 I am going to address what Alcoa has
5 done for the youth of Milam County. We do run
6 the 4H program within the extension side of
7 things, and Alcoa the company, itself, has
8 provided quite a bit of monetary funds to
9 support specific children, to specific --
10 support specific programs, as well as to help
11 purchase and develop a curriculum enrichment
12 that focuses on natural resource conservation
13 for third and fourth grade students in Milam
14 County.

T37-1

15 In addition to the monetary support
16 that Alcoa the company provides the management
17 of Alcoa Rockdale works, as well as the
18 employees provide their time in service to a
19 number of different youth organizations from the
20 standpoint of the 4H clubs, of the FAA chapter,
21 of the Boys and Girl Scouts, as well as little
22 league from that standpoint. So there's three
23 sectors of Alcoa, really, to discuss.

24 That's the company, the management as
25 well as the employees, and all three have been

Public Hearing

Responses

83

T37-1

1 very open and beneficial to the youth of Milam
2 County, and I would say that they have -- are a
3 very willing partner from that standpoint.

4 Thank you.

5 MS. HORKY: We are on Speaker
6 No. 36. Billy Gillum.

Transcript
38

7 MR. GILLUM: My name is Billy
8 Gillum. I am also employed with the Texas
9 Cooperative Extension Service. I'm the county
10 extension agent, agricultural and natural
11 resource agent for Lee County. My comments are
12 very similar to Mr. Tittle's in reference to
13 endorsement. That is, I would like to make a
14 few comments in reference to my work with Alcoa
15 in the last ten years, in reference to
16 agriculture and natural resource issues.

T38-1

17 Some of the comments concerning ag and
18 wildlife issues in Lee County, Alcoa staff has
19 assisted the extension staff educational efforts
20 with wildlife management practices during field
21 days and site visits, reclamation of lands.
22 Alcoa is a member of the Lee County Wildlife
23 Association and committing -- which are
24 committing 15,000 acres to wildlife management
25 habitat enhancement for all the species.

T38-1 Comment noted.

Public Hearing

Responses

84

1 They are also supporters of the south
2 central Texas wildlife exploration project which
3 is implemented in Lee, Fayette, Austin and
4 Washington counties, which focuses mainly on
5 native pasture restoration to enhance wildlife
6 species. They were awarded the 2001 Lone Star
7 Steward award for their industrial part
8 sponsored by the Texas Parks and Wildlife along
9 with the Local Oaks Wildlife Association --
10 received that with the management association.
11 Both of these organizations have done a team
12 effort to support and strengthen wildlife
13 issues.

T38-1

14 Currently, though, one of the highest
15 population whitetail deer the association co-op
16 carries, and they're the only wildlife
17 (inaudible) population listed in the five co-ops
18 in our counties. The proposed plan includes
19 800 acres of additional aquatic habitat I think
20 will be a great benefit for wildlife. Their
21 farm and ranch reclamation program is very
22 similar to those (inaudible) practices and
23 private land owners to improve the land. This
24 includes clearing land, planning improved
25 pastures, and fertilization to better the land.

Public Hearing

Responses

T38-1

1 All farm income earned from employers
2 such as Alcoa and others does allow more dollars
3 to be spent on farms and ranches in the
4 community. They are strong supporters of 4H and
5 youth programs, they support livestock projects
6 and they provide opportunities for the youth and
7 many natural resources. So they are a
8 definitely a big supporter of our folks.

9 MS. HORKY: Our next five
10 speakers: Carita Simons, Tony Hernandez,
11 Kathleen Wolfington, Ann Franklin and John
12 Franklin. Carita Simons is Speaker No. 37.

Transcript
39

13 MS. SIMONS: I'm Carita Simons.
14 I'm a resident of Lee County. The DEIS devotes
15 much effort to comparing three scenarios
16 involving different amounts and schedules of
17 groundwater pumping in order to analyze
18 cumulative and regional impacts from groundwater
19 withdrawals. These scenarios are: Strip mining
20 without the SAWS contract, strip mining with the
21 SAWS contract and the SAWS contract without the
22 strip mining.

T39-1

23 The DEIS' comparison of these scenarios
24 concludes that, relative to increases in
25 regional pumping and the SAWS contract, Alcoa's

T39-1

Please see Section 3.2.3.2 of the Draft EIS which presents a detailed analysis of the potential direct impacts to groundwater resources as a result of the proposed Three Oaks Mine. In accordance with the requirements of NEPA, potential cumulative groundwater impacts (e.g., potential impacts associated with the proposed Three Oaks Mine in combination with other reasonably foreseeable future actions in the cumulative effects area) also were analyzed as presented in Section 3.2.3.3 of the Draft EIS. The maximum likely pumpage rates (based on the best available data) for the Three Oaks Mine as well as for the reasonably foreseeable future actions, including SAWS, were used in the groundwater modeling conducted for the EIS in order to provide a conservative estimate of potential impacts as a result of these actions. Please see the responses to general comments NEPA-3, GW-1, and GW-5 in Sections 4.5.1 and 4.5.4, respectively, of the Final EIS relative to SAWS, the GAM model, and groundwater conservation districts. Also see the response to comment 76-32 relative to Table 3.2-5 of the Draft EIS and the cumulative Three Oaks with SAWS versus SAWS without Three Oaks groundwater drawdown projections.

Public Hearing

Responses

86

1 proposed strip mining will have virtually no
2 effect on the groundwater resources in the area.
3 This conclusion is erroneous for several
4 reasons.

5 The DEIS misrepresents the quantities
6 of water in the SAWS contract and imposes
7 artificial parameters that maximize its impacts.
8 In comparison, the Three Oaks Mine impacts
9 appear much less drastic.

10 Factual discrepancies within the DEIS
11 further cloud the issue. Quoting from the DEIS,
12 "Alcoa will provide up to 40,000-acre feet from
13 depressurization wells located within the Sandow
14 Mine area in the Simsboro Formation."

15 However, the SAWS contract states,
16 "Water delivered by Alcoa under this contract
17 shall be derived from groundwater withdrawn from
18 lands within the area. All or any portion of
19 the water may be withdrawn from lands within any
20 county within the area."

21 The area is bounded by the
22 Carrizo-Wilcox outcrop, the Brazos River, U.S.
23 Highway 290 and Texas Highway 21. This area is
24 much larger than the Sandow Mine which is
25 located in the most sensitive, shallow part of

T39-1

Public Hearing

Responses

1 the aquifer. If the SAWS contract water were to
2 be pumped from deeper parts of the aquifer, as
3 the contract allows, impacts on the aquifer
4 would be much less.

5 Table 3.2-5 which was used for
6 developing cumulative impact scenarios to the
7 year 2050 for the lower basin area of Region G,
8 shows 40,000 acre-feet for the SAWS/Alcoa
9 contract coming entirely from Milam County. The
10 Sandow Mine extends into Lee County. The table
11 also shows 10,000 acre-feet per year for the
12 proposed Three Oaks strip mine split between Lee
13 and Bastrop counties but understates the amount
14 for the SAWS contract during the life of the
15 mine by not allocating any water to it until
16 after the mine closes.

17 This may be why the "Three Oaks with
18 SAWS" scenario shows smaller drawdowns than the
19 "SAWS without Three Oaks" scenario. That is not
20 a truthful representation. It is troubling that
21 the DEIS does not mention the groundwater
22 availability model for the central
23 Carrizo-Wilcox Aquifer that is scheduled to be
24 completed in January of 2003.

25 This GAM is the most ambitious,

T39-1

T39-2

T39-2 Please see the response to general comment GW-1 in Section 4.5.4 of the Final EIS relative to use of the GAM in the EIS.

Public Hearing

Responses

T39-2

1 thorough investigation to date and considers the
2 number of limits on the Carrizo-Wilcox which the
3 DEIS fails to include. The GAM is also the
4 model that will be used by all the groundwater
5 conservation districts in the impact area of
6 this project to develop management plans for
7 preserving and protecting the resources.

8 The Corps of Engineers should wait
9 until the GAM is released and use it to model
10 different scenarios for the final EIS. They
11 should make certain that the amounts, locations
12 and schedules of withdrawals for the SAWS
13 contract are accurate, defensible and
14 consistently denied for each scenario.

15 MS. HORKY: Ms. Simons, you can
16 turn it in in writing.

17 MS. SIMONS: Thanks.

18 (Applause)

19 MS. HORKY: Tony Hernandez.

Transcript
40

20 MR. HERNANDEZ: My name is Tony
21 Hernandez, and I'm a resident of Bastrop County.

T40-1

22 I haven't kept an exact count of the number of
23 Alcoa employees and contractors that have spoken
24 in favor of Alcoa's plan over these past several
25 months. I understand there are about 2,000

T40-1 Comment noted.

Public Hearing

Responses

89

1 Alcoa employees, and I guess there's about as
2 many Alcoa contractors. That's a lot of people.
3 But it's not as many people as the number of
4 Bastrop County residents who will be harmed if
5 Alcoa's plans are approved.

6 An objective decision on this issue
7 considers the rights of current and future
8 residents in Bastrop County. These rights
9 include clean air and clean water. I get tired
10 of hearing people living in Lee County and work
11 in contracts and work for Alcoa and employees of
12 Alcoa say that after they reclaim the land, that
13 it looks better than what it does before. How
14 can natural beauty look better after it's been
15 torn up and built up again?

16 They can't buy the media. They can't
17 buy the Bastrop residents. The pretty picture
18 on the back of your statement here, what kind of
19 fish are we going to be able to pull out of
20 these lakes and ponds, the same kind of fish
21 that's been pulled out of Lake Alcoa that's
22 probably dead -- with all the sediment, with all
23 the pollution that's put down into the water
24 after runoff?

25 All I have to say is "say no to Alcoa."

T40-1

Public Hearing

Responses

Transcript
41

T41-1

T41-2

T41-3

1 (Applause).
2 MS. HORKY: Our next speaker is
3 Kathleen Wolfington.
4 MS. WOLFINGTON: Hi, I'm Kathleen
5 Wolfington. I'm a resident of Bastrop County.
6 The draft EIS seems to allege that our aquifer
7 will suffer only minor drawdowns and will
8 eventually recover once Alcoa is finished using
9 our natural resources for their benefit and
10 profit.
11 We do not accept this conclusion, and
12 we certainly do not accept a recovery period
13 that extends into the next century. Alcoa's
14 mining activities will disrupt, pollute and
15 damage the local creeks and streams. This
16 impact will extend to the Colorado River itself
17 and to areas downstream. These are not minor
18 impacts.
19 These are impacts that that will have
20 extremely long-term and extremely detrimental
21 consequences for the local area. This area has
22 not and will not benefit from Alcoa's
23 cost-effective aluminum. Long after Alcoa is
24 gone, we will still be faced with the
25 consequences of Alcoa's choices and Alcoa's

T41-1 Comment noted.

T41-2 Comment noted.

T41-3 Comment noted.

Public Hearing

Responses

91

1 actions.

2 By Alcoa's calculations, cost-effective
3 aluminum doesn't consider the value of clean
4 air. It doesn't consider the value of clean
5 water, and it doesn't consider the future of
6 Bastrop County and the people who live in it.
7 Say no to Alcoa.

8 (Applause)

9 MS. HORKY: The next speaker is
10 Ann Franklin.

11 MS. FRANKLIN: Some things never
12 change. What will it take to convince the
13 so-called "big boys" to listen to the little
14 man? It seems no matter how much the general
15 public protests an environment issue, sooner or
16 later the big boy gets his way. We organize; we
17 plead; we go to court; we pray, but to no avail.

18 It has been proven that the
19 long-lasting effects of lignite strip mining on
20 ground and surface water, soils and agriculture,
21 air quality, wildlife and native vegetation are
22 irreversible.

23 I was born and raised in south central
24 Texas, and when I saw the picture this evening
25 that was shown of the reclaimed hill that had

T41-3

Transcript
42

T42-1

T42-1 Comment noted.

Public Hearing

Responses

92

1 beautiful green grass supposedly on it, it
2 reminded me of what took place in that area.
3 There were uranium mines similar to strip
4 mining -- lignite strip mining mines.

5 Fifty years later, there are babies
6 still born in that area with deformities. There
7 is the highest percentage of cancer is in that
8 area. And if anyone wants to come with me, I
9 can take you down there and show you. My
10 husband and I drove down there several months
11 ago. The mesquite trees don't even bear beans
12 any more, which the wildlife and cattle so much
13 depend on in that dry area down there.

14 That was just one of the things that
15 came to mind. The other thing that came to my
16 mind is I wonder if the Corps took into
17 consideration radon gas. I had a little friend
18 here in the Elgin area that had an unfinished
19 basement in her house. She died about a
20 year-and-a-half ago, and the doctors never could
21 determine what happened to her.

22 I saw her. It was a pitiful sight
23 seeing how she died, and I can't help but
24 believe that there was radon gas in her home,
25 and this has been covered over over the years.

T42-1

T42-2

T42-2 Radon gas present in the soil, overburden, and lignite is released and dispersed by local winds. There is no confined space in the mining operations that would allow radon to accumulate in the same manner that it might inside a house. Therefore, it is not considered to be a health issue relative to the proposed mine.

Public Hearing

Responses

93

1 It was talked about in the Elgin paper at one
2 time, and then it was just covered over as if it
3 didn't exist.

T42-2

4 But there is radon gas, and anytime you
5 disturb the earth, you are going to bring some
6 of these things into the environment. And you
7 may not see the effects of them right away, but
8 sooner or later you are going to see the effects
9 of them.

10 And the other thing I'd like to say is
11 last night as I observed the proceedings -- of
12 last night's open house meeting on the draft
13 environmental impact statement, I was once again
14 appalled by the lack of efficiency in one of my
15 sponsor government agencies, the United States
16 Corps of Engineers.

T42-3

17 It came -- it became quite evident to
18 me that Alcoa, and not the U.S. Corps of
19 Engineers, were in charge of this meeting. Just
20 as had been evident that the Railroad Commission
21 was being held captive to industry. It was
22 quite evident that the Corps was just a name and
23 expensive pro --

24 MS. HORKY: Ms. Franklin, you can
25 submit comments in writing. Your time is up.

T42-3 Comment noted.

Public Hearing

Responses

1 MS. FRANKLIN: I'm not submitting
2 any comments in writing.

3 (Applause)

4 MS. HORKY: John Franklin is the
5 next speaker.

Transcript
43

6 MR. FRANKLIN: I'm John Franklin.
7 One thing I'd like to say this evening -- as
8 well as yesterday evening, the time that the
9 meeting was set -- the time the meeting was set
10 for 6:00 yesterday evening gives me great
11 concern because I know a great number of these
12 people here work. And I can't see if they leave
13 work in Austin at 5:00 traffic and how they can
14 possibly eat supper, take care of their kids and
15 get to a 6:00 meeting and this evening 6:30.

T43-1

16 Now, grant you, you can tell by my
17 white hair that I probably don't work, not for
18 money anyway. But it is difficult to make a
19 6:30 or 6:00 meeting, and I think you-all are
20 missing both -- I -- they should be set -- these
21 meetings should be set like at 7:00 or later to
22 accommodate the people, the majority of the
23 people that do work, that would like to be at
24 these meetings.

T43-2

25 And I think that you-all should give

T43-1 Please see the response to comment 27-1.

T43-2 Comment noted.

Public Hearing

Responses

95

T43-2

1 these comments, especially the comments against
2 Alcoa mining -- it's going to have far worse
3 effects on the county, the water quality that
4 could possibly get up -- one of the men last
5 night, I think his name was Richard, said that
6 you shouldn't drink this water that's going to
7 be discharged, but it's okay for the livestock
8 to be drinking it.

9 Now, if I can't drink the water, I sure
10 don't want to eat the meat that comes from the
11 cattle that drink this water. This is all I
12 would like to say, but I think you-all should
13 give these things some serious consideration.

14 Thank you.

15 (Applause)

16 MS. HORKY: Our next five speakers
17 are Ron Giles, Wanda Hannah, Ariel Correa,
18 Robert Avila and Jerry Meherec perhaps. I'm
19 sorry if I pronounced that wrong. Ron Giles is
20 first. He is Speaker 42.

Transcript 21

44

T44-1

21 MR. GILES: My name is Ron Giles.
22 I live here in Bastrop County. In reading the
23 draft EIS, it appears that Alcoa plans to
24 recycle and dispose of bottom ash onsite using
25 it as road base for service roads and disposing

T44-1 Please see the response to general comment PA-1 in Section 4.5.3 of the Final EIS.

Public Hearing

Responses

T44-1 | 1 of it in unlined mine pits.

2 The draft EIS does not adequately
3 address the degradation of groundwater and
4 surface water quality that will result from
5 these practices.

T44-2 | 6 Service roads will be subject to runoff
7 and runoff, and stormwater will ultimately be
8 discharged to area streams according to the
9 Alcoa's mine plan. In addition, the draft
10 statement acknowledges that bottom ash disposed
11 of in mine pits will be subject to acid mine
12 water leaching resulting in the suspension of
13 barium and selenium from the ash into the
14 leachate.

15 However, the draft report concludes
16 that the burial of the bottom ash in the
17 reclaimed pits should not degrade water quality
18 in the nearby undisturbed Calvert Bluff Aquifer.

T44-3 | 19 It's unclear what supports this
20 conclusion, particularly since other information
21 in the draft report indicates that the adjacent
22 undisturbed aquifer will have higher horizontal
23 permeability than the disturbed spoil aquifer.
24 It appears that the selenium- and barium-rich
25 leachate will accumulate in the bottom of the

T44-2 Please see responses to general comments PA1, GW-4, and SW-1 in Section 4.5.3, 4.5.4, and 4.5.5, respectively, of the Final EIS relative to bottom ash disposal, potential groundwater impacts of bottom ash disposal, and surface water quality monitoring. Additional mitigation is being considered by the USACE relative to the annual recharacterization of the bottom ash that would be used at the Three Oaks Mine (see page 3.2-98 of the Final EIS).

T44-3 Please see the responses to general comments PA-1 and SW-5 in Sections 4.5.3 and 4.5.5, respectively, of the Final EIS relative to bottom ash and TRI data.

Public Hearing

Responses

97

1 spoil aquifer and in the end lakes which would
2 be located at the deepest part of the mine.

3 To quote, again, from the draft report,
4 "Recharge to the Calvert Bluff Aquifer would
5 come from infiltration of precipitation to the
6 undisturbed 95 percent of the Calvert Bluff
7 Formation outcrop and from infiltration of water
8 from the end lakes." The draft report also
9 refers to the Master's thesis by Pollock which
10 examined restoration of reclaimed spoil at
11 Sandow Mine.

12 I quote again from the report, "Based
13 on studies conducted at the Sandow Mine,
14 resaturation of reclaimed spoil typically is
15 achieved within 20 to 30 years following
16 completion of the reclamation." Do barium and
17 selenium leach out at Sandow -- of the bottom
18 ash spoiled at Sandow?

19 EPA's toxic release inventory indicates
20 that an average of 2,500 tons of barium are
21 disposed of every year at Sandow by Alcoa. The
22 TRI also indicates that barium concentrations in
23 surface discharges to Yegua Creek have doubled
24 every year since the discharges were monitored
25 at Sandow.

T44-3

Public Hearing

Responses

T44-3 1 This goes on, but basically we have
2 great concerns -- I do, about the selenium and
3 barium discharges from Sandow, and we will see
4 similar things here at this proposed Three Oaks
5 Mine. In my view, the Corps needs to revisit
6 this issue before determining the disposal of
T44-4 7 bottom ash in mine pits causing no harm to water
8 resources.
9 Thanks very much.
10 (Applause)
11 MS. HORKY: Our next speaker is
12 Wanda Hannah.
Transcript 13 MS. HANNAH: My name is Wanda
45 14 Hannah. I live near McDade. When I received a
15 copy of the EIS draft, I quickly found a quiet
T45-1 16 corner and began to leaf through the report page
17 by page, chapter by chapter -- seemed very
18 familiar. I had seen all of this before at the
19 August 2001 meeting in Giddings.
20 It appeared to me -- and it's
21 upsetting -- that the Corps of Engineers
T45-2 22 accepted all the Alcoa propaganda presented at
23 that meeting as actual fact. I saw very little
24 new research referred to. Most of us will be --
T45-3 25 who will be affected directly by the mine

T44-4 Please see the response to general comment PA-1 in Section 4.5.3 of the Final EIS relative to bottom ash.

T45-1 Comment noted.

T45-2 Please see the response to general comment NEPA-1 in Section 4.5.1 of the Final EIS.

T45-3 Comment noted.

Public Hearing

Responses

1 believe that the impact of the mine is vastly
2 underestimated by the draft.

3 You will have a hard time convincing me
4 that effects will be minimal when the drag line
5 is 1,800 feet from the property where I live,
6 and the mine is on three sides of my home. I
7 urge you to say no to Alcoa.

8 Thank you.

9 (Applause)

10 MS. HORKY: The next speaker is
11 Ariel Correa.

12 MR. CORREA: Hello. My name is
13 Ariel Correa. I'm a resident of Rockdale and am
14 employed at Sandow Mine. I have read the DEIS,
15 including the summary and agree with its finding
16 that its impact on the environment in Three Oaks
17 and the surrounding area will be negligible, as
18 I've seen firsthand in the Sandow Mine.

19 As a lot of people here tonight have
20 stated, Alcoa is a good neighbor who will take
21 every precaution that its impact to the land
22 will be negligible. Alcoa's economical impact
23 to the central Texas area have been
24 overwhelmingly positive for over 50 years.

25 Therefore, I urge the United States

T45-3

Transcript
46

T46-1

T46-1 Comment noted.

Public Hearing

Responses

100

T46-1

1 Army Corps of Engineers to grant Alcoa the
2 permit. Thank you.

3 MS. HORKY: Our next speaker is

4 Robert Avila.

5 MR. AVILA: Good evening. My name

6 is Robert Avila. I have been employed by Alcoa
7 as a union electrician for 21 years. I am here
8 before you tonight to express my opinion why the
9 U.S. Army Corps of Engineers should grant
10 Alcoa's mine permits. Alcoa presently runs
11 (inaudible) tons of lignite coal per year for
12 the power plant for the Alcoa/Rockdale
13 operation.

14 However, the company officials have
15 made the decision to open the mine after
16 determining a 50-year Sandow Mine -- after
17 operations with -- (inaudible).

18 THE REPORTER: Please speak up.

19 MR. AVILA: Alcoa officials have
20 estimated Three Oaks -- estimated the lignite at
21 Three Oaks should provide enough fuel to keep
22 Rockdale operations going for another 30, 35
23 years. Without the mining permit the company is
24 seeking, the future of Rockdale operations looks
25 bleak.

Transcript
47

T47-1

T47-1 Comment noted.

Public Hearing

Responses

101

1 The company has stated that Rockdale
2 operations and its 2,000 direct and indirect
3 jobs will close if Three Oaks is not approved.
4 Rockdale operations and the payroll of
5 \$100 million -- and the company purchases about
6 \$200 million annually in goods and services from
7 the surrounding area of vendors.

8 The pay is an estimated \$3.5 million in
9 local taxes, including taxes to local districts.
10 Alcoa has shown to be very generous in donations
11 to surrounding cities when needs arise. I am
12 here before you tonight expressing my view for
13 this matter.

14 However, I am also representing views
15 of my coworkers in Rockdale operations as well
16 as the members of the United Steel Workers of
17 America. I strongly encourage you to grant this
18 permit.

19 Thank you very much.

20 MS. HORKY: Our next speaker is
21 Jerry Meherec.

22 MR. MEHEREC: Thank you. I am
23 Jerry Meherec. I live in Williamson County,
24 just north of -- northeast of Taylor. I'm kind
25 of familiar -- I'll talk a little bit about the

T47-1

Transcript
48

T48-1

T48-1 Comment noted.

Public Hearing

Responses

102

1 Corps of Engineers. I have heard people say
2 you-all have steamrolled over and are just
3 approving something that somebody handed you.
4 Well, I was a county commissioner for Williamson
5 County for 20 years and seven months, and that
6 wasn't the impression I got of you guys.

7 In all the dealings we had with
8 you-all, you-all followed the regulations. You
9 did what you were paid to do. You did a good
10 job. Sometimes I always didn't agree with what
11 you-all did, but the end result was the job that
12 you-all did was what you-all were assigned to
13 do. And so I've had good relations with the
14 Corps.

15 Speaking of -- my friend, John
16 Franklin, I hadn't seen him for awhile. He
17 brought up a lot of emotional issues. I could
18 tell him that from working for Alcoa and living
19 in Williamson County, a lot of those will not
20 happen. Alcoa is a good neighbor. In order for
21 people to find out what good neighbor Alcoa can
22 be, you're going to have to let them be a
23 neighbor. I do support -- I do support the
24 Corps of Engineers' impact study. I have
25 received the Corps of Engineers environmental

T48-1

Public Hearing

Responses

103

T48-1

1 impact study and read that under Section 404
2 Alcoa meets or exceeds the minimum standards as
3 set forth out of the regulations of the Clean
4 Water Act.

5 Therefore, I ask you to approve this in
6 as speedy a manner as you can and let everybody
7 find out that neighbors can be neighbors.

8 Thank you.

9 MS. HORKY: Our next five speakers
10 are Jim Stanley, Jim Buchanan, Melissa Cole,
11 Jeffrey Byers and Lloyd Sargent. Jim Stanley,
12 if you would proceed to the microphone. He is
13 Speaker No. 47.

Transcript
49

14 MR. STANLEY: My name is Jim
15 Stanley. I work in the Sandow Mine but also
16 live in the little community just seven miles
17 from the permitted Three Oaks mine. Thank you
18 for giving me an opportunity to speak.

T49-1

19 I have read portions of the Three Oaks
20 draft environmental impact study, including the
21 summary. I have no real concerns about having
22 Alcoa as a mining neighbor because I have seen
23 first hand how beautifully they have managed the
24 land and the concern and care in which the
25 company puts into reclamation. Has a minor

T49-1 Comment noted.

Public Hearing

Responses

1 impact -- statement points out. Most adverse
2 effects are temporary. Example, initial Three
3 Oaks mine will disturb 67.4 acres of wetland but
4 reclamation will result in an onsite replacement
5 of 86.7 acres, a net gain of wetland habitat
6 over 30 -- 25, 30 years plus an addition of 722
7 acres of end lakes.

8 8,654 acres of soil will be disturbed,
9 but through Alcoa's commitment to implement
10 measures to control erosion and sedimentation
11 through concurrent reclamation, best management
12 practices and long-term revisitation of ill
13 effects are, again, only temporary.

14 When the land is reclaimed, it will be
15 as good or better than it was better before. I
16 know this to be true because I have seen it
17 first hand. I support the Three Oaks draft
18 environmental impact study.

19 Thank you.

20 MS. HORKY: Our next speaker is
21 Jim Buchanan.

22 MR. BUCHANAN: Good evening. I'm
23 speaking for basically Spring Woods Municipal
24 Water District in Austin, Texas. I also live in
25 Williamson County. I would like to make

T49-1

Transcript

50

T50-1

T50-1 Please see the response to general comment NEPA-3 in Section 4.5.1 of the Final EIS.

Public Hearing

Responses

1 everyone aware that the municipal districts are
2 currently exceeding the water drawdown from the
3 Edwards Aquifer and have been heavily fined by
4 the proper authorities to limit their water
5 consumption.

6 Now, we cannot limit the water
7 consumption due to current ongoing studies if
8 this is approved. However, the San Antonio
9 Water District has entered into an agreement to
10 ignore the current laws to restrict the water
11 use by giving the land to Alcoa in exchange for
12 Alcoa sending all the water drawdown from Lee,
13 Milam, Bastrop onto SAWS with no way to stop the
14 damage to the area or destruction of the water
15 tables. Also, this will cause additional wells
16 to dry up.

17 I'm still amazed the water districts
18 that have not planned for the future for their
19 needs are going to legally buyout property and
20 minerals rights at the discretion -- at their
21 discretion and make agreements with
22 billion-dollar corporations to bulldoze over the
23 property rights of homeowners, farmers and
24 ranchers on the basis of corporate greed.

25 Alcoa has promised cleaner air quality,

T50-1

T50-2

T50-3

T50-2 Please see the response to comment 17-6 relative to required mitigation for mine-related impacts to wells.

T50-3 Comment noted.

Public Hearing

Responses

106

T50-3

1 and we all know how their record stands in
2 Texas. I hope legislation -- the legislature
3 addresses these corporate greed issues that
4 allow this type of destruction to continue.
5 Alcoa will not do this voluntarily, and as
6 you-all know, the Austin city council opposes
7 strip mining for valid reasons on their studies.
8 We have air pollution problems. And they're
9 continually attributed by Alcoa's constant
10 demand to lower the basic pollution standards,
11 and they do. They are a cash cow. They do give
12 a lot of money to legislators to go ahead and
13 attempt to do this.

T50-4

14 Now, the vast majority of individuals
15 who claim Alcoa is a good neighbor like to point
16 out how much Alcoa's buys their way and are
17 considered good neighbors. The air quality in
18 Austin and the surrounding areas are adversely
19 impacted by Alcoa, and we would like to see much
20 more improvements in the tons of pollution they
21 continue to ignore.

T50-5

22 One speaker addressed the value of coal
23 under the county roads. Alcoa has already
24 threatened lawsuits against Bastrop County if
25 they don't get their way with the roads, another

T50-4 Please see the responses to general comment AQ-1 and AQ-2 in Section 4.5.6 of the Final EIS.

T50-5 Comment noted.

Public Hearing

Responses

107

T50-5

1 case of a good neighbor. I encourage you to say
2 no to Alcoa.

3 (Applause)

4 MS. HORKY: The next speaker is
5 Melissa Cole.

Transcript

51

6 MS. COLE: Good evening. My name
7 is Melissa Cole. My family has been part of the
8 Elgin community since the early 1930s. I'd like
9 to speak to one issue addressed by the
10 environmental impact study, and that's noise.
11 Alcoa's noise impact studies for the proposed
12 Three Oaks strip mine have had more versions
13 than Microsoft Windows.

14 The first study, conducted for Alcoa
15 predicted noise impacts without taking a single
16 sound measurement in the area being evaluated.
17 That's equivalent of practicing astronomy with
18 the lens cap still on the telescope. The study
19 concluded that Alcoa's new strip mine should be
20 no more of a nuisance to neighboring residents
21 than a barking dog, and that as long as folks
22 didn't open their windows, they should still be
23 able to sleep.

T51-1

24 It was pointed out to Alcoa in a
25 subsequent regulatory proceeding that two

T51-1 Comment noted.

Public Hearing

Responses

108

1 13 million-pound drag lines, 80 pieces of heavy
2 equipment and a relocated highway constitute one
3 heck of a dark barking dog. According to
4 Alcoa's more recent research, approximately 125
5 residences are located within 1,000 feet of the
6 proposed mine. These residences will be
7 subjected to noise disturbances for many years,
8 some exceeding maximum standards set by the U.S.
9 Department of Housing and Urban Development.

10 Alcoa's own data show that anything
11 within 7,000 feet of the drag line operation
12 will result in disturbing increases in nighttime
13 noise levels. The EPA has determined that an
14 increase in noise of 10 decibels is enough to
15 cause community residents to take vigorous
16 action to oppose the noise source.

17 Some residents near the proposed strip
18 mine can expect to experience an increase in
19 over 20 decibels of noise levels. The Corps'
20 draft environmental impact statement cites a
21 noise complaint from a resident living
22 three miles away from the Alcoa's current Sandow
23 Mine.

24 Hundreds of people live within
25 three miles of the proposed Three Oaks Mine.

T51-1

T51-2

T51-2 Please see the response to comment 76-81.

Public Hearing

Responses

109

T51-2

1 These residents will be negatively impacted by
2 the noise produced by the proposed mining
3 operation, noise that will continue 24 hours a
4 day, seven days a week, Fifty-two weeks a year,
5 year after year. Despite all the evidence to
6 the contrary, the DEIS concludes that negative
7 noise impacts associated with the project will
8 be minimal. This conclusion could not be
9 further from the truth.

10 I urge you to say no to Alcoa.

11 (Applause)

12 MS. HORKY: Next speaker is

13 Jeffrey Byers. He's Speaker No. 50.

Transcript
52

14 MR. BYERS: My name is Jeff Byers.

15 I'm a resident of Lee County and a member of
16 Neighbors for Neighbors. Because the
17 environmental impact study is supposed to
18 address the wetlands and the impact of the
19 mining of the wetlands in this area, I would
20 like to address the specific deficiency in the
21 impact statement as is written.

T52-1

22 The sedimentation ponds that need to be
23 required for their runoff coming from the mine
24 area will severely impact the runoff from the
25 mine area during drought times. This is going

T52-1

Under existing conditions within the proposed mine area, some rainfall runoff is intercepted and stored by various stock ponds and other impoundments before it reaches the primary drainages. Similarly, during mining operations, runoff from disturbed areas would be routed to sediment ponds for treatment prior to release while runoff from most undisturbed areas would continue to flow to natural drainages. Under drought conditions, rainfall runoff would be limited throughout the region. The amounts occurring from the mine area would be as limited as those from undisturbed lands. The sediment ponds under such conditions would hold runoff water in a manner similar to existing stock ponds in the area. As discussed in the Section 3.2.3.2 of the Draft EIS, perennial pools downstream of the mine most likely would be maintained by runoff from undisturbed watershed areas. In addition, for much of the proposed project's duration, the discharge of mine-related groundwater pumpage would augment low flows. This would be especially true if a drought occurred. Furthermore, before a Section 404 permit could be issued, a state Section 401 certification would be required. This would require State anti-degradation regulations, including consideration and mitigation of potential effects on aquatic resources and other uses, to be enforced.

Public Hearing

Responses

110

1 to limit the amount of runoff that goes
2 downstream and that fills up the perennial pools
3 and creeks and streams from the mine area.
4 There is a severe deficiency in this impact
5 study -- environmental impact study which
6 doesn't address this issue.

7 These perennial pools, which will now
8 dry up with the reduced flow coming from the
9 mining area, support a lot of wildlife and
10 aquatic and nonaquatic wildlife which depend
11 upon these perennial pools for the source of
12 water. At the very least, I suggest that
13 further study and several avenues of mitigation
14 for this reduced runoff during these drought
15 times be addressed before the mining plant is
16 approved.

17 Thank you.

18 (Applause)

19 MS. HORKY: Our next speaker is
20 Lloyd Sargent.

21 MR. SARGENT: Ladies and
22 gentlemen, my name is Lloyd Sargent. I'd love
23 to talk to you about my ranch which is
24 seven miles away from the proposed mine site,
25 but instead I'm going to talk to you about

T52-1

Transcript
53

Public Hearing

Responses

1 public health effects. I'd like to comment on
2 what I see as a major deficiency in the U.S.
3 Corps of Engineers' consideration of public
4 health effects of the proposed Three Oaks Mine
5 project related to air pollution.

6 This draft EIS limits its consideration
7 to fugitive dust produced during mining and to
8 related vehicle and equipment emissions. While
9 those are important factors, the larger issue is
10 the air pollution produced by the continued use
11 of lignite as the fuel source at four power
12 generating stations not using best available
13 control technology.

T53-1

14 Though the DEIS states the existing
15 Rockdale power generating facility and smelter
16 are considered interrelated projects for the
17 consideration of potential cumulative impacts
18 with the proposed mine, it insists on keeping
19 them as separate sources in its application of
20 legislated air pollution regulations on all
21 pollutants except particulate matter ten microns
22 and above.

23 The Corps limits its concept of
24 cumulative impact overlap to one of physical
25 proximity. It insists on considering only the

T53-1 Please see the response to general comment NEPA-2 in Section 4.5.1 of the Final EIS.

Public Hearing

Responses

112

T53-1

1 PM₁₀ standards because those are the predominant
2 air pollutants that would be produced by the
3 active strip mining alone, instead of
4 considering the other criteria of air
5 pollutants, unregulated air toxins produced by
6 lignite combustion which would not be produced
7 in the absence of its extraction from the ground
8 and use as a fuel source.

T53-2

9 The mining of lignite in the proposed
10 Three Oaks Mine will permit Alcoa to continue its
11 legacy of air pollution and the harm to human
12 health. The USACE has a power and
13 responsibility to improve the respiratory and
14 cardiovascular health of the citizens of this
15 region by denying Alcoa this permit and forcing
16 them to use a cleaner source of fuel.

17 Thank you.

18 (Applause)

19 MS. HORKY: We will now take a
20 ten-minute break.

21 (Recess: 8:55 p.m. to 9:10 p.m.)

22 MR. HATCHER: As people are
23 sitting down, let me just remind everybody that
24 if you are interested in making written
25 comments, you may do that tonight. There were

T53-2 Comment noted.

Public Hearing

Responses

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1 some comment boxes in the entrance hallway, and
2 you may put your comments there. Also, we will
3 accept written comments in our office until
4 October 22 by mail or by e-mail, and the address
5 is also out front on a couple of signs and on
6 some sheets that you can take with you, as well
7 as in the draft EIS. That date is important as
8 well -- October 22, that's the due date for
9 comments. So make sure you get them to us by
10 that date.

11 Also, one more reminder, there is
12 another court reporter out in the hallway. In
13 case you want to make a comment to that court
14 reporter, you're welcome to do that, and that
15 court reporter will be here as long as the
16 proceeding is going tonight.

17 The next five people are -- speakers
18 are Lisa McClain, Brad Stafford, Carl
19 Altman-Kaough, Joan Hardy and Hugh Brown. The
20 first one is Lisa McClain.

21 MS. McCLAIN: My name is Lisa
22 McClain, and I'm here tonight representing the
23 Brazos River Authority, and I have some of the
24 Brazos River Authority representatives with me.
25 We'd just like to state that the BRO

T54-1 Comment noted.

Transcript
54

T54-1

Public Hearing

Responses

T54-1 1 has reviewed the draft EIS, and we are preparing
2 comments to be submitted in writing by October
3 22. Thanks.

4 MR. HATCHER: Thank you,
5 Ms. McClain. Brad Stafford?

Transcript 6 MR. STAFFORD: Hi. My name is
7 Brad Stafford, and I'm a resident of Bastrop
55 8 County, and I live on County Road 90. It's my
9 opinion that the Corps has done a lousy job of
10 assessing one of the most critical issues
T55-1 11 related to Alcoa's proposed stripmining plans,
12 that of comparative fuel costs. The DEIS
13 contains inconsistencies, errors of fact,
14 unsupported assumptions and omissions, all of
15 which conveniently support Alcoa's proposals.

16 Let me point out just a few of the
17 more -- the errors and problems. First, the
18 DEIS is inconsistent in its figures regarding
19 the heat content of Three Oaks lignite, a
T55-2 20 significant problem when you're trying to
21 compare costs. On Page 3.1-12, the DEIS notes
22 that Three Oaks lignite has a heat content of
23 6,100 Btus per pound. Yet in comparing the cost
24 of lignite with that of western coal, the DEIS
25 uses a heat content of 6,585 Btus per pound, an

T55-1 Comment noted.

T55-2 Please see the response to comment 33-2.

Public Hearing

Responses

T55-2

1 8 percent advantage.

2 At the same time, the DEIS appears to
3 underestimate the heat content of western coal,
4 noting on Page 2-8 that approximately 5 million
5 tons of western coal per year will be needed to
6 match current fuel supplies. In fact, that is
7 an overestimate of some 12 percent. This
8 inaccuracy is multiplied if you account for the
9 possibility outlined in the DEIS that Alcoa be
10 unable to successfully blend lower quality Three
11 Oaks lignite with higher quality lignite and be
12 forced to abandon the lower quality lignite as
13 spoil.

T55-3

14 The DEIS has carefully detailed every
15 possible cost that may be involved in switching
16 to western coal and natural gas, but it presents
17 no cost savings figures for things such as the
18 acknowledged 30 to 40 percent reduction in the
19 disposal in part for western coal and the 100
20 percent reduction of natural gas; the savings
21 and operations and maintenance costs for lignite
22 dryers and the substantial savings in electrical
23 power by the elimination of miles of inefficient
24 mobile power cables; the two electrically
25 powered draglines, conveyors systems, et cetera.

T55-4

T55-3 Please see the response to comment 33-3.

T55-4 Please see the response to comment 33-4.

Public Hearing

Responses

T55-5 1 There are also problems with the
2 substantial capital costs listed in the DEIS as
3 necessarily associated with switching fuels.
4 For example, unless it elects to shut down its
5 three antiquated power plant units, Alcoa will
6 have to make massive capital expenditures for
7 them anyway. In fact, the scenario assumed by
8 the DEIS is that these three boilers will be
9 torn down and replaced with new fluidized bed
10 systems.

T55-6 11 The DEIS also states that Alcoa will
12 have to make capital investments in order to
13 obtain electrical power from the grid. Yet
14 Texas Utilities recently announced a shutdown
15 for the proposal -- the purpose of modifying the
16 Sandow power plant. In the interim, Alcoa will
17 be obtaining replacement power from the grid.

T55-7 18 Finally, regarding Alcoa's contractual
19 commitment to the Texas Utilities for western
20 coal if lignite is not available, I strongly
21 urge the Corps to make a thorough inspection of
22 the Alcoa/TXU contract and to obtain information
23 directly from TXU. It is impossible to imagine
24 the corporation and kinds of legal
25 representation --

T55-5 Please see the response to comment 33-5.

T55-6 Please see the response to comment 33-6.

T55-7 Please see the response to general comment Alternatives-1 in Section 4.5.2 of the Final EIS relative to the USACE evaluation of project alternatives.

Public Hearing

Responses

1 MR. HATCHER: Mr. Stafford, your
2 time is up.

3 MR. STAFFORD: Okay. I'll submit
4 my comments.

5 MR. HATCHER: Thank you very much.
6 (Applause)

7 MR. HATCHER: Remember, you can
8 submit written comments at any time before the
9 22nd. Carl Altman-Kaough?

Transcript 10
56

10 MR. ALTMAN-KAOUGH: My name is
11 Carl Altman-Kaough. I'm a resident of Bastrop
12 County. I'm here tonight to talk a little bit
13 about the location of the proposed mine.

T56-1

14 The Corps of Engineers has fallen
15 victim to Alcoa's specious argument. There are
16 no significant differences between the region of
17 its proposed Three Oaks stripmine and its
18 current Sandow Mine. Knowing that the thorough
19 knowledge of this area could reasonably
20 trivialize the issue of the proposed location as
21 this draft environmental impact statement does,
22 location is, in fact, one of the major issues
23 regarding Alcoa's proposed plans. An issue
24 Alcoa, now the DEIS, sidesteps through the
25 sleights-of-hand such as lumping Bastrop, Lee

T56-1 Please see the response to comment 25-1.

Public Hearing

Responses

T56-1

1 and Milam Counties together into a so-called
2 "regional economy."

3 Let me highlight a few of the critical
4 differences. The Three Oaks permit area is
5 barely 20 miles east of the Austin city limits.
6 Austin has designated areas east of the city as
7 a smart growth corridor. Alcoa's Sandow Mine is
8 located primarily in Milam County whose moderate
9 economy has been to quote the Rockdale
10 newspaper, "stuck in low gear for years."

T56-2

11 Three Oaks will be located in Lee and
12 Bastrop Counties whose economies are more
13 diversified and much more strongly linked to the
14 Austin economy. Bastrop County, whose
15 population is greater than that of Milam and Lee
16 Counties combined, is experiencing burgeoning
17 growth with population increases far exceeding
18 the state average and accelerating annually.
19 Bastrop County is now the 30th fastest growing
20 county in the United States.

21 Bastrop County has pinned its economic
22 future on activities that are antithetical to
23 massive strip mining operations such as Alcoa's.
24 Contrary to statements in the DEIS, the city of
25 Elgin, the municipality only four miles from the

T56-2 Please see the response to comment 25-2.

Public Hearing

Responses

T56-2 1 proposed mine, does have a land use plan that
2 focuses specifically on attracting high-tech
3 industrial development and absorbing more growth
4 from Austin. Bastrop County Judge Ronnie
5 McDonald has informed the Texas Railroad
6 Commission that Bastrop County has engaged in an
7 effort to guide the county's rapid growth. "It
8 is my view" -- according to Mr. McDonald --
9 "that Alcoa's proposed lignite stripmining is
10 incompatible with our planning goals."

T56-3 11 Citizens, businesses and local
12 governments in the Three Oaks area are strongly
13 opposed to Alcoa's proposed stripmining, water
14 pumping plans, the documented fact that the DEIS
15 conveniently ignores. Perhaps if the Corps had
16 not relied on the work of Alcoa consultants for
T56-4 17 its economic analysis, these facts and others
18 would be reflected in the DEIS. Thank you.

19 MR. HATCHER: Thank you, sir.

20 (Applause)

21 MR. HATCHER: Joan Hardy?

Transcript 22 MS. HARDY: My name is Joan Hardy.

57 T57-1 23 I'm a Bastrop County resident, and I live on 32
24 acres about a mile and a half from the proposed
25 stripmine. For 25 years I worked in the Travis

T56-3 Comment noted.

T56-4 Please see the response to comment 25-4.

T57-1 Comment noted.

Public Hearing

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T57-1 1 County transportation and natural resources
2 office and retired from there earlier this year.
3 My first boss at TNR had previously been an
4 engineer for the Corps of Engineers in
5 Washington state. I often say I was raised by
6 engineers. Our office handled all the road,
7 bridge, drainage and development and
8 construction projects outside the incorporated
9 areas of the county. So my review of this EIS
10 is along the lines of my previous employment.

T57-2 11 As the actual reports cited in this
12 draft study were not included as attachments nor
13 were excerpts actually quoted, one can only
14 speculate as to the veracity of the statements
15 made when referencing such a report. It would
16 seem to be important to include these documents.

T57-3 17 For instance, the table of references in Chapter
18 6, listed FEMA maps for Lee County, but there
19 are no listing for Bastrop County FEMA maps.
20 There are areas of Zone A FEMA floodplain shown
21 to be within the mining boundries of Bastrop
22 FEMA maps. Both Lee and Bastrop FEMA maps need
23 to be included in any final study with an
24 overlay of the proposed changes.

T57-4 25 Additionally, there's no mention of any

Responses

T57-2 Please see the response to general comment NEPA-1 in Section 4.5.1 of the Final EIS relative to the objectivity of baseline data. Due to the volume of supporting documentation, it has been incorporated into the EIS by reference in accordance with NEPA. Supporting documents are available for public review at the USACE's Fort Worth office, public libraries, and state or federal agency office of origin, as applicable.

T57-3 Since issuance of the Draft EIS, FEMA regional and county personnel have been contacted and provided with detailed project information. The EIS text has been modified to reflect the information obtained during this coordination relative to flooding (see pages 3.2-71 through 3.2-71c of the Final EIS).

T57-4 Please see the response to comment T57-3. Also see the response to general comment SW-4 in Section 4.5.5 of the Final EIS relative to the role of FEMA and local counties in floodplain management.

Public Hearing

Responses

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1 Conditional Letter of Map Amendment, or CLOMR,
2 or physical map revisions have been requested of
3 FEMA for any of the proposed changes to the
4 floodplains in either county. It is a
5 requirement for participation in the program
6 that proposed modifications of this magnitude be
7 provided to FEMA for their review. Contact with
8 FEMA both in Denton and Washington, D.C. offices
9 do not yield any study being submitted for
10 review.

T57-4 11 While Lee County has issued a
12 floodplain permit to Alcoa for this proposed
13 stripmine in their jurisdiction, the engineering
14 information was incomplete and never reviewed by
15 an independent engineer by the county. Early in
16 2002, Alcoa submitted a very different
17 engineering study done by a different engineer
18 in order to provide all required information and
19 make corrections as required by the Railroad
20 Commission. This study has not been submitted
21 to Lee County nor is it referenced in the
22 study -- the DEIS study.

T57-5 23 The "end lakes" will have -- that
24 you're doing have drastically changed the entire
25 drainage pattern and floodplain, and yet that is

T57-5 Please see the response to general comment SW-3 in Section 4.5.5 of the Final EIS relative to flooding potential below the Three Oaks Mine discharge points.

Public Hearing

Responses

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T57-5

1 downplayed as being of little consequence. In
2 the current topography, there are many small
3 streams and rolling hills. The modified
4 landscape would have only about 25 to 50 feet of
5 elevation difference over several hundred acres.
6 The banks do not appear to have the more gradual
7 slopes required to be a benefit to wildlife or
8 future recreation. Also, with the creation of
9 these end lakes and their spillways, there is
10 created a concentrated flow point that was not
11 there before. If the spillways and lakes are
12 not carefully monitored, there will be
13 downstream flooding that's not currently a
14 problem. There is no information on who will
15 continue to take care of these spillways and
16 lakes, and these are properties that are shown
17 to not be actually --

18 MR. HATCHER: Ms. Hardy, your time
19 is up. I'm sorry.

20 (Applause)

21 MR. HATCHER: You're welcome to
22 submit those written comments. Mr. Hugh Brown?

23 MR. BROWN: I'm Hugh Brown, and I
24 live on 153 acres, about a mile from the Three
25 Oaks permit area. I've been there since 1975,

Public Hearing

Responses

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1 and the whole time I have run my land as a
2 wildlife refuge. I've been studying wildlife.

3 I would like to address a misconception
4 I have heard over and over in these series of
5 hearings, and that is, that wildlife that is
6 displaced by the mine will just sort of go
7 somewhere else and live happily ever after. I'd
8 like to explain some of the basics of biological
9 population dynamics.

10 Wildlife populations are governed by
11 limiting factors such as total amount of food,
12 total amount of water, gradation, nesting sites,
13 territory size and other qualities. If you move
14 more animals than the carrying capacity of the
15 land, the excess number of animals will raise
16 the disease rate, will raise the stress rate,
17 and the population will pretty soon go back down
18 to where it was before you moved them in. In
19 other words, when you move in ten animals over
20 here, say, ten rabbits, ten eagles, whatever it
21 is, pretty soon ten will die, maybe once you
22 moved in very likely, maybe some that were
23 there. It's not a pretty picture of just --
24 they just go somewhere else. You don't see
25 those deaths.

T58-1 Please see the response to comment 29-7.

T58-1

Public Hearing

Responses

124

1 Now, on the environmental impact
2 statement, how does this specifically address
3 this policy? The answer is Alcoa, for instance,
4 says the threatened species, the canebrake
5 rattlesnake will be caught and will be moved
6 somewhere else. That is going -- that
7 rattlesnake is going to die. You might as well
8 kill the rattlesnakes as move them, but they're
9 a threatened species. We do not kill those.
10 That is the wrong thing to do.

T58-2

11 What Alcoa needs to do is to instead
12 catch these, hold them in captivity and breed
13 them because most of the rattlesnakes in the
14 Three Oaks area are going to die probably under
15 bulldozer tracks under -- knocking down trees,
16 whatever. It's real hard to find all the
17 snakes. So they need to take these into
18 captivity, feed them and breed them for a
19 population sufficient for the land when it's
20 reclaimed and when it is -- then re-introduce
21 them. So wildlife policies need to be
22 re-examined in the environmental impact
23 statement. Thank you.

24 (Applause)

25 MR. HATCHER: Thank you Mr. Brown.

T58-2 Please see the response to comment 29-8.

Public Hearing

Responses

Transcript
59

1 Okay. We're on speaker No. 57, and the next
2 five are Priscilla Jarvis, William Montgomery,
3 Cynthia Shelp, Jeremiah Jarvis and Melvin Dube,
4 and the first speaker will be Priscilla Jarvis.

5 MS. JARVIS: Thank you for the
6 opportunity to comment. My name is Priscilla
7 Jarvis, and I'm a long-time resident of Bastrop
8 County.

T59-1

9 The DEIS does not adequately address
10 the interaction of surface and groundwater in
11 the Simsboro outcrop of the Carizzo-Wilcox
12 Aquifer. The DEIS is grossly optimistic that
13 discharges from the proposed stripmine will make
14 up for losses to area streams due to groundwater
15 withdrawals. Water quality impacts resulting
16 from alteration of surface water hydrology are
17 also understated. Internal inconsistencies in
18 the document make it even more difficult to
19 analyze the arguments put forward.

T59-2

20 The DEIS states in several places that
21 approximately 300 to 1300 acre-feet of dewatering
22 and groundwater will be produced annually during
23 the life of the mine. This water would be
24 routed to temporary storage ponds for use in
25 dust suppression and truck washing. On-site

T59-3

T59-1 Please see the response to comment 21-1.

T59-2 Comment noted.

T59-3 Please see the response to comment 21-3.

Public Hearing

Responses

T59-3

1 operational needs will call for approximately
2 950 to 1300 acre-feet per year, and if
3 dewatering water is not adequate,
4 depressurization water will make up the
5 difference. All of the dewatering water and
6 some depressurization water will be dedicated to
7 on-site uses. None will be discharged. How
8 then can the Corps justify conclusions such as
9 this one, "During the life of the mine, base
10 flow reduction largely would be outweighed by
11 additional contribution of dewatering and
12 depressurization discharges"? That's on Page 3,
13 2-80.

T59-4

14 The DEIS states that starting in the
15 year 2013, all depressurization water not needed
16 for on-site operations will be piped to San
17 Antonio under the SAWS contract. This leaves
18 the depressurization water from mining years 1
19 through 9, 2004 to 2012, as the only water
20 available for discharge to area streams. The
21 mine plans calls for an average of 3,313
22 acre-feet per year be pumped from
23 depressurization wells the first nine years of
24 mining.

T59-5

25 The DEIS acknowledges that impacts on

T59-4 Please see the response to comment 21-3.

T59-5 Please see the response to comment 21-7.

Public Hearing

Responses

T59-5

1 the aquifer will take 100 years to reverse after
2 pumping stops at Three Oaks. The Corps need to
3 take a harder look at the effects for such
4 long-term impacts on the interaction of surface
5 and groundwater and the sensitive outcrop areas
6 of the aquifer and the ways in which such
7 impacts will degrade water quality both above
8 and below the ground surface.

T59-6

9 I am opposed to Alcoa's plans to expand
10 the mining operations, and I request the U.S.
11 Corps of Engineers certainly to restudy this
12 impact statement, and also deny the permit for
13 the proposed Three Oaks Mine. Thank you.

T59-6 Comment noted.

Transcript
60

14 (Applause)
15 MR. HATCHER: Thank you,
16 Ms. Jarvis. William Montgomery?
17 MR. MONTGOMERY: Thank you. I'm
18 William Montgomery. I'm president of the
19 Bastrop County Audubon Society, former president
20 of the Texas Herpetological Society.

T60-1

21 I want to speak in regard to the clause
22 in the impact statement regarding the canebrake
23 rattlesnake in Section 3.5, Page 35, of the
24 environmental impact statement under Special
25 Status Species and Species of Special Concern.

T60-1 Please see the response to comment 29-8.

Public Hearing

Responses

128

1 It's stated that direct impacts to sensitive
2 species from surface-to-surface activities would
3 result in incremental short-term loss --
4 short-term loss of potentially suitable habitat
5 until final reclamation is complete. This is
6 patently untrue.

T60-1

7 The fact is impact in regard to the
8 canebrake rattlesnake would be long term.
9 Research has shown that this species has a very
10 limited home range, is very sensitive to habitat
11 disturbance. Efforts to relocate it have proven
12 to be largely unsuccessful. Reclamation of the
13 habitat will not bring back the canebrake
14 rattlesnake.

T60-2

15 It's further stated that with regard to
16 the canebrake rattlesnake and loggerhead shrike,
17 based on Alcoa's committed environmental
18 protection measure for the timber canebrake
19 rattlesnake, a commitment to either clear
20 vegetation outside the breeding season where it
21 would conduct breeding bird surveys prior to
22 disturbance during breeding season, it is
23 anticipated that Three Oaks mine potential
24 contribution to cumulative impacts for these
25 species would be low.

T60-2 Please see the response to comment 29-8.

Public Hearing

Responses

T60-2 1 On the contrary, impact to the
2 canebrake rattlesnake will be devastating.
3 There's no way that the area can be cleared and
4 mined for a period of approximately 20 years
5 without destroying the entire population, and
6 there will be no way to bring them back. Once
7 they're gone, they're gone forever.

T60-3 8 I'd like to also state that the same is
9 true of the box turtle population and most of
10 the other reptile species. Thank you.

11 MR. HATCHER: Thank you very much.
12 (Applause)
13 MR. HATCHER: The next speaker is
14 Cynthia Shelp.

Transcript 61 15 MS. SHELP: Thanks to the Corps
16 for this opportunity. I'm appalled to read the
17 DEIS conclusion that Alcoa's proposed plans are
18 not anticipated to adversely affect the health
19 of local residents. This is a conclusion of
20 convenience, a conclusion that can only be
T61-1 21 reached by ignoring the purposes for which Alcoa
22 wants to stripmine lignite.

23 Do not ignore statistics that represent
24 citizens' paying for polluters' profits for
25 their very lives with taxpayers carrying the

T60-3 Please see Section 3.5.2.1 of the Draft EIS relative to potential mine-related impacts to reptile species.

T61-1 Comment noted.

Public Hearing

Responses

130

1 costs. Please know that lung disease in America
2 is the number three killer, responsible for one
3 in seven deaths. Over the last decade, the
4 death rate for lung disease has risen faster
5 than that of any of the top five causes of
6 death. Every year close to 361,000 Americans
7 die of lung disease. In Texas more than 2.2
8 million people currently have lung disease.
9 Reports indicate a dramatic increase in the
10 numbers of asthma sufferers over the last decade,
11 during which asthma has almost doubled.

T61-1 12 A 1998 survey reports 48 percent of
13 Americans report they suffer from asthma. In
14 Texas asthma is the leading cause of childhood
15 hospitalizations. Asthma annually accounts for
16 approximately 5,000 deaths, 500,000
17 hospitalizations, 2 million emergency room
18 visits. The cost of asthma in 2000 was
19 estimated by the National Institutes of Health
20 to be 12.7 billion with direct costs amounting
21 to 8.1 billion and lost earnings due to illness
22 and death totaling 4.6 billion.

23 Asthma effects more children than any
24 other chronic disease. One in 13 children
25 suffer from asthma, that's about 5 million

Public Hearing

Responses

131

1 nationwide. The most rapid rise in asthma has
2 occurred in children under the age of age 5, an
3 increase of more than 160 percent. Only about a
4 quarter of children with asthma become
5 symptom-free when their airways reach adult
6 size. For the rest, the condition is a
7 life-long ordeal.

8 Stripmining is not illegal. Polluting
9 in Texas is. In January of this year, federal
10 and state environmental agencies formally
11 charged Alcoa of improper and illegally dumping
12 massive amounts of health-damaging air
13 pollutants since the mid '80s. Notices of
14 violation were issued. State -- Rockdale-Alcoa
15 broke federal and state air pollution laws
16 resulting in fines in the millions of dollars
17 for illegal polluting.

T61-1

18 I know that your conclusion is a
19 conclusion -- is not conscious -- what it will
20 cost in suffering. In Texas 1 million suffer
21 from asthma, one-third of them children. In the
22 next 30 years, how many children will be paying
23 for that conclusion? If you can't breathe,
24 nothing else matters.

25 It's unconscionable and inhumane for

Public Hearing

Responses

T61-1

1 the Corps of Engineers to ignore the facts of
2 the health impacts. This is America, not a
3 third-world polluter's paradise. Texans demand
4 protection from corporate greed hidden behind
5 cost-effectiveness and the deadly bottom line of
6 illegal polluters. Thank you.

7 (Applause)

Transcript
62

8 MR. HATCHER: The next speaker is
9 Jeremiah Jarvis.

10 MR. JARVIS: And that is I. I was
11 here last night when there was questions and
12 answers. I was visiting at the area where -- it
13 was groundwater I believe. James Burrell was
14 the -- his tag said "EIS Consultant." He was
15 the person to whom we asked our questions.

T62-1

16 There were several people there showing
17 pictures of some flooding of their property, and
18 it was Big Sandy Creek and Chocolate Creek.
19 Mr. Burrell -- and they were pointing out on
20 these maps that Outfalls No. 2 and 3 would flow
21 right into that and would be affected by and
22 would adversely affect when there was flooding.
23 He was quite surprised and had no idea that such
24 things happened, and he was -- he said -- and I
25 took notes here because it seemed pretty

T62-1 Additional analysis of potential flooding issues has been conducted, and additional text and recommended mitigation measures have been added to the Final EIS (see pages 3.2-71 through 3.2-71c and 3.2-97). FEMA representatives have been contacted verbally and in writing in response to this and other comments.

Public Hearing

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T62-1

1 important to me that here was one of the people
2 that was involved in this and was surprised by
3 finding that. It was quite obvious, but he said
4 that he would ask for clarification from Alcoa
5 about how they will deal with that.

T62-2

6 Most of the speakers from Neighbors for
7 Neighbors -- I'm a part of that organization, as
8 well -- have read to you discrepancies from
9 parts of this study, and I can't help but think
10 that your people have already noticed these
11 things, but if not, it's in the record now, and
12 they have been presented to you. So I'm
13 concerned with these things that are obviously
14 in the record with people who studied them
15 closely in discovery, and here is one of the
16 people that was involved in the study who was
17 surprised that a piece of information he found
18 to be disturbing about the runoff and the
19 potentials for flooding and the runoff caused by
20 Outfalls No. 2 and 3.

T62-3

21 Other people last night were also
22 pointing out on the map that the spring or -- I
23 forgot what they're called -- springs or seeps
24 that were on their lands that they've known
25 about for years weren't on the map that was

Responses

T62-2 Please see the response to general comment SW-3 in Section 4.5.5 of the Final EIS relative to flooding potential below Outfalls 2 and 3.

T62-3 Major springs in the area were identified during the course of the EIS, and potential impacts to these springs have been described in the EIS. However, because of the potential for adverse effects on additional resources, further monitoring and mitigation is being considered by the USACE (see page 3.2-98 of the Final EIS).

Public Hearing

Responses

T62-3

1 prepared to show where all the springs and seeps
2 were in the area.

T62-4

3 Clearly there are mistakes in this that
4 I hope that you observe in taking into account
5 when you make your consideration. It seem to me
6 that more work needs to be done before a
7 reasonable decision can be made on your part. I
8 hope you do your job. Thank you.

9 (Applause)

Transcript
63

10 MR. HATCHER: Thank you. The next
11 speaker is Melvin Dube.

12 MR. DUBE: I'm Melvin Dube. I
13 live in McDade. I am vice-chairman of the
14 Bastrop County Soil and Water Conservation
15 District, No. 340, and first of all, I have a
16 statement to read from the conservation
17 district, and then I have a few comments of my
18 own.

T63-1

19 "We, the Bastrop Soil and Water
20 Conservation District, have expressed our
21 concerns on the Alcoa Three Oaks mining project.
22 We feel that the project will have an adverse
23 effect on the natural resources in our area.

T63-2

24 After looking at the study, the aquifer will be
25 affected and/or depleted down to a depth of 250

T62-4 Comment noted.

T63-1 Comment noted.

T63-2 Comment noted.

Public Hearing

Responses

T63-2

1 feet. This is a tremendous amount of water that
2 will be lost. There will be a great amount of

T63-3

3 sediment transferred into our streams, rivers,
4 lakes and areas all the way to the coast.

T63-4

5 "There's a deep concern for air quality
6 in the area because of the dust in the area. We

T63-5

7 will lose the fertile soils in the area that has
8 taken millions of years to produce. These soils
9 will be replaced with materials that will take

10

years to get back into the productive state. We
11 realize the need to mine our natural

12

resources -- lignite -- but this will be a

13

tremendous cost to other natural resources in

T63-6

14 the area, namely soil, water and air, unless

15

16 these natural resources are preserved during the
17 mining process. We feel that these concerns are

18

shared by most of the people within our

19

district."

20

21 Now for some comments of my own. We've

22

22 heard a lot of comments tonight about all of the

23

23 good things that Alcoa has done. The money and

T63-7

24 gifts is not an issue. The lignite is not an

25

25 issue. I personally feel that the water is the

26 issue. Like I said a while ago, there will be a

27 tremendous waste of much needed water. Water is

T63-3

These issues have been addressed in the description of the Proposed Action in the Draft EIS.

T63-4

Comment noted.

T63-5

As explained in Section 3.3.2.1 of the Draft EIS, most of the surface soils in the mine permit area are of relatively poor quality for reclamation. For this reason, Alcoa has proposed to selectively handle the overburden and use suitable mixed overburden materials to provide a comparable or better quality soil substitute for reclamation purposes. As required by RRC regulations, Alcoa would salvage and reapply the existing topsoil in those areas identified as prime farmlands. Thus, the reclaimed land surface is expected to be as productive or more productive than the existing condition.

T63-6

Comment noted.

T63-7

Comment noted.

Public Hearing

Responses

T63-7

1 our most valuable natural resource. Lignite is
2 not. Why does Alcoa not use the natural gas or

T63-8

3 oils to fuel its generating plants?

T63-9

4 I feel that in the future our
5 scientists will come up with alternate fuel
6 sources. We have no alternate for water. We
7 need to preserve our water for future
8 generations, and I see no reason why we should
9 destroy our water just to get to the lignite.

10 MR. HATCHER: Your time is up.

11 Thank you.

12 MR. DUBE: Thank you.

13 (Applause)

14 MR. HATCHER: I have three more
15 cards for people who have identified that they'd
16 like to speak. If you want to make a statement
17 and haven't signed a card yet and identified
18 that, if you would please let us know, I would
19 appreciate it.

20 The first one is Rick Nalle.

21 MR. NALLE: Nalle.

22 MR. HATCHER: Nalle. Hang on just
23 a second. Let me call these others. Then Paul

Transcript
64

24 Smith and then Herb Blamire: Okay. Mr. Nalle?

T64-1

25 MR. NALLE: Colonel Morris, my

T63-8 Please see Section 2.4.1 of the Draft EIS and the response to general comment Alternatives-1 in Section 4.5.2 of the Final EIS, which present an analysis of the alternative fuel sources that were considered by Alcoa and their reason for elimination.

T63-9 Comment noted.

T64-1 Comment noted.

Public Hearing

Responses

1 father was a fighter pilot in World War II, and
2 he told me that the war wouldn't have been won
3 without the Corps of Engineers building the
4 runways in the islands of the Philippines. He
5 said it was the greatest group of engineers and
6 mobilization of people and equipment that the
7 world has ever seen.

8 Now it seems that your job is a steward
9 of the land and -- well, I'm a citizen of
10 Bastrop County, and my kids have all grown up
11 here, and we talked a lot about neighbors
12 tonight. I know you're an engineer, you're a
13 numbers man. There's a lot of emotion here. We
14 talked a lot about neighbors. My neighbors are
15 upset.

16 Obviously things are happening in our
17 backyard that we didn't ask for, and I'd just
18 like to read this. "Alcoa obviously feels its
19 destiny is to stubbornly continue to expand into
20 Bastrop County. I submit that if they want to
21 continue to be a positive influence in their own
22 backyard they switch to natural gas, realize
23 their folly and also realize they will lose what
24 little confidence the general public has in
25 them. In short, their destiny is to

T64-1

T64-2

T64-3

T64-2 Please see the response to comment T63-8.

T64-3 Comment noted.

Public Hearing

Responses

138

T64-3

1 self-destruct if they do not listen to the winds
2 of change." Thank you.

3 (Applause)

Transcript
65

4 MR. HATCHER: Thank you. The next
5 speaker is Paul Smith.

6 MR. SMITH: I'd like to thank you
7 for the opportunity to speak tonight. My name
8 is Paul Kevin Smith, and I won't be giving any
9 awards to Alcoa tonight. I'm being sued by
10 Alcoa, along with my brother Julian Scott Smith,
11 in a petition to partition an undivided estate.

12 With prompting from Alcoa -- by Alcoa,
13 the executor of this estate violated his
14 fiduciary responsibilities and put personal
15 gains above the good of the whole. We will take
16 action -- we will take legal action against
17 this. This tract of land is the estate of W.M.
18 Clark that's now referred to as T037 and T037A.

T65-1

19 Alcoa's plan call for a contractor's
20 yard, a haul road and a conveyer system and a
21 dirty water discharge course on the northern
22 part of this property. This is the part that
23 Alcoa is trying to get. The southern part that
24 fronts Farm-to-Market 696 is what they claim
25 will be mine and my brother's, and they say they

T65-1 Comment noted.

Public Hearing

T65-2 1 have no interest in it. There's a problem there
2 with the map that shows supposedly clean water
3 discharge ends right at my property line and
T65-3 4 then goes no further, magically. There's issues
5 concerning economic units and best values of
6 land that are going to be touched on in that,
7 not this, but let's talk about some water law
8 now.

9 The common law rule holds that surface
10 waters are a common entity. A landowner has the
11 right to repeal surface water in any way
12 possible. The landowners of lower elevation are
13 sometimes called servient landowners. They may
14 turn or divert water onto another land without
15 liability.

T65-4 16 However, a landowner at higher
17 elevations, a dominant landowner, may not
18 collect surface water in artificial channels or
19 reservoirs and discharge or cast in unnatural
20 quantities onto another man's land. Uh-oh.

21 The civil law rule or easement theory
22 is just the opposite. The servient landowner
23 has the duty to receive or accept natural flow
24 of surface water from a higher estate. The only
25 qualification is that the surface water much

Responses

T65-2 This comment appears to relate to the collection and subsequent discharge of surface runoff from undisturbed areas with diversion ditches CD-1, CD-2, and CD-4 into the Mine Creek drainage downstream of proposed Pond SP-1. These discharges would be made into existing defined stream channels that are waters of the U.S. The expected discharge volumes would be dependent on and consistent with natural precipitation runoff from these same undisturbed areas. Thus, flow volumes are expected to be the same as existing natural conditions. Additional mitigation is being considered by the USACE relative to downstream channel and floodplain stability from such activities (see page 3.2-97 of the Final EIS).

T65-3 Comment noted.

T65-4 See the response to T65-2.

Public Hearing

Responses

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T65-4

1 reach the servient estate in a natural condition
2 untouched, undirected by human hands.
3 Specifically Section 11.086(a) of the water code
4 reads, "No person may divert or impound the
5 natural flow of surface waters in the state or
6 permit a diversion of impounding by him to
7 continue in a manner that will damage the
8 property of another by overflow of the water
9 diverted or impounded."

T65-5

10 In 1974, the federal Fifth Circuit
11 Court of Appeals was asked to construe Texas
12 water laws in the Ford Motor Company versus
13 Dallas Power and Light. The court upheld the
14 existing definition of surface water, but added
15 that once water was impounded in a watercourse
16 and subsequently -- intentionally released,
17 liability arises regardless of whether the water
18 was surface water or water in a watercourse."

19 Another issue of the courts is involved
20 in whether the term "natural flow" includes
21 water flowing --

22 MR. HATCHER: Your time is up.

23 MR. SMITH: -- concentrated rate.

24 All right. I have one last thing to add before
25 I leave.

T65-5 Comment noted.

Public Hearing

Responses

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1 MR. HATCHER: I'm sorry. Could
2 you please submit those in writing?

3 MR. SMITH: Okay. The only thing
4 necessary for evil to try and cover a good man
5 is to do nothing. Please do the good things.
6 Stop this permit process. Thank you.

7 (Applause)

8 MR. HATCHER: The last card that I
9 have is for Herb Blamire.

10 MR. BLAMIRE: Yes, my name is Herb
11 Blamire of Global Safety Training and
12 Groundworks Consultants International.

13 I'm proud to have been associated with
14 Alcoa Sandow Mine since 1998 as a heavy
15 equipment training consultant. It seems to me
16 from everything that I've heard and read and
17 witnessed that the facts have been very
18 diligently put together and presented, and they
19 speak totally for themselves in favor of the
20 Three Oaks permit.

21 Again I say from what I'm hearing the
22 negative response seems to be mostly emotional
23 and particularly in concerns to the environment.
24 My job takes me to many mines in many countries,
25 and I can tell you without fear of any

T65-5

Transcript
66

T66-1

T66-1 Comment noted.

Public Hearing

Responses

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T66-1

1 contradiction that my experience is that Alcoa,
2 from the very top executive to the lowest person
3 on the totem pole out there, is diligently
4 concerned with the environment, second to none
5 that I've ever seen, and I fully believe that
6 not to grant the permit for Three Oaks would be
7 nothing short of negligence.

8 MR. HATCHER: Thank you. Okay.
9 That's the last card I have, Colonel Morris.

10 MR. MORRIS: That was our last
11 registered speaker. Is there anyone else here
12 that we've missed that might like to speak
13 tonight?

14 (No response)

15 MR. MORRIS: All right. In
16 closing I'd like to reiterate that you have --
17 you may deposit written comments in the comment
18 boxes out in the hallway, or you may submit
19 written comments to our office through October
20 22, 2002.

21 As evident tonight, there's a lot of
22 diverse opinions on this issue, and we
23 appreciate everybody's courtesy and
24 professionalism in presenting their remarks this
25 evening. I'd like to thank everyone for

Public Hearing

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1 attending this hearing, and I'd also like to
2 thank all the people who did take the time to
3 offer their comments. Be assured that every
4 comment will be fully considered and become part
5 of the public record for this permit decision.

6 Let the record show that this hearing
7 was adjourned at 9:47 on the 2nd of October
8 2002. Thank you.

9 (Proceedings concluded at
10 9:47 p.m.)

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Public Hearing

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1 C E R T I F I C A T E

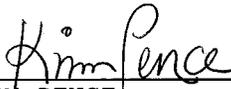
2 STATE OF TEXAS)
3 COUNTY OF TRAVIS)

4 We, Kim Pence and Nancy A. Salinas,
5 Certified Shorthand Reporters in and for the
6 State of Texas, do hereby certify that the
7 above-mentioned matter occurred as hereinbefore
8 set out.

9 WE FURTHER CERTIFY THAT the proceedings
10 of such were reported by us or under our
11 supervision, later reduced to typewritten form
12 under our supervision and control and that the
13 foregoing pages are a full, true, and correct
14 transcription of the original notes.

15 IN WITNESS WHEREOF, we have hereunto
16 set our hand and seal this 16th day of October
17 2002.

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KIM PENCE
Certified Shorthand Reporter
CSR No. 4595 - Expires 12/31/03
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800 Brazos, Suite 340
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Public Hearing

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NANCY A. SALINAS
Certified Shorthand Reporter
CSR No. 4051 - Expires 12/31/03
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1801 Lavaca Street, Suite 115
Austin, Texas 78701

Public Hearing - Private Comments

TRANSCRIPT OF PROCEEDINGS BEFORE THE
 U.S. ARMY CORPS OF ENGINEERS
 FORT WORTH DISTRICT

PUBLIC HEARING)
FOR ALCOA'S) **THREE OAKS MINE**
APPLICATION FOR A) **DRAFT EIS**
SECTION 404 PERMIT)

PUBLIC HEARING
(PRIVATE COMMENTS)

WEDNESDAY, OCTOBER 2, 2002

BE IT REMEMBERED THAT at 6:30 p.m., on
 Wednesday, the 2nd day of October 2002, the
 above-entitled matter came on for meeting at the
 Elgin Independent School District, 1400 County
 Line Road, Elgin, Texas; and the following
 proceedings were reported by Patricia Gonzalez,
 Certified Shorthand Reporter of:

KENNEDY
REPORTING
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1801 Lavaca • Suite 115 • Austin, Texas 78701 • 512-474-2233

Public Hearing - Private Comments

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Public Hearing - Private Comments

Responses

1 P R O C E E D I N G S
2 WEDNESDAY, OCTOBER 2, 2002
3 (6:30 p.m.)
4 MS. KERLIN: Hello. I'm Lilian
5 K-e-r-l-i-n, 13215 K-l-a-u-s Lane, Elgin, 78621,
6 and I am against Rockdale mining because I'm
7 afraid our water is going to be depleted.
8 That's all.
9 MR. BEISERT: My name is Jonathan
10 Beisert. I'm representing the City of
11 Lexington, Texas.
12 After studying the draft environmental
13 impact statement prepared by the Corps of
14 Engineers, I would like to make the following
15 points:
16 Point Number One, the improvements
17 proposed on 696 are badly needed. Numerous
18 Lexington area citizens use the road daily, and
19 it is extremely dangerous.
20 Number Two, the measurements to protect
21 the quality of water that leaves the mine are in
22 place and have always protected Texas rivers and
23 lakes.
24 Number Three, the statement that this
25 study that rejects alternatives use a fuel other

Transcript
67

T67-1

Transcript
68

T68-1

T67-1 Please see the response to comment 17-6 relative to required mitigation for mine-related impacts to wells.

T68-1 Comment noted.

Public Hearing - Private Comments

Responses

1 than lignite is absolutely right, and this is,
2 obviously, the only economically feasible
3 alternative.

T68-1

4 Number Four, there are many other
5 reasons, from an environmental point, this
6 permit should be granted and I strongly urge you
7 to grant this permit without delay.

Transcript
69

8 MS. WILSON: My name is Mary
9 Wilson, and I want to continue because I was cut
10 short because of my minutes.

11 I represent the apathetic silent
12 majority. We are the people who are very busy
13 earning a living, taking care of our children,
14 involved in school and community activities. We
15 pay our taxes and salute our flag with pride.

T69-1 Comment noted.

T69-1

16 My husband and I have lived in the
17 Elgin area over 20 years. We've been a friend
18 to man and animals. We've been a friend to our
19 fellowmen by caring for foster children for the
20 past 20 years, giving them a chance at a better
21 life. We've rescued abandoned and injured
22 animals along our county roads, getting them
23 humane help. Like our neighbors, we have spent
24 our time and efforts building our homesteads and
25 community, trying to make the world a better

Public Hearing - Private Comments

Responses

1 place.

2 For these 20 years, our way of life has
3 been affected by people living outside of our
4 community. First, the City of San Antonio
5 purchasing huge parcels of land, taking it off
6 of our tax rolls; thereby, increasing and
7 shifting all of Bastrop and Lee Counties' tax
8 burden on the citizens residing there. It is
9 the citizens of these counties that have built
10 the roads and the water systems.

11 Second, the lease agreement between the
12 City of San Antonio and Alcoa to stripmine the
13 land and pump the water from the aquifer
14 somewhere else is not a favorable and good
15 neighborly thing to do. Alcoa, being one of the

16 richest companies in our world, could choose to
17 burn a cleaner fuel for its smelters than

18 lignite, but we're here tonight to speak against
19 the stripmining of our surrounding lands that

20 cause our water supply to drop in pressure and
21 draw down wells in the area. Good neighbor?

22 Not.

23 There will be massive killing
24 displacement of wildlife on the 16,000-acre
25 mining site; bird nests with baby birds tumbling

T69-2 Comment noted.

T69-3 Please see the response to comment T5-3.

T69-4 Please see the response to comment T5-4.

T69-5 Please see the response to comment T5-5.

Public Hearing - Private Comments

Responses

T69-5 1 to the ground as their tree homes are pushed
2 over with huge bulldozers and crushing their
3 fragile bodies; squirrels, foxes, bobcats,
4 skunks, raccoons, deer running away from the
5 frightening sounds with nowhere to hide; the
6 pecan bottom lands with thousands of pecan trees
T69-6 7 pushed over and destroyed without a thought of
8 future generations to come. A good neighbor? I
9 think not.

T69-7 10 There will be noise pollution from 47
11 decibels to 65 decibels resounding through the
12 day and night, robbing human and animals of
13 quiet rest during the night. A good neighbor?

T69-8 14 Would a good neighbor send dangerous
15 fumes over your land without looking out for
16 your health and safety, a neighbor who normally
17 sends plumes of poisonous gas over humans and
18 animals, a neighbor who has sought out
19 governmental agency grandfather clauses to
T69-9 20 continue to use smoke stacks which sends tons
21 and tons of toxic gases for humans and animals
22 to breathe every day for the past 20 or more
23 years?

T69-10 24 Having been a school nurse in this
25 district for the past ten years, I have

T69-6 Please see the response to comment T5-6.

T69-7 Please see Section 3.12.2.1 of the Draft EIS relative to anticipated mine-related noise levels and the resulting anticipated impacts. Also see Section 3.5.2.1 relative to mine-related noise impacts to wildlife species. Please also see the response to comment 59-16 regarding projected noise levels at nearby residences.

T69-8 Comment noted.

T69-9 Please see the response to general comment NEPA-2 in Section 4.5.1 of the Final EIS regarding the impacts of the existing Rockdale facilities.

T69-10 Comment noted.

Public Hearing - Private Comments

Responses

1 witnessed a dramatic increase in the use of
2 inhalers used to treat asthma among our
3 children. Does our neighbor care when our
4 children have difficulty breathing? A good
5 neighbor? I think not.

6 I also noticed up on the plackets, they
7 have also -- are asking for open-burning
8 permits, another cause for asthmatic attacks
9 with the air pollution.

10 When American politicians, big
11 companies, big municipalities and big money take
12 control, the poor, the small, the weak, the
13 helpless suffer most around them. The rights of
14 the small common people for life in the pursuit
15 of happiness are trampled upon to fill the
16 coffers of the rich and powerful companies and
17 the pockets of their CEOs.

18 We now receive assurances from Alcoa,
19 politicians and our regulatory agencies that our
20 welfare will be taken care of and all will be
21 well. Can we believe such assurances? Take a
22 look at the past. Are our governmental agencies
23 going to enforce the laws that will protect our
24 health and safety or is it just nice rhetoric?
25 Look at the past. Is it any wonder that other

T69-10

Public Hearing - Private Comments

Responses

T69-10 1 countries that are exploited by us hate
2 Americans? We are experiencing the same
3 frustrations right here in our own neighborhood.

T69-11 4 My appeal is for Alcoa and those
5 involved to reconsider using other fuels that
6 are cleaner and saving our lands, our air and
7 our underground and surface water. I plead for
8 the Army Corps of Engineers to make the wisest
9 decision, to deny the permit to Alcoa.

T69-12 10 All beautiful for spacious unpolluted
11 skies, for falling pecans and amber waves of
12 grain, for songbirds on the bluebonnet-latent
13 mountains above the pecan orchard terrain.
14 America, America, God shed his grace on thee,
15 and crown thy good with brotherhood and
16 neighborhood from sea to shining sea. Oh say
17 does that star spangled banner yet wave or the
18 land of the free and the home of the brave.

Transcript 19 MR. BEARDEN: My name is D.L.
70 20 Bearden and I am a teacher at McDade School and
21 I'm concerned about a number of things.

T70-1 22 I'm concerned specifically about the
23 noise pollution for the school, which we're an
24 elementary school that was formed in the 1880s.
25 We just recently added a middle school and have

T69-11 Please see the response to general comment Alternatives-1 in Section 4.5.2 of the Final EIS for additional information regarding alternative fuel sources.

T69-12 Comment noted.

T70-1 Comment noted.

Public Hearing - Private Comments

Responses

T70-1 1 plans for, someday, to be a high school as well.
2 The area in the McDade area would be the likely
3 location for any continued growth, and we are a
4 growing community.

T70-2 5 The impact of water as well as noise
6 pollution on the immediate school environment
7 will be felt by all of the families who are
8 residents where the students live and who also
9 attend our school. The water that provides for
10 their homes and for the school itself and for
11 the community, the water district there, and the
12 roads -- the impact of roads and dust and air
13 pollution from the lignite burning that would
T70-3 14 take place at the Rockdale plant would have some
15 effect on us as well.

16 I'd just like to make those comments.
17 Thank you.
18 (Proceedings concluded at
19 9:53 p.m.)
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T70-2 As discussed in Section 3.2.3.2 of the Draft EIS, no impacts on groundwater quality are anticipated as a result of the proposed Three Oaks Mine. Also see the response to comment 75-2 for additional information relative to groundwater quality. Potential noise effects are discussed in Section 3.12.2.1 of the Draft EIS. Please see the response to general comment GW-5 in Section 4.5.4 of the Final EIS relative to groundwater conservation districts.

T70-3 Please see Sections 3.8.2 and 3.8.3 of the Draft EIS for a description of the potential direct and cumulative air quality impacts, respectively, of the proposed Three Oaks Mine.

Public Hearing - Private Comments

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C E R T I F I C A T E

STATE OF TEXAS)

COUNTY OF TRAVIS)

I, Patricia Gonzalez, a Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the above-mentioned matter occurred as hereinbefore set out.

I FURTHER CERTIFY THAT the proceedings of such were reported by me or under my supervision, later reduced to typewritten form under my supervision and control and that the foregoing pages are a full, true and correct transcription of the original notes.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 14th day of October 2002.



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