



Environment

Submitted to:
U.S. Army Corps of Engineers
Fort Worth District
Fort Worth, Texas

Submitted by:
AECOM
Fort Collins, Colorado
February 2014

Scoping Summary Report for the Regional EIS for Surface Coal and Lignite Mining in the State of Texas

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1.0 Introduction

Two primary principles of the National Environmental Policy Act (NEPA) are full disclosure of potential environmental effects and open public participation throughout the decision-making process. The U.S. Army Corps of Engineers (USACE), Fort Worth District (District) is preparing a Regional Environmental Impact Statement (Regional EIS) to analyze potential impacts within defined geographic regions in Texas that may be affected by future USACE permit decisions relative to potential future surface coal and lignite mine expansions within the District's area of responsibility. The Regional EIS will analyze the potential future direct, indirect, and cumulative impacts to waters of the U.S. and all other relevant environmental and human resources, and will facilitate the District's formulation of a categorized permit process. The USACE is the lead federal agency for the Regional EIS; cooperating agencies include the U.S. Environmental Protection Agency (USEPA), U.S. Fish and Wildlife Service (USFWS), Office of Surface Mining (OSM), and Railroad Commission of Texas (RCT). As allowed under NEPA (40 CFR 1506.5), the REIS is being prepared by a third-party contractor (AECOM) under the direction of the lead federal agency (USACE). This Scoping Summary Report provides an overview of the public scoping process, a summary of the scoping comments, and a summary of the issues and concerns identified during the scoping process.

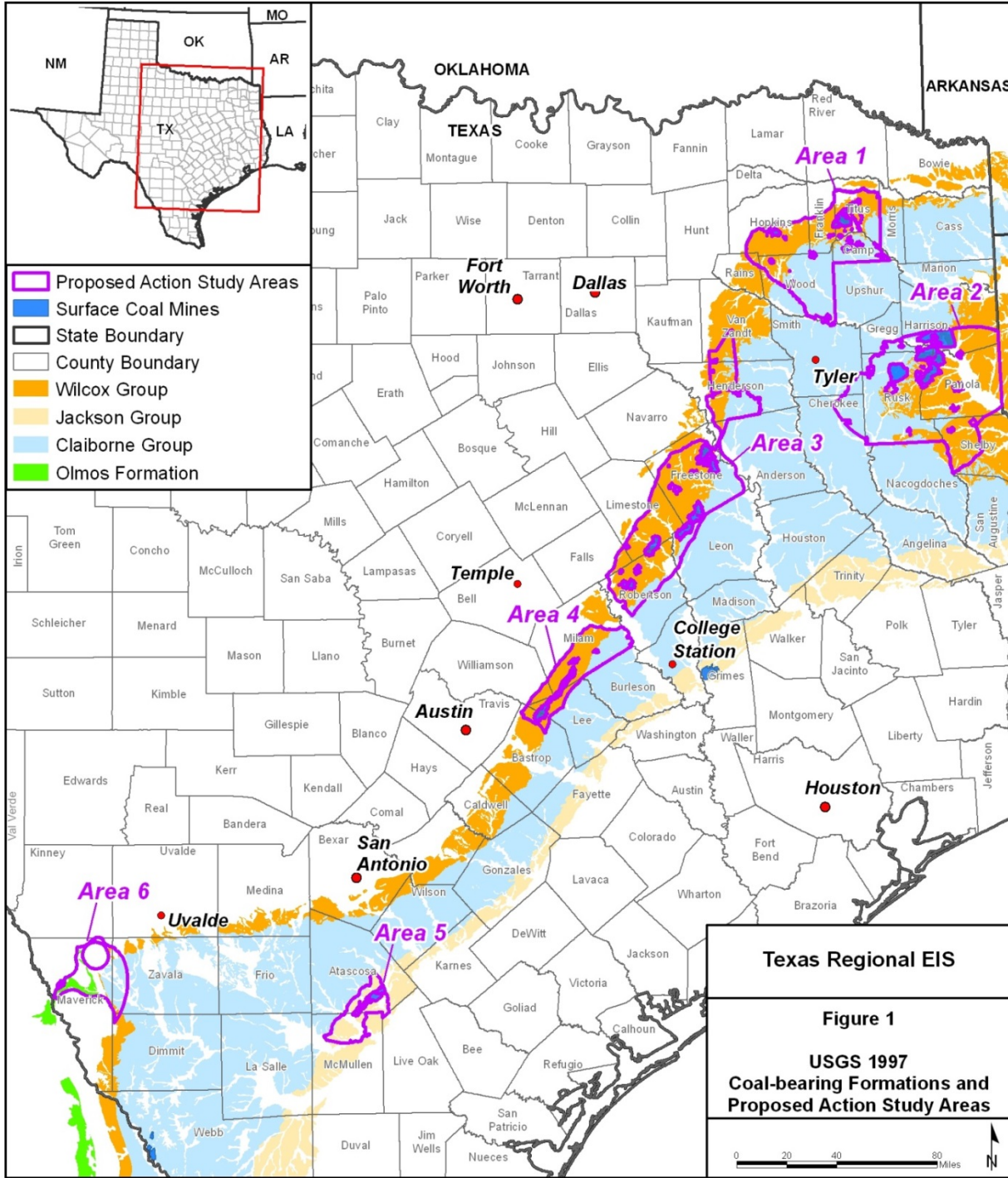
1.1 Regional EIS Overview

Currently operating surface coal and lignite mines in Texas provide a long-term, reliable, continuous, and economically stable fuel source to existing nearby power plants, with one mine providing raw lignite material to an existing carbon activation plant. As the existing permitted surface coal and lignite mines approach the extent of the reserves that can be safely and economically recovered within the limits of their current mine areas, expansion of mine areas will be required in order to continue to meet their supply obligations.

Surface coal and lignite mining projects typically conduct work that results in impacts to waters of the U.S. Such work requires permitting under Section 404 of the Clean Water Act and, for projects affecting navigable waters, permitting under Section 10 of the Rivers and Harbors Act of 1899. These programs are administered by the USACE. As part of the permit evaluation process associated with Section 404 and Section 10 permit authorizations, the USACE also is required to comply with the regulatory requirements of NEPA in evaluating the potential impacts of an action.

Many of the federal and state agency regulatory requirements and environmental issues associated with surface coal and lignite mining projects are similar, such as large landscape alterations, impact avoidance, mitigation measures, performance metrics/monitoring, and contributions to cumulative impacts. Therefore, the USACE is preparing the Regional EIS to make the NEPA aspect of the USACE's Section 404/10 permitting processes more efficient through the development of information, data, and analysis to be used in 404(b)(1) guidelines and public interest review analyses for potential future surface coal and lignite mine expansions in Texas. Additionally, the Regional EIS will serve to establish a cohesive framework for stream mitigation, establish sound performance metrics, and enhance project monitoring efforts. The Regional EIS will not: render a decision on any specific mine project, provide complete NEPA compliance for future proposed surface coal or lignite mine expansions, or provide NEPA documentation for any new power plants.

Six Proposed Action study areas have been identified for the Regional EIS (**Figure 1**). The study areas were determined by the USACE in coordination with the Texas Mining and Reclamation Association (TMRA) to define areas within the coal/lignite belt in Texas that would be in reasonable proximity to existing surface coal and lignite mines for potential future development of mine expansion areas or satellite mines. The Regional EIS analysis will facilitate future tiering or supplementation in the evaluation of future project-specific Section 404/10 permit applications for surface coal and lignite mines that may be proposed within the defined study areas.



1.2 Purpose of Scoping

Scoping is the process of actively soliciting input from the public (including tribal organizations) and other interested federal, state, and local agencies. The process provides a mechanism for determining the scope and significant issues (40 Code of Federal Regulations [CFR] 1501.7 and 40 CFR 1508.25) to focus the Regional EIS analysis on areas of interest and concern. As such, information gained during scoping assists the lead federal agency in identifying potential environmental issues, alternatives, and mitigation measures to be considered in the NEPA analysis. Therefore, public input during the scoping period and throughout the NEPA process is a vital component to preparing a comprehensive and sound NEPA document. Scoping provides the public, tribes, and agencies opportunities for meaningful public involvement in the decision-making process.

The USACE's overall scoping goal for the Regional EIS is to engage a diverse group of public, tribal, and agency participants in the NEPA process and solicit relevant input for consideration in the Regional EIS analysis.

2.0 Summary of Scoping Meetings and Comments

2.1 Notification

The initial step in the NEPA process is to notify the public, other government agencies, and tribes of the lead agency's intent to prepare an EIS by publishing the Notice of Intent (NOI) in the Federal Register. The public scoping period was initiated with publication of the NOI for the Regional EIS for Surface Coal and Lignite Mining in the State of Texas in the Federal Register on October 24, 2013. The NOI included a project description, notification of scoping meetings, and USACE contact information.

On October 24, 2013, the scoping announcement for the Regional EIS was posted to the USACE Fort Worth District website and emailed to approximately 485 federal, state, and local government agencies; private businesses and organizations; and individuals that are part of the USACE Fort Worth District email list. A press release also was sent to Texas news media outlets and was posted to the USACE website, twitter page, and facebook page at that time. In addition, public scoping meetings were advertised in local newspapers providing information regarding local public meeting locations, dates, times, and a brief description of the Regional EIS (**Table 1**).

Table 1 Newspaper Publications

Newspaper	Publication Date
Legal Notice	
Austin American-Statesman	Friday, November 1, 2013
Display Advertisements	
Longview News-Journal	Friday, November 1, 2013
Marshall News Messenger	Friday, November 1, 2023
Waco Tribune Herald	Friday, November 1, 2013
Temple Daily Telegram	Friday, November 1, 2023
Bryan/College Station Eagle	Friday, November 1, 2013
Eagle Pass News Gram	Friday, November 1, 2023
Mt. Pleasant Daily Tribune	Friday, November 1, 2013
Tyler Morning Telegraph	Friday, November 1, 2023

Table 1 Newspaper Publications

Newspaper	Publication Date
Henderson Daily News	Friday, November 1, 2013
Uvalde Leader-News	Sunday, November 3, 2013
Freestone County Times	Tuesday, November 5, 2013
Pleasanton Express	Wednesday, November 6, 2013
Elgin Courier	Wednesday, November 6, 2013
Jewett Messenger	Wednesday, November 6, 2013
Three Rivers Progress	Wednesday, November 6, 2013
Robertson County News	Thursday, November 7, 2013
Rockdale Reporter	Thursday, November 7, 2013

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

Specific regulations require the lead federal agency to coordinate and consult with federal, state, and local agencies and federally recognized tribes regarding the potential of the proposed action and any alternatives to affect sensitive environmental and human resources. The coordination and consultation must occur in a timely manner and are required before any final decisions relative to the NEPA process are made by the lead federal agency. Issues related to agency consultation may include biological resources, cultural resources, socioeconomics, and land and water management. Biological resource consultations apply to the potential for activities to disturb sensitive species or habitats. Cultural resource consultations apply to the potential for impacts to important cultural resource sites.

The USACE initiated the required coordination and consultation activities for the Regional EIS through the scoping process. On July 16, 2013, USACE held an agency meeting to solicit input relative to the scope, issues, and potential alternatives to be considered in the Regional EIS. Agency representatives from OSM, USFWS, RCT, Texas Commission on Environmental Quality, and Texas Parks and Wildlife Department were in attendance. In early October 2013, USACE as lead federal agency sent an invitation letter to potential cooperating agencies for the Regional EIS. Agencies were asked to respond by November 15, 2013. The current list of cooperating agencies includes the USEPA, USFWS, OSM, and RCT. Copies of the letters are provided in **Appendix A**.

2.1.2 Government-to-Government Consultation

Under Executive Order 13084, the USACE is required to establish regular and meaningful consultation and collaboration with recognized Native American tribal governments on development of regulatory policies that could significantly or uniquely affect their communities; the USACE has initiated Native American consultation for the Regional EIS. Notification letters were sent to the following tribes and tribal associations in the fall of 2013:

- Alabama-Coushatta Tribe of Texas – November 1, 2013
- Caddo Nation Tribal Historic Preservation Officer – November 1, 2013
- Choctaw Nation of Oklahoma Historic Preservation Department – November 1, 2013
- Comanche Nation, Oklahoma – November 1, 2013
- Kickapoo Traditional Tribe of Texas – October 31, 2013

- Kiowa Indian Tribe of Oklahoma – November 1, 2013
- Mescalero Apache Tribe of the Mescalero Reservation of New Mexico – November 1, 2013
- Tonkawa Tribe of Indians of Oklahoma – October 31, 2013
- Wichita and Affiliated Tribes – November 1, 2013

These letters are provided in **Appendix B**.

2.2 Scoping Meetings

2.2.1 Public Scoping Meetings

Public scoping meetings offer an opportunity for public involvement during the scoping period. The meetings are designed to promote information exchange about the proposed action and potential alternatives and to gather public input. Public scoping meetings for the Regional EIS were held in three distinct locations that the USACE determined to be centrally located relative to existing and potential future mine sites. **Table 2** lists the locations where the USACE held public scoping meetings and the attendance of each meeting.

Table 2 USACE Public Scoping Meeting for the Regional EIS for Surface Coal and Lignite Mining in the State of Texas

Location	Date/Time	Number of Attendants
Uvalde, Texas	December 3, 2013 / 4:00-7:00pm	43
Temple/Belton, Texas	December 4, 2013 / 4:00-7:00pm	25
Tyler, Texas	December 5, 2013 / 4:00-7:00pm	42

The scoping meetings were conducted in an informal open-house format to allow for an open exchange of information and to enable attendees to ask agency personnel, participating members of the TMRA, and the EIS third-party contractor questions about the project. Display boards showing various aspects of the six Proposed Action study areas were presented to facilitate conversation. The scoping announcement, which included information about the Regional EIS, the NEPA process, and frequently asked questions, was distributed to meeting attendees along with comment forms. Copies of the scoping announcement and comment form are provided in **Appendix C**.

2.3 Summary of Scoping Comments

The scoping period for the Regional EIS for Surface Coal and Lignite Mining in the State of Texas began with the publication of the NOI in the Federal Register on October 24, 2013, and ended on December 20, 2013. The USACE received a total of 58 comment submittals in the form of letters, comment forms, and emails containing a total of 132 individual comments during the public scoping period.

Following the close of the public scoping period, comments were compiled and analyzed to identify key issues and concerns. Each comment relevant to the Regional EIS was identified, reviewed, and entered into an electronic database. As comments were entered, contact information for the commenter was added to the mailing list, or updated, to ensure that all interested parties would receive information throughout the Regional EIS public participation process. A comprehensive list of the relevant scoping comments sorted by resource topic is presented in **Appendix D**. Some of the scoping comments were eliminated from consideration in the Regional EIS because they addressed issues outside of the scope of the NEPA analyses, or the comment stated an opinion (e.g., I oppose/support this project), rather than a substantive comment that can be addressed in the Regional EIS.

3.0 Identification of Issues

Information gained during scoping assists the lead federal agency in identifying the potential environmental issues, alternatives, and mitigation measures to be considered in the NEPA document. As discussed in Section 1.2, Purpose of Scoping, the scoping process provides a mechanism for narrowing the scope of issues so that the NEPA document can focus the analysis on areas of high interest and concern, in addition to items required by the lead federal agency's statutory authority and governing regulations. A number of the scoping comments received for the Regional EIS were relative to the NEPA process, including comments related to scoping meeting locations and notifications and the adequacy of using a regional EIS for future mine expansions. Additionally, many comments were received regarding potential impacts to surface water and groundwater quality and quantity, air quality, wildlife, and the Proposed Action. The following summarizes the key issues and concerns that were expressed during scoping. A comprehensive list of the substantive comments is presented in **Appendix D**.

Procedural/NEPA Process

- Suggest analysis of all relevant resources and inclusion of methodologies used for assessing potential resource-specific cumulative effects
- Concerns that the Regional EIS 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 Regional EIS would be less than in site-specific NEPA documents
- Concerns relative to changes in conditions between the time the Regional EIS 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 Regional EIS
- Suggest tiered documents include updated cumulative effects analyses
- Concerns that the Regional EIS 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 GCD 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 (including 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

Noise and Visual Resources

- Potential noise and lighting effects
- Concerns relative to blasting-related noise

Public Health

- Potential air quality-related health effects
- Potential health effects including bronchitis, emphysema, silicosis, COPD, 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

During the scoping period, many concerns were expressed about currently permitted surface coal and lignite mines (e.g., Eagle Pass Mine). Previously authorized actions (including currently permitted surface coal and lignite mines) will be included in the Regional EIS cumulative effects analysis. (See Section 1.1, Regional EIS Overview, relative to the scope of the Regional EIS.)

Several comments requesting an extension of the scoping period were received. The USACE reviewed requests for an extended comment period and determined that the 58-day comment period provided an adequate amount of time for the interested public to provide information regarding the scope of the Regional EIS, particularly since no specific mine permit decisions will be made through this Regional EIS.

Several individuals expressed concerns regarding the locations of the Regional EIS scoping meetings. The USACE reviewed the meeting locations. The Regional EIS scoping meetings were held in three distinct locations that the USACE determined to be centrally located relative to existing and potential future mine sites, thereby affording the public from the surrounding communities the opportunity to participate in the scoping process.

Concerns regarding the timing of the public notification relative to the Uvalde scoping meeting, with associated requests for another scoping meeting in Eagle Pass in January 2014, were received. Upon review, the USACE determined that public announcements in the local newspapers 1 month ahead of the meeting provided timely notification and complied with the appropriate implementing regulations and guidelines.

A concern relative to potential third-party contractor conflict of interest regarding expert testimony to be provided by an AECOM employee under a separate contract was raised. The USACE followed the third-party contracting selection process in accordance with 40 CFR 1506.5 and Regulatory Guidance Letter 05-08. USACE has reviewed and evaluated the third-party contractor selection process and potential for conflict. Based on this evaluation, the USACE has determined there is no conflict of interest. As lead federal agency, USACE has full control and oversight over the REIS process, including, but not limited to, communication between the third-party contractor and TMRA and decisions relative to the technical scope, content, and outcome of the REIS. USACE has advised AECOM that until the REIS process is completed, AECOM should not accept business with existing coal or lignite mine operations in Texas that are owned by TMRA members participating in the Regional EIS.

4.0 Potential Alternatives

One of the objectives of scoping is to identify viable alternatives to the Proposed Action for evaluation in the NEPA document. The first step is to identify potential alternatives, then to screen out alternatives that do not meet the stated purpose and need for the action. Potential alternatives to the Proposed Action that are determined to be “feasible” and “reasonable” based on technical, economic, and environmental factors are carried forward in the analysis. For NEPA documents where the USACE is the lead federal agency, 404(b)(1) practicability criteria are considered concurrently in the alternatives analysis. Alternatives that are eliminated from detailed evaluation are briefly discussed, with rationale provided for their elimination. Specific to the Regional EIS, the USACE received a comment suggesting an expansion of Proposed Action study area 6 and another to expand the geographic scope of the Regional EIS to include western Louisiana. These suggestions will be evaluated, as discussed above, during development of potential alternatives to the Proposed Action.

5.0 Activities Following Scoping

The NEPA process provides several opportunities for public input. **Table 3** identifies additional opportunities for public participation and the anticipated schedule for the public to provide comments and participate in the Regional EIS review process.

Following the scoping period, the Draft Regional EIS will be prepared incorporating appropriate information received from the public during the scoping period. Once the Draft Regional EIS is completed, the USACE will issue a Notice of Availability (NOA) for publication in the Federal Register, and the document will be distributed for public comment. During the public comment period, the public can comment on key issues and the adequacy of the purpose and need, alternatives analysis, and proposed mitigation presented in the Draft Regional EIS. During the public comment period, public hearing(s) will be held to allow the public to formally present their comments. The comments received during the public comment period will be considered by the USACE in preparing the Final Regional EIS. In addition, the Draft Regional EIS comments and USACE responses to the comments will be included as an appendix in the Final Regional EIS. Once the Final Regional EIS is completed, the USACE will issue a NOA for publication in the Federal Register, and the document will be distributed for public review. Following the Final Regional EIS public review period, the USACE will issue their final decision as to whether to: 1) approve and adopt the policies and monitoring and mitigation measures that would be implemented and required, respectively, in the future Section 404 permitting of surface coal and lignite mines as outlined in the Proposed Action and associated analysis; 2) approve and adopt the policies and monitoring and mitigation measures as outlined in an alternative and the associated analysis; or 3) continue to conduct future Section 404 permitting of surface coal and lignite mines in accordance with existing policies.

Table 3 Opportunities for Public Participation in the NEPA Process

Steps in the NEPA Process	Anticipated Date or Time Frame
Public Scoping	Typically a 30- to 45-day comment period following NOI publication (Regional EIS scoping comment period October 24, 2013, through December 20, 2013 [58 days])
Publication of the Draft Regional EIS	Winter 2014
Draft Regional EIS public comment period (including public hearing[s])	Typically a 45- to 60-day comment period following NOA publication (December 2014 – February 2015)
Publication of the Final Regional EIS	Summer 2015
Final Regional EIS public review period	Typically a 30-day review period following NOA publication (late Summer 2015)

Appendix A

USACE Invitation Letters to Potential Cooperating Agencies



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

October 9, 2013

Planning, Environmental, and Regulatory Division
Regulatory Branch

SUBJECT: Project No. SWF-2010-00244; Regional Environmental Impact Statement
for Lignite in Texas

Mr. Adam Zerrenner
Supervisor, Austin Field Office
U.S. Fish and Wildlife Service
10711 Burnet Road, Suite 200
Austin, Texas 78758

Dear Mr. Zerrenner:

The U.S. Army Corps of Engineers, Fort Worth District, Regulatory Branch (USACE) has initiated the process to develop a Regional Environmental Impact Statement (EIS) for lignite mining in the state of Texas. The Regional EIS would satisfy the requirements of the National Environmental Policy Act and associated implementing regulations for all pertinent agency actions. The Regional EIS will include the assessment of the direct, indirect and cumulative effects of lignite mining. A map showing the location of the proposed action is enclosed.

The USACE is the lead Federal agency in the Regional EIS process as defined in 40 CFR 1501.5. We invite your participation as a cooperating agency in this Regional EIS effort based on your agency's special expertise in accordance with 40 CFR 1501.6 relative to federally listed and proposed federal candidate species and Fish and Wildlife Coordination Act resource issues. Other cooperating agency responsibilities are outlined at 40 CFR 1501.6 and additional guidance issued by the Council on Environmental Quality (CEQ). The degree of your involvement in the process will be determined by the resources issues relevant to your special expertise and resource availability and commitments. We encourage your full participation in the Regional EIS process within the scope of your special expertise.

It is requested that you provide a written determination by November 15, 2013 whether you accept or decline participation as a cooperating agency in this Regional EIS process. If your agency declines participation to be involved in the Regional EIS as a cooperating agency, please ensure a copy of your response is provided to CEQ in accordance with 40 CFR 1501.6(5)(c). If your agency accepts this invitation, a draft cooperating agency agreement can be provided for your review, edit and eventual signature.

Please provide your agency determination relative to cooperating agency status and identify a point of contact. If you have any questions concerning this matter, please contact Mr. Darwin Messer at (817) 886-1744.

Sincerely,

Stephen L Brooks
Chief, Regulatory Branch
Fort Worth District

Enclosures

Copy furnished:

Ms. Jamelle Schlangen
AECOM
1601 Prospect Parkway
Fort Collins, CO 80525



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

October 9, 2013

Planning, Environmental, and Regulatory Division
Regulatory Branch

SUBJECT: Project No. SWF-2010-00244; Regional Environmental Impact Statement
for Lignite in Texas

Mr. Billy Martin
Texas Historical Commission
P. O. Box 12276
Austin, Texas 78711

Dear Mr. Martin:

The U.S. Army Corps of Engineers, Fort Worth District, Regulatory Branch (USACE) has initiated the process to develop a Regional Environmental Impact Statement (EIS) for lignite mining in the state of Texas. The Regional EIS would satisfy the requirements of the National Environmental Policy Act and associated implementing regulations for all pertinent agency actions. The Regional EIS will include the assessment of the direct, indirect and cumulative effects of lignite mining. A map showing the location of the proposed action is enclosed.

The USACE is the lead Federal agency in the Regional EIS process as defined in 40 CFR 1501.5. We invite your participation as a cooperating agency in this Regional EIS effort based on your agency's special expertise in accordance with 40 CFR 1501.6 relative to Section 106 compliance. Other cooperating agency responsibilities are outlined at 40 CFR 1501.6 and additional guidance issued by the Council on Environmental Quality (CEQ). The degree of your involvement in the process will be determined by the resources issues relevant to your special expertise and resource availability and commitments. We encourage your full participation in the Regional EIS process within the scope of your special expertise.

It is requested that you provide a written determination by November 15, 2013 whether you accept or decline participation as a cooperating agency in this Regional EIS process. If your agency declines participation to be involved in the Regional EIS as a cooperating agency, please ensure a copy of your response is provided to CEQ in accordance with 40 CFR 1501.6(5)(c). If your agency accepts this invitation, a draft cooperating agency agreement can be provided for your review, edit and eventual signature.

Please provide your agency determination relative to cooperating agency status and identify a point of contact. If you have any questions concerning this matter, please contact Mr. Darvin Messer at (817) 886-1744.

Sincerely,

Stephen L Brooks
Chief, Regulatory Branch
Fort Worth District

Enclosures

Copy furnished:

✓ Ms. Janelle Schlangen
AECOM
1601 Prospect Parkway
Fort Collins, CO 80525



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

October 9, 2013

Planning, Environmental, and Regulatory Division
Regulatory Branch

SUBJECT: Project No. SWF-2010-00244; Regional Environmental Impact Statement
for Lignite in Texas

Mr. David Galindo
Water Quality Assessment Section
Water Quality Division
Texas Commission on Environmental Quality
Mail Code 150
12100 Park 35 Circle
P.O. Box 13087
Austin, Texas 78711-3087

Dear Mr. Galindo:

The U.S. Army Corps of Engineers, Fort Worth District, Regulatory Branch (USACE) has initiated the process to develop a Regional Environmental Impact Statement (EIS) for lignite mining in the state of Texas. The Regional EIS would satisfy the requirements of the National Environmental Policy Act and associated implementing regulations for all pertinent agency actions. The Regional EIS will include the assessment of the direct, indirect and cumulative effects of lignite mining. A map showing the location of the proposed action is enclosed.

The USACE is the lead Federal agency in the Regional EIS process as defined in 40 CFR 1501.5. We invite your participation as a cooperating agency in this Regional EIS effort based on your agency's special expertise in accordance with 40 CFR 1501.6 relative to water quality resource issues. Other cooperating agency responsibilities are outlined at 40 CFR 1501.6 and additional guidance issued by the Council on Environmental Quality (CEQ). The degree of your involvement in the process will be determined by the resources issues relevant to your special expertise and resource availability and commitments. We encourage your full participation in the Regional EIS process within the scope of your special expertise.

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Please provide your agency determination relative to cooperating agency status and identify a point of contact. If you have any questions concerning this matter, please contact Mr. Darvin Messer at (817) 886-1744.

Sincerely,

Stephen L Brooks
Chief, Regulatory Branch
Fort Worth District

Enclosures

Copy furnished:

Ms. Jamelle Schlangen
AECOM
1601 Prospect Parkway
Fort Collins, CO 80525



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

October 9, 2013

Planning, Environmental, and Regulatory Division
Regulatory Branch

SUBJECT: Project No. SWF-2010-00244; Regional Environmental Impact Statement
for Lignite in Texas

Ms. Dawn Whitehead
Asst. Supervisor, Corpus Christi Field Office
U.S. Fish and Wildlife Service
6300 Ocean Drive, Box 338
Corpus Christi, Texas 78412

Dear Ms. Whitehead:

The U.S. Army Corps of Engineers, Fort Worth District, Regulatory Branch (USACE) has initiated the process to develop a Regional Environmental Impact Statement (EIS) for lignite mining in the state of Texas. The Regional EIS would satisfy the requirements of the National Environmental Policy Act and associated implementing regulations for all pertinent agency actions. The Regional EIS will include the assessment of the direct, indirect and cumulative effects of lignite mining. A map showing the location of the proposed action is enclosed.

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Sincerely,

Stephen L Brooks
Chief, Regulatory Branch
Fort Worth District

Enclosures

Copy furnished:

✓ Ms. Jamelle Schlange
AECOM
1601 Prospect Parkway
Fort Collins, CO 80525



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

October 9, 2013

Planning, Environmental, and Regulatory Division
Regulatory Branch

**SUBJECT: Project No. SWF-2010-00244; Regional Environmental Impact Statement
for Lignite in Texas**

Ms. Debra Bills
Supervisor, Arlington Field Office
U.S. Fish and Wildlife Service
2005 NE Green Oaks Blvd., Suite 140
Arlington, Texas 76006

Dear Ms. Bills

The U.S. Army Corps of Engineers, Fort Worth District, Regulatory Branch (USACE) has initiated the process to develop a Regional Environmental Impact Statement (EIS) for lignite mining in the state of Texas. The Regional EIS would satisfy the requirements of the National Environmental Policy Act and associated implementing regulations for all pertinent agency actions. The Regional EIS will include the assessment of the direct, indirect and cumulative effects of lignite mining. A map showing the location of the proposed action is enclosed.

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Sincerely,

Stephen L Brooks
Chief, Regulatory Branch
Fort Worth District

Enclosures

Copy furnished:

✓ Ms. Jamelle Schlangen
AECOM
1601 Prospect Parkway
Fort Collins, CO 80525



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

October 9, 2013

Planning, Environmental, and Regulatory Division
Regulatory Branch

SUBJECT: Project No. SWF-2010-00244; Regional Environmental Impact Statement
for Lignite in Texas

Ms. Edith Erfling
Supervisor, Houston Field Office
U.S. Fish and Wildlife Service
17629 El Camino Real, Suite 211
Houston, Texas 77058

Dear Ms. Erfling:

The U.S. Army Corps of Engineers, Fort Worth District, Regulatory Branch (USACE) has initiated the process to develop a Regional Environmental Impact Statement (EIS) for lignite mining in the state of Texas. The Regional EIS would satisfy the requirements of the National Environmental Policy Act and associated implementing regulations for all pertinent agency actions. The Regional EIS will include the assessment of the direct, indirect and cumulative effects of lignite mining. A map showing the location of the proposed action is enclosed.

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Sincerely,

Stephen L Brooks
Chief, Regulatory Branch
Fort Worth District

Enclosures

Copy furnished:

✓ Ms. Jamelle Schlangen
AECOM
1601 Prospect Parkway
Fort Collins, CO 80525



DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

October 9, 2013

Planning, Environmental, and Regulatory Division
Regulatory Branch

SUBJECT: Project No. SWF-2010-00244; Regional Environmental Impact Statement
for Lignite in Texas

Mr. John Caudle, P.E.
Director, Surface Mining and Reclamation Division
Railroad Commission of Texas
1701 North Congress Avenue
P. O. Box 12967
Austin, Texas 78711-2967

Dear Mr. Caudle:

The U.S. Army Corps of Engineers, Fort Worth District, Regulatory Branch (USACE) has initiated the process to develop a Regional Environmental Impact Statement (EIS) for lignite mining in the state of Texas. The Regional EIS would satisfy the requirements of the National Environmental Policy Act and associated implementing regulations for all pertinent agency actions. The Regional EIS will include the assessment of the direct, indirect and cumulative effects of lignite mining. A map showing the location of the proposed action is enclosed.

The USACE is the lead Federal agency in the Regional EIS process as defined in 40 CFR 1501.5. We invite your participation as a cooperating agency in this Regional EIS effort based on your agency's special expertise in accordance with 40 CFR 1501.6 relative to mining and reclamation resource issues. Other cooperating agency responsibilities are outlined at 40 CFR 1501.6 and additional guidance issued by the Council on Environmental Quality (CEQ). The degree of your involvement in the process will be determined by the resources issues relevant to your special expertise and resource availability and commitments. We encourage your full participation in the Regional EIS process within the scope of your special expertise.

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Sincerely,

Stephen L Brooks
Chief, Regulatory Branch
Fort Worth District

Enclosures

Copy furnished:

✓ Ms. Jamelle Schlangen
AECOM
1601 Prospect Parkway
Fort Collins, CO 80525



DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

October 9, 2013

Planning, Environmental, and Regulatory Division
Regulatory Branch

SUBJECT: Project No. SWF-2010-00244; Regional Environmental Impact Statement
for Lignite in Texas

Mr. Kyle F. Balkum
Biologist Program Manager, Habitat Section
Louisiana Department of Wildlife and Fisheries
2000 Quail Dr.
Baton Rouge, Louisiana 70808

Dear Mr. Balkum:

The U.S. Army Corps of Engineers, Fort Worth District, Regulatory Branch (USACE) has initiated the process to develop a Regional Environmental Impact Statement (EIS) for lignite mining in the state of Texas. The Regional EIS would satisfy the requirements of the National Environmental Policy Act and associated implementing regulations for all pertinent agency actions. The Regional EIS will include the assessment of the direct, indirect and cumulative effects of lignite mining. A map showing the location of the proposed action is enclosed.

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Sincerely,

Stephen L Brooks
Chief, Regulatory Branch
Fort Worth District

Enclosures

Copy furnished:

✓ Ms. Jamelle Schlangen
AECOM
1601 Prospect Parkway
Fort Collins, CO 80525



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

October 9, 2013

Planning, Environmental, and Regulatory Division
Regulatory Branch

SUBJECT: Project No. SWF-2010-00244; Regional Environmental Impact Statement
for Lignite in Texas

Mr. Paul J. Ehret, Chief
Technical Services Branch
OSM – Mid-Continent Region
501 Belle St., Suite 216
Alton, Illinois 62002

Dear Mr. Ehret:

The U.S. Army Corps of Engineers, Fort Worth District, Regulatory Branch (USACE) has initiated the process to develop a Regional Environmental Impact Statement (EIS) for lignite mining in the state of Texas. The Regional EIS would satisfy the requirements of the National Environmental Policy Act and associated implementing regulations for all pertinent agency actions. The Regional EIS will include the assessment of the direct, indirect and cumulative effects of lignite mining. A map showing the location of the proposed action is enclosed.

The USACE is the lead Federal agency in the Regional EIS process as defined in 40 CFR 1501.5. We invite your participation as a cooperating agency in this Regional EIS effort based on your agency's special expertise in accordance with 40 CFR 1501.6 relative to mining, reclamation, and water resource issues. Other cooperating agency responsibilities are outlined at 40 CFR 1501.6 and additional guidance issued by the Council on Environmental Quality (CEQ). The degree of your involvement in the process will be determined by the resources issues relevant to your special expertise and resource availability and commitments. We encourage your full participation in the Regional EIS process within the scope of your special expertise.

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Sincerely,

Stephen L Brooks
Chief, Regulatory Branch
Fort Worth District

Enclosures

Copy furnished:

Ms. Jamelle Schlangen
AECOM
1601 Prospect Parkway
Fort Collins, CO 80525



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

October 9, 2013

Planning, Environmental, and Regulatory Division
Regulatory Branch

SUBJECT: Project No. SWF-2010-00244; Regional Environmental Impact Statement
for Lignite in Texas

Ms. Rhonda Smith, Chief
Office of Planning and Coordination
USEPA, Region 6
1445 Ross Ave
Dallas, Texas 75202

Dear Ms. Smith

The U.S. Army Corps of Engineers, Fort Worth District, Regulatory Branch (USACE) has initiated the process to develop a Regional Environmental Impact Statement (EIS) for lignite mining in the state of Texas. The Regional EIS would satisfy the requirements of the National Environmental Policy Act and associated implementing regulations for all pertinent agency actions. The Regional EIS will include the assessment of the direct, indirect and cumulative effects of lignite mining. A map showing the location of the proposed action is enclosed.

The USACE is the lead Federal agency in the Regional EIS process as defined in 40 CFR 1501.5. We invite your participation as a cooperating agency in this Regional EIS effort based on your agency's special expertise in accordance with 40 CFR 1501.6 relative to air quality, water quality, and environmental justice resource issues. Other cooperating agency responsibilities are outlined at 40 CFR 1501.6 and additional guidance issued by the Council on Environmental Quality (CEQ). The degree of your involvement in the process will be determined by the resources issues relevant to your special expertise and resource availability and commitments. We encourage your full participation in the Regional EIS process within the scope of your special expertise.

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Sincerely,

Stephen L Brooks
Chief, Regulatory Branch
Fort Worth District

Enclosures

Copy furnished:

✓ Ms. Jamelle Schlangen
AECOM
1601 Prospect Parkway
Fort Collins, CO 80525



DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

October 9, 2013

Planning, Environmental, and Regulatory Division
Regulatory Branch

SUBJECT: Project No. SWF-2010-00244; Regional Environmental Impact Statement
for Lignite in Texas

Mr. Salvador Salinas
Texas State Conservationist
Natural Resources Conservation Service
101 South Main Street
Temple, Texas 76501

Dear Mr. Salinas:

The U.S. Army Corps of Engineers, Fort Worth District, Regulatory Branch (USACE) has initiated the process to develop a Regional Environmental Impact Statement (EIS) for lignite mining in the state of Texas. The Regional EIS would satisfy the requirements of the National Environmental Policy Act and associated implementing regulations for all pertinent agency actions. The Regional EIS will include the assessment of the direct, indirect and cumulative effects of lignite mining. A map showing the location of the proposed action is enclosed.

The USACE is the lead Federal agency in the Regional EIS process as defined in 40 CFR 1501.5. We invite your participation as a cooperating agency in this Regional EIS effort based on your agency's special expertise in accordance with 40 CFR 1501.6 relative to soils, noxious weeds and invasive non-native species, and reclamation resource issues. Other cooperating agency responsibilities are outlined at 40 CFR 1501.6 and additional guidance issued by the Council on Environmental Quality (CEQ). The degree of your involvement in the process will be determined by the resources issues relevant to your special expertise and resource availability and commitments. We encourage your full participation in the Regional EIS process within the scope of your special expertise.

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Sincerely,

Stephen L Brooks
Chief, Regulatory Branch
Fort Worth District

Enclosures

Copy furnished:

✓
Ms. Jamelle Schlangen
AECOM
1601 Prospect Parkway
Fort Collins, CO 80525



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

October 9, 2013

Planning, Environmental, and Regulatory Division
Regulatory Branch

SUBJECT: Project No. SWF-2010-00244; Regional Environmental Impact Statement
for Lignite in Texas

Ms. Sharon Parrish
USEPA Region 6 (6WQ-EM)
1445 Ross Ave., Suite 1200
Dallas, Texas 75202

Dear Ms. Parrish:

The U.S. Army Corps of Engineers, Fort Worth District, Regulatory Branch (USACE) has initiated the process to develop a Regional Environmental Impact Statement (EIS) for lignite mining in the state of Texas. The Regional EIS would satisfy the requirements of the National Environmental Policy Act and associated implementing regulations for all pertinent agency actions. The Regional EIS will include the assessment of the direct, indirect and cumulative effects of lignite mining. A map showing the location of the proposed action is enclosed.

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Sincerely,

Stephen L Brooks
Chief, Regulatory Branch
Fort Worth District

Enclosures

Copy furnished:

✓ Ms. Jamelle Schlangen
AECOM
1601 Prospect Parkway
Fort Collins, CO 80525



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

October 9, 2013

Planning, Environmental, and Regulatory Division
Regulatory Branch

SUBJECT: Project No. SWF-2010-00244; Regional Environmental Impact Statement
for Lignite in Texas

Mr. Tom Heger
Watershed Conservation Team Leader
Texas Parks & Wildlife Department
4200 Smith School Road
Austin, Texas 78744

Dear Mr. Heger:

The U.S. Army Corps of Engineers, Fort Worth District, Regulatory Branch (USACE) has initiated the process to develop a Regional Environmental Impact Statement (EIS) for lignite mining in the state of Texas. The Regional EIS would satisfy the requirements of the National Environmental Policy Act and associated implementing regulations for all pertinent agency actions. The Regional EIS will include the assessment of the direct, indirect and cumulative effects of lignite mining. A map showing the location of the proposed action is enclosed.

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Sincerely,

Stephen L Brooks
Chief, Regulatory Branch
Fort Worth District

Enclosures

Copy furnished:

~~Ms. Jamelle Schlangen~~
AECOM
1601 Prospect Parkway
Fort Collins, CO 80525

Appendix B

**Government-to-
Government Consultation
Letters**



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

November 1, 2013

Planning Environmental and Regulatory Division
Regulatory Branch

Subject: Project Number SWF-2010-00244 – Regional Environmental Impact Statement
for Coal and Lignite Mining in Portions of Texas

Chairman Wallace Coffee
Comanche Nation, Oklahoma
Post Office Box 908
Lawton, Oklahoma 73502

Dear Chairman Coffee:

The United States Army Corps of Engineers (USACE), Fort Worth District, is preparing a Regional Environmental Impact Statement (REIS) for potential future surface coal and lignite mine expansion in parts of Texas. The enclosed Public Notice (PN) describes the REIS process and provides a map, comment form, and dates and locations for three proposed public meetings during the first week of December.

As you are aware, many of the existing mines will be expanding in the coming years. In some cases these mines have completed Section 106, National Historic Preservation Act (NHPA) review on areas that will cover a decade of future work. In other cases, NHPA review, including tribal concerns, will have to be part of the new expansion. Some of the areas on the enclosed map (Figure 1 of the PN) may be of interest to the Comanche Nation of Oklahoma.

Your comments, concerns, and participation in the REIS process are invited. Resolution of the NHPA and tribal comments received in this process will be an integrated part of the final REIS.

If you have questions about the REIS, the scoping period, or meeting information, please contact Mr. Darvin Messer at the following mailing address or email:

Mr. Darvin Messer
Project Manager
U.S. Army Corps of Engineers
Fort Worth District
CESWF-PER-R
P.O. Box 17300
819 Taylor Street
Fort Worth, Texas 76102

Phone: 817.886.1744

Email: Darvin.Messer@usace.army.mil

If you have questions about the NHPA or tribal issues within this REIS, please contact Mr. Skipper Scott at the following mailing address, email, or phone number:

Mr. Skipper Scott
Regulatory Archeologist
U.S. Army Corps of Engineers
Fort Worth District
CESWF-PER-R
P.O. Box 17300
819 Taylor Street
Fort Worth, Texas 76102

Phone: 817.886.1742

Email: Skipper.Scott@usace.army.mil

Thank you for comments and participation in development of this important document.

Sincerely,



Stephen L Brooks
Chief, Regulatory Branch

Copy Furnished:

Mr. Jimmy Arterberry
Tribal Historic Preservation Officer
Comanche Nation, Oklahoma
Post Office Box 908
Lawton, Oklahoma 73502

Enclosure



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

October 31, 2013

Planning Environmental and Regulatory Division
Regulatory Branch

Subject: Project Number SWF-2010-00244 – Regional Environmental Impact Statement
for Coal and Lignite Mining in Portions of Texas

Chairperson Don Patterson
Tonkawa Tribe of Indians of Oklahoma
1 Rush Buffalo Head
Tonkawa, Oklahoma 74653

Dear Chairperson Patterson:

The United States Army Corps of Engineers (USACE), Fort Worth District, is preparing a Regional Environmental Impact Statement (REIS) for potential future surface coal and lignite mine expansion in parts of Texas. The enclosed Public Notice (PN) describes the REIS process and provides a map, comment form, and dates and locations for three proposed public meetings during the first week of December.

As you are aware, many of the existing mines will be expanding in the coming years. In some cases these mines have completed Section 106, National Historic Preservation Act (NHPA) review on areas that will cover a decade of future work. In other cases, NHPA review, including tribal concerns, will have to be part of the new expansion. Some of the areas on the enclosed map (Figure 1 of the PN) may be of interest to the Tonkawa Tribe of Oklahoma.

Your comments, concerns, and participation in the REIS process are invited. Resolution of the NHPA and tribal comments received in this process will be an integrated part of the final REIS.

If you have questions about the REIS, the scoping period, or meeting information, please contact Mr. Darwin Messer at the following mailing address or email:

Mr. Darwin Messer
Project Manager
U.S. Army Corps of Engineers
Fort Worth District
CESWF-PER-R
P.O. Box 17300
819 Taylor Street
Fort Worth, Texas 76102

Phone: 817.886.1744

Email: Darvin.Messer@usace.army.mil

If you have questions about the NHPA or tribal issues within this REIS, please contact Mr. Skipper Scott at the following mailing address, email, or phone number:

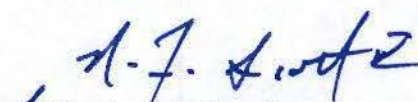
Mr. Skipper Scott
Regulatory Archeologist
U.S. Army Corps of Engineers
Fort Worth District
CESWF-PER-R
P.O. Box 17300
819 Taylor Street
Fort Worth, Texas 76102

Phone: 817.886.1742

Email: Skipper.Scott@usace.army.mil

Thank you for comments and participation in development of this important document.

Sincerely,


for Stephen L Brooks
Chief, Regulatory Branch

Copy Furnished: Ms. Miranda Allen
Executive, Museum, and NAGPRA Assistant
Tonkawa Tribe of Indians of Oklahoma
1 Rush Buffalo Head
Tonkawa, Oklahoma 74653

Enclosures



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

October 31, 2013

Planning Environmental and Regulatory Division
Regulatory Branch

Subject: Project Number SWF-2010-00244 – Regional Environmental Impact Statement
for Coal and Lignite Mining in Portions of Texas

Chairman Juan Garza
Kickapoo Traditional Tribe of Texas
HC1, Box 9700
Eagle Pass, Texas 78853

Dear Chairman Garza:

The United States Army Corps of Engineers (USACE), Fort Worth District, is preparing a Regional Environmental Impact Statement (REIS) for potential future surface coal and lignite mine expansion in parts of Texas. The enclosed Public Notice describes the REIS process and provides a map, comment form, and dates and locations for three proposed public meetings. In your area, a public meeting is planned for Tuesday, December 3, 2013, from 4:00 to 7:00 pm, in Uvalde, Texas at the Fairplex Events Center.

As you are aware, many of the existing mines will be expanding in the coming years. In some cases these mines have completed Section 106, National Historic Preservation Act (NHPA) review on areas that will cover a decade of future work. In other cases, NHPA review, including tribal concerns, will have to be part of the new expansion. Some of the areas on the enclosed map (Figure 1) in South Texas may be of interest to the Kickapoo Traditional Tribe of Texas.

Your comments, concerns, and participation in the REIS process are invited. Resolution of the NHPA and tribal comments received in this process will be an integrated part of the final REIS.

If you have questions about the REIS, the scoping period, or meeting information, please contact Mr. Darvin Messer at the following mailing address or email:

Mr. Darwin Messer
Project Manager
U.S. Army Corps of Engineers
Fort Worth District
CESWF-PER-R
P.O. Box 17300
819 Taylor Street
Fort Worth, Texas 76102

Phone: 817.886.1744

Email: Darvin.Messer@usace.army.mil

If you have questions about the NHPA or tribal issues within this REIS, please contact Mr. Skipper Scott at the following mailing address, email, or phone number:


Mr. Skipper Scott
Regulatory Archeologist
U.S. Army Corps of Engineers
Fort Worth District
CESWF-PER-R
P.O. Box 17300
819 Taylor Street
Fort Worth, Texas 76102

Phone: 817.886.1742

Email: Skipper.Scott@usace.army.mil

Thank you for comments and participation in development of this important document.

Sincerely,


for Stephen L Brooks
Chief, Regulatory Branch

Enclosure



DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

November 1, 2013

Planning Environmental and Regulatory Division
Regulatory Branch

Subject: Project Number SWF-2010-00244 – Regional Environmental Impact Statement
for Coal and Lignite Mining in Portions of Texas

Chairperson Amber Topah
Kiowa Indian Tribe of Oklahoma
Post Office Box 369
Carnegie, Oklahoma 73015-0369

Dear Chairperson Topah:

The United States Army Corps of Engineers (USACE), Fort Worth District, is preparing a Regional Environmental Impact Statement (REIS) for potential future surface coal and lignite mine expansion in parts of Texas. The enclosed Public Notice (PN) describes the REIS process and provides a map, comment form, and dates and locations for three proposed public meetings during the first week of December.

As you are aware, many of the existing mines will be expanding in the coming years. In some cases these mines have completed Section 106, National Historic Preservation Act (NHPA) review on areas that will cover a decade of future work. In other cases, NHPA review, including tribal concerns, will have to be part of the new expansion. Some of the areas on the enclosed map (Figure 1 of the PN) may be of interest to the Kiowa Tribe of Oklahoma.

Your comments, concerns, and participation in the REIS process are invited. Resolution of the NHPA and tribal comments received in this process will be an integrated part of the final REIS.

If you have questions about the REIS, the scoping period, or meeting information, please contact Mr. Darvin Messer at the following mailing address or email:

Mr. Darvin Messer
Project Manager
U.S. Army Corps of Engineers
Fort Worth District
CESWF-PER-R
P.O. Box 17300
819 Taylor Street
Fort Worth, Texas 76102

Phone: 817.886.1744

Email: Darvin.Messer@usace.army.mil

If you have questions about the NHPA or tribal issues within this REIS, please contact Mr. Skipper Scott at the following mailing address, email, or phone number:

Mr. Skipper Scott
Regulatory Archeologist
U.S. Army Corps of Engineers
Fort Worth District
CESWF-PER-R
P.O. Box 17300
819 Taylor Street
Fort Worth, Texas 76102


Phone: 817.886.1742

Email: Skipper.Scott@usace.army.mil

Thank you for comments and participation in development of this important document.

Sincerely,



 Stephen L Brooks
Chief, Regulatory Branch

Enclosure



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

November 1, 2013

Planning Environmental and Regulatory Division
Regulatory Branch

Subject: Project Number SWF-2010-00244 – Regional Environmental Impact Statement
for Coal and Lignite Mining in Portions of Texas

Mr. Robert Cast
Tribal Historic Preservation Officer
Caddo Nation
P.O. Box 487
Highway 152 and Highway 281
Binger, Oklahoma 73009

Dear Mr. Cast:

The United States Army Corps of Engineers (USACE), Fort Worth District, is preparing a Regional Environmental Impact Statement (REIS) for potential future surface coal and lignite mine expansion in parts of Texas. The enclosed Public Notice (PN) describes the REIS process and provides a map, comment form, and dates and locations for three proposed public meetings during the first week of December.

As you are aware, many of the existing mines will be expanding in the coming years. In some cases these mines have completed Section 106, National Historic Preservation Act (NHPA) review on areas that will cover a decade of future work. In other cases, NHPA review, including tribal concerns, will have to be part of the new expansion. Some of the areas on the enclosed map (Figure 1 of the PN) may be of interest to the Caddo Nation of Oklahoma.

Your comments, concerns, and participation in the REIS process are invited. Resolution of the NHPA and tribal comments received in this process will be an integrated part of the final REIS.

If you have questions about the REIS, the scoping period, or meeting information, please contact Mr. Darwin Messer at the following mailing address or email:

Mr. Darvin Messer
Project Manager
U.S. Army Corps of Engineers
Fort Worth District
CESWF-PER-R
P.O. Box 17300
819 Taylor Street
Fort Worth, Texas 76102

Phone: 817.886.1744

Email: Darvin.Messer@usace.army.mil

If you have questions about the NHPA or tribal issues within this REIS, please contact Mr. Skipper Scott at the following mailing address, email, or phone number:

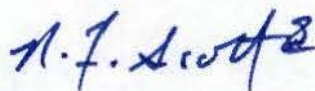
Mr. Skipper Scott
Regulatory Archeologist
U.S. Army Corps of Engineers
Fort Worth District
CESWF-PER-R
P.O. Box 17300
819 Taylor Street
Fort Worth, Texas 76102


Phone: 817.886.1742

Email: Skipper.Scott@usace.army.mil

Thank you for comments and participation in development of this important document.

Sincerely,



 Stephen L Brooks
Chief, Regulatory Branch

Enclosure



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

November 1, 2013

Planning Environmental and Regulatory Division
Regulatory Branch

Subject: Project Number SWF-2010-00244 – Regional Environmental Impact Statement
for Coal and Lignite Mining in Portions of Texas

Ms. Terri Parton
President
Wichita and Affiliated Tribes
P. O. Box 729
Anadarko, Oklahoma 73005

Dear President Parton:

The United States Army Corps of Engineers (USACE), Fort Worth District, is preparing a Regional Environmental Impact Statement (REIS) for potential future surface coal and lignite mine expansion in parts of Texas. The enclosed Public Notice (PN) describes the REIS process and provides a map, comment form, and dates and locations for three proposed public meetings during the first week of December.

As you are aware, many of the existing mines will be expanding in the coming years. In some cases these mines have completed Section 106, National Historic Preservation Act (NHPA) review on areas that will cover a decade of future work. In other cases, NHPA review, including tribal concerns, will have to be part of the new expansion. Some of the areas on the enclosed map (Figure 1 of the PN) may be of interest to the Wichita Tribe of Oklahoma.

Your comments, concerns, and participation in the REIS process are invited. Resolution of the NHPA and tribal comments received in this process will be an integrated part of the final REIS.

If you have questions about the REIS, the scoping period, or meeting information, please contact Mr. Darvin Messer at the following mailing address or email:

Mr. Darvin Messer
Project Manager
U.S. Army Corps of Engineers
Fort Worth District
CESWF-PER-R
P.O. Box 17300
819 Taylor Street
Fort Worth, Texas 76102

Phone: 817.886.1744

Email: Darvin.Messer@usace.army.mil

If you have questions about the NHPA or tribal issues within this REIS, please contact Mr. Skipper Scott at the following mailing address, email, or phone number:

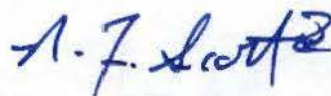
Mr. Skipper Scott
Regulatory Archeologist
U.S. Army Corps of Engineers
Fort Worth District
CESWF-PER-R
P.O. Box 17300
819 Taylor Street
Fort Worth, Texas 76102

Phone: 817.886.1742

Email: Skipper.Scott@usace.army.mil

Thank you for comments and participation in development of this important document.

Sincerely,



f Stephen L Brooks
Chief, Regulatory Branch

Enclosure



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

November 1, 2013

Planning Environmental and Regulatory Division
Regulatory Branch

Subject: Project Number SWF-2010-00244 – Regional Environmental Impact Statement
for Coal and Lignite Mining in Portions of Texas

President Sandra Platero.
Mescalero Apache Tribe of The Mescalero Reservation
Of New Mexico
Post Office Box 227
Mescalero, New Mexico 88340

Dear President Platero:

The United States Army Corps of Engineers (USACE), Fort Worth District, is preparing a Regional Environmental Impact Statement (REIS) for potential future surface coal and lignite mine expansion in parts of Texas. The enclosed Public Notice (PN) describes the REIS process and provides a map, comment form, and dates and locations for three proposed public meetings during the first week of December.

As you are aware, many of the existing mines will be expanding in the coming years. In some cases these mines have completed Section 106, National Historic Preservation Act (NHPA) review on areas that will cover a decade of future work. In other cases, NHPA review, including tribal concerns, will have to be part of the new expansion. Some of the areas on the enclosed map (Figure 1 of the PN) may be of interest to the Lipan Tribe of Texas.

Your comments, concerns, and participation in the REIS process are invited. Resolution of the NHPA and tribal comments received in this process will be an integrated part of the final REIS.

If you have questions about the REIS, the scoping period, or meeting information, please contact Mr. Darwin Messer at the following mailing address or email:

Mr. Darvin Messer
Project Manager
U.S. Army Corps of Engineers
Fort Worth District
CESWF-PER-R
P.O. Box 17300
819 Taylor Street
Fort Worth, Texas 76102

Phone: 817.886.1744

Email: Darvin.Messer@usace.army.mil

If you have questions about the NHPA or tribal issues within this REIS, please contact Mr. Skipper Scott at the following mailing address, email, or phone number:

Mr. Skipper Scott
Regulatory Archeologist
U.S. Army Corps of Engineers
Fort Worth District
CESWF-PER-R
P.O. Box 17300
819 Taylor Street
Fort Worth, Texas 76102


Phone: 817.886.1742

Email: Skipper.Scott@usace.army.mil

Thank you for comments and participation in development of this important document.

Sincerely,



 Stephen L Brooks
Chief, Regulatory Branch

Copy Furnished: Ms. Holly Houghten
Tribal Historic Preservation Officer
Mescalero Apache Tribe of The Mescalero Reservation
Of New Mexico
Post Office Box 227
Mescalero, New Mexico 88340

Enclosure



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

November 1, 2013

Planning Environmental and Regulatory Division
Regulatory Branch

Subject: Project Number SWF-2010-00244 – Regional Environmental Impact Statement
for Coal and Lignite Mining in Portions of Texas

Chief Gregory E. Pyle
Choctaw Nation of Oklahoma
Historic Preservation Department
P.O. Box 1210
Durant, OK 74701

Dear Chief Pyle:

The United States Army Corps of Engineers (USACE), Fort Worth District, is preparing a Regional Environmental Impact Statement (REIS) for potential future surface coal and lignite mine expansion in parts of Texas. The enclosed Public Notice (PN) describes the REIS process and provides a map, comment form, and dates and locations for three proposed public meetings during the first week of December.

As you are aware, many of the existing mines will be expanding in the coming years. In some cases these mines have completed Section 106, National Historic Preservation Act (NHPA) review on areas that will cover a decade of future work. In other cases, NHPA review, including tribal concerns, will have to be part of the new expansion. Some of the areas on the enclosed map (Figure 1 of the PN) may be of interest to the Choctaw Nation.

Your comments, concerns, and participation in the REIS process are invited. Resolution of the NHPA and tribal comments received in this process will be an integrated part of the final REIS.

If you have questions about the REIS, the scoping period, or meeting information, please contact Mr. Darvin Messer at the following mailing address or email:

Mr. Darvin Messer
Project Manager
U.S. Army Corps of Engineers
Fort Worth District
CESWF-PER-R
P.O. Box 17300
819 Taylor Street
Fort Worth, Texas 76102

Phone: 817.886.1744

Email: Darvin.Messer@usace.army.mil

If you have questions about the NHPA or tribal issues within this REIS, please contact Mr. Skipper Scott at the following mailing address, email, or phone number:

Mr. Skipper Scott
Regulatory Archeologist
U.S. Army Corps of Engineers
Fort Worth District
CESWF-PER-R
P.O. Box 17300
819 Taylor Street
Fort Worth, Texas 76102

Phone: 817.886.1742

Email: Skipper.Scott@usace.army.mil

Thank you for comments and participation in development of this important document.

Sincerely,


Stephen L Brooks
Chief, Regulatory Branch

Copy Furnished: Ms. Lindsey Bilyeu
NHPA Section 106 Reviewer
Choctaw Nation of Oklahoma
Historic Preservation Department
P.O. Box 1210
Durant, OK 74701

Enclosure



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

November 1, 2013

Planning Environmental and Regulatory Division
Regulatory Branch

Subject: Project Number SWF-2010-00244 – Regional Environmental Impact Statement
for Coal and Lignite Mining in Portions of Texas

Chairperson Kyle Williams
Alabama-Coushatta Tribe of Texas
571 State Park Road 56
Livingston, Texas 77351

Dear Chairperson Williams:

The United States Army Corps of Engineers (USACE), Fort Worth District, is preparing a Regional Environmental Impact Statement (REIS) for potential future surface coal and lignite mine expansion in parts of Texas. The enclosed Public Notice (PN) describes the REIS process and provides a map, comment form, and dates and locations for three proposed public meetings during the first week of December.

As you are aware, many of the existing mines will be expanding in the coming years. In some cases these mines have completed Section 106, National Historic Preservation Act (NHPA) review on areas that will cover a decade of future work. In other cases, NHPA review, including tribal concerns, will have to be part of the new expansion. Some of the areas on the enclosed map (Figure 1 of the PN) may be of interest to the Alabama-Coushatta Tribe.

Your comments, concerns, and participation in the REIS process are invited. Resolution of the NHPA and tribal comments received in this process will be an integrated part of the final REIS.

If you have questions about the REIS, the scoping period, or meeting information, please contact Mr. Darwin Messer at the following mailing address or email:

Mr. Darvin Messer
Project Manager
U.S. Army Corps of Engineers
Fort Worth District
CESWF-PER-R
P.O. Box 17300
819 Taylor Street
Fort Worth, Texas 76102

Phone: 817.886.1744

Email: Darvin.Messer@usace.army.mil

If you have questions about the NHPA or tribal issues within this REIS, please contact Mr. Skipper Scott at the following mailing address, email, or phone number:


Mr. Skipper Scott
Regulatory Archeologist
U.S. Army Corps of Engineers
Fort Worth District
CESWF-PER-R
P.O. Box 17300
819 Taylor Street
Fort Worth, Texas 76102

Phone: 817.886.1742

Email: Skipper.Scott@usace.army.mil

Thank you for comments and participation in development of this important document.

Sincerely,


Stephen L Brooks
Chief, Regulatory Branch

Copy Furnished: Bryant Celestine
Historic Preservation Officer
Alabama-Coushatta Tribe of Texas
571 State Park Road 56
Livingston, Texas 77351

Enclosure

Appendix C

Scoping Meeting Materials

Scoping Announcement

Regional EIS for Surface Coal and Lignite Mining in Texas

October 2013



**US Army Corps
of Engineers**®
Fort Worth District

The U.S. Army Corps of Engineers (USACE), Fort Worth District (District) is preparing a Regional Environmental Impact Statement (REIS) to analyze potential impacts within defined geographic regions in Texas that may be affected by future USACE permit decisions for future surface coal and lignite mine expansions within the District's area of responsibility. The REIS will analyze the potential future direct, indirect, and cumulative impacts to waters of the U.S. and all other relevant environmental and human resources, and will facilitate the District's formulation of a categorized permit process. This scoping announcement provides information on the REIS and the public involvement process under the National Environmental Policy Act of 1969 (NEPA).

Why is the Regional EIS being prepared?

Surface coal and lignite mining projects typically conduct work that results in impacts to waters of the U.S. Such work requires permitting under Section 404 of the Clean Water Act, and for projects affecting navigable waters, permitting under Section 10 of the Rivers and Harbors Act of 1899. These programs are administered by the USACE. As part of the permit evaluation process associated with Section 404 and Section 10 permit authorizations, the USACE is also required to comply with the regulatory requirements of NEPA in evaluating the potential impacts of an action.

Historically, permit evaluations associated with surface coal and lignite mine expansions have required substantial time periods for review. These timeframes have been influenced in part by the need to develop resource information, undertake data

gathering efforts, and coordinate with various agencies and their permit review processes. The anticipated number of future permit applications requiring USACE compliance with NEPA, along with agency resource constraints, could further extend review times. The USACE seeks to ensure it can adapt and efficiently respond to multiple concurrent requests for permits that could occur in the future.

Many of the federal and state agency regulatory requirements and environmental issues associated with surface coal and lignite mining projects are similar, such as large landscape alterations, impact avoidance, mitigation measures, performance metrics/monitoring, and contributions to cumulative impacts. Therefore, the USACE is undertaking the REIS to make the NEPA aspect of the USACE's Section 404/10 permitting processes more efficient through the development of information, data, and analysis to be used in 404(b)(1) guidelines and public interest review analyses for potential future surface coal and lignite mine expansions in Texas.

USACE's Goals for the Regional EIS

The USACE's goals for the REIS are to:

- Provide a NEPA-compliant, scientifically-based regional environmental analysis, including an interdisciplinary cumulative impact assessment, of all relevant resources within the defined geographic regions;
- Develop datasets to assist with the formulation of a categorized permit process;
- Facilitate future NEPA tiering or supplementation for the evaluation of

future project-specific Section 404/10 permit applications for surface coal and lignite mines;

- Establish a cohesive framework for stream mitigation, establish sound performance metrics, and enhance monitoring efforts;
- Assist in streamlining the NEPA aspect of USACE Section 404/10 permitting so that the process is more consistent, predictable, and efficient; and
- Address, as feasible, other agency issues related to resource mitigation.

What the REIS Will Not Do

The REIS will:

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

REIS Study Areas

The six study areas for the REIS are shown in Figure 1 and summarized in Table 1.

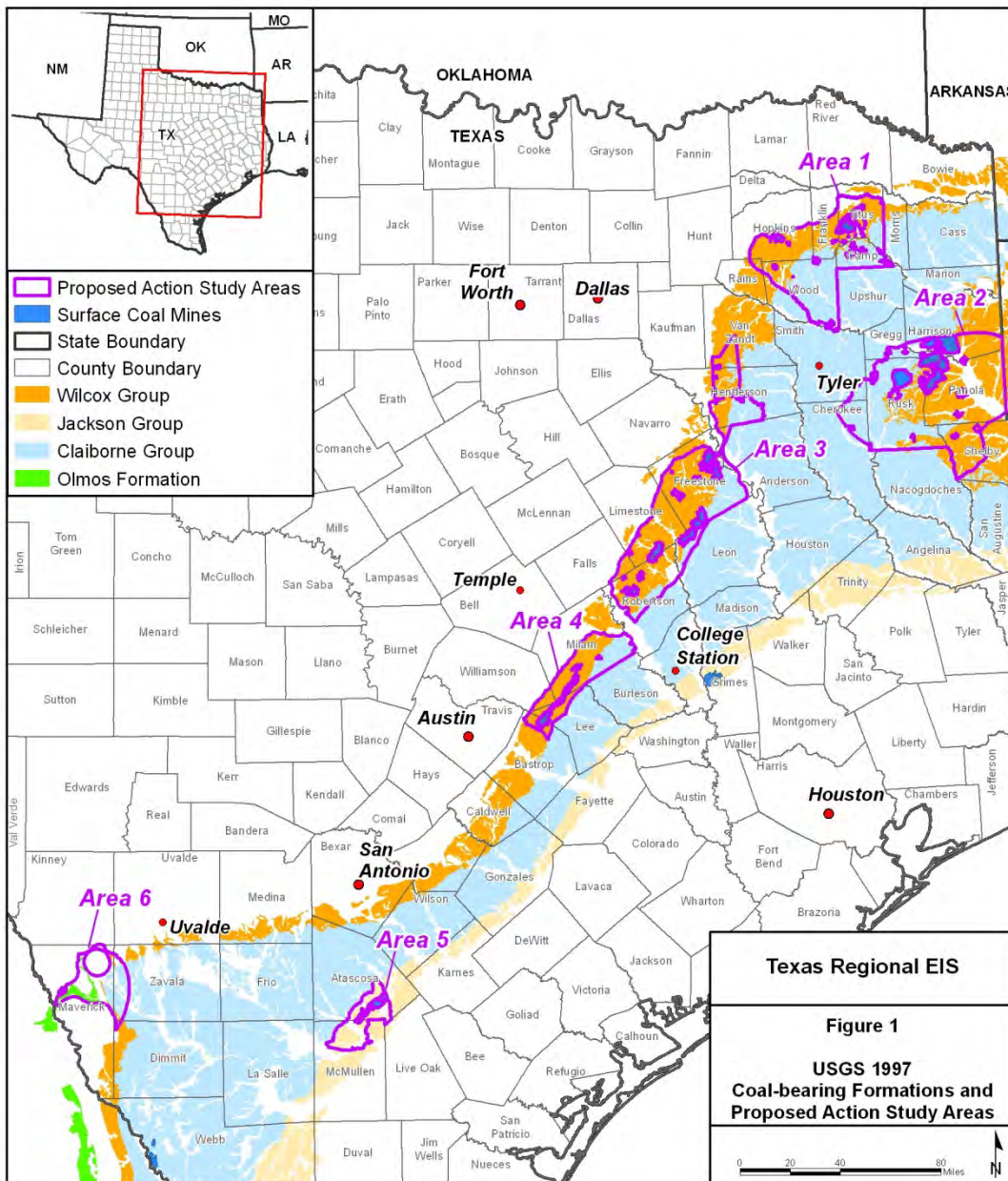


Table 1: Percent of Each Study Area Potentially Affected by Future Surface Coal or Lignite Mine Expansions

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

What are Tiering and Supplementation?

Both tiering and supplementation allow an agency to avoid duplication of effort through incorporation of relevant information and analyses from one NEPA document (e.g., EIS) into another NEPA document. In general, both tiered and supplemented NEPA documents for future surface coal and lignite mines would rely on the REIS analysis plus the future project-specific permit applications and environmental baseline field studies to provide the level of detail needed to support the project-specific NEPA analyses. A supplemented NEPA document would require a greater level of additional information and an expanded analysis due to project-specific issues or updated information since preparation of the REIS.

Categories for Future NEPA Tiering or Supplementation

The USACE has defined preliminary categories for future project-specific NEPA tiering/supplementation purposes as described below. The Section 404/10 permit requirements also are included.

Category 1: Those projects that meet the current Letter of Permission (LOP) CESWF-11-LOP-3. To qualify for evaluation under

LOP-3, projects must be designed to meet certain threshold limits including: 1) no more than 20 total acres of wetlands, of which forested wetlands would be limited to a subtotal of 10 acres, and 2) no more than 20,000 linear feet of stream, of which perennial streams would be limited to a subtotal of 1,000 linear feet. Other factors related to future project-specific impacts would also be considered in the USACE's decision relative to the use of LOP-3. From a NEPA perspective, Category 1 projects would have no anticipated significant impacts, as determined by the USACE under their authority as the lead federal agency for the NEPA document.

Category 1 projects typically would require a LOP or routine Individual Permit (IP) and a basic Environmental Assessment (EA) with an anticipated Finding of No Significant Impact (FONSI).

Category 2: Those projects that would result in impacts to waters of the U.S. in excess of the current LOP criteria. From a NEPA perspective, Category 2 projects would have no anticipated significant impacts, as determined by the USACE under their authority as the lead federal agency for the NEPA document.

Category 2 projects would require an IP and a more complex, robust EA with an anticipated FONSI or mitigated FONSI.

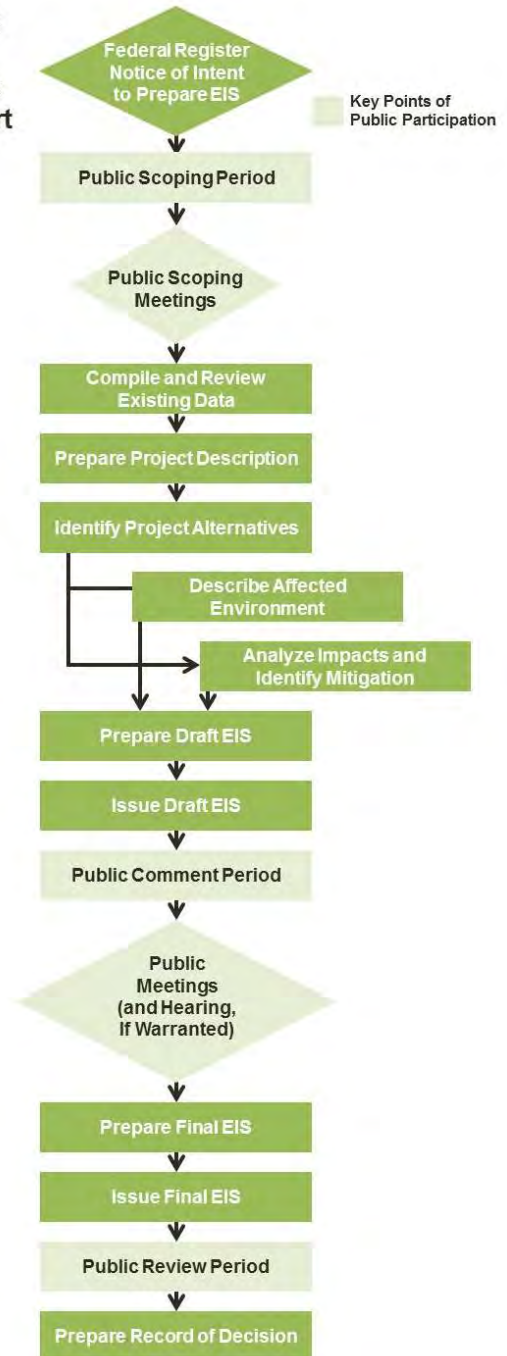
Category 3: Those projects that would result in impacts to waters of the U.S. in excess of the current LOP criteria (similar to Category 2). From a NEPA perspective, Category 3 projects would have the potential for significant impacts, as determined by the USACE under their authority as the lead federal agency for the NEPA document.

Category 3 projects would require a complex IP and an EIS.

Public Engagement - What is Scoping?

As defined by NEPA (1501.7), scoping for an EIS is a process to actively solicit input from the public and interested federal, state, and local agencies on the issues and alternatives to be evaluated in an EIS. Therefore, the public's participation during the scoping period is a vital component to preparing a comprehensive and sound document. The key points of public participation for an EIS include the public scoping period, the Draft EIS public comment period, and the Final EIS public review period. Each of the public involvement periods is initiated by the lead federal agency with publication of a notice in the Federal Register (see Figure 2).

**Figure 2
NEPA
Process
Flowchart**



The USACE initiated the scoping process for the REIS by publishing the Notice of Intent to prepare an EIS in the Federal Register on October 24, 2013. The USACE has scheduled three public scoping meetings to solicit input from the public as identified below. **The public scoping period ends December 20, 2013.**

Uvalde, Texas

December 3, 2013, 4:00pm to 7:00pm

Fairplex Event Center 122 Veterans Lane, Uvalde, TX 78801
--

Temple/Belton, Texas

December 4, 2013, 4:00pm to 7:00pm

Railroad and Heritage Museum 315 W. Avenue B, Temple, TX 76501

Tyler, Texas

December 5, 2013, 4:00pm to 7:00pm

Rose Garden Center 420 South Rose Park Drive, Tyler, TX 75702
--

The purpose of the scoping meetings is to:

- 1) Inform the public about the background, purpose, and components of proposed action and
- 2) Solicit public input on the issues, including potential impacts to the aquatic environment, and feedback on any

potential policy-related alternatives that should be considered.

The REIS is a policy-orientated document; therefore, mining-related alternatives (e.g., alternative mining methods) will not be evaluated in the REIS.

If you cannot attend one of the meetings, your comments pertaining to the REIS can be sent to Darvin Messer at the mailing address or email address provided below. **Comments must be received no later than December 20, 2013, the end of the scoping period.** A comment form is attached for your use.

Mr. Darvin Messer, Project Manager
U.S. Army Corps of Engineers,
Fort Worth District
P.O. Box 17300
819 Taylor Street
Fort Worth, TX 76102
Darvin.Messer@usace.army.mil

Acronyms:

FONSI – Finding of No Significant Impact

IP – Individual Permit

LOP – Letter of Permission

NEPA – National Environmental Policy Act

REIS – Regional Environmental Impact Statement

USACE – United States Army Corps of Engineers
--

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Comment Form

Regional Environmental Impact Statement (REIS) for Surface Coal and Lignite Mining in the State of Texas

We need your comments! Your input helps us to identify issues for evaluation in the Regional Environmental Impact Statement (REIS) for Surface Coal and Lignite Mining in the State of Texas. Please complete this comment form today or mail to the address below. Comments must be received no later than ***December 20, 2013.***

If you prefer, you may email comments or contact Darvin Messer at:

Mr. Darvin Messer, Project Manager,
U.S. Army Corps of Engineers, Fort Worth District
P.O. Box 17300
819 Taylor Street,
Fort Worth, TX 76102,
Darvin.Messer@usace.army.mil.

Please provide your comments below (Please print legibly):

Signature : _____ Date: _____

Contact information. If you would like to receive future project-related announcements, fill in the box on the reverse side of this form.

Name: _____ Title: _____

Mailing address: _____

City, State,
Zipcode: _____

Phone: _____ Fax: _____ E-mail: _____

Thank you for your interest and participation!

Fold 2

**Mr. Darvin Messer, Project Manager
U.S. Army Corps of Engineers, Fort Worth District
P.O. Box 17300
819 Taylor Street
Fort Worth, TX 76102**

Fold 1

Project mailing list for the REIS for Surface Coal and Lignite Mining in the State of Texas

To have your name added or removed from our mailing list for this project, please check the appropriate box and return this comment form to us. If you do not ask us to remove your name from our mailing list, we will send you future EIS-related announcements.

Add my name to the mailing list

Remove my name from the mailing list

Sign up to receive the REIS

To receive a CD of the REIS for review when it is available, please check below.

Send me a CD of the REIS for review

Note: Fold the comment form on the lines with the return address showing, tape it closed, affix a stamp, and drop it in the mail to us. Additional sheets may be attached.

Appendix D

Comprehensive List of Substantive Scoping Comments

Regional EIS for Surface Coal and Lignite Mining in Texas - Scoping Comment Summary

Total comment letters: 58

Total substantive comments: 132

Category	Total*
Procedural/NEPA Process	35
Proposed Action	19
Geology, Paleontology, Minerals	3
Groundwater Resources	13
Surface Water Resources	31
WUS & Wetlands	6
Soils and Reclamation	2
Fish and Wildlife Resources (including T&E)	19
Cultural Resources	4
Air Quality	15
Land Use and Recreation	7
Social and Economic Values	8
Transportation	1
Noise and Visual Resources	3
Public Health	17
Environmental Justice	1
Cumulative Effects	18

*Each comment may be categorized into multiple categories; totals do not match the total number of substantive comments received.

Regional EIS for Surface Coal and Lignite Mining in Texas - Scoping Comments

Category	Comment Text
Procedural/NEPA Process	
	A REIS should not be used as an alternative to the individual EIS for any industrial activity with the serious impacts inherent to coal and lignite mining. A complete Environmental Impact Statement (EIS) should be required for each and every coal or lignite mining application.
	All future hearings should take place in Eagle Pass.
	All future public meetings concerning the REIS for Study Area 6 should be held in Eagle Pass in order to maximize attendance and citizen input, not at some remote location.
	All surface water bodies, including ponds, streams and wetlands should be excluded from areas that could be developed as coal or lignite mines. Texas is experiencing an ongoing drought, which may prove to be the new norm for precipitation. With the increasing pressure on major bodies of water, such as lakes, reservoirs and rivers to serve human needs for domestic consumption, power production, industrial uses and agriculture, even small bodies of water are increasingly vital to wildlife and maintaining healthy ecosystems. In order to maintain inflows and avoid water quality degradation, all bodies of water should be excluded from mining with at least a 1 mile buffer in all directions, while maintaining connectivity to other lands not to be mined.
	Any future hearing be held in Eagle Pass.
	As a subset of the analysis in Items 1 and 2 above, the CIA should specifically examine the amount of wetland/stream loss and wetland/stream reclamation that has occurred since the Compensatory Mitigation Rule (CMR) came into effect in 2008. This is important because the CMR introduced much more stringent wetland mitigation standards, and it is not known whether these standards are being uniformly met within the REIS region.
	As long as the "people's" voices are heard and as long no harm comes to the land, wildlife or the landowner!

Regional EIS for Surface Coal and Lignite Mining in Texas - Scoping Comments

Category	Comment Text
	<p>As part of the PEIS, the Corps is proposing to exempt from substantive future NEPA analysis mining projects that will destroy less than 20 acres of wetlands, or less than 20,000 feet of linear streams. This exemption would create a presumption that projects meeting these size thresholds will have no significant impact and not require a full EIS. The Corps appears to be attempting to establish a categorical exclusion for this size project. "Categorical exclusion means a category of actions which do not individually or cumulatively have a significant effect on the human environment . . . and . . . for which, therefore, neither an environmental assessment nor an environmental impact statement is required." 40 CFR §1508.4. The Corps must consult with the Council on Environmental Quality on the adoption of a categorical exclusion, and it does not appear that the Corps has done so.</p> <p>These projects are not appropriate for a categorical exclusion, or even a resumption of no significant impact. The destruction of fewer than 20 acres of wetlands could have a very significant impact on water quality and aquatic life in small streams connected to those wetlands. The fewer-than-20-acres exemption also completely ignores the quality of those wetlands, such as whether they are particularly ecologically rich, contain rare species, or their recreational use and proximity to nearby residents. Likewise, the exemption for projects with less than 20,000 linear feet of streams ignores the quality of those streams, and the availability of nearby streams providing similar habitat. The Corps must consider all of these variables on a site-specific basis prior to determining that a project smaller than 20 acres has "no significant impact."</p>
	<p>Due to the high level of public interest in Maverick County regarding surface coal mining, another Scoping Meeting should be held in Eagle Pass in January or February, 2014. The Corps should make a formal presentation to the public about the project and verbal citizen comments should be recorded and transcribed and considered the same as written comments. Spanish translators should be available at the meeting.</p>
	<p>Future meetings should be held in locations selected to increase, not decrease public participation. In Study Area 6, meeting should be held in Eagle Pass.</p>
	<p>Have public meetings forums in Eagle Pass.</p>
	<p>I urge you to consider the health and welfare of the humans and animals that will be effected by this mining and to implement severe regulation that will protect all.</p>
	<p>I would like for you to come to Eagle Pass, Tx. and let us know about your decision with this issue.</p>
	<p>In addition to the impacts on adjacent properties, mining operators often own mineral rights underlying homes, farms, and ranches. The PEIS should consider how many people will be pushed off their land as a result of the expansion of lignite mining in the state.</p>
	<p>In June, President Barack Obama launched a Climate Action Plan to cut carbon pollution, prepare communities for climate change impacts and lead similar international efforts. The Department of Defense has moved forward to implement the Action Plan through a variety of efforts, and the PEIS that the Army Corps is developing should be consistent with that national policy.</p>
	<p>Instead of trying to make coal mining easier, the Army Corp of Engineers should be working in tandem with the U.S. Environmental Protection Agency to limit sources of carbon pollution, especially from coal.</p>
	<p>It is crucial that my constituents be kept informed and have a role in this process.</p>
	<p>More effort needs to be given to public notification of impending meetings. It was only by chance that anyone saw the notice for the December 3 Scoping Meeting in a single issue of one newspaper more than 30 days prior to the meeting.</p>
	<p>One of USACE's stated goals for the REIS is to "provide a NEPA-compliant, scientifically-based regional environmental analysis, including an interdisciplinary cumulative impact assessment, of all relevant resources within the defined geographic region." To ensure that this is properly accomplished, the REIS scope should name all of the specific resources that are considered to be "relevant," and identify the methodologies by which cumulative impacts will be assessed for each resource. At a minimum, the REIS scope should fully describe the methodologies for assessing the following resources and mining-induced impacts.</p>
	<p>Public engagement in the development of a REIS will likely be less than for the development of an EIS for a specific coal or lignite mining proposal. The REIS is too broad and hypothetical to be easily understood by the public. Meaningful contributions of the specific detailed information that should be considered in a full EIS will likely be more limited.</p>

Regional EIS for Surface Coal and Lignite Mining in Texas - Scoping Comments

Category	Comment Text
	<p>Sierra Club twice requested an extension of time for the public to provide input on the scope of the PEIS. You denied these requests without any explanation as to why the Corps must rush forward. Had the Corps provided more time for the public to share its views we are certain that the Corps would have learned more about the "relevant resources" impacted by mining in the large and diverse geographic area covered in the Scoping Announcement. Most people directly affected by these projects do not closely follow the Army Corps of Engineers website or the Federal Register and may need more time to become aware of the proposed action and provide comments.</p>
	<p>Site conditions may change in the time between the completion of a REIS and the development of specific coal or lignite mining proposal. Flood events can change the course of streams and rivers and endangered species may shift to new ranges because of changing climates or habitat loss in other areas. If the requirement for a site specific EIS is waived, those changes would not be considered and could lead to significant deterioration of local and regional waters and the unlawful taking of endangered species. Decreased water available in the time between the development of the REIS and coal or lignite mining proposal may also make even the temporary damaging of relatively limited waters unacceptable. Those precious waters may be urgently needed by local communities, as well as local ecologies.</p>
	<p>The comment period should be extended by at least 30 days, to at least January 20, 2014 (past the holidays) to allow for more public input.</p>
	<p>The Corps has selected AECOM to prepare the PEIS. Sierra Club is very concerned about the possibility that AECOM has conflict of interest and will not prepare an objective study. First, the report will be funded by the Texas Mining and Reclamation Association (TMRA), which is made up of the same mining companies that will be seeking permits from the Corps with environmental analysis that "tier" off the PEIS. It is clearly in TMRA's interest that AECOM downplay the environmental impacts on mining activities such that less mitigation is required and proposed new mines or mining expansions are more quickly approved. Even more concerning, AECOM's own client base includes mining companies, including one of the largest lignite mining operators in Texas. For example, an AECOM employee is currently serving as an expert witness for Luminant Generation Corporation and Energy Future Holdings in two federal lawsuits. Did the Corps screen AECOM for conflicts prior to selecting it to prepare the PEIS? What did that screening process involve? What were the results? How can the Corps be assured that AECOM will fully evaluate the cumulative impacts of lignite mining when such information could be used to the disadvantage of its clients in Texas and across the globe? This information should be shared with the public. Sierra Club believes that the report should be prepared by an independent consultant that will not experience pressure from its clients to downplay the environmental impacts of lignite mining.</p>
	<p>The Corps intends to "establish a cohesive framework for stream mitigation, establish sound performance metrics, and enhance monitoring efforts." Scoping Announcement at 2. To do so, and particularly to determine "sound performance metrics" the Corps must evaluate the success of mitigation to date in relation to the 2008 Mitigation Rule, which requires that not only the structure of a stream or wetland be restored, but also the ecological functions that those resources provide. As Sierra Club has previously commented, the TXRAM evaluation that the Corps has been employing is wholly inadequate for this purpose.</p>
	<p>The Corps states on page 2 of the scoping notice that the PEIS will not provide complete NEPA compliance for future proposed expansions. It is critical that the Corps undertake detailed site-specific review for each future project because there are many site-specific factors that cannot be addressed in a regional EIS process, and because there are likely to be changed circumstances between the time the EIS is issued, and the time that any particular mine expansion is proposed and permitted.</p>
	<p>The format of the scoping hearings did not allow the public to provide oral comments for the record. Instead, the Army Corps of Engineers provided a "science fair" format for discussions with staff and a suggestion box. Some people prefer to submit comments orally and it is standard procedure for agencies to hold public hearings on proposed actions. We request that the Army Corps of Engineers hold at least one true public hearing in which members of the public can voice their suggestions, on the record, for the Corps' consideration.</p>
	<p>The location of the scoping meetings ignored certain areas most impacted by lignite mining in Texas. The Corps held a meeting in Uvalde where there is no current strip mining. The local communities may not yet be aware of mining impacts. The Corps would likely have gotten more public input had it held the meeting near active mining areas in South Texas. In addition, there was no meeting in Freestone County, one of the most active mining areas in the state. The nearest meetings were 1.5 hours away.</p>

Regional EIS for Surface Coal and Lignite Mining in Texas - Scoping Comments

Category	Comment Text
	<p>The REIS, when completed, should not lessen any requirement for the completion of a full scale EIS for any expansion of surface coal mining in Maverick County. In other words, the existence of the REIS should not be the basis for allowing any lesser environmental analysis to take the place of a complete EIS for any specific mine expansion project.</p> <p>The review staff, led by Bill Martin, believes that the best way to coordinate the Fort Worth District's Section 106 responsibilities in regard to the issuance of Section 404 permits to the mines would be for our agencies to develop individual programmatic agreements for each mine. These agreement documents would specify survey, testing, and mitigation procedures appropriate for the geographical and cultural region of the state in which each specific mine is located.</p> <p>Since the Railroad Commission of Texas (RCT) oversees surface mining and reclamation in Texas, and works closely with this office to ensure that cultural resources within the mines are protected or mitigated, we recommend that the Director of the Surface Mining and Reclamation Division be an invited signatory to the document. Staff from the RCT may wish to consult on the development of these agreements in order to ensure compatibility with procedures that are already in place regarding cultural resources studies.</p> <p>Unfortunately, many who live in Maverick County did not receive timely notice for this meeting or were unable to travel to Uvalde. This is an important issue for the people of Maverick County, where the imminent reopening of the Dos Republicas Mine threatens to bring water and air pollution challenges, and their voices deserve to be heard. Therefore, I am formally requesting that the Corps hold a public meeting in Eagle Pass during the latter part of January 2014 to receive the insights and concerns of local citizens. And to ensure that all my constituents have the opportunity to participate, I further request that the Corps extend the deadline for public comment from Dec. 20, 2013, to Jan. 20, 2014.</p> <p>We are senior citizens and will appreciate it if any future meetings be held in Eagle Pass so we can attend as Albert is 100% disabled. The men in our neighborhood are US veterans.</p> <p>We oppose the Army Corp of Engineers' efforts to develop a Regional Environmental Impact Statement for coal mining in Texas. Each mining permit should be required to develop an Environmental Impact Statement, with opportunity for public input on the process.</p> <p>We want an extension of 30 days for public comment.</p> <p>We would greatly appreciate it if in the future any meetings that are scheduled be done in Eagle Pass Texas so that you can give the citizens of Maverick County the opportunity to voice their concerns. The meeting held on December 3, 2013 was unknown to a lot of the community.</p>
Proposed Action	
	<p>A PEIS must include a program statement that defines "geographic, temporal and subject matter limits." Environmental Defense Fund v. Adams, 434 F. Supp. 403 (D.D.C. 1977). The Corps has not put a limit on the time period during which the PEIS will apply. As more and more areas are scarred by coal mining, the Corps will need to revisit the cumulative impacts of future projects. The Corps should place a temporal limit on the scope of the PEIS.</p>
	<p>A REIS should not be used as an alternative to the individual EIS for any industrial activity with the serious impacts inherent to coal and lignite mining. A complete Environmental Impact Statement (EIS) should be required for each and every coal or lignite mining application.</p>
	<p>Alternatives to placing sedimentation basins on-channel in mitigation streams should be addressed. Detention and treatment of stormwater runoff should not be the purpose of mitigation streams.</p>

Regional EIS for Surface Coal and Lignite Mining in Texas - Scoping Comments

Category	Comment Text
	<p>As part of the PEIS, the Corps is proposing to exempt from substantive future NEPA analysis mining projects that will destroy less than 20 acres of wetlands, or less than 20,000 feet of linear streams. This exemption would create a presumption that projects meeting these size thresholds will have no significant impact and not require a full EIS. The Corps appears to be attempting to establish a categorical exclusion for this size project. "Categorical exclusion means a category of actions which do not individually or cumulatively have a significant effect on the human environment . . . and . . . for which, therefore, neither an environmental assessment nor an environmental impact statement is required." 40 CFR §1508.4. The Corps must consult with the Council on Environmental Quality on the adoption of a categorical exclusion, and it does not appear that the Corps has done so.</p> <p>These projects are not appropriate for a categorical exclusion, or even a presumption of no significant impact. The destruction of fewer than 20 acres of wetlands could have a very significant impact on water quality and aquatic life in small streams connected to those wetlands. The fewer-than-20-acres exemption also completely ignores the quality of those wetlands, such as whether they are particularly ecologically rich, contain rare species, or their recreational use and proximity to nearby residents. Likewise, the exemption for projects with less than 20,000 linear feet of streams ignores the quality of those streams, and the availability of nearby streams providing similar habitat. The Corps must consider all of these variables on a site-specific basis prior to determining that a project smaller than 20 acres has "no significant impact."</p>
	<p>Current Section 404 permitting procedures reflect the fact that even small systems are worthy of protection through the individual permit process. The USACE should not abandon or contradict this long-established policy by making the EIS process less rigorous than the Section 404 permitting process.</p>
	<p>Due to the extent and nature of coal mining impacts, inclusion of additional functional/conditional assessments should be required as necessary. For example, pre-impact and post-impact Index of Biotic Integrity metrics for fish and benthic macroinvertebrates should be used when impacts include perennial streams and intermittent streams with perennial pools.</p>
	<p>Establishment of monitoring periods greater than five years, commensurate with the extent of impact, may be warranted because of the extent and nature of mining impacts and should be explored.</p>
	<p>For the reasons stated in paragraph 8, above, Study Area 6 should be expanded to include all of Elm Creek and the Rio Grande at least as far south as the City of Eagle Pass water intake in order to evaluate the effects that coal mining will have on these waterways and their adjacent communities.</p>
	<p>Mine operators in Texas are allowed to use coal ash as part of the fill when reclaiming mines. The highly toxic coal ash is not encapsulated in any way, greatly increasing the risk that it will find its way to groundwater or surface water, as rainwater infiltrates the mine fill. The PEIS should study the impacts of mine-filling with coal ash, including cumulative impacts.</p>
	<p>Mitigation for mining impacts presents challenges in fulfilling the requirement to protect mitigation sites in perpetuity if the proposed mitigation site is on leased lands. The REIS should address issues regarding site protection assurances consistent with the 2008 mitigation rule. If permittee-responsible mitigation is to be used, the REIS should explore the purchase of leased lands from willing sellers to allow for conservation easements or other proper long-term site protection instruments. If leased lands cannot be purchased, the REIS should consider prioritizing mitigation off-site for impacts on leased lands that cannot be protected by conservation easement or other proper long-term site protection instruments.</p>
	<p>Mitigation success should be dependent on attainment of ecologically-based performance standards consistent with the 2008 mitigation rule with the explicit intention that credit production and credit release (in case of mitigation banks) or release of financial assurances (in case of permittee-responsible mitigation) be dependent on attainment of ecologically-based performance standards. The REIS should address the use of appropriate functional assessment tools in determining baseline conditions, mitigation needs, and establishment and attainment of ecologically-based performance standards. Construction-based performance standards, such as grading, planting, bank stability, and similar measures may be included in the performance standards, but these should not be used in place of ecologically-based performance standards or as the ultimate measure of mitigation success.</p>
	<p>One of the primary goals of the REIS should be to objectively assess the extent to which the provisions and requirements of the 2008 Compensatory Mitigation Rule have been applied to lignite and coal mines since the rule became effective.</p>

Regional EIS for Surface Coal and Lignite Mining in Texas - Scoping Comments

Category	Comment Text
	<p>The Corps cannot preemptively exempt a category of projects from a full EIS without providing any basis or even defining the category with any specificity. Presumably, the PEIS process will gather data to further explain this mysterious category, but for the same reasons that the Category 1 thresholds are suspect, Sierra Club is highly skeptical that a scientifically defensible intermediate category can be developed. Such thresholds do little more than create an incentive for permit applicants to artificially limit or piecemeal their applications so as to fit within the Category 1 or 2, and benefit from the “presumption” that there will be no significant impacts from that mining.</p>
	<p>The geographic boundaries of the proposed PEIS do not encompass the full regional impact of lignite mining. There are active lignite surface mines in Louisiana, within a short distance of the Texas border, such as the Dolet Hills Lignite Mine, and the Oxbow Lignite Surface Mine. As shown in Figure 1 in the Scoping Announcement, lignite and coal deposits exist in western Louisiana, yet Study Area 2 artificially terminates at the Texas-Louisiana border. As a result, this PEIS will not fully assess the cumulative impacts of this mining for watersheds, ecosystems, and communities—both wildlife and human—that bridge this border. The Fort Worth District should coordinate with adjacent Districts to properly conduct this PEIS. The fact that the Texas Mining and Reclamation Association is paying for the study should not constrain the geographic scope. There is no basis to study the impacts of mining only in Texas and ignore those just over the border. Rather, the geographic scope of similar lignite mining projects, with similar impacts, should drive the geographic scope of the PEIS.</p>
	<p>The remediation and wetland mitigation undertaken by mine operators to date has not alleviated the harms of stream and wetland loss, as the newly created wetlands and streams are of considerably lower quality.</p>
	<p>The scoping announcement states that one purpose of the PEIS is to “[d]evelop datasets to assist with the formulation of a categorized permit process.” Any categorizations used in the permitting process must be supported by extensive data, rather than reflecting arbitrary thresholds as currently reflected in the scoping announcement.</p>
	<p>The scoping notice defines Category 2 as projects that exceed the current LOP criteria, but for an undefined reason are still expected not to have significant impacts and not to require an EIS. The Scoping Announcement states that “Category 2 projects would require an [individual permit] and a more complex, robust EA with an anticipated FONSI or mitigated FONSI.” Again, the Corps must consider site-specific variables before “presuming” that a Category 2 project has no significant impact.</p>
	<p>The USACE tiering approach does not reflect an understanding of the importance of headwater streams and wetlands from an ecological perspective. These systems have special importance in terms of water quality improvement, seasonal prey base production and faunal productivity, and provision of organic carbon to downstream aquatic systems. Many are saturation-based systems for portions of the year and some support rare and unique plant species and communities. The USACE’s presumption that downstream biological resources in perennial systems are of greater value than the distinctly different biological resources of upstream systems is without scientific basis.</p>
	<p>USACE requires equal protection of all jurisdictional wetlands, regardless of whether they are long-hydroperiod/perennially wet systems or short-hydroperiod systems that are only saturated to the soil surface for a few months per year. Paradoxically, USACE arbitrarily attributes greater ecological value to perennial streams than to intermittent and ephemeral streams, even though the stream channel bottoms of such systems are clearly wetland systems that would be protected (in spite of their intermittent nature) if they were not in a linear context. While perennial streams may be of greater value for some fishery and aquatic functional values, they are not of greater value for many wetland functions. Allowing the lowest threshold on the proposed tiering system of up to 1000 feet perennial stream and 19,000 feet intermittent/ephemeral stream is arbitrary and without scientific basis or legal basis.</p>
Geology, Paleontology, Minerals	
	<p>It is undisputed that there are numerous underground mine workings left over from underground coal mining in Maverick County in the early Twentieth Century. There is the Lamar Mine immediately adjacent to the DRCP permit area which underlies several occupied dwellings; there are also the Olmos Mine and the International Mine which underlie dwellings and other buildings in the Seco Mines and Hopedale areas. Expert testimony and a study by the U.S. Bureau of Mines (RI 9078, “Low Frequency Vibrations Produced by Surface Mine Blasting Over Abandoned Underground Mines”) presented during the RRC hearings demonstrate that the presence of these underground workings greatly amplify the adverse effects of blasting conducted during surface coal mining, particularly in regard to structural damage.</p>
	<p>They have also mentioned that they will be using explosives at times; a lot of these properties located close to the proposed site have old mine shafts from past years that have on occasion been caving in. What will happen to our homes when they use explosives? We chose to live out here in the country for the peace and quiet to raise our children and grandchildren.</p>

Regional EIS for Surface Coal and Lignite Mining in Texas - Scoping Comments

Category	Comment Text
	Unique geologic and cultural features should be carefully examined on a site by site basis, when permits are sought.
Groundwater Resources	
	Because it harms the air, the water and it's responsible for many disease.
	Can you guarantee no water polution from mining in or near the Edwards Aquafer?
	I am concern about our water for our home as well as our land and livestock.
	I don't agree because it harms the air, wather and it's responsible for many diseases.
	Impact on groundwater flows and supply should be carefully considered, while taking into account existing projected water supply constraints for both human uses and ecological needs. Mining requires pumping of large quantities of groundwater to keep the mine site dry and allow for extraction of the coal or lignite. Local groundwater availability and the flow of groundwater within a region are often seriously impacted. Existing domestic, commercial, industrial, agricultural and ecological needs should be prioritized. In some cases, even a small reduction in scarce or highly burdened groundwater availability may be unacceptable and should be prohibited. The impact on surface water bodies via connection to groundwater supplies should also be carefully considered. As surface water supplies become scarcer on a permanent or seasonal basis, maintaining connectivity between groundwater and surface water is critical.
	It helps land and crops, but it also concerns me that our drinking water or surface water can be contaminated by the mining operation. Overall I think it should be done to a degree where it has as little environmental damage as possible.
	Lignite strip mining permanently destroys wetlands that provide valuable wildlife habitat and water quality benefits. Wetlands also provide flood mitigation and promote the recharge of groundwater -- a rare and precious resource in this increasingly arid state. The Corps should evaluate how the expansion of 250 square miles of lignite mining, as is expected, will cumulatively impact flood mitigation and groundwater recharge.
	Mine operators in Texas are allowed to use coal ash as part of the fill when reclaiming mines. The highly toxic coal ash is not encapsulated in any way, greatly increasing the risk that it will find its way to groundwater or surface water, as rainwater infiltrates the mine fill. The PEIS should study the impacts of mine-filling with coal ash, including cumulative impacts.
	Our water and air are our life support.
	Strip mining has serious local impacts on groundwater levels and flow patterns, as vast quantities of groundwater must be pumped out to dewater the area to be mined. These groundwater withdrawals are exempt from regulations imposed by local groundwater conservation districts to conserve the groundwater resources in their jurisdictions. See Tex. Water Code § 36.117(b)(3) (creating exemption for "drilling a water well authorized under a permit issued by the Railroad Commission of Texas under Chapter 134, Natural Resources Code, or for production from the well to the extent the withdrawals are required for mining activities regardless of any subsequent use of the water"). Sierra Club members living near the mines have experienced dramatic drops in the water levels in their wells. The Corps should consider how this tremendous groundwater pumping across a wide area will affect aquifers used for drinking water and domestic use. The Corps should also evaluate, as a mitigation measure, the feasibility of constructing subsurface concrete barriers to isolate the area that must be dewatered.
	The mercury and other heavy metal-poisoning that occurs from strip mining lignite effects the water supply is incompatible with health. There is a cumulative impact from mining that should be aggressively studied and regulated.
	The Mid-East Texas GCD represents the counties of Freestone, Leon, and Madison. Area 3 described in the REIS encompasses a large portion of Freestone and a part of Leon counties. The GCD would like assurances that the de-watering activities associated with this study does not adversely affect our groundwater supply. We feel a more localized assessment of dewatering affects from mining is better than a regional impact.
	The REIS should address secondary impacts on downstream aquatic resources from dewatering, or changes in hydrology, including impacts on groundwater levels and adjacent and downstream aquatic resources as they pertain to stream flow and wetland maintenance.
Surface Water Resources	
	Because it harms the air, the water and it's responsible for many disease.
	Elm Creek is the only water source around this area available to the surrounding habitat and migratory birds. We as a household receive domestic water from canal lateral 21. We feel our water will be contaminated as a result of airborne pullution and seepage from set mines. Our water comes to us by small canal in front of our home. This water is pumped to a small resovior for daily use at times it will be used for cooking and emergency consumption.

Regional EIS for Surface Coal and Lignite Mining in Texas - Scoping Comments

Category	Comment Text
	Elm creek runs through our property where we fish and consume these fish. It is our understanding the runoff water from the mines will travel through this creek therefore contaminating the waters and everything that lives in it and drinks from it. Please keep in mind that the community adjacent to the proposed mine site uses water from the canal as domestic water and concerns us deeply.
	I am concern about our water for our home as well as our land and livestock.
	I don't agree because it harms the air, wather and it's responsible for many diseases.
	I would like for the U.S. Army Corps of Engineers to make a complete study of the Elm Creek environment impact to the Rio Grande because the Elm Creek follows up the river from our city water intake.
	I, Ernesto Ibarra am not in accordance with making coal mines in the Eagle Pass area because it will cause much pollution and will be very bad for the people.
	I'm worried about the water sources around where I live. I enjoy to fish and would not want them to be harmed.
	Impact on groundwater flows and supply should be carefully considered, while taking into account existing projected water supply constraints for both human uses and ecological needs. Mining requires pumping of large quantities of groundwater to keep the mine site dry and allow for extraction of the coal or lignite. Local groundwater availability and the flow of groundwater within a region are often seriously impacted. Existing domestic, commercial, industrial, agricultural and ecological needs should be prioritized. In some cases, even a small reduction in scarce or highly burdened groundwater availability may be unacceptable and should be prohibited. The impact on surface water bodies via connection to groundwater supplies should also be carefully considered. As surface water supplies become scarcer on a permanent or seasonal basis, maintaining connectivity between groundwater and surface water is critical.
	In this letter we wish to address just one of these reasons however, the scientifically proven fact that strip mining will cause water pollution.
	It helps land and crops, but it also concerns me that our drinking water or surface water can be contaminated by the mining operation. Overall I think it should be done to a degree where it has as little environmental damage as possible.
	Lignite strip mining permanently destroys wetlands that provide valuable wildlife habitat and water quality benefits. Wetlands also provide flood mitigation and promote the recharge of groundwater -- a rare and precious resource in this increasingly arid state. The Corps should evaluate how the expansion of 250 square miles of lignite mining, as is expected, will cumulatively impact flood mitigation and groundwater recharge.
	Mine and my family's opinion is that we do not want coal mines here in our county, nor on any side that is going to harm our health, our land and our water.
	Mine operators in Texas are allowed to use coal ash as part of the fill when reclaiming mines. The highly toxic coal ash is not encapsulated in any way, greatly increasing the risk that it will find its way to groundwater or surface water, as rainwater infiltrates the mine fill. The PEIS should study the impacts of mine-filling with coal ash, including cumulative impacts.
	My water comes from the Maverick County Water Control and Improvement District #1 through canal lateral #20. I am very concerned that my water is going to be contaminated by coal dust and other chemicals. I am very concerned about the possibility of contamination to the Elm Creek.
	Our water and air are our life support.
	Rainwater mixes with the pyrite to form sulfuric acid which is washed into streams and ponds below the mine. This sulfuric acid would be washed into Elm Creek which then feeds into the Rio Grande.
	State and federal agencies have designated 24 Texas water bodies as being impaired for mercury. A large number of these lakes, creeks, rivers, and bayou's are in the geographic scope of the PEIS and are near large lignite mining operations, and/or are downwind of the power plants where the lignite is burned. The list of 24 includes Caddo Lake, Big Cyprus Creek, Black Cyprus Bayou, Lake Dainerfield, Toledo Bend Reservoir, Clear Lake, Hills Lake, Neches River, BA Steinhagan Lake, Lake Ratcliff, and many others. Health authorities have had to step in and issue fish advisories on numerous Texas water bodies warning Texans not to consume any fish they catch there. The Corps must consider the water quality impacts of the mining in conjunction with these existing impairments and the ongoing mercury loading of these waters.

Regional EIS for Surface Coal and Lignite Mining in Texas - Scoping Comments

Category	Comment Text
	Strip mining of lignite creates significant surface water pollution as the mining exposes coal containing high levels of heavy metals, dissolved minerals and salts. The Corps must evaluate the cumulative impact of these discharges on surface waters. The Corps should not assume that because discharges from these mines are permitted by the state of Texas on a site-by-site basis that there are no significant water quality impacts. The Corps should evaluate mining discharges of pollutants to waterways at the regional level for cumulative impacts.
	Temporal loss of aquatic resources due to the time lag between impacts and mitigation, and temporary impacts from stream diversions should be addressed.
	The following is a proposed addendum to Area 6 by the US Army Corp of Engineers, Fort Worth District, Regional Environmental Impact Study. This addendum I believe will encompass a greater area due to impacts that the proposed Coal Mine could have on the watershed regions of Rio Grande recharge zone in Maverick County. Elm Creek is of particular interest as it runs parallel to the mine site and into the Rio Grande. Once many of the creeks and streams empty into the Rio Grande, the Rio Grande itself should be tested to be sure of runoff potential, particulate matter, potential for Clean Water Act violations, and changes to habitat due to salinity, pH or content. The Rio Grande provides water and is recharged by areas which include 4 densely populated regions included within the addendum area: Eagle Pass, Las Quintas, Rosita North and South (Kickapoo Tribal Grounds), and El Indio.
	The law requires that the pH of water released from a mine be between 6 and 9. Although the more common problem associated with mining operations is acid drainage (low pH), alkaline drainage (high pH) is less common but can also cause problems. Alkaline mine drainage or runoff is most common in the West, where alkaline overburden may be exposed to water during mining. Acid drainage is typically caused when pyrite (fool's gold) or marcasite in the overburden is exposed to air and water during the mining process.
	The mercury and other heavy metal-poisoning that occurs from strip mining lignite effects the water supply is incompatible with health. There is a cumulative impact from mining that should be aggressively studied and regulated.
	The only thing that worries me, is how it will effect the water and everything that relies on water.
	The REIS should address secondary impacts on downstream aquatic resources from dewatering, or changes in hydrology, including impacts on groundwater levels and adjacent and downstream aquatic resources as they pertain to stream flow and wetland maintenance.
	The REIS should address the establishment of pre-impact baselines for surface water quality and address the maintenance of this quality in post-impact surface waters. Water quality parameters of interest include, but are not limited to: total dissolved solids; pH; specific conductance; total suspended solids; total iron, total manganese; and flow. Also, regional and cumulative effects on these and other relevant water quality parameters should be addressed.
	The scree and fill that results from mining needs to be regulated aggressively. The runoff from this residue is as harmful to the environment as the actual mining. Strip mining has serious impacts on natural stream health and flow. The water supply in this state is limited and becoming more scarce and one does not wish it to become contaminated.
	Water, an already precious commodity in the southwest, will be at an even more stressed level. Municipalities such as Eagle Pass water works, which receive its drinking water from the Rio Grande, could be burdened by the new acid levels which will also effect metal equipment used to process drinking water and any metal structures in the water, bridges, tunnels, and boating equipment.
	We are very concerned for our water as it comes from canal lateral 20 and we know it will be contaminated by coal dust and chemicals.
	We love our water and would like to have 100% no risk at it turning bad!
	What do they care that the run-off of water will contaminate the Rio Grande. What do they care that coal dust will poison the lungs of my grandchildren. What do they care that our children will die at a very young age due to these ill-conceived decisions.

WUS & Wetlands

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	As part of the cumulative impact assessment, the REIS should estimate the amount (acreage) of mining-related wetland loss and length (miles) of mining-related stream loss that has occurred in the region since the USACE began issuing Section 404 permits for these activities in the state. This should be done separately for each of the six study areas. This analysis may include calculations based on comparisons of historic and current aerial photographs of mine sites, as well as reference to mine documents and permits/applications. For wetlands, the assessment should at least distinguish between open water, forested, and non-forested wetlands. For streams, a distinction should be made between perennial streams and intermittent/ephemeral streams. These analyses should be distinct and separate from any analysis or tabulation of created or reclaimed mitigation wetlands and mitigation streams.
	Lignite strip mining permanently destroys wetlands that provide valuable wildlife habitat and water quality benefits. Wetlands also provide flood mitigation and promote the recharge of groundwater -- a rare and precious resource in this increasingly arid state. The Corps should evaluate how the expansion of 250 square miles of lignite mining, as is expected, will cumulatively impact flood mitigation and groundwater recharge.
	The CIA should also estimate the amount (acreage) of mining-related mitigation wetlands and length (miles) of mining-related mitigation streams that have been created as mitigation projects since USACE began issuing 404 permits for mine-related activities, using the same categories as above.
	The Corps must evaluate the cumulative impact of filling small streams that are an essential part of the network of wildlife habitat and the state's water supplies and recreational resources. The Corps must look at how the destruction of so many wetlands and streams within a particular watershed affects the quality and quantity of water in the state's rivers, the overall health of aquatic populations, and the impact on downstream water users.
	The REIS should address secondary impacts on downstream aquatic resources from dewatering, or changes in hydrology, including impacts on groundwater levels and adjacent and downstream aquatic resources as they pertain to stream flow and wetland maintenance.
	The REIS should not limit its assessment only to wetland acreages and stream lengths, but should also thoroughly compare the type, nature and function of reclaimed wetlands versus historic and/or reference wetlands, and similarly, compare stream morphological and biological characteristics between reference and reclaimed systems. This evaluation is just as important as the assessment of acreage/length impacts and mitigation, and is a vital part of the CIA.
Soils and Reclamation	
	Storage and replacement of topsoils and subsoils (including B and C horizons favorable for root development) containing physical, chemical, and biological components compatible with the pre-impact landscape that aid in ecological recovery of aquatic resources should be addressed.
	They should do as much as possible to preserve the environment. Making sure the landowners receive their land in a good shape and compensating them for their support.
Fish and Wildlife Resources (including T&E)	
	A full and complete search for any endangered species should be conducted as part of any REIS or EIS. Many endangered species are difficult to see on a basic site visit and may require special equipment and a dedicated effort over a period of months to locate. Coal and lignite mining are not compatible with many, perhaps most, endangered species because of the land disturbance, noise, light and heavy vehicle traffic. Any areas found to harbor endangered species should be excluded from consideration for mining, with an appropriate buffer, depending on the species.
	As long as the "people's" voices are heard and as long no harm comes to the land, wildlife or the landowner!
	As long as there is very little harm to the environment and wildlife I have no other concerns.
	But honestly it's not for our area, the wild life is too important, it's a serious risk around the area.
	Elm Creek attracts fishing at times of flooding as well as housing for beaver, Rio Grande turtle, deer and turkey. We have been a place for the Monarch butterfly to stop on their way to Mexico. We feel mining is an explortation of our natural resources.
	Elm Creek is the only water source around this area available to the surrounding habitat and migratory birds. We as a household receive domestic water from canal lateral 21. We feel our water will be contaminated as a result of airborne pullution and seepage from set mines. Our water comes to us by small canal in front of our home. This water is pumped to a small resovior for daily use at times it will be used for cooking and emergency consumption.

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	Elm creek runs through our property where we fish and consume these fish. It is our understanding the runoff water from the mines will travel through this creek therefore contaminating the waters and everything that lives in it and drinks from it. Please keep in mind that the community adjacent to the proposed mine site uses water from the canal as domestic water and concerns us deeply.
	I urge you to consider the health and welfare of the humans and animals that will be effected by this mining and to implement severe regulation that will protect all.
	If the water becomes to acidic it can cause a huge die off of fish, which in turn sterilizes the land of life. The water will be too dangerous for wildlife to drink. Wildlife which cannot migrate will die off as food supplies become scarce.
	In the Eagle Pass Area there are ocelot and jacurande(?) In Uvalde County I have seen jacurande. I would rather have a safe home for these elusive animals than mining dust in my area.
	It is also undisputed that there are endangered species (Ocelots and Jaguarundis) living in the DRCP permit area, near Elm Creek. The threat to these species will only be exacerbated if the mine is expanded with an increase in animal deaths or their dispersal to other areas where they cannot maintain a breeding population.
	Lignite strip mining permanently destroys wetlands that provide valuable wildlife habitat and water quality benefits. Wetlands also provide flood mitigation and promote the recharge of groundwater -- a rare and precious resource in this increasingly arid state. The Corps should evaluate how the expansion of 250 square miles of lignite mining, as is expected, will cumulatively impact flood mitigation and groundwater recharge.
	May I also mention that our son loves hunting and on one evening while he was sitting in his blind he witnessed an ocelot crossing through our property at the time we had no idea it is an endangered species we fear their habitat will be greatly disturbed.
	Temporal loss of aquatic resources due to the time lag between impacts and mitigation, and temporary impacts from stream diversions should be addressed.
	The constant noise and lights associated with strip mining operations are highly disruptive to the lives of nearby landowners, greatly diminish the value of that property, and are harmful to wildlife. The Corps must consider the impacts of multiple mines being approved near homes, the impact on the quality of life of property owners, and the impact on the property value.
	The Corps must evaluate the cumulative impact of filling small streams that are an essential part of the network of wildlife habitat and the state's water supplies and recreational resources. The Corps must look at how the destruction of so many wetlands and streams within a particular watershed affects the quality and quantity of water in the state's rivers, the overall health of aquatic populations, and the impact on downstream water users.
	The Corps must study the habitat provided by wetlands to terrestrial species and birds, as well as aquatic life, and how the loss of wetlands over a wider area will harm those species, and decrease their range.
	The net result of these possible water issues will be a loss of property value for our family, a loss of fisheries for our future, and a loss of health for everyone who lives in such an ecosystem; Human and animal alike.
	The REIS should address secondary impacts on downstream aquatic resources from dewatering, or changes in hydrology, including impacts on groundwater levels and adjacent and downstream aquatic resources as they pertain to stream flow and wetland maintenance.
Cultural Resources	
	It is undisputed that there are numerous underground mine workings left over from underground coal mining in Maverick County in the early Twentieth Century. There is the Lamar Mine immediately adjacent to the DRCP permit area which underlies several occupied dwellings; there are also the Olmos Mine and the International Mine which underlie dwellings and other buildings in the Seco Mines and Hopedale areas. Expert testimony and a study by the U.S. Bureau of Mines (RI 9078, "Low Frequency Vibrations Produced by Surface Mine Blasting Over Abandoned Underground Mines") presented during the RRC hearings demonstrate that the presence of these underground workings greatly amplify the adverse effects of blasting conducted during surface coal mining, particularly in regard to structural damage.
	Mining destroys historical and cultural artifacts in an area of the state once densely populated by Native American communities. Areas to be mined must be comprehensively surveyed for artifacts and burial areas, and those areas must not be mined. If this analysis is more efficiently conducted on a site-specific basis, the PEIS should state that it is not making any findings regarding historic and culture artifacts. East Texas is the homelands of the Caddo Nation and other native peoples, and their burial sites and mounds are found across areas under study by the Army Corps for this PEIS.

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	Protecting the Caddo culture artifacts is also important. The mining industry should evaluate and safely dig these artifacts.
	Unique geologic and cultural features should be carefully examined on a site by site basis, when permits are sought.
Air Quality	
	Also it can be very harmful to the enviroment as well. because it would be adding more pollutants back into the air.
	Because it harms the air, the water and it's responsible for many disease.
	During windy days (particularly in December, January and February, when the wind is from the north) dust, coal dust and crystalline silica will be blown from the excavation sites, haul roads, the 250,000 ton coal stockpile and off the car train which will transport the coal through the middle of Eagle Pass every day, en route to Mexico. It is well established that exposure to these contaminants can cause bronchitis, emphysema and silicosis.
	I don't agree because it harms the air, wather and it's responsible for many diseases.
	I, Ernesto Ibarra am not in accordance with making coal mines in the Eagle Pass area because it will cause much pollution and will be very bad for the people.
	In accordance with NEPA, the Corps must assess the significance of the direct, indirect, and cumulative GHG emissions associated with the expected expansion of lignite mining.
	Mine operations, including milling and transportation of coal and fill generate large amounts of dust that is a nuisance and health hazard to nearby residents and users of Texas public lands. The PEIS should study these impacts and their cumulative effects.
	Our water and air are our life support.
	Streamlining coal and lignite mining proposals will exacerbate the already pressing problem of climate change. Coal and lignite are high carbon-emitting energy sources, which are already losing market share in the United Sates. Given the global nature of climate change, developing new coal and lignite mines for export purposes is contrary to the goals set forth in The President's Climate Action Plan of 2013.
	The air quality is also a major concern.
	We are poor and adding a cancer causing industry to our region will be detrimental to our well being affect our quality of life as well as our economy.
	We cannot have additional air polution the current coal mines along our local border produce.
	We don't need more pollution.
	We live in the middle of the proposed mining area, and we are very concerned about the air pollution that will come as a result of this.
	What do they care that the run-off of water will contaminate the Rio Grande. What do they care that coal dust will poison the lungs of my grandchildren. What do they care that our children will die at a very young age due to these ill-conceived decisions.
Land Use and Recreation	
	As long as the "people's" voices are heard and as long no harm comes to the land, wildlife or the landowner!
	I believe that, this is a very good idea as long as you go with your promise to take land that really will have no production and more in that area, not area that could potentially have great growth. Personally, I would not want you to take my land because, I grew up there and it's very sentimental to just be dug up.
	Mine and my family's opinion is that we do not want coal mines here in our county, nor on any side that is going to harm our health, our land and our water.
	Mine operations, including milling and transportation of coal and fill generate large amounts of dust that is a nuisance and health hazard to nearby residents and users of Texas public lands. The PEIS should study these impacts and their cumulative effects.
	Mining operations may decrease available pastureland and have impacts on farming and ranching. The PEIS should study these impacts and their cumulative effects.
	The PEIS should study the cumulative impacts on recreational areas of the planned expansion of lignite mining.

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	With the expansion of the mine to areas to the north, north-east and east of Eagle Pass, there is the very real probability that this may physically restrain the growth and development of the city. Eagle Pass has grown significantly in the past 30 years in both size and population and will continue to do so, unless prevented by the mine. This is very similar to the situation which has developed around certain cities in northern Coahuila, such as Nueva Rosita. There, surface mine workings have literally encircled the town, preventing its expansion. This is illustrated in an article, with aerial photograph, in the September 9, 2013 issue of the Piedras Negras Zocalo newspaper (available from me on request).
Social and Economic Values	
	It is undisputed that there are numerous underground mine workings left over from underground coal mining in Maverick County in the early Twentieth Century. There is the Lamar Mine immediately adjacent to the DRCP permit area which underlies several occupied dwellings; there are also the Olmos Mine and the International Mine which underlie dwellings and other buildings in the Seco Mines and Hopedale areas. Expert testimony and a study by the U.S. Bureau of Mines (RI 9078, "Low Frequency Vibrations Produced by Surface Mine Blasting Over Abandoned Underground Mines") presented during the RRC hearings demonstrate that the presence of these underground workings greatly amplify the adverse effects of blasting conducted during surface coal mining, particularly in regard to structural damage.
	It would also have an effect on my FFA show animals that are hundreds of dollars!
	Maverick County already has a rate of COPD more that twice that of the Texas state average (Texas Department of Health statistics). This mine and its expansion will only aggravate this situation and increase health care costs for the community.
	The constant noise and lights associated with strip mining operations are highly disruptive to the lives of nearby landowners, greatly diminish the value of that property, and are harmful to wildlife. The Corps must consider the impacts of multiple mines being approved near homes, the impact on the quality of life of property owners, and the impact on the property value.
	The net result of these possible water issues will be a loss of property value for our family, a loss of fisheries for our future, and a loss of health for everyone who lives in such an ecosystem; Human and animal alike.
	The PEIS should study the cumulative impact on communities and property values associated with the impacts of lignite mining, including noise, lights, dust, air pollution, truck traffic, road closures, vibrations, and blasting.
	The road alterations and closures associated with mining can also affect established property values and communities.
	We are poor and adding a cancer causing industry to our region will be detrimental to our well being affect our quality of life as well as our economy.
Transportation	
	The PEIS should study the cumulative impact on communities and property values associated with the impacts of lignite mining, including noise, lights, dust, air pollution, truck traffic, road closures, vibrations, and blasting.
Noise and Visual Resources	
	The constant noise and lights associated with strip mining operations are highly disruptive to the lives of nearby landowners, greatly diminish the value of that property, and are harmful to wildlife. The Corps must consider the impacts of multiple mines being approved near homes, the impact on the quality of life of property owners, and the impact on the property value.
	The PEIS should study the cumulative impact on communities and property values associated with the impacts of lignite mining, including noise, lights, dust, air pollution, truck traffic, road closures, vibrations, and blasting.
	They have also mentioned that they will be using explosives at times; a lot of these properties located close to the proposed site have old mine shafts from past years that have on occasion been caving in. What will happen to our homes when they use explosives? We chose to live out here in the country for the peace and quiet to raise our children and grandchildren.
Public Health	
	As long as the "people's" voices are heard and as long no harm comes to the land, wildlife or the landowner!
	Because it harms the air, the water and it's responsible for many disease.
	During windy days (particularly in December, January and February, when the wind is from the north) dust, coal dust and crystalline silica will be blown from the excavation sites, haul roads, the 250,000 ton coal stockpile and off the car train which will transport the coal through the middle of Eagle Pass every day, en route to Mexico. It is well established that exposure to these contaminants can cause bronchitis, emphysema and silicosis.

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	Elm creek runs through our property where we fish and consume these fish. It is our understanding the runoff water from the mines will travel through this creek therefore contaminating the waters and everything that lives in it and drinks from it. Please keep in mind that the community adjacent to the proposed mine site uses water from the canal as domestic water and concerns us deeply.
	I am not in accordance with making mines on Eagle Pass ground for the reason that it will cause such sickness in the future.
	I don't agree because it harms the air, wather and it's responsible for many diseases.
	I urge you to consider the health and welfare of the humans and animals that will be effected by this mining and to implement severe regulation that will protect all.
	I, Ernesto Ibarra am not in accordance with making coal mines in the Eagle Pass area because it will cause much pollution and will be very bad for the people.
	In addition, the coal available in Maverick County is of extremely low quality (having, on average, an ash content of nearly 40% - DRCP permit application to RRC). This just one more factor that should tilt any environmental analysis in favor of the health and safety of the people of Texas and away from the economic gain of a few rich investors in Mexico.
	Maverick County already has a rate of COPD more that twice that of the Texas state average (Texas Department of Health statistics). This mine and its expansion will only aggravate this situation and increase health care costs for the community.
	Mine and my family's opinion is that we do not want coal mines here in our county, nor on any side that is going to harm our health, our land and our water.
	Mine operations, including milling and transportation of coal and fill generate large amounts of dust that is a nuisance and health hazard to nearby residents and users of Texas public lands. The PEIS should study these impacts and their cumulative effects.
	State and federal agencies have designated 24 Texas water bodies as being impaired for mercury. A large number of these lakes, creeks, rivers, and bayou's are in the geographic scope of the PEIS and are near large lignite mining operations, and/or are downwind of the power plants where the lignite is burned. The list of 24 includes Caddo Lake, Big Cyprus Creek, Black Cyprus Bayou, Lake Dainerfield, Toledo Bend Reservoir, Clear Lake, Hills Lake, Neches River, BA Steinhagan Lake, Lake Ratcliff, and many others. Health authorities have had to step in and issue fish advisories on numerous Texas water bodies warning Texans not to consume any fish they catch there. The Corps must consider the water quality impacts of the mining in conjunction with these existing impairments and the ongoing mercury loading of these waters.
	The mercury and other heavy metal-poisoning that occurs from strip mining lignite effects the water supply is incompatible with health. There is a cumulative impact from mining that should be aggressively studied and regulated.
	The net result of these possible water issues will be a loss of property value for our family, a loss of fisheries for our future, and a loss of health for everyone who lives in such an ecosystem; Human and animal alike.
	We are poor and adding a cancer causing industry to our region will be detrimental to our well being affect our quality of life as well as our economy.
	What do they care that the run-off of water will contaminate the Rio Grande. What do they care that coal dust will poison the lungs of my grandchildren. What do they care that our children will die at a very young age due to these ill-conceived decisions.
Environmental Justice	
	Mine operations disproportionately affect minority and low-income populations who lack the resources to resist mining of their property and obtain concessions from the mine operator to reduce the area mined, associated air and noise pollution, or relocation benefits. The Corps should consider the cumulative environmental justice impacts of the expansion of lignite mining throughout the region.
Cumulative Effects	
	As a subset of the analysis in Items 1 and 2 above, the CIA should specifically examine the amount of wetland/stream loss and wetland/stream reclamation that has occurred since the Compensatory Mitigation Rule (CMR) came into effect in 2008. This is important because the CMR introduced much more stringent wetland mitigation standards, and it is not known whether these standards are being uniformly met within the REIS region.

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	As part of the cumulative impact assessment, the REIS should estimate the amount (acreage) of mining-related wetland loss and length (miles) of mining-related stream loss that has occurred in the region since the USACE began issuing Section 404 permits for these activities in the state. This should be done separately for each of the six study areas. This analysis may include calculations based on comparisons of historic and current aerial photographs of mine sites, as well as reference to mine documents and permits/applications. For wetlands, the assessment should at least distinguish between open water, forested, and non-forested wetlands. For streams, a distinction should be made between perennial streams and intermittent/ephemeral streams. These analyses should be distinct and separate from any analysis or tabulation of created or reclaimed mitigation wetlands and mitigation streams.
	Lignite strip mining permanently destroys wetlands that provide valuable wildlife habitat and water quality benefits. Wetlands also provide flood mitigation and promote the recharge of groundwater -- a rare and precious resource in this increasingly arid state. The Corps should evaluate how the expansion of 250 square miles of lignite mining, as is expected, will cumulatively impact flood mitigation and groundwater recharge.
	Mine operations disproportionately affect minority and low-income populations who lack the resources to resist mining of their property and obtain concessions from the mine operator to reduce the area mined, associated air and noise pollution, or relocation benefits. The Corps should consider the cumulative environmental justice impacts of the expansion of lignite mining throughout the region.
	Mine operations, including milling and transportation of coal and fill generate large amounts of dust that is a nuisance and health hazard to nearby residents and users of Texas public lands. The PEIS should study these impacts and their cumulative effects.
	Mine operators in Texas are allowed to use coal ash as part of the fill when reclaiming mines. The highly toxic coal ash is not encapsulated in any way, greatly increasing the risk that it will find its way to groundwater or surface water, as rainwater infiltrates the mine fill. The PEIS should study the impacts of mine-filling with coal ash, including cumulative impacts.
	Mining operations may decrease available pastureland and have impacts on farming and ranching. The PEIS should study these impacts and their cumulative effects.
	Similarly, the Corps should consider that there is significant mining on both sides of the Texas-Mexico border. The Corps should consider the US impacts from mining in Mexico as it evaluates the existing degradation of resources and cumulative effects of likely future expansions in Texas. In keeping with international agreements (e.g., the La Paz Agreement of 1983 and support at the North American Council for Environmental Cooperation for considering transboundary environmental impacts), the Corps may also consider how expanded mining in South Texas would impact communities on the Mexico side of the border.
	State and federal agencies have designated 24 Texas water bodies as being impaired for mercury. A large number of these lakes, creeks, rivers, and bayou's are in the geographic scope of the PEIS and are near large lignite mining operations, and/or are downwind of the power plants where the lignite is burned. The list of 24 includes Caddo Lake, Big Cyprus Creek, Black Cyprus Bayou, Lake Dainerfield, Toledo Bend Reservoir, Clear Lake, Hills Lake, Neches River, BA Steinhagan Lake, Lake Ratcliff, and many others. Health authorities have had to step in and issue fish advisories on numerous Texas water bodies warning Texans not to consume any fish they catch there. The Corps must consider the water quality impacts of the mining in conjunction with these existing impairments and the ongoing mercury loading of these waters.
	Strip mining of lignite creates significant surface water pollution as the mining exposes coal containing high levels of heavy metals, dissolved minerals and salts. The Corps must evaluate the cumulative impact of these discharges on surface waters. The Corps should not assume that because discharges from these mines are permitted by the state of Texas on a site-by-site basis that there are no significant water quality impacts. The Corps should evaluate mining discharges of pollutants to waterways at the regional level for cumulative impacts.
	The CIA should also estimate the amount (acreage) of mining-related mitigation wetlands and length (miles) of mining-related mitigation streams that have been created as mitigation projects since USACE began issuing 404 permits for mine-related activities, using the same categories as above.
	The Corps must evaluate the cumulative impact of filling small streams that are an essential part of the network of wildlife habitat and the state's water supplies and recreational resources. The Corps must look at how the destruction of so many wetlands and streams within a particular watershed affects the quality and quantity of water in the state's rivers, the overall health of aquatic populations, and the impact on downstream water users.

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	<p>The geographic boundaries of the proposed PEIS do not encompass the full regional impact of lignite mining. There are active lignite surface mines in Louisiana, within a short distance of the Texas border, such as the Dolet Hills Lignite Mine, and the Oxbow Lignite Surface Mine. As shown in Figure 1 in the Scoping Announcement, lignite and coal deposits exist in western Louisiana, yet Study Area 2 artificially terminates at the Texas-Louisiana border. As a result, this PEIS will not fully assess the cumulative impacts of this mining for watersheds, ecosystems, and communities—both wildlife and human—that bridge this border. The Fort Worth District should coordinate with adjacent Districts to properly conduct this PEIS. The fact that the Texas Mining and Reclamation Association is paying for the study should not constrain the geographic scope. There is no basis to study the impacts of mining only in Texas and ignore those just over the border. Rather, the geographic scope of similar lignite mining projects, with similar impacts, should drive the geographic scope of the PEIS.</p>
	<p>The PEIS should study the cumulative impact on communities and property values associated with the impacts of lignite mining, including noise, lights, dust, air pollution, truck traffic, road closures, vibrations, and blasting.</p>
	<p>The PEIS should study the cumulative impacts on recreational areas of the planned expansion of lignite mining.</p>
	<p>The REIS should address the establishment of pre-impact baselines for surface water quality and address the maintenance of this quality in post-impact surface waters. Water quality parameters of interest include, but are not limited to: total dissolved solids; pH; specific conductance; total suspended solids; total iron, total manganese; and flow. Also, regional and cumulative effects on these and other relevant water quality parameters should be addressed.</p>
	<p>USACE's goal of providing a scientifically-based cumulative impact assessment (CIA) is an appropriate one, and is critically important to properly understanding the extent of mining-related impacts that have already occurred to wetlands and stream systems in the region, as well as accurately assessing the consequences of USACE's proposed streamlining of permitting for additional impacts.</p>
	<p>When federal actions that "will have a cumulative or synergistic environmental impact upon a region are pending concurrently before an agency, their environmental consequences must be considered together." <i>Kleppe v. Sierra Club</i>, 427 U.S. 390, 409 (1976). The Corps anticipates that there will be many surface coal mining applications pending in future years and therefore is properly intending to consider the cumulative and synergistic impacts of a vast expansion of lignite mining. "NEPA's purpose requires that the NEPA process be integrated with agency planning 'at the earliest possible time,' and the purpose cannot be fully served if consideration of the cumulative effects of successive, interdependent steps is delayed until the first step has already been taken." <i>Natural Resources Defense Council v. U.S. Forest Service</i>, 421 F.3d 797, 815 (9th Cir. 2005). A programmatic EIS must consider the cumulative impacts of both "past and reasonably foreseeable future" similar projects in a geographical region. <i>Id.</i> At 815-16 (emphasis added). Accordingly, the Corps must evaluate impacts of future mines in the context of the resource degradation that has already taken place.</p>