

4.0 Consultation and Coordination

4.1 Public Participation and Scoping

Public participation for the REIS began with the scoping process. Scoping is the process of actively soliciting input from the public and interested federal, state, and local agencies about a proposed action. The process provides a mechanism for determining the EIS scope and significant issues (40 CFR 1501.7 and 40 CFR 1508.25) so the EIS can focus the analyses on areas of interest and concern. Therefore, the public's participation during the scoping period is a vital component to preparing a comprehensive and sound NEPA document. The USACE Fort Worth District's overall scoping goal for the REIS was to engage a diverse group of public, tribal, and agency participants in the NEPA process, solicit relevant input, and provide timely information during the REIS process.

The USACE Fort Worth District initiated the scoping process by publishing the Notice of Intent to prepare the REIS in the Federal Register on October 24, 2013. Additionally, a Public Notice was mailed to over 485 federal, state, and local government agencies; private businesses and organizations; private landowners; and tribes. Public notices were also placed in the following local newspapers announcing the public scoping meeting date, time, and location:

- *Austin American-Statesman*
- *Longview News Journal*
- *Marshall News Messenger*
- *Waco Tribune Herald*
- *Temple Daily Telegram*
- *Bryan/College Station Eagle*
- *Eagle Pass News Gram*
- *Mt. Pleasant Daily Tribune*
- *Tyler Morning Telegraph*
- *Henderson Daily News*
- *Uvalde Leader-News*
- *Freestone County News*
- *Pleasanton Express*
- *Elgin Courier*
- *Jewett Messenger*
- *Three Rivers Progress*
- *Robertson County News*
- *Rockdale Reporter*

The USACE Fort Worth District conducted public scoping meetings on December 3, 2014, in Uvalde, Texas; December 4, 2014, in Temple/Belton, Texas; and December 5, 2014, in Tyler, Texas. The meetings were held in an informal, open house format to promote information exchange about the REIS and to gather public input. A total of 110 meeting participants signed their attendance at the meetings. Display boards showing various aspects of the six Proposed Action study areas for the REIS were presented to facilitate information exchange. The scoping announcement, which included information about the REIS and NEPA process, as well as frequently asked questions, was distributed at the meetings along with comment forms.

The USACE Fort Worth District coordinated a meeting with interested agencies on July 16, 2013, to provide detailed technical information about the REIS and to solicit agency input regarding the scope, issues, and potential alternatives to be considered. Attendees included representatives from OSMRE, TPWD, RCT, USFWS, and TCEQ.

At the end of the comment period, the scoping comments were compiled and analyzed to identify key issues and concerns. Some of the scoping comments were eliminated from consideration in the REIS because they addressed issues outside of the scope of the NEPA analyses, or the comment stated an opinion rather than a substantive comment that could be addressed in the REIS. A Scoping Summary Report was prepared and posted to the USACE Fort Worth District's public website for the REIS.

The scope of the REIS reflects input received from the public and from government agencies. Key issues identified during the scoping process include the following:

Procedural/NEPA Process

- Suggest analysis of all relevant resources and inclusion of methodologies used for assessing potential resource-specific cumulative effects
- Concerns that the REIS would exempt or lessen the NEPA requirements for future proposed mine expansions
- Suggest USACE and USEPA work in tandem to limit sources of carbon pollution, especially from coal
- Suggest evaluation of waters of the U.S., including wetlands, mitigation success to date in relation to the 2008 Compensatory Mitigation Rule
- Concern that the level of detail in the REIS would be less than in site-specific NEPA documents
- Concerns relative to changes in conditions between the time the REIS is issued and development of tiered NEPA documents for future coal and lignite mine expansions
- Suggest development of individual programmatic agreements to mitigate potential impacts to cultural resources
- Suggest future mine expansion areas avoid all ponds, streams, and wetlands
- Suggest future public meetings for Proposed Action Study Area 6 be held in Eagle Pass
- Concerns relative to the public notification process
- Suggest transcribers and translators be available at public meetings to facilitate verbal comments
- Suggest regulations be implemented to protect human health and wildlife
- Concern relative to potential impacts to property owners in potential future mine expansion areas
- Suggest conformance with the Climate Action Plan

Proposed Action

- Concerns relative to lack of a temporal limit on the REIS
- Suggest tiered documents include updated cumulative effects analyses
- Concerns that the REIS would exempt or lessen the NEPA requirements for future proposed mine expansions
- Suggest expansion of Study Areas 6 to include Elm Creek and the Rio Grande downstream to Eagle Pass
- Concern relative to placement of coal ash in pit backfill areas
- Suggest site protection assurances be consistent with the 2008 Compensatory Mitigation Rule, explore the purchase of land for conservation easements, and consider off-site mitigation for long-term protection
- Suggest use of ecologically based performance standards for determining reclamation success
- Suggest use of functional assessment tools in determining baseline conditions, mitigation needs, and ecologically based performance standards
- Concern relative to quality of newly created or restored wetlands and streams
- Concern relative to placement of sediment control ponds on-channel in mitigation streams

- Suggest inclusion of requirements for additional functional/conditional assessments
- Suggest the required monitoring period should be greater than 5 years
- Suggest inclusion of further rationale relative to thresholds for proposed categories for future tiering.

Geology, Paleontology, Minerals

- Concerns relative to potential blasting effects in areas with existing underground workings
- Suggest adequate assessment of unique geologic features on a site-by-site basis

Groundwater

- Potential impacts to groundwater recharge as related to the loss of wetlands
- Potential groundwater drawdown impacts
- Concerns relative to potential impacts to groundwater supply for the Mid-East Texas Groundwater Conservation District in Proposed Action Study Area 2
- Potential groundwater quality impacts as related to placement of coal ash in pit backfill areas
- Potential groundwater quality impacts as related to mercury and other heavy metals
- Concerns relative to groundwater quality impacts, including potential impacts to drinking water, domestic use, agricultural, and livestock water sources
- Potential impacts to the Edwards Aquifer
- Suggest evaluation of using subsurface concrete barriers to isolate groundwater dewatering areas to mitigate potential impacts

Surface Water

- Suggest documentation of existing surface water quality conditions
- Potential groundwater drawdown-related impacts on surface water recharge, including potential effects to ponds, streams, and wetlands
- Potential surface water quantity impacts, including potential impacts to Elm Creek, Rio Grande River, and water supply for the Maverick County Water Control and Improvement District #1 and Eagle Pass
- Potential surface water quality impacts, including potential impacts to drinking water, domestic use, agricultural, and livestock watering sources
- Potential surface water quality impacts to Elm Creek and the Rio Grande
- Potential impacts associated with the temporal loss of aquatic resources
- Potential impacts associated with stream diversions
- Potential impacts to flood mitigation as related to the loss of wetlands
- Potential surface water quality impacts as related to recharge from impacted groundwater
- Potential surface water quality impacts resulting from runoff, including acid or alkaline drainage
- Potential surface water quality impacts as related to mercury and other heavy metals

- Potential ongoing mercury contamination of water bodies designated by state and federal agencies as impaired by mercury
- Potential surface water impacts resulting from mining-related discharges

Waters of the U.S., including Wetlands

- Potential impacts to waters of the U.S., including wetlands
- Potential groundwater drawdown-related impacts to wetlands
- Suggest previous mining-related impacts to wetlands be included in the cumulative effects analysis
- Suggest analysis of reclaimed wetlands and streams to reference sites

Soils and Reclamation

- Potential impacts to topsoils and subsoils resulting from handling operations and stockpiling
- Suggest mitigation success be determined based on performance standards

Fish and Wildlife/Threatened and Endangered Species

- Potential impacts to terrestrial and aquatic wildlife species and their habitats
- Potential surface water quality-related impacts to fish and wildlife species
- Potential impacts associated with the temporal loss of aquatic habitat
- Potential noise and lighting related effects on wildlife
- Potential impacts to threatened and endangered species
- Suggest the conduct of threatened and endangered species surveys and implementation of exclusion areas

Cultural Resources

- Potential direct impacts to cultural resources
- Potential impacts to structures as a result of blasting in areas with underground workings
- Suggest the conduct of cultural resource surveys and appropriate protection

Air Quality

- Potential air quality impacts resulting from airborne pollutants and fugitive dust emissions, including coal dust and crystalline silica
- Potential direct, indirect, and cumulative impacts as a result of greenhouse gas emissions
- Potential contribution to climate change

Land Use and Recreation

- Potential effects on private properties
- Potential impacts on farming and ranching operations
- Potential conflict with growth and development of Eagle Pass
- Potential air quality and health effects for recreationists

Social and Economic Values

- Potential impacts on property values as a result of mining-related noise, lighting, air quality effects, traffic-related effects, road closures, and blasting
- Potential impacts on quality of life for adjacent landowners
- Potential impacts to structures as a result of blasting in areas with underground workings
- Potential financial effects to individuals resulting from impacts to livestock
- Potential economic effects resulting from health impacts

Transportation

- Potential impacts related to increased traffic and road closures

Public Health

- Potential air quality-related health effects
- Potential health effects including bronchitis, emphysema, silicosis, chronic obstructive pulmonary disease, and cancer
- Potential water quality-related health effects, including impacts related to mercury and other heavy metals

Environmental Justice

- Potential impacts to low income and minority communities

Cumulative

- Suggest inclusion of potential future mine expansions in the cumulative effects analysis
- Suggest cumulative effects analysis consider effects on both sides of the Texas-Mexico border
- Suggest inclusion of Louisiana surface lignite mining in cumulative effects analysis for Proposed Action Study Area 2
- Potential cumulative impacts to groundwater and surface water quantity and quality
- Potential cumulative impacts to downstream water users
- Potential cumulative impacts to flood mitigation and groundwater recharge resulting from loss of wetlands
- Potential cumulative impacts to wetlands, streams, and ponds
- Suggest evaluation of mitigation success to date for waters of the U.S., including wetlands, in relation to the 2008 Compensatory Mitigation Rule
- Suggest cumulative analysis of previous mine-related wetland and stream restoration
- Suggest cumulative effects analysis include impacts to open water, forested and non-forested wetlands, perennial streams, and intermittent/ephemeral streams
- Potential cumulative impacts to aquatic species and habitats
- Potential cumulative effects to low income and minority communities
- Potential cumulative air quality-related health effects
- Potential cumulative effects on farming and ranching operations
- Potential cumulative effects on communities and property values
- Potential cumulative effects on recreational areas

4.2 Consultation and Coordination with Federal, State, and Local Government Agencies

Specific regulations require the USACE to coordinate and consult with federal, state, and local agencies about the potential for a proposed action and alternatives to affect sensitive environmental and human resources. For the REIS, the USACE Fort Worth District initiated these coordination and consultation activities through the scoping process. In addition, the District invited interested agencies to serve as cooperating agencies for preparation of the REIS. The OSMRE, USEPA, USFWS, and RCT are serving as cooperating agencies.

4.3 Tribal Government-to-Government Consultation

In compliance with NHPA and USACE Policy Guidance Letter No. 57 (Indian Sovereignty and Government-to-Government Relations with Indian Tribes) the USACE is required to establish regular and meaningful consultation and collaboration with Native American tribal governments on development of regulatory policies that could significantly or uniquely affect their communities. As such, the USACE Fort Worth District has initiated consultation with Native American tribes.

4.4 Agency Contacts

In preparing the REIS, the USACE Fort Worth District communicated with or received input from various federal, state, and local agencies in addition to the cooperating agencies listed in Section 4.2. The following list summarizes the types of agencies and local government contacts that provided information that supported this REIS. Specific references cited in this REIS can be found in Chapter 6.0, References.

- 5 federal agencies
- 9 state agencies
- 49 local agencies or officials

4.5 Distribution of Notifications or Copies of this REIS

Notifications were sent via email to the USACE public notice list that was current at the time of distribution. The USACE list includes agencies, companies, public officials, organizations, and individuals who have expressed an interest in being on the list. In addition to the USACE list, notifications of the availability of the REIS were sent via email to those 24 people who submitted public scoping comments and requested email notification. Postcard notifications were mailed to 52 scoping commenters without email addresses who supplied addresses. The notification of the availability of the Draft REIS and the schedule for public hearings was published in 18 local and regional newspapers.

Following is a summary of the types of groups that received the document either in hard copy, compact disk, or both.

- 7 federal agency offices, including cooperating agencies
- 1 state agency
- 32 main county libraries in Texas
- 6 Texas Mining and Reclamation Association members
- 7 individuals specifically requesting a compact disk